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THE EAST RIVER ECHO

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**TRANSCRIPTION OF THE TRIAL BY
MICHAEL BANKS PART ONE**

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..... SESSIONS OF THE
City and County of New York.

The People vs George Frank.

Before the Hon. Frederick Smyth, and a jury.

Indicted for murder in the first degree. Indictment filed May 18, 1891.

..... June 24th,, 1891.

Appearances:

District Attorney De Lancey Nicoll and Assistant District Attorney's Francis Wellman and Charles, Jr, for the people.

Messrs. Levy, Friend and House, for the defense.

Trial

The Court: gentlemen of the jury I have made an order, pursuant to All of the code of criminal procedure of this state, which as follows: (The Court reads section to the jury) section, which the form of the

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oath to be administered to the officers, also prescribes very clearly what the duty is of the officers by whom you are to be accompanied. They must not converse with the jury, or any member of the jury, in reference to the case, and, of course, the jury must not converse with the officers in reference to the case, or any matter connected with it. The officers will accompany you and take you to the place in question, and Mr. Penney, a deputy clerk of the court, will point out to the jury the premises, which are the premises referred to in the indictment, and in the proceedings in this case. Now, then, you are to examine these premises for yourselves. You are to be interfered with by nobody, and, if I were you, I could not converse in reference to the case, or any matter connected with the case, while you are engaged in the examination of the premises. Mr. Penney will show the premises to you, and you will inspect them, and take such measurements as you deem necessary for

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the purpose of notifying yourselves, as far as they are concerned. But there is no conversation to be had with anybody, or even among yourselves, in reference to the case.

Now, Mr Friend, representing the defendant, and Mr, representing the people, will accompany you also, not for the purpose of interfering with you, because they must not do so, either of them, but merely for the purpose of representing the people, on the one side, and the defendant on the other. Neither of those gentlemen will interfere with you in any way, or converse with you upon any subject connected with the trial.

Mr Friend: Now, your Honor, to protect the rights of this defendant to the utmost, I ask, as a matter of law and right, that the defendant be permitted to accompany the jury to the scene - to the hotel.

The Court: That I refuse.

Mr Friend: ... which

The Court: I refuse because there is no provision of law to that effect., you want an exception to the Court's order?

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Mr Friend:,, there could not be any exception taken to the order. That is perfectly fair. I simply desire to except to the refusal of the court to permit the defendant to accompany the jury, in proper custody.

The jury having returned to the court room and resumed their seats in the jury box.

Mr Friend: On behalf of the defence, I know ask the District-Attorney that he furnish the defence with a list of the witnesses the he proposes to on this trial.

The Court: Mr Wellman, is there any objection?

Mr Wellman: Yes sir, I think there is. I do not think there is any reason why we should. There is not any custom that requires it that I am aware of.

The Court: I do not see any objection to furnishing the defence with a list of witnesses.

Mr Wellman: Well, it will take me some time to make it out. This application should have been made before.

The Court: Yes, they should have made this application before. However, make it out, please, as soon as you can conveniently do so.

Mr Friend: We have relied upon the names on the back of the indictment, up to this time.

The Court: Well, I have granted your application. That ends it.

Mr Wellman's opening for the people.

May it please the court, Mr Foreman and gentleman of the Jury:

The first law of God and man is, "thou shall not kill."

The Grand Jury of this County have said, by this indictment, that they find reasonable cause to believe that the defendant at the bar George Frank, otherwise known as Ameer Ben Ali, has violated the law; and it is for that reason that we are assembled here to try probably the most atrocious crime that has ever been committed in our midst.

The defendant, whose right name is Ameer Ben Ali is an Algerian, a Mussulman, as they are called, a follower of Mohammed. Very little is known by the prosecution about his former life. He claims to have been at one time a French subject, and to have fought in the Franco-Prussian war, connected in some way with the surgical department of the French army, I believe.

About fifteen or eighteen months ago, he came to this country. There were some friends of his living in Brooklyn, and he went into partnership in the fruit vending business with one of his friends in Brooklyn for a while; but, falling out with that friend, having a quarrel with him and a lawsuit, which got into the criminal courts, and about which you will hear, if he testifies, as it has been suggested in your examination, that he will testify, in his own behalf.

Mr House: We object to the District-Attorney's referring to any that he knows or ought to know that he cannot refer to or

prove, unless the defendant's character is

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put in issue, or he takes the stand. It is, therefore, unfair and for the District-Attorney to refer to the previous character of the defendant at this time.

The Court: All that I can say now, in answer to that objection, is that the District-Attorney may go on with the history of both of the parties - the defendant and the deceased - as far as he knows it, or claims to know it.

Mr House: But can he refer to the past life of the defendant?

The Court: He may go on.

Mr Friend: We will except.

The Court: I will take care, when the proper time comes, to instruct the jury what to regard and what to disregard in this case.

Mr Wellman:

After going out of business with his friend in Brooklyn, we can't find that he did any business except that of a beggar in the streets, because the next trace we have of him is that we find him over in New York where, constantly, at night, drinking with the women who will be produced here as wit-

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nesses, and consorting with them at the East River Hotel and their assignation houses in that quarter. Next we find him arrested in Queen's County for vagrancy, he having begged.

Mr House: Now, if your Honor please we take an exception to that part of the statement of the District-Attorney, and I desire it to go on record now, that we protest against the District-Attorney stating to this jury that the defendant has ever been under arrest in Queens County, or any other county of this state, or any other state. Your Honor knows that the District-Attorney has no right to refer to that, until the character of the defendant is put in issue, and so makes it an issue in the case. I pronounce it as unfair and unlawful and unjust on the part of the District-Attorney, and I ask your Honor to stop him now.

The Court: As I understand it, the District-Attorney has merely stated, as far as he claims to know it, the history of the defendant. I think he has a right to do that, but at the

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..... time, I will instruct the jury that every statement that has been made here, as to the arrest of this man, or as to anything that has a tendency to impeach his character is not to be regarded by the jury, unless the defendant becomes a witness, and puts his character in issue. I do not know whether he will or will not do that, but, at this stage of the case, I can do no more than I have done.

Mr House: Will your honour give me the benefit of the exception.

The Court: Yes, certainly.

Mr House: The stenographer has taken this down I apprehend.

The Court: I have no doubt that

Mr Wellman,

You have heard this application for the list of witnesses for the people. The defendant perfectly well many of our witnesses. He knows them because they were produced before the coroner. He knows that many of our witnesses were from this very jail in which they were incarcerated with the defen-

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dant, and it be-
.... part of our case. It is where they knew him him, and where they learned the facts which they will to you -in the Queens County jail, with this man, knows that. I do not intend to state anything that is unfair to this defendant, in this opening, and, when the opening is finished, you will bear me out in that statement.

Now I say that he was arrested for begging and for vagrancy on the street, and was incarcerated in the Queens County jail for that reason, and, at that time, he was found with splints on his arm, and he spent, apparently the money that he got in begging, in New York at the East River Hotel, other assignation houses as will show you,

the women we will produce here.
On the 22nd., of April, this defendant spent most of his day around the East River Hotel, and other drinking places in the neighbourhood. He was drinking most of the day with this Woman "Shakespeare," Carrie Brown, who was

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found, the next morning, murdered in the East River Hotel.

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..... take
June 29/91.
Page 1.

On Wednesday — — Tuesday or Wednesday, the 21st or 22nd of April, this defendant slept in the East River Hotel, with some woman unknown to the prosecution. They knew him, they had then seen him, and had trouble with him, which they will narrate to you, before, with women in that hotel. I speak of that simply to show that he was acquainted with those premises. And they gave him a room with a woman on Tuesday or Wednesday, the 21st or 22nd of April. In the morning he passed out in the ordinary way in the bar. If you remember, as you were there to-day, one of the entrances is through the bar room. He out at 7 o'clock that morning — — — at 5 o'clock he passed out. At 7 o'clock in the morning he was at another assignation house at 49 Olive Street, and there had to do with a woman named Alice Sullivan; and I might say, here, that this man is unnatural in his sexual desires.
At 10 o'clock he is around with "Shakespeare,"

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Carrie Brown — — — drinking in saloons. At 3 o'clock he is with "Shakespeare" and several other women, at several other saloons, drinking, in the neighbourhood. At 8 o'clock, again with women in another saloon, drinking, and "Shakespeare" is among them, the woman that was afterwards murdered. At 8.30 it rained, on Wednesday night, and Alice Sullivan, the girl who had been with him that , at 7 o'clock, and who had seen him in many saloons with the woman "Shakespeare," during the afternoon, was passing along the street after she saw the defendant and the woman "Shakespeare" on the street. She was hurrying on her way, and she heard only, "Sleepa to-night at the Fourth Ward Hotel, that being only another name for the hotel that you visited to-day. At 9 o'clock in the evening he is at the

bar of the East River Hotel drinking, and at 10 o'clock that same evening that woman, "Shakespeare is in the "box," which you have noticed at the hotel, this small place where the women sit and drink with men, aside from the bar. This woman, "Shakespeare," was there with a man unknown to the

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Prosecution. At about a quarter past 10, that evening, the bell rang on the Water Street entrance—the door that you went in to-day— — — which is always locked, and through which couples who wish for rooms in the hotel must apply. They ring this bell, which connects with the bar, and under the bar where the bell is, is the key of the door. That door is always kept locked. That bell rang about a quarter past 10. The woman, Mary Miniter, The Assistant Housekeeper, at the Hotel, went to the door and admitted Carrie Brown, or "Shakespeare," with a light-haired man. They paid 50 cents for their room, and ordered a tankard of beer, and went to room 31.

At about half past 12, that night — — — between 12 and 1 — — — the bell rang again. Mary Miniter, in the meantime having gone to some room herself with a man, and Samuel Shine, the barkeeper, being engaged in playing cards, the doorbell was answered by Eddie Fitzgerald, who was the boot black of this Hotel, and who was also the night watchman. He went to this door, and there admitted the defendant. He recognised him. He had seen him two days before— had seen him about the Hotel. The defendant asked

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for a room for himself, which was against the rules of the Hotel. They never let a room to a single man. They let a room to a single woman for 50 cents or a dollar, but they never let a room to a single man, especially on the top floor, because the men would wander around on that floor, and that was their rule, and I believe before that time that rule had never been broken. But Eddie Fitzgerald, not being the person ordinarily in charge of the door, and it being late at night, and Mary Miniter being already in bed, Fitzgerald took the 25 pennies that this man gave him, and gave him a candle and a key of room 33, and he went to Sam Shine, who was playing cards, and gave him the 25 pennies, that he had received from the defendant, and said that he had let a man go upstairs — — — the dark man, "Frenchy," as he knew him around the Hotel.

At 5 o'clock next morning, Fitzgerald who had been up all night, in charge of the

bar — — — the bar was closed, but he was in charge of the bar room — — — at 5 o'clock in the morning his

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duty was sweep out the bar, and he was sweeping it out when his attention was attracted by a man sneaking out, as he the term, along the wall, with his head turned in towards the wall. It was nothing unusual for men to out at 5 o'clock in the morning, but they ordinarily walked out directly and stopped at the wash stand, there being no water in the rooms upstairs, and then washed themselves and passed out through the bar into Catherine Street, through the main entrance. But his attention was attracted, as he says, this man who was apparently sneaking out, keeping close along to the wall — — — the wall farthest from him — — — that is, from his angle of vision, Fitzgerald's — — — and he had his face turned in towards the wall. It was the wall of the "box" that, I have spoken of. He looked at him, because he was running along in this way, and he recognized the defendant, and saw him out of the box into the other entrance, and into Water Street.

At about 10 o'clock that morning, Mary Corcoran, the regular Housekeeper, in going to the

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top floor, found that the door of room 33 was locked, and opened it with her turnkey, and there saw a naked body on the bed, and pools of blood on the floor. She slammed the door and ran out and ran downstairs, and called upon this Eddie Fitzgerald. He went up and opened the door and the same sight that had driven Mary Corcoran away. The door was then locked and the police we're notified.

Captain O'Connor was the first to arrive. He got several detectives — — — Sergeant Crowley and Detective Griffin, and they together went up into this room, and made an investigation. They found Carrie Brown's body. However, hours afterwards she was identified as Carrie Brown. They found the body lying on the bed with the back to the door, and the head was covered with under-clothing, and the neck was tied with the apron string, the body was naked. The backside was turned to the door. They found that the blood had come from the wounds in the body of this woman, and had soaked through the mattress and had run from the

edge of the mattress on the floor, forming a pool of blood on the floor, and there were other traces of blood on the floor, and the sheet and other parts of the floor, where the blood had apparently been rubbed with the foot.

