

1 Q What did he say his income was?

2 A He said his income was \$5000 a week from his law
3 practice.

4 Q And that conversation took place in Morristown?

5 A In Morristown, at my home.

6 Q What else did he say relative to that matter, the
7 matter of his income? A He said he had big copper
8 mine holdings in Arizona and that they were putting in new
9 machinery there and new equipment, and that he was going
10 to retire from the legal practice to devote all his time
11 and energy to this, if I would marry him, because he could
12 double his income -- his first wife had killed all ambition
13 in him, and he hadn't any desire to make more money, and had
14 sort of rested on his oars, but if I would marry him he
15 would work this mine, and we could live like I had been
16 accustomed to living and as he would enjoy living.

17 Q What did he say, if anything, concerning his wife,
18 from whom he said he was getting a divorce?

19 A He said she was an irresponsible person --

20 MR. PEARSE: Let's get the date, if the Court
21 please, and the place.

22 THE WITNESS: This was in July, in my home.
23 Because he gave a complete picture of himself, as he
24 was asking me to marry him.

25 Q Yes. A And he said that his wife was an

1 irresponsible person, that he had to keep his two secretaries,
2 whom he brought to me, whom he had introduced me to, that he
3 had to keep one of them in the next room to the wife, because
4 he was afraid, in her insane jealousy and temper, that she
5 would harm the child; therefore he had to keep someone close
6 to this baby, to protect the child, because she was practi-
7 cally -- he said if it were not for the child's sake, he
8 would have her committed to an insane asylum, but that
9 for the boy's future, he did not care to take that extent.

10 Q All right. Now, did you have any subsequent
11 discussion with him on the subject of his proposed marriage
12 to you? A Yes. He said that we would either live in
13 my Morristown home --

14 MR. PEARSE: Just a minute, please, Madam.

15 THE WITNESS: Yes.

16 MR. PEARSE: May I ask the United States Attorney
17 to ask the witness to fix the date a little bit more
18 definitely? Because we have just heard her say
19 that this letter of September the 12th was a very
20 important event. I think we are entitled to know,
21 on the defense, as to whether or not these conversations
22 took place before or after that letter of September the
23 12th.

24 THE WITNESS: Mr. Riccardi pressed his suit almost
25 from the first week I met him.

1 telegrams received by the Princess from the defendant?

2 THE COURT: You may.

3 MR. TYNE: Ladies and gentlemen, I am going to
4 read to you Exhibit G-3, a Western Union telegram,
5 beginning on the telegram with the letters NR60 11 --

6 MR. PEARSE: Now, if the Court please, I haven't
7 read these telegrams except casually, and I would love
8 to hear them. Will my friend speak up, please?

9 MR. TYNE: I sure will, Fred; I sure will.

10 NR 60 11, El Paso, Texas, 15 1025A.

11 Princess Faid, F-a-i-d. The date is July 15,
12 1945, 2 p.m. Telephone Morristown 4-4624. Mt.
13 Kemble Road, Morristown, N. J.

14 "DEAREST MISS YOU TERRIBLY WILL PHONE LATE
15 TONIGHT ALL MY LOVE CONSTANTINO."

16 There is a notation, telephone number 4624,
17 telephoned to addressee, time 3:00 -- F, it looks
18 like, by H. S. To be filed. Attempts to deliver,
19 line blank.

20 MR. PEARSE: Now, if the Court please, in order
21 that my friend may read these telegrams so that the
22 jury will be interested in the contents of the tele-
23 grams and the dates, rather than all these figures
24
25

1 and things like that, I have let these telegrams
2 in without objection, and it seems to me that in
3 order to tell the story properly from these telegrams,
4 he should only read the dates and the names, and not
5 all these details.

6 THE COURT: That is satisfactory to the Court
7 if it is to the United States Attorney.

8 MR. TYNE: Yes, very satisfactory.

9 THE COURT: Very good.

10 MR. TYNE: I didn't want to omit anything that
11 appeared on the exhibit, sir. I know how meticulous
12 Mr. Pearse is in that regard.

13 MR. PEARSE: He is trying to make me laugh
14 this morning, Judge.

15 MR. TYNE: You just keep smiling.

16 Exhibit G-3-A, Western Union telegram, addressed
17 to Princess Falid, F-a-l-i-d, Mt. Kemble Road, J.

18 "GOOD MORNING DEAREST I TRUST YOU RECEIVED
19 YESTERDAY WIRE STOP WILL PHONE YOU FROM CHICAGO
20 SATURDAY MORNING WILL ARRIVE SUNDAY MORNING ON
21 CENTURY STOP PHONING MERRILL KEEP ALL DAY SUNDAY
22 OPEN FOR CONFERENCE IF NECESSARY ALL MY LOFE
23 CONSTANTINO."

24 MR. PEARSE: What was that date?

25 MR. TYNE: That was July 19, 1945.

1 MR. PEARSE: All right.

2 MR. TYNE: Exhibit G-3-B, dated July 19, 1945,
3 8.02 A. M. The previous one was 12.23 P. M.
4 Western Union telegram, addressed to Princess Faird,
5 F-a-i-r-d, Mt. Kemble Road.

6 "DEAREST EN ROUTE PHONING YOU SATURDAY MORNING
7 FROM CHICAGO STOP ARRIVING SUNDAY MORNING ON CENTURY
8 AT NEW YORK STOP KEEP DAY OPEN FOR CONFERENCE LOVE
9 CONSTANTINO."

10 G-C-3, Western Union telegram, dated July 21,
11 1945, 10:00 P. M. -- 10:02 P. M.-- addressed to
12 Princess Farid, Mt. Kemble Road, and the message:

13 "MY LOVE WESTERN TRAIN FIVE HOURS LATE STOP
14 UNABLE TO PHONE STOP MISSED CONNECTION FOR CENTURY
15 STOP AM ON ADVANCE COMMODORE DUE GRAND CENTRAL
16 STATION 11 O'CLOCK SUNDAY FORENOON STOP MEET ME
17 IF CONVENIENT OTHERWISE AT LANGDON HOTEL BETWEEN
18 12 AND 1 LOVE TINO."

19 Exhibit G-3-D, addressed to Princess Farid.

20 The message:

21 "CAR 26 COMP" -- C-o-m-p, I suppose it means
22 compartment -- "COMP" --

23 MR. PEARSE: I should imagine so, yes.

24 MR. TYNE: "COMP H CARE OF PULLMAN CONDUCTOR
25 GOLDEN STATE DUE AT EL PASO 9:30 P. M. EL PASO MY

1 LOVE MISS YOU TERRIBLY WILL SEE YOU SOON ALL MY
2 LOVE TINO."

3 G-3-E, telegram addressed to Princess Farid,
4 Mt. Kemble Road, Morristown, N. J. Glen Alpine.
5 The message:

6 "MY LOVE EN ROUTE COUNTING THE HOURS WILL PHONE
7 SATURDAY MORNING IF TRAIN NOT TOO LATE ALL MY LOVE
8 TINO."

9 G-3-F, addressed to Princess Farid, Mt. Kemble
10 Road, Morristown, New Jersey.

11 Oh, I want to get the date --

12 MR. PEARSE: You didn't give me the date on
13 that.

14 MR. TYNE: Yes, the date.

15 MR. PEARSE: The last one I had was July 21st.

16 MR. TYNE: Wait a minute, now. July 21. And
17 then G-3-D is dated August 3, 1945, seven p. m.

18 MR. PEARSE: Yes.

19 MR. TYNE: And G-3-E is dated August 10, 1945,
20 A. M. -- I can't make out the rest.

21 G-3-F, telegram, addressed by the defendant to
22 Princess Farid, Mt. Kemble Road, Morristown, New
23 Jersey:

24 "MY DARLING TRIED TO REACH YOU BY PHONE LATE
25 LAST NIGHT AND EARLY THIS MORNING STOP IS EVERYTHING

1 ALL RIGHT STOP WIRE ME IN CARE OF PULLMAN CONDUCTOR
2 TRAIN NO. 3 GOLDEN STATE DUE EL PASO TEXAS SATURDAY
3 MORNING ALL MY LOVE VINCENT."

4 And that's dated September 14.

5 MR. PEARSE: September 14?

6 MR. TYNE: Yes. The next one, G-3-G, Exhibit
7 G-3-G, dated October 15, 1945, addressed to Mrs. Doris
8 Farid, 27 East 35th Street. The message:

9 "MIO AMORE EVERYTHING IS GOING ALONG WELL
10 SORRY WASN'T ABLE TO PHONE YESTERDAY IN BED WITH
11 COLD WILL PHONE WEDNESDAY MORNING ADDRESS ALL WIRES
12 AND LETTERS ALEXANDRIA HOTEL LOS ANGELES CALIFORNIA
13 LEAVING FOR PHOENIX WEDNESDAY ALL MY LOVE TINO."

14 Telegram G-3-H, dated December 12, 1945, 8:34
15 A. M., addressed to Princess Fariel, F-a-r-i-e-l,
16 Mt. Kemble Road, Glen Alpine, Morristown, New Jersey.
17 The message:

18 "MY LOVE MISS YOU TERRIBLY WILL PHONE TOMORROW
19 ALL MY LOVE VINCENT."

20 G-3-I, dated December 24, 1945, addressed to
21 Doris Farid, Mt. Kemble Road, phone, and so forth.
22 The message:

23 "DEAREST HAVE TRIED REACHING YOU FOR THREE DAYS
24 NO SUCCESS STOP MY MATTERS ARE PROGRESSING SATISFACTOR-
25 ILY STOP EXPECT TO LEAVE IMMEDIATELY AFTER TUESDAY

1 STOP WILL TRY PHONING YOU AGAIN TOMORROW LOVE
2 TO BOTH VINCENT."

3 G-3-J, dated December 25, 1945, 2 p. m.,
4 addressed to Doris Farid, Mt. Kemble Road,
5 Morristown. The message:

6 "MY LOVE 8 HOURS DELAY MY PHONING MY LOVE TO YOU
7 BOTH I TRUST NEXT YEAR WE'LL ALL BE TOGETHER WILL TRY
8 AND REACH YOU BY PHONE TOMORROW MERRYCHRISTMAS TO
9 YOU BOTH ALL MY LOVE TINO."

10 G-3-K, dated February 1, 1946, 6:44 p. m.,
11 addressed to Doris Farid, Mt. Kemble Road, Morristown,
12 New Jersey. The message:

13 "DEAREST YOUR LETTER RECEIVED WILL TAKE CARE OF
14 MATTER FIRST PART OF WEEK ENROUTE WITH FRED TO PHOENIX
15 TODAY WE WILL PHONE YOU SUNDAY EVENING ALL MY LOVE
16 VINCENT."

17 MR. PEARSE: Would you care to explain who
18 Fred was?

19 MR. TYNE: I will do that, if you will permit
20 me, Mr. Pearse.

21 Q Who was Tino? A Mr. Riccardi's name is
22 Constantino Vincent Riccardi. The name Constantino was
23 too long, so I abbreviated it to Tino. He was smaller
24 than he is now -- I mean in weight.

25 Q Yes. Did he reciprocate by the use of that name?

1 was -- the time that I was in California and down into
2 Douglas and Tuscon.

3 Q Yes. When you were doing a little traveling?

4 A That's right.

5 Q But his bungalow there was your headquarters?

6 A We lived there, yes.

7 Q And did you travel around with him at all?

8 A Yes, I did.

9 Q And he was in the mining business, wasn't he?

10 A He was. He took us down to the mine.

11 Q What? A I say he drove us down to the mine.

12 Q Yes. A I was down to the mine several times.

13 Q Was that the Great Western?

14 A The Leadville Western, yes.

15 Q The Leadville Western? A Yes.

16 MR. TYNE: Now, this is outside the scope of the
17 direct examination, if the Court please.

18 THE COURT: Yes.

19 MR. TYNE: And I ask that counsel be limited; and
20 I ask that this be stricken out.

21 MR. PEARSE: I have a perfect right to show the
22 relationship between this witness and the defendant.

23 THE COURT: Well, don't go too far in this
24 direction.

25 Q And did you ever -- where was his office, in Phoenix,

1 if he had one? A He had an office in the Home Builders
2 Building.

3 Q And that was where he conducted the business that
4 he had in connection with the mine, wasn't it?

5 A I believe it was, yes.

6 Q Now, I understand that you first went out to
7 Morristown, Mr. Rizzo, after you had returned from Arizona,
8 I think you said in June 1945; is that right?

9 A I don't know that --

10 Q On that return trip, Riccardi was there, and
11 Mr. -- let me get those names right -- Dr. Murane, and that
12 other name that you mentioned, Mr. Moyer?

13 A Moyer, yes.

14 Q Yes. A The four of us.

15 Q Was your wife with you then on that return trip?

16 A No, no.

17 Q Where was she? A She was home.

18 Q So she had gone back home already?

19 A She was back in Utica.

20 Q What? A She was back in Utica.

21 Q Well, your visit, as I understand it, started out
22 there some time in 1944? A That's right.

23 Q How long did that visit last before you returned

24 East? A Well, I think we stayed there a couple of months.

25 Then I come back with my -- I took my wife back home.

1 Q Yes. A And Mr. Diminico and his daughter.

2 Q Yes. And then you went out West again?

3 A Yes.

4 Q How did you get out there?

5 A I went out, I believe, with Mr. Diminico.

6 Q Well, for what purpose? A [No answer.]

7 Q I mean to visit, to visit Riccardi, or to work for
8 him, or for what? A Well, he told me that he was going
9 to give me the contract on hauling the ore from the mine.

10 Q Yes. A To the railroad.

11 Q Yes. And so you went out there on that business?

12 A Yes. I was looking for that job, yes.

13 Q And this trip back in June 1946, that was the
14 return trip from the one that you went out on to talk about
15 the removal of the ore and trucking it?

