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CASE

Court of General Sessions.

Part I.

Before Recorder Smythe and a Jury

THE PEOPLE

vs

Cornelius Sullivan.

New York, November 28, 1893.

Appearances:

Assistant District Attorney Osborne for the People Mr. Chanler for Defendant.

Assistant District Attorney Osborne opens the case for the People.

FRANK E. TOWLE JR. sworn and examined by Mr. Osborne.

Q. Mr. Towle, you are a City Surveyor?

A. Yes sir.

Q. You have been engaged in that business for some years?

A. Yes sir.

Q. Did you make a diagram of the saloon at the corner of Monroe, Market and Hamilton Streets, called Quinlan's Saloon?

A. Yes sir.

Q. Does that represent that saloon? (Showing Diagram)

A. Yes sir.

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Q. And the entrance of the Hamilton, Monroe and Market Streets?

A. It correctly represents the building.

Q. Does it correctly represent the entrance on the Hamilton, Market and Monroe Streets side?

A. Yes sir.

Q. Does that correctly represent the entrance on the Hamilton, Market and Monroe Streets side?

A. Yes sir.

Q. Does that correctly represent the place where the bar counter was?

A. Those dotted lines represent spots on the floor of the store of from a quarter to an eighth of an inch of dust and dirt which has been hardened by the water etc. into a formation that shows distinctly where something stood. The bar is no longer there.

By the Court.

Q. That square there represents the basis of what was supposed to be a liquor store of a bar, is that it?

A. Yes sir.

The Court:- Mark that square "Bar".

The District Attorney:- I offer that in evidence, your Honor.

The Court:- Any objection?

CROSS EXAMINATION by Mr. Chandler.

Q. Were all the bar fixtures removed?

A. Everything was taken out of the room.

Q. The room was entirely vacant when you ---

A. Entirely vacant; yes sir.

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Q. Did you see anything on the Hamilton Street side near the door between the door and the window, which would represent the remains of a lunch counter, did you see anything of that?

A. No, sir; I did not.

Mr. Chandler:- No objection to the diagram.

The Court:- That diagram is People's Exhibit No. 1.

JOSEPH MANNING sworn and examined by Mr. Osborne.

Q. Doctor, you are a practicing Physician in this city?

A. Yes sir.

Q. Where are you engaged in practice?

A. 75 Madison Strt.

Q. Do you know the defendant Joseph Reagan?

A. Yes sir.

Q. How long have you known him?

A. About a year, I guess.

Q. How long have you been engaged in the practice of Medicine in this City?

A. Three and a half years.

Q. A college graduate?

A. Yes sir.

Q. And of what college?

A. College of Physicians & Surgeons.

Q. Were you called in to attend him on the evening of the first of July, 1893?

A. Yes sir.

By the Court.

Q. Where were you called to, Doctor?

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A. I think it was 40 Catherine Street; I am not sure about the number.

By Mr. Osborne.

Q. It was his mother's place?

A. Yes sir; where he resided.

Q. You there saw him did you?

A. Yes sir.

Q. Where was he lying there?

A. He was confined to his bed.

Q. And did you make an examination of him?

A. Yes sir.

Q. Now will you tell the Jury what you found?

A. I was called, I think it was about quarter to Eleven, or somewhere around there at night, and I found a young man in the bed unconscious and delirious, and he had his hands on his head; to the best of my belief I believe he was suffering from what we call fracture of the skull, and also haemorrhage in the brain; that is, a little vessel in the brain had burst, and some blood had made its way out onto the surface of the brain.

Q. Now, did you examine to see whether he was paralyzed or not?

A. He was not paralyzed, because he was very restless; he was not paralyzed.

Q. But in your opinion you say he had a fracture of the skull, and was suffering from haemorrhage of the brain?

A. Yes sir.

By the Court.

Q. Your examination was entirely superficial?

A. Yes sir, superficial.

Q. Did you examine any part of this man's body excepting the

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head?

A. All over the entire body.

Q. The entire body?

A. Yes sir.

Q. Did you find any marks on any part of his body?

A. No, sir; I did not.

Q. Were there any marks on the body that you could observe?

A. No, sir; none at all.

Q. No marks?

A. No sir.

Q. Was there any bleeding from the nose or ears?

A. No, sir; no blood from the nose, ears or mouth.

Q. This man was senseless, you say?

A. Yes sir.

Q. Unconscious?

A. Yes sir.

A. And he was delirious?

A. Yes sir.

Q. Your diagnosis of the case was based on a superficial examination?

A. Yes sir.

Q. And the actions of this man during the time that you observed him?

A. Yes sir.

Q. In your opinion he was then suffering from fracture of the skull, and haemorrhage of the brain?

A. Yes sir.

Mr. Chandler:- No questions.

EDWARD G. TUFFS, sworn and examined by Mr. Osborn:-

Q. Dr. are you engaged in the practice of medicine in this city?

A. Yes sir.

Q. Whereabouts?

A. 30 Oliver Street.

Q. You are a graduate of some medical school?

A. Yes sir.

Q. Which?

A. The University of New York, 1879.

Q. You have been engaged in practice for some years?

A. Since 1880 in New York.

Q. Were you called in to examine Joseph Reagan on the second of July, 1893?

A. Yes sir.

Q. About what time in the morning did you get there?

A. About four o'clock.

Q. And at 40 Chatharine Street?

A. Yes sir.

Q. Where did you find him lying when you got there?

A. He was in bed.

Q. Did you make an examination of him?

A. I did.

By the Court:-

Q. Doctor, you describe the condition you found this man in?

A. He was unconscious. On examining the head I found swelling on the left side of the head.

By District Attorney Osborne:-

Q. Did you cut his hair?

A. I did, I done that.

By the Court:-

Q. You examined the head and cut the hair?

A. I cut the

hair and found swelling on the left side of the head above the ear.

Q. Just indicate with your hand, let the Jury see?

A. Right there, (showing)

Q. Above the ear?

A. Yes sir.

Q. Well, go on?

A. There was no mark - no external marks except the swelling.

Q. No other external marks?

A. Except bruises. There were no external marks except swelling; there was no cut or anything like that.

By District Attorney:-

Q. What else did you discover?

A. The right side was almost completely paralyzed; I could not get any reflex motion upon examination.

By the Court:-

Q. From that you determined he was almost totally paralyzed on that side, is that right?

A. Yes sir.

By District Attorney:-

Q. Did you notice the pupils of his eye?

A. Yes sir.

Q. What did you find them to be?

A. They were unequal.

Q. What did that indicate?

A. That indicated cerebral pressure.

Q. One was dilated, and the other was contracted?

A. Yes, sir, one was normal and one was dilated.

By the Court:-

Q. That indicated what?

A. I thought cerebral pressure.

Q. What was your opinion?

A. Cerebral pressure.

Q. That means pressure of blood on the brain, does it not?

A. It might be something else.

Q. Pressure of some sort on the brain.

Q. Go on, anything else, what did else did you find doctor, during your examination?

A. There was not much else.

By District Attorney:-

Q. Did you feel his pulse?

A. I believe I did at the time, but I have not got the notes of it now, with me; there was nothing particular about the pulse at the time.

By the Court:-

Q. Was there anything else?

A. No, except the swelling.

Q. You noticed the pupils of the eyes?

A. Yes, sir.

Q. One was in a normal condition and the other was dilated?

A. Yes sir, the left one was dilated.

Q. After removing the hair from the head is that right, you discovered swelling?

A. Yes sir.

Q. What else?

A. I made up my mind there was some cerebral pressure there.

Q. What did you base that opinion on?

A. On the paralysis and the dilated pupil. I could not tell the character of

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the hemorrhage - any kind of pressure would cause it.

Q. Could you tell from the nature of that swelling what would be the cause that brought it about?

A. No, sir.

Q. Could you determine whether it was produced by external violence or not, that outside pressure in your opinion?

A. I should think it was caused by external violence.

By the Court:-

Q. Must it not have been caused by external violence?

A. Yes sir.

Q. The pressure was from the inside?

A. Certainly; he might have an artery ruptured.

Q. Did you observe any depression of the skull?

A. No, sir, not particularly, I could not tell what it was.

Q. You did not observe any depression upon the skull?

A. No, sir; there was too much swelling on the outside.

Q. Well, now that bruise on the side of the head, was that caused by external violence of some kind?

A. I think so, yes, sir; I believe so to the best of my ability.

By District Attorney:-

Q. I understand you to say in your opinion that swelling was produced by external violence?

The Court: He said so.

WILLIAM SMITH, sworn and examined by Mr. Osborne:-

Q. William, where do you live?

A. 98 Hamilton Street.

Q. Hamilton Street?

A. Yes sir.

Q. Now, you are engaged in business in this city?

A. Yes sir.

By the Court:-

Q. What do you work at?

A. Express.

Q. An express driver or what, do you work on an express wagon?

A. Me and another young fellow owns it.

By District Attorney:-

Q. John Smith and you own the express wagon, do you?

A. Yes sir.

Q. You are engaged in business as an expressman?

A. Yes sir.

Q. Do you remember Saturday afternoon, the first of July, 1893?

A. Yes sir.

Q. Did you see Cornelius Sullivan that night, the defendant?

A. Yes sir.

Q. And did you see Joseph Reagan that night?

A. Yes sir.

Q. And did you see Charles Cosgrove that night?

A. Yes sir.

Q. Now, what time did you see them?

A. Se Reagan?

Q. Yes?

A. I saw him about eight o'clock.

Q. That is the first time you saw him?

A. Yes sir.

Q. Who was with him at that time?

A. Cosgrove.

Q. What did you see those two boys do?

A. I saw them standing on the market Street side first and I saw this man talking to the officer.

Q. You saw Cornelius Sullivan talking to the officer?

A. Yes sir, and the officer went across the way and they came around again.

Q. Then after Cornelius Sullivan talked to the officer the officer did something, did he?

A. Yes sir.

Q. What did you see Reagan and Cosgrove do, if anything?

A. I did not see them do anything.

Q. Did they go away?

A. Yes sir.

Q. Where did they go?

A. They went down Hamilton Street.

Q. Down Hamilton Street?

A. Yes sir.

Q. Then did they come back after that again at any time?

A. Yes sir.

Q. About how long after that?

A. About half an hour.

Q. Did they come back together?

A. Yes sir.

Q. And what did they do then?

A. They went into Sullivans on the Hamilton Street side.

Q. Into whose saloon, Quinlan's?

A. Quinlan's.

Q. Sullivan, the defendant was the bar keeper in that saloon, was he?

A. Yes sir.

Q. They went in you say, on the Hamilton Street side, through that door right here? (Pointing to the diagram)

A. Yes, sir.

By the Court:-

Q. Is there more than one door on the Hamilton Street side?

A. No, sir.

By District Attorney:-

Q. What did you see Reagan do?

A. I did not see him do anything.

Q. Did he walk?

A. He walked right in.

Q. How far did he walk?

A. He walked to the bar.

Q. Leaning on the bar?

A. Yes, sir (Objected to.)

By the Court:-

Q. Eight o'clock you first saw the deceased and Cosgrove?

A. Yes, sir.

Q. On what corner where were they standing?

A. They were standing around market Street.

Q. On the same side of the saloon or what?

A. On the same side of the saloon.

Q. Near the saloon?

A. Yes, sir.

Q. Where was the officer did you say?

A. The officer, he was on the other side of the street.

Q. On the opposite side?

A. Yes, sir.

Q. Then you say Cosgrove as I understand it crossed over?

A. The two of them crossed over together.

Q. The two of them crossed over to where the officer was standing?

A. No, sir; they crossed away from the officer

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to this man's saloon.

Q. I am talking about the first time you saw them, you saw the deceased about eight o'clock, didn't you?

A. Yes, sir.

Q. You saw Reagan and Cosgrove together?

A. Yes, sir.

Q. Where were they at that time, please tell me that first time?

A. They were right at this man's saloon the first time.

Q. They were inside of the saloon were they?

A. No, sir, outside.

Q. On what street were they?

A. On market Street.

Q. On market street?

A. Yes, sir.

Q. Then what was the next thing that you saw?

A. I saw the officer chase Reagan away.

Q. I understood you to say that you saw them talking to the officer?

A. This here man I saw him talking.

Q. You saw the defendant speak to the officer?

A. Yes, sir.

Q. Did you cross the street to where the officer was speaking to him?

A. Yes, sir.

Q. The Reagan and the other man, what became of them?

A. When he came up the officer went down Market Street, they came out and went in the Hamilton Street side and they went in to ask this man ---

Q. We will start again, you say you saw those two men Cosgrove and Reagan?

A. Yes, sir.

Q. You saw them on the Hamilton Street sidewalk near the saloon?

A. Yes, sir.

Q. Did you see Sullivan at that time?

A. I saw him outside the door.

Q. You did see him, didn't you?

A. Yes, sir.

Q. Outside of what door?

A. The market Street door.

Q. How near was he to Reagan and Cosgrove?

A. About four feet down towards Hamilton Street.

Q. Now at that time there was an officer on the other side of the street, was there?

A. Yes, sir.

Q. Then I understood you to say you saw Sullivan cross over and speak to the officer?

A. He came out of his door.

Q. Who came out?

A. This gentleman.

Q. Sullivan came outside of the door, did he?

A. Yes, sir.

Q. On the Hamilton Street side?

A. No, sir, on the Market Street side.

Q. And then what did he do?

A. He told---

Q. Did he go and speak to the officer?

A. Yes, sir.

Q. Did he have to cross the street to do that?

A. No, sir.

Q. Did he talk to the officer on the same side of the street?

A. Yes, sir.

Q. What became of Reagan and Cosgrove, where did they go?

A. Down through Hamilton Street.

Q. (By District Attorney) After Sullivan spoke to the officer

what did the officer do?

A. He gave Reagan a slap in the face.

Q. What did Reagan and this boy do then?

A. They went down through Hamilton Street.

Q. And how long were they gone?

A. They were gone about fifteen or twenty minutes.

Q. And then what did they do?

A. They came in the saloon.

Q. They two came back, did they?

A. Yes, sir.

Q. What did they do?

A. They went in to ask Mr. Sullivan -

Q. Where did they go?

A. They went down Hamilton Street and then came up Hamilton Street again, and they crossed over into this man's saloon.

Q. Into Sullivan's saloon?

A. Into Sullivan's.

Q. Which door did they go in by?

A. On the Hamilton Street side.

Q. Did they both go in?

A. Yes, sir.

Q. How far into the saloon did Cosgrove go?

Objected to; objection overruled.

A. Cosgrove went half way.

Q. That is half way between the Hamilton Street side and the bar?

A. Yes, sir.

Q. What did Reagan do?

A. Reagan went up to the bar.

Q. Where were you standing at that time?

A. On the Market street side about three and a half feet inside of the

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saloon.

Q. On the Market Street side?

A. Yes, sir.

Q. Could you see everything that was going on?

A. Yes, sir.

Q. Did you hear Reagan say anything to Sullivan?

A. No, sir.

Q. Not a thing?

A. No, sir.

Q. What did you see then?

(No answer.)

By the Court:-

Q. What was said or done then when you got into the saloon?

A. Mr. Sullivan told Reagan to get out, and he (Reagan) had not time to get out, he picked up a club from behind the bar and struck Reagan on the head.

By District Attorney:-

Q. When he picked up the club did he walk up from behind the bar?

A. Yes, sir.

Q. Point to the Jury how he walked? (Showing diagram) - Show me where Reagan was standing, mark out on that diagram this is the Hamilton Street door?

A. Reagan was standing right there.

Q. By the bar?

A. Yes, sir.

Q. Put your finger where Reagan was standing, is that right?

A. Yes, sir.

Mr. Osborne: I mark that with an X.

Q. Where was Sullivan standing when Reagan came and leaned on the bar?

A. Right around here about, showing.

Q. Right opposite him, right in front of him?

A. Yes, sir.

Mr. Osborne: I mark where Sullivan was standing by Y.

Q. Where was Cosgrove?

A. He was right between the Hamilton Street door and the bar.

Q. About half way?

A. Yes, sir.

Q. Does that show where Cosgrove was standing?

A. Yes, sir.

Q. What did you see Sullivan do?

A. I saw Sullivan pick up a Club and strike Reagan.

Q. Did he strike him across the bar or walk from behind the bar?

A. He walked from behind the bar to the Hamilton Street side.

Q. Don't the bar run along with Monroe Street?

A. Yes, sir.

Q. The bar pointed toward Market Street?

A. Yes, sir.

Q. Did he walk around to where Reagan was standing?

A. Yes, sir.

Q. What did he do when he got around there?

A. He struck Reagan on the head with a club and Reagan fell on the floor and Reagan picked himself up and he got as far as the ---

Q. He fell on the floor?

A. Yes, sir.

Q. What part of the head did you see him hit him on?

A. On the side of the head.

Q. On the side of the head?

A. Yes, sir.

Q. And how long did Reagan lie there on the floor?

A. He laid on the floor about two minutes or three minutes.

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Q. What was Sullivan doing that time?

A. Sullivan ran to the door.

Q. Did he run to the door immediately after he hit him?

A. Yes, sir.

Q. What did he do?

A. When Reagan went out he shut the door.

BY THE COURT:-

Q. Reagan fell, did he?

A. Yes, sir.

Q. You say he lay there for two or three minutes?

A. Yes, sir.

Q. Now, as soon as this man Sullivan struck Reagan on the head with the club, what did Sullivan next do?

A. He went behind the bar.

Q. Then what did he do behind the bar?

A. Then when Reagan went out he shut the door.

Q. What did he behind the bar?

A. I couldn't tell you that.

Q. You could not tell?

A. No, sir.

Q. Did he come out from behind the bar again?

A. Yes, sir.

Q. What did he do?

A. He shut the door after Reagan went out.

Q. Reagan got up in the meanwhile, did he?

A. Yes, sir.

Q. Reagan got up and went out?

A. Yes, sir.

Q. This man came from behind the bar, Sullivan, and shut the door?

A. Yes, sir.

Q. What door?

A. The Hamilton Street side door.

BY MR. OSBORNE:-

Q. Did he lock it?

A. Yes, sir, he locked the door.

Q. Just answer this question yes or no. Did Sullivan stand over Reagan for any length of time with the club in his hand?

A. He stood right over his feet about a minute.

Q. About a minute after he hit him?

A. Yes, sir.

Q. After Reagan went out did you go into the saloon?

A. Yes, sir.

Q. What did you go in there to get?

A. Reagan's hat.

Q. Did you get it?

A. Yes, sir.

Q. Did you have any talk with Sullivan at all?

A. Yes, sir.

q. What did he say, and what did you say?

A. He showed me a pistol and said, "I will take no bluffs on any of them".

Q. What did you do with the hat?

A. I gave that to the officer outside, Grimshaw.

CROSS-EXAMINED, BY MR. CHANLER:-

Q. How long have you been in the express business, Smith?

A. Two or three months.

Q. What business were you in before that?

A. I worked in a blacksmith shop.

Q. Who is this man you speak of, is he your partner, John Smith?

A. Yes, sir.

Q. Is he your partner now?

A. Yes, sir.

Q. Has he been that right along for the last three months?

A. Yes, sir.

Q. Have you been working steadily for the last three months in your express business?

A. Yes, sir.

Q. Never lost a day?

A. Never lost a day, only while here.

Q. Only while you were here?

A. Yes, sir.

Q. Were you taken to the Tombs, where this defendant was?

Objected to; objection overruled.

BY THE COURT:-

Q. Were you taken to the Tombs where the defendant was,--Sullivan?

A. No, sir.

BY MR. CHANLER:-

Q. When you went into the saloon that night for the first time, how far in the saloon did you go?

A. About three and a half feet.

Q. How many other boys were around there that night?

A. That I couldn't tell you.

Q. About how many?

A. About 6 or 7.

Q. How many girls?

A. Three girls.

Q. Did you belong to -

A. I didn't belong to the gang.

Q. I did not ask you if you belonged to a gang. What gang did you refer to, that you say that you did not belong to, Smith?

A. I belong to no gang.

Q. What was the gang?

A. The Hamilton Street gang.

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Q. You do not belong to that gang?

A. No, sir.

Q. That gang was known as the growler gang?

A. I couldn't tell you that.

Q. You only knew it as the Hamilton Street gang?

A. That is all.

Q. Do you know of the young gentlemen composing that gang?

A. No, sir.

Q. Do you know any of their names?

A. Yes, sir.

Q. Did you know Reagan?

A. Yes, sir.

Q. Did not he belong to the gang?

Objected to.

A. I don't know.

BY THE COURT:-

Q. Did you know whether he belonged to that gang?

A. He didn't belong to that gang.

Q. Anything else you want to say; did Reagan belong to that gang?

A. Reagan did not belong to that gang, as I know.

BY MR. CHANLER:-

Q. Who did belong to the gang that you knew?

A. I couldn't tell you who belonged to it; I know fellows, they work all day and hang around there in the night; that is all I know about them.

Q. How often did you see that gang, every night?

A. No, sir, only on Saturday night.

Q. That was their meeting night, was not it?

A. No, sir,

they hang out on the corner.

Q. Did you see any of the gang about this Saturday night?

A. No, sir.

Q. How long had you know Reagan?

A. About six months.

Q. How long had you known Cosgrove?

A. About a year.

Q. Did you know that Cosgrove belonged to the gang?

A. No, sir.

Q. Did not know that?

A. No, sir.

Q. Did not see him go around with the gang at all?

A. No, sir.

Q. Did not see him with the gang there that night, did you, Smith?

A. No, sir.

Q. All the young men that were there that night were on their own business, apparently?

A. Yes, sir.

Q. How long did you wait near the door of that saloon that night, were you two hours?

A. No, sir.

Q. How long?

A. You mean after Reagan got hit?

Q. No, the whole evening; how long were you outside of that saloon?

A. I was there since half past seven to half past nine o'clock.

Q. Two hours you were outside of the saloon?

A. Yes, sir.

Q. Were you there for the purpose of warning the young boys in case a policeman arrived?

A. No, sir.

Q. What were you doing there?

A. I was sitting there

talking to a friend of mine.

Q. Who was he?

A. John Smith.

Q. Is he your partner?

A. Yes, sir.

Q. You were sitting on the steps of the saloon?

A. Yes, sir.

Q. What time did you get there that evening, about seven o'clock?

A. Yes, sir.

Q. What time did this trouble occur, to the best of your knowledge?

A. I couldn't say; I left I guess about half past nine; I didn't look at any clock, only just what I guessed.

Q. How far were you from the policeman, when he told Reagan to go away?

A. I was on the Hamilton Street side, about four feet down.

Q. About four feet away from him?

A. Yes, sir.

Q. Did you hear anything that the policeman said to Reagan at the time?

A. No, sir.

Q. Did you hear anything that Sullivan said to the policeman?

A. No, sir.

Q. What was the first thing Reagan said when he walked into the saloon the second time, the time that he was struck?

A. He did not have time to say anything?

Q. He did not?

A. No, sir.

Q. How long was in there before he was struck?

A. He was in there about three minutes.

Q. He did not have time to say anything?

A. No, sir.

Q. And did not say a word?

A. Not as I heard.

Q. Where was Reagan standing when he was struck?

A. At the end of the bar, a little ways up from the end.

Q. He was standing, what was his position so far as his hands and arms?

A. His arms were on the bar.

BY THE COURT:-

Q. He was facing the bar, with his arms on the bar?

A. Yes, sir.

BY MR. CHANLER:-

Q. Did you say that Sullivan came from behind the bar while he was leaning against the bar?

A. Reagan went to turn towards Sullivan Sullivan struck him on the head, and Reagan fell on his back.

Q. Sullivan was behind the bar?

A. No, sir, he came out from behind the bar.

Q. Sullivan was behind the bar while Reagan was leaning up against the bar?

A. Yes, sir.

Q. Sullivan was facing Reagan while Reagan was leaning up against the bar?

A. Yes, sir.

Q. Then Sullivan came up and struck Reagan?

A. The two faces was together, when Sullivan came from behind the bar Reagan's face was towards the Catharine Street side looking down like Catherine Street as you would.

Q. Did you see where Sullivan got the club from?

A. He got it from behind the bar some place, but I couldn't tell you where.

Q. Did you see him do anything with the club?

A. No, sir.

Q. Did not you see him point the club towards the door?

A. No, sir.

Q. You swear to that?

A. Yes, sir.

Q. You were watching all the time?

A. I was watching while I saw him getting hit on the head.

Q. Reagan was struck while he was right close to the bar, you are sure of that?

A. Yes, sir.

Q. Reagan made no pass at Sullivan?

A. No, sir.

Q. Reagan said nothing at all?

A. No, sir.

Q. Do you recollect testifying before the Coroner?

A. Yes, sir.

Q. That was a very few days after this row, was not it?

A. Yes, sir.

Q. Did you see them have any conversation?

A. No, sir.

Q. Sure of that?

A. I am sure of that.

Q. Did you see them have any talk before Reagan was struck?

A. No, sir.

Q. Do you remember testifying before the Coroner in answer to a question put by the District Attorney, Mr. Martine:

"Q. What did he, Reagan, do?"