The woman was strangled to death. Her mouth was open, her tongue was hanging out. She had likewise been cut in her abdomen by a dull knife which had not readily cut, but there had been two or three attempts to make each cut that was made in her body. There was one cut from here (indicating) on the abdomen through to the vagina — — a cut six or eight inches deep, penetrating the small intestine and running into the bowel and there was another and separate cut going back from the Vagina and the rectum. And there were several other five or six inches deep on the woman's body. The police be-

Had to investigate the premises. They first found that the candle in room 33, in being a whole candle — — it being the custom in that Hotel to give a "green" or fresh candle to each person who occupied a room — — was burned down and out and exhausted. They found in room 31 — — — 33 being directly opposite — — — three feet and a half across the way, a room that had been occupied by this defendant — — — they found on the door of that room blood stains, as though a person whose hands were covered in blood had touched the door, it opened inward. And there they saw the prints of the fingers and a streak of blood which had dropped down on the side of the door. On the inside of the door and corresponding to where the hand would come, if the door was pushed open and closed with the hand was another spot of blood. They found in the hallway leading in between the two

rooms three spots of blood, three droppings of blood on the wall. On the chair in room 33 they found blood on the edge of the chair, blood on the candles, in room 33, and one spot of blood on the

woodwork or floor of room 33.

They then naturally made enquiries as to who had occupied room 33, and it was to find out from Eddie Fitzgerald that a man known as "Frenchy," the dark man known as "Frenchy," tall and thin and black, had occupied room 33.

By going around among the women who were accustomed to sleep and drink in this Hotel, they soon found out the man whom the women called "Frenchy," and who corresponded to the description given by Eddie Fitzgerald as the man who occupied that room.

That evening, at about 8 o'clock, the arrest of this defendant occurred. He was arrested by Officer Lang. Officer Lang went up to him and said, "Come along

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with me. I want you. He walked along with him, and said, "Where did you sleep last night?" And the French man said, "I slept in Brooklyn." He said, "Well, you slept in Brooklyn?" The defendant said, "Yes. Me do nothing; me do nothing." He had not been accused of doing anything. He had been simply asked where he slept. So the Officer said, "Well, come along with me." They walked along to the East River Hotel. They went in and saw Eddie Fitzgerald, and Eddie Fitzgerald immediately identified this man as the man whom he let in between 12 and 1 o'clock the night before, he had given him 25 pennies in payment for room 33, and the description he had given to Sam Shine, when Sam Shine complained of his letting a man go up there to that floor — — — and when he gave him these 25 pennies in payment for this room. They, therefore took him to the station house.

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Meanwhile, they had identified the dead body as that of Carrie Brown known by the nickname of "Shakespeare" in that vicinity.

Carrie Brown was a woman who was born in Salem, apparently of respectable parents and of respectable life at

first, but who had gradually drifted into the life that she had led, and into the very dregs of New York City, and in this vicinity which you visited to-day, and had become a low woman of the town, not an inhabitant of a house of prostitution, but one who had her own room and earned the money that she lived on by going with sailors and the men of the class of the defendant, going with them to the East River Hotel, and other assignation houses in that vicinity.

Now, after this man was arrested, every effort was made, — — — every possible effort — — — to allow him to clear himself. It was seen that he did not speak the

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English language well. It appears that he speaks the English language well enough to and travel in this country and get along here for 15 months and consort with all these women. Well, he didn't speak English well, and every effort, as I say, was made to allow him to clear himself. An Officer who speaks French fluently was put in charge of him, and he was asked everything that he could be asked to give him an opportunity to clear himself. In the first place, he was asked by the Officer where he slept that night. Having been identified by this boy Fitzgerald, and having been taken to this Hotel, he admitted that he slept at the East River Hotel, and that he occupied room 33 in that Hotel that night.

When they began to strip him and search him, they discovered that he had a great mass of blood on the front of his shirt, and that his socks were soaking

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with blood on the heel, and in the instep, and they immediately took an ivory nail cleaner and cleaned his nails.

Detective Aloncle, who is the French Officer or detective that I spoke of, asked him where he got the spot of blood that was there — — — how could he explain it. He said that about ten days before he had been in Jamaica, and there he had met a girl in the

streets to whom he took a fancy, and he had taken her to a Frenchman's, named Joseph, who kept a Hotel near there, and that he gave her three francs and some beer and had connected with her; that she was unwell at the time, and that he had got this blood from connection with her during her courses.

That seemed a natural explanation of it— — — certainly a shrewd and cunning one, and not an ignorant one, and they went to investigate. They went to Jamaica. They hunted all around for a

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Frenchman by the name of Joseph who kept a hotel in the neighbourhood, and they no could find no trace of any man or anything of the kind, and they came back and told him that they could not find any Frenchman by the name of Joseph who let a hotel there, and could not find any such place and asked him if he was willing to go with them and point out the place, and he said, "Why, certainly," and consented to go, and they took him up on his proposition, and at about 6 o'clock in the morning they took him with Aloncle and another police officer and asked him to show where Joseph kept the hotel. He took them across the ferry and on to the Brooklyn Elevated, and finally, when they got pretty well along in Brooklyn, he said to them, "What I told you was not true. Me know no woman in Jamaica. Me got the blood in New York, staying with a woman at 49 Oliver Street, yesterday morning." He may

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have Sid two or three mornings before— — at all events, the morning of the murder— — Thursday morning. He said, "She was sick." "I went with her at 49 Oliver Street." And they said, "What have you brought us out here for? How do you know this locality?" And he said, "Well, I was arrested out here, and was in the jail here."

So they took him to the police station, and he was identified by the clerk or by the police justice there, and it was found that he had been in the Queens County Jail, and there he was examined by the people who were the charge of the Jail and identified as having served 30 days for vagrancy, with splints tied around his left arm. He had been released from that Jail on the 12th of April.

They then went to 49 Oliver Street Street where he said he got this blood, and they

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found that he had connected with a woman there by the name of Alice Sullivan on Thursday, the morning of the murder, at 7 o'clock, as I told you, but she was not in that condition, had not been in that condition for some weeks before, and was not for some time after that time, and "she denied absolutely that he got any blood from her on his clothes.

They then took him before Mary Ann Lopez, Alice Sullivan and a woman that is known as Dublin Mary, and several of the women who cohabited with men at the East River Hotel, and asked them if he knew them, — — — if all of them had had connection with him — — — Dublin Mary, Alice Sullivan, Mary Ann Lopez and all of them, and he said, "No. Me don't know any of these women.", Mary Lopez said, "What? Why, you don't know me? There is my arm that you bit in the East River Hotel." One night when he was

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staying with her in that Hotel he had given her a dollar, and as she went downstairs he sneaked behind her and grabbed her by the back of the hand, and bit her through and through the arm until he made her release the dollar, and he got the dollar back, and she ran down stairs. "Don't remember me!" She cried out. "Why, you bit me here in the arm." She

she said this in his presence, right there and then.

Mr House: I desire an exception entered on the record to that statement.

The Court: Certainly.

Mr Wellman: "Why? You don't know me? Why you bit my arm at the East River Hotel, and there are the marks."

Mr House: And to that we take an exception.

Mr Wellman: And he said, "Me don't know the woman." Alice Sullivan was there, too. And he said he didn't know her — — — the woman he had been with that very morning. Under this man's bed on the morning ...

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was discovered — — — the body of the "Shake speare woman — — — they discovered a knife. It was an ordinary table knife, sharpened to a point, with a black handle and three grooves in places that may once have been tied with string, but in it was three grooves, making the handle easier to hold, to retain a hold on. These three cuts or grooves on each side of the handle they found. That knife was covered with blood, and was underneath this woman's back, and was evidently the knife with which this cutting was done. Knowing that he had been in the Queens County Jail for 30 days, the detectives went to the jail and found the man with whom he had bunked, who had slept with him in the bunk next to him. He had eaten all his meals with him, and had been confined with him 14 days of the 30 that he served there, and He described this man as having a knife, and said that he thought the knife was wound with twine in three different

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places on the handle, that it was an ordinary table knife, and was cut off sharp to a point, and that is certainly as this knife looks to be when held at a little distance. It looks as though it were wound with twine in three different places. When shown the knife he said that it was the knife — — — not that he would say that it was the identical knife — — —

that there might be two like it, but it was so far as he could tell the knife that that man had and used three times a day in the Queens County Jail while he was taking his meals. This man had had the knife, not in his own hands, but before him, and had seen it across the table, and had seen the defendant eating with it, and laying it down on the table and had seen him use it at each meal for 14 days three times a day.

They found another man who had seen this man when others had thrown things at him — — — he had very little to do with the

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people in that jail, and they would sometimes throw or toss bread at him, and then he would go in a rage, and they saw him draw this knife on one occasion to rush down on a man who had been throwing bread at him, and he saw, not the handle of the knife, but that he had a knife and it was like an ordinary table knife which had been ground down to a point. And that, while they cannot identify the knife as the chum could, who had bunked near him, as far as they could see the knife that they say the knife resembles the knife that they saw in his hand.

Mr House: I suppose, Your Honour will give us an exception as to the statement of the alleged assault made by the prosecuting attorney?

The Court: Yes, I will give you an exception to everything.

Mr Wellman: And there was a third man in that place who said that it resembled

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the knife, though he only saw the blade of it, and only saw the man using it at his meals. Now, strangely, once before — — — I have already stated to you there was trouble — — — what it was I will not state — — — but in consequence of this trouble this man was searched. There was found on him and taken from him a knife that is almost identical with the knife that was found under the bed.

Mr House: I invoke the aid and assistance of the defendant the decision of General Term in the case of the People against Everett. That was a case where the District Attorney sought to introduce in evidence a knife which had been taken from the person of the defendant after he been arrested, but no claim was made on the part of the District Attorney that that knife was the instrument with which the crime had been committed. If this is good

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law?

The Court: It is good law, but it does not apply, I think, to this case.

Mr House: Well, I take an exception to the statement about it by the District Attorney.

Mr Wellman: As I say, it resembled the knife taken from beneath the woman's body on the day of the murder, that is, it was a common table knife, ground down to a point; and the resemblance of the two knives will be shown, the resemblance between the two knives, carried by this man.

Mr House: No, it won't; not at all.

Mr Wellman: And altogether circumstances naturally point to, and satisfy, a reasonable man's mind, that this man was the man who committed the crime in room 33 — — But they say, "You have got no eyewitness to that crime. No one saw it. It is all circumstantial. It is not so, Gentlemen. There was an eyewitness to

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that crime, and it the of, and the hand of God, has written on the wall the name of the assassin, and has allowed us to demonstrate it beyond any possible power of contradiction The blood that flowed from this woman and was found on the floor in a pool, beneath her bed, the blood on this man's shirt, the blood on his shirt cuff, the wrist band, the blood on the door leading to his room, the prints

of his fingers, the blood inside of the door, was found to be one blood, from subject— — anaemia blood, this correspondence of white and red, showing that it came from an anaemia person. It was found, further, that the blood on his shirt, the blood on that floor, was mixed with the intestinal fluid that would naturally come from the smaller intestine which was cut by this knife. The blood on the door

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was mixed with intestinal contents the blood on his shirt was mixed with intestinal contents, such contents as come from the smaller intestine which was cut in this Further, not only can they tell from the intestinal also contents, but that it the stage of digestion. The intestinal contents on the shirt is the same as the intestinal contents mixed with the blood on the floor that room, and on her clothes and on the bed clothes in her room. It was the intestinal contents that is in the blood on the door of room 33, and when they examined the the parings from the man's nails, they found that it was blood— — not it was blood, but that it was mixed with intestinal contents from the smaller intestine, at the stage of digestion as fluid mixed with blood that was on her bed, she was found.

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But even that is not all. They can tell the stage of digestion hadn't yet got to the stage of faeces. It was in the smaller, not the larger, intestine, and they say the substances were at the same stage of digestion. She had eat-

en cheese, she had eaten cabbage, she had eaten rhubarb, and she had eaten corned beef and they can show, they claim, by the blood taken from her room, that there was evident partially digested meat and cabbage and rhubarb and cheese. And they find, they claim, in the parings of this man's finger nails, that this man who had his hand in that woman's stomach — — — they find cheese and rhubarb, and corned beef and cabbage, and they find it on his shirt. It cannot be denied, and there is no possibility of contradicting or refuting it, and the highest scientific mind on that subject, in this country, will swear to it before you, not as his opinion, but as an ab-

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solute scientific fact. Prof, of Philadelphia, has devoted his life to the study of blood, and is the most celebrated microscopist in this country.