16 A No, that talk about removing the ore was when I first
17 went out there on the first trip.

18 Q Way back in '44? A Yes.

19 Q Yes. Well, anyway, you got back to Utica, I think
20 you said in July of 1945; is that right?

21 A [No answer.]

22 Q I am not trying to confuse you on these dates.

23 I think you did say that. A You mean after the first
24 trip?

25 Q No, no, no. I mean before you started taking any

1 REDIRECT EXAMINATION BY MR. TYNE:

2 Q Mr. Rizzo, were you introduced to the Princess as
3 one of Mr. Riccardi's associates? A Well, when he
4 introduced me to her, he just introduced me as "Michael Rizzo,
5 I want you to meet the Princess."

6 Q Oh, I see. All right. Now, Mr. Pearse asked you
7 if you knew what business the defendant was in, and I think
8 Mr. Pearse said to you he was in the mining business. Is
9 that right? A That's right.

10 Q And you also testified in answer to Mr. Pearse's
11 question that you were offered a contract to truck some ore
12 from the mine. A That's right.

13 Q Did you ever get that contract? A No.

14 Q What branch of the mining business or what phase
15 of the mining business was the defendant in?

16 A I don't understand you.

17 Q Well, you said that he was in the mining business.
18 What dealings did you have with him in connection with the
19 mining business, particularly this Leadville Western Mine?

20 MR. PEARSE: He has already answered that.

21 MR. TYNE: Please, Mr. Pearse.

22 MR. PEARSE: I object as repetition.

23 THE COURT: I will allow it.

24 Q [Continuing] Other than this reference to a
25 contract for carting ore, which you never got?

1 A [No answer.]

2 Q Now, what did he have you do in connection with this
3 mine, this supposed mining business?

4 MR. PEARSE: Wait a minute.

5 THE COURT: I will allow it.

6 MR. PEARSE: I don't like the form of that
7 question, "supposed mining business."

8 MR. TYNE: All right.

9 MR. PEARSE: It has an inference in it which shouldn't
10 be there.

11 THE COURT: All right.

12 A I was made vice president one time.

13 Q Yes. Vice president of what company?

14 A I think it was the Leadville Western Mine.

15 Q The Leadville Western Mine. And did you receive
16 any stock for being vice president?

17 A Well, he said he was going to put some stock in my
18 name and then later --

19 Q All right. Did you ever receive any stock for this,
20 Mr. Rizzo, yourself, personally?

21 A No. He put --

22 Q Did you ever exercise --

23 THE COURT: Now, just a moment. What has that
24 to do with it?

25 MR. TYNE: Mr. Pearse opened the door about his

1 mining business.

2 MR. PEARSE: I am not trying to close the door,
3 Judge, unless you want it closed.

4 THE COURT: I don't want to waste time.

5 MR. PEARSE: No.

6 THE COURT: On extraneous matter.

7 MR. TYNE: Well, it would appear by Mr. Pearse's
8 questions and the answers that this was all according
9 to Hoyle. I want to show that this mining business
10 was not what he would like to have it represented to
11 be.

12 Q Now, as vice president of this Leadville Mine --
13 you say. A Yes.

14 Q -- did you receive any pay? A No.

15 MR. PEARSE: Now, if the Court please, --

16 THE COURT: I will allow it.

17 MR. PEARSE: You what?

18 THE COURT: I will allow it.

19 MR. PEARSE: I thought you said you wanted to
20 stop this --

21 THE COURT: Well, apparently he wants to bring
22 out something about the mine. There were representations
23 made --

24 MR. PEARSE: I didn't open the door.

25 THE COURT: -- concerning this mine as an active

1 mine. It has been in the case right along.

2 MR. TYNE: Yes.

3 MR. PEARSE: There was nothing on direct examina-
4 tion which went into that, and I merely asked a simple
5 question, as to what Riccardi's business was out in
6 Phoenix.

7 THE COURT: All right.

8 MR. PEARSE: And he said it was mining.

9 THE COURT: Now, the minute you did that, it
10 left the door open so this witness could be questioned
11 as to the nature of that business. Proceed.

12 Q Did you --

13 MR. PEARSE: Your Honor will permit me to reserve
14 the right to strike this testimony out at the proper
15 time?

16 THE COURT: Yes.

17 MR. PEARSE: And will you also permit my objection
18 to be recorded as to the whole line?

19 THE COURT: It is recorded.

20 MR. PEARSE: So I won't annoy everybody by
21 interruptions.

22 THE COURT: Your objection is noted.

23 Q I will ask you, Mr. Rizzo, did you receive any
24 pay as vice president for this mining company?

25 A I did not.

1 Q Did you personally receive any stock?

2 A While I was vice president?

3 Q Yes; in that company. A No. I think he put
4 200,000 shares into Mr. Diminico's name and my name, before
5 I was vice president.

6 MR. PEARSE: Now, Judge, you see how far afield
7 this all is -- "I think he put"?

8 Q Well, did he tell you that?

9 MR. PEARSE: Don't put words in his mouth.

10 Q Did Riccardi tell you that, that he was putting
11 these 200,000 shares in your name and Diminico's name?

12 A Yes, yes.

13 Q What did he tell you to do with that stock?

14 A Well, he says he had a lot of stock in his name and he
15 wanted to get it out of his name and he would put it in
16 Pat's name and my name.

17 Q For what purpose? A I don't know. Later on,
18 later on Pat sold some stock in Rome.

19 THE COURT: What's that?

20 MR. TYNE: "Later on Pat sold some stock in Rome."

21 MR. PEARSE: Now, you see, Judge, --

22 THE COURT: I guess you have gone far enough with
23 this.

24 MR. TYNE: All right.

25 MR. PEARSE: I again move to strike this testimony

1 out on the redirect examination by the United States
2 Attorney as not being within the issues in this case
3 and as being highly prejudicial to the rights of this
4 defendant.

5 THE COURT: The motion is denied.

6 Q Now, you said you did a lot of driving back and
7 forth. A I did.

8 Q From Phoenix to New York; is that right?

9 A Phoenix to New York, Phoenix to Tuscon, Douglas, Los
10 Angeles.

11 Q Yes. How many trips did you make back and forth
12 from Phoenix to New York, prior to going to the Princess'
13 home?

14 MR. PEARSE: Prior to that, you say?

15 THE COURT: Oh, well, now, what is the object of
16 that?

17 Q Who paid your expenses in making these trips?

18 A Riccardi paid them.

19 Q Riccardi. And you said Riccardi was there at the
20 time the truck and the station wagon left on the respective
21 occasions?

22 MR. PEARSE: Judge, --

23 A I don't remember whether he was there or not.

24 MR. PEARSE: Just a minute. I object.

25 MR. TYNE: I won't press the question.

1 Avenue.

2 Q Now, Mr. Pearse asked you if you were associated
3 with the defendant and you said that you had been associated
4 with him for the last three and a half years.

5 A I said three years and ten months.

6 Q Three years and ten months.

7 A Maybe nine months; but it was some time in September
8 I met him.

9 Q And in what connection were you associated with
10 him? A In the early part as an investor, and from
11 December on as an active participant in the mine.

12 Q Active participant in the mine?

13 A In the conduct of the mine.

14 Q And that mine involved what property?

15 A Involved a series of claims, I can't quote their names,
16 in the Cochise Mine District at Courtland, Arizona.

17 Q And during those three years and ten months
18 did one corporation have -- A Succeed another?
19 Yes, sir.

20 Q One succeeded another. And did each succeeding
21 corporation lay claim to the property?

22 A To be explicit, --

23 MR. PEARSE: I object. Just a minute, Dr. Murane.

24 THE COURT: Well, what does that have to do with
25 it?

1 MR. PEARSE: What does that have to do with
2 this case? Just because I asked a question, he seems
3 to think it opens the door.

4 THE COURT: We are concerned here with the
5 transportation of goods.

6 MR. TYNE: Sure. One of the allegations of fraud
7 is that Riccardi was engaged in the law business. Now,
8 I want to show what the facts were in that connection,
9 along with others.

10 THE COURT: In that connection you can show it.

11 MR. PEARSE: I didn't hear what the United States
12 Attorney said.

13 THE COURT: Whether or not the defendant was
14 practicing law or in the law business.

15 MR. PEARSE: What's that got to do with this
16 mine?

17 THE COURT: Well, that's what I want to know.
18 Why don't you ask him?

19 MR. TYNE: Well, I don't want to ask a direct
20 question, if the Court please. I would rather lay
21 a little foundation for it, show the background; then
22 I will ask the question, if the Court will --

23 THE COURT: May I ask him a question?

24 MR. TYNE: Yes, sir.

25 THE COURT: During that period of time, some three

1 years and nine months or ten months, that you were
2 associated with this defendant, in what was he engaged?

3 THE WITNESS: Well, he was engaged in the mining
4 business, as I understand it. That's my understanding
5 of that situation.

6 Q And this mining business had reference to certain
7 property in Cochise County, Arizona?

8 A That's right.

9 Q And involved certain claims?

10 A Well, the claims --

11 MR. PEARSE: Just a minute.

12 A [Continuing] I can't quote --

13 MR. PEARSE: If the Court please, I object.

14 MR. TYNE: I just want to show the successive --

15 MR. PEARSE: I object.

16 MR. TYNE: -- corporations --

17 THE COURT: Well, that has nothing to do with
18 this, that I can see.

19 MR. TYNE: And his connection with it.

20 THE COURT: How could that have any bearing on
21 what we are concerned with here?

22 MR. TYNE: Well, to show the familiarity at least --

23 THE COURT: The witness has stated he was in the
24 mining business.

25 Q What phase of the mining business was he in?

1 A Mr. Riccardi?

2 MR. PEARSE: What difference does that make,
3 if the Court please?

4 THE COURT: Well, I will allow that.
5 What phase of it?

6 A He was in the end of supplying the funds for the con-
7 tinuance of the mine, when it was in its pre-productive
8 stage.

9 THE COURT: What you would call a promoter, was
10 he?

11 THE WITNESS: Yes, sir.

12 Q And to that end did you buy any stock?

13 A I bought some --

14 MR. PEARSE: I object to that. What difference does
15 that make?

16 THE COURT: That hasn't any bearing.

17 Q Does Riccardi owe you any money?

18 A Yes, sir.

19 MR. PEARSE: I object to that.

20 THE COURT: Sustained.

21 Q During the recess you asked the Court's permission
22 to talk with me, did you not? A I did.

23 MR. PEARSE: I object to that. I don't see
24 why that should be brought out before the jury.

25 THE COURT: All right, proceed.

1 him, nor is the defendant bound by it. The truth of
2 the situation will depend upon the facts that are
3 adduced to you during the progress of the trial.

4 Proceed.

5 MR. TYNE: If the Court please, except in so far
6 as that admission does not affect his admission, Mr.
7 Pearse's admission, concerning the defendant's right
8 to practice in California and in Phoenix, Arizona.

9 THE COURT: Well, of course the jury will understand
10 that the admission was valid in so far as the State of
11 California was concerned, and also the State of Arizona.
12 He concedes that he was not admitted to practice in
13 either of those states.

14 Proceed.

15 MR. PEARSE: There is no question about that,
16 if the Court please.

17 Take the stand, Mr. Riccardi.

18
19 C O N S T A N T I N O V I N C E N T R I C C A R D I,
20 the defendant herein, called and sworn on his own behalf,
21 testified as follows:

22 DIRECT EXAMINATION BY MR. PEARSE:

23 Q Where were you born? A East Liberty, Pennsylvania.

24 Q And as a young --

25 MR. TYNE: Did I understand the witness to say

1 East Liberty, Pennsylvania?

2 THE WITNESS: Yes, sir.

3 Q That's one of the suburbs of Pittsburgh, isn't it?

4 A Yes, sir.

5 Q Yes. And I understand as a young boy your
6 family moved to or near to Utica, New York?

7 A That's correct.

8 Q How old were you when you went there?

9 A About nine years old.

10 Q And you lived there for how long?

11 A About -- my family remained there, but I left when I
12 was about thirteen.

13 Q Yes. And where did you go to? A I went to
14 work up at Richfield Springs, and then came back.

15 Q A little louder, so the jury can hear you.

16 A I left when I was thirteen and went up to Richfield
17 Springs to work on the railroad, and then came back a year
18 or so afterwards.

19 Q Yes. A And remained there until nineteen
20 hundred and --

21 Q And during that period of time you met a lawyer
22 up there by the name of Merrill? A Yes, sir.

23 Q Yes.

24 MR. PEARSE: I hope the Court will forgive me for
25 leading a little bit but it is faster.

1 Q And what happened after your meeting up with
2 Mr. Merrill? I mean about how old were you then?

3 A About fourteen.

4 Q Then tell us briefly what happened.

5 A Well, I went in his office, I went in to see him one
6 day, and I asked him if he didn't want --

7 Q Well, never mind what you said to him.

8 A Well, I went in his office.

9 Q Yes. A And as a result of that I went to live
10 with him up at Oriskany and went to school up there a while.

11 Q At Oriskany? A At Oriskany; and after that I
12 went to prep school.

13 Q Yes. A And then, in the early part of 1908, I
14 went to school at New Haven.

15 Q You mean to Yale? A Yes. But I didn't finish.
16 My family -- I couldn't stay there anyway, I wasn't able to
17 meet the requirements.

18 Q Yes. A After the first term.

19 Q And so you eventually got back to Utica, is that
20 right? A No, I went West.

21 Q You went West? A I went to Indianapolis
22 and studied law.

23 Q Yes. And you were in a law office there? Can
24 you remember the name? A Yes, I was with Russell Harrison
25 & Merrill Moore.

1 Q Yes. Who was Russell Harrison?

2 A He was Benjamin Harrison's son, the former president
3 of the United States.

4 Q Yes. And were you admitted to the bar in Indiana?

5 A Yes, sir.

6 Q Yes. But you didn't stay there long, did you?

7 A Well, I stayed there a while, because I was -- I took
8 employment there. In 1908, the short time that I was at
9 New Haven, I was elected president of the Yale Brine Club,
10 at which time Mr. Kern was vice president, and he was from
11 Indiana, and when I went back to Indianapolis, I renewed
12 my acquaintance. I had stumped the State of Connecticut,
13 Rhode Island, and Massachusetts, with Mr. Kern, in 1908, speaking
14 to the Italians; and the result was that I had him in mind,
15 that when I went to Indianapolis, I renewed my acquaintance,
16 and he was then running for United States Senator, and he
17 employed me to manage the campaign in the State of Indiana,
18 among the Italians.