BY THE COURT:- Do you recollect that question being put to you by the Coroner?

BY MR. CHANLER:-

Q. Do you recollect this question being put to you? "Q. What did he do?" (That is, what did Reagan do) A. The officer called the bartender and the bartender said something to the officer, and the officer chased Reagan away, and when the officer went through Market Street Reagan came out and wanted to know what was the reason he put the officer on him". Do you remember making that answer?

A. Yes, sir. Reagan wanted to know what was the reason that Sullivan put the officer on him.

Q. And was this question put to you: "Q. Reagan went in and wanted to know that and this man said, "Get out", do you remember that you testified to that?

A. Yes, sir.

Q. What was Cosgrove doing while this was going on?

A. Nothing as I know of.

Q. Where was he?

A. He was inside.

Q. Whereabouts inside?

A. Half way in.

Q. Half way in?

A. Yes, sir.

Q. Sure about that?

A. Three and a half feet, about.

Q. Did you have any conversation about where Cosgrove was

standing with anybody before you testified in this case?

A. No, sir.

Q. Do you remember this question being put to you: "Q. What was Cosgrove doing? A. He was standing at the bar".

BY THE COURT:-

Q. Did you say that before that the Coroner?

A. No, sir as I know of.

BY MR. CHANDLER:-

Q. Which door was the gang at this time?

A. Which gang?

Q. The Hamilton Street gang?

A. I didn't see no Hamilton Street gang at the door.

Q. Well, any gang?

A. Only the witnesses that is outside.

Q. Do you call that a gang?

A. No, sir.

Q. Do you recollect this question being put to you at the Coroner's inquest: "Q. Which door was the gang at? A. The Hamilton Street side". The gang was at the Hamilton Street side?

A. Not the gang;- these witnesses.

BY THE COURT:-

Q. Did you say at the Coroner's office that the gang was at the Hamilton Street side?

A. Not as I can remember now, sir.

BY MR. CHANLER:-

Q. I will ask you was this question put to you: "Q. How many of the gang did you see? A. About four; the girls they were not doing anything" Do you recollect

that answer?

A. I seen these seven fellow there and three girls.

Q. The seven fellows who were witnesses here today?

A. Yes, sir.

Q. You have just testified, have you not, that Reagan was leaning up against the bar when Sullivan struck him?

A. No, sir, Reagan was like this when Sullivan struck him. (Illustrating.)

Q. Up by the bar?

A. Yes, sir.

Q. He was not by the door?

A. No, sir.

Q. Do you recollect this question being put to you at the Coroner's inquest: "Q. You say that they had some conversation? A. Yes, sir, between themselves"; do you remember that question and answer being put to you?

A. No, sir.

Q. You do not?

A. No, sir.

Q. Do you remember this question being put to you? "Q. Did Reagan turn to go away? A. Yes, sir, he had his hand on the door, and that man struck him on the head, and he fell on his back and got up in a minute and staggered to the door, and Cosgrove grabbed him"; -- do you remember that?

A. Yes, sir.

Q. Where was Reagan then?

A. Reagan was right up at the bar.

Q. He did not have his hand on the door?

A. No, sir.

Q. What name are you known by among the gang, Smith?

A. The officer christened me "Dutchie".

Q. Was that the officer that arrested you for burglary gave you that name?

Objected to; objected sustained; exception.

A. No, sir.

Q. Do you know many of the police officers in that precinct?

A. No, sir.

Q. Did you see any of them around that night excepting the officer that Sullivan spoke to?

A. No, sir.

Q. Have you ever seen any of the relatives of Reagan since that night, Smith?

A. Relatives?

Q. Yes; Reagan's mother, or sister, or his brother?

A. I have seen his mother and brother.

Q. Have you seen Con Reagan?

A. Yes, sir, the fellow died lately.

Q. Con Reagan, the one that is living now, did you ever see him?

A. No, sir, I saw Jimmie Reagan and his mother.

BY THE COURT:-

Q. Is Jimmie Reagan dead or alive now?

A. Alive.

Q. What has become of Con; is he dead or alive - how many brothers did Reagan have.

A. As I know, he had three.

BY MR. CHANLER:-

Q. Did you have any conversation with Reagan about this case?

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A. No, sir.

Q. When were you first called to testify in this case since the Coroner's inquest? (No answer).

BY THE COURT:-

Q. Did you go to the District Attorney's office?

A. Upstairs.

Q. Were you sent for then?

A. Yes, sir.

Q. You went?

A. Yes, sir.

Q. You made a statement to somebody, didn't you?

A. No, sir.

Q. Did not you tell the District Attorney what you knew about this?

A. Yes, sir.

BY MR. CHANLER:-

Q. Well, before that did you have any conversation with anybody about this case, have any talk with anybody?

A. No, sir.

Q. And that is as true as anything you have testified to here today?

Objected to; objection sustained; exception.

RE-DIRECT EXAMINATION:- BY MR. OSBORN:-

Q. Do you belong to any gang of any kind?

A. No, sir.

Q. Do you make a living working at the express business?

A. Yes, sir.

Q. You live home with your people?

A. Yes, sir.

Q. How much do you weigh?

Objected to as immaterial.

Q. About how tall was the man who was killed, Reagan? About your size?

A. No, sir; a little bigger.

Q. Just a little bigger than you are?

A. Yes, sir.

Q. How old was he?

A. About 19 or so. 18 or so.

Q. Now, these girls that they were talking to, were they in the saloon?

A. No, sir.

Q. They were standing outside?

A. Outside.

Q. Which entrance?

A. On the Hamilton Street side.

Q. And who was out there with him?

A. McSweeney and Thomas Dunn.

Q. Anybody else that you know of?

A. No, sir.

Q. Was anybody in the saloon at the time this blow was struck?

A. Not as I noticed.

Q. You did not see anybody inside there at all?

A. No, sir.

Q. Now, there was some conversation here about where Reagan was standing when the blow was struck? Was he standing near the door, or near the counter?

A. Near the counter.

BY MR. CHANLER:-

Q. Who were these boys you say were standing by the Hamilton Street side? (No answer.)

BY THE COURT:-

Q. Give the names of the girls, if you know them, do you know the names of the two girls?

A. I only know one.

Q. What was her name?

A. I am not much acquainted with them, your Honor.

Q. What were the names of the two boys?

A. John Smith and McSweeney.

Q. Anybody else?

A. Thomas Cosgrove.

Q. Anyone else?

A. And Dunn.

Q. Is that all now?

A. Yes, sir.

JOHN SMITH, called and sworn, testified as follows:

BY MR. OSBORN:-

Q. Where do you live?

A. No 7 Hamilton Street.

Q. You are engaged in business in this town?

A. Yes, sir.

Q. What is the nature of your business?

A. Express.

BY THE COURT:-

Q. You are in partnership with the last witness?

A. Yes, sir.

BY MR. OSBORN:-

Q. You remember Saturday evening, July 1st, 1893?

A. Yes, sir.

Q. Did you see the defendant here, Cornelius Sullivan, that evening?

A. Yes, sir.

Q. Did you see Cosgrove?

A. Yes, sir.

Q. Did you see Joe Reagan?

A. Yes, sir.

Q. Now, tell us what time it was that you first saw Reagan and Cosgrove?

A. Saturday, July 1st, at 7 o'clock.

Q. Where were they standing at that time?

A. They went into the side door of Hamilton Street for a glass of beer, Cosgrove and Reagan.

Q. Into the side door of Quinlan's Saloon?

A. Yes, sir.

Q. And did they get their beer?

A. Yes, sir.

Q. What did they do?

A. They went out.

Q. Where did they go?

A. They went down Market Street.

Q. Did they come back?

A. Yes, sir.

Q. About what time?

A. About 9 o'clock.

Q. What did you see them do then?

A. I saw Reagan go in for a glass of beer.

Q. You saw Reagan go into the saloon?

A. Yes, sir.

Q. Did he get the glass of beer?

A. Yes, sir.

Q. What did he do?

A. He stayed a little while on the corner of Market and Hamilton Streets, and the policeman on the Market Street beat came up and he nudged the bartender and called him out. The policeman came up on Market Street with a detective, I don't know his name; he came up with detective McCarthy.

Q. What did the policeman do, did he have a talk with anybody?

A. He called out the bartender.

Q. He had a talk with Sullivan? With this defendant here?

A. Yes, sir.

Q. What did he do?

A. He went over to Reagan and said "Keep away from here", and he slapped Reagan in the jaw.

BY THE COURT:-

Q. The policeman did?

A. Yes, sir.

BY MR. OSBORN:-

Q. And what did Reagan do then?

A. Reagan went down Hamilton Street.

Q. What did the barkeeper do then?

A. The barkeeper went inside.

Q. Did he go back again?

A. The policeman went down Market Street and Reagan came up.

Q. Who came with him?

A. Cosgrove.

Q. Reagan and Cosgrove came back?

A. Yes, sir.

Q. Which street did they come back by?

A. Up Hamilton Street.

Q. And then what did they do?

A. Reagan went inside and wanted to know -

Q. He went inside the saloon?

A. Yes, sir.

Q. What did Cosgrove do?

A. He went in too.

Q. How far in did Reagan go?

A. Reagan got in as far as he could go, to the bar.

Q. To the bar?

A. Yes, sir.

Q. How far in did Cosgrove go?

A. Halfway.

Q. What did Reagan say to the defendant?

A. He said why was it you sent the officer around to me.

Q. "Why was it you put the officer onto me"?

A. Yes, sir.

Q. What did Sullivan the barkeeper say?

A. He said he should get of here, and he got a club from the bar and hit him.

Q. Did he hit him across the bar, or walk out from behind?

A. He walked out from behind the bar.

Q. Where Reagan was standing?

A. Yes, sir.

Q. Which way had Reagan turned?

A. He was standing this way against the bar (illustrating) and he went to turn; he did not have time to turn, he got hit with the club and he fell down on his back.

Q. What did the officer do?

A. The officer wasn't there then.

Q. I mean, what did Sullivan do?

A. He said, "You get out of here."

Q. Did he stand over him any length of time after hitting him?

A. He stood about a minute; he said, "you get out of here."

Q. What did Reagan do?

A. He went out.

Q. Did he got up?

A. Cosgrove helped him up.

Q. Cosgrove helped him up?

A. Yes, sir.

Q. And what did he do?

A. He went down Hamilton Street.

Q. Where did he have his hand; did you notice his hands?

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A. No, sir.

Q. Now, then, what did Sullivan do or say after that?

A. He said "I will take bluffs off no one."

Q. Did you see your partner John Smith go in at that time?

A. Yes, sir.

Q. What did Sullivan say to him?

A. He said, "I will take no bluffs off anyone".

Q. Did he have anything in his hand?

A. The pistol.

Q. Did he say anything about shooting anybody?

A. He said, the next one I catch in here, I will kill him dead.

Q. Where were you standing during this time?

A. Corner of Hamilton and Market Streets.

Q. How was it you could see in there?

A. There is a door there on the Market Street side.

Q. You were looking right through the door?

A. Yes, sir.

Q. Was the door open at the time - this was in July, was it?

A. Yes, sir.

Q. There is the door, is it? (Pointing to the diagram)

A. Yes, sir.

BY THE COURT:-

Q. What became of Reagan's hat, do you know?

A. In about five minutes after he got hit William Smith walked in for the hat.

Q. When Cosgrove picked him up off the floor, you recollect that, do not you?

A. Yes, sir.

Q. Did he have his hat on then?

A. No, sir.

Q. Then Cosgrove helped him up and they went out together, and they went down Hamilton Street?

A. Yes, sir.

Q. What became of Reagan's hat, do you know?

A. When he went down Hamilton Street William Smith went in for the hat; he picked up the hat and the bartender had his pistol in his hand and he said "the next one I catch in here I will kill him dead."

Q. What did Smith do with the hat?

A. He had it in his hand for about five minutes and Reagan's brother came up and took down the hat.

Q. He gave him the hat, is that right?

A. Yes, sir.

BY MR. OSBORNE:-

Q. Was anybody in the saloon at that time?

A. I couldn't say.

Q. Except Reagan, Cosgrove and Sullivan?

A. I saw one or two men in there I know.

Q. Do you know their names?

A. I saw Mr. Flanagan in there.

Q. Anybody else?

A. No, sir, not as I know of.

BY THE COURT:-

Q. Did you see more than one man in the saloon?

A. Yes, sir, I saw two or three.

Q. Beside those people?

A. Yes, sir.

Q. And one of them you know?

A. Yes, sir.

Q. His name is Flanagan?

A. Yes, sir.

Q. You do not know the name of the other?

A. No, sir.

BY MR. OSBORN:-

Q. Did you see these people at the door out there; these girls and boys?

A. Yes, sir.

Q. Do you know them, what are their names?

A. Daniel, Sweeney, Thomas Dunn, Louisa Ryan, Mary Ann Riozdan, and Josephine Keefe.

Q. Which door were they at?

A. The Hamilton Street door.

Q. They were not in the saloon?

A. No, sir.

CROSS-EXAMINED,

Q. How many people do you say were by the entrance of the saloon?

A. On the Hamilton Street side, five people.

Q. Had you been talking with them before that?

A. No, sir.

Q. How long had they been there?

A. I couldn't tell exactly how long they were there.

Q. Had you known them all for a long time?

A. Yes, sir.

Q. Did you know those people that were thanding outside of this saloon well?

A. Yes, sir.

Q. Were they friends of yours and friends of your partner's?

A. Well, some of them were friends of mine.

Q. Which gang do you belong to, Smith?

A. I do not belong to no gang.

Q. What gangs are there that hang around the corners near

the saloon?

A. I don't know gangs.

Q. Don't know any at all?

A. No, sir.

Q. Did you ever hear of a gang called the Hamilton Street gang?

A. No, sir.

Q. How long have you lived in the neighborhood?

A. I was born there.

Q. Lived there all your life?

A. Yes, sir.

Q. And never heard of the growler gang?

A. No, sir.

Q. Did you ever hear of a company of young men and women in the habit of working the growler in that neighborhood; did you ever hear tell of them?

A. No, sir.

Q. Do you know a place there called "The Ship"?

A. Yes, sir.

BY THE COURT:-

Q. What is "The Ship", another saloon?

A. No, sir.

BY MR. CHANLER:-

Q. How far is that from the saloon?

A. About six doors from the saloon.

Q. Did any of those ladies standing outside of the saloon reside in The Ship, that you know of?

A. No, sir.

Q. What were you and your partner doing sitting on that stoop for two hours, that evening?

A. Sat there taking the air and resting ourselves.

BY THE COURT:-

Q. It was hot weather, was it not, in July?

A. Yes, sir.

BY MR. CHANLER:-

Q. Did you hear the bartender come out and order Reagan away in the evening?

A. No, sir, I saw the officer order him away.

Q. How many times did Reagan go into that saloon, do you recollect?

A. I recollect two or three times.

Q. Wasn't sent out both times?

A. No, sir.

Q. What happened the first time?

A. I didn't see anything happen.

Q. You were sitting in the same place, were you there the third time?

A. Yes, sir.

Q. What happened the second time?

A. Nothing; I didn't see anything happen, only the policeman hit him.

Q. Did you see him take the drink of beer the second time he went in?

A. Yes, sir.

Q. Sure of that?

A. Yes, sir.

Q. And the first time, too?

A. Yes, sir.

Q. Let us be clear about this, after the officer slapped Reagan's face did he come back to that saloon again?

A. No, sir, he got the beer before the officer hit him.

Q. How many times had he been in the saloon before the officer struck him?

A. Twice.

Q. Who went in with him the first time?

A. Cosgrove.

Q. And the second?

A. Cosgrove.

Q. Do you know a young man of the name of Sullivan who used to belong to a party of young men known as the gang?

A. No, sir.

Q. Do you know a young man of the name of Sullivan who left the city a short time ago?

A. No, sir.

Q. Do you know a young man of the name of Brady?

A. No, sir,

Q. Never heard of him?

A. No, sir.

Q. Do you know another boy named Smith who used to travel with Cosgrove and Peagan?

A. No, sir.

Q. Did you know anybody that traveled with Cosgrove and Reagan?

A. No, sir.

Q. You did not travel with him?

A. No, sir.

Q. Did you know these people well?

A. Yes, sir.

Q. Had they traveled with you?

A. Who?

Q. Cosgrove and Reagan?

A. I never saw them go with anyone.

Q. Always went alone by themselves?

A. Yes, sir.

Q. Had you seen Cosgrove often before this occurrence?

A. Yes, sir.

Q. How often, about?

A. I know him for about six months.

Q. You were a pretty good friend of his were not you?

A. No, sir.

Q. You called him by his first name and he called you by

your first name, did not he?

A. Yes, sir.

Q. Would you not take a glass of beer together?

A. No, sir.

Q. Did not he ever treat you to a glass of beer all the time you knew him?

A. No, sir.

Q. You never knew him to work the growler?

A. No, sir.

Q. Never heard of his doing anything of that kind all the time you knew him?

A. No, sir.

Q. Have you seen Cosgrove around there lately?

A. I seen him about a week ago.

Q. Have you had any conversation with Cosgrove about this case?

A. No, sir.

Q. When was the last time you saw Cosgrove before you saw him a week ago, what time before that?

A. I couldn't tell you.

Q. Have you ever had any talk with Cosgrove about this case?

A. No, sir.

Q. Did you know these three girls and the two young men; did you know them all?

A. I know one of them well.

Q. Who was that?

A. Josephine Keefe.

Q. Do you know the other girls well?

A. I know them, but not as well as her, though.

Q. Did you say anything about these girls and boys; mention their names before the Coroner?

A. No, sir.

Q. Do you remember being asked this question? "Q. How many more of the gang did you know? A. I don't know,

sir, I know a good deal of them"---do you remember being asked that question, and making that answer before the Coroner?

A. No, sir.

Q. Do you remember being asked this question:

Q. Who are the people that you know; the only two people that you know is the dead man, Reagan, and another?

A. I know more.

Q. How many?

A. John Wilson, William "Smith, William Bristol, and Andrew MacDonald." Do you remember making those answers?

A. Yes, sir.

Q. Did you at that time say anything about these three girls and the names you mentioned just now?

Objected to.

A. I cannot remember.

BY THE COURT:-

Q. When you were before the Coroner, did you state that you knew the names of those girls or mention them at all?

A. That I can't remember.

BY MR. CHANLER:-

Q. Of course you have had no conversation with anybody, you say, about this case excepting the District Attorney?

A. No, sir, no one at all.

Q. Did anyone tell you the names of the people that were standing outside of that saloon that night?

A. No, sir.

Q. Sure about that?

A. Yes, sir.

Q. You remember that all?

A. Yes, sir.

Q. You were at the Coroner's Office six days after this thing occurred;-you did not hear Reagan say anything to Sullivan about blowing his head off, did you?

A. No, sir.

Q. While Sullivan and Reagan were having a talk together as you testified, just before Sullivan struck Reagan with the club, did you hear any of the young ladies and gentlemen standing out there say: "why don't you cut his heart out?"

A. No, sir.

BY THE COURT:-

Q. Was anything of that sort said?

A. No, sir.

BY MR. CHANLER:-

Q. None of the people outside, so far as you could hear or see, took any part between Reagan and Sullivan?

A. No, sir.

Q. They stood there quietly and saw Sullivan strike Reagan?

A. Yes, sir.

Q. None of them rushed into the room?

A. No, sir.

Q. Neither you nor Smith ran into the room the same time after Reagan had been struck?

A. No, sir.

Q. When was it that Sullivan closed the side door and locked it?

A. When Reagan walked out.

Q. When your partner went in for the hat, he had to go in by the front door?

A. On the Market Street side.

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Q. Was the Monroe Street door locked?

A. I couldn't say.

Q. But the Hamilton Street side door was locked after Sullivan struck Reagan?

A. Yes, sir.

BY THE COURT:-

Q. And after Cosgrove and Reagan went out?

A. Yes, sir.

BY MR. CHANLER:-

Q. You swear positively that Reagan was standing by the bar when Sullivan struck him, and Cosgrove some distance off; you are sure about that?

A. Yes, sir.

RE-DIRECT EXAMINATION, BY MR. OSBORN:-

Q. Do you belong to any gang?

A. No, sir.

Q. Do you make your living by working at the express?

A. Yes, sir.

Q. Live home with your parents?

A. Yes, sir.

BY THE COURT:-

Q. How long have you worked at the express business?

A. Three months.

Q. What did you do before that?

A. I used to work in a rubber factory.

Q. Where was the rubber factory?

A. 228 South Street.

BY MR. OSBORN:-

Q. How old are you?

A. 18 Years old.

Q. Your partner is about 17?

A. I don't know how old he is; about 17 or 18.

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Q. Was Joe Reagan about your size?

Objected to.

A. Just a little bigger; I think; not much bigger.

Q. Just a little bigger than you?

A. Yes, sir.

Q. Were you asked at the Coroner's office anything about these girls that you remember of?

A. No, sir.

Q. You knew when you were there that they were on the outside did you?

A. Yes, sir.

THOMAS COSGROVE, sworn and examined by Mr. Osborne:-

Q. Where do you live Cosgrove?

A. No. 53 Monroe Street.

Q. In this city?

A. Yes, sir.

Q. Do you remember the evening of the First of July, 1893, Saturday evening?

A. Yes, sir.

Q. Did you see the defendant that evening?

A. Yes, sir.

Q. Did you see Joe Reagan that evening?

A. Yes, sir.

Q. Now, where did you meet Joe that night?

A. I met him corner of Hamilton and Catharine Streets.

By the Court:-

Q. What time?

A. Around seven o'clock.

By Mr. Osborne:-

Q. About seven o'clock?

A. Seven or half past seven I think.

Q. And you and he were together for some time that evening?

A. Yes, sir.

Q. Just state what you and he did together?

A. Me and this Joseph Reagan walked up through Hamilton Street and we walked around as far as Market and we went in; me and this young man Joseph Reagan we walked up through Hamilton Street and walked around as far as Market, and went into the front door of the saloon.

Q. About what time was that?

A. Around seven or half past seven o'clock.

Q. Did you have a drink in there?

A. Yes, sir.

By the Court:-

Q. You got into the saloon, what did you do?

A. We went into the saloon and we had a drink; the bar tender here told us to go out; we went out, we were standing by the door and then the officer came along; I don't know his name; he asked Joe Reagan what was he doing in there; I could not say what Joe said, but anyhow he slapped Joe and put him away.

Q. The policeman did?

A. Yes, sir.

Q. Go on, what did he do then?

A. Me and Joe walked down Market Street, we came down about ten o'clock, we came back and we went in the saloon and Joseph Reagan asked this bartender why he should put the officer on him.

Q. Joseph Reagan asked the bar keeper why the bar-keeper put the officer on him?

A. Yes, sir.

Q. Go on and tell the Jury what the bar keeper said and what Reagan said and did?

A. The bar keeper said I don't want you in my store, and he walked around and he had a stick in his hand and he struck Joseph Reagan.

Q. He walked around what?

A. The bar.

Q. Got outside of the bar, is that what you mean?

A. No, it is a round bar, and he walked around and he struck Joe Reagan and Joe Reagan laid on the floor.

Q. Where did he strike him?

A. On the head, he laid on the floor about three minutes.

Q. Did Joe Reagan fall down?

A. Yes, sir, he fell down and he laid on the floor for about three minutes and he got up and was standing by the door, I had hold of him and I led him home.