Mr House: And who is appearing for the prosecution.

Mr Wellman: Now, what he says is not alone confined to his authority but he is corroborated in every detail by Dr Austin Flint, the greatest physiologist in this country, who is a world-renowned microscopist. Dr. Flint not knowing of the autopsy, or what it showed up in this case, bar from his examination alone, both chemical examination and microscopical examination — — — they put it to every possible test — — — found that the fluid came from the smaller intestine, and at that time he knew nothing of the autopsy, or where the cut was made.

Now, there is one more thing that

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science shows, which cannot be contradicted — — — it is demonstrated surely as a mathematical proposition — — — and that is, that the blood on this man's shirt not only was new menstrual blood — — — but it was the blood of a dead person. The blood in his nails was the blood of a dead person, the blood on his door is the blood of a dead person. She was strangled, Dr Jenkins says. She got her death from asphyxiation.

The marks of the assassin's hand are in her throat. Her tongue was protruding, and there's blood in the lungs. She was strangled to death. The moment that life goes from the body, the arteries, as you well know, will not spurt. There is life in the blood. The moment you take the oxygen from the body and asphyxiate the blood, you lose the life of the blood.

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This blood under the microscope allows
..... This woman you
kill, this blood loses its
elasticity, and the globules go into
that And, no, science can tell
beyond contradiction the blood that flows
from a living or a dead subject. In all
the blood on this man's shirt, and all the
blood on this man's clothing, and on the
bed, and on the floor, is blood without
the elasticity of blood flowing from a
live person, and blood in stage show-
ing that it was a dead person's blood,
and it was her blood mixed with her
intestinal fluid at the same stage of
digestion, from the same human subject,
with the same proportion of red and white
corpuscles; and these gentlemen tell us
that it is demonstrated to them, not as
an opinion, but as an absolute, decided
scientific fact, and that the man from
whom the shirt was taken, stained with
that blood, was the assassin of that

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woman. And, as I have said, is it
not the hand of God, writing the name of
this assassin on the wall?

Mr Friend: I now ask, may it please Your
Honor, that the witnesses on both sides,
save and excepting the experts, be ex-
cluded from the court room.

The Court: Yes; I so order.

Mr Friend: We have none in court but our
experts, may it please Your Honour.

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Frank Reinert, call by the people, being duly sworn testified as follows

By Mr. Wellman:

Q. What is your business, Mr Reinert?

A. Civil Engineer and surveyor.

Q. And whom do you work for?

A. Mr. Frank K. Towne.

Q. At the request of the district attorney's office did you make certain plans of the East River Hotel?

A. Yes sir.

Q. What did you make?

A. I made a plan of the a part of the ground floor and part of the top floor.

Q. This plan which I show you - is that the plan of the ground floor of the hotel?

A. Yes sir; part of it.

Q. Is it made to a scale?

A. Yes sir;; fifteen feet equal to one inch.

Q. Is it correct?

A. Yes sir.

Q. When did you make it?

A. I made it May 11th 1891.

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Q. Have you correctly written on here the names of the different rooms?

A. Yes sir.

Q. And the articles in the hotel?

A. Yes sir.

Q. And you have shown the street and all?

A. Yes sir.

Q. And the name of the streets?

A. Yes sir.

Mr. Wellman: I offer this plan in evidence, your honor.

The Court:

Q. That is the ground floor, is it?

A. Yes sir.

Mr. Wellman: Any objection to that plan. Mr House?

Mr. Friend: Does that show the window outside of the floor?

Mr. Wellman: This is the plan of the ground floor.

Mr. Friend:

Q. Do I understand that to be the ground floor of the premises?

A. Part of it. That is part of the ground floor.

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Q. Part of it?

A. That is part of it.

Mr. Friend: There is no objection, your honor.

The Court: And he says the same as to the other plans that it is part of the top floor? Is that right?

Yes sir, part.

The Court: What do you say about the plan of the ground floor? Who offers it— — the district attorney does?

Mr. Friend: No objection, your honor.

(The plan is admitted in evidence and marked People's exhibit 1)

Mr. Wellman:

Q. Now, when we want to know how far it is from the pencil mark "o" — — how far it is that to the sink or the place marked "sink"?

A. Twenty one feet and about 6 inches.

Q. Twenty one feet and about six inches?

A. Yes sir.

Mr. Wellman: (exhibiting exhibit to the jury)

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Is page 53 repeated

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is the ground floor of the hotel, gentlemen. There is an entrance on Water Street. Here are stairs leading upstairs to the different flights. There is that little desk, you remember that there— — and here is the barroom, and that is what is call “the box” there. There is an entrance to the “box” and the witness says that it is the bar room down there (indicating) There is the is the ice box and you come down those stairs and around there, you remember— — coming through the principal or through that door in the “box.”

The Court: Now the witness says that the distance-

Mr. Wellman: The distance from this place to the sink is— — —

The Witness: About twenty one feet six inches.

Mr. Wellman: From here to there (indicating)

The Witness: Yes sir.

Q. I show you another plan and ask you what that is, please?

A. That is the plan of the part of the top floor of the East River Hotel.

Q. Part of the top floor?

A. Yes sir.

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Q. That is made to a scale?

A. Yes sir.

Q. And is correctly drawn?

A. Yes sir, the same scale, 15 feet to the inch.

Q. And it is correctly drawn? is it?

A. Yes sir.

Q. What is the distance from the door of room 31 to the door of room 33, taking the shortest distance?

A. It is three feet six inches.

Q. Three feet six inches?

A. Yes sir.

Q. And the size of room 31?

A. It's is twelve feet, eight inches, by seven feet five inches or eight feet three inches. It widens out.

Q. It is a corner room and there are two windows?

A Yes sir.

Q. What is the size of room 33?

A. About seven feet five inches by nine feet six on one side and eight feet four inches on the other side.

Q. Is there a window outside there?

A. No sir; there is a window in the hall.

Q. All these rooms on here— —that you have marked "rooms"

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you have not divided them off?

A. No sir; I did not think it was necessary.

Q. Did you make any measurements of those?

A. No sir, I have made the total length between the door

Mr. Wellman: I don't care for those. The plan your honor, is in evidence.

Mr. Friend:

Q. Does that map, Mr. Reinert show the window inside of the floor in room 33?

A. No sir, it does not show it because that is the plan I didn't mean to show it, but there is a little window.

Q. There is an opening there?

A. Yes sir, a little opening on the door.

The Court:

Q. Of what room?

A. Room 33.

Q. And that opens into the hall?

A. Yes sir, it is high up, near the ceiling.

Mr. Friend:

Q. And about how large is that opening?

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A. That is about, I should judge, one foot, six inches square.

Q. Was it covered with a board or boards or not when you were there, do you remember?

A. I do not remember that exactly.

Q. You don't remember?

A. No sir.

Q. Does the plan show the scuttle?

A. Yes sir; it shows the position of it.

Q. Can you tell us the dimensions of that scuttle at the opening?

A. Yes about. It was about two feet square.

Q. And the distance from room 31 to that scuttle is about what?

A. Room 31? What part of the room, please?

Q. The door?

A. To which scuttle. There were two scuttles.

Q. Well, there are two scuttles with ladders?

A. No sir, only one with a scuttle.

Q. Where about is the scuttle.

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A. About there (indicating)

Q. This mark?

A. Yes sir.

Q. And this is the one with the ladder?

A. Yes sir, it is marked.

The Court:

Q. The two scuttles are marked on the plan— —the scuttle with the ladder and the scuttle without the ladder?

Mr. Friend:

Q. What is the distance between the door of this room and the scuttle where the ladder was?

A. It is about twenty feet and six inches .

Q. And where does that scuttle lead to?

A. It leads to the roof.

Q And do I understand you to say that there is a ladder there?

A. Yes sir.

Q. And that ladder leads to an opening, to the scuttle?

A. Yes sir.

Q. And the scuttle opens to the roof?

A. Yes sir.

Q. That is all.

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A. Yes sir.

The Court:

Now is there another question?

Mr. Friend: No sir.

(The plan is admitted in evidence without objection and marked People's exhibit 2)

Mary Corcoran, called by the people, being duly sworn testified as follows:

Mr. Wellman:

Q. Where do you live, Mary Corcoran?

A. The East River Hotel

Q. The East River Hotel?

A. Yes sir.

Q. What is your occupation there?

A. Housekeeper.

Q. Housekeeper there?

A. Yes sir.

Q. Now, is the East River Hotel called by any other name?

A. Fourth Ward Hotel.

Q. Now, please keep your voice so that I will not have

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to repeat what you say. Where were you on the night of the 23rd of April, the morning before the body was found there?

A. In the East River Hotel.

Q. What?

A. In the East River Hotel.

Mr House: Please raise your voice.

Mr. Wellman:

Q. And where were you about eleven o'clock at night do you know?

A. In the side room, I believe--I cannot tell.

Q. And what do you call that side room?

A. Where gentleman and ladies goes in to have a drink.

Q. You call it "the box" there don't you?

A. Yes sir.

Q. Well then call it "the box" We will know what you mean.

A. All right sir.

Q. Did you ever see the woman called Shakespeare?

A. Yes sir, twice in my life.

Q. Did you see her that night?

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A. Yes sir.

Q. The night before she was found dead?

A. The night before that, and the night she was killed.

Q. And the night before you saw her? Where did you see her?

A. In the East River Hotel.

Q. Who was she there with?

A. This woman Healey.

Q. Drinking with men in the box?

A. Not that night. She come in and went out— —but the night she was killed she in the box went out again.

Q. The night she was killed she came in the box and had a drink and went out again?

A. Yes sir.

Q. What time was it you saw her in the box on the night before she was killed?

A. Well, I couldn't say exactly. Between ten and eleven 1'clock, I cannot say the exact time.

Q. Now did you go— —the next morning did you hear— —How did you happen to hear anything about the fact that Shakespeare was killed?

A. Eddie Fitzgerald came down and told us that— —

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Mr. House: Objected to.

Q. Well, you heard in some way that there was some reason for you to go upstairs?

A. Yes sir.

Q. Did you go upstairs?

A. Yes sir.

Q. Well what did you do?

The Court:

Q. First what time in the morning was it?

A. Well. I could not say the time. It was between ten and eleven o'clock.

Q. In the morning?

A. Yes sir.

Mr. Wellman:

Q. Now, where did you go and what did you see?

A. Well I went upstairs when I heard that and went into the room.

Q. Now wait a moment. Went up how many flights?

A. Two more flight, that is the landing I was on.

Q. You went up to the fourth floor then?

A. Yes sir.

Q. In what room did you go?

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A. Room 33.

Q. Is that the corner room?

A. Yes sir.

Q. Was the door locked when you entered?

A. Yes sir the door was locked.

Q. How did you open it?

A. With the pass key.

Q. What did you see when you got in there?

A. I saw the woman lying there.

Q. What woman?

A. This Shakespeare.

Q. Well, how was she lying, can you describe it?

A. She was lying on the bed with nothing on her from there
(Indicating)

Q. From the hip down?

A. Yes sir.

Q. Could you see her face?

A. No sir.

Q. Why not?

A. Well, I didn't look to see her face then because I went right in and out again.

The Court:

Q. Well, did you observe anything on her head?

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A. I didn't exactly look then.

Mr. Wellman:

Q. You didn't look then?

A. No sir.

Q. You looked more at the part of the body that was bare?

A. Yes sir.

Q. What did you see then?

A. Well I seen her all bare and I ran out of the room.

Q. Well, did you see anything else besides the body bare?

A. Well I seen the blood on her and I did not wait and saw no more.

Q. Where did you see the blood?

A. The blood on her back.

Q. Did you see the blood on the floor?

A. I didn't wait to look, I ran out.

Q. You didn't wait to look?

A. No sir.

Q. Well, you saw the woman partially naked, and the blood on her back and you ran out?

A. Yes sir.

The Court:

Q. In what way was she lying?

A. On her side with her back towards the door.

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Q. And which side would that make her lying on, do you know?