19 Q What year was that? A 1910.

20 Q Yes. A That was the year I was admitted.

21 Q And how long did you stay around Indiana?

22 A Well, I stayed there -- I married there -- until my
23 wife became ill, and we went West.

24 Q And when you say you went West, I understand you
25 went all the way to California, didn't you?

1 A California, yes.

2 Q What? A Yes, sir.

3 MR. TYNE: When did he go to California?

4 MR. PEARSE: I beg your pardon?

5 MR. TYNE: When did he go to California?

6 THE WITNESS: Around 1911.

7 Q And you were admitted to the Bar in California?

8 A Yes, sir.

9 Q Now, you have been listening to the testimony of
10 Lady Grayson and to the testimony of the Princess, and to
11 the son of the Princess, whom they call Fred, on the witness
12 stand, and that relates back to certain incidents which
13 happened in your life in the year 1945; is that right?

14 A That was when I met the Princess.

15 Q Yes. What was the occasion of your coming East
16 in 1945? With whom did you come and how did you come?

17 A Around the -- we left Arizona on the first of July.

18 Q Who is "we"? A Mr. Murane, Mr. Moyer, Mr.
19 Rizzo, and myself.

20 Q Now, Mr. Rizzo and Mr. Moyer are the two men, --
21 Mr. Rizzo and Mr. Murane -- A That's right.

22 Q -- are the two men that have been on the witness
23 stand for the Government; is that right?

24 A That's correct.

25 Q Yes. And the other gentleman, Moyer, who was he?

1 A He was a retired business man from Ohio but living in
2 Arizona at this time, at that time and at this time. The
3 occasion of my coming to New York was to interview some
4 brokers. I was, had been, engaged in the mining business.
5 Mr. Murane came for the reason that he was at that time
6 secretary of the company, and through some correspondence
7 we had some business with J. LeDone & Company, and we left
8 with our records of the company, to New York, preparatory
9 to filing with the Securities Exchange Commission and listing
10 our stock, for larger developments. The property at this
11 time needed large capital, and ready for mill, and larger
12 equipment, and we came here to try to get some finances.
13 We came by the way of Utica, New York, and I left Mr. Rizzo
14 in Utica with his wife and family; Mr. Moyer and Mr. Murane
15 and myself came into New York and we registered at the Langdon
16 Hotel. On this Saturday evening following, which brought it
17 about the 7th of July, I meandered out of the hotel for a
18 walk down the avenue; it was around a quarter to ten, 9:30,
19 a quarter to ten,--

20 Q Did you say where this hotel was? I have forgotten.

21 A 56th Street and Fifth Avenue.

22 Q Yes. A Around the corner from this place.

23 MR. TYNE: What's the date?

24 MR. PEARSE: The 7th of July.

25 A It is the Saturday before the Sunday that I met the

1 you had concluded what the Princess had told you of her
2 past life; is that right? A Well, most of it.

3 Q Yes. Then what happened, so far as you are
4 concerned? A Well, then I said, "This would be a good
5 time for me to tell you about myself."

6 Q Now, what did you tell her?

7 A Well, I told her that there were two things in my life
8 that stood out, and that I was in hopes that it would never
9 happen to our boys. One of them was that I had been indicted
10 and sent to San Quentin, and that after forty-one days
11 the Governor -- I was able to prove to his satisfaction that
12 I was innocent of the charge, although I had been given
13 ten years, that the leading citizens of San Francisco
14 interceded, including the Bar Association, Mr. Sullivan, I
15 mentioned the name, and the Governor gave me time served and
16 released me; and that subsequently, when a further investiga-
17 tion was made and I proved to the Governor that I was innocent,

18 --

19 MR. TYNE: Now, if the Court please, --

20 A [Continuing] -- he then gave me --

21 MR. TYNE: Just a minute. I ask that that be
22 stricken out, he proved to the Governor. Let us have
23 the record of what he is telling us about.

24 THE COURT: Yes, you may not make that statement.
25 You may state the result of your application to the

1 Governor. What did it result in?

2 THE WITNESS: In givingme a full and unconditional
3 pardon.

4 Q And that's what you told her that night?

5 A Yes; and I told her that I had lost my license.

6 Q License to do what? A To practice law.

7 Q Yes. A In California.

8 Q Yes. A I told her that I had tried once and it
9 was refused, to be admitted. I said the reason they gave,
10 that it was too short a time. I said, "That is the outstanding,
11 one of the outstanding things that I regret very much. It
12 changed my life."

13 I then told her that I was retiring and that I was
14 going to Europe to live, and that when I went to Arizona,
15 where I had a bank account, small bank account, to get some
16 money, on my way, that I met someone, a man named Morgan,--

17 MR.TYNE: May I have this time fixed, if the
18 Court please? I don't know where we are in point of
19 time.

20 THE COURT: Well, what does this have to do with
21 the objects of this inquiry?

22 MR. PEARSE: I am sorry, Judge, I was looking for
23 a paper.

24 Q But go ahead a little faster, will you please?

25 MR. TYNE: Fix the time.

1 A Well, I told --

2 MR. PEARSE: This is that evening, what he
3 was telling the Princess.

4 MR. TYNE: Yes, but --

5 THE COURT: He is testifying, as I understand it,
6 now to what he told the Princess.

7 MR. PEARSE: That night.

8 THE COURT: Proceed.

9 A I told her that another incident took place in New
10 York, that in 1937 I was convicted and sentenced to ten to
11 twenty years. They gave me that because they, although I
12 was pardoned, they considered that an offense --

13 MR. TYNE: Now, of course, what they considered
14 is a legal conclusion.

15 THE COURT: Yes, strike it out, strike it out.

16 A [Continuing] Well, the law at that time was, in
17 New York, --

18 MR. TYNE: Is this witness speaking as a New York
19 lawyer now?

20 THE COURT: What did you tell her?

21 THE WITNESS: I told her why I got the ten to
22 twenty years.

23 THE COURT: All right, tell us what you told her.

24 A [Continuing] I told her that in New York, in 1937,
25 I was convicted and the judge gave me ten to twenty years,

1 figuring -- because, according to what the judge said the
2 law was, that although I had been given a full and unconditional
3 pardon, --

4 MR. TYNE: I object.

5 A [Continuing] -- the record remained, --

6 THE COURT: No, he is telling her that, and that's
7 all right. Proceed.

8 A [Continuing] She asked me why so many years. I then
9 went on and explained why. I will start again, because
10 it is broken up. She asked me why so many years, what did
11 I do. Well, I told her that the judge had no option, that
12 the law said, the judge said when he sentenced me, Judge
13 Street, that although I had served only forty-one days, and
14 that I had been given a full and unconditional pardon, that
15 the law in New York -- that was considered an offense, and
16 therefore --

17 Q A second offense? A That my conviction there
18 was a second offense.

19 Q Yes. Did you tell what happened to you, so far
20 as this New York case was concerned?

21 A Oh, yes; yes, I told her all about it.

22 Q What did you tell her? A She asked me what
23 happened in New York. I told her that they had charged
24 me with grand larceny. I told her that the District
25 Attorney first had the hearing. Mr. Green, Deputy District

1 Attorney, I gave her those names, I says, "I want you to
2 check this, so you will know"-- I said Mr. Green was the
3 Assistant District Attorney who originally heard the charge
4 against me, and after a thorough investigation, Mr.
5 Green dismissed it, ~~threw~~ it out, without any warrant being
6 issued. After Mr. Green had exonerated me, exonerated and
7 threw me out, the complainant, in conjunction with two
8 brokers, wrote me a letter, I said, and that is the case,
9 that is the reason, one of the points why my case was
10 reversed, I think -- wrote me a letter from Washington, and
11 it stated in that letter that unless I surrendered the control,
12 my interest, in the mining property, that the complainant
13 would see that I was indicted and eventually sent to prison.

14 I told her that when I got that letter --
15 and that they had given me ten days in which to do this --
16 I told her then that I communicated with the writer and told
17 him, "Don't wait ten days but do it now," because I would
18 not surrender control of my interest. And I said they
19 did, they didn't wait any further, and instead of going back
20 to the District Attorney, they went to the Attorney General's
21 office.

22 I told her that the Attorney General's office,
23 under the Martin Act, that's an act that they can step in
24 over the District Attorney in stock matters, then went before
25 the Grand Jury, and that, I also told this to the Princess,

1 that I begged the Grand Jury --

2 Q Begged what? A Begged the Grand Jury, the
3 foreman of the Grand Jury, to hear my side of it and to
4 produce my documents, the same as I had before Mr. Green,
5 the District Attorney; but the Attorney General would not
6 allow me to appear before the Grand Jury. So the result
7 of my not being able to appear, I became indicted as co-
8 defendant with the president of the company.

9 I also told her that we had a trial, told her that--

10 Q Well, did you tell her you were convicted?

11 A I told her I was convicted.

12 Q Yes. And sentenced for how long?

13 A And sentenced to ten to twenty years.

14 Q Yes. A I told her that there I was down in the
15 Tombs with nine dollars in my pocket and twenty years staring
16 me in the face. I finally couldn't get the money to appeal.
17 I told her friends who thought -- who could help -- they
18 would say to me, "Well, we would help you, but how do we
19 know you will win?" and good money after bad.

20 Anyway, I had a hard time and had the appeal, time
21 to appeal, continued from term to term. So before I had
22 a chance to complete my appeal, I served over two years and
23 six months.

24 Q You told her all this? A Yes. Then I told her
25 how I finally got the money for the appeal. There was a

1 man, who she afterwards met -- I said there was a man in
2 the Tombs whose cell was next to me. He was in one of those
3 famous racket cases.

4 Q All right, go ahead. A I was able to do this
5 man some favors, although I was in the Tombs, and he was
6 finally released from the Tombs, and when he left, the day
7 he left on bail, he said, "Riccardi, don't you worry."
8 I had told him of my predicament, this man, that I had no
9 money to appeal, that I believed I could win if I appealed.
10 So when he left that day he says, "Don't worry" --

11 Q Don't forget this is what you were telling the
12 Princess. A All of this was told, because she wanted
13 to meet the man.

14 Q Yes. A So I said -- he left; he says, "Vincent,"
15 he said, "if you need the money for the brief, printing,
16 and attorney," he says, "forget about it; there will be a
17 man call on you tomorrow."

18 So thenext day, I told the Princess, a lawyer
19 came with the receipt for the printing bill. His name was
20 Mr. Sabtino; and the appeal then started; he got an order
21 from the Court, although my time was way over, at last,
22 but the Court did give him permission to give me my day in
23 court, as I told her, he said, and the result was that the
24 Appellate Division -- I lost, I said I lost in the Court of
25 Appeals, but that the Appellate Division in Albany reversed it.

1 Q You have got that just twisted around, haven't
2 you? A Well, the Court of Appeals in Albany-- in other
3 words, it took two times --

4 Q In other words, you lost out in the Appellate
5 Division but won in the Court of Appeals?

6 A That's right, in Albany.

7 Q That's right. Did you tell what happened to you
8 then? A I told her, and I gave her the name. I said,
9 "Mr. Biondo is the man," and I said, "by the way, I am going
10 to see him tomorrow or the next day."

11 She says, "I would like to meet him;" and I did
12 introduce Mr. Biondo to her, and we had lunch together --

13 Q How long after this occasion? A Oh, probably
14 three or four days.

15 Q Yes. A And we had lunch at Theodora's. I said
16 "Those are the two outstanding things in my life, which of
17 course is enough; it is tragic."

18 "Now," she said, "tell me about your family life."

19 I said, "I have been married three times."

20 She says, "Almost as much as I have."

21 I says, "That's right. We are a great deal --
22 the happenings in life have been a great deal alike, in some
23 ways."

24 She said, "Who did you marry the first time, and
25 how?"

1 Well, I said, when I was engaged as general counsel
2 for the Italian Government in Indiana, I was general counsel
3 for the Government, having been appointed by Mr. Kern, for my
4 services in stumping the state for him, --

5 Q All right, go ahead, go ahead. A I said, "I
6 met at Lake Wawasee, Indiana, a very fine lady, which --
7 ultimately we married."

8 She says, "What happened there?"

9 "Well," I said, "rightly so, she divorced me. A
10 very fine lady."

11 She said, "Who did you marry the second time?"

12 I told her, a lady from San Luis Obispo.

13 "What happened to her?"

14 I said, "She died."

15 Then she said, "What is the present status? That's
16 what I am curious to know." She says, "Here we are, in love
17 with each other" --

18 THE FOREMAN: May the witness please address us
19 in this corner?

20 THE WITNESS: I am sorry, I am sorry.

21 A [Continuing] So she says, "How about your present
22 status?" She says, "I heard from Dr. Murane things are
23 not very happy."

24 "Well," I said, --

25 Q Oh, by the way, when did she first meet Murane?

1 I owned that block of stock or a block similar to it.
2 She said, "Of course, I haven't any money," she says;
3 "why couldn't I buy that block of stock and pool it
4 with you?"

5 I said, "How are we going to do it?"

6 She said, "I have some jewelry, some things in
7 hock, in pawn, and one piece in particular that I would
8 like to trade in."

9 Q Did she mention any particular piece of jewelry?

10 A The big piece, the piece that was twenty-seven carat,
11 the one that she had designated that Mr. Kresge had given
12 to her and had paid \$22,500 for it.