Q. Did you help to get him out?

A. I did not lift him up, but I leaded him home.

Q. Did you help to get him off the floor?

A. Yes, sir.

Q. What did you do with Reagan?

A. I brought him out of that side door.

Q. What side door?

A. Hamilton Street.

Q. You went down where?

A. Down through Hamilton to his house, he lives in Catharine Street.

Q. To Reagan's house in Catherine Street?

A. Yes, sir.

Q. What number in Catharine Street?

A. I could not tell you the number.

Q. You took him to his house?

A. Yes, sir.

Q. What did you do with him?

A. I took him up stairs right in his mother's room, and I laid him down.

Q. What did you lay him on, lay him on the bed or on the floor or what?

A. On a lounge.

Q. Then what did you do?

A. Then I told his mother how it happened, and I came down.

Q. You came down into the street, is that it?

A. Yes, sir, and went home.

Q. What became of Reagan's hat, do you know, did he pick it up when you were leading him home?

A. Yes, sir.

Q. Was it in the saloon?

A. Yes, sir, I guess it was.

Q. He had no hat when you were leading him home?

A. No, sir.

By Mr. Osborne:-

Q. How far did you go into the saloon when you went in with him?

A. I was half ways from the door to the bar.

Q. You say Reagan went on out of the saloon without his hat?

A. Yes, sir, the last time he did.

Q. Did anybody bring him his hat?

A. His brother, I think.

Q. You think it was his brother brought him his hat?

A. Yes, sir.

Q. While he was going home?

A. No, sir. After I leaving him in his house his brother was in and he went down for his hat.

Q. Now, did you do anything to Sullivan that night, did you hit him?

A. No, sir.

Q. Did you make a pass to hit him or anything?

A. No, sir.

Q. Did Reagan hit him at all?

A. No, sir.

CROSS EXAMINED BY MR. CHANLER:-

Q. You did not hear Reagan make any threats to Sullivan at all that night did you?

A. No, sir, I did not.

Q. Did you hear him use any bad language to Sullivan at all?

A. No, sir.

Q. You were standing quite close to him at the time that Sullivan struck him with the Club?

A. No, sir, I was in the middle of the floor.

Q. You were as near as I am to you now?

A. I was nearer the door.

Q. You were as near Reagan as you are to me at the time he was struck?

A. No, sir, I was a little further in.

Q. You were going out?

A. I had my hand on the knob.

Q. Going out?

A. No, sir, I was standing there.

Q. Standing there?

A. Yes, sir.

Q. Where was William Smith?

A. He was outside and that other young fellow by the name of Smith.

Q. What side were they at?

A. On the Hamilton Street side.

Q. You were coming out of the Hamilton Street side door?

A. Yes, sir.

Q. At the time Sullivan struck Reagan you had your hand on the knob of the door opening it?

A. Yes, sir, with my face towards the bar.

Q. Were you opening the door?

A. No, sir, I had my hand on the door; I was waiting for Mr. Reagan to see if he would get up while he was laying there to lead him home.

Q. Did not you have your hand on the knob when Sullivan struck

him?

A. No, sir, I did not, I was in the middle of the floor and I walked backwards to the door.

Q. At the time Sullivan struck him you were walking towards the door, were you?

A. I was walking backwards towards the door when he was coming out from behind the bar.

Q. When you saw your friend fall you turned your back on him?

A. No, sir, I was the same way, I was backing this way (illustrating) with my hand on the knob.

Q. When did you put your hand on the knob?

A. When Sullivan was coming from behind the bar.

Q. When did you start for the door?

A. Just as that man was coming out from behind the bar.

Q. Just as Sullivan was coming out of the bar?

A. Yes, sir.

Q. It took you some seconds to talk to the door?

A. The door of the bar was quite near.

Q. How much nearer was it?

A. I could not tell you very well how near it was.

By the Court:-

Q. Was it as near as you to stove?

A. It was about as near to this gentleman.

By Mr. Chanler:-

Q. Near to me?

A. Yes, sir.

Q. The door is that far from the bar?

A. Yes, sir.

Q. Reagan was standing between the bar and the door?

A. Yes, sir, I was in the middle of the floor, he was leaning on the bar toward the door.

Q. Reagan turned to leave the bar?

A. No, sir, he was right at the bar all the time till he fell.

Q. Was Reagan at the bar when he was struck?

A. Yes, sir, standing with his elbow on the bar.

Q. You are sure he was not walking out?

A. No, sir, he was not.

Q. Tell us again how Sullivan came round the bar to hit him, you say Sullivan did not strike when he was behind the bar?

A. No, sir.

Q. Did he come round the bar and strike him?

A. He walked around the bar and he came out and he struck him, he was out from behind the bar when he did strike him.

Q. Did you see him have a club in his hand?

A. Yes, sir.

Q. Did you get a good look at the club?

A. No, sir, I could not tell what kind of a Club it was.

Q. When did you first see the Club?

A. When he came out and struck him with it.

Q. Before he struck him with it?

A. No, sir, I did not see it, he had it behind his back.

Q. Did you hear him say anything when he came out from behind the bar?

A. No, sir, I did not hear him say anything.

Q. Didn't it strike you as strange that the bar tender was

coming out from behind the bar having no purpose apparently?

A. I saw the bar tender coming from behind the bar, I , h*** he did not say anything but when he had the Club up in the air he said, "I want you to get out of here", and he struck him: "You get out of here," and he struck him on the head.

Q. He did not point with the club to the door and say, "Get out of here?"

A. No, sir.

Q. Sure about that?

A. Yes, sir.

Q. Positive?

A. Yes, sir, I am sure he did not say that.

Q. Did you have your eye on Sullivan all the time?

A. Yes, sir.

Q. How many young men and women in that neighborhood were standing outside of the saloon at the time?

A. I could not tell you how many young ladies; there was two young men.

Q. Who are those two young men?

A. Witnesses in this case.

By the Court:-

Q. What are their names?

A. Smith.

Q. The two Smiths?

A. Yes, sir.

By Mr. Chanler:-

Q. You had been there two times before that night?

A. I had been there once before.

Q. How long was it before the policemen sent you away?

A. That was the second time; I had been there other nights, but I had not been there that night only twice.

By the Court:-

Q. How many times did Sullivan order you out of the saloon before this?

A. Twice before that.

Q. (By Mr. Chanler:-

Q. He refused to give you a drink?

A. Yes, sir.

Q. He told you not to come back there again, didn't he?

A. Yes, sir.

Q. How long before that was the last time you had been in the saloon before that night?

A. About a week before that.

Q. A Saturday night, wasn't it?

A. Yes, sir.

Q. Was it you used the cracker bowl on Sullivan's head?

(No answer.)

By the Court:-

Q. Did you ever throw a cracker bowl at this man's head?

A. No, sir, I never did.

By Mr. Chanler:-

Q. You never did?

A. No, sir.

Q. What there a cracker bowl in the saloon?

A. Yes, sir, there was, I could not tell you what kind it was but I often saw it there for lunch.

Q. Did you see it the Saturday night before this occurrence?

A. Yes, sir, I seen it there.

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Q. Did you see Reagan take that in his hand?

Objected to.

A. No, sir.

Q. Who were with you the Saturday night before you went in with Reagan?

By the Court:-

Q. The Saturday night before this trouble took place he wants to know who was with you in that saloon?

A. A young man named Billy Driscoll and Robert Gum.

By Mr. Chanler:-

Q. This was not the night the cracker bowl was thrown?

Objected to.

Q. Were you there the night the cracker bowl was thrown?

Objected to.

Q. Did you ever see a cracker bowl thrown there?

A. No, sir.

Q. You never did?

A. No, sir.

Q. Did you ever hear of a cracker bowl being thrown?

Objected to; objection sustained.

A. No, sir.

Mr. Chanler: I would like to state my reasons. The defense in this case is self defense and also that there was a conspiracy against this defendant in which a

number of witnesses for the prosecution were engaged, among them the deceased and that on several previous occasions they had endeavored to assault this defendant and had threatened to assault him, and that especially on one previous occasion these same people with Reagan had assaulted him with a cracker bowl.

The Court: I will allow you to prove it if there was any act of violence done; if Reagan was there. I will allow you to show if you can that acts of violence were perpetrated in the saloon when the defendant was present, and when Reagan the ceased man, was present; I certainly won't allow you to show acts of violence perpetrated in the saloon when the dead man was not present. Keep within that.

Q. By the Court: Were you ever present in the saloon when Reagan was present, and when there was any act of violence committed, such as throwing a cracker bowl, striking anybody or making any threat against this defendant?

A. No, sir, I was not.

Mr. Chanler:- I would like to show this conspiracy if I can - show the act of the conspirators, and declarations given in the absence of deceased by Reagan.

The Court: You must show the conspiracy first and

then you can show the act of each one, although they were not present, but you have not shown the conspiracy yet.
Mr. Chanler: Can I not ask the question to show the conspiracy and strike out the testimony, if I cannot establish it?

The Court: No.

Q. (By Mr. Chanler) How many times have you been with Reagan in the saloon of Sullivan before that night?

A. I never had been in with this Reagan before in that saloon at all, only that one night.

Q. Only that one night?

A. Yes, sir.

Q. Do you know a boy of the name of Silk?

A. No, sir, I do not.

Q. Do you know a boy who worked in the saloon where Sullivan was bar tender?

A. No, sir, I do not.

Q. Never saw him to your knowledge?

A. No, sir.

Q. How many men were in the saloon drinking at the time this trouble occurred?

A. I could not tell you that.

Q. Did you see anybody?

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

By the Court:-

Q. He asked you did you see anybody drink in the saloon, did you see anybody at all in the saloon except the defendant and yourself, was there anybody else in the saloon at that time?

A. No, sir, I did not see anybody else.

Q. When you went into the saloon the second time after having been warned out by Sullivan, who was the first one asked for a drink?---Reagan?

A. Yes, sir.

Q. Sullivan said he would not give it to him?

A. Yes, sir.

Q. You did not go into the bar, did you?

A. I was on the middle of the floor at that time.

Q. Did you at any time lean upon the bar?

A. No, sir; I did not.

Q. The second time you were in there?

A. No, sir; I did not.

Q. Reagan said nothing when Sullivan refused to give him a drink?

A. No, sir.

Q. Quietly stood there?

A. Yes, sir.

Q. Sullivan came around without saying a word you say and struck him?

A. He came around, and said, I want you to get out of here, and struck him.

Q. Reagan did not refuse to go out?

A. He hadn't time to go out.

Q. How did he fall, with his head towards the bar or towards the door?

Q. He fell towards Monroe Street.

By the Court:-

Q. Did he fall on his back?

A. He fell on his back straight, he lay there about two or three minutes.

Q. How long did he lie there?

A. Two or three minutes.

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Q. You stood there watching him?

A. Yes.

Q. With your hands still on the door?

A. Yes, sir.

Q. Did you see either of the Smiths during all this time?

A. They were outside the door looking in.

Q. Not in the saloon then?

A. No.

Q. And you are sure William Smith was not standing within three feet of the door when you were standing with your hand on the knob?

A. When I was standing at the Hamilton Street side of the door we were looking in through the glass in the door.

Q. After you and Reagan got out where did you go first?

A. We walked out of the Hamilton Street side, and went down Hamilton Street.

Q. Did you meet a policeman that night?

A. We met a policeman corner of Catherine and Monroe Street?

Q. Did you tell the policeman anything about the trouble?

A. Not a word.

Q. That was how long after Reagan was struck by Sullivan?

A. That was just as I was fetching him out of the store.

Q. Just a few minutes after?

A. Yes.

Q. And after Reagan was struck you went and took a drink with Reagan, and had a glass of beer with Reagan?

A. No, sir; I went right home with him.

Q. Didn't you have a glass of Beer?

A. No, sir I went

straight up home with him.

Q. Didn't you have a pint of beer?

By the Court.

Q. Did you drink any beer with Reagan after he was struck?

A. No, sir.

Q. Between that time and the time you laid him on the lounge in his mother's house?

A. No, sir; I just left him there.

Q. You say the door was not shut: the door of the saloon as you went out was not shut?

A. It was shut when Reagan was on the floor, but open when we went out.

Q. But it was shut while Sullivan was assaulting Reagan?

A. Yes sir.

Q. The door was shut?

A. Yes, sir.

Q. You were opening the door while Reagan was being assaulted?

A. No, sir; I had my hand on the knob.

Q. I ask you---I am now reading the question and answer that were put to you and answered by you at the Coroner's inquest if you recollect. "Q. You did not see him hit him? A. I had my hand on the knob, and I looked around, and he was just coming down on his head, and hit him, and I turned around when he came to the door, and I helped him to the house." Do you recollect that?

Mr Osborne:- That is what he was sworn to.

Q. Do you recollect anything that?

A. No, sir; I do not.

Q. Do you recollect this question and answer; 'Q. How could you see what was going on behind your back? A. When I opened the door and was going out Reagan was just getting the blow.' Do you recollect that?

By the Court:

Q. Did you say that?

A. No, sir.

By Mr Chanler:

Q. You say Reagan was on the floor for three minutes after he was struck?

A. Yes sir.

By a Juror:

Q. What occurred during the three minutes?

A. I stood there and that man walked around the bar again; I do not know what he did; but Joseph Reagan got up, then I helped him up, and I got hold of him by the arm and led him down Hamilton S Street.

Q. Did Sullivan strike him a second time, or threaten him with a club or anything of that kind?

A. No sir; he only struck him once.

By Mr Osborne:

Q. Did you notice the club at all that he hit him with?

A. All I could tell, it was a long club.

Q. Some thing like that? (Showing witness club)?

A. Yes sir; it was long like that.

By Mr. Chanler:

Q. 'Q. Which of you two was nearest the bar?' I am asking you if you recollect this question being put to you at the Coroner's office: 'Q. Which of you two was nearest the bar?'

A. We were both leaning on the bar.

Q. Both leaning on the bar? A. Yes sir.'

By the Court:

Q. Was that question put to you, and did you make that answer to the Coroner?

A. No sir; I told you I was in the middle of the floor.

By Mr. Osborne:

Q. Do you belong to any gang?

A. No sir.

Q. What?

A. No sir; I do not.

By Mr Chanler:

Q. I will ask you this one question. This question was put to you: 'Q. Where were you standing when Sullivan was back of the bar and about to come out?'

A. I was standing there when he struck Reagan.

Q. Didn't you say you were standing between the bar and the Market Street entrance.

A. No sir; I was standing near the bar.

Q. Did not Sullivan have to pass you before he got to Reagan?

A. Yes sir.' Do you remember saying that?

A. No sir; I do not.

Q. 'Q. What did you do? A. I started to walk out.' Do you remember saying that?

A. No.

Q. 'Q. Backwards? A. No sir; forwards.'" Do you remember that?

A. No sir.

Q. You do not remember that question and answer being given?

A. No sir.

Q. 'Q. When did you turn your face to the door? A. When I put my hand on the knob.' You are sure you walked out backwards, are you?

A. Yes sir; I walked towards the door backwards.

Q. And Sullivan did not pass you when he came around from the bar?

A. I was walking towards the door backwards, and he passed me, and Reagan on the end nearest to him?

Q. Nearer to who?

A. Nearer to Mr Sullivan.

Q. You did not see Reagan make a pass at Sullivan?

A. No sir

Q. Sure he did not make a pass?

A. Sure.

Q. Positive about that?

A. Yes sir.

Q. he could not have made a pass while your back was turned?

A. No sir.

Q. Any time when your back was turned?

A. No sir.

Q. He did not strike Sullivan either?

A. No sir.

Q. He did not use any bad language, you say?

A. No sir.

Q. Did you, early in the evening, threaten to knock his brains

out?

A. No sir; I do not recollect that.

Q. You did not hear either of the young Smiths, or either of the young ladies or gentlemen outside of the door call out 'Why don't you cut his heart out'?

A. I did not hear that.

Q. Did you see where Reagan cut his hand?

A. I saw one hand at his side, and one on the bar that way.

Q. One hand at his side?

A. Yes sir.

Q. Did you make any threats against Sullivan in the presence of Reagan himself that night?

A. No sir; I did not make any threats?

Q. You did not say you would hurt him, or kill him, or beat him when he ordered you out of the saloon?

A. No sir.

Q. You went out peaceably both times/

A. Yes sir.

Q. The first time too?

A. Yes sir.

Q. And went back peaceably the second time?

A. Yes sir, and asked whether I should put the officer on him.

Q. You did not go back the third time; you were not there three time altogether?

A. No sir; only twice.

Q. You were not looking for a fight after the Officer had struck you in the face, were you?

A. No sir; he did not strike me.

By Mr Osborne:

Q. He did not strike you?

A. No sir.

By Mr. Chanler:

Q. He told you to go away?

A. Yes sir; but he did not strike me.

Q. Do you recollect what Sullivan said to the Officer before he told you to go away?

A. No sir; I do not.

By Mr. Osborne:

Q. Reagan was a smaller man than you?

Objected to. Objection overruled, exception taken.

A. No sir.

Q. Do you see those young Smiths in here?

A. No sir.

Q. These Smiths, about what size were they?

Objected to as immaterial. Objection overruled.

Q. I asked him about Reagan's size, compared with one of those Smith boys. Now was Reagan --- you remember that William Smith that was here?

A. Yes sir.

Q. Was he about his size.

Objected to.

A. I cannot tell you what size he was.

Q. About how much did Reagan weigh?

Question objected to by Mr Chanler and excluded.

The Court:- Gentlemen you will bear in mind the Statutory admonition to which I called the attention of

Some of the Jurors at the time we took the recess, and for the benefit of those who were not here at that time I will repeat that Statutory admonition, that is, what the law requires the Court to admonition, that is, that the law requires the Court to admonish the Jury on every occasion when the Jury separates before they agree upon a verdict, that they must not talk even among themselves about the case; they must not permit any person to approach them, or speak to them in reference to it; and they must not make up their minds on questions of fact until all the evidence is in. Now, in addition to that, gentlemen, I would suggest and request that if there is anything published in any newspaper in reference to this particular case that you are now trying, that the Jurors will not read that portion of the newspaper. Of course it does not prevent your reading anything else, but that portion of the newspaper that may refer to this case, I think it is always better that the Jury should not read. Gentlemen, you will bear the Statutory admonition in mind, and be here to-morrow morning at eleven o'clock; and I will also add, gentlemen, that it would not be proper to go near the place where it is alleged this homicide took place.

Adjourned.

PEOPLE vs. CORNELIUS SULLIVAN.

(November 29, 1893.)

DOCTOR WILLIAM A. CONWAY, a witness in behalf of the People, having been duly sworn, testified;

BY MR. OSBORNE:

Q. You are a practicing physician, are you?

A. I am.

Q. And deputy coroner?

A. Yes, sir.

Q. Did you perform an autopsy on the body of Joseph Reagan?

A. I did.

Q. On what date?

A. On the 6th of July, 1893.

Q. At 40 Carmine Street?

A. 40 Catharine Street.

Q. And about what size man was Joe Reagan?

A. I should say about 5 feet 5.

Objected to by Mr. Chanler, as incompetent, irrelevant and immaterial

Objection overruled. Exception.

Q. About what weight?

A. I don't think he weighed much over a hundred, probably 105, or 110.

Same objection, ruling and exception, and Mr Chanler objects to the form of the question as the witness is not shown competent to testify to the weight of the deceased.

BY THE COURT:

Q. You made this autopsy on the 6th of July, 1893, at 40

Catherine Street in this City?

A. Yes, sir.

Q. Did you observe the body of the deceased?

A. I did.

Q. Sufficiently to enable you to testify about what his height and weight was?

A. I did.

Q. You state that his height was about five feet five inches?

A. Yes, sir.

Q. And his weight was about how much?

A. A little over a hundred, I should say, 105 to 110 pounds.

Q. And about what was his age?

A. I don't think he was more than eighteen.

Mr. Chanler moves to strike out the testimony.

Motion denied. Exception.

BY MR. OSBORNE:

Q. What did you observe as to the cause of his death when you made that autopsy?

BY THE COURT:

Q. You made an examination of the remains of this man. Was he dead then?

A. yes.

Q. And in his house at 50 Catherine Street?

A. Yes, sir.

Q. Now, will you please state what examination you made of the body of that man?

A. I made an external examination. There was a circular wound on the head about, say two and a half inches above and a little in front of the left ear on the left side of the head in about this position, and

that evidently had been done by surgeons.

Q. By a surgical operation?

A. By a surgical operation. On opening the scalp, there was no sign of any fracture. On opening the skull there was no fracture discovered, but there was an immense intracranial hemorrhage causing compression of the brain and death. The other organs of the body did not show anything special. There was a slight pleurific adhesion of the lungs, of the pleura or membrane covering the lungs. That is all. The cause of death was intracranial hemorrhage, causing compression of the brain.

Q. Which resulted in the death of the deceased?

A. Yes, sir.

BY MR. OSBORNE:

Q. What was the cause, in your opinion, of that intracranial hemorrhage?

A. External violence of some kind.

Q. On the head?

A. On the head.

NO CROSS EXAMINATION.

DOCTOR WILLIAM B. BRIMSMADÉ, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q. Are you now the House Surgeon at Chambers Street Hospital?

A. I am.

Q. On the 4th of July, 1893, you were the ambulance surgeon, were you?

A. Yes, sir.

Q. And on the 2nd of July, 1893?

A. Yes, sir.

Q. On the 2nd of July, 1893, did you bring Joe Reagan to the Chambers Street Hospital?

A. I did.

Q. About what time in the morning did you go there for him; about four o'clock?

A. It was early morning, I don't know the exact hour.

BY THE COURT:

Q. Where did you find him?

A. I found him in #40 Catherine Street lying in bed on the second or third floor, I don't recall which. Called at 4:33 in the morning.

Q. Now, will you tell the Jury what his condition was at the time that you found him at 40 Catherine Street?

A. He was lying in bed unconscious with the signs of compression of the brain.

Q. That you discovered in making an external examination of him at that time?

A. Yes, sir.

Q. Then you took him to the ambulance?

A. Yes, sir, I took him in the ambulance to Chambers Street Hospital.

Q. Did you make any examination when you got to the Hospital?

A. I reported the case to the house surgeon and he made an examination.

Q. In your presence?

A. Yes, sir.

Q. What was the result of that examination?

A. The diagnosis of compression of the brain was confirmed. The man was then taken to the operating room and an exploratory incision made in search of fracture.

Q. That is the circular incision which Dr. Conway has spoken of?

A. Yes, sir. No fracture was found. It was decided that the man had no fracture in the walls of the skull, and it was decided best not to interfere further, and he was sent to the ward where he lived until July 4th, at 5:30 in the evening, when he died.

NO CROSS EXAMINATION.

DOCTOR WILLIAM A. CONWAY, recalled:

CROSS EXAMINATION BY MR. CHANLER:

Q. You testified there was no fracture of the skull, I believe but that the hemorrhage was caused by external violence?

A. On the head, yes.

Q. That external violence might have been caused by a fall, the man falling on his head?

A. Possibly, yes.

Q. It would not require a very severe blow to have caused that hemorrhage, would it?

A. I think a severe blow would have fractured the skull.

BY MR. OSBORNE:

Q. A blow with a stick would produce that result, would it?

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A. Yes.

The Court: Is there any question of the identity of the body on which Dr. Conway made the autopsy?

Mr. Chanler: No.

The Court: Or that Dr. Brinsmade took him from 40 Catherine Street, this man who died, to the Chambers Street Hospital, and that he died there on the 4th of July at 5:30?

Mr. Chanler: That is conceded.

FRANK FLANNIGAN a witness in behalf of the people, having been duly sworn, testified.

BY MR. OSBORNE:

Q. Where do you live?

A. 36 Hamilton Street; 46.

BY THE COURT:

Q. Is it 36 or 46?

A. It is all the same. 36

BY MR. OSBORNE:

Q. Where do you work?

A. In a stable.

Q. Whereabouts?

A. Water Street.

Q. What number?

A. I forget the number.

Q. What is the name of the stableman?

A. He is an Italian.

Q. Were you on the Saturday, the first of July, 1893, in Quinlan's saloon?

A. Yes, sir.

Q. Did you see this defendant there at that time?

A. Yes, sir.

Q. Did you see Cosgrove and Reagan there?

A. I seen Reagan, I didn't see Cosgrove.

Q. You saw Reagan there?

A. Yes, sir.

Q. And when you saw Reagan, where was he standing?

A. He came in first for a drink.

Q. Did he get his drink?

A. Mr Sullivan told him he wouldn't sell him no drink.

Q. Then what did he do?

A. He went out and was away a little while and came back again.

Q. Then what did he do?

A. Mr Sullivan wouldn't give him no drink.

Q. Did you hear what he said when he came in?

A. No, sir, I did not.

Q. Did you hear what Sullivan said?

A. He told him to get out, he would give him no drink.

Q. Then what happened?

A. Mr Sullivan got around and when he wouldn't go out, he struck him with a stick.

Q. Was the stick about that size?

A. I don't know, about near that size, I don't know, I didn't take no dimensions of the

stick.

Q. And when Mr. Sullivan struck him what happened to Reagan?

A. He fell down and in a little while got up and walked to the door.

BY THE COURT:

Q. Where did he strike him; on the head?

A. I don't know whether on the back or head or where.

Q. He fell down?

A. Yes, sir.

BY MR. OSBORNE:

Q. Did Mr. Sullivan say anything when he struck Reagan?

A. No, sir, he said nothing.

BY THE COURT:

Q. When he went out, Reagan, did he gave his hat on or off after he got up?

A. No, he had not his hat on. The hat fell off.

BY MR. OSBORNE:

Q. Where was Reagan standing when he was hit by Sullivan?

A. At the end of the bar.

Q. By the bar?

A. Yes, up again the bar.

Q. And about how far off were you?

A. I was up at the far side next to Monroe Street, at the far side of the bar.

Q. Did Reagan hit Sullivan at all?

A. No, sir.

Q. Didn't hit him at all?

A. No.

Q. Didn't make any pass at him?

A. No, sir, not to my know-

ing.