A. On her right side.

Mr. Wellman: She is our witness

Cross examination

Mr. House:

Q. How long have you been working at the East River Hotel?

A. Since the day after Thanksgiving.

Q. Of this year?

A. Yes sir.

Q. Who was proprietor of that hotel?

The Court:

Q. Thanksgiving of last year?

A. Yes sir.

Mr. House:

Q. It was Thanksgiving of last year, was it?

A. Yes sir.

The Court:

Q. When did you go there?

A. Just at Thanksgiving last.

Mr. House:

Q. And you have been employed there ever since?

A. Yes sir.

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Q. And you are employed there now, are you not?

A. Yes sir.

Q. Who was the proprietor of that hotel when you first went there to work?

A. Mr Jennings.

Q. And who is proprietor now?

A. Mr Jennings.

Q. And the statements that have been made since the discovery of the death of this woman, had given up the proprietorship is not true?

The Court: This will not do. You havewhat she says.

Mr. Wellman: That is objected to.

Mr House: Well, never mind then.

Q. What were your duties at that hotel?

A. Housekeeper; clean the rooms, make the beds and look after the rooms after everybody left them.

Q. What were your hours of service there?

A. From 11 o'clock in the morning and I am done at six o'clock in the evening.

Q. And so from six o'clock in the evening until the next morning at eleven o'clock you have no duties to perform?

A. No sir.

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A. No sir.

Q. Do you have anything to do with renting of rooms in that hotel?

A. No sir.

Q. Who is that performs the duty of assigning guests the rooms when they apply to them?

A. Mr. Carroll.

Q. And who before that?

A. Samuel Shine.

Q. And who else?

A. That is all to my knowledge. I don't know nothing at all about the register.

Q. So that you say now that the only person at the time of this alleged killing that had the right to rent rooms in that hotel was Samuel Shine?

A. Yes sir.

Q. And you deny that you had anything to do with rent of rooms at all?

A. It ain't my place to do it. I have all I can do in the daytime to look out after my rooms.

Q. Did you ever rent rooms to persons that came there?

A. When the bar was busy?

Q. When the bar was busy?

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A. Yes sir.

The Court:

Q. What was Shine, a housekeeper?

A. No sir, he was a clerk.

Mr. House:

Q. Now, who was the bartender there on the night of the 23rd of April.

A. Samuel Shine.

Q. Was there any other bartender there?

A. I cannot say.

Q. Was there any Thompson there?

Q. Where was Thompson?

A. Well, I cannot say where he was. I didn't see him.

Q. Did Thompson have any duties to perform in that hotel?

A. He was on in the day time then.

Q. Do you know what Thomason's hours of service were?

A. No sir.

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Q. Or what time he left?

A. No sir.

Q. Is it not a fact that he was on duty at that bar all night long?

A. I don't know?

Q. Do you mean to say that you don't that that bar was open and that drinks could be had during the entire night.

A. No sir, because I went to my bed.

Q. What time did you go to bed on the 23rd of April.

A. Well, I know I went to bed before twelve o'clock.

Q. You know you went to bed before twelve o'clock?

A. Yes sir.

Q. How much before?

A. I could not say.

Q. What time of the night on the 23rd of April did you see the defendant?

A. I did not see that man at all.

Q. What?

A. What defendant?

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Is a repeat of page 70

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Q. You didn't view the defendant at all on the night of the 23rd of April/

A. No sir.

The Court:

Q. Let the defendant stand up.

The Court:

Q. Did you see that man?

A. No sir, I never seen the man.

Mr. House:

Q. What?

A. I never seen that man. I never seen that man in my life until I saw him in the Oak Street station house.

Mr. House:

Q. You never saw that man in your life until you saw him in the Oak Street station house.

A. No sir, I never seen him before in my life.

Q. You were in this box where men and women were drinking on the night of the 23rd of April, were you not?

A. Yes sir.

Q. And that was the night before the morning when you found this body in room 31?

A. Yes sir.

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Q. How many times had you seen this woman called Carrie Brown or Shakespeare in her lifetime?

A. Twice in my lifetime— —and not before that night before the morning that she was killed.

Q. The night before you found her body?

A. Yes sir.

Q. And the morning that you found her body?

A. Yes sir; only twice in my lifetime.

Q. Once when she was alive and once after she was dead.

A. Well I seen her that night too.

Q. That is what I say.

A. And the next morning she was dead and the night before that I seen her— — it was in my life.

The Court:

Q. You saw her twice you say?

A. Yes sir.

Q. Was she alive on both occasions?

A. Yes sir alive on both occasions.

Q. Now what was the next time when was the first time?

A. The night before.

Q. The night before you found her body in the room?

A Yes sir, and the night before that— —two nights before that.

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Q. That is another thing. Well you saw her body in the room that day between ten and eleven o'clock?

A. Yes sir.

Q. And did you see her the night before you found her body in the room?

A. Yes sir.

Q. At what time that night ?

A. Well, I can't exactly say the time.

Q. As near as you can.

A. Well, I do not know whether it was ten or after ten I cannot say.

Q. You saw her the night before about what time as near as you can recollect.

A. I don't know whether it was before or after ten.

Q. Well, somewhere in that neighbourhood.

A. Yes sir.

Q. Well, I understand you to say that you saw her the night before that again.

A. I seen her twice in my lifetime before I found her dead.

Mr. House: Will your honor allow me to, pursue my line of cross examination?

The Court: Certainly.

Mr. House:

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Q. You found the dead body of this woman as mentioned the morning of the 24th of april.is that correct.

A. I do not know what date it is because I did not notice.

Q. Was it a Friday morning?

A. I cannot say whether it was Thursday or Friday. I know it was in the morning.

Q. Did not you testify before the Coroner and the jury that you found her dead body on the morning of the 24th of April.

A. Well, I didn't say the date. I could not say the day. but I know it was some morning of that week.

Q. Now, starting with the morning you found her dead body in room 31, before that you had seen her?

A. Yes sir.

Q. Where?

A. In the East River Hotel.

Q. At what time?

A. I cannot exactly say the time whether it was before or after ten.

Q. As near as you can give me.

A. Before or after ten—I cannot say which.

Q. Can you say whether it was a quarter before ten or a

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quarter after.

A. I cannot say.

Q. Or ten minutes before nor after?

A. I cannot say.

Q. You cannot say whether it was before or after ten.

A. No sir.

Q. But it was sometime in the evening?

A. Yes sir, it was in the night time. I know after I was done my work.

Q. And that is on the night before the morning on which you found her dead body?

A. Yes sir, I seen her that night.

Q. Now whereabouts was she when you saw her at the hotel the night before you discovered her body?

A. She was in the room.

Q. In which room?

A. Where the gentleman and ladies comes to have a drink.

Q. Is it what had been called by the district attorney the "box"?

A. Yes sir.

Q. Now there is an entrance from that box leading out into the street.

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A. Yes sir, two entrances.

Q. Now just wait one minute, don't go so fast please . There is an entrance leading from that box into the street is there not?

A. Yes sir.

Q. The name of the street that that entrance goes into?

A. Water Street.

Q. And then there is a door leading from the box out into the barroom proper is there not?

A. Yes sir.

Q. So that you can go into that box from the barroom or you can go into the box from the street?

A. Yes sir.

Q. Now, is there not what is known as a "dead" door, or a door that is closed up, leading from the box into the hallway that goes up stairs?

A. Yes sir, there is a door as you go upstairs that is closed and locked.

Q. And that is always closed?

A Yes sir.

Q. But that door does lead from the hallway going upstairs

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into this drinking box?

A. Yes sir.

Q. So that practically there are three doors leading into that drinking box, one from Water Street, one from the bathroom proper and one from the hallway going upstairs.

A. No sir, you cannot go from the hallway.

Q. I didn't say that you could but there are three doors there?

A. Yes sir.

The Court: She describes that. She says that there was such a door but it was locked.

Mr. House: That is what I had said , your honor.

The Court: And she agrees with you practically.

Mr House: I am going well now.

Q. Now, on this night before you discovered her body in the morning who was in the box with Carrie Brown or Shakespeare?

A. This woman Healey.

Q. How many other people were in that box at the time?

A. There was Mary Minitier, Lynch and another woman Lizzie, I believe they call her.

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Q. Yes.

A. And myself.

Q. And yourself?

A. Yes sir.

Q. Is that all?

A. Mary Madigan.

Q. Yourself and Mary Madigan?

A. You sir.

Q. And are you sure you have given them all?

A. As far as I recollect.

Q. As far as you recollect?

A. Yes sir.

Q. Now, I want to be fair with you; I want to get it all before the jury, so that there will be no mistake. On the night before you discovered the dead body in the morning, you have told us that the people that were in this box, as far as you recollect a little before or a little after ten o'clock with this woman, Shakespeare, is that so?

A. Yes sir.

Q. This defendant wasn't there, was he, at that time?

A. No sir, I didn't see him.

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Is a repeat of page 79

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Q. Was this defendant in that box at that time?

A. No sir.

Q. That answers it. I did not ask you whether you saw him or not. I asked you whether he was there that night.

A. No sir.

Q. Were there any men in that box at that time?

A. There was one come there.

Q. Who?

A. There was "a man-of-war"

Q. A sailor?

The Court:

Q. A man-of-war — — — do you mean a sailor, is that it?

A. Yes sir.

Mr. House:

Q. Do you know his name?

A. No sir.

Q. Can you give a description of him?

A. No sir.

Q. Is it absolutely impossible for you to do so?

A. I know he was light completed, and that is all I could tell you.

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Q. Did he have a light moustache?

A. I could not tell you.

Q. Now, just give me as perfect description of that man as you possibly can.

A. That is all I know about it. He was a light completed man. I never spoke two words to the man in my life.

Q. I did not ask you that. I asked you for a description.

A. Well, I cannot give you any description. I know he was light completed and he was in man-of-war clothes.

Q. In man-of-war clothes?

A. Yes sir.

Q. How tall was he

A. I could not tell you. He was sitting at a table.

Q. Did you notice the color of his hair?

A. No sir, but he looked light complected.

Q. Did you notice whether or not he had a moustache?

A. No sir, I did no.

Q. Will you say whether he had one or not

A. No sir; I won't say one way or the other.

Q. Will you say whether he wore a beard on his face or not?

A. No sir, I didn't notice.

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Q. You didn't notice?

A. No sir.

Q. Did he talk in your presence— —this man?

A. He was talking to this woman— —Lizzie.

Q. Yes.

A. Not to me.

Q. Well, what nationality should you think him to be?

A. I cannot say.

Q. You couldn't say whether he was English, French, German or American.

A. No sir, I wasn't interested.

Q. You were not interested at all .

A. No sir.

Q. Did he buy drinks for all of the women who were in there?

A. Yes sir.

Q. What kind of hat did he wear?

A. A man-of-war hat.

.Q. Did Shakespeare drink with him ?

A. Yes sir.

Q. Now was this man in the box at the time with Shakespeare and this Healey woman came in?

A. Yes sir.

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Q. How long did Shakespeare remain in the box on that night?

A. She did not remain there long I don't believe.

Q. And then she went out?

A. Yes sir.

Q. And then you say you never saw her again until you discovered her dead body the next morning?

A. No sir.

Q. So that when she went upstairs on the night of the 23rd of April, or the night before the morning when you discovered her body, you did not see her go up there?

A. No sir.

Q. And you didn't see the person she went up with?

A. I went up towards the door leading through the hall and I seen her in the hall with a man but I didn't recognise who it was.

Q. You did not recognise the man?

A. No sir; because I didn't take notice.

Q. And what time was it that you saw her when she was standing in the hallway just before she went upstairs?

A. I cannot say.

Q. Now you say it was a little before or after ten that you first saw her.

A. Well, she went out.

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Q. She remained for an hour and went out?

A. Yes sir

Q. And how near eleven o'clock was it that you saw her again?

A. I could not say for I could not tell, the exact hour at all.

Q. What time did you saw you went to bed that night?

A. I went to bed either before or after twelve, I could not say which.

Q. How long before you went to bed did you see her for the last time with this man in the hall?

A. I could not say.

Q. You couldn't say?

A. No sir.

Q. Can you give a description of this man that you saw her standing in the hallway with?

A. No sir. I didn't see him. I did not see his face.

Q. Did you hear him say anything to Mary Minitter?

A. No sir.

Q. Or did you hear Shakespeare say anything to her?

A. No sir.

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Q. Did you hear her ask for a pail to get beer in?