13 MR. TYNE: Are you talking about the marquise
14 diamond?

15 THE WITNESS: Yes, sir. Mr. Kresge had given it
16 to her before -- or after the first time.

17 Q All right, all right. A "Well," I said, "that
18 alone wouldn't buy it."

19 So we called up Mr. Moyer, whether it was from
20 her home or the hotel I don't know, but we contacted Mr.
21 Moyer. I said, "Moyer," I said, "do you want" --

22 MR. TYNE: Pardon me. Is this in New York or
23 Phoenix, Mr. Riccardi?

24 THE WITNESS: This is in New York.

25 MR. PEARSE: New York.

1 MR. TYNE: All right.

2 THE WITNESS: New York or Morristown. Now I
3 can't --

4 Q I mean it was in the East, anyway?

5 A Yes. I said, "Mr. Moyer, how would you like to unload
6 that stock, 200,000 shares?"

7 MR. TYNE: What is that? "How would you like to
8 unload"--

9 MR. PEARSE: "unload."

10 THE WITNESS: Unload, sell it.

11 MR. TYNE: Unload, yes.

12 THE WITNESS: Well, that's the way we use it
13 in the terms out there.

14 Q All right, all right. A But I said "You met
15 the Princess." He says, "Oh, yes."

16 I said, "Would you take some jewelry for it?"

17 "Well," he said, "I would have to see it."

18 "Well," I said, "we will come out there and show
19 it to you."

20 THE COURT: Out where?

21 THE WITNESS: Out to Arizona.

22 So the Princess and I discussed the matter, if
23 she wanted to go. She said, "Yes, I would like to."

24 And we both left on the Century on the 28th of July.

25 We arrived in Phoenix on the 31st.

1 Q Let me interrupt there. Are you speaking of
2 the same trip that the Princess spoke of, of wanting to
3 stop off in Chicago and see Fred?

4 A I think she wired her son.

5 Q Yes. A Wired her son, but he didn't -- we
6 didn't meet anyone there.

7 Q It is the same trip, though, you are --

8 A No, there was an incident that happened there, on this
9 trip.

10 Q All right.

11 MR. TYNE: It was the same trip, you are talking
12 about?

13 MR. PEARSE: The same trip.

14 A One of the trips, there was another one.

15 Q No, no, we are talking about -- A The 29th.

16 Q Is this the time that she tried to meet Fred and
17 didn't? A That's right -- I don't know; I think that
18 was it.

19 Q Yes. A But there was a couple of times she
20 tried, even in Chicago.

21 Q I see. Yes. A So it was arranged that we
22 would leave on the 28th, and we arrived in Chicago on the
23 Century, and we had, I think, five or six or seven hours
24 layover, and then we took the Golden State and went to
25 Phoenix, Arizona, but in the evening there, when we went

1 to get our baggage, my bag with all the papers were lost,
2 that I had brought East, and there was quite a commotion.
3 That was an incident.

4 Q Yes. A So we got to Phoenix, and we went to the
5 Westward Ho, and we registered there, and the train got in
6 there, I think, in the evening. The next morning we had
7 breakfast, and we met Mr. Moyer, who had breakfast with us.

8 I says, "Mr. Moyer, you remember the Princess."

9 "Oh, yes."

10 I said, "We have come here for the purpose of
11 seeing if we can make a deal on that stock."

12 He says, "I am sorry, Riccardi," he said, "I talked
13 with my attorney, Henderson," Stockton Henderson was his name,
14 he gave his name -- he says, "He told me that the stock is
15 more valuable and I don't want to trade it."

16 MR. TYNE: Was this conversation in the Princess'
17 presence?

18 Q At breakfast? A At breakfast. So then I told
19 the Princess that we might be able to pick it up in Long
20 Beach, that the only other man that I knew at that time that
21 had a large block of stock, who had bought some from Moyer
22 originally, was Mr. John Marshall. So she said to me,
23 "Why don't you take jewelry?"

24 First she wanted a \$3000 loan. She says, "Why don't
25 you do this?"

1 We went to my office in the Home Builders Building, in
2 the afternoon. She said, "Vincent," she says, "we are
3 all one," she says; "why don't you let me have some immediate
4 money that I need? I have six pieces of jewelry. Some of
5 them are in hock. I haven't them with me, but I will get
6 them out of hock and give them to you when I can. Why don't
7 you take this piece of jewelry and sell it and try to buy
8 200,000 shares of stock so that you will have the control?"

9 Q Now, then, you said that this conversation took
10 place in that office building in Phoenix, where she described
11 you had an office? A Yes.

12 Q Is that right? A This --

13 Q Just a minute. Was there any sign on that door,
14 with your name on it? A Oh, just a mining office with
15 a lot of ore, ragged, --

16 Q Was your name on the door? A No, there was no
17 name on the door.

18 Q Was your name on the door as a lawyer?

19 A No, no.

20 Q Did you show her this office and tell her that this
21 was your law office? A No. On the contrary, --

22 Q The answer is no, isn't it? A No, sir.

23 Q Yes. A I didn't have any law office.

24 Q Did you at that time or any time previous to that
25 tell her that you had an income of \$5000 practicing law in

1 California and Arizona? A No, no.

2 Q Go ahead. A [No answer.]

3 Q Now, this is the occasion in the office building
4 in Phoenix, Arizona. A I said to her, "As long as we
5 are going to enter in this agreement, and you are parting
6 with this ring, let's go to my lawyer, Judge Whitney," --

7 MR. TYNE: Well, I object to that. What agreement?
8 Now he is talking about an agreement. I haven't heard
9 anything about an agreement.

10 THE COURT: Proceed. We will find out.

11 A We entered into an agreement. She said to me, "Why
12 don't you take the jewelry, let me have some cash to carry," --

13 Q You have already said that, so don't repeat it.

14 A Well, he thinks --

15 Q Never mind what he thinks.

16 MR. TYNE: I object to what Mr. Pearse says.

17 What I think has something to do with this case, and
18 I have a right to find out what the witness is talking
19 about.

20 THE COURT: All right, gentlemen.

21 A Well, anyway, in order to consummate the arrangement
22 for her, for her protection and mine I suggested that we go
23 over and see Judge Whitney, who was my attorney, and I says,
24 "You will find him fair for both of us."

25 So we went to Judge Whitney's office; the Princess

1 went with me.

2 Q Is it in the same building? A No, it was
3 down the street.

4 Q Yes. A About five blocks. It was in the
5 Luhr Building. And we didn't find him. She said, "Well,
6 you don't need any lawyer," she says, "why don't we just
7 draw up a memorandum agreement?" She says, "This is pretty
8 late;" she says, "We are pretty close, Vincent."

9 I says, "O.K.; I am just protecting you."

10 All right.

11 So we entered into an agreement, understanding.

12 Q No, never mind, now. What was said?

13 A All right.

14 Q You see, that's what Mr. what's his name objects
15 to. A She gave me this ring that Mr. Kresge had bought
16 for \$22,500.

17 Q Yes. A I in return, to protect her with a letter,
18 gave her a note for \$50,000, with the understanding, payable
19 in one year, that I was to try to buy this stock and to
20 disburse all of the money needed in the tax case, until its
21 final conclusion; and in order to secure the note, I gave her
22 what I told her the corporation commissioner permitted, 200,000
23 shares of stock, as collateral.

24 Q Now, that was the stock that you already had, your-
25 self? A Oh, yes, that was mine.

1 Q It had nothing to do with the Marshall stock?

2 A Oh, nobody.

3 Q Or the Moyer stock, did it? A That was my
4 personal stock.

5 Q Yes. A And an understanding was made and we --
6 it was understood --

7 MR. TYNE: No, not what was understood; what was
8 said.

9 MR. PEARSE: Yes, yes.

10 THE WITNESS: All right.

11 Q Stick to what was said, please.

12 A I said, "I don't want to take this ring from you without
13 giving you some assurance" --

14 Q You have already said that, now, see.

15 A I said, "I will give you my note for \$50,000. That's
16 to cover the other jewelry that you are going to give me, "
17 which I gave her the money to get out of pawn.

18 Q Yes. A "And I will give you 200,000 shares of
19 Leadville Western stock that the corporation commissioner
20 permits at a value at thirty cents." I said, "Some of the
21 stock has been sold at thirty cents, some at fifty, but the
22 permit of the State of Arizona reads thirty cents.

23 Q Yes. A So I gave her the 200,000 shares as
24 collateral, and she said, "Now, I am going to advise Mr.
25 Merrill that all moneys needed for my tax case, all moneys

1 needed for accounting and attorney fees, he is to look to
2 you," and I said, "That's all right; that's the agreement."

3 Q Now, is that the note and is that the stock
4 referred to in her letters to you and your letters to her?

5 A That's true.

6 Q Yes. Now, this is then in the end of July at
7 Phoenix, Arizona. A It is the first or second of
8 August.

9 Q The first or second of August. Now, after this
10 conversation what happened, so far as the ring was concerned?

11 A She gave me the ring.

12 Q Yes. And what did you do with it?

13 A I tried to get the best buy --

14 THE COURT: Well, just a moment. Did she make
15 you a present of the ring?

16 THE WITNESS: Oh, no, no; she gave it to me and --

17 THE COURT: She delivered it to you?

18 THE WITNESS: We set a price on it and I gave
19 her my note with the stock, but after that I was to
20 advance her some money that day, which I did.

21 THE COURT: Talk to the jury.

22 MR. PEARSE: Yes.

23 A [Continuing] It was said that she was giving me this
24 ring, although it was not worth the amount of the note, that
25 is, the amount of the note was for fifty thousand, but she

1 thought with the other pieces that were in pawn, it would
2 amount to fifty thousand; that I was to sell it, and that
3 she gave me a bill of sale for the others, along with this
4 one, and this agreement was entered into in which was stated --

5 Q In writing, now, is this, or what?

6 A In writing, in writing. At the end of the year, which
7 would be August 1, that if the case was completed, her
8 tax case, that I was to give her an accounting for what I
9 sold the jewelry for, and to deduct all disbursement, and
10 then give her a general -- give her an itemized account,
11 which I did, when the time came. We set the price of the
12 jewelry given and she was going to give at fifty thousand,
13 and I gave her, which I thought, collateral with the note.

14 Q I know, you have said that three times, now. Go ahead

15 A After that arrangement had been entered into, we went --
16 I said, "Would you like to see where I have been living?"

17 She says, "Of course."

18 I think Mr. Murane was with us, or Mr. Moyer. Well,
19 anyway, we went to my ranch, this small bungalow, five-room
20 house; and she went in. She says, "I can tell what kind
21 of wife you have got by the way this house looks."

22 I said, "Skip that," I said.

23 She said, "How could I live there?"

24 I says, "Well, you have got to live where you can
25 afford to live."

1 Q Yes. A But she wanted them in smaller denomina-
2 tions, and I did so. But she never had returned me the
3 original 200,000 that I had replaced.

4 Q Yes. A And I said -- I could see by the --
5 I mean I felt by the telephone call that we were at the
6 parting of the ways.

7 MR. TYNE: Now, I object to how you felt. What
8 was said?

9 THE WITNESS: Well, it was understood from her
10 conversation --

11 MR. TYNE: What was said?

12 THE WITNESS: Well, she said, "I am interested
13 now in my affairs." She says, "Never mind about you
14 or I."

15 And I said, "Well, if that's the way you feel, I
16 wish you would return me the 200,000 shares that don't
17 belong to you." I says, "You now have 400,000 shares.
18 When you gave me that ring, it was understood that I
19 was only to put up 200 for collateral." And I said,
20 "I could use it. I wish you would return it to me."
21 And I says, "I will try and get you some money before
22 the time date but at this time it is impossible because
23 my property has been attached and I can't borrow on it."

24 And she says -- in fact, the property was attached
25 when I was staying at her home; Mr. Moyer had attached

1 it; she knew it was.

2 I said, "There is no way I can get any money."

3 But I says, "When we get through and at the time we
4 have agreed on, I will have the money that belongs to
5 you."

6 So the next incident was this letter, and that
7 was the first time that -- whether anyone in the world
8 wants to believe it or not, that is the first time that
9 I ever knew that the furniture she had given me was
10 any strings to it, other than it was just a gift.
11 That was the first time --

12 Q Now, do you remember the date of that letter?

13 A The 20th --

14 Q It is in evidence. A It was in April, I think.

15 Q April. Do you recall as to whether or not that's
16 one of her letters that's in evidence?

17 A That was the first letter that I received after the
18 demand for and wanting this ten thousand from me, and after
19 all the trouble in Chicago when we were at the parting of
20 the ways. Over the telephone she said, "We will not have
21 any further personal matters, just business." We were no
22 longer on the terms we were before we left for Chicago.

23 Q All right. Is this the one, of April the 18th?
24 Is that the one you are talking about [showing to the
25 witness]? A That's the one.

1 Q I show you Government Exhibit G-5. Is that the
2 letter you referred to? A That's the letter.

3 Q Yes.

4 MR. PEARSE: In order that the jury may have some
5 comprehension of what this case is about, would it be
6 permissible for me to read this?

7 THE COURT: I will allow you to read it.

8 MR. PEARSE: Yes. This is a letter, ladies and
9 gentlemen of the jury, dated the 18th of April 1946,
10 and it is in typewriting. It is addressed to Mr.
11 C. V. Riccardi, Rancho Fredo, Phoenix, Arizona:

12 [Reading]

13 Q Now, after receiving that letter, what happened
14 so far as you and the Princess are concerned?

15 A Why, I called her on the telephone and as far as --
16 the matter from then on was just on a strictly business basis;
17 the question of helping her for her property and --

18 Q Do you remember that April Fool letter, where
19 a reference was made about April Fool? A I remember that
20 letter was here.

21 Q Yes. That was just before this one that I have
22 just read, wasn't it? A Yes.

23 Q You received a letter like that from her?

24 A Yes, sir.

25 Q Yes. Did you know what she referred to?

1 A No.

2 Q Yes. A I didn't know of any April Fool --

3 Q Because you replied to that, didn't you?

4 A I believe I did.

5 Q Yes. A Or phoned, either one.

6 Q Now, then, when next did you have any communication
7 with the Princess, or any correspondence with her?

8 A I think the correspondence ceased. I may have, I don't
9 know, but it was after my letter, after my trip from Chicago,
10 I considered, and after that letter, that our personal
11 relationship was at an end. She requested it.