Q. You didn't see it?

A. No, sir.

Q. And you didn't see Cosgrove at all?

A. No, sir, I did not.

CROSS EXAMINATION BY MR. CHANLER:

Q. Who else was in the saloon with you?

A. I don't know, that is all I have got to say about anything more, I didn't see nothing more.

Q. Didn't you see anybody else in the saloon that night?

A. Yes, sir.

Q. How many?

A. I couldn't tell you.

Q. About how many; some within a dozen of it?

A. There was over a dozen, I think, and more.

Q. In the saloon?

A. Yes, sir.

Q. And around the saloon?

A. Not around, only on one side. It wasn't full both sides around.

Q. What were they doing, do you remember; drinking?

A. What else would they be doing?

Q. That is what you were doing?

A. I hadn't great means to drink that night, I hadn't much money, you won't get much to drink without you have money.

Q. Well, there were a great many people in the saloon at the time Reagan came in the last time?

A. There were a good many.

Q. And were they very near?

A. They were on the far side next

to Monroe.

Q. Were they all sitting together, do you remember?

A. No, sir.

BY THE COURT:

Q. Were they sitting or standing?

A. They were standing.

BY MR. CHANLER:

Q. Standing by the bar?

A. Yes, sir.

Q. Did you know the name of anybody there?

A. No, sir.

Q. Have you since learned the name of anybody who was there that night?

A. No, sir, I did not. I was sorry I was in at all to know anyone.

Q. Didn't you see Mr. Flynn or Mr. Finn there?

A. No, sir.

Q. Do you remember testifying at the Coroner's Inquest?

A. I do.

Q. And do you remember seeing a Mr. Finn testify there or a Mr. Flynn at the Inquest?

A. A lawyer?

Q. No, he was a witness for the people.

A. No, sir, I don't remember it.

Q. How long had you been in that saloon that night?

A. About half an hour or so.

Q. Had you been in there in the afternoon?

A. No, sir, not until that happened, I was in that time.

Q. Hadn't you been in there in the afternoon before that?

A. Yes, I was in before that.

Q. I mean that some afternoon. Hadn't you been in there drinking that same afternoon?

A. No, sir, I was drinking only one time in it, the time this happened.

Q. You had only been there about half an hour, you are sure about that, I don't want you to make any mistake?

A. I know that, I don't want to make any mistake either.

BY THE COURT:

Q. How many times were you in the saloon that day before this happened, do you recall?

A. I was, I believe, once or twice.

Q. You work in a stable?

A. Yes, sir.

Q. Is the stable near the saloon?

A. No, sir, in Water Street.

Q. Do you live near the saloon?

A. I live in Hamilton Street.

Q. How far is that from the saloon?

A. About half a block.

Q. And you think you were there two or three times that morning and afternoon?

A. Yes, that night.

Q. And what time was it when this blow was struck?

A. To the best of my knowing, I think it was 10 o'clock.

BY MR. CHANLER:

Q. You were sitting down at a table when Reagan came in, were you not?

A. No, sir, I was standing up.

Q. Sure about that?

A. Yes, sir, sure about that.

Q. About where were you standing; on the Monroe Street side?

A. Yes, sir.

Q. Were you standing at the bar?

A. Yes, sir.

Q. In the center of the bar there is a place where they have glasses, a sort of sideboard with glasses and bottles arranged on it, going up high, isn't there?

A. Yes, there is.

Q. Do you see that bar there (on the diagram)?

A. Yes, sir.

Q. You were somewhere on the Monroe Street side?

A. Yes, sir.

Q. Do you think you understand the situation of that bar now?

A. Yes, sir, it runs all around like a horse show.

Q. Wasn't there something here with glasses on running along the center?

A. Yes, sir, bottles and glasses.

Q. About how high was that?

A. Up near to your breast.

Q. It is decorated along the top?

A. Yes.

Q. There is woodwork there?

A. Yes, sir.

Q. Altogether about how high should you say this place is?

A. It is on the middle of the bar, it runs from the ice-box up near the front.

Q. The ice-box is here?

A. No, at the lower end of the bar.

Q. About how high on it should you say it was from the ground?

BY THE COURT:

Q. Five or six feet high?

A. No, sir, about three feet above

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the bar?

BY MR. CHANLER:

Q. Whereabouts were you standing alongside the bar?

A. I was on the corner of Monroe next to Market.

Q. You were down here?

A. Around that corner, next to Market.

Q. About there?

A. Yes, sir.

Q. Whereabouts did you see Reagan; was Reagan standing about here?

A. He was standing at the lower end of the bar, down next to Hamilton Street.

BY THE COURT:

Q. Here is where you were?

A. Yes, sir.

Q. Where was Reagan; was Reagan there?

A. He was down at this side, next to Hamilton.

Q. And you were nearer to market Street?

A. Yes, sir.

BY MR. CHANLER:

Q. Had you been talking to anybody while you were in the saloon?

A. No, sir, I was alone there myself.

Q. Had you been standing up at that bar alone for twenty minutes?

A. Yes, sir.

Q. How many drinks do you think you took in that twenty minutes?

A. I had one glass of beer, that is all I had.

Q. What first attracted your attention, what did you notice first about Reagan and Sullivan?

A. I knew nothing about it.

Q. What did you notice first, what was the first thing you saw?

A. When he came in for a drink first Mr. Sullivan wouldn't give him none, Mr. Sullivan told him to go out, not to be troubling, he was busy now.

Q. Did they have any other words besides that?

A. No, sir.

Q. Did he go out quietly?

A. Yes, sir.

Q. Did you see Sullivan go and speak to a policeman?

A. No, sir, I did not.

Q. Did you see Sullivan leave the bar at all?

A. No, sir; I did not to my knowing.

Q. You were not looking at Sullivan all the time were you?

A. Yes, sir.

Q. Were you watching him all the time?

A. I was not watching him.

Q. You did not see him all the time?

A. No, sir.

Q. You would not say he did not go out in the street?

A. No, sir, he did not to my knowing.

Q. What was the next thing you noticed about Reagan?

A. Nothing more that I know.

Q. Reagan came in again?

A. I know he did.

Q. And what happened then that you saw?

A. Well, I told you.

Q. Well, I want you to tell me the first thing you saw?

A. He came in again and Mr Sullivan told him he wouldn't give him no drink.

BY THE COURT:

Q. Then what next?

A. Mr Sullivan went down and struck him with a stick.

Q. Sullivan came to the bar where he was?

A. To that end of the bar.

Q. He was standing at the end of the bar?

A. He was standing at the end of the bar, Reagan.

Q. And Sullivan came behind the bar?

A. He came around to the corner, to the end of the bar.

Q. And went up where Reagan was standing?

A. Reagan was standing at the very corner of the bar.

Q. And he then struck him with a stick?

A. Yes, sir.

Q. And Reagan fell?

A. Yes, sir.

BY MR. CHANLER:

Q. You could not see where Reagan had his hand?

A. No, sir.

Q. Didn't notice particularly?

A. No, sir, I did not.

Q. You did not notice particularly what was going on until Reagan was struck?

A. No, sir, I did not.

Q. That was the first thing really made you notice anything much, was when Sullivan struck him with the stick?

A. I saw Mr Sullivan order him out twice, told him he would give him no drink.

Q. Are you sure that you did not go into that saloon at 8 o'clock that night and stay there until ten?

A. I was in

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before 8 o'clock.

Q. And you staid there until 10?

A. Yes, sir.

Q. Hadn't you been in there a little earlier that same afternoon?

A. I was in there, yes.

Q. You were in there that afternoon?

A. Yes, sir.

Q. How many drinks did you have in there that afternoon that you can remember now?

A. I hadn't many, I had no means to have many.

Q. You did not go into that bar-room and stay there without spending any money?

BY THE COURT:

Q. How many drinks do you recollect you had all that day, as near as you can give it?

A. Some days I would have none at all, and other days I would have too much.

Q. But that day, how many?

A. Well, I might have had one or two.

Q. That is, as near now as you can recollect?

A. Yes, sir as near as I can recollect.

MEINHARD ALSBERG, a witness in behalf of the People, having been duly sworn, testified.

BY MR. OSBORNE:

Q. What is your business?

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A. Manufacturer of collars.

Q. Whereabouts?

A. Factory in Brooklyn, our present office at 176 Fulton Street, New York.

Q. Did you know Joe Reagan?

A. I did.

Q. How many years did you know him?

A. I Think it must have been pretty nearly four years.

Q. During that time, was he in your employ?

A. Yes, sir.

Q. Was he in your employ on the first of July, 1893?

A. He was.

Q. And regularly in your employ for four years?

A. As near as I recollect about four years.

Q. Do you know his reputation?

Objected to.

Objected withdrawn.

Q. What was his general character for peace and quiet?

A. Very good, indeed.

CROSS EXAMINATION BY MR. CHANLER:

Q. You never heard of his being arrested, and fined \$10, did you?

A. I did not.

Q. If you had heard that, would that affect your opinion as to his good qualities?

A. Undoubtedly.

DANIEL McSWEENY, a witness in behalf of the People

having been duly sworn, testified:

BY MR. OSBORNE:

Q. Where do you live?

A. 74 Oliver Street.

Q. Where do you work?

A. Stern Brothers.

Q. Sixth Avenue and what Street?

A. 23rd Street.

Q. Do you remember Saturday night the first of July, 1893?

A. Yes, sir.

Q. Did you see this man Sullivan that night, the defendant?

A. Yes, sir.

Q. Did you see Joe Reagan that night?

A. Yes, sir.

Q. Did you see Cosgrove that night?

A. Yes, sir.

Q. Where were you standing at the time you saw them?

A. About 20 or 30 feet away from the door.

Q. What door?

A. The saloon.

Q. Quinlan's saloon?

A. Yes, sir.

Q. At Market Street and Hamilton?

A. Yes, sir.

Q. Which door?

A. The side-door on Hamilton Street.

Q. Who were with you?

A. Thomas Dunn and three girls.

Q. What are the names of the girls?

A. Josephine O'Keefe, Mary Ann Reagan, Louisa Ryan.

Q. About what time of the night is that you are speaking of?

A. About 10 o'clock at night, Saturday night.

Q. Tell us what you saw or heard?

A. We were standing talking to these girls and Reagan and Cosgrove walked past us,

and they went into the saloon.

Q. Which door?

A. On the side-door, on Hamilton Street. We were standing, and we heard like some one was struck. So we ran up to the door, and I saw Reagan laying on the floor. By the time we got up there, Cosgrove was just helping him up.

Q. Did you see Mr. Sullivan?

A. Seen him walking about, walking behind the bar.

BY THE COURT:

Q. Did he have anything in his hand then?

A. I couldn't see his hand, he was half way behind the bar.

Q. Did you see him when he came out, Reagan?

A. Yes, sir.

Q. Was he helped along?

A. Yes, sir, he was leaning on Cosgrove.

Q. Did he have his hat on?

A. No, sir.

CROSS EXAMINATION BY MR. CHANLER:

Q. You say you were there, with these three young girls, and Thomas Dunn?

A. Yes, sir.

MARY ANN REAGAN, a witness in behalf of the People, having duly sworn, testified:

BY MR. OSBORNE:

Q. Where do you live?

A. 140 Cherry Street.

Q. Do you work in the city?

A. Yes, sir.

Q. Whereabouts?

A. 151 Chambers Street.

Q. What is the nature of the business where you work?

A. Paper boxes.

Q. Paper box factory?

A. Yes, sir.

Q. Do you remember Saturday night the 1st of July, 1893?

A. Yes, sir.

Q. About ten o'clock?

A. Yes, sir.

Q. That night did you see this defendant, Cornelius Sullivan?

A. Yes, sir.

Q. Did you see Cosgrove?

A. Yes, sir.

Q. And did you see Joe Reagan, the boy that is dead?

A. Yes, sir.

Q. Where were you standing?

A. In Hamilton Street.

Q. On the Hamilton Street side of what; of the saloon, Quinlan's Saloon?

A. Yes, sir.

Q. How far were you from the door?

A. About three doors away, standing at the next house.

Q. Who was with you?

A. Miss Louisa Ryan, Miss Josephine O'Keefe.

Q. What young boys were you?

A. Thomas Dunn and Daniel McSweeny.

Q. This young man who was just here before you?

A. Yes, sir.

Q. Anybody else with you?

A. No, sir.

Q. Was there anybody standing in front of the Hamilton Street side-door?

A. No, sir.

Q. Nobody there at all?

A. No, sir.

Q. Now, tell us what you saw?

A. I was standing there, I saw Joseph Reagan and Thomas Cosgrove coming up the street and they went in the side-entrance of the liquor store, Mr Quinlan's liquor store. They were in there about five minutes and we seen a crowd come through from the other side, and we went up and I saw Joseph Reagan lying on the floor, and Mr Sullivan over him with a club.

Q. Is that the club?

A. I couldn't exactly identify the club but it looked like a policemen's night-stick.

Q. Then what did you see after that?

A. Then Joseph Reagan got up with his hand over his left ear and he staggered out the door and went down Hamilton Street. Any further I don't know.

CROSS EXAMINATION BY MR. CHANLER:

Q. Did I understand you to say that you did not see anybody around the Hamilton Street side?

A. No, sir.

Q. Sure about that?

A. Yes, sir.

JOSEPHINE O'KEEFE, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q. Where do you live?

A. No. 11 Hamilton Street.

Q. Do you work in the city?

A. I don't work at all.

Q. Do you live at home?

A. Yes, sir.

Q. With your people?

A. Yes, sir.

Q. Do you remember the 1st of July, 1893?

A. Yes, sir.

Q. Saturday night?

A. Yes, sir.

Q. Where were you that evening about ten o'clock?

A. I was about three doors away from the saloon.

Q. From what saloon?

A. Quinlan's saloon on the Hamilton Street side.

Q. Did you see the defendant Sullivan that night?

A. Yes, sir.

Q. And did you see Joe Reagan, the boy that is dead?

A. Yes, sir.

Q. And did you see Cosgrove?

A. Yes, sir.

Q. Now tell, the Jury just what you saw?

BY THE COURT:

Q. I suppose you were with Miss Reagan?

A. Yes, sir.

Q. And with Dunn?

A. Yes, sir.

Q. And with McSweeny?

A. Yes, sir.

Q. You were all together?

A. Yes, sir, we were all standing together, and Joe Reagan and Tom Cosgrove passed us and they went in the saloon, and a few minutes after we seen a crowd running over and we went up to see what was the matter and Joe Reagan was lying on the floor and Sullivan over

him with a club. He walked away, and we seen Cosgrove running out and then Joe Reagan came out a little while after, with his hand to his head and went down the street and we walked away. That is all I know about it.

Q. You saw no row in the saloon or fight of any kind?

A. No, sir.

BY MR. OSBORNE:

Q. Was there anybody standing in front of the Hamilton Street side?

A. There were a few people, outside of the witnesses, a few people.

Q. Near the Hamilton Street side?

A. Yes, sir.

Q. When did you notice them; when they ran across the street?

A. Yes, sir.

Objected to.

Q. Will you tell me when you noticed these people you say were in front of the Hamilton Street entrance?

A. After it happened.

Q. Before you all ran up there or before it happened, did you notice them in front of the Hamilton Street entrance?

Objected to.

A. No, SIR.

CROSS EXAMINATION BY MR. CHANLER:

Q. Do you know the name of the place where you were sitting down at?

A. We were not sitting at all, we were standing.

Q. Do you know what it was?

A. It was between Miss Reeves and Quinlan's place.

Q. Was it a boarding-house?

A. No, sir.

Q. You were just standing out there?

A. Yes, sir.

Q. Talking among yourselves?

A. Yes, sir.

Q. And the first thing you noticed was Reagan and Cosgrove going in?

A. Yes, sir.

Q. And after that, you saw a crowd?

A. After they went in a crowd commenced to come around, so we went up to see what was the matter, and Joe Reagan was lying on the floor and some one was standing over him with a club.

Q. When you got there you say you saw some witnesses standing near the door?

A. I saw some people with the witnesses.

Q. What witnesses?

A. The witnesses here, Mary Ann Reagan, Miss Ryan and the others.

Q. Did you all go to the door?

A. Two of them.

Q. And the others?

A. They went up after us.

Q. And there were some other people besides those witnesses at the door, when you got there?

A. Yes, sir.

Q. That is all you know about it?

A. That is all I know.

REDIRECT BY MR. OSBORNE:

Q. At the time you saw Cosgrove and Joe Reagan go into the Hamilton Street side, was there anybody standing by the Hamilton Street side?

Objected to by Mr. Chanler,

Question allowed. Exception.

A. No, there were no people there.

Q. Is Louisa Ryan here?

A. No, she is home sick.

THOMAS DUNN, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q. Where do you live?

A. 128 Cherry Street.

Q. What is your business?

A. I work in a warehouse as a clerk.

Q. And do you remember Saturday night the first of July, 1893?

A. Yes, sir.

Q. About ten o'clock at night?

A. Yes, sir, about 10 o'clock at night.

Q. Did you on that night see Joe Reagan, the man who is deceased?

A. Yes, sir.

Q. And Cosgrove?

A. Yes, sir.

Q. Did you see this defendant here, Cornelius Sullivan?

A. Yes, sir, I saw him in the barroom.

BY THE COURT:

Q. Did you see Miss Reagan?

A. Yes, sir.

Q. And Miss O'Keefe?

A. Yes, sir.

Q. And you are the Thomas Dunn they speak of?

A. Yes, sir.

Q. Did you see McSweeney also?

A. Yes, sir.

BY MR. OSBORNE:

Q. Now, tell us where you were standing when you saw Cosgrove and Reagan?

A. I was standing about 30 or 40 feet from the entrance on Hamilton Street.

Q. The entrance of what?

A. Of the saloon.

Q. Quinlan's saloon?

A. Yes, sir.

Q. What was the next thing you saw?

A. I heard a sound which I thought was a blow.

Q. What did you do then?

A. We ran up, the five of us, I was the last one to get up to the door, and I happened to look in there and I saw Joe Reagan on the floor.

Q. And where was Cornelius Sullivan? Standing over him?

A. I see him stand, not exactly over him, but he was coming out to close the door.

Q. Did he save anything in his hand?

A. I didn't notice anything.

Q. Did you see Reagan after that?

A. I seen him coming out, leaning on Thomas Cosgrove's arm.

Q. Did he save his hat on?

A. That I couldn't recollect.

BY THE COURT:

Q. You say you are a clerk in a warehouse?

A. Yes, sir.

Q. What warehouse?

A. Robinson's Storage Warehouse.

Q. Is that in New York?

A. Yes, sir, 52 and 54 Greenwich Street. But I am not working now, I was laid off about two months ago.

Q. How long were you working there before that?

A. Two years.

Q. And you were laid off in consequence of the slack business?

A. Yes, sir.

BY MR. OSBORNE:

Q. Did you see any row or disturbance in the saloon at all?

A. No, sir.

Q. At the time you saw Cosgrove and Reagan go in the saloon, was there anybody standing in front of the Hamilton Street entrance?

Objected to by Mr Chanler as leading.

Question allowed.

A. No, sir, I didn't notice any one there at all.

CROSS EXAMINATION BY MR. CHANLER:

Q. Your name is Dunn?

A. Yes, sir.

Q. You say all you saw was Sullivan walking over to close the door?

A. I saw him lying on the floor.

Q. And saw Sullivan walking over to close the door?

A. Yes, sir.

Q. Who suggested to you to say anything about Sullivan stand-

ing over him?

A. No one at all.

Q. How did you happen to say you didn't see him standing exactly over him, you saw him walking over to close the door?

The Court: The District Attorney suggested that. He did not say he saw him standing over him.

Witness: I was the last one up there, and I did not see him standing over him.

Q. Did anybody ask you if you saw anybody standing over him?

A. Only the attorney here: He asked me did I see him. I said I didn't see him exactly standing over him.

BY MR. OSBORNE:

Q. Did anybody ever tell you to say you saw him standing over him?

A. No, sir.

OFFICER GEORGE B. GRIMSHAW, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q. Are you a member of the municipal force of this city?

A. Yes, sir.

Q. Do you remember July 1st, Saturday evening?

A. Yes, sir.

Q. Did you have a talk with Sullivan that evening about 11:45?

A. Yes, sir.

Q. Will you tell the jury what the talk was that happened after the row?

BY THE COURT:

Q. Did you have any talk with Sullivan?

A. Yes, sir.

Q. Now, tell the jury what you said to Sullivan, and what Sullivan said to you, as near as you can recollect?

A. Sullivan came out to me and called me over.

BY MR. OSBORNE:

Q. I asked you about the conversation about 11:45.

BY THE COURT:

Q. Did you have any talk at 11:45?

A. Yes, sir.

Q. Now, go on and state?

A. Sullivan came out to me and told me Cosgrove and Reagan were in there making a disturbance.

Q. What else?

A. So I stood around there.

Q. Did you say anything to that?

A. I told him I would - no, that ain't it either. At that time there was an alarm of fire come and I went down to the fire in Hamilton Street.

Q. Is that the end of it?

A. Yes, sir.

Q. What was the first time that you saw Sullivan on July 1st?

A. He called me over across the street.

Q. What time was that; was that in the morning or the afternoon?

A. It was in the evening.

Q. And when you crossed ---

A. He called me across and told me Cosgrove and Reagan were in the store making a disturb-

ance. So I waited around there for about 15 minutes, and during that time Reagan came up.

Q. Then Reagan was not in there at that time?

A. No, sir. He came up and I ordered him away, and wanted to know what he wanted to do around making a disturbance in the saloon.

BY MR. OSBORNE:

Q. Well, you slapped his face and drove him away?

A. "He didn't want you in there and didn't want to sell you anything, the best thing is to stay out".

Q. What did Reagan say to that?

A. Reagan didn't make any remarks at all. I shoved him away, told him to go away and keep away, if he came back again I would lock him up.

Q. Did you see Sullivan after that?

A. Yes, sir.

Q. Now, will you say what he said to you and what you said to him?

A. Sullivan came out and told me that they had been back there and he had struck one of them.

Q. Did he tell what Reagan and Cosgrove were doing that made him hit him?

A. They came in there making threats.

BY THE COURT:

Q. Did he tell you the threats?

A. No, sir.

Q. He told you that Cosgrove and Reagan had come in. Now, just tell this jury what he said.

A. That was the time I went to the fire, when the alarm of fire was sent out.

Q. Did you come there after Reagan had been struck?

A. Yes, sir.

Q. Did you see Sullivan after that?

A. When he was struck I had gone down Market Street.

Q. But you came back again?

A. I came back again about 15 or 20 minutes afterwards.

Q. And you saw Sullivan again?

A. Yes, sir, I saw Sullivan again after that.

Q. After what?

A. After I came back.

Q. What time was that?

A. About 11:45.

Q. Was that after Reagan had been hit?

A. Yes, sir.

Q. Now, will you tell the jury what Sullivan said to you and you said to Sullivan?

A. Sullivan told me they had been back again and he had struck one of them.

Q. Which one of them did he say he struck?

A. He didn't tell me which one.

Q. Did you ask him?

A. No, I didn't ask him.

Q. Did he tell you with what he struck him?

A. No, sir.

Q. And you didn't ask him?

A. No, sir, that was the time the alarm came in.

Q. Is that all?

A. That was all.

Q. At that time did you know that Reagan had been struck?

A. I don't understand.

Q. At the time that he told you he struck Reagan, had any one else told you Reagan had been struck in the saloon?

A. Yes, sir, there was a party came down the street and

told me they had been in the saloon and some one had been struck.

BY MR. OSBORNE:

Q. Now will you tell me whether Sullivan told you what Reagan and Cosgrove did to him, that made him hit him?

A. They made threats.

BY THE COURT:

Q. Did he say what the threats were?

A. No, sir.

CROSS EXAMINATION BY MR. CHANLER:

Q. Did you know the dead man, Reagan?

A. No, sir, I didn't know him until that evening.

Q. Is there such a gang in the neighborhood known as the "Growler Gang"?

A. They rush the growler there occasionally.

Q. There is a gang there known as the Growler Gang?

A. Yes, sir.

Q. It is a pretty tough neighborhood?

A. At times, it is.

Q. Saturday nights, generally?

A. Saturday and Sunday nights.

Q. Was this young fellow that is dead, recognized as a member of these gangs?

Objected to.

Q. Was he one of those gangs?

BY THE COURT:

Q. Do you know whether he was or not of his own knowledge?

A. I don't know whether he was a member of it or not.

BY MR. CHANLER:

Q. What time of the evening was it that Sullivan first called you into the saloon?

A. I didn't go into the saloon.

Q. He called you over to the saloon from the street?

A. Yes, sir.

Q. And then he spoke to you?

A. Yes, sir.

Q. Went out to the door and spoke to you?

A. Yes, sir.

Q. And that was about half past nine, was it?

A. I think it was a little later than that.

Q. He told you then that Cosgrove and Reagan were there making trouble?

A. Yes, sir.

Q. In the saloon?

A. Yes, sir.

Q. And what did he ask you to do, what did Sullivan ask you to do that time?

A. He didn't ask me, to do anything. I asked him if he wanted him locked up. He said he couldn't leave the saloon on account of it being Saturday night and there was no one to leave in charge of the saloon.