A. No sir.

Q. Do you know whether she took a pail of beer upstairs with her?

A. No sir, I cannot say.

Q. And you cannot give a description of that man that was in the hallway with her?

A. No sir, for I did not see him. His back was towards me. I did not take any notice. I walked right back again.

Q. Was he a man-of-wars-man?

A. No sir.

Q How was he dressed — I mean in a civilian suit like the learned district attorney as, perhaps not so good?

A. Yes sir.

Q. Did he wear a hat?

A. Yes sir.

Q. What kind of hat?

A. I couldn't say.

The Court:

Q. Do you know whether it was a high hat or a round hat
- a derby hat?

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A. A derby hat.

Mr. House:

Q. Did you notice the color of the hat?

A. No sir.

Q. Did you notice whether the hat was broken or dented?

A. I could not say. I didn't take any notice. I walked to
the toilet and back again.

Q. Not let us see. Whereabouts is this toilet, right off
the bar room?

A. No sir, it leads right towards the the door as you go up-
stairs.

Q. Towards the door?

A. The door that leads upstairs.

Q. The door that leads upstairs?

A. Yes sir.

Q. Now let us understand this. Just give me if you can— —
for my own benefit the corner of the streets upon which
this hotel is situated— —the East River Hotel.

A. On Water Street and Catherine Slip.

Q. Water Street and Catherine Slip?

A. Yes sir.

Q. Now, directly on the corner is an entrance for— — which

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leads into the bar, is that so?

A. Yes sir.

Q. And then towards the entrance on the corner and further down Water Street is a door which leads to this box? That is so, is it not?

A. Yes sir.

Q. And then beyond is a door that leads into this box and on Water Street is a door that leads into the hall that gives access to the upper floors of this hotel; isn't that true?

A Yes sir.

Q. Now outside of this door which leads into the hall way that takes in the stairway that goes upstairs there is an electric button is there not?

A. Yes sir.

Q. Yes?

A. Yes sr. That leads to the bar room.

Q. That leads to the bar room?

A. Yes sir.

Q. And from the time that the shades of night fall down until about five o'clock the next morning that door is always locked?

A. I couldn't say.

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Q. What?

A. I could not say.

Q. You are the housekeeper and mean to say hear that you cannot say that the door there from night time until five o'clock the next morning was always locked?

A. No sir, I will be in my bed. When I come upstairs the door is locked. I have to put my hand on the button.

Q. But you did not have to put your hand on the button that is out on Water Street?

A. No sir. But that is always locked.

Q. Now wait; now will you start right here. In Water Street and you have already said, that there is a door leading from Water Street into that hallway that goes upstairs?

A. Yes sir.

Q. And that there is an electric button there?

A. Yes sir.

Q. And people who want to get in from Water Street into that hotel have to ring that button?

A. Yes sir.

Q. And the bell that runs from that button is around in the barroom?

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A. Yes sir.

Q. Now when this door is open— — will your honor allow me to enter the bar for a moment?

The Court: Why certainly.

Mr. House:

Q. Suppose right here in the Water Street door?

A. Yes sir.

Q. To the right would be a stairway leading up the stairs?

A. Yes sir, there is a stairs leading right from the door.

Q. And a little to this side is that dead door that we have spoken of — — that leads into the drinking box but which is always locked. Isn't that so?

A. Yes sir.

Q. There is a sort of desk set in between the door jambs? Is there not?

A. Yes sir.

Q. And on that is supposed to be a book or register of this hotel?

A. Yes sir.

Q. Now is you lift the cover of this desk upon which is placed the alleged or supposed to be register you found a whole lot of candle sticks and candles?

A. Yes sir.

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..... 2nd take, following
..... /29/91 page 2.

Q. And down in the bottom of it you open doors.

A. One door.

Q. And there are a lot of cans?

A. Yes sir.

Q. Which the people who are going to occupy rooms upstairs can take and get beer from the bar— — — is that so?

A Yes, sir.

Q. Now, suppose we pass by this door, and desk, that we are just talking about, and we want to go— — — not upstairs, understand me— — — but we want to go into that passageway which leads by the toilet and by this drinking box, into the bar there is another door there, is there not?

A. Yes sir.

Q. And when you are standing in this, marked so and face this portion of that store which is occupied by the toilet, there is an electric button on this side, is there not?

A. Yes sir.

Q. What time is that door usually locked?

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A repeat of page 91

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A repeat of pages 91 and 92

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A. It is always locked.

Q. Always locked?

A. Yes, sir.

Q. And is it not true that a person who wants to go from the second, third or fourth floor, out into the street, got to come down into the and touch that button, and notify the bartender that he wants to get out into the street at night time.

A. I haven't got anything to do with that.

Q Don't you know that?

A. No, sir.

Q. There is an electric button there, is there not?

A. Yes, sir.

Q. And don't you know that you have ring that bell when you yourself want to go in there?

A. Yes, sir; I have to do so then.

Q. And what was the condition — — — when you had to press that button and ring it — — — what was the condition of the door leading out into the street?

A. Closed.

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Q. And locked?

A. Yes, sir.

Q. And isn't it true that in the night time, when the inmates on the upper floors want to go out, that they have to touch the electric button on the second door that we have spoken of, and let the barkeeper let them out into the street? Don't you know that?

A. No, sir; I have nothing to do with this part downstairs — — — nothing whatever to do with it.

Q. Now, let us take the first night that you ever saw "Shakespeare," You say that two nights before you found her body in the morning — — —

A. I seen her twice in my life.

Q. Twice to your knowledge?

A. Yes, sir.

Q. Well, now, you saw her on the night before the morning that you found her body, didn't you?

A. Yes, sir.

Q. Now, when was it before that night, taking that as the time that you first saw her?

A. The night before that.

Q. The night before that?

A. Yes, sir.

Mr. House: Can we agree upon those nights, Mr.

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Wellman?

Mr. Wellman: I think so— — — the 22nd or 23rd.

The Court: When was the body found?

Mr. House: On the morning of the 24th.

The Court: The, she saw her on the night of the 22nd and 23rd.

Mr. House: Yes, sir.

By Mr. House:

Q. Now, we will start out with the agreement that you saw her on the night of the 22nd and 23rd.

A. Yes, sir.

Q. And that is the first time you ever saw “Okd Shakespeare? or Carrie Brown?

A. Yes, sir

Q. Now, what time of the night on the 22nd did you first see her?

A. Well, I can't say whether it was before or after 10.

Q. The same time as the second night?

A. I can't say the exact time?

Q. And where did you see her?

A. In the East River Hotel.

Q. In the entrance where ladies and gentleman goes to have a drink.

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Q. In the box?

A. Yes, sir

Q Now, who was in “the box” at the time that you saw her on the night of the 22nd?

A. Jennie Lynch, Mamie Madigan, Mary Minitter and myself.

Q. The same as on the night of the 23rd?

A. I don't know the night before that, but the night before she was found the next morning.

By The Court:

Q. No; he is talking of the first night.

By Mr. House:

Q. Yes; the second night.

A. Mamie Madigan, Mamie Miniter, Jennie Lynch and I don't know who else was there.

By The Court:

Q. Was there anybody else there that you don't know of?

A. I can't say.

By Mr. House:

Q. Were there any men in "the box" that night — — — the first night, I am speaking of now?

A. Not to my knowledge.

Q. Now, let us go back again to the night of the 23rd — — — that is, the night before you found her body, the following morning. Have you ever since that night see the man that was

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standing with her in the hallway before they went upstairs together?

A. No, sir; I didn't.

Q. What?

A. No, sir; I didn't for I didn't see who he was, and Wouldn't know him if I seen him now.

Q. Did you ever see Carrie Brown or "Old Shakespeare," as she was known, and this defendant in company together?

A. No, sir.

Q. You know for what purpose men and women went to the top floor of that hotel, do you not?

A. Sir?

Q. You know the purpose for which men and women occupied the rooms on the top floor of that Hotel, do you not?

A. I don't know what purposes.

Q. What?

A. I don't know what purposes.

Q. You don't.

A. No, sir.

Q. Haven't you ever seen men and women who went to that top floor?

A. Yes, sir.

Q. Haven't you seen men and women go up there time and time

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again with different men?

A. Yes, sir.

Q. And do you mean to say now, under oath, to this jury, that that you didn't know the purpose for which they went upstairs?

A. Well. that ain't got nothing to do with me at all.

By The Court:

Q. He asked you if you knew for what purpose they went upstairs.

A. I don't know what purpose they went up for.

Q. You can imagine, I suppose; but that is not the point.

By The 5th Juror:

Q. I would like to know whether the witness knows the difference between a a man-of-war or a common sailor?

By The Court

Q. You said that one of the the men that you saw there was a man-of-war's man.

A. Yes, sir.

Q. And how could you tell a man-of-war's man from a common sailor?

A. Well. I don't know.

Q. From his clothing?

A. Well, he had this navy blue clothing on, and the on.

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Is a repeat of page 99

Q. Was there any label or name on his hat?

A. I didn't take any notice.

Q. But you merely supposed that he was a man-of-war's man from the clothing that he wore?

A. Yes, sir.

Re-Direct Examination.

By Mr. Wellman:

Q. Now, that there may be no mistake. I understand you to say that you say "Shakespeare" with a lot of other women drinking with a man-of-war's man in "the box" in the evening and you afterwards saw "Shakespeare" go upstairs with a man — — at what hour you can't say — — that same evening, but it was not the man-of-war's man that she was drinking with?

A. No, sir. That man-of-war's man went up with this girl, Lizzie.

By Mr. Wellman: that lets him out of this.

By The Court:

Q. She didn't say that she saw her go upstairs with anybody.

The Witness:

No; I didn't see her go up the stairs.

The Court: The witness says she saw this woman, "Shakespeare." standing in the hall talking with a man whose back was towards the witness. He wore, as near as she recollects, a derby hat, and she described his clothing as being dark. She did not say that she saw "Shakespeare" go upstairs with the man.

By Mr. Wellman:

Q. Well. Was Mary Miniter talking to them the time?

A. She was in the hall at the time.

Q. And who did the man-of-war's man go upstairs with, could you say?

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Re-Cross Examination.

By Mr. House:

Q. Who is this Lizzie?

A. I don't know her last name?

Q. Well, does she work in that Hotel?

A. No, sir. I believe he is in the House of Detention.

Q. What?

A. I believe she is in the House of Detention.

Q. I didn't ask you where she was.

By The Court:

Q. No, he wanted to know where she works.

A. No, sir: I don't.

Q. All that you know about her is her

A. Yes, sir.

By Mr, House:

Q. Isn't her name Lizzie

A. I don't know, sir.

Q. Well, she didn't work in the Hotel on this night

A. No, sir; she never worked there to my knowledge.

Q. But she did go upstairs with this sailorman.

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A. Yes, sir.

By The Court:

Q. What was her name?

A. Lizzie— — — I don't know her last name.

By Mr. House:

Q. Do you know what floor on?

A. No, sir; I don't.

Q. How many floors are there in that Hotel above the bar room?

A. Four.

Q. Four floors above the bar room?

A. Yes, sir.

Q. And the floor?

A Yes, sir.

Q. The fourth floor?

A. Yes, sir.

Q. Now, who is this that you have spoken of?

A. She cooked for me.

Q. What?

A. She stayed cooked for me.

Q. Mary Miniter, East River Hotel and cooked for you?

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at the Hotel?

A. Yes, sir.

Q. So that if you were the housekeeper assistant?

A. Yes, sir.

Q. You?

A. Yes, sir.

Q. Did she live in the East River Hotel?

A. Yes, sir.

Q. And is it not true fact, that went to bed with men that?

A. Yes, sir.

Q. What?

A. Yes, sir.

Q. Do you know on the night of the 23rd— --that is the last night that you say “Old Shakespeare” alive— --you found her body the next morning— --do you know on what floor of that Hotel Mary Miniter slept that night?

A. The first floor.

Q. The first floor?

A. Yes, sir.

By The The Court:

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Q. Is that the floor over the bar?

A. No, sir?

By Mr. House:

Q. And do you know who slept with her?

A. No, sir.

Q. But don't you know that she went upstairs with man, before you did?

A. Yes, sir.

Q. And you were in the drinking box with that man we're you not?

A. I can't say.

Q. Do you recollect what you jury?

A. Yes, sir; I do.

Q. And don't you remember now were in the drinking box at the Mary Minitter went upstairs with this strange man?

A. Yes, sir, I guess I I don't I can't be thinking of everything.

Q. You don't recollect?

A. No, sir.

Q. Well, Mary Minitter "Old Shakespeare" or Carrie

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Brown and the man that was with her, but upstairs before she went to bed with strange man?