12 Q Yes. A Then I received in July notice of my
13 note that I had given her in August.

14 Q That's the \$50,000 note you have already spoken of?

15 A Yes, sir.

16 Q Is that the letter you received [showing to the
17 witness]? A Yes, sir.

18 [Mr. Pearse handed the letter to Mr. Tyne,
19 who in turn conferred with Doris Farid.]

20 MR. PEARSE: I wish the United States Attorney
21 would make it snappy, Judge.

22 I offer this letter in evidence.

23 I am sorry, Judge; I shouldn't be so fresh.

24 THE CLERK: D-13 in evidence.

25 MR. PEARSE: I would like to read it to the jury,

1 if the Court please.

2 It is short, ladies and gentlemen. It is dated
3 July 20, 1946, and again it is in typewriting. It is
4 addressed formally to Mr. C. V. Riccardi, Phoenix,
5 Arizona: [Reading]

6 MR. TYNE: Now, may we have the witness produce the
7 copy of this agreement that's referred to in this
8 letter? It hasn't been produced thus far.

9 MR. PEARSE: We haven't got the agreement; the
10 Princess has got it. Why would we have an agreement?

11 THE COURT: It is for counsel to bring it out
12 on cross-examination.

13 MR. PEARSE: I don't mind asking him.

14 Q This agreement you speak of is what you have
15 already testified to, isn't it? A That's what I testified
16 to.

17 Q As to what happened in August? A Yes.

18 Q And you gave her a note, didn't you?

19 A Definitely; and she gave me the jewelry.

20 Q And you gave her an agreement, didn't you?

21 A Yes, sir.

22 THE COURT: Was that a written agreement?

23 THE WITNESS: Yes, sir.

24 MR. PEARSE: Yes.

25 MR. TYNE: Well, I ask that the written agreement

1 be produced.

2 MR. PEARSE: How can we produce it, if the Court
3 please?

4 MR. TYNE: He has got a copy of it. Ask him
5 if he hasn't got a copy of it.

6 THE WITNESS: It is with the letters, Mr. Tyne.
7 Where my letters are is my agreement and other papers.

8 MR. TYNE: Have you got a copy of that agreement?

9 THE WITNESS: No, sir.

10 MR. PEARSE: Now, just a minute, Judge. I don't
11 think we ought to get into a controversy between the
12 witness and the United States Attorney when he is my
13 witness. If the United States Attorney has any objection
14 to make, let him make it to you.

15 THE COURT: That's the way it should be. What
16 is before the Court now?

17 Q Have you a copy of the note which you gave the
18 Princess? I have not.

19 Q Have you a copy of the certificates of stock which
20 you gave to the Princess? A I have not.

21 MR. PEARSE: I would like to have those certificates
22 of stock. I would like to show them to the jury.
23 Have you got them?

24 MR. TYNE: I have photostatic copies.

25 MR. PEARSE: How about the certificates themselves?

1 MR. TYNE: I don't have them; and I wouldn't
2 produce them if I did.

3 MR. PEARSE: Well, I demand their production, if
4 the Court please, in view of the fact that this door
5 has been opened by the United States Attorney.

6 THE COURT: I will pass on that later. Proceed.

7 MR. TYNE: I will produce photostatic copies of them,
8 sir.

9 THE COURT: Proceed.

10 Q All right, what happened after that?

11 A After I received the last letter I called her on the
12 telephone..

13 Q You are speaking now of the letter of July 20?

14 A Yes, sir. I told her that I was ready, after I had
15 made the last payment in her behalf, which I was called
16 upon in September, of \$1750, that --

17 Q For what? For what? A For tax fees, attorney
18 fees, for the appeal. She had lost her case in one court
19 in the meantime, and I had it appealed for her, and the
20 \$1750 was one of the last demands made which had to be paid
21 in September.

22 MR. TYNE: What year?

23 MR. PEARSE: '46.

24 THE WITNESS: 1946.

25 A [Continuing] So I communicated with her. I said, "Any

1 time you are willing to meet me, I will make this payment
2 of \$1750, "as I had agreed, although --

3 Q Well, all right, go on. A Had agreed. And
4 she said at that time that she didn't want to meet me.

5 Q Now, what date is this that we are talking about?

6 A September, now.

7 Q Oh, we have gotten down to September?

8 A Yes.

9 Q Yes. A I told her that -- in reply to that
10 I said that --

11 MR. PEARSE: If the Court please, may we take
12 a little recess now?

13 THE COURT: Take a recess for two minutes.

14 [At this point a short recess was taken.]

15 Q Now, Mr. Riccardi, when we took this short recess, I
16 think we had finished up with this letter from the Princess
17 of July the 20th; is that right? A That's correct.

18 Q Now, did you have any more correspondence with
19 her, either over the telephone or -- A I talked with her
20 several times to arrange a meeting for the accounting.

21 Q Yes. A For what I had received and what I had
22 paid out.

23 Q Yes. And when did you finally meet her, and with
24 whom? A She would never meet me. So I got in touch
25 with Mr. Merrill, who was representing her in the court, in

1 A Of course not.

2 Q Of course not.

3 THE COURT: What's the answer?

4 MR. TYNE: "Of course not."

5 Q Were you in the habit of meeting ladies like that
6 and making dates with them? A Oh, when --

7 MR. PEARSE: I have let him go on, Judge. Maybe
8 you want him to carry on with this. You told me not
9 to object unless it was necessary.

10 A I am not in the habit --

11 MR. PEARSE: Just a minute.

12 Q Well, you came to New York for what purpose?

13 A We came to New York for the purpose of interviewing
14 LeDone & Company.

15 Q Where are they located? A I think 400 or 500
16 Fifth Avenue.

17 Q When you say "we," whom do you mean?

18 A Dr. Murane came with me.

19 Q And you went there for what purpose?

20 A Mr. LeDone -- we went there for the purpose of getting
21 ready to file with the SEC, to put our stock on the market.

22 Q What stock? A Leadville Western.

23 Q What's the full and correct corporate name of it?

24 A Leadville Western Mining Company.

25 Q Leadville Western Mining Company? A That's right.

1 Q It isn't Leadville Western Mines, Inc.?

2 A Well, whatever it may be; Western Mines --

3 Q Well, don't you know? A Well, if it is Leadville
4 Western Mines or Mining Company, it is the same to me.

5 Q It is the same to you, regardless of what the true
6 corporate name is? A Why, it is the -- what I mean by
7 that is, Leadville Western Mines, Inc. and Leadville Western
8 Mining Company means the thing you are talking about.

9 Q Well, were you so familiar with the corporation that
10 you came to New York, for the purpose of doing something with
11 the SEC, the corporation in which you held a controlling
12 interest -- were you so familiar with it you didn't know the
13 correct corporate name of it?

14 A I didn't have the controlling interest at that time.

15 Q Well, you held a majority interest in it, didn't
16 you? A The Princess was helping me to get the controlling --

17 Q We will come to that later. Now answer my
18 question. Are you so familiar with it that you didn't know
19 the correct corporate name?

20 MR. PEARSE: I don't understand what that means,
21 if the Court please, and I will object to it.

22 THE COURT: Yes, I don't know why you spend so
23 much time on a question like that.

24 MR. TYNE: I think it goes to the witness' credibility
25 if the Court please.

1 THE COURT: Well, all right.

2 Q You are not sure of the correct corporate name,
3 is that so? A Well, you told me it was Leadville Western
4 Mines, Inc. I take it for granted that's it.

5 Q I see. Without any argument, eh?

6 A If you say so.

7 Q All right. Did you go down to the SEC office?

8 A I didn't say that I was going there; I said that we
9 went to see LeDone in preparatory; we didn't reach to the
10 SEC office.

11 Q You didn't? A Because we didn't complete the
12 deal.

13 Q You came to New York then to make a deal and that
14 wasn't completed? A Well, we came to talk to the brokers.
15 There is a lot of things have to be done before you go to
16 the SEC. You first must have the underwriters; then you must
17 have the titles, and the interest, and the property, what it
18 is all about -- you have to frame those things up; you have
19 to get the documents. You can't go to the SEC just like
20 that. First you must have the people who are interested
21 in disposing of the stock, the brokers. And that was the
22 purpose. We needed money for the mine. We were going to put
23 a mill on there. We were getting further developing of the
24 property. If you would like to see them, here they are
25 [producing].

1 MR. PEARSE: Never mind, Mr. Riccardi.

2 Q Did you ever get approval from the SEC?

3 MR. PEARSE: Now, if the Court please, I object
4 to this question. I think it is going so far afield.

5 MR. TYNE: This --

6 MR. PEARSE: Just a minute, please. I object to
7 it. I didn't bring anything out in connection with this
8 mine.

9 THE COURT: Well, the witness opened it himself.
10 I will allow the question.

11 MR. PEARSE: Well, all right, if he opened the
12 door, I suppose he has got to pay the penalty of
13 extended cross-examination about something that has
14 nothing to do with the issue in this case.

15 THE COURT: He has opened the door.

16 A What's the question?

17 Q [Repeated by the reporter.] A We never applied.

18 MR. PEARSE: I submit, if the Court please, the
19 witness should be instructed to answer yes or no.

20 THE COURT: Well, he said they never applied.

21 MR. PEARSE: Yes.

22 Q And this Leadville Mining stock that you referred
23 to was never listed on any market, was it?

24 MR. PEARSE: I object to that, if the Court please.

25 THE COURT: I will allow it.

1 MR. PEARSE: It is not an issue.

2 THE COURT: I will allow it.

3 Q Curb Exchange, the market, any market throughout
4 the country? A It wasn't necessary; and you didn't have
5 to.

6 Q No, my question is --

7 THE COURT: Answer the question.

8 Q My question is, was it listed? A It was listed
9 with the corporation commissioner of Arizona.

10 Q Was it listed on any exchange, curb or market
11 exchange, in the entire country? A No; we had no right
12 to, and we didn't. It was a local corporation; and you
13 didn't have to, to dispose of it; and then that was personal
14 stock; the stock that the Princess got was stock that was
15 personal and could be sold in any state in the Union.

16 Q To evade the SEC laws? A No, no; because the
17 SEC, Mr. Tyne, does not come in the category of personal
18 stock, and unless you are making a public offering, the
19 SEC only comes in when you -- when you are selling corporate
20 stock, not stock that has been issued; the SEC comes in
21 when you are attempting to make -- to sell out of the state
22 in which you have incorporated, and then upon making a
23 general offer to the public, which at no time have I done so.

24 Q Well, now, how about when you make successive
25 sales of stock? A It --

1 MR. PEARSE: Now, just a minute. I object to
2 that. I don't see why we have to get into a discussion
3 here --

4 THE COURT: What is the point?

5 MR. TYNE: Well, the witness here wants to make
6 a speech about it, sir.

7 MR. PEARSE: Well, all right, if the Court
8 please; the United States Attorney brought on the speech
9 by his question.

10 Q When you had this conversation with the Lady Grayson
11 in the Rose Marie Candy Shop on Saturday night, did she ask
12 you, according to your testimony, "What are you doing
13 tomorrow? Would you like to come out to Morristown?"

14 A No.

15 Q Isn't that what she said? A I didn't say it
16 that way. What was said was just casual. She had been
17 kind enough to overdo her time there; the store should have
18 been closed, and --

19 Q For which you compensated her five dollars, to the
20 extent of five dollars? A Yes; she had given me lots of
21 service.

22 Q Yes. And she extended this invitation to go out
23 to Morristown? A Well, yes, that's it; but it wasn't
24 put the way you say it. The way that happened was that
25 just that I asked her if she was closing up and she -- I said,

1 "Would you like to have a cocktail with me?"

2 She seemed to -- she did quite a little chatting,
3 talking about the West, she had been there, and she started
4 -- while we were there, she said that she was Lady Grayson,
5 and she says, "I'll take a rain check," and she says, "By
6 the way, I have got to rush to get a train, because my
7 friend, the Princess, where my boy is staying, is waiting
8 for me," and she says, "By the way, what are you doing
9 tomorrow?"

10 I had paid no attention to it at the time. In fact,
11 I didn't expect to even go the next day.

12 Q I see. You didn't expect to go?

13 A Why, I didn't, I didn't -- she was talking about the
14 Princess; I have great regard --

15 Q She learned that you were from the West by reason
16 of the fact that you produced your card, is that right?

17 A She asked me whom to notify -- "What's your address?"
18 she says; "we are sending this insured." And I gave her
19 my card.

20 Q And that was Leadville -- the Leadville Mining
21 Company, in Phoenix, Arizona? A That's right.

22 Q That's the only address you gave her, is that
23 right? A Well, she knew the others because I had given
24 her the addresses of California, where the candy went, and
25 different places; I gave her the address, the Huntington, of

1 Mrs. Riccardi's, and my sisters in San Francisco, and some
2 other people in Los Angeles.

3 Q Those were the mailing addresses that you gave her,
4 is that right? A That I bought the candy for.

5 Q And you say the next day the Princess called you
6 up, is that right? A I didn't say that, Mr. Tyne. I said
7 we did have -- whether I called or she called me, but I talked
8 with her over the phone the very next day.

9 Q What makes you say you don't know whether you called
10 her or she called you? A Well, the reason for that is
11 that I want to be fair to the Princess.

12 Q Oh, yes; oh, yes. A I know -- I would say
13 that she called -- I would say that she called me; my best
14 recollection is that she did; and knowing her like I do, I
15 believe she did.

16 Q You believe she did. Well, if you gave the address
17 of Phoenix, Arizona, and only the mailing addresses to
18 Lady Grayson, how did the Princess know where to call you?

19 A Because Lady Grayson went that night and stayed with
20 her, and told her about me.

21 Q Well, you never told Lady Grayson, according to
22 your testimony that you gave two minutes ago, that you lived
23 at the Langdon Hotel? A Oh, sure. She says, "Where
24 are you staying?"