Q. Didn't he also say he didn't want to have any trouble with him at all?

A. Yes, sir.

Q. And then did you tell him if they came around again making more disturbance you would see if you could get them?

A. Yes, sir.

Q. And didn't you then wait around there for a while?

A. Yes, sir.

Q. And then it was Reagan came up?

A. Yes, sir.

Q. And then it was you ordered him away from the saloon, and told him not to come back to it again?

A. Yes, sir.

Q. And told him you would lock him up if he came back again?

A. Yes, sir.

Q. You went down to Water Street after you had ordered Reagan away from the saloon?

A. Between Cherry and Water.

BY THE COURT:

Q. You went down Hamilton Street?

A. This was before the fire.

BY MR. CHANLER:

Q. You went down as far as Water Street?

A. Yes, sir.

Q. And then it was that Smith or some one had a talk with you?

A. Some one told me they had been in the saloon and one of them had got struck.

Q. Who was it told you, do you remember?

A. I didn't know the party.

Q. And then you went back again, and everything was all quiet?

A. Yes, sir.

Q. Was there any one in the saloon when you went back the second time as far as you could see by looking in the door?

A. There was no one but the bar-keeper that I saw.

Q. You didn't pay much attention, did you?

A. No, sir.

Q. You didn't know at that time that anything serious had happened?

A. No, sir, I didn't know that anything serious had happened.

Q. You didn't pay any particular attention to what you said to Sullivan or what Sullivan said to you when you went back the second time?

A. No more than I have stated.

Q. Now, I will ask you whether you remember this question being put to you, and you making this answer which I now read you at the Coroner's inquest held on July 6th: "Q Was this young fellow that is dead recognized as a member of these gangs? A A He was". Do you remember that?

Objected to by Mr Osborne.

Question allowed.

BY THE COURT:

Q. Did you state that before the Coroner?

A. No, sir, I don't remember making any such statement.

BY MR. CHANLER:

Q. Do you remember this question and answer: "There are some pretty tough fellows around there? A. Yes, sir"

A. Yes, sir.

Q. Do you remember the following question and answer:

"And he was recognized as one of the Growler Gang? A Yes, sir" Do you remember that question and answer being put at the Coroner's Office?

A. No, sir, I do not.

Q. Did you say anything at the Coroner's Office about this conversation with Sullivan that night?

A. Yes, sir.

Q. Sure about that?

A. Yes, sir.

Q. I mean the second time, after Smith or some boy told you there had been a muss in the saloon, I mean when you went back the second time, you didn't say anything about that in the Coroner's Office?

A. No, sir.

BY MR. OSBORNE:

Q. Were you asked about that last talk you had with him at the Coroner's Office?

A. No, sir.

BY MR. CHANLER:

Q. You were asked whether you had gone back to the saloon after you had heard of this trouble, weren't you?

A. I don't remember that.

BY THE COURT:

Q. Now, how many times were you in the neighborhood of that saloon that day before this blow was struck, do you know?

A. About eight times.

Q. That was to 11 o'clock that night?

A. Yes, sir.

Q. Did you see any row in that saloon that day, as you passed it?

A. No, sir.

Q. Or any disturbance of any sort?

A. No, sir.

BY MR. CHANLER:

Q. About how tall was Reagan?

A. I should say about 5 feet ***4 or 5.

Q. I will now ask you if you recollect this question being

put to you at the Coroner's Office: "How tall was Reagan" and your making this answer: "I should judge about 6 feet or 5 feet 7".

A. I guess I was muddled up that time.

Q. That was six or seven days after you had seen Reagan that you went to the Coroner's Office?

A. I don't remember what date.

Q. Well it was a few days after this occurrence?

A. Yes, sir.

Q. Was your recollection then as good as it is now in regard to Reagan's appearance?

A. Yes, sir, it might have been better.

OFFICER JAMES HAGGERTY, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q. Of what Precinct are you?

A. 7th Precinct.

Q. One of the municipal force?

A. Yes, sir.

Q. Did you arrest Cornelius Sullivan?

A. I did.

Q. On what day did you arrest him?

A. On the 2nd of July, about half past five in the morning.

Q. At the time you arrested him did you have a talk with him?

A. Yes, we spoke together.

Q. Tell all that you said to him and all that he said to you.

A. I went to No. 35 Market Street, found that he lived

there, got him up, he was lying in bed, he wanted to know what I wanted, I told him I was a police officer, and I had come to arrest him. I said there had been a man injured the night before, and that he was in the hospital. He wanted to know if I had a warrant for him. I told him no, I didn't think it was necessary, the man was dangerously injured, and he went with me. On the way to the station house, he told me, he acknowledged striking the man---

Objected to.

BY THE COURT:

Q. Did he say "I acknowledge striking the man"?

A. Yes, sir. I acknowledge striking the man, I was compelled to do it, I had trouble with him before. He said some of the gang had thrown a lunch bowl at him some time previous, and that he had trouble with him that night before, and ordered him out of the place, these two men, Reagan and Cosgrove.

BY MR. OSBORNE:

Q. Go on.

A. That is about the substance of it. He made the same statement in court the following morning.

Q. Did he say anything to you about the club or stick he hit him with?

A. He did in court.

Q. What did he say?

A. He said that was the club he had used.

Q. That this was the club he had used?

A. Yes, sir.

Q. And where did you get it?

A. In the bar-room on the corner

of Monroe and Market Streets.

Q. In Quinlan's saloon?

A. Yes, sir.

Q. The place where he worked?

A. Yes, sir.

Q. Now, is that all he said that was done?

A. That is all I remember.

NO CROSS EXAMINATION.

Mrs. MARGARET REAGAN, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q. Where do you live?

A. 40 Catharine Street.

Q. Did you live there on the 1st of July, 1893, this year?

A. Yes, sir.

Q. About what time in the night of Saturday July 1st was Joe brought home?

A. Between ten and half past ten.

Q. And he staid there until what time?

A. He came in and he laid on the lounge. He jumped up and put his arms around my neck and he said oh, mamma, I am killed.

Objected to.

BY THE COURT:

Q. He was brought in about half past ten and laid on the lounge?

A. Yes, sir.

Q. And he remained there until he was removed in the ambulance

A. He was put in bed and we sent for a doctor.

Q. And then an ambulance came and took him away?

A. Yes, sir.

Q. To the Chambers Street Hospital?

A. Yes, sir.

Q. And that was early in the morning?

A. That was about five o'clock.

BY MR. OSBORNE:

Q. You sent for Dr. Manning and Dr. Tuffs.

A. Yes, sir.

Q. And then he was brought home on the 4th of July, was he?

A. On the 4th of July, evening.

Q. And Joe had been at work for four years for the gentleman who was here?

A. Four years past.

Q. And how much did he make a week?

Objected to.

NO CROSS EXAMINATION.

Mr. Osborne: That is the case for the People.

Mr. Chanler: I ask your Honor to instruct the jury to acquit the defendant upon the ground that the People have failed to show that the deceased came to his death as a result of a wound inflicted at the hands of the defendants and on the ground that the People have failed to prove facts alleged in the indictment, sufficient to warrant the verdict of manslaughter in either of its degrees.

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Motion denied. Exception.

Mr. Chanler: I now ask your honor to take from the consideration of the jury the charge of manslaughter in the first degree.

Motion denied. Exception.

Mr. Chanler opened for the defendant.

AFTERNOON SESSION.

THOMAS COSGROVE, a witness called on the part of the defense, testified as follows:

By Mr. Chanler:

Q. You remember seeing Officer Curry shortly after this occurrence, don't you?

A. No sir.

Q. Didn't you meet Officer Curry while going home?

By the Court:

Q. Do you know Officer Curry?

A. Yes sir.

By Mr. Chandler:

Q. Did you meet officer Curry that night when you and Reagan were going out of the saloon and going home?

A. Yes, met him.

Q. I believe you testified you did not tell him anything about what occurred?

A. Yes.

Q. I now ask you if you remember meeting Officer Curry on the following day?

A. No, sir, I do not.

Q. Do you remember meeting Officer Curry corner of Pike and Monroe Streets at any time after this occurrence - this right - and hearing Curry ask you "Why didn't you let me know he was hurt?" - do you remember his asking that question?

A. No sir, don't remember that.

Q. You remember your saying at any time to Curry "We did not want to let you know anything about it; we did not think he was hurt so bad" - remember saying anything like that to Curry?

A. No sir, don't remember.

Q. Remember saying to him "We went home and had a pint of beer and half an hour afterwards he began to throw up" - did you say that to Curry?

A. No sir.

Q. Had no such conversation with Curry at any time?

A. No sir.

Q. Where did you say you had been working for the last six months since this thing occurred?

A. Thomas Bonney.

Q. Working for him now/

A. Yes.

Q. Working for him steadily all that time?

A. No sir, have been off a couple of weeks.

Q. Where have you been?

A. Walking around; have not been doing anything.

By the Court:

Q. What Bonney is that?

A. The truckman.

By Mr. Chanler:

Q. When did you leave Bonney?

A. About three weeks ago.

Q. Did not you leave him at all two months ago?

A. No sir, I was off and on - working a day now and then.

Q. Had you seen this defendant since that day of the Coroner's inquest?

A. Yes.

Q. Whereabouts?

A. In the Tombs

Q. What were you doing there?

A. I got arrested.

Q. How long were you in there?

A. Six weeks.

Q. How long ago was that?

A. About two months ago.

Q. You say you have been working steadily for Bonney, and you were not away for any length of time?

A. Yes sir.

By Mr. Osborne:

Q. You were indicted, tried and acquitted?

A. Yes sir.

By Mr. Chanler:

Q. What were you tried for?

A. Grand larceny.

Q. Highway robbery, wasn't it?

A. Grand larceny in the first degree.

Q. It was for a crime committed in the night time?

Yes sir.

By the Court:

Q. You were tried and acquitted, were you?

A. Yes sir.

ANDREW CURRY, a witness called on the part of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q. You are an officer attached to the municipal police force

of this city?

A. Yes sir, the seventh precinct.

Q. How long have you been on the force?

A. Five years next February.

Q. Do you know Thomas Cosgrove, a witness in this case?

A. Yes sir.

Q. Do you remember seeing Cosgrove at any time after the trouble in Quinlan's saloon?

A. Yes.

Q. When did you see him?

A. About 11 o'clock that night going home with Joe Reagan. They were walking, but Joe Reagan was leaning on him.

Q. Did you see Cosgrove again?

A. On the next morning corner of Pike and Monroe Streets.

Q. Did you have any conversation with him there?

A. Yes sir.

Q. Did you ask him -

By the Court:

Q. State the conversation.

A. I asked him why he did not tell me about Joe Reagan being struck by the barkeeper that night. He said at the time he did not think he was hurt very bad, and they went home together - sent out and had a pint of beer and drank it between them. He said shortly after that he began to throw up.

Q. Is that all?

A. That is all.

By Mr. Chanler:

Q. You were on duty on the night of the 1st of July?

A. Yes sir.

Q. Where were you?

A. Monroe and Hamilton Streets.

Q. What kind of a neighborhood is that?

Objected to. Sustained. Exception.

Q. Are there many gangs of ruffians infesting that neighborhood?

Objected to.

By the Court:

Q. Do you know Reagan?

A. Yes sir.

Q. If you know, you can state if he belonged to any gang?

A. No sir, don't know of his belonging to a gang.

By Mr. Chanler:

Q. You have testified at the Coroner's office?

A. Yes.

Mr. Chanler: I will now state that this witness is a hostile witness, and would ask leave to cross examine him.

The Court: Ask your questions direct or cross.

Q. Do you remember being asked this question the Coroner's inquest "Do you know the deceased very well, officer?"

A. Very well."

Q. You remember that?

A. Yes sir.

Q. You remember being asked this question "Did you ever have occasion to arrest him for drunkenness."

The Court: He need not answer that; that was nothing to do with the case; that would be no justification for striking him over the head.

Q. "They had a growler there, I got hold of it and broke it up; and after that Joe was found by Officer Grimshaw lying on a stoop" - do you remember testifying to that?

Objected to.

A. That happened the Saturday night previous.

Q. "And he was one that was known as the growler gang? A. Growler gang."

A. I believe so.

Q. Do you know anything about it of your own personal knowledge?

Objected to.

A. There was only one crowd around there by the name of growler - that was all the gang it was.

Q. These gangs have no rules of membership, have they?

A. No sir.

Q. You judge these men belong to gangs by their going around with them?

A. Yes.

Q. Did you ever know deceased Reagan being arrested and fined

\$10 for drunkenness, disorderly conduct - threatening a liquor man?

Objected to.

By the Court:

Q. Did you ever know him to be arrested and convicted for assault upon anybody?

A. No sir.

By Mr. Chanler:

Q. I will ask you this question - did you ever arrest him on a complaint, take him to the station house and know of his thereupon being fined \$10 for attempting to fight a man?

Objected to as entirely immaterial; that it is improper unless he brings a record of conviction, and then he should be confined to what is his general reputation.

The Court: I will allow him to prove any act committed. If you know this man was arrested and fined, you can state it.

A. I don't know.

By Mr. Chanler:

Q. I will change the form of the question - for attempting to assault anybody?

A. Yes sir; he was arrested one Saturday night in Hamilton Street for threatening to assault a man named Cronan who lived at 37 Hamilton Street; he was

fined \$10; it was a police court.

CROSS EXAMINATION by Mr. Osborne:

Q. I understood you to say you didn't know anything about Reagan personally belonging to any gang at all. Did you say that - that you didn't know anything about it?

A. Not belonging to any gang, no.

Q. What you mean by a man being a member of a growler gang is that a crowd of young men get together and one of them sends out for hour, is that it?

A. Yes sir.

Q. Were you around that saloon that night?

A. I was there.

Q. About what time?

A. Several times.

Q. State the times?

A. I was there first on the post about ten minutes after six; then again I was there within three quarters of an hour, and then again up to about ten o'clock.

Q. Did you see any disturbance in that saloon?

A. No sir.

Q. Any row around there?

A. No sir.

Q. Did you see any gangs hanging around?

A. No sir.

RE-DIRECT EXAMINATION by Mr. Chanler:

Q. The Assistant District Attorney has asked you about gangs. I understood Mr. Osborne to ask you whether all you knew about the growler gang was that it was a lot of young men going together and getting beer. Don't you know of young

men holding up the neighborhood for beer?

Objected to. Sustained.

Mr. Chanler: I would like to state that the defendant -

The Court: You need not state it.

Mr. Chanler: I except to your Honor's refusal to allow me to state at length upon the record the grounds of the question.

By the Court:

Q. The neighborhood of the saloon is occupied by a very poor class of people, is it not?

A. Yes sir.

Q. Workmen and laborers?

A. Yes sir.

Q. In summer weather do not a great many people, young people, stand around the corners?

A. They do not bother them if they are respectable; they let them hang around there.

Q. These growler gangs are a lot of people who drink beer there who send out for beer and drink it?

A. Let me explain it. What I understand by growler is a crowd of young fellows who do not work at all, who do nothing else but go around and get something to drink - holding them up for it.

Q. Do you know this young man the deceased to do that?

A. No sir.

ANDREW McCARTHY, a witness called on behalf of the defense being duly sworn, testified as follows:

By Mr. Chanler:

Q. You are attached to the municipal police force of this city?

A. Yes sir.

Q. Detective officer?

A. Yes sir, special duty, plain cloths attached to the 7th precinct.

Q. Do you remember where you were on duty on the 1st of July last, the night of this trouble in Quinlan's saloon?

A. Yes sir.

Q. Where were you?

A. I came through Monroe Street at the time before this trouble started.

Q. You came through Monroe Street?

A. Yes sir.

By the Court:

Q. At what time?

A. I think about 8 o'clock, as near as I could get to it. I came from the station house through Monroe Street into Market Street, and I met Officer Grimshaw who said to me -

Objected to.

Q. What did you do at the saloon?

A. I went in where Sullivan was tending bar.

Q. You had a talk with Sullivan?

A. Yes sir.

Q. In consequence of that what did you do?

A. I came outside; I told Reagan and Cosgrove that they must keep away from this man's place and not bother him; they said they were not bothering him. I told Sullivan if he would make a complaint against those young men -
Mr. Osborne: The Court told you not to state what was said.

By the Court:

Q. You came out after having a talk with Sullivan. You cannot say what was said. You told Reagan and Cosgrove not to bother him?

A. They said they would not bother him.

Q. What did you do then?

A. I went away, that was all.

By Mr. Chanler:

Q. When you were talking to Sullivan was Reagan nearby?

A. On the corner; he was out of earshot, couldn't hear what I was saying.

Q. Do you know of any gangs of ruffians that infest the neighborhood of that saloon?

Objected to.

The Court: He need not answer unless you propose to connect it by this witness.

Q. I do propose to connect it. Question repeated.

A. I did

not at the saloon. I did around the corner.

Q. Do you know of Reagan belonged to any of those gangs of ruffians inquired of?

A. I have seen him in company with some of them.

Q. When you were talking to Cosgrove and Reagan, were there any other young men about?

A. Could not say whether there was or not - couldn't be positive.

Q. Do you know of your own knowledge whether you went to the saloon before or after Officer Grimshaw had been there that evening?

A. I think it was after.

Q. You need not answer unless the Court permits you. I ask you if Reagan was a regular recognized member of the growler gang in that neighborhood?

Excluded. Exception.

Q. You need not answer unless the Court permits you. I ask you if you know those growler gangs or the growler gang of which Reagan was a member holding up citizens on the street and robbing them?

The Court: Excluded on the ground that the question assumes facts which are not proved.

Exception.

Q. Do not answer until ruled upon by His Honor. I ask you

if the defendant Sullivan told you that night that those boys had threatened him?

A. Don't remember that he did.

Q. Do not answer until His Honor so rules. I ask you if that part of the precinct where you testified Reagan went was not the worst part of the whole precinct - I ask you if you know of Reagan going about in company with any gangs? Objected to.

The Court: A man might very easily be mistaken in supposing another to belong to a gang by seeing him in that neighborhood, and a police officer might say that you belong to a gang if he happened to see you around there upon that assumption. I know frequently I have to walk in the midst of large numbers of people or gangs, who crowd about the court house, and yet I would not like to be suspected of belonging to any gang.

Q. You need not answer unless the Court so rules. Do you know whether or not Reagan was considered in that neighborhood of being a member of one of the toughest growler gangs there?

Excluded. Exception.

Q. You need not answer unless His Honor so rules. Do you

know if Reagan was a member or was continually in company of one of the toughest growler gangs in that neighborhood?

Excluded. Exception.

Q. I do not ask if he was passing through there but was in company with it?

Excluded. Exception.

Q. How long have you known Reagan?

A. I have known him about a year.

Q. Do you know other people who know him?

A. Yes sir.

Q. Do you know what his general reputation is for peace or quiet?

A. Couldn't say anything about that.

CROSS EXAMINED BY Mr. Osborne:

Q. You were about that precinct that night?

A. Yes sir.

Q. Did you pass by Quinlan's saloon to and fro?

A. Yes sir.

Q. See any row there that night?

A. I believe not.

Q. No disturbance of any kind?

A. No sir.

Q. And your best recollection is, as I understand it, you saw Reagan in company with Cosgrove only?

A. Yes sir.

Q. He was not with any gang at that time?

A. No sir.

Q. I understood you to say that if you had see him in your life standing around a corner with a gang of ruffians you would not know whether he belonged to the gang or not?

A. Couldn't say.

By Mr. Chanler:

Q. Do not answer unless ruled upon by the Court. I ask you if you remember this question being put to you at the Coroner's inquest, and your making the following answer: "Will you state what you know about the occurrence? A. I saw Sullivan (then follows the conversation with Sullivan which His Honor excluded, and you go on to say) There was Cosgrove and Reagan and five or six others; some sat on the steps around the side," - and somebody called out "What were you doing to this man." Do you remember testifying to that?

A. Yes sir.

Q. That was true to the best of your recollection?

A. Yes sir.

By the Court:

Q. Were there any girls around there at that time?

A. Couldn't say.

By Mr. Chanler:

Q. This was some time before you heard of any fight in the saloon - about what time of night was it?

A. About 8 o'clock.

By Mr. Osborne:

Q. When you saw Reagan and Cosgrove, according to the best of

your recollection, they were together; is that what I understand you to say?

A. Yes.

Q. And these other people were around the neighborhood - the people sitting around the saloon they were not with Cosgrove or Reagan?

A. They didn't seem to be in their company. The others were away - several feet from there. Couldn't say whether they were in company with them or not.

HENRY MICHAELS, a witness called on behalf of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q. You are an officer attached to the municipal police force of this city?

A. Yes sir.

Q. Did you know the deceased boy Reagan?

A. Yes sir.

Q. Do you know whether in the neighborhood of Quinlan's saloon where Reagan received a blow that night there was a gang of toughs to which Reagan belonged?

Objected to. Excluded. Exception.

Q. Did you know Reagan yourself?

A. Yes sir.

Q. Do you know whether Reagan belonged to a gang of men known as the growler gang in that neighborhood or not?

Objected to. Excluded. Exception.

Q. Did you know anybody that knew Reagan?

A. Yes, a couple.

Q. Did you know Reagan's general reputation for peace and quietness in that neighborhood?

A. Yes.

Q. Was it good or bad?

A. It was rather bad in my estimation.

By the Court:

Q. It is not your estimation that is enquired of. General reputation is what other people say.

A. Well, he associated with a gang of young toughs.

Q. You were asked if you know his general reputation for peace and quietness in that neighborhood. If you do not know what general reputation is, I will tell you - what people say about a man's character - do you know?

A. Yes sir.

Q. Was it good or bad?

A. It was bad while I was on the post in that neighborhood.

Q. His general reputation for peace and quietness?

A. Yes sir.

By Mr. Chanler:

Q. You left that post a year ago?

A. About two years ago.

By Mr. Osborne:

Q. You did not know him since he was sixteen years old?

A. Could not say how old he was.

Q. It is two years ago since you left the post?

A. Yes.

Q. He was a young boy about eighteen when he was killed?

A. Don't know.

Q. Did not Reagan make a charge against you for assaulting him once?

A. Yes, he did.

By Mr. Chanler:

Q. Tell the story - what did you do?

A. He claimed that I assaulted him. I found him in company with a gang of young toughs and some of them I knew to be thieves, at a saloon they called the Shop. There is an entrance to it that goes from Monroe Street to Hamilton Street. I had the two streets on my post and I went through the place and dispersed them. He said I assaulted him. He appeared against me and I was sent for. Inspector Williams investigated it and after he heard both sides of the story -

Q. What was done?

A. Nothing; the case was dismissed.

By Mr. Osborne:

Q. Did Reagan testify before the Inspector?

A. Yes.

Q. Are you sure?

A. Yes.

Q. Were you there when he made the charge against you?

A. I was there afterwards; I wasn't present at the time.

Q. Do you know whether he was ever seen by Inspector Williams or not?

A. No sir.

Q. You don't know whether the Inspector ever examined into his side of the case or not, do you?

A. No sir.

Q. I ask you if you know Cody, who owns 40 Carmine Street?

Objected to. Overruled. Exception.

A. Not very much.

Q. Do you know the owner of the place 40 Catherine Street where the Reagan's live?

A. No sir.

Q. Did not you send somebody down there and ask Mrs. Reagan not to press the charge against you?

A. No sir.

Q. And in consequence of that the charge was never pressed?

A. No sir.

Q. I ask you as matter of fact whether any witnesses were called before the Police Commissioners?

A. Only myself.

By Mr. Chanler:

Q. You made a statement before the Inspector?

A. The Inspector asked me all about the case, and finally dismissed it.

Q. How long have you been on the police force?

A. Four years and eight months.

Q. You know something about the procedure in police cases?

A. Yes sir.

Q. Would the police commissioners call an officer before them for examination before specific charges were made against

him?

The Court: If the Inspector reports the charge then I understand a formal complaint is made. In this case such a complaint was made, and it was examined into and dismissed; that is, there was not sufficient proof to put the officer on trial.

RICHARD A. STE***ARNS, a witness called on behalf of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q. What is your business?

A. Hotel business, and been that for a number of years. I kept the Prospect House, Shelter Island; the Argyle Hotel, Babylon, Long Island; the Long Beach Hotel; the Arvene Hotel, Long Island; the Hotel Breslin; the Magnolia Hotel in Florida.