A. Yes, sir; she told me that morning

By The Court:

Q. And that is from what she told you?

A. Yes, sir.

By Mr. House:

Q. Can you remember night — — — the 23rd of April — — — that Mary Miniter and this strange man went up to bed?

A. No, sir.

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Richard O'Connor called by the People testified as follows:

Mr. Wellman: I would like to have Captain McLaughlin here, if your honor pleases. There are that I must handle, can't examine this witness intelligently without him.

Mr. House:

The Court: necessary for the you to intelligently examine the witness now on the stand to have Captain McLaughlin?

Mr Wellman: Yes, sir.

Mr. House: And the defence objects.

The Court: And the Court overrules the objection that the District Attorney necessary for him to have Captain McLaughlin present, to intelligently examine the witness now on the stand.

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A. No, sir.

Q. Who went with you.

A. No one. I went there myself all alone

Q. Well now what did you find, what did you see?

A. I see a woman laying on the bed naked there, with a lot of clothes tied around his head and a lot of blood around the bed and on the floor.

Q. Now how was she lying.

A. She was laying on her right side with her back towards the door.

Q. And her clothes were around her head?

A. Yes, sir

Q. What kind of clothes were around her head?

A. Sir?

Q. You said clothes were around her head?

A. Well, it looked as if it was her chemise tied around her head.

Q. And was the rest of the body naked?

A. Yes, sir.

Q. And did you touch the body?

A. No, sir.

Q. What did you do?

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A. I immediately went downstairs and Detective Griffin was there and Detective Dorian and i told Detective — — —

Mr. House: That is objected to. Never mind what you told them.

The Court:

No, don't tell us any conversation. You went downstairs and there you found Detectives Dorian and Griffin?

A. Yes sir.

By Mr. Wellman:

Q. In consequence of what you said to them, what did they do?

A. Detective Griffin went upstairs — — —

Q. Wait a minute. Did you go up with him?

A. No, sir.

Mr. House: Then I move to strike from the record that the detective went up and got the knife.

The Court: Certainly. Don't tell us anything but what you saw yourself. Strike the latter part of that answer out.

(The latter part of the answer is stricken out by order of the court)

Q. You went downstairs?

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A. Yes sir.

Q. And saw the detectives?

A. Yes sir.

Q. And did you direct either of them to go up?

A. Yes sir.

Q. Which one?

A. Griffin.

Q. Did he go up?

A. Yes, sir.

By Mr. Wellman:

Q. Where did you go then, sir?

A. To Police Headquarters.

Q. And how soon after that did you return?

A. Well, I didn't return for some time.

Q. Well about how soon after did you return?

A. Well about an hour afterwards— --between 50 minutes and an hour, somewhere in that neighbourhood.

Q. And it was about— --what hour did you return?

A. It was about 11 o'clock when I got back, or in that neighbourhood.

Q. Well who returned with you?

A. Detective Crowley and Detective Grady.

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Q. And where did you go— --you three?

A. Crowley and Grady got off at Catherine Street and went to the Hotel: I went over to the station house and had a report made out and sent out a general alarm.

Q. And sent out a general alarm?

A. Yes, sir.

Q. And then did you return to the Hotel?

A. About— --I think that might 11:30 when I returned to the

Hotel with the coroner.

Q. Did you go upstairs?

A. Yes, sir.

Q. Now what was the condition of the room when you went upstairs a second time— — — room 31.

A. Just as I seen it before.

By The Court:

Q. Wait a moment, Mr District Attorney. When you went upstairs with the coroner— — —

A. Yes sir; with the coroner.

Q. Was that about half past 11?

A. Yes; sir; I judge it was that time, Recorder.

Q. Well, who did you find in the room when you went upstairs?

A. There was no person.

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Q. Where was Grady and this other?

A. They were out— — — out in the street working up the

Q. When you went upstairs you found only the body of the woman in the room?

A. Yes, sir.

Q. No living person?

A. No, sir.

By Mr. Wellman:

Q. Now will you describe what you saw on your second visit to room 31? You say the woman was lying, the same as she was before?

A. Yes, sir.

Q. What else.

A. That was all. She had one leg thrown over the other. Her clothes was on the corner— — — on the Catherine Street side of the— — —

Q. Well on the Catherine side of the room?

A. Yes sir.

Q. We're they on the chair?

A. No sir; on the floor.

Q. Were they all in one place?

A. No sir; they were all thrown there and here.

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Q. All thrown there in a heap?

A. Yes sir.

Q. Now describe the blood on the floor and how — —

By The Court:

Q. Did you see any blood on the floor

A. Yes, sir

By Mr Wellman:

Q He said so before Describe the second time when you saw it.

A. where the blood had been — — — It had dripped through the ticking and over the side and down through the ticking and on the floor, right directly below where she was laying.

Q. And over the side of the ticking as well?

A. Yes, sir; and about a foot from there was another patch that looked — — —

Mr. House: I move to strike from the record the words, "as though it had been rubbed with the foot or anything."

The Court: Yes; strike it out.

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(The latter part
out by order of the court)

By Mr. Wellman:

Q. On the second visit did you notice any blood in the hallway?

(Objected to as leading and improper)

The Court: Well he says he did not notice any blood in the hallway. Do you object to it now?

Mr.House: Yes sir.

The Court: This objection is sustained on the grounds that the question is leading, and the answer stricken or.

(The stricken out by order of the Court.)

By Mr. Wellman:

Q. When did you notice anything outside of the room?

A. Between 3 and ... o'clock Capt. McLaughlin, Detective Crowley and myself to make an examination of the room.

Q. Well now go on then.

A. In the room 33 on the floor we found some blood.

Q. The room of 33?

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A. Yes,sir.

Q. And what did you find there?

A. Well, there was a few spots of blood on the floor there.

Q. A few spots of blood where?

A. On the floor and some on the side of the wall.

Q. I am not asking about them. I'm asking you about the hallway.

A. Well. I am telling you about the hallway. On the floor of the hallway and the side of the hall.

Q. Wait a minute. Leave this wall alone. Now, how many spots of blood did you find on the floor of the hallway?

A. Well I couldn't ell you exactly. There were some— —I couldn't tell you how many.

Q. As near as you can tell how many

A. Well there were four or five that I seen there, or or probably more.

By The Court:

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Q. Four or five that you recollect?

A. Yes, sir.

By Mr. Wellman:

Q. And describe where those spots were— — —on the hallway.

A. They were on the hallway leading from room 31 to room 33.

Q. Leading from room 31 to room 33?

A. Yes, sir.

Q. How large were they?

A. Well they were the regular drops of blood that you might drop if your nose was bleeding and a drop fell. Just about that size.

Q. An ordinary drop of blood?

A. Yes sir.

Q. And did you examine the door of room 33?

A. Yes, sir.

Q. And what did you observe, if anything, on that door?

A. There was a spot of blood.

Q. What?

A. There was a spot on the panel of the room— — —of the room 33.

Q. On the door you mean?

A. Yes sir.

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Q. On the inside or outside?

A. On the outside.

Q. Does the door open in or out?

A. It opens in.

Q. Now, describe the spot of blood that you saw on the outside of the door.

A. It was on the lower panel, just like that (illustrating)

By The Court:

Q. How far from the floor— — —how many feet?

A. Well, I couldn't tell you. I did say, I think that it was

about two or three foot, but I can't tell you exactly the distance. It would be just about where you come in; it might come up a little under the lock.

By Mr. Wellman:

Q. A little under the lock?

A. Yes, sir.

Q. How many spots were there?

A. There was one spot and a streak coming down from it.

Q. A streak coming down from it. What do you mean by that?

A. Well, as though the blood had run from the main spot.

By The Court:

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Q. Did you notice other blood in room 31 — — — room 33 I should say?

A. Not then, we we didn't.

Q. How long did you stay in there this third time?

A. About a half an hour I think — — —, as near as I can call it.

Q. Now what if anything was done in your presence in regard to the spots of blood that you have spoken of.

A. Well Capt. McLaughlin took out his knife and he cut a piece of paper from the wall alongside of this door.

Q. Yes.

A. Where there was blood on it?

Q. What about the spots on the floor?

A. We'll them I didn't see him take — — — I didn't see nothing done with them all. What I seen him take was from the side there.

By The Court:

Q. Was this piece of paper on the inside of the room?

A. No sir; it was out in the hallway.

Q. That it what I want to get at.

By Mr. Wellman:

Q. When you left the room — — — you say at half past 11 o'clock in

the morning— — —when did you put in charge, if anybody?

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A. Officer Mullarkey.

Q. And what did you put him in charge of?

A. I put him in charge of that room— — —of that floor
..... any one came upstairs in the building until the coroner
arrived and then not let anyone up there until the
body was removed.

Q. After this— — — you have seen this man before— — —this defend-
ant?

A Yes, sir

Q. Where did you first see him?

A. I have seen him about 9 o'clock on the same night.

Q. About 9 o'clock the same night that we have been speaking of?

A. Yes, sir.

Q. There?

A. The station house.

By The Court:

Q. The night of the 24th of April.

A. Yes, sir.

Q. About 9 o'clock?

A. Yes, sir.

By Mr. Wellman:

Q. Did you search or examine him?

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A. No sir; he was searched at the by one of the officers.

Q. We're you present?

A. No, sir; I was in my own room.

Q. And after he was searched did you yourself search him or
take off his shirt?

A. Yes, sir. Well between 11 and 12 o'clock Captain Mc
Laughlin and myself took the shirt off him.

Q. That evening — — — between 11 and 12 you took his shirt off

A. Yes, sir.

Q. And did you examine his shirt that you took off?

A. Yes, sir.

Q. Well describe it to the jury.

A. We found some blood on the front of it.

Q. Please tell us where on the front.

By The Court:

Q. Tell us in the first place what kind of shirt it was.
Was it a flannel shirt?

A. Yes, sir; it was a flannel shirt, and we examined it and there was some blood on the front of it.

By Mr. Wellman:

Q. About where on the front?

A. Right there (indicating)

Q. On the front flap of the shirt?

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A. Yes, sir.

Q. Well, how much of a spot of blood was that?

Mr. Friend: You have the shirt here. Produce it and let the jury see it.

Mr. Wellman: We cannot do everything at once.

By Mr. Wellman:

Q. How large a spot of blood was on the front flap of the shirt?

Mr. House: We object to that. If you honor please, I object to the last question as to how large the spot of blood was, as the shirt will speak for itself.

Mr. Wellman: It will hardly speak for itself, because the place is cut out. You don't suppose I am asking senseless questions? I don't try a case that way.

By Mr. Wellman:

Q. Is that the shirt (a shirt is shown to the witness?)

A. Yes, sir.

The Court: Now just show us and straighten this thing up. Look at it, please.

By The Court:

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Q. Is it now in the same condition that it was when you took it off this man — — — this defendant?

A. No, sir; there is a piece cut out of there (indicating)

Q. Turn around and let the jury see.

A. Yes, sir; that piece is cut out of it.

Q. You say it is in the same condition — — — is it?

A. No, sir; There is another piece cut out of it — — — out of the back of it.

Q. Any other place — — — any other difference?

A. And there is another piece cut out of the sleeve of it.

Q. And without those exceptions, it is — — — it is in the same condition as when you took it off?

A. Yes, sir.

By Mr. Wellman:

Q. And how did it differ when you took it off?

A. Well it was — — —

The Court: Now will you point out to the jury with the shirt in your hand, where this spot of blood was on the shirt

A Right here (indicating) where this is cut out. The blood was right there on the shirt where the shirt is cut and there was blood there (indicating) where that piece is cut off.

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By The Court:

Q. On the back?

A. Yes, sir.

Q. And now about the wrist?

By Mr. Wellman:

Q. On the left wrist?

A. There was blood there.

By The Court:

Q. On the back?

A. Yes, sir.

Q. And now about the wrist?

By Mr. Wellman:

Q. On the left wrist?

A. There was blood there.

By The Court:

Q. There was blood there?

A. Yes, sir.

The Court:

Now, we will stop here. Gentlemen, you will observe with great strictness the provisions of the statute to which I have already called your attention. It is unnecessary for me certainly to repeat, verbatim, what the statute states. You have heard it, and undoubtedly you recollect it. You will be here at 2 O'clock. We will take a recess

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After Recess.