25 Q I just asked you, Mr. Riccardi, did you give any

1 addresses other than those mentioned, the mailing addresses
2 and the Phoenix address, and you said no. A Well, you
3 didn't tell me the New York address.

4 Q Oh, you want me to tell you what to testify to?

5 A Well, I want you to be fair and honest, if --

6 Q I want you to be fair and honest. A I am.

7 Q And tell the truth. A I will tell it. You
8 are not telling it -- you are distorting it.

9 MR. PEARSE: I think, Judge,--

10 THE COURT: Just a minute, sir. You want to
11 control yourself, sir, or there will be some trouble
12 here.

13 THE WITNESS: I am sorry.

14 THE COURT: I don't want any trouble to take
15 place.

16 THE WITNESS: I am sorry.

17 THE COURT: But I want you to understand that you,
18 sir, are to keep within bounds.

19 THE WITNESS: I will, your Honor.

20 THE COURT: Proceed.

21 MR. PEARSE: Now, if the Court please, --

22 THE COURT: If you have any grievance, your
23 counsel will take care of your interest.

24 THE WITNESS: I am sorry.

25 THE COURT: Proceed.

1 Altadena.

2 Q You talk about your home; who owns the home in Altadena
3 you or your wife? A My wife.

4 Q Who owns the ranch house? A My wife.

5 Q Where have you made your home during the last three or
6 four years? A Altadena; Arizona -- I mean Phoenix, and
7 at the mine, Douglas.

8 Q What do you regard as your home?

9 MR. PEARSE: Well, what difference does that make,
10 Judge?

11 THE COURT: I will allow it.

12 A Well, I regard Phoenix my home, I regard Altadena my home
13 and sometimes Douglas.

14 Q Do you remember testifying before Post Office Inspector
15 Gundiff? You were asked the question, "What do you regard as
16 your home?" You said, "For the last ten years I regarded my
17 home as Phoenix, Arizona, the ranch house"?

18 A I don't remember.

19 Q You don't remember. When you delivered the first
20 200,000 shares of stock to the Princess did you represent to
21 her that the stock was worth thirty cents a share or a dollar
22 a share? A I didn't represent anything. I didn't tell her.

23 Q You didn't tell her anything, is that right?

24 A The only thing that I represented is that the permit of the
25 corporation commissioner said that it should be sold at thirty

1 cents. I gave her at the time, I was careful about that, Mr.
2 Tyne, I gave her a copy of the permit of Arizona.

3 Q You subsequently gave her another 200,000 shares,
4 didn't you? A No, I didn't.

5 Q Did you sell it to her? A No, sir.

6 Q Well, at any rate there was 400,000 shares of stock
7 outstanding, wasn't there? A But two didn't belong --

8 Q No, just answer the question. 400,000 shares of
9 stock outstanding?

10 MR. PEARSE: Just a minute. What does he mean,
11 "400,000 shares of stock outstanding"? Does he mean the
12 total stock of the corporation or what does counsel mean?

13 THE COURT: What do you mean?

14 MR. TYNE: Well, 400,000 shares of the stock of this
15 Leadville Western Mines, Incorporated, outstanding and
16 in the possession of the Princess.

17 THE COURT: In whose name?

18 MR. TYNE: Well, in Riccardi's name and delivered to
19 the Princess; either the first 200 -- the first 200,000
20 shares being endorsed over by Riccardi and the second
21 200,000 being in Riccardi's name and delivered to the
22 Princess.

23 MR. PEARSE: Is that a question.

24 THE COURT: No, he hasn't formed a question yet.

25 MR. TYNE: I will ask the question.

1 Q There were 400,000 shares of this Leaville Western
2 Mines in the possession of the Princess; isn't that so?

3 A Yes, but not entitled to it.

4 Q No, please answer the question. A She has 400,000
5 shares.

6 Q Now, when you were talking to the Princess about your
7 plans for the future and securing funds didn't you testify on
8 direct examination that all you needed was another block of
9 shares in the possession of Moyer to get--

10 MR. PEARSE: Now, if the Court please --

11 MR. TYNE: Please!

12 MR. PEARSE: I thought you had finished.

13 Q -- to get control of the Leadville Western Mines, Inc.?

14 MR. PEARSE: I would like to have the time fixed
15 because I don't remember saying any such thing.

16 THE WITNESS: That is all right, I said that.

17 MR. TYNE: I will get the testimony.

18 Q Didn't you testify at page 319 --

19 MR. PEARSE: All right, go ahead.

20 Q "THE WITNESS: Yes, she was scheming to help me how
21 to get some money, thinking. It came about that Mr. Moyer
22 had a block of stock of the Leadville Western Mines. I told
23 her that I would control that mine alone if I owned that block
24 of stock or a block similar to it. She said, 'Of course I
25 haven't any money,' she said, 'why couldn't I buy the block of

1 stock and pool it with you?" Did you so testify?

2 A Yes, sir.

3 Q And if you could have gotten the block of stock that
4 Moyer had you could have gotten control of the Leadville West-
5 ern Mine, is that so? A If I had had the stock that I
6 had given to the Princess, too, yes.

7 Q Now, wait a minute. You hadn't given the Princess
8 any stock up to that time, had you? A No, not yet.

9 Q No. How much stock did Moyer have?

10 A I think just a little over -- well, he originally had an
11 option on a million shares.

12 Q No, how much did he have? A Well, I can't say but
13 I knew what I needed for control.

14 Q Well, you had a million and one thousand shares, didn't
15 you? A At one time, but not then.

16 Q How much did you have then? A Well, it is pretty
17 hard to say. I had quite a bit.

18 Q Yes. And Moyer had very little, didn't he?

19 A No, sir, Moyer had a very large --

20 Q He had 50,000 shares, did he not? A Oh, no.

21 Q How much did he have? A He had more than 200,000
22 because that was the purpose why the Princess and I went there.

23 Q You wanted to get that 200,000 shares that Moyer had?

24 A And pool it with what I had.

25 Q Despite the fact that you said to the Princess that you

1 could get control of the corporation by getting this 200,000
2 shares of stock you delivered to her 400,000 shares?

3 A No, sir, I didn't.

4 Q Well, didn't you deliver 400,000 shares to her?

5 A Not to her, that belonged to her, no, sir. 200,000 was
6 deliberately stolen, Mr. Tyne.

7 Q Two hundred was -- A 200,000.

8 Q 200,000 shares -- A 200,000 was deliberately
9 stolen -- appropriated by the Princess without any right
10 whatsoever.

11 Q Did you ever bring suit against her for those 200,000
12 shares of stock?

13 MR. PEARSE: I object to that.

14 Q [Continuing] --that you say were stolen?

15 MR. PEARSE: I object to that, if the Court please.

16 MR. TYNE: Now, if the Court please --

17 THE COURT: Objection sustained unless you can prove
18 there was such a suit.

19 MR. TYNE: Well, I am asking him.

20 Q Did you ever prosecute the Princess for stealing
21 200,000 shares of stock?

22 MR. PEARSE: I object to that as being a highly
23 objectionable question.

24 THE COURT: Objection sustained. I don't see where it
25 has any bearing here.

1 Q You personally delivered to her, did you not, one
2 certificate for 200,000 shares of stock and subsequently
3 delivered to her 30 certificates representing another 200,000
4 shares of stock? Yes or no. A With the understanding --

5 Q Yes or no. A Yes, but I want to explain, your
6 Honor.

7 THE COURT: Well, I think you have explained it,
8 haven't you?

9 THE WITNESS: No, I would like to.

10 When I gave the 200,000 --

11 MR. TYNE: I object.

12 THE COURT: I will allow it.

13 THE WITNESS: I originally gave her the 200,000
14 shares, then she told me she would like to have it changed
15 to smaller denominations, and when I delivered the smaller
16 denominations she said she couldn't find the certificate
17 and she afterwards -- and she never could find it, and
18 never gave it to me but did write a letter to Mr. Betts
19 asking for the cancellation of it.

20 Q Do you have the letter? A No, no, but Mr. Betts
21 has.

22 MR. TYNE: I ask that be stricken out, if the Court
23 please.

24 THE COURT: I will allow it to stand. Proceed.

25 Q Isn't it a fact that you got the second 200,000 shares

1 when you acquired the last three pieces of jewelry?

2 A Oh, no, no, no, Mr. Tyne; no, sir.

3 Q That is not so? A Definitely.

4 Q You have testified on direct examination that you were
5 convicted of a crime in California, right?

6 A And New York.

7 Q And New York.

8 MR. PEARSE: If the Court please, he didn't testify
9 to any such thing. He testified that he told the Princess
10 that he was convicted of a crime.

11 THE COURT: Well, that is substantially the same
12 thing.

13 MR. PEARSE: I don't know what he is driving at, that
14 is the reason why I am careful.

15 Q You were convicted of larceny, weren't you?

16 A Yes.

17 Q You were convicted of larceny in California?

18 A Yes. I would like to explain it, though.

19 Q Yes or no. A I told her, yes, sir.

20 Q Yes. And with reference to the conviction that you
21 testified to on direct examination, you were convicted there of
22 grand larceny, too -- in New York -- weren't you?

23 MR. PEARSE: What is that? I don't understand the
24 question, Judge, he doesn't say where.

25 THE COURT: New York.

1 MR. PEARSE: Oh, did he say New York?

2 THE COURT: Yes.

3 A Yes, that was the case, that was New York.

4 Q And you say that was reversed because of a letter that
5 had been written, is that right?

6 MR. PEARSE: No, if the Court please; I object to
7 that.

8 A I didn't see that.

9 Q You didn't see that. Did you tell her why it was
10 reversed? A I can tell you what I think.

11 Q No, did you tell the Princess? A I told her what
12 I thought.

13 Q What did you say to her?

14 MR. PEARSE: Judge, what difference does that make,
15 what he thought?

16 MR. TYNE: No, what he said to her.

17 THE COURT: It doesn't make any difference what he
18 told the Princess.

19 A I mean what I said, I told her that the thing was reversed
20 and I told her that I hadn't -- let's see, I told her -- will
21 you ask that question again, please.

22 Q [Read by the Reporter.] A I don't believe I did.
23 I just told her that I had been convicted and the case had
24 been reversed. I didn't go into details.

25 Q Didn't you go into details at all? A I don't

1 think so.

2 Q Did you tell her anything more about the case aside
3 from its reversal? A Yes, I remember telling her how I
4 thought I had been framed, that a letter from Washington had
5 been sent to me.

6 Q No, did you tell her what you did after the reversal an
7 what happened in New York after the reversal? A No, sir.

8 Q You did not? A I don't believe I did, Mr. Tyne.
9 I don't know unless you give me what I said, if you have it
10 there.

11 Q You testified on direct examination that you made
12 application for reinstatement to practice law in the courts of
13 California, is that right? A Correct.

14 Q You testified that the reason you were turned down on
15 your application for reinstatement^{was} that the time was too short,
16 didn't you? A I said that was one of the reasons.

17 Q Was that the main reason? A Well, that's what the
18 Referee told me. Now, I don't know.

19 Q Well, did you read the findings of the Court?
20 A No, sir.

21 Q You never did? A No, sir.

22 Q Well, you know that that was not the reason that you
23 were not reinstated, don't you? A No, I don't know.

24 Q You don't know that? A I do not.

25 Q You don't know that the Court reviewed the entire case?

1 A No, sir.

2 Q You don't know that? A No, sir.

3 Q Did you ever take the trouble to find out?

4 A No, sir. When I was denied what was the use of bothering
5 any further?

6 Q Wasn't it reported in the California reports?

7 A I don't know. I never read it.

8 Q Did you ever read the decision of the Court of Appeals
9 in the State of New York on your New York conviction?

10 A No, sir.

11 Q You never did? A No, sir.

12 Q Would you like to hear it?

13 MR. PEARSE: Well, now, that is not a question.

14 I object to the question.

15 THE COURT: Objection sustained.

16 Q You testified in connection with your disbarment in
17 California on direct examination, in your conversation with the
18 Princess, "I told her that I had tried once and it was refused,
19 to be admitted."

20 MR. PEARSE: What page is that?

21 MR. TYNE: This is page 304.

22 Q Is that right? A That is correct.

23 Q "I said the reason they gave, that it was too short a
24 time." A That was one of the reasons.

25 Q Well, you know that that is not the reason, don't you?

1 A Well, as far as --

2 Q No. You know that is not the reason, don't you?

3 A I don't know that.

4 Q You don't know that? A No, sir.

5 Q And you never took the trouble to read the decision
6 of the court?

7 MR. PEARSE: I object to the form of that question,
8 "You never took the trouble."

9 Q Well, did you ever read the decision of the court?

10 A No; I knew.

11 MR. PEARSE: I object to that.

12 THE COURT: I will allow it.

13 A No, sir.

14 MR. PEARSE: He has already answered.

15 Q Did you consult the lawyer who was representing you as
16 to the reason?

17 MR. PEARSE: I object to that.

18 A No, sir.

19 MR. PEARSE: That isn't material, is it, Judge?

20 Q Then, as a matter of fact, when you told the Princess
21 the time was too short you were telling her an untruth because
22 you didn't know the reason? A That was my reason, that
23 I believed.

24 Q And whatever you believed you passed on to the Princess?

25 A I couldn't say otherwise.

1 Q Yes. You testified on direct examination that Governor
2 Stevens gave you a full and unconditional pardon and exonerated
3 you completely of the crime; is that so? A That's what
4 the pardon generally does.

5 Q You also testified, and I will refer to your testimony,
6 that you proved to the Governor -- you answered the question
7 on page 303: "Now, what did you tell her?"