Q. Do you know the defendant?

A. I do.

Q. How long have you know him?

A. About twelve years.

Q. Has he ever been in your employ?

A. He has.

Q. How many years?

A. He was with me about nine summers and one winter.

Q. Your hotel business is summer resorts?

A. Yes sir, summer and winter.

Q. In what capacity was defendant employed by you?

A. Store-room man and yard man, and in the South had charge of my boats.

Q. Do you know people who know him?

A. Yes sir.

Q. Do you know his reputation for peace and quietness?

A. I do.

Q. Is it good or bad?

A. It is good.

CROSS EXAMINED BY Mr. Osborne:

Q. Do you know why he left Ireland?

A. No sir.

Q. Did he ever tell you?

A. I never asked him.

Q. During the time you knew him was he ever arrested for being drunk and disorderly?

Objected to, also as to form.

Overruled. Exception.

A. Once in the South; I would like to amplify it by explanation.

Q. He was arrested for being drunk and disorderly, was he?

A. He was arrested for being drunk, yes.

Q. Was he fined that time?

A. I think I paid the fine myself; I have almost forgotten it; I believe there was a small fine.

Q. A dollar or two dollars?

A. Five or ten dollars.

By Mr. Chanler:

Q. You kept him in your employ for years after that, didn't you?

A. Yes sir.

By the Court:

Q. When was he in your employ?

A. In 1888 and 1889. He was in employ in 1890 - I think that was the last.

By Mr. Osborne:

Q. Was he fighting or drunk?

A. I was not present.

ARTHUR EDWARD SILK, a witness called on behalf of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q. Where do you live?

A. I live in Kensico, Mount Pleasant.

Q. Were you last July employed in this saloon where defendant was a barkeeper?

A. Yes sir.

Q. How long were you employed there?

A. Two months after it was opened.

Q. How long had you been there when this thing occurred?

A. Don't know; don't remember.

Q. About how long?

A. About three or four months.

Q. Do you remember seeing this trouble that occurred at the time Reagan was struck on the head with a club?

A. Re-

member being there.

Q. Were you there that night?

A. Yes sir.

Q. Did you know Reagan or Cosgrove by sight?

A. Did not know Cosgrove, but knew Reagan.

Q. The boy that was struck?

A. Yes sir.

Q. Did you see him there that night?

A. I saw him once that night.

By the Court:

Q. What o'clock was it?

A. Don't remember.

By Mr. Chanler:

Q. You don't carry a watch?

A. No sir.

Q. Some time in the evening?

A. Yes sir.

Q. Did he come in alone?

A. He came in with another fellow the first time. They went out.

Q. Did they have any talk with Sullivan the first time they came in?

A. Don't remember.

Q. Did you hear Sullivan order them out?

Objected to. Excluded. Exception.

By the Court:

Q. Tell us all you saw and heard when Reagan was in the saloon?

Mr. Chanler: I would like to have the same privilege, in examining witnesses for the defense

that Mr. Osborne was allowed to have when he asked as many questions as he chose.

The Court: No - he was not permitted to do so.

Q. Go on and tell us what you saw?

A. The second time they came in and asked for drinks and got cross and Sullivan ordered them out. They would not go; Sullivan called the officer. The third time they came in Sullivan ordered them out, and Reagan had some words with Sullivan and Sullivan came from behind the bar. As he came from behind the bar Reagan struck at him and Sullivan struck back.

CROSS EXAMINED by Mr. Osborne:

Q. When Sullivan came from behind the bar, he came with this club, didn't he (indicating club)?

A. Yes sir.

Q. Where was Cosgrove standing when Sullivan came from behind the bar?

A. Didn't know Cosgrove.

Q. Didn't know him at all?

A. Don't know whether he was there or not; Reagan had some more fellows with him.

Q. Who were they?

A. Don't know them.

Q. Was there more than one?

A. It was not more than one in the saloon. He had one with him there in the saloon.

Q. Would you know that man if you saw him?

A. Don't think I would know him if I saw him.

Q. You never saw Cosgrove in the saloon in your life?

A. I don't say I never saw him in my life before. I might know him now, but did not know him then.

Q. You had been in the saloon three months?

A. Yes - not all the time, but off and on.

Q. Is that the man that was with Reagan that night (Cosgrove stands up)?

A. Don't know; did not take particular notice of the man's features.

Q. You saw this man that was here before - Cosgrove?

A. I did not know what his name was until yesterday.

Q. But for three months before you had not seen him in the saloon?

A. Don't remember seeing him.

Q. How many times did you see Reagan in the saloon?

A. About three times.

Q. The first time Reagan came in there he got a drink, didn't he?

A. Yes sir.

Q. And went out - is that right?

A. Yes sir.

Q. Then he came in a second time - is that right?

A. Yes sir.

Q. Then he had some words and Sullivan would not sell him a drink - is that right?

A. Yes sir.

Q. Then he told the officer to drive them away - is that right?

A. Yes sir.

Q. Then Reagan came back with another man - is that right?

A. Yes sir.

Q. Then Reagan went up to the bar - is that right?

A. Yes sir.

Q. Did he ask why he put the officer on him?

A. Yes, he said "What made you put that officer on me?"

Q. Then Sullivan said "Get out of here"?

A. Yes, he said "Get out."

Q. Then Sullivan walked from behind the bar with this club (Indicating club)?

A. Yes sir.

Q. As he came from behind the bar with the club, Reagan hit him - is that right?

A. Yes sir.

Q. Then Sullivan hit him in the head with the stick - is that right?

A. Yes sir.

Q. You did not see the people on the outside of the saloon, did you?

A. I saw some people out there.

Q. You don't know who they were?

A. No sir; I knew there was not any crowd there before Reagan came up.

Q. You did not see the crowd come up there with Reagan?

A. No sir.

RE-DIRECT EXAMINATION by Mr. Chanler:

Q. Were you in the open part of the saloon?

A. I was on the Monroe Street side of the bar.

Q. You see this plan of the saloon (showing diagram to witness)

A. Yes.

Q. This is the bar (indicating) - where were you?

A. There is an icebox there (indicating) - I was in the passageway there.

By the Court:

Q. There was a passageway between the front of the icebox and the bar?

A. Yes, sir, and I was in that passageway.

By Mr. Chanler:

Q. Mr. Osborne asked you if you had ever seen Reagan in the saloon before. When had you seen him there before?

A. I see him one Sunday night before.

Q. Were you in the saloon every night?

A. Not every night.

Q. Did you do any other kind of work besides being in the saloon?

A. Running errands for Quinlan's wife.

Q. Where did she live?

A. 86 Madison Street.

Q. Were you in this saloon - not outside of the room all the time that evening?

A. Not all the time.

Q. Where were you part of the time?

A. Inside of the room off the bar room.

Q. What time of the evening were you there?

A. When they first came in I thought there would be trouble. When Reagan and Cosgrove first came in I thought there would be trouble

and went in.

Q. Had Reagan ever done anything in that saloon that you saw before that Saturday night?

A. This was Sunday night, sir.

Q. Did he do anything there Sunday night?

A. Yes.

Q. Was Sullivan there?

A. Yes.

Q. What did Reagan do in Sullivan's presence?

A. They had a quarrel and Reagan hit me.

Q. Then what happened after he struck you?

A. Sullivan came from behind the bar and took my part. The two fellows went out and said they would fetch a crowd in. They fetched a crowd in and one of the crowd threw a cracker bowl at Sullivan. He sent me out twice that night for a policeman.

Q. That was a week before this occurrence?

A. Yes sir.

By the Court:

Q. Could you find a policeman?

A. No sir.

By Mr. Chanler:

Q. Did they do anything else to you besides striking you in the head - did Reagan do anything?

A. They caught me in front of the bar and -

Q. Was Reagan there that time he struck you?

A. Yes sir.

Q. Who else was there?

A. I was not in the saloon; I did not see.

Q. I am speaking of the time they struck you?

A. One knocked me down and bent his forefingers around my throat.

By the Court:

Q. Did Reagan pull you down?

A. I don't know whether it was Reagan or the other fellows.

Q. You spoke about a cracker bowl - I understood you to say you didn't see that?

A. The cracker bowl was laying on the floor.

Q. Did you see the cracker-bowl thrown?

A. No sir.

By Mr. Chanler:

Q. You were sent out for a policeman?

A. Yes sir.

RE-CROSS EXAMINATION by Mr. Osborne:

Q. At the time that Sullivan hit Reagan with this cub, how many people were there in the saloon?

A. Don't remember how many.

Q. Do you remember anybody that was there?

A. A fellow named Edward Skelly was there.

Q. At that time he was hit with the club - this stick here (indicating) - on Saturday night, was Skelly there that night?

A. Yes sir.

Q. Was anybody else there?

A. A fellow named Sullivan.

Q. A man named Flannigan was there?

A. Yes sir.

Q. Anybody else there that you know?

A. No sir, only the

man Sullivan.

Q. The man Skelly and the man Flannigan - is that right?

A. Yes sir.

Q. Did you see the crowd outside?

A. Yes sir.

Q. Did you see any girls in the crowd?

A. Don't remember.

Q. Did you see Tom Dunn in the crowd there?

A. Don't know him.

Q. Did you know any of the crowd outside there?

A. No sir.

Q. Didn't know the fellows?

A. No sir, only some children that played around in Monroe Street.

Q. Those were the only ones you knew outside at the time this man was hit with the stick?

A. Yes sir.

Q. On the Sunday night who was with Reagan at the time you got hit?

A. Don't know the man's name.

Q. Two of them together?

A. Two the first time.

Q. Who hit you?

A. Reagan hit me the first time - hit me with his open hand - slapped me.

Q. Then you and he had some talk together?

A. Yes sir.

Q. Then Sullivan came out and ordered them out - is that right?

A. Yes sir.

Q. Did you go back there any more that night?

A. I did not go out of the saloon - not then.

Q. How long before you went out of the saloon?

A. Right after Sullivan put the fellows out. When the crowd came in.

Q. Were you there when the crowd came in?

A. No sir.

Q. You were not there when the crowd came in at all?

A. No sir.

Q. As soon as these two men you talk of had the fight on Sunday night were put out, you went out?

A. No sir.

Q. You stayed in the saloon?

A. For a while I did; then I was sent out for the policeman.

Q. Did you go out before Reagan came back or not?

A. Yes sir.

Q. You went out before Reagan came back?

A. Yes sir.

Q. And by the time you got back there there was not anybody in the saloon?

A. Yes sir - Sullivan was just chasing them through the door, and chasing them away.

Q. There was no policeman there?

A. No sir.

By Mr. Chanler:

Q. Before you went for the policeman did you hear Reagan say anything to Sullivan?

A. Don't remember.

Q. On the night that Reagan was struck did you hear anything said in the street?

A. I heard someone shout out they were going to open somebody's head.

Q. Shout out?

A. Yes sir.

By Mr. Osborne:

Q. Where was that?

A. On the outside.

By Mr. Chanler:

Q. Through which door was that you heard it?

A. Hamilton St. door.

By Mr. Osborne:

Q. Do you know whether they said they had opened somebody's head or were going to do it?

A. They were going to do it.

COMRNELIUS SULLIVAN, the defendant, called in his own behalf being duly sworn, testified as follows:

By Mr. Chanler:

Q. Where were you born?

A. Ireland.

Q. How old a man are you?

A. Thirty-four.

Q. What was your occupation before you came to this country?

A. Well, I have been five years in the city of London on the Metropolitan Police force.

Q. What was your position in the police force?

A. Superintendent's clerk.

Q. When did you leave Dublin, Ireland?

A. About twelve years ago.

Q. And came to this country?

A. Yes sir.

Q. Whom did you work for?

A. Richard H. Stearns - the gentleman who went from here.

Q. How long did you work for him?

A. Seven summers and one winter.

Q. After you left him, whom did you work for?

A. I went to work for a man named Timothy Sullivan down Pearl Street, saloon keeper.

Q. You were the bar-tender?

A. Yes sir.

Q. How long did you work for him?

A. About two years.

Q. From there where did you go?

A. To my present employer, Quinlan, and worked for Quinlan up to this occurrence.

Q. Will you tell us in your own words what occurred in that saloon that night between you and Reagan?

A. Well, the conversation really used I cannot express in court -

By the Court:

Q. Go on and express it?

A. Reagan was a member of a desperate gang -

Objected to.

Q. Tell us what was said and done that night?

A. I beg your pardon, I would like to explain.

Q. I cannot allow you to explain anything that is not legal.

A. Reagan came into the saloon that night. I was as busy

as I could possibly be at the moment. It is a horse-shoe bar, they call it. I have the bar drawn out complete, icebox and all (referring to paper). This man came in in the height of my business. He came in the Saturday night previous to that, he and a member of his gang. They ordered two glasses of beer, two schooners of lager beer. I gave them the two schooners of lager beer, and they drank it down readily. I did not get paid for it, and I demanded payment when I saw it drunk. But Reagan did pay me - he paid me for the two glasses, and directly he had a row with his partner or chum. I ordered them out. They used filthy language of the worst kind. A crowd collected, and I wanted them to leave the place. I know they wanted to pick up a fight, so as to get behind the bar.

The Court: That is not proper; you can go on and state what was said and done.

By Mr. Chanler:

Q. You are to tell what happened a week before this occurrence?

A. The Saturday night previous to this occurrence I ordered them out under threat of arrest, at the same time I sent a man for a policeman. The man did not find an officer on the post wherever he looked for him. He did go out under

threat of arrest. Before he did go another customer came in the store. He said to him "Hadn't you better leave the saloon - why do you act in this way, getting into a fight?"

Objected to.

By the Court:

Q. Did you say "Why do you raise a row, why don't you go out"?

A. I said "You had better get out; if you don't, I will place you under arrest. I will leave the place or store under somebody's charge and have you arrested." He said "I will go out, you son of a bitch, and I will come back and get level with you." He did go out. I did not see him afterwards until the following Saturday night, which was the night of the 1st of July. On the night of the 1st of July about nine o'clock - it may be a few minutes, perhaps ten minutes before nine, he entered the store with one of his gang again.

By Mr. Osborne:

Q. Tell us who it was?

A. Don't know who it was; don't know the people; know the greater part by looking at them, but their name I don't know. he came into the store. I was quite busy at the time - as busy as I could be, in fact. I did not notice him come in at the time. I did not notice

he came in the Market Street door, he and his partner; if I had noticed him coming in, wouldn't have waited on him. But I heard the order given for two glasses of beer close to the Market Street door. I took two schooners and filled them with lager beer, and went towards the direction I heard the order come from. When I saw who was there I hesitated for a moment; I paused, was not satisfied to serve the beer to them. But as I had filled up the beer glasses, I thought they might go out quietly, and placed the beer before them on the bar. I stood there. Reagan paid for the beer; they drank it immediately. One called the other a son of a bitch; there were some other expressions that he got back in return that was yet worse. I interfered again. I said "Now, you have enough of cursing last Saturday night; you have been here one night before and been with a party that made an attempt to take my life by throwing a large cracker-bowl at me, and if I had not dodged it would have knocked by brains out." I said "You will go out or I will make it hot for you and have you arrested." I sent for the police and Cosgrove came in and another of the gang came in with Cosgrove. Reagan said "No, I will not go out for you, you son of a bitch; I want

four schooners of beer." I said "You cant have any beer; you can go out quietly; there is lots of liquor stores around the corner; you cannot get any more from me; I wont serve you; you cannot behave yourself, you such a character I cannot have anything to do with you. I warn you to go quietly out of the store; you break up my business." So a customer inside gave Cosgrove ten cents; he said "Go into the Ship and have a pint of beer in The Ship." That was a reckless, dilapidated frame building, two buildings in the rear of the store; they kept nine or ten women there; don't know who they were whether married or not; they gambled there and ran three or four growlers night and day. Well, he left, but he said to me "I will be back and fix you. I didn't take notice of him because I knew he belonged to a bad gang - which the Coroner's record will show. There are three of them now in State's Prison, and Cosgrove got discharged. He made the fourth member of the gang that were arrested and indicted for highway robbery, committed since I came here. There is three in the State's Prison, and Cosgrove makes the fourth charged with highway robbery.

Q. Go on?

A. When Cosgrove got ten cents from the customer he left - whether they drank or not, they came back. He

entered again and Cosgrove after him. It was about fifteen minutes afterwards. He came in again and demanded drinks. I said "No, you can't have anything here; you may as well be quiet as noisy, or else be sociable; I don't want to have trouble with you." I didn't know the man's name; I knew him to be a member of a gang, but didn't know his name until after this thing happened. "No", he said, "you son of a bitch, I have come in and will not get out until you serve me with a drink." I said "If you don't you will know what you will get; you had better be quiet, for you may be sorry." At the same time I sent for a policeman. I knew he came for a bad intention, and sent for a policeman again - that was the second time. The members of the whole gang collected around the Market Street door. They got a signal from the outside that the policeman was coming.

Q. Did you hear it?

A. Yes sir.

Q. What was the signal?

A. A shake of the head by a man in State's Prison named Sullivan. He shook his head at him. Cosgrove ran out, but Reagan said "No, I will not run for this son of a bitch, or any son of a bitch co pin this town." The rest of the gang ran through Hamilton Street; Reagan went outside and stood there. The officer came. It was

was said I went outside of the store as soon as the officer came because I was alone in the store. The officer beckoned at Reagan as much as to say "Was that the man?" I said "Yes, that is the man that causes the disturbance." The officer said "Get out of here you and your gang." He took no notice. The officer went up and gave him a bad smash in the face - "Will you go now?" He said "I will." He went out of Market through Hamilton Street and passing out there there is three or four steps of the stoop leading out of the side door. He said jumping on the steps "If it takes me till morning I will take your life." I did not answer. That was to me. He went off and the police remained there about fifteen minutes. One officer was in plain clothes and the other was in uniform. He returned after the police left. Young Smith in his evidence against me -

By the Court:

Q. Tell what happened there?

A. When the police were far enough so that they could make a raid on me and they found out that the police were that far, they came the third time and jumped through the side door of Hamilton Street. Reagan said "Will you give us the beer now?" I said "No,

you can't have that; I warned you before you would have trouble." He said "I will take it out of the son of a bitch," at the same time he had his right hand under the skirt of his coat. Having had trouble with the cracker-bowl, I made up my mind that the man was desperate, and I took this stick (indicating) knowing in my heart and soul, and taking it for granted he did have a murderous weapon in his right hand. I said "What is the matter with your other hand?" in a jolly way; I didn't make out to be afraid, but I was afraid. I took the stick.

Q. What did you do?

A. He called me everything that I possibly could be called.

Q. What did he call you?

A. Everything - fucked up son of a bitch - that is the first words. I said "Thank you, that is right." I approached him; it made me very mad. I said "Thank you; but you see that door you came through, young man"; he said "yes". I said "You get through." Cosgrove did run through when he saw me have a stick. Reagan let out with his left hand and caught me on the point of the jaw and neck (indicating) and the moment he did that I did not want to give him a chance of drawing his right hand, not knowing whether he had a knife or gun.

Somebody yelled out "Why don't you strike the son of a bitch?" I did strike him.

Q. Where did he strike you?

A. In the point of the jaw, here (indicating) with his left hand, and his right hand was under the skirt of his coat. He fell after I struck him; he staggered and fell on his back - on his left side - fell against the iron foot-rail of the bar. It was sworn here that Cosgrove -

Q. You struck him and he fall?

A. Yes; he directly jumped to his feet and at the same time the gang around the Hamilton Street door they jumped on the steps to raid me - to get hold of me. So I drew the revolver, a seven chambered loaded revolver, and covered them, and demanded them in the name of the law to stand and clear or I would fire. at the same time they did stand, clear and left. I did not want to do any shooting; I did not think the other man was hurt, because I did not strike him a hard stroke. I did not think there was harm done, and did not do any more than was necessary. The moment Reagan did go out one man shouted "Blow his brains out." I ran to the door and bolted the one on Monroe Street and locked the other on Hamilton Street - closed up - took the day and night's

receipts - went to the other store my employer kept corner of Houston and Elizabeth Streets - went up there to get receipts also. I was managing both places. I did not happen to meet him there, and came back and went to bed; did not know the man was hurt until the officer arrested me the next morning.

By Mr. Chanler:

Q. What was that about the cracker-bowl?

A. That was about five weeks previous to this occurrence.

Q. How many?

A. About five weeks. This gang -

Q. Was Reagan there?

A. He was; let me explain. I have been asked that question at the Coroner's jury, but this thing all came on me of a sudden.

By the Court:

Q/ Please go on and tell about the crockery bowl business?

A. Five weeks before one of these fellows came in for a pint of beer, one of the gang. I did not care about having any dealings with the crowd because I knew what they were. I went to fill the pint of beer for them, and while so doing Reagan came in. The fellow that came in with Reagan assaulted that young boy Silk. He struck him - got hold of him by the neck and slung him around the floor.

I put both out forcibly, but did not use violence. He said "I will come back in short order and give you the same."

By Mr. Osborne:

Q. Who said that?

A. The man I gave the beer to said that; don't know his name.

By Mr. Chanler:

Q. What happened then?

A. They went out and he came back in ten minutes - the whole crowd came together - Ragan and this man that took the pint of beer and several more - the three that are in State's Prison now were there. Reagan stood next the door - next to the man that threw the crockery bowl. They came in and struck at me right away; they had brickbats and pieces of board. I stood clear. They tried to strike me over the bar, and then they spread to get at me; at the same time I saw Sullivan that stood by Reagan, he picked up the large crockery bowl made of heavy delft, about three feet in circumference, and he threw it with all his might at my head. I just ducked it by a hair's breadth and it went over my head - went on the other side of the bar, out a deep gash in the bar and broke into a hundred bits. At the same time I jumped for the re-

volver, presented it and they all jumped through the door and got away. That is what caused me to be so much on the lookout - was the fear of that crockery bowl.

Q. You have told us all you recollect about what actually occurred?

A. Yes sir.

Q. Did you say Flannigan was in the bar room?

A. Yes/

Q. Had he been there?

A. He used to stand the greater part of every day in the bar-room; he is an old man and don't work. He had been drinking that day; and yet he is a nice old man; every man seems to treat him. He was lived thee for years, people all know him.

Q. He does not happen to have much money?

A. Sometimes he has; he is an old man and his memory is gone.

Q. Was Flannigan in liquor that night?

A. Yes, he was muddled.

Q. Was he muddled?

A. A man is muddled in sobriety when he has got no memory.

CROSS EXAMINATION by Mr. Osborne:

Q. What were you doing when you left Ireland?

A. I was doing nothing; I was living with my father.

Q. How long since you have been on the metropolitan police force?

A. Not thirteen years ago.

Q. What made you leave there?

A. Because I got reduced from the position I held; I was reduced for allowing ten prisoners to go into a liquor store to have a drink.

Q. What made you leave Ireland?

A. What made us both? What made you come here?

By the Court:

Q. It is better for you to answer the question?

A. I cannot answer. I came to better myself; I thought he meant I had to leave Ireland for some crime.

By Mr. Osborne:

Q. Did not you leave Ireland because you hit a man with a stick?

A. No sir.

Q. You did not leave on that account?

A. No sir. I left the old country for no reason only to better myself.

Mr. Chanler: I desire to ask Your Honor to instruct Mr. Osborne he has no right to ask those last questions. The only question is whether he was convicted of crime.

The Court: He has a right to ask those questions.

Q. You were reduced for letting ten prisoners go and take a drink?

A. Yes.

Q. Were you dismissed from the force?

A. No sir.

Q. Were you on the force when you left?

A. No sir.

Q. Wasn't you in Ireland?

A. No sir, in London; I was reduced in the ranks.

Q. Where were you when you left?

A. Portsmouth.

Q. Whom did you live with for a year?

A. I lived with my father and mother for a year - I didn't say a year.

Q. For how long?

A. Half a year - perhaps eight months, or half of that.

Q. Then you came to America?

A. Yes.

Q. During the eight months prior to leaving America what did you do?

A. I had no occasion to work; I lived with my parents.

Q. Then you came here and worked for whom?

A. Stearns was the first man who was on the stand.

Q. While working for Stearns you were arrested and fined for being drunk?

Objected to.

A. No sir.

The Court: You must stop when there is an objection.

Q. What for?

A. I wasn't fined anything.

By the Court:

Q. I want to tell you something - you will not answer when I tell you to stop?

A. Yes sir; I did not hear you, and I beg your pardon.

The Court: Answer the questions, and when I tell you to stop, you must do so.

Mr. Chanler: I objected to the question and I except to Your Honor's remark. When I say stop you must stop, witness.

By Mr. Osborne:

Q. Whom did you work for first in this country?

A. Richard H. Stearns, the gentleman on the stand.

Q. How long?

A. Seven summers and one winter, then I worked for Timothy Sullivan in Pearl Street, and then worked for Quinlan.

Q. You were held on \$300 bonds for good behavior?

A. Yes - how long ago?

Q. On the 30th of August, 1890?

A. Yes sir, that is right.

Q. You were held on \$300 bond for good behavior because you were fighting and using indecent, insulting and threatening language, making a noise and disturbing the peace - is that right?