June 29th, 1891

Captain O'Connor resumes the stand.

Direct Examination Continued By Mr. Wellman:

Q. You stated that you sent Officer Griffin to get the knife?

A. Yes, sir.

The Court: What became of the shirt? Did you put it in evidence, or what?

Mr. Wellman: No, sir; I want to put it in evidence in a moment.

Q. When did you first see the knife?

A. I seen it on the morning that I first went up to that room.

Q. Where was it when you first saw it?

A. Lying on the edge of the bed alongside of the woman's thigh.

Q. What was the condition of the knife? State what was on it.

A. There was blood on it, yes, sir.

Q. After you sent Officer Griffey up stairs to get the knife, did he come down?

A. I went immediately to headquarters.

Q. Did he give the knife to you at all?

A. Yes, sir, at the station house.

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Q. He gave you the knife at the station house?

A. Yes, sir.

Q. Is that the knife?

A. Yes, sir.

Q. That is the knife you saw by her thigh and the one that Officer Griffin gave you?

A. Yes, sir.

Q. What did you do with it?

A. I put it in my drawer and kept it there.

Q. Until when?

A. Until I turned it over to Inspector Byrne's men.

Q. When did you do that?

A. Probably a week afterwards.

Mr. Wellman: We offer the shirt in evidence. Shirt referred to is marked People's Exhibit No. 3 for identification.

Mr. Wellman: I offer the knife in evidence. The knife referred to is marked People's Exhibit

No 4 for identification.

By The Court:

Q. You say there was blood on that knife when you got it?

A. Yes, sir.

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Cross Examination By Mr. House:

Q. Whereabouts is your station house, Captain?

A. No 9 Oak Street, sir.

Q. How long have you been in charge of that precinct?

A. Since the 24th of January, 1891.

Q. What is the number of the precinct?

A. The fourth?

Q. You say that your attention was called to the fact of there being a dead body in room 31?

A. Yes, sir.

Q. Of the East River Hotel, is that right?

A. Yes, sir.

Q. Sometime on the morning of the 24th of April?

A. yes, sir.

Q. Of this year?

A. Yes, sir.

Q. What time in the morning was your attention called — — not what was said to you, but at what time in the morning was your attention called to that fact?

A. It was between 9:45 and probably ten minutes after 10 o'clock; somewhere not later than that; somewhere in that neighbourhood.

Q. And what time of the morning was it that you got to the East River Hotel, if you recollect?

A. Well, it would be about five minutes after that, probably five or ten minutes after ten, or around 10 o'clock; in that

neighbourhood; a few minutes either way or the other.

Q. For how many days after the discovery of this dead body was your station house practically made the headquarters from which the police investigation was made?

A. Well, I should judge about a week; maybe a few days more; I cannot state the number of days.

Q. And during the time Chief Inspector and his assistants made your station house their headquarters?

A. Well, they called there.

Q. Practically for the purpose of investigating this case they made your station house their headquarters?

A. Yes, sir, but they might have had others for all I know.

Q. But isn't it a matter of fact, sir, that the practical work for at least a week or ten days was directed from your station house?

A. Yes, sir, I believe it was.

Q. Isn't it true, as a matter of fact, that at all times of the day and night during this time your station house was frequented by a great number of reporters?

A. Yes, sir.

Q. Isn't it true as a matter of fact that during the time that the investigation of this case was being conducted from your station house that you were frequently interviewed by newspaper men?

A. Well, I must explain that in

another way Mr. House.

Q Well, they sought to interview you?

A. They wanted to interview me, and I wouldn't be interviewed.

Q. You wouldn't be interviewed?

A. No, sir.

Q. Do you mean to say that at no time during the investigation of this case by the police authorities you made no statements, or had any conversation with newspaper men?

A. Well, I might have had a word or two, but not anything upon that case. I didn't give any information

to newspapermen.

Q. Do you mean to say now, sir, that at no time during the investigation of this alleged murder, you never gave any information to any newspaper reporter in this city, or any other?

A. Not about what we were doing, no, sir.

Q. Not about what you were doing?

A. No, sir.

Q. Do you remember at what hour it was that the defendant was brought to your station house on the night of April 24th?

A. It was in the neighbourhood of nine o'clock.

Q. And what officer brought him there?

A. Officer Lang.

Q. How many people had you in your station house then locked up in connection with this case?

A. Well, we had a good many witnesses in the case, and we were investigating it

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asked by any representative of any newspaper of this city how many persons you had in the cells of your station house, in connection with the East River Hotel homicide?

A. I don't ever remember such a question being asked of me, and if it was I would not answer it.

Q. Isn't it true as a matter of fact, sir, that you said at that time you had seven people in the station house, five of them were women, and two were men?

A. I don't remember any such interview.

Q. Do you remember that upon that interview you were asked specifically as to whether you had this defendant in the station house, or not, and your answer was yes, is that true or false, that alleged statement?

A. That was never asked of me that I ever remember of; I don't remember any such conversation.

Q. At that time, sir, did you state to any representative of any press in this city that of five women and two men you had in your station house at that time, none were told or suspected as a principal in this case, but we're simply held as witnesses?

A. I don't remember any such conversation.

Q. Did you state to any person after the arrest of this de-

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fendant that he was held merely as a witness, and not as a principal, and held as a witness because it was supposed he knew something of the antecedents of Old Shakespeare?

A. I never told any person who was there at all that I recollect of.

Q. You say you never told any person that?

A. That he was in the station house, that is connected with a newspaper.

The Court: You are confining examination to newspaper reporters?

Mr. House: Yes, sir.

Q. Now, sir, I will read from the "Evening World" of Saturday, April 25th, 1891: "Before daylight this morning many arrests were made in the precinct. A dozen or more persons were brought in to the York Street station house.

Mr. Wellman: We object to that if your Honor please.

The Court: Wait until he gets through.

Q. "Some of them were discharged, and some of them were held. Captain O'Conner said this morning that he had only seven persons in the cells, five of which were women and two men. They were all held" he said "as witnesses, and not one as a principal in the crime. The man George

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Francis, alias, "Frenchy", who was arrested early last evening, and was believed to be a suspect, Captain O'Connor says, is only a witness who knew the old woman regarding her life and associates."

The Court: If I understand that correctly the reporter does not state that Captain O'Connor made any such-statement to him.

Mr. House: Then I cannot read the English language properly.

The Court: I will allow you to put the question.

Q. Now, I ask you did you make the statement which I have just read to a reporter of the Evening World?

A. No, sir.

Q. Then, Captain, as I understand your testimony, you deny and dispute the truth of that publication which I have read?

The Court: He has answered the question.

Mr. House: I press the question.

The Court: I will exclude it.

Exception.

The Court: I exclude it on the grounds that the

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Witness has already answered the question, and answered it fully.

Exception

Q. Let us go back again to the time when you first went to the East River Hotel, as it is important, Captain, I would like to have you tell me precisely, if you can, the hour you reached there on the morning of the 24th?

A. I can't tell you the minute, Mr. House; I can tell you about the time. As near as I can judge, it was in the neighbourhood of ten o'clock, probably ten minutes after ten, or somewhere in that neighbourhood; it was not much one way or the other from ten o'clock.

Q. As near as you can fix the time now, it was ten minutes before 10 or ten minutes after 10?

A. It might be about that.

Q. About that?

A. Yes, sir.

Q. Could it have been later than ten minutes past ten?

A. It was about that time; I can't say; It might be a minute later, or five minutes sooner; I don't know; I didn't take the time.

Q. Who went to the East River Hotel with you ?

A. No person but myself.

Q. You went directly to the top floor?

A. Yes, sir.

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Q. And who was on that floor when you reached there?

A. There was not any person but myself.

Q. Are you positive there was no person in any of the other rooms?

A. I couldn't anyone inside there.

Q. Still, there might have been persons in the rooms and you not have seen them?

A. Yes, sir, there are a good many rooms on that floor.

Q. A great many rooms on that floor?

A. Yes, sir.

Q. There are two hallways to that floor is there not?

A. Yes, sir, two hallways.

Q. One on the Water Street side; and one on the other side?

A. Yes sir, one runs through the middle of these rooms, what they call inside and outside rooms, and the hallway runs right between the two rooms, like you would see in bathing houses. Then there is an other hallway that runs across the other way as you go downstairs.

Q. So there are two?

(No answer)

Mr. House: I don't think the diagram gives this.

Q. Room 33 and room 31 and open into the same hallway?

A. You, sir.

Q. Now, the rooms that open into the hallway beyond that

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While you were in room 31 and 33 people might have been in the rooms that were opening on the other hallway, and you not have seen them?

A. Yes, sir.

Q. Isn't that correct?

A. Yes, sir.

Q. You will not undertake to say at this
visited the top floor, you were the only person who was
on it?

A. No, sir, I will not.

Q. Did you make any investigation at that time of any of
the rooms on that floor, with the exception of room 31?

A. No, sir.

Q. Now, sir, as I understand it, the first room that you
entered when you went upon that top floor was room 31?

A. Yes, sir.

Q. How long did you stay there on your first visit?

A. Yes, sir long enough to look in, just to survey the room,
and go right out again.

Q. How long should you judge that was, Captain?

A. I don't suppose it was over a minute, if it was that.

Q. You don't suppose it was it was over a minute?

A. Yes, sir.

Q. You left the hotel and went directly to the police head-
quarters?

A. Yes, sir.

Q. At that time that you looked in room No. 31, on your first
visit, you are not proposed to swear, are you, there

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was any blood spot on the door of room 33?

A. No, sir, I made no investigation.

Q. Just answer the question yes or no. If you want to qual-
ify or explain it, the District Attorney will give you
permission?

A. All right.

Q. At the time you made your first visit to the East River
Hotel you will not now undertake to swear that there
we're three or four blood spots on the hallway and in
front of room 33, are you?

A. No, sir.

Q. At the time that you made your visit into the
East River Hotel, you will not swear now that there were any
blood stains on the chair in room 33, will you?

A. No, sir.

Q. Nor, will you swear now that at the time you made your first visit into the East Rive Hotel, there were any blood stains on the bed ticking that was on the bed.... in room 33, will you?

A. No sir.

Q. Nor will you undertake to swear, sir, at this time, that when you made your first visit to that hotel, that there was any smearing on the door jam of room 33, will you?

A. No, sir.

Q. You will not swear that the blood stains which you have testified to regarding room 33 and the hallway, in answer

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to the learned District Attorney's question, were there when you made your second visit to that hotel, will you?

A. No sir.

Q. What time was it, sir, when you made your second visit?

A. It was about half past eleven o'clock; about 11:30.

Q. Had the coroner been there at that time?

A. That was the time I was with him.

Q. Did you go up stairs with the coroner?

A. Yes, sir,

Q. Who else was up there?

A. There was about a dozen reporters when up with him.

Q. Should you not judge that there were more?

A. No, sir, I should say about a dozen.

Q. Did you notice particularly what those newspaper men were doing.

A. Well, I did some of them.

Q. Didn't they go from room to room on that floor?

A. No, sir, they did not.

Q. Are you sure of that?

A. They did not.

Q. What did they do?

A. They went in with the coroner, in this room 33, and some of them got sick apparently, sick at the stomach and came out of the room and walked down to, where the stairs leads down stairs and staid there. Some more of them stood with the coroner.

Q. Did they pass room 33 in going down stairs?

A. Yes, sir.

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Q. Isn't it true, as a matter of fact, that when you were in room 31 in that hotel, it is an utter impossibility to do downstairs, unless you pass room 33?

A. Yes, sir, you have to pass room 33.

Q. Don't you in leaving room 31 have to pass room 33, and in going there, there is an iron ladder that reaches to the scuttle?

A. Yes sir.

Q. Did you make any investigation of that scuttle at that time?

A. No, sir, not at that time.

Q. Now, you say that you were only there for one moment on your first visit to the hotel?

A. Yes, sir.

Q. Did you take any particular notice of the condition of room 31?

A. On my first visit, no, sir; I must say I didn't do more than look around, and then go out.

Q. Did you go into the room?

A. Yes sir.

Q. Did you place your hand upon the dead body?

A. No, sir.

Q. Did you know whether it was cold and rigid?

A. No, sir.

Q. Do you know the nature of the garments that were tied around the head?

A. No, sir.

Q. Did you look to see?

A. No, sir.

Q. Did you ever look to see?

A. No, sir.

Q. And can you know swear from the investigation that you made whether it was tied in a knot, or whether it was

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twisted about the neck?