8 A "Well, I told her that there were two things in my life
9 that stood out, and that I was in hopes that it would never
10 happen to our boys. One of them was that I had been indicted
11 and sent to San Quentin, and that after forty-one days the
12 Governor -- I was able to prove to his satisfaction that I was
13 innocent of the charge, although I had been given ten years,
14 that the leading citizens of San Francisco interceded, includ-
15 ing the Bar Association, Mr. Sullivan, I mentioned the name,
16 and the Governor gave me time served and released me; and that
17 subsequently, when a further investigation was made and I
18 proved to the Governor that I was innocent, -- "

19 Q You knew that was untrue, didn't you?

20 A I didn't.

21 Q You did not? A No, sir. I never knew anything
22 different.

23 Q Isn't it a fact the Governor in granting you the pardon
24 said that he --

25 MR. PEARSE: Wait a minute, if the Court please.

1 Before the United States Attorney quotes the Governor I
2 would like to know what he is reading from.

3 MR. TYNE: I am looking at a report that was taken
4 from the gubernatorial records in California.

5 MR. PEARSE: I object. The records are one thing, a
6 report from the records is something else. I suppose he
7 is talking about an FBI report.

8 Q Well, isn't it a fact that you didn't prove to the
9 satisfaction of the Governor that you were innocent of the
10 crime and that the Governor in granting the pardon said that
11 you were given the pardon because of the assistance you had
12 given in connection with some crimes that were going on in the
13 courts? A No, sir. That was not my understanding.

14 Q Isn't that a fact? A No, sir.

15 Q He said that you weren't being cleared of the crime,
16 isn't that a fact? A No, I never read that; I never heard
17 any such thing.

18 Q And wasn't there reference --

19 A I personally talked to the Governor, myself.

20 Q Wasn't there reference to the fact that you were
21 implicated in the same crimes that were then pending before the
22 courts and which you testified concerning? A No, sir.

23 MR. PEARSE: Now, if the Court please, I object to
24 that question and ask to have it overruled. I don't see
25 what it has got to do with the issue in this case.

1 MR. TYNE: I won't press it; withdraw it and ask
2 that it be stricken out.

3 THE COURT: Strike it out.

4 MR. PEARSE: It is highly prejudicial, Judge.

5 THE COURT: The jury will disregard that.

6 MR. TYNE: Will your Honor give me just a moment to
7 look over my notes?

8 THE COURT: May I say, Mr. Tyne, don't hurry, take
9 your time to delve into what you want, there is no
10 pressure.

11 MR. TYNE: Thank you.

12 Q Now, Mr. Riccardi, do you remember when you were in
13 California and Fred was with you and you were riding in the
14 station wagon --

15 MR. PEARSE: What was that?

16 Q -- and you told Fred about your pending divorce?

17 A I never told him.

18 Q And at that time you pulled up your sleeve and you
19 said, "Look at what I have got here," showing him a big
20 bruise, saying, "that is what I got from my wife."

21 You didn't say anything like that at all?

22 A Never, never.

23 Q And at that time you had been selling the Princess'
24 jewelry in California?

25 MR. PEARSE: I don't understand that question.

1 minute. He was never asked any question by Mr. Tyne
2 with reference to the transfer of any stock on the
3 books of the company.

4 THE COURT: Say, what are you getting at?

5 MR. TYNE: I am getting at this: This witness
6 testified that this stock was stolen by the Princess,
7 now I want to show by other statements that he has
8 made, made by the defendant here, there were transfers
9 of stock and they were properly made according to his
10 statement in a former proceeding.

11 MR. PEARSE: He has already said that.

12 THE COURT: He doesn't deny that. As I understand
13 his testimony it is to this effect: That he transferred
14 to the Princess some 200,000 shares of stock.

15 MR. PEARSE: 200,000 shares of stock.

16 THE COURT: 200,000 shares of stock in a large
17 certificate or certificates. Subsequently she desired
18 to have certificates for lesser amounts, whereupon he
19 delivered to her 200,000 shares of stock anticipating
20 that she would return to him the original certificates.

21 Is that right?

22 THE WITNESS: That is correct.

23 THE COURT: Then the question is, did you get that
24 original certificate back? Yes or no.

25 THE WITNESS: No.

1 THE COURT: So your contention is the Princess
2 has both of these certificates?

3 THE WITNESS: Yes, sir.

4 THE COURT: And she is entitled to only one issue
5 of 200,000.

6 THE WITNESS: Yes, your Honor.

7 THE COURT: Now, is that what you are trying to
8 find out?

9 MR. TYNE: That is what I am trying to do by the
10 testimony here.

11 THE COURT: Where is there any contradiction?
12 Of course they were properly transferred on the books
13 of the corporation. The difficulty is in the transaction
14 between the Princess and this witness, not so far as the
15 books are concerned. I suppose of course those books
16 would show that the original certificate of 200,000
17 and the subsequent certificates of a like amount in
18 lesser denominations are properly recorded on the
19 books. The issue is between the Princess and this
20 witness on that, not on the books.

21 MR. TYNE: All right, sir, I won't press it.

22 Q What was the corporation that was the predecessor
23 of Leadville Mines? A Courtland Copper.

24 Q Holding the same lease? A And other properties.

25 Q What was the corporation that preceded the

1 Courtland Copper Company? A It was the Intermountain,
2 and it never functioned, of course.

3 Q And then there was another corporation preceding
4 the Intermountain, wasn't there?

5 A No, sir, not that I know of.

6 Q You weren't connected with that company, is that
7 right? A Not the one in Arizona, no, sir.

8 Q You organized the Intermountain, or attempted to
9 organize it in Colorado, didn't you?

10 A That's correct.

11 Q And every succeeding corporation handled the same
12 lease? A Yes, but no stock issued.

13 Q No stock issued. And now, at the present time,
14 you have the Southwestern Mines, the fourth successor
15 corporation, is that so? A With a lot of property and
16 property in fee that has been purchased, where originally
17 it was a deed, but now we own it free and clear, we bought
18 these large properties outright.

19 Q Well, as a matter of fact, you got a lease from
20 Dudley Schaust, whom you had appointed in a bankruptcy
21 proceeding in New York, isn't that right?

22 A Not my bankruptcy proceeding, I had none.

23 Q Well, a bankruptcy proceeding in which the
24 whole Southwestern Mines--

25 A [Interposing] I had nothing to do with that.

1 MR. PEARSE: I object.

2 THE COURT: Where are we going now, into some
3 bankruptcy case?

4 MR. PEARSE: May I ask the witness not to answer
5 until I have an opportunity to object?

6 MR. TYNE: I just want to purposely show the
7 invalidity of it by the questions I have asked.

8 THE COURT: Do you think you are going to do
9 it through this witness?

10 MR. TYNE: Probably not. I just want to ask one
11 more question on this stock with relation to the Princess.

12 Q The first 200,000 shares of stock that you delivered
13 to the Princess in exchange for this marquise ring that you
14 agreed to purchase back --

15 MR. PEARSE: Wait a minute. I don't like the
16 form of this question, he is putting too much in it.

17 MR. TYNE: Withdraw the question.

18 Q With reference to the first 200,000 shares of
19 stock, your name appeared on those? A I would have to
20 see the stock.

21 Q Well, can't you remember? A No, I can't.

22 Q And on the second 200,000 shares delivered to the
23 Princess John Betts' name appeared on the stock. I want --

24 MR. PEARSE: Just a minute. I object to the
25 form of that question, "name appeared on the stock."

1 What does he mean, endorsement signature?

2 MR. TYNE: Issued in the name of John Betts.

3 THE COURT: In whose name were these stock
4 certificates issued, if you know?

5 THE WITNESS: I couldn't tell you, your Honor,
6 I wouldn't know until I saw the stock certificate.

7 Q Let me ask you, was it issued over the name of
8 John Betts, president? A If he was president it was.
9 He has been president. But I don't know until you show
10 me the certificate.

11 Q And isn't it true that at the time the Princess
12 questioned about why you weren't president of the Leadville
13 Western Mines and that John Betts was at that time, that
14 you told her that you had transferred your stock, your
15 interest in the corporation to him so that your wife couldn't
16 get any interest in it? A No, sir.

17 Q You didn't say that? A No, no, no.

18 Q In addition to the stock that you wanted to sell to
19 the Princess^{is} included stock in this proposed tin mine,
20 is that so?

21 MR. PEARSE: Now, wait a minute, wait a minute.

22 I object to that question because there isn't a scintilla
23 of evidence that he wanted to sell any stock to the
24 Princess.

25 THE COURT: Objection sustained.

1 Q Didn't you want to promote a corporation with
2 the Princess in order to float stock for a tin mine?

3 MR. PEARSE: I don't object to that, that is
4 different.

5 A That was the Princess' idea. I did not, it was the
6 Princess' idea.

7 Q Oh, the Princess' idea? A Yes.

8 Q Who first suggested the tin mine to her?

9 A I think Dr. Murane.

10 Q Yes. Dr. Murane. Were you present?

11 A I might have been. But she had a lot of talks with
12 Dr. Murane alone in Utica and other places.

13 Q And you were going to organize this corporation,
14 is that so? A The Princess and I was.

15 Q The Princess and you were going to organize
16 this corporation? She was going to furnish the
17 money to develop it by going to Europe.

18 Q And getting the necessary capital?

19 A That's correct.

20 Q Yes. And she had never seen these properties?

21 A Neither had I.

22 Q Neither had you? A No, sir. We only took the
23 reports of the Government on it, which is a very good sign.

24 Q And this was in 1945 when the war was on, is that
25 right? A About that time.

1 Q Yes. And you knew -- and everybody knew that
2 tin was a vital war material, isn't that so?

3 A I didn't know.

4 Q You didn't know that? A I knew that tin was
5 scarce in this country.

6 Q And the Government had done nothing to develop
7 this tin mine that you proposed to the Princess?

8 MR. PEARSE: Just a minute. How can he possibly
9 answer that question?

10 Q Well, was there any attempt by anyone up to that
11 point to develop this tin mine that you spoke of?

12 MR. PEARSE: I object to the question. How can
13 he possibly know that?

14 THE COURT: Well, I will let him say whether he
15 does or not.

16 A I don't know.

17 Q And you told the Princess that this tin was in
18 very much demand? A No, I didn't tell her anything
19 of that sort.

20 Q You didn't tell her that? A No, sir. She
21 wanted to know what kind of a deal she could present over
22 in Europe to her friends, it had to be a big deal because
23 all her friends were rich over there and she didn't want
24 any small deal; something in millions, that she wouldn't
25 attempt to go to the Shah, the uncle of the boy, who was

1 one of the richest men in Persia, "And if you can get such
2 a deal," she said, "I will go over there and I will get the
3 finances. But unless it needs four or five million dollars
4 there is no use of bothering with it."

5 So then I said, "This tin mine that Dr. Murane's
6 father owned and controlled, look into it." And the reports
7 of the mine were gotten together, statistics from the
8 Government, and all of these documents were given to the
9 Princess to read and after she read them she said, "I think
10 we have got something." That is the way it was left.

11 Q You procured these documents for her, is that
12 right? A No, I didn't, Dr. Murane got them and sent them
13 to her, and brought some to her.

14 Q You also tried to get her interested in a turquoise
15 mine, didn't you? A No, because I owned a turquoise
16 mine and she was going --

17 MR. PEARSE: Go ahead and answer.

18 A I would like to get the question again.

19 Q [Read by the reporter.] A No, I told her
20 that my wife owned a turquoise mine and that I would try to
21 get that claim by buying it. But at that time I did not
22 have any turquoise mine.

23 Q You were trying to buy the claim in order to
24 have the -- withdraw the question. You were trying to
25 get the Princess to raise some money so you could buy the

1 claim? A No, no.

2 Q You did not. Didn't you talk to her about raising
3 money in order to purchase a claim on a turquoise mine?

4 A No, no, no, Mr. Tyne.

5 Q In addition there was some talk about a gold mine,
6 wasn't there? A No, not that I know of.

7 Q What? A No, sir. I don't know of any gold
8 mine.

9 Q You don't know of any gold mine? A No, because
10 none could interest me because I preferred my copper properties.

11 Q That ^{has} made enough money for you, has it?

12 A It didn't make me anything yet but the prospects are
13 very good if I am allowed to live long enough.

14 Q Although you haven't made any money in the last
15 four or five years? A No, I am sorry, I put it all into
16 the mine.

17 Q And three or four years before that you were in
18 Sing Sing.

19 MR. PEARSE: Oh, Judge, now, that is a very unfair
20 and unkind remark only intended for the purpose of
21 insulting the witness. I ask to have it stricken.

22 THE COURT: Just a moment.

23 We will recess at this time until tomorrow morning.

24 ADJOURNED to Thursday, June 17, 1948.

25

1 now as it was when it was delivered to the Princess
2 by the defendant.

3 THE COURT: Well, if that's all you are seeking
4 to do, that's all right, then.

5 MR. PEARSE: But that wasn't the question that
6 I objected to.

7 Q Now, going back to your testimony of yesterday
8 on direct examination you testified at page 306 of the
9 transcript that you told the Princess all about your New
10 York case. A No, I meant, I told her --

11 Q You testified that you told her all about your
12 New York case, page 306. Did you tell the Princess that
13 you were convicted of Grand Larceny which grew out of the
14 sale of securities in New York?

15 MR. PEARSE: Now, you see, Judge, what a very --

16 THE COURT: I will allow it.

17 A Yes.
18
19
20
21
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23
24
25

1 Q You did tell her that?

2 A I think I did because I told her even the name of
3 the complaining witness.

4 Q And did you tell her also that the case had
5 been remanded for retrial? A Yes.

6 Q And did you tell her that you were released on
7 bail for retrial of your case?

8 A Not exactly that way. I did tell her something
9 about it. I told her that Mr. Biondo -- and she wanted
10 to meet the man -- was instrumental in arranging my bail
11 and had also arranged, -- had assisted me in perfecting my
12 appeal and getting the reserval and in retaining attorneys
13 for me.

14 MR. PEARSE: This has already been gone over, Judge.

15 I don't know why the United States attorney is
16 repeating it.

17 Q Did you also tell her that you jumped bail in
18 New York? A I hadn't.

19 Q Well, did you tell her you were a fugitive from
20 New York? A I never was.

21 MR. PEARSE: Now, if the Court please, do you
22 think that is fair cross-examination?

23 MR. TYNE: It relates to the New York case.

24 MR. PEARSE: Did you jump bail?

25 THE COURT: It is in now.

1 MR. PEARSE: Well, will you ask the jury
2 to disregard it --

3 [Addressing the witness] Please keep still.