Objected to.

A. I know I was held on bail; don't know what the charge was.

Q. Arrested by Officer Ring?

A. Yes sir.

Q. Whom were you working for when you were held in \$300 bail to keep the peace?

A. For timothy Sullivan.

Q. Keeping bar-room?

A. Yes sir.

Q. The same business that you had at Quinlan's?

A. No sir, I was off duty at the time.

Q. Had a fight with a man?

Objected to. Sustained.

Q. I understand you to say that on the evening in question, that is when you hit Reagan with a stick, that he was in your saloon - is that right?

A. Yes sir.

Q. Did he come in first by himself or with somebody?

A. With another, I don't know his name.

Q. Was it Cosgrove?

A. No sir, not then; it was afterwards he came in.

Q. The two men had a drink?

A. Yes.

Q. Did you sell them the drink?

A. I sold them a drink and took the money.

Q. Then they went out?

A. They did not -

Q. You drove them out?

A. They went out under a threat of

arrest.

Q. Told them you would arrest them if they didn't go?

A. Yes.

Q. Then they came back?

A. Yes, Cosgrove and Reagan.

Q. They came back alone?

A. They came into the store alone.

Q. Do you know who was on the outside?

A. I know them by eyesight, but can't tell their names.

Q. How many did you see outside?

A. There must be over 100 people there in the crowd. When they came back the second time their gang hung around on the outside of the door.

Q. Did you see people on the outside at the time that Cosgrove and Reagan came back the second time?

A. Yes.

Q. Did you know anybody there?

A. Yes, Sullivan.

Q. You looked outside and saw the crowd of people?

A. Yes, I knew them all by eyesight.

Q. But don't know their names?

A. Yes, knew them to be members of the gang.

Q. How did you know it - did you see them together?

A. Yes, they tried to kill me when they were together.

Q. When?

A. When they threw the crockery bowl at me.

Q. They were all the crowd you saw there on the night of the row with the crockery bowl - is that right?

A. Yes sir.

Q. How long before was the trouble with the crockery bowl?

A. Five weeks.

Q. You didn't try to find out the names of the parties after that?

A. No sir.

Q. You don't know their names?

A. No sir.

Q. You say you don't know the names of the men that tried to kill you with the crockery bowl?

A. I told you Sullivan was there; he was the man that fired it at me.

Objected to.

The Court: You must stop this (to witness). Answer the questions put to you.

Mr. Chanler: Can I state my objection?

The Court: No.

Mr. Chanler: I object to Your Honor not allowing me time to place my objection on the records.

Q. Question repeated.

A. Yes, Sullivan.

By the Court:

Q. You don't know the names of any of the others; you know them by sight?

A. I know Cosgrove and Reagan now.

Q. But at that time you did not know the names of the others?

A. No sir.

Q. Now you know that one was Cosgrove and the other was Reagan?

A. Yes.

By Mr. Osborne:

Q. Did you ever make a complaint at the police station to arrest them for assaulting you with a crockery bowl?

A. No sir.

Q. Though you knew that one was Sullivan you never made the complaint at the police court or station for trying to kill you with a crockery bowl?

A. I didn't make any complaint because I didn't know where the man lived.

By the Court:

Q. Is that the reason?

A. Yes sir.

By Mr. Osborne:

Q. You say you don't know where he lives?

A. No sir.

Q. And didn't know where to make the complaint?

A. Didn't know where he lived.

Q. Yet you say you saw them constantly in that gang around your place - is that true?

A. When I was on duty at night.

Q. And for five weeks you saw that gang hanging around there that tried to kill you with a crockery bowl, you did not try to arrest them?

A. Not constantly; I saw them when they came from Hamilton Street and passed around the place.

Q. Never tried to have them arrested?

A. Couldn't leave the store to have them arrested; I was alone in the store; there was no assistant.

Q. Did you see Officer Grimshaw on the night of the assault?

A. Yes sir.

Q. Did you see Officer McCarthy on the night of the assault?

A. I did.

Q. Did you tell McCarthy that you wanted to have him arrested for trying to kill you with a crockery bowl five weeks before?

A. No sir.

Q. When you were in the Coroner's office and asked about these things, did you state that Reagan was there when the crockery bowl was fired?

A. I was asked that question, and I said I couldn't remember; I paused. I know that.

Q. Before the Coroner and his jury you swore you couldn't recollect that Reagan was there?

A. It was all mixed up, because the whole thing happened of a sudden.

Q. You were examined in the Coroner's office how many days after the man was assaulted?

A. About eight days.

Q. You couldn't recollect at that time that Reagan was there when Sullivan tried to kill you with a crockery bowl?

A. Yes.

Q. You swear positively that he was among the gang that tried to kill you with a crockery bowl?

A. I am willing of swear it and do swear it.

Q. That night when the assault took place Reagan and Cosgrove came in together the third time?

A. Yes.

Q. Did they both come up to the bar?

A. Both.

Q. Cosgrove did not stay by the door?

A. Not at all.

Q. You swear to that?

A. I will.

Q. You are quite sure that when you were in the Coroner's court you said Cosgrove did not stay by the door?

A. I will explain that.

By the Court:

Q. Did you swear to any such statement at the Coroner's office?

A. Yes, I will swear to what I said in the Coroner's office.

Mr. Chanler: The proper way is to read the question put at the Coroner's office to the witness, and then the answer.

The Court: That is so.

By Mr. Osborne:

Q. When Reagan and Cosgrove came in they both came up to the bar?

A. Yes.

Q. Was Cosgrove standing at the bar when you hit Reagan?

A. No sir.

Q. Then Reagan was at the bar and Cosgrove went to the door?

A. He ran through the door altogether.

Q. Did he run out before you hit Reagan?

A. He was on the way going out.

Q. When you came around with the club Cosgrove ran out?

A. He ran to the door and opened it; he went out then; he was exactly going down the steps in the act of Reagan striking me. I struck Reagan directly he struck me.

The Court: We will stop here now.

The Court gave the usual admonition to the jury under the code on adjourning, and hoped they would enjoy Thanksgiving day.

The Court adjourned until December 1st, 1893, at 11 A. M.

TRIAL RESUMED.

December 1st, 1893.

CORNELIUS SULLIVAN, being recalled for further cross-examination, testified as follows:

By Mr. Osborne:

Q. Mr. Sullivan, how old were you when you went on the Metropolitan police?

A. A few months over seventeen.

Q. And how long did you work for Quinlan?

A. About two years.

Q. How long did you work for him at Market street and Hamilton?

A. About eight months.

Q. And, during the time that you were there, you had occasion to observe the various people around the neighborhood that came in your place to drink; did you?

A. Yes, sir.

Q. How long had you known Reagan before this fight?

A. I know Reagan previous to that altogether; previous to my going to work there.

Q. Did you know his name?

A. I didn't know his name; I knew him, personally.

Q. And you knew him for eight months?

A. Yes, sir.

Q. And you say he was in there the night the cracker bowl was thrown in there?

A. Yes sir.

Q. You never took the trouble to inquire his name?

A. I didn't ask him.

Q. How long had you known Cosgrove?

A. I knew Cosgrove since I went to work there, about eight months; I didn't know his name.

Q. And during that time you didn't know his name?

A. No sir.

Q. You knew he belonged to a desperate gang?

A. Well, I saw him with the gang.

Q. And did he belong to the gang?

A. He belonged to that same gang.

Q. And you knew he belonged to that gang?

A. Yes, sir.

Q. You are sure he belonged to it?

A. Certain.

Q. Certain?

A. Yes, sir.

Q. Did this little O'Keefe girl belong to it?

A. I don't know anything about her.

Q. Did she or did she not?

A. I don't know.

Q. Did this little Margaret Reagan belong to the gang, that testified here yesterday?

A. I don't know her.

Q. You don't know her at all?

A. No, sir.

Q. And don't you know whether she belongs to the gang or not?

A. I don't know, sir.

Q. Didn't you say that all the gang was outside of that place that night?

A. I don't remember; I don't know the girls.; I don't know anything about them.

Q. Does that little Thomas Dunn belong to it, that was on the stand?

A. I don't know; the gang was out in front of the place; I don't know anything about him.

Q. How could you swear that all the gang was outside?

A. That man is not a member of the gang.

Q. Is McSweeny?

A. I don't know his name.

Q. The witness that testified here the other day?

A. I don't know that man, sir.

Q. Does he belong to the gang?

A. I don't know him; I don't know the man. I can't answer you that question.

Q. Does Flannigan belong to the gang?

A. No, sir; he does not.

Q. Do the two Smith boys belong to the gang?

A. Yes, sir, they do.

Q. They do?

A. Yes, sir.

Q. Now, the Saturday night previous to this row, did you send for a policeman?

A. Yes, sir; I sent for a policeman.

Q. Whom did you send?

A. The man's name was Frank Sullivan; I don't know where he is.

Q. A man named Frank Sullivan?

A. I think so.

Q. Frank, and not Stephen?

A. I don't know.

Q. Where does he live?

A. I couldn't tell you, sir;

his name is Sullivan.

Q. You don't know whether his name is Frank or Stephen; do you?

A. No, sir.

Q. I understood you to say, the other day, that all the members of that gang that you knew was a man named Sullivan; is that right?

A. That man is in State Prison.

By the Court:

Q. Will you answer the question?

A. Yes, sir; that is right.

By Mr. Osborne:

Q. The only member of that gang that you know is a man of the name of Sullivan; is that right?

A. Well, at that time.

Q. Since that time, you know Reagan's name, and you know Cosgrove's name; is that right?

A. Yes, sir.

Q. Cosgrove is one of the leaders of the gang; is he not?

A. Yes, sir.

Q. And you have ordered Cosgrove out of your place many times?

A. Several times.

Q. How many?

A. I can't answer you that question - how many.

Q. Thirty times?

A. He didn't come in there thirty times.

Q. How many times had he been in your place before that night?

A. I refused him over fifteen times.

By the Court:

Q. How many times did you order him out of the place?

A. To the best of my belief, fifteen times.

By Mr. Osborne:

Q. You ordered a man out of your place about fifteen times, and you didn't know his name?

A. No; I knew him to be a member. I never bothered to ask him his name.

Q. One of the customers on that Saturday night previous that you spoke about, said to Reagan, "Don't you think you had better get out of here, without having any fight?"

A. I testified to that.

Q. What is the name of that customer?

A. Brady.

Q. Brady?

A. Brady.

Q. Where does he live?

A. I don't know, sir.

Q. You don't know where he lives?

A. No, sir, I don't.

Q. Never thought to ask where he lives, one of your customers?

A. I never thought anything like this would occur.

Q. And you never thought to look him up since the trial?

A. No, sir; I have been in prison.

Q. Have you got any witness at all to prove that quarrel on that Saturday night previous?

A. I had one here on

the stand, and he has left.

Q. But you didn't bring Mr. Brady?

A. I didn't bring him; no, sir.

Q. Now, how many times did those boys come in there that night?

A. Three times.

Q. How many times did you send for a policeman?

A. I sent three times, but the man only found him once.

Q. And when Grimshaw came up there, it was in consequence of the fact that you had sent for him; is that right?

A. Yes, sir; that is correct.

Q. What was the name of the man you sent the first time?

A. Sullivan also.

Q. Then this man you sent out the second time?

A. The same one each time, on each occasion.

Q. The same Sullivan?

A. Yes, sir.

Q. And you don't know whether his name is Frank or Stephen?

A. No, sir.

Q. And you don't know where he lives?

A. No, sir.

Q. And you didn't bring him down here?

A. No, sir.

Q. Didn't tell your lawyer about him?

A. The officer was right here on the stand.

Q. Did you tell your lawyer about the man named Sullivan?

A. No; I didn't tell him about the man.

Q. Nor did you ask your lawyer to look him up?

A. No; I didn't need him - I thought so.

Q. Now, the night that cracker bowl was thrown - do you remember the little man named Silk who was on the stand?

A. Yes, sir.

Q. Do you remember that Silk swore that it was one the Sunday night previous to the 1st of July?

A. Yes, sir; I remember that.

Q. Did you keep the saloon open on the Sunday night previous to the first of July?

A. It was not Sunday night.

Q. Silk was mistaken when he said it was Sunday night?

A. He was mistaken.

Q. And it wasn't the Sunday night just previous to the 1st of July?

A. No, sir; five weeks before.

Q. And you didn't keep your saloon open on Sunday night?

(Objected to)

A. I won't answer that question.

Q. Do you decline to answer that question?

A. I do.

(Objected to)

Q. On what ground?

(Objected to)

The Court: You can decline to answer that question if you put it upon the ground that it would

either ten to criminate or degrade you.

Mr. Chanler: I object to the question.

The Court: I will overrule the objection, and give you an exception; and instruct the witness that he was a right to decline if he chooses to put his declination on the ground that his answer would either tend to criminate or degrade him.

Mr. Chanler: I take an exception.

By the Court:

Q. Do you decline to answer on that ground?

A. It would tend to criminate me; I decline to answer.

By Mr. Osborne:

Q. On the ground that it would tend to criminate you?

A. Yes, sir.

Q. Now, you say that Sullivan and Cosgrove came in there three times that night; is that right?

Q. Which night do you mean?

Q. Saturday the 1st of July?

A. Three times; yes, sir.

Q. Now, the second time that they came in there, a customer of yours gave Cosgrove ten cents?

A. Yes, sir.

Q. And that is the time they raised the row and had the fight; is that right?

A. Yes, sir; that is ***

Q. And they called each other all kinds of names; is that

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true?

A. Yes, sir.

Q. Now, what is the name of that customer that gave Cosgrove ten cents?

A. Brady, I told you.

Q. Oh, no. Brady is the one that told Reagan to go home on the Saturday night previous?

(Objected to)

A. That was the same man.

Q. You never told your lawyer about that?

A. No, sir.

Q. Never thought to bring him down?

A. No, sir. I don't know the rules of law.

The Court: It would be a great deal better for you not to talk so much.

Mr. Chanler: Your Honor will give me an exception to your Honor's last remark to the witness, not to talk so much?

The Court: Yes.

By Mr. Osborne:

Q. now, when the officer came up there and told Reagan to go away - did you hear him tell Reagan to go away?

A. Yes, sir.

Q. You were standing outside at that time?

A. No, sir; I was not.

By the Court:

Q. Were you standing in the doorway?

A. Yes, sir; I was standing inside the door.

By Mr. Osborne:

Q. And did you speak to the officer and tell him who Reagan was, or did you beckon, to him?

A. I beckoned to him.

Q. "The officer beckoned at Reagan, as such as to say was that the man".

A. Yes, sir.

Q. And then you told him he was the man?

A. Yes, sir.

Q. And then the officer slapped Reagan, or, as you said the other day, "gave him a bad smash in the face," - which did he give him?

A. He gave him a clout with his open hand; I don't know the weight of it; he gave him a pretty hard slap with his open hand.

Q. You said, did you, that Reagan then jumped on the steps and says, "If it takes me till morning, I will take your life"?

A. Yes, sir.

Q. The officer was there?

A. The officer wasn't there.

Q. Didn't you say, the day before yesterday, that the officer stood there for fifteen minutes after Reagan left?

A. On the Market street side, but he went through Hamilton street.

(Objected to)

By the Court:

Q. Answer the question.

A. I said so.

By Mr. Osborne:

Q. Did you stay in the door fifteen minutes?

A. No, sir.

Q. You went right back, just as soon as the officer drove Reagan back?

A. Yes, sir, immediately; behind the bar.

Q. Just as soon as Reagan was driven back by the officer, you went right behind the bar?

A. Yes, sir; right behind the bar.

Q. Now, when Reagan came in, did he lean on the bar?

A. No, sir.

Q. Didn't put his arm on the bar at all?

A. No, sir.

Q. What were the first words he said to you when he came in?

A. He ordered two drinks.

Q. What did you say?

A. I refused.

Q. And then what did he say?

A. He asked me what I put the cop on him for.

Q. Why didn't you tell that to the jury the other way when you were sworn?

A. I don't know whether I was asked the question.

Q. He said, "What made you put the cop on me;" is that right?

A. Yes, sir; I ordered him out, politely.

Q. Did you say, "Get out of here"?

A. I ordered him out of here; I says, "You go through that door out again."

Q. Then what did he say to you?

A. He says, "I will, you son of a bitch; I will blow your brains through that side wall there," at the same time holding his right hand.

Q. You didn't say anything about that the other day, did you, about blowing our brains out through the side wall?

A. I did; yes, sir.

Q. Isn't this what you said the other day: "Having had trouble with the cracker bowl, I made up my mind that the man was desperate, and I took this stick (indicating), knowing in my heart and soul, and taking it for granted he had a murderous weapon in his right hand; I said, 'What is the matter with your other hand?' in a jolly way; I didn't make out to be afraid, but I was afraid. I took the stick."

A. He used those words also.

By the Court:

Q. Did you so state the other day?

A. I said that; but he used those words also.

By Mr. Osborne:

Q. Now, when was the time he called you a son of a bitch; while you were behind the bar?

A. Yes, sir.

Q. And then you got the club and came outside?

A. I got the club when I saw his hand concealed behind his back.

Q. You were behind the bar when you saw his hand concealed behind the back; is that right?

A. Yes, sir; that is right.

Q. Was he facing you at the bar?

A. He was up at the end of the bar; facing, yes, sir.

Q. You mean by the entrance to the bar opposite Market street?

A. No, sir; I don't.

Q. Where was the entrance to the bar?

A. The entrance on the bar is on the rear, next to the ice-box.

Q. Over here (pointing to the diagram)?

A. No, sir.

Q. Just mark it for me, please, on this diagram?

A. Here is the entrance to the bar, it is a horse-show bar, there is the other entrance, and here is the ice-box.

The Court: Put a cross where the entrance is.

Q. Now, where was Reagan standing?

A. Reagan stood here (indicating).

Q. Right where those witnesses placed him?

A. Yes, sir.

Q. Right at the end of the bar?

A. Yes, sir.

Q. Now, Reagan was standing facing you; was he?

A. He was.

Q. Now, then, you got your club and came out from behind the bar?

A. I didn't come out at all.

Q. Did you hit him from behind the bar?

A. No, I didn't.

Q. Were you behind the bar when you hit him?

A. No; I was standing on the entrance.

Q. You were standing on the entrance?

A. Yes, sir; because the till was right between us; I was afraid ---

By the Court:

Q. You stood at the entrance of the bar?

A. Yes, sir.

Q. The place where you put the mark?

A. Yes, sir.

By Mr. Osborne:

Q. Did you stand there when you hit him?

A. I stood there.

Q. Then you were behind the bar?

A. I wasn't either behind or before; at the end of the bar.

Q. And you never came out on the floor stall?

A. No, I didn't.

Q. Did you come out with your pistol?

A. No, sir; I didn't.

Q. You didn't have a pistol when you came out?

A. No, sir; I had no pistol at that time.

Q. You did not come out with a pistol in your pocket?

A. No, sir.

Q. And Reagan was facing you?

A. He was, sir.

Q. And he was facing you across the corner of the bar?

A. No, sir; right on the entrance.

Q. You said that you were neither behind the bar nor outside?

A. I was standing at the entrance; he was at the corner of the bar, in front of me, standing opposite the entrance.

Q. He was right in front?

A. Right in front of me, standing on the floor.

By the Court:

Q. Standing on the floor; was he?

A. Yes, sir.

Q. The other side of the bar?

A. Yes, sir; facing each other.

By Mr. Osborne:

Q. Now, was Reagan away from the counter, at the end of the bar, standing on the floor?

A. He was standing about a half a foot or a foot opposite me.

Q. Was he a foot and a half away from the end of the bar?

A. He was, sir.

Q. And you were right at the entrance to the bar?

A. Exactly.

Q. And then he wasn't standing at the corner of the bar?

A. He was standing opposite the entrance, right by the corner.

Q. And faced you?

A. And faced me.

Q. And then you drew back and hit him - did you carry the club in your right hand?

A. I didn't draw back.

Q. Did you carry the club in your right hand?

A. Yes, sir.

Q. You are a right handed man?

A. Yes, sir.

Q. And then you hit him?

A. I did.

Q. You hit him on the left side of the head?

A. I did, when he hit me.

Q. You knew that he had a murderous weapon in his hand?

A. I took it for granted that he had, by the threats he used.

Q. And you didn't know whether it was a knife or a gun?

A. I didn't know.

Q. You saw that there was a desperate gang of ruffians on the outside, on the Hamilton street entrance?

A. I did, sir.

Q. You saw them at the time you hit Reagan?

A. I did, sir.

Q. From the place where you stood?

A. Certainly.

Q. You could look from the place where you stood and see that desperate gang of ruffians out there?

A. Yes, sir.

Q. And you didn't know the names of any of them but Sullivan?

A. Yes, sir.

Q. Then you hit Reagan?

A. When he hit me, I hit him.

Q. Where did he hit you?

A. Right here (parallel to the jaw and neck) with his left hand.

Q. And did he hurt you?

A. Yes, sir.

Q. Were you afraid when you went up there?

A. Yes, sir; cer-

tainly.

Q. Were you afraid of Reagan?

A. I wasn't afraid of Reagan exactly; I was afraid of the gang.

Q. That the reason why you hit Reagan?

A. When he hit me, I was afraid of the gang; I had to defend myself.

Q. Were you afraid of him or afraid of the gang?

A. I was afraid of him also.

Q. Afraid of him also?

A. Certainly; he had his hand concealed.

Q. After you hit Reagan you waited for him to go out, before you closed the door; did you?

A. No; after I hit him, he fell. He jumped up directly and ran through the door.

Q. Then he got up and ran out?

A. Yes, sir.

Q. Ran through the door?

A. Ran through the door.

Q. Then you locked the doors?

A. I locked the doors; I had two side doors.

Q. Did you close up your saloon right away?

A. No, I didn't; I left the front door open.

Q. And did business until what time?

A. Until 12 o'clock.

Q. Didn't you say, the other day when you were on the stand, that you closed up right away?

A. No.

Q. Did you swear to this the other day: "The moment Reagan did

go out, one man shouted, 'Blow his brains out.' I ran to the door, and bolted the one on Monroe street and locked the entry on Hamilton street, closed up, took the day's and night's receipts"---

(Objected to)

Q. I ask if you didn't swear to this the other day: "The moment Reagan did go out, one man shouted, 'Blow his brains out.' I ran to the door and bolted the one on Monroe street and locked the entry on Hamilton street, closed up, took the day's and night's receipts, and went to the other store that my employer kept, corner of Houston and Elizabeth street."

A. I never said so - I never said that I left immediately, your Honor. If you will let me explain.

By the Court:

Q. Go on and answer the question?

A. I said part of that. I said I locked the Hamilton street side door, and bolted the Monroe street side door. I worked in the store until it came 12 o'clock, and then I took the day's and night's receipts, and then went up to the corner of Elizabeth and Houston street, to the other store, to meet my employer. I didn't meet him, and came back and went to bed.

By Mr. Osborne:

Q. Did you swear to this language?

The Court: He says what he did swear to.

Q. Then you clocked that door. When was it that you faced that murderous gang of ruffians that you had to pull that revolver on to keep them out of your place?

A. The moment that I struck Reagan.

Q. They rushed right in?

A. They didn't rush in.

Q. That was before or after Reagan went out?

A. Yes, sir; right as he was down; I wasn't outside of the bar at all.

Q. Reagan was knocked down while you were standing over him?

A. No, sir.

Q. You had to go outside when you met that band of ferocious ruffians; didn't you?

A. No, sir; they tried to break in.

Q. Did you point a pistol at the Hamilton street entrance?

A. No, sir.

Q. You never did go from behind the bar at all?

A. Never.

By the Court:

Q. Didn't you go from behind the bar when you went to close those doors?

A. Yes, sir.

Q. Didn't you go from behind the bar when Reagan hit you?

A. I did not, sir.

Q. Reagan then hit you over the bar?

A. He hit me at the entrance of the bar.

Q. He was at the entrance and hit you; is that right?

A. That is right.

By Mr. Osborne:

Q. Now, Smith came back for Reagan's hat; didn't he?

A. He did, sir.

Q. Which side did he come through?

A. He came through the market street door.

Q. Wasn't it to Smith that you showed the pistol?

A. No, sir.

Q. You did not show any pistol to Smith at all?

A. No, sir - I don't remember - I might.

Q. See if you cannot refresh your memory; "he said he didn't take no bluff."

A. I said I took no bluffs; I made that expression.

Q. To Smith?

A. I said it to somebody; I don't know to who.

By the Court:

Q. Didn't you show the pistol to Smith, and say, "I am not going to take any more bluff"?

A. I didn't speak to Smith, any more than to give him the hat.

Q. Did you or not say that?

A. No.

By Mr. Osborne:

Q. Now, in the Coroner's court, did you tell the Coroner anything at all about that occurrence that happened on the Saturday night previous to the 1st of July?

A. Yes, sir.

Q. You swore to that in the Coroner's court?

A. I remember swearing, I remember being asked about it.

Q. What?

A. I remember being asked about it.

By the Court:

Q. By the Coroner, is that it; was it the Coroner or the Coroner's clerk asked you?

A. Yes, sir --- some of them; I don't know which.

By Mr. Osborne:

Q. I am not speaking about the cracker bowl. I am talking about the row you had on the Saturday previous to the 1st of July?

A. Yes, sir, I testified to that before the Coroner.

Q. Now, at the time you hit Reagan, are you sure he wasn't by the door?

A. I am certain of it.

Q. Didn't you swear, in the Coroner's court, that Reagan was by the door when you hit him?

(Objected to)

(Objection overruled)

A. I did not.

Q. Was this question asked you in the Coroner's court, and did you give this answer: "Will you describe to the jury in your own way what took place on that said evening of July 1st?"

A. The deceased came in, the deceased and another tough, one of his gang, came in; I wouldn't have served him with anything, but I was busy at the time."

A. I did.

Q. "What time was that?"

A. About 8 o'clock. I was busy waiting on everybody, because only being busy I would have noticed them; they called for two glasses of beer, and I didn't find the mistake in serving them till it was filled out; I thought they might go out quietly, and I let it go. But directly after getting the beer they commenced to fight with each other, and I knew what it meant, and knew them to be members of the gang."

A. I did answer that.

Q. "Q. Who were those two? A. The deceased was one, and the other man I don't know his name but I know him by sight."

A. No, I couldn't say that.

Q. "Q. Who were those two? A. The deceased was one, and the other man I don't know his name, but I know him by sight." You say you didn't say that?"

A. I can't say; I am

am not positive.

Q. "Q. It was not Cosgrove? A. No, sir; but he came in right behind their backs; and there was a gang scattered about that laid for the police." Did you say that?

A. Yes, sir.

Q. "They does their work in threes and fours. They lay for the officer, and they shoot out through the side door and get away from them." Did you say that?

A. Yes, sir.

Q. "They commenced an argument and wanted to strike, and the decent people at the bar shoved away"?

A. Yes, sir.

Q. "I told them quietly, 'Drink your beer; this is no place for fighting; and get out of here altogether'"?

A. I said that.

Q. "I told them several times before never to come in here again, but didn't know who was there until I had the beer filled in. 'We will go out when we are ready,' says Reagan; 'And we will go out when it suits us.' 'All right,' I says," Did you say that?

A. I did.

Q. "I wanted them to go peaceably and quietly, I was afraid of the rest of the gang outside, and I had the store all alone." Did you say that?

A. Yes, sir.

Q. "He took the beer and they were not going out; Cosgrove stood in their company, and he ordered a drink." Did you

swear to that?

A. No; I didn't swear that Cosgrove ordered a drink.

Q. "I says, 'No; I put you out of here about thirty times, and you torment me, and you know I won't sell you anything?'"

A. I said that.

By the Court:

Q. Whom did you say that to?

A. I said that to Reagan.

By Mr. Osborne:

Q. "And the two of them then says, 'You son of a bitch, we will carry your nut off you before you close up to-night.'"

Did you swear to that?

A. Yes, sir; that is right.

Q. "They told me that several times. Cosgrove was the leader of the business, he is one of head leaders. I says, 'All right; perhaps you will, but don't come in again.' They went away from the door and came back and they were walking around the door and I sent a man named Stephen Sullivan after the officer." Is that right?

A. No.

Q. Didn't you swear to that?

A. No that they were walking around the door.

Q. "The officer came up and Mr. McCarthy was in plain clothes, and Reagan was there, and he ordered Reagan out; he says,

'Is that one of the gang that is annoying you?' I says, 'Yes.' He gave him a slap and says, 'Get away from here and keep away from here.' Is that right?

A. That is right.

Q. 'They went down Market street and they watched the officer as usual till he went on his post again towards the river. When they saw they had a good advantage and he had gone far enough, they made a raid on the side door, and says, 'Give us a drink.' I says, 'No, sir; I will give you nothing.'" Is that right?

A. Yes, sir.

Q. "And Cosgrove went to the door, and he held the door open and I could see the gang outside; they wanted to give each other the tip." Did you so swear?

A. That is right; I said that.

Q. "I was afraid I would get collared and pulled out on the Hamilton street side, and they would have the store to themselves?"

A. I said that.

Q. "I told Stephen Sullivan, who is in court, 'You had better run up the Monroe street side and get an officer; they will do me sure, because they promised they would before I closed up, to carry my nut off.'" Is that right?

A. Yes, sir - some of that I don't know anything about.

By the Court:

Q. You heard him read. Did you so testify at the

Coroner's office?

A. Well, I sent the man for the police, but---

By Mr. Osborne:

Q. Can you answer the question?

By the Court:

Q. "But" what?

A. But I didn't say I was sure they would done up, as that states.

By Mr. Osborne:

Q. "They said, 'You won't give us a drink?' I said, 'No, sir.' He said, 'You son of a bitch, we will make you give us one.' And suddenly Reagan stood - this was on the Hamilton street side, by the door, he stood this way, and held his hand in his coat, this way." Did you say that?

A. Yes, sir.

Q. "I kept my eye on him, because he warned me before that he will carry my head off; I didn't know but what he had or didn't have; I found out that way that he had a weapon, as he held his hand on his coat." Did you say that?

A. I did, sir.

Q. "I went out and I says, 'Get out of this tore, or there will be trouble.'"

A. I said that.

Q. "He said, 'You don't put us out, you old son of a bitch.'" Did you say that?

A. I said that.

Q. "I says, 'I don't' suppose I put you out, but I will have to do something to put you out." Is that right?

A. Yes, sir.

Q. "And he said, 'Let me see you come and do it.' Is that right?

A. Yes, sir.

Q. "As I went out, he made a lunge with his left hand, and he lunged and caught me here (indicating). It didn't hurt me, if he had anything in it I don't know; he held his hand under the coat - I struck him - that is the whole amount there is to it. I struck him - I didn't do it with the intention -" is that right?

A. That is correct; I swore to that.

Q. And yet you swear that Reagan was not standing by the door?

A. No, sir; he was not.

Q. "Did you strike him more than once?

A. No, sir. He fell and he picked himself up immediately and was through the door with great force." Is that right?

A. Yes, sir.

Q. "There are four steps leading out, and I believe by the force he went through I don't believe he could keep his legs underneath him; I suppose he was afraid he would get hit again. But that is all I did. I stepped back, knowing the gang was on the outside. I had to lock up both side doors

and do business through the front door. At 12 o'clock I closed up and took the receipts and went up and saw my employer and I came back and went to bed." Did you swear to that?

A. Yes, sir.

Q. Did you swear, in the Coroner's court, anything about the occurrence which happened previous to July, previous to Saturday, July 1st?

A. Yes, sir; I swore about the cracker bowl.

Q. No; I didn't say anything about the cracker bowl. I say, did you swear anything about those fellows coming in your place on the Saturday previous to the 1st of July, and raising a disturbance?

A. I cannot remember.

Q. How far is the Hamilton street door from the bar?

A. I should think it is about ten feet.

Q. About ten feet?

A. Yes, sir.

Q. What sort of a door is there on the Hamilton street side?

Q. What do you mean; is it a double door?

A. A single door.

Q. Has it got a glass in it?

A. Four panes of glass on the top.

Q. Four panes glass on the top?

A. Yes, sir.

By Mr. Osborne: You say when Reagan fell, he fell on the iron rail-

ing?

A. Yes, sir.

Q. You didn't tell the Coroner anything about that; did you?

A. I think I did.

Q. You won't swear that you did?

A. I am not positive, but I think I did.

Q. Now, in that question that I read, and that answer that you gave, you told all there was in the fight; didn't you?

(Objected to)

The Court: That won't do.

By Mr. Osborne:

Q. I will read you the next question. The end of that question was, "At 12 o'clock I took the receipts and went up and saw my employer." You swore to that. The next question put to you was this: "Q. How long were you keeping bar there for Mr. Quinlan? A. Two years."

A. I didn't swear that.

Q. You didn't swear that?

A. No, sir.

Q. Did you work for him two years?

A. Yes, sir; but not there.

Q. And was this question put to you: "Q. Have you had any other unpleasant experiences with that gang? A. Yes, sir." Did you swear to that?

A. Yes, sir.

Q. "Q. Describe them? A. I was somewhere around five weeks

before that, one night -" Is that right?

A. Yes, sir; that is right.

Mr. Chanler: We will admit that there is nothing in the minutes of his testimony before the Coroner, which we presume to be correct, in regard to this occurrence of the week before.

By Mr. Osborne:

Q. You closed the Hamilton street door first, and then the Monroe street door?

A. Yes, sir.

Q. You said you didn't strike Reagan hard?

A. I said so.

Q. And yet you were afraid that he was going to kill you?

A. Sir?

Q. And yet you were afraid that he was going to kill you?

A. I couldn't trust him, when he had his hand concealed; I didn't want to use any unnecessary violence with him; I was watching his right hand, afraid he might try to use it.

Mr. Osborne: I offer in evidence the questions and answers which I read from the minutes of the defendant's testimony before the Coroner.

Mr. Chanler: Under stipulation that Mr. Osborne agrees to do the same for me.

The Court: You need not put them in evi-

dence. Either side, by consent, may refer to the Coroner's minutes.

Re Direct Examination.

By Mr. Chanler:

Q. There was some talk about giving me the names of witnesses. You had employed another lawyer before I came to you; had you not?

A. Yes, sir.

Q. You were entirely without money?

(Objected to)

By the Court:

Q. Why didn't you give the names of those witnesses to Mr. Chanler or to the gentleman that represented you before Mr. Chanler? Did you give him the names of of the witnesses?

A. I gave all the names of the witnesses to the lawyer I had previous.

Q. Who is that man?

A. Doctor O'Sullivan.

BY MR. OSBORNE:

Q. Is Brady out of town?

A. I don't know, sir.

By the Court:

Q. When did you see Brady last?

A. I saw him last on the night of the 1st of July.

Q. Do you know where he lived then?

A. No, sir; I do not.

Q. And you said that you didn't give his name to Dr. O'Sulli-

van?

A. I can't swear to that.

By Mr. Chanler:

Q. I will ask you, why didn't you want to go behind the bar?

The Court: I don't think it is necessary.

By the Court:

Q. If there is anything that you desire to explain in reference to standing in the position that you say you stood in, at the end of the bar, when you struck this man, explain it?

A. Yes, sir; I was afraid, and I knew that if I went from behind the bar that a part of this gang would jump through the other door and get at the till.

By Mr. Osborne:

Q. And then there was a desperate gang of ruffians at the Market street door?

A. Well, you couldn't tell.

Q. It was Officer McCarthy that hit Reagan; wasn't it?

A. No, sir.

Q. It wasn't?

A. Officer Grimshaw.

Q. You are sure of that?

A. Certainly.

Q. Are you sure that you saw any officer hit Reagan at all?

A. Yes, sir; Officer Grimshaw.

TIMOTHY SULLIVAN, called by the Defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q. You employed this defendant for some time?

A. Yes, sir.

Q. How long?

A. About two years.

Q. Do you know people that know him?

A. Yes, sir, lots.

Q. Do you know what his general reputation for peace and quiet is?

A. Yes, sir.

Q. Is it good or bad?

A. Good.

BY MR. OSBORNE:

Q. Was he in your employ when he was held under bonds to keep the peace?

(Objected to)

(Objection overruled)

(Exception)

A. Yes, sir.

Q. And doesn't that affect your own idea about his general reputation for peace and quietness?

A. Not particularly; he didn't do it in my store.

By Mr. Chanler:

Q. That is the only instance you ever knew against him?

A. Yes, sir, that is the only instance I ever knew.

Mr. Chanler: That is the case for the

for the defendant.

Mr. Osborne: I want to ask the defendant one more question.

CORNELIUS SULLIVAN, recalled:

By Mr. Osborne:

Q. Is there a door or entrance to that bar?

A. No, sir.

Q. No door there at all?

A. No, sir.

Q. It is a perfectly open way?

A. An open way from street to street.

By the Court:

Q. Now, there is the bar and here is where you were standing (pointing to the diagram)?

A. Yes, sir.

Q. What he wants to know is whether there is a door here?

A. No, sir, no door.

Q. Take that blue pencil and mark just where you were standing, according to your mind?

A. That is the width of the bar; that is the slab on the top of the bar. I stood right about there (showing).

Q. And the man that is dead was right then (pointing)?

A. Yes, sir.

Q. He was just at the end of the bar. We have got all that. That is the extreme end of the bar?

A. Yes, sir.

Q. Were you outside or inside of that line?

A. Here is the ice-box, here; I was right the end of the bar (pointing).

A. You were a little outside of that line?

A. Yes, sir.

Q. About how wide is that passage?

A. About, four feet.

By Mr. Osborne:

Q. You were about a foot from the end of the bar. What was the name of that desperate gang of ruffians that was outside the Hamilton street entrance at the time you hit Reagan?

A. The names I have learned since; Sullivan was one.

Q. What was the name of the gang? I don't want to know the names of the men?

A. The "Growler Gang."

REBUTTAL.

DANIEL McSWEENEY, being recalled by the District Attorney, testified:

By Mr. Osborne:

Q. You were on the stand the other day. I didn't ask you whether or not you noticed, when Cosgrove and Reagan went into the saloon, whether there was anybody standing at the Hamilton street side?

A. No, sir.

Q. Was there anybody?

A. No, sir.

Q. There was not?

A. No, sir.

Q. I understood you to say that your and your party went up to that door?

A. Yes, sir.

Q. Now, did the crowd come from across the street, as was testified to, before or after your crowd went up there?

A. After.

Q. After your crowd went up?

A. Yes, sir.

Q. When you and your crowd went there, there was nobody at the Hamilton street side door?

A. No, sir.

Q. Is that right?

A. Yes, sir.

BY MR. CHANLER:

Q. If Miss O'Keefe swears that when she got to the Hamilton street side she found several people and witnesses there--

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The Court: No, you need not answer that. You have got her statement.

By Mr. Osborne:

Q. McSweeney, is there a lamp out in front of that Hamilton street door?

A. No, sir.

Q. And, when you got up there, I understood you to say that Reagan was lying on the floor; is that right?

A. Yes, sir.

Q. How far from the end of the bar were his feet?

A. Well, about five or six feet.

Q. And where was he lying?

A. On the floor.

Q. With reference to Hamilton street and the bar, where ws he lying; was it between the two?

A. He was between the door and the bar.

Q. About how many feet?

A. From the end of the bar?

Q. From the side of the bar?

A. Well, just about two feet.

Q. Which way were his feet pointing?

A. I think it is to Catherine street.

Q. And his head toward Market street?

A. Yes, sir.

Q. And he was lying about four or five feet from the end of the bar?

A. Yes, sir.

MARY REAGAN, being recalled by the District Attorney, testified as follows:

Q. Where have you been sitting?

A. Over there.

Q. When were you here?

A. I just came in.

Q. Just came in the door?

A. Yes, sir.

Q. You have been in the District Attorney's office all day?

A. Yes, sir.

Q. And haven't been in the court-room at all?

A. I have been here this morning; not long.

Q. Before this case began to be tried?

A. Yes, sir.

Q. Miss Reagan, at the time you came up, you testified, you saw Reagan lying on the floor. I want to ask you about how

far his feet were from the end of the bar? Can you tell?

A. About five feet.

Q. About five feet from that end of the bar?

A. Yes, sir.

Q. And his head was pointing up that way?

A. Yes, sir.

LOUISA RYAN, being sworn and examined, testified as follows:

By Mr. Osborne:

Q. Now, Miss Ryan, were you with Miss O'Keefe and Miss Reagan and Tom Dunn and McSweeney on the 1st of July, on Saturday night?

A. Yes, sir.

Q. And did anything attract your attention that night?

A. Yes, sir.

Q. What was it?

A. I seen a couple of people from the other side run over.

Q. That is, from the other side of Hamilton street, or what street?

A. Hamilton street.

Mr. Chanler: I object to this, as not being in rebuttal.

The Court: It may be in rebuttal. I cannot tell just yet.

By Mr. Osborne:

Q. When you saw these people running over there, what did you

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do?

A. I ran up.

Q. Up to where?

A. To the liquor store.

Q. To Quinlan's?

A. Yes, sir.

Q. To the Hamilton street entrance?

A. Yes, sir.

Q. And, when you got there, what did you do?

A. I saw Joseph Reagan lying on the floor, and Sullivan standing beside him.

Q. Was Sullivan outside the bar?

A. Yes, sir.

Q. About where was Sullivan standing when you saw him, about how near?

A. He was right beside him.

Q. Right beside him?

A. Yes, sir.

Q. And about how far were Reagan's feet from the end of the bar?

A. About five or six feet from the end of the bar.

Q. And was his head pointing towards the Market street side or which way?

A. His head was toward market street and his feet was towards Catherine.

Q. And at the time - did you see Reagan and Cosgrove go into the bar-room?

A. Yes, sir.

Q. Now, at the time that Reagan and Cosgrove went into the bar-room, was there anybody standing in front of the Hamilton street door?

A. No, sir.

Q. Where do you work?

A. In Chambers street.

Q. In what kind of a business?

A. Paper box factory.

BY MR. CHANLER:

Q. The same factory that Miss Reagan works in?

A. Yes, sir.

Mr. Osborne: It is conceded that Thomas Dunn will testify in the same manner that the last witness testified.

The Court: That is, about the location of the deceased and the defendant.

Mr. Osborne: yes, sir; and to the fact that there was nobody in front of the Hamilton street entrance.

ELIZABETH OUCKENFALL, being duly sworn and examined, testified as follows:

By Mr. Osborne:

Q. Is your name Reed?

A. They all called me Reed; I am married the second time.

Q. Where do you live?

A. 42-Monroe street.

Q. How far from Quinlan's saloon corner of Market and Hamilton

streets?

A. I am the next door; I couldn't tell you how many feet; right next door to it.

Q. Do you know any gang around there of any sort?

A. No, sir.

By the Court:

Q. How long have you lived there?

A. I lived there fifteen years very near.

Q. You are familiar with the people of the neighborhood; are you?

A. Yes, sir.

By Mr. Osborne:

Q. You keep a store there; don't you?

A. Yes, sir.

Q. What is the nature of the store?

A. I sell candies, toys, everything - a general store.

Q. You say you do not know of any gang at all?

A. No, sir, I don't.

Q. Did you know Joseph Reagan?

A. Yes, sir; since he was born.

Q. What is his reputation for peace and quietness, if you know it?

A. I never knew anything wrong of him.

Q. Do you know his reputation for peace and quiet?

A. Yes, sir.

Q. Is it good or bad?

A. Good, as far as my knowledge goes.

Q. You know nothing against him?

A. No, sir.

CROSS EXAMINATION.

By Mr. Chanler:

Q. Did you ever hear of his being arrested for fights?

A. No, sir; I never did.

Q. If you had, would that have affected your opinion as to his good character?

A. I don't know as it would - because some boys - he was only a boy - they got into trouble. I don't know that it would have taken his reputation away from him.

Q. Did you ever hear of Officer Curry having to go into Mrs. Reagan's house and taking Reagan out of the house because Reagan was drunk and disorderly and fighting his family?

A. No, sir.

Q. Never heard of that?

A. No, sir.

Q. Do you know Mrs. Reagan?

A. Yes, sir; I know her for the last twenty years.

Q. A friend of hers?

A. No, I am no particular friend; I know the woman. Sometimes, I don't speak to the woman once in six months; I have seen the son occasionally; I lost sight of him since he was twelve years of age.

Q. Your business is keeping a candy store?

A. I sell everything; a general Yankee notion store.

By the Court:

Q. You do not sell liquors?

A. No, sir, I don't sell liquor; a Yankee notion store, I keep.

Mr. Chanler: I ask your Honor to strike out all the testimony of the last witness, on the ground that it is incompetent, irrelevant and immaterial in this case.

(Motion denied)

(Exception)

OFFICER GRIMSHAW, being recalled by the District Attorney, testified as follows:

Q. Officer Grimshaw, were you sent for at any time on Saturday, July 1st, before Reagan was hit?

(Objected to)

By the Court:

Q. Did you receive any message from the defendant, purporting to come from the defendant, on Saturday, July 1st, prior to the time that you heard of Reagan's being hit; did you or not?

A. Yes, sir.

By Mr. Osborne:

Q. Before Reagan was hit?

A. No, sir; it was after he was hit.

Q. About what time did you receive the message?

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A. It was about 11:40.

Q. And when you drove Reagan away that night, what time was it?

A. It was about 11:45.

Q. About the time you drove Reagan away?

A. It was about 10:30.

Q. About 10:30?

A. Yes, sir.

Q. Now, were you on your beat when Sullivan called you across the street?

A. Yes, sir.

Q. You did not come over because you had been sent for; did you - at that time?

A. Sullivan beckoned for me to come over.

By the Court:

Q. Nobody else came to you?

A. No, sir.

By Mr. Osborne:

Q. Did Sullivan tell you at 11:45, when you saw him, or at at 11:40, that he had sent for you?

A. No, sir.

Q. Did Smith give you Reagan's hat?

A. Yes, sir.

OFFICER HAGGERTY, being recalled by the District Attorney testified as follows:

By Mr. Osborne:

Q. Officer, you are the ward man of that precinct?

A. I am.

Q. How long have you been the ward man?

A. About two and a half years.

Q. And how long have you lived in that precinct and been an officer in it?

A. I have been an officer in the precinct, off and on, for sixteen years.

Q. Do you know of any gang of ruffians that hang out on Hamilton and Market streets?

(Objected to, as immaterial.)

A. No, sir.

Q. You do not?

A. No, sir.

Q. Do you know of any such gang of ruffians called the "Growler gang?"

(Objected to, on the same ground.)

(Objected overruled)

(Exception)

A. I do not.

BY MR. CHANLER:

Q. You have charge of this case, have you not; you are the man that made the arrest of the defendant?

A. I am.

(The case is closed)

(Counsel on both sides summed up to the Jury.)

EDVARD LONGTON, a proposed juror, was duly sworn and examined:

By Mr. Osborne:

Q. Are you engaged in business in this city?

A. Yes, sir.

Q. What is the nature of it?

A. Grocery.

Q. Groceries?

A. Yes, sir.

Q. Whereabouts?

A. Between 50th and 51st streets, on Third avenue.

Q. Have you ever known this defendant?

A. No, sir.

Q. Nor the defendant's lawyer, Mr. Chanler?

A. No, sir.

Q. Have you ever heard of this case before?

A. No, sir.

Q. Do you know any reason why you could not try it impartially on the facts?

A. No, sir.

MR. OSBORNE: Challenge withdrawn.

BY MR. CHANLER:

Q. Have you ever served in a homicide case before?

A. No, sir.

Q. Have you ever served in a criminal court before this term?

A. In this term only.

Q. Have you served in many cases in this term?

A. About four.

Q. Do you believe you understand the duties of a juror?

- A. I do.
- Q. The jury are the sole judges of the facts?
- A. Yes, sir.
- Q. You take the law from the Court, as he lays it down, without question?
- A. I would; yes, sir.
- Q. You have no prejudice against this defendant because he is a bartender?
- A. Yes, sir.
- By the Court:
- Q. Do you mean you have a prejudice against bartenders?
- A. Yes, sir; I have a prejudice against the liquor business.
- Q. Do you mean to say you could not give a bartender just as fair a trial as you could anybody else?
- A. Yes, sir, I would.
- Q. You would give him a fair trial?
- A. I would.
- Q. You would not permit your prejudice in any way - your objection really is against the liquor business; is that so?
- A. Yes, sir.
- Q. You do not mean to say that you would permit your dislike of the liquor business to prevent you from giving a man who was arraigned at the bar, engaged in that business, a fair and impartial trial?
- A. No, sir.
- Q. You would try a bar-keeper just the same as you would try a clergyman, and give him as fair a trial; wouldn't you?

A. Yes, sir; certainly.

By Mr. Chanler:

Q. You say that you have a prejudice of some nature against a bartender?

A. Well, I have against the liquor business, generally speaking.

Q. And in a case where a bartender was on trial, and where the defense set up was self-defense, wouldn't the fact that you had a prejudice in your mind against a person engaged in the liquor business affect your judgment, in giving to the defense, and to the story of the defense, your full credence and support?

A. As far as I was able to justly, I should go by the evidence as it was submitted on the trial.

Q. Do you not think that your prejudice against the employment in which the defendant was engaged would have some effect on your mind on weighing the evidence?

A. I believe I would be as just as I could; I can't tell how far that prejudice might go. I can't tell something I don't know.

Mr. Chanler: I submit the challenge.

The Court: I will overrule it.

Mr. Chanler: Note my exception.

The Court: What this man means to say is