4 THE COURT: Well, are you going to prove
5 these things that he jumped bail or that he was
6 a fugitive?

7 MR. TYNE: I can prove them if I want to, if
8 the Court please.

9 MR. PEARSE: If you want to.

10 THE COURT: Unless you are going to prove them --

11 MR. TYNE: Well, I think I can ask the question
12 of the witness.

13 THE COURT: Well, it isn't the matter of your
14 just asking the question. You must have knowledge of
15 it. Now that makes it necessary in view of what
16 you have just asked to prove that he jumped bail.

17 MR. TYNE: May I talk to the Court, please?

18 [Side bar colloquy.]

19 THE COURT: Ladies and gentlemen of the jury,
20 after conferring with counsel and the District
21 Attorney, defense counsel desires me to instruct you
22 that you are to disregard any question as to whether
23 or not this defendant jumped bail or whether he was
24 a fugitive from justice. Therefore at his suggestion
25 I am telling you to disregard it. It is not properly

1 before you; there is no proof of it. We are
2 concerned here only with the proof which is properly
3 before the jury.

4 Proceed.

5 MR. TYNE: May I consult with Mr. Pearse?

6 MR. PEARSE: Give us a moment to look these over,
7 will you, Judge, please?

8 THE WITNESS: Your Honor, am I allowed to talk
9 to my counsel a minute?

10 THE COURT: Go down.

11 [Defendant left the witness stand and conferred
12 with his counsel.]

13 MR. PEARSE: If the Court please, the United
14 States Attorney has shown me Exhibit G-20 for
15 identification which contains quite a number of
16 certificates, and another one which may we have
17 marked now for identification, another, G-19 marked
18 for identification, and I would like to ask him to
19 defer offering these in evidence until I have a
20 little more opportunity to examine them carefully
21 and consulting with the defendant who is now on the
22 witness stand, with respect to certain signatures
23 so that I can properly either examine or cross-examine
24 on that subject.

25 THE COURT: Very good.

1 MR. TYNE: I am going to paraphrase this next
2 question because it will be too long.

3 MR. PEARSE: I wish you wouldn't.

4 Q Did the defendant ever tell you that he had been
5 convicted of a felony in California? A Never.

6 Q Convicted of any crime? A Never any crime.

7 Q In California? A Never.

8 Q Which resulted in his being sentenced to San Quentin
9 Prison? A Never.

10 Q Did he tell you that he had been pardoned by
11 the Governor, following the conviction?

12 A I heard no such -- had no such information or conversa-
13 tion.

14 Q Did he tell you that he was a disbarred lawyer?

15 A Never.

16 Q From the California Bar? A Never, anywhere.

17 Q Did he tell you that he had tried to be re-
18 admitted to the California Bar? A Never.

19 Q That he wasn't, and the reason was that the time
20 was too short? A Never.

21 Q Did he ever relate to you anything in connection
22 with those things that he characterized as the two out-
23 standing things in his life? A Such a conversation
24 never took place.

25 Q Did he tell you anything about any proceeding in

1 which he was involved? A Yes, he said there was one
2 thing he would like to tell me, when he asked me to marry
3 him, because he didn't want me to hear of it later.

4 MR. PEARSE: What date is this, when he asked
5 you to marry him? What date is this?

6 THE WITNESS: Well, I think it was in July of
7 1945, after he had made the second trip from Arizona
8 to New York.

9 Q All right, what did he say? A He said, --

10 MR. PEARSE: Where did the conversation take
11 place?

12 MR. TYNE: Just a minute, now, Mr. Pearse.

13 MR. PEARSE: If the Court please, we haven't
14 heard this before from the Princess, and I would like
15 to have a definite date fixed.

16 THE COURT: Yes, when did the conversation take
17 place?

18 MR. PEARSE: And where it took place.

19 MR. TYNE: I think if you look at the record you
20 will find out. It is in there.

21 MR. PEARSE: Then why repeat it?

22 MR. TYNE: Well, I want to refresh your memory,
23 Mr. Pearse.

24 THE COURT: Proceed.

25 Q All right. A He told me that --

1 MR. PEARSE: We haven't got the date fixed,
2 Judge, or the place.

3 THE COURT: Well, can you fix the date?

4 THE WITNESS: I cannot fix the date any better.

5 Q Well, what month was it?

6 A July, the latter part of July.

7 THE COURT: Of what year?

8 THE WITNESS: Of 1945.

9 A [Continuing] He said there was one thing that he
10 was ashamed of in his past, that he thought I should know.
11 He said that, being a criminal lawyer, he said, "Sometimes
12 we go a little bit too far in protection of our clients,"
13 and he said, "I am older now and know better, but when I
14 began my career I stretched a point a little too far in
15 protection of one of my clients."

16 MR. PEARSE: If the Court please, we have heard
17 all this before, you know.

18 THE COURT: Yes, I know we have.

19 MR. TYNE: All right, then; are you satisfied,
20 Mr. Pearse?

21 MR. PEARSE: Me satisfied? Sure.

22 THE COURT: Now, proceed, gentlemen.

23 Q Did he ever tell you that he was convicted of
24 grand larceny in New York, in 1937, and sentenced to ten
25 to twenty years? A Never.

1 MR. PEARSE: Now, if the Court please, the defendant
2 didn't say that he ever said that he was convicted
3 of grand larceny. What he did say was that --

4 MR. TYNE: Now, let me read it before you say
5 what he said.

6 MR. PEARSE: I will take it all back. He did.

7 MR. TYNE: All right.

8 THE COURT: Well, I wish you gentlemen would
9 think before you speak, because you are taking a lot of
10 my time --

11 MR. PEARSE: Pardon me, Judge.

12 THE COURT: And the jurors' time.

13 MR. PEARSE: I am sorry.

14 THE COURT: Proceed.

15 Q Did he ever tell you that he was convicted and
16 sentenced to ten to twenty years in New York?

17 A I never knew he was involved in any criminal proceeding.

18 Q Did he ever tell you that? A No.

19 Q With relation to the California conviction, did
20 he ever tell you that he had served only forty-one days
21 in prison? A I never knew he was in prison at all.

22 THE COURT: That isn't an answer to the question.

23 THE WITNESS: He never discussed California or
24 any other place, as far as that's concerned, except
25 the time he said he was for contempt of court.

1 Q Did you ever ask him, as testified to by him,
2 that "She asked me what happened in New York"? Did you
3 ever ask him about that? A No. I asked -- he volunteered
4 to me what happened in this contempt of court case.

5 Q All right. That's the only --

6 A That's the only information he gave me of himself.

7 Q That's the only information?

8 A Absolutely.

9 Q May I cover this with a blanket question?

10 Did he make any other reference concerning any conviction,
11 any incarceration, in jail, or any trouble that he had been
12 in other than this contempt of court matter?

13 A Nothing whatsoever.

14 Q Did he ever tell you, as testified to by him,
15 that he was down in the Tombs with nine dollars in his
16 pocket and had twenty years staring him in the face?

17 MR. PEARSE: If she recalls.

18 MR. TYNE: Now, please, Mr. Pearse.

19 THE COURT: Answer the question, Madam.

20 A There was never any discussion of him being connected
21 in any way whatsoever with any crime, that he told me of,
22 or anyone else told me of, at this time.

23 THE COURT: Now, repeat that question.

24 Q [Repeated by the reporter.]

25 THE COURT: Now, just answer that question.

1 Q Did he ever tell you that?

2 A He did not.

3 Q Did he ever tell you that one Joe Biondo said
4 to him, "Vincent, if you need the money for the brief,
5 printing, and attorney, forget about it; there will be
6 a man call on you tomorrow"?

7 MR. PEARSE: Oh, Judge, what has that to do with
8 the issue here?

9 Q Did he ever tell you that?

10 THE COURT: I will allow it.

11 A No, --

12 THE COURT: He testified to that.

13 MR. PEARSE: If the Court please, a lot of these
14 questions --

15 THE COURT: You brought it out.

16 MR. PEARSE: All right; I know I did; sure.

17 A No, no conversation.

18 Q Did he ever tell you in this conversation, this
19 so-called fireside chat, that his wife "is the mother of
20 my boys. I have thought of breaking up but, 'I said, 'when
21 I do that, I would first have to provide because, ' I said,
22 'she put in some money in the mine; we started life in the
23 desert together forty miles from town.' I says, 'in order
24 to flush the toilet, we had to carry water twenty miles'?"

25 A I never heard such a conversation. He did tell me,

1 however, that he wanted --

2 Q Wait a minute. And "in view of that, I could
3 never leave her, no matter what takes place, until she is
4 well provided for"? A The only reference he made to his
5 wife was, he said --

6 Q Did he tell you that? A Not that, no.

7 MR. PEARSE: Well, let her answer, let her answer.

8 A [Continuing] He said, "She is the mother of my boys
9 and I want to make ample provision for her," which I thought
10 was a very noble idea; but that's all; I never heard this
11 other. Nor did I know that he had another child until
12 the FBI told me about the child being born later, in March,
13 April.

14 Q Did you ever say to him --

15 MR. PEARSE: Now, just a minute. Is the witness
16 trying to testify that this child was born in April?

17 THE WITNESS: There was another child, I understand.

18 MR. PEARSE: I don't understand her answer.

19 THE COURT: No, she said nothing of the kind. She
20 said she knew nothing about the birth of that child
21 until she was told about it by the FBI in March or
22 April. Proceed.

23 MR. PEARSE: Well, I mean it was the way she said
24 it.

25 MR. TYNE: Oh, now, please, Mr. Pearse. You know

1 what --

2 THE COURT: Proceed; don't let's argue over a
3 point of that kind.

4 Q Did you ever say to the defendant, as testified
5 to by him, "What is the prospects of you getting this
6 half million"? A What are the prospects of you getting --

7 Q Of you getting this half million?

8 A From whom?

9 Q Well, do you remember any such things as that?

10 A Never.

11 Q Did he say to you, "if my mining property ever
12 gets to the stage of large production, my holdings would
13 make me enough to do exactly what I think should be done"?

14 A He said he had great prospects of this mine bringing
15 in tremendous revenue, but --

16 Q Yes. All right. A -- nothing like that.

17 MR. PEARSE: May I have that answer?

18 I am sorry to say, Judge, I had to look over an
19 exhibit and I didn't get the answer.

20 A [Read by the reporter.]

21 Q Did you ever say to him, "Have you anything that
22 could be presented to these rich people in Europe?"

23 A He asked me if I didn't have acquaintances that we
24 could get to purchase this stock. I said, --

25 THE COURT: What stock?

1 THE WITNESS: Of this tin mine, that this
2 refers to, I imagine.

3 Q Yes. Did he tell you anything about a tin mine?

4 A He did.

5 Q Who first brought up the subject of the tin
6 mine? A Mr. Riccardi gave me several pamphlets relative
7 to this subject of the tin mine.

8 Q Yes. A That was booklets printed by the
9 Government; and he said, "Here is a very interesting" --
10 "among the prospects I have to make a fortune is this.
11 In your spare time, if you would read it over," he said,
12 "it is very interesting information; and tell me what you
13 think of it."

14 Q Yes. A So he left the book with me, I read
15 it over, and the next time I saw him I returned the book.
16 So I said, "It reads very interesting"- he explained that
17 tin was one of the commodities that would be most essential
18 in the war, and that this would even be a bigger thing
19 than his copper mine, although his copper mine -- he expected
20 millions from it; but this would go in the billions and --

21 MR. PEARSE: Well, it is not funny, is it, Judge?

22 THE WITNESS: Yes, I think it is, now.

23 MR. PEARSE: I think this witness is under oath
24 and supposed to compose herself and not laugh on the
25 witness stand.

1 MR. TYNE: If the Court please, I object to
2 Mr. Pearse's remarks.

3 THE COURT: Proceed, gentlemen. There's nothing
4 for the Court to pass on.

5 MR. PEARSE: I didn't like the Princess' smile
6 and I was objecting to it.

7 THE COURT: You do a certain amount of smiling
8 yourself.

9 MR. PEARSE: That's right.

10 Q Now, did you ever propose to organize a New York
11 corporation with Riccardi? A Well, that's fantastic.
12 I wouldn't know anything about it.

13 Q No, please; I know it all sounds fantastic now.
14 Did you ever agree to organize a New York corporation to
15 promote the sale of stock in this tin mine?

16 A Never.

17 MR. PEARSE: Did he say New York corporation?

18 MR. TYNE: Oh, yes.

19 MR. PEARSE: I mean have you got it there?

20 MR. TYNE: No, it is not here but I will come
21 to it.

22 Q Did Mr. Riccardi try to interest you in the sale
23 of stock? A Not at all.

24 Q What? A Not at all. I had all my conversation
25 with Mr. Riccardi.

1 Q Well, did Murane ever talk to you about this
2 tin mine? A He told me that his father had a certain
3 interest in it, yes; he corroborated all that Mr. Riccardi
4 had said about it, that's all.

5 Q Did you ever tell the defendant that you would help
6 him with his tin mine, to make a half million dollars?

7 A I could not.

8 Q All right. Was there any reference in your
9 conversation with the defendant concerning a proposed trip
10 to Europe in connection with this tin mine?

11 A It was necessary for me to go to Europe for my own
12 affairs --

13 MR. PEARSE: Now, that's not an answer.

14 A [Continuing] Not for the tin mine.

15 MR. PEARSE: Just a minute.

16 THE COURT: Just a minute, Madam.

17 Repeat the question.

18 Pay attention to the question and answer it.

19 Q [Repeated by the reporter.]

20 MR. PEARSE: I suggest that the witness be
21 instructed to answer yes or no to that.

22 THE COURT: Answer that yes or no, if you are able.

23 THE WITNESS: I can't answer yes or no.

24 I had to go for my own affairs --

25 MR. PEARSE: Then of course I suggest that the