A. No, sir.

Q. Can you tell us whether the knot or twisting was above what is known as the Adam's Apple, or below it?

A. I couldn't tell you.

Q. Did you look to see in what condition the hands of the woman was?

A. No, sir.

Q. Do you know whether they were clenched or whether they were open?

A. No, sir.

Q. Do you know whether there was a single discoloration of the hands or not?

A. No, sir.

Q. Was there a drop of blood on the hands to your knowledge?

A. I can't tell you, sir.

Q. You couldn't tell?

A. No, sir.

Q. Did you notice whether there was any blood stains on the body at all?

A. Yes, sir.

Q. Can you tell me now their color?

A. The color of blood stains.

Q. That is just what I asked you.

A. She was covered in blood.

Q. I mean the color, whether it was a yellowish discolora-

tion of the skin?

A. It was the color of blood, a red

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color.

Q. What position was this woman lying when you first saw her?

A. Lying on her right side.

Q. Was she facing the hall?

A. Yes, sir.

Q. What condition was her head, to the north, south, east or west.

A. Her head was facing the west.

Q. In what condition were her hands and arms?

A. I suppose that way, under her, I think they were; I don't know; i think that was it, from the position she was lying in.

Q. You don't know?

A. I think that was it from the position she was lying in.

Q. Can you tell us what was the position of her legs?

A. Yes, sir.

Q. What can you say as to that?

A. One was thrown over the other just like that (indicating)

Q. Can you describe to us what was the nature of the garments that were tied about her head?

A. No, sir.

Q. Did you make a personal investigation so as to know?

A. No, sir.

Q. Was there any smell or door in that room that you know of?

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

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Q. Not that you know of?

A. No, sir.

Q. Was there a window in this room?

A. Yes, sir.

Q. Was the window open or close?

A. I couldn't say whether the window was up or closed; there were shutters to it and they were closed.

Q. Whether the window itself was open or closed that you cannot say?

A. No, sir.

By The Court:

Q. What kind of shutters were they, inside or outside?

A. Outside, sir, pulled in the street.

By Mr. House:

Q. will you be kind enough, as you say you looked at that body, to tell me what were the color or kind of stains that you saw there?

A. In a general way I seen blood over the body; that it the only way I can explain that, i didn't look close enough to her skin; I didn't stay long enough; I just seen the blood on the cuts.

Q. Did you look close enough at the body to discover whether the color of the blood was reddish, brownish, darkish or a yellowish color?

A. A reddish color.

Q. A reddish color, you say.

A. Yes, sir.

Q. Did you see anything that looked like, or resembled yellowish?

A. No, sir.

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Q. You are quite positive none such was there?

A. I am quite positive no such was there; I didn't make any examination.

Q. You didn't make any examination and so you can't tell?

A. No, sir.

Q. Give me, if you can, the furniture that was in the room at the time?

A. Well, there was a chair, and there was an iron basin there, and I can't recollect whether there was anything else there or not.

Q. In what portion of the room was the clothing of the woman?

A. They were on the Catherine Street side.

Q. We're they all in one bunch or scattered?

A. Scattered about the room just as though you would throw them there and they fell against the wall.

Q. Just as if a woman had stripped everything from herself and threw them down before getting into bed?

A. Yes, sir.

Q. Was there a chair in room 31?

A. Yes, sir.

Q. Was there anything on that chair?

A. I didn't notice whether there was or not.

Q. Now, did you take any particular notice of the door of room 31, in which the woman's body was found?

A. No, sir.

Q. Do you know whether there was any blood found on the door of room 31, or not?

A. I don't know, sir.

Q. And did you notice whether there was any blood on the door

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knob of room 31? or not?

A. No, sir, I did not.

Q. Did you look carefully at the condition of room 31 while making your investigation as a police official?

A. I looked around at four or five of the rooms.

Q. I asked you about room 31. I didn't ask about four or five rooms. I ask you whether in making your investigation as a police official, you did not minutely inspect the condition of room 31?

A. Mr. House, I did not make the investigation.

Q. Did you assist in making the investigation?

A. I assisted in directing to make it. Captain McLaughlin made it and detective Crowley, and some other detectives from the Central office.

Q. Did I understand you a moment ago to say that you assisted in directing the investigation to be made?

A. No, sir, I sent my men to look around about the matter, and I didn't have anything more to do with it after Captain McLaughlin and the detectives at headquarters took charge of the investigation of the rooms up there. After that afternoon that is the last I visited there. I was there about from between three and four o'clock, and then Captain McLaughlin and the detectives had charge of it.

Q. Suppose we go back for one moment. We will now consider

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room 31 again. I ask you again if you made any inspection of the inside or the outside of the door attached to room 31?

A. No, sir, I did not.

Q. Do you know whether or not there was there discovered any blood on the inside or the outside of the door attached to room 31?

A. I do not.

Q. If there had been by any of the police officials, it would have been told you?

A. No, sir, I don't know whether it would or not.

By The Court: That won't do. How does he know.

Q. Did you ever look at the door knob of room 31, in which this woman's body was found?

A. No, sir.

Q. So that you cannot say now whether there was or was not any blood on that door knob?

The Court: He has answered that already. He says he couldn't tell. I will exclude it.

Mr. House: Give me the benefit of an exception.

The Court: It is excluded on the ground that the witness has already answered that question to the counsel.

Q. Did you look at her clothing that was in the room?

A. No, sir.

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By The Court:

Q. I suppose you mean by that you did not examine it?

A. I seen it in that distance; I did not examine it.

Q. You did not look at it, but you did not examine it?

A. Yes, sir.

By Mr. House:

Q. When you first went into the room was the room dark or light?

A. It was light.

Q. What was it lighted from if the shutters were closed?

A. The shutters were standing open, you know, as they are shoved up and down, and were used that way, and they throw light enough in so that you could see the whole room.

Q. Did you at any time raise the window there, raise it completely?

A. No, sir.

Q. Now, what was the condition of the of room 31 when you got there, was it open or closed?

A. When I got there?

By The Court:

Q. The first time you got there?

A. I think the door was open; I am not positive about that; I think it was open.

Q. The door was open or unlocked?

A. Wide open, the door.

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By Mr. House:

Q. When you left to go to police headquarters, in what condition did you leave the door of room 31?

A. Just as I found it.

Q. Was there a lock on the door at that time?

A. No, sir, it was not locked; it was open.

Q. Was there a lock on the door?

A. I don't know, sir.

Q. You don't know?

A. No, sir.

Q. Was the key inside or outside of the lock?

A. I don't know, sir.

Q. You paid no attention?

A. No, sir.

Q. You didn't look for the key?

A. No, sir.

Q. And when you went out, you say to police headquarters you left the door in the same condition as it was when you entered?

A. Yes, sir.

Q. Was the window of that room open at any time before the coroner came, if you know?

A. No, sir, I don't know dare think it was.

Q. Did you go into the room while the coroner was there?

A. Yes, sir.

Q. Was the window open then?

A. I couldn't tell that.

Q. There is a window in the hall at the head of the hallway?

A. Yes, sir.

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Q. Do you know whether that was opened or closed ?

A. It was closed.

Q. Are yo positive?

A. Yes, sir.

Q. Was there any window that you know of on that floor that

was open at the time you were making your investigation?

A. I don't know of any except the one in the hall.

Q. So that the only air that could into room 31 at that time was the air that would naturally be passing along the hallway and by the room, is that so?

A. Well, I don't know about that, counsellor.

Q. You don't know about that?

A. No, sir.

Q. Was there any carpet on the floor of room 31?

A. No, sir.

Q. Was there oil-cloth on the floor of room 31?

A. No, sir, not that I could see.

Q. Was there anywhere in the hallway between the door of rooms 31 and 33, at any time that you made the investigation, the imprint of a bloody foot?

A. No, sir.

Q. Did you remove the stocking of this defendant, that Mr. Wellman has spoken of?

A. No, sir.

Q. Who did remove it?

A. The doorman,

Q. When?

A. I think it was the next morning after we took the shirt. He took his stockings and his shoes.

Q. The evening he was arrested?

A. It was the next morning

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Q. Now, we will get at that. He was arrested about nine o' clock on the night of the 24th?

A. Yes, sir

Q. Do you know about where he was when he was arrested?

A. I couldn't only from hearsay; I don't know.

Q. From what information you have derived, he was within about a block, or a block and a half of the East River Hotel?

Objected to.

A. Yes, sir.

The Court: I suppose you will put the Officer on the stand who made the arrest. The Captain does not know of his own knowledge where he was arrested.

Mr. House: I asked him from his information to state it.

Q. You say within a block or a block and a half?

A. I said within a couple of blocks of the East River Hotel.

Q. As you were informed?

A. Yes, sir.

Q. You say he came into the station house about nine o'clock that night?

A. Yes, sir, about nine o'clock.

Q. What hour of the night was it you took from him his shirt?

A. Between 11 and 12.

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Q. Did you and Captain McLaughlin take the shirt from his back or did the doorman do it?

A. We took it from him, we made him take it off.

Q. You and Captain McLaughlin made him take it off?

A. Yes sir.

Q. Now, the sir, as near as you can, describe to this jury the size of the blood stain that was found upon the flap of the shirt, the front flap?

A. We", I should judge it was about six or seven inches long, and it run very narrow on the length. Both ends was narrow, and the blood was more up in the middle, it was thicker on the middle of the shirt.

By The Court:

Q. About how wide was it, at its widest point?

A. Well, it might be about two inches probably .

Q. How wide at the narrowest point?

A. Probably an inch.

By Mr. House:

Q. You say it was about six inches long, about six or seven inches long, and about two inches wide at its widest point, and about an inch wide at its narrowest point?

A. Yes, sir.

Q. That was directly in front of the shirt?

A. Yes, sir.

Q. That was on what is known as the front flap of the shirt?

A. Yes, sir.

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Q. That is all the blood that you discovered there?

A. Yes, sir.

Q. On the front flap?

A. Yes, sir.

Q. That is all that was there?

A. Yes, sir.

Q. So that when the District Attorney in opening his case to the jury this morning said that the front flap of the shirt was completely saturated with blood, that is not according to your recollection?

Mr. Wellman: I did not say it was.

Question excluded. Exception.

Q. Now this blood stain which we have spoken of, Captain, being six to seven inches long, two inches wide at its widest point, and an inch wide at its narrowest point, that is all the blood that you discovered on the front flap of the shirt?

A. Yes, sir.

The Court: He has answered that.

Q. Now, please tell me the color of that blood, if you can?

A. It was red blood. It was red.

Q. Was it a bright red spot?

A. I could not say that it was, it was red that is all I can say about it, it was blood.

Q. But you cannot say whether it was a bright red or not?

A. No, sir.

Q. Was there a yellowish tinge to the edges

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A. No, sir, there was not.

Q. Was it a sort of Stain, a square stain, or was it an oblong stain?

The Court: it could not very well be a square.

Mr. House: I am putting those questions for the Purpose of framing a foundation for a question to the experts when they come.

The Court: He tells you that it was six inches in length, two inches wide at its widest point and an inch wide at its narrowest point. You could not make a square of that. You have now got the full benefit of it for your experts whenever they] testify. You are only multiplying questions Mr. House.

Mr. House: I don't wish to was any time.

The Court: what is the use of asking that question when he has given you the dimensions, and the that it could not be square.

Q. Now, then, sir, tell me on which sleeve it was that the spot of blood was found, do you know?

A. No, sir, I do not, it was on one of the sleeves, I don't know which one.

Q. You don't know whether I was the right or left sleeve?

A. No, sir.

Q. Can you tell me about the size of that?

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A. We,, that run along probably about three inches on the cuff.

Q. About three inches on the cuff?

A. I should say.

Q. On the shirt band?

A. Yes, sir, right on the band.

Q. You should say it ran along about three inches?

A. Yes, sir.

Q. What was the width of it, if you can tell us?

A. Well, I could not tell that, I might be an inch I don't

think it was over that.

Q. You don't think it was over that?

A. No, sir.

Q. It was not a large spot?

A. No, sir, it was not.

Q. Where was the next spot of blood found on the shirt?

A. Some on the back of the shirt, up by the shoulders.

Q. Can you give us a description of that, was it round or square?

A. No, sir, it was— —it looked like as if it was put there by your fingers, like as if it might be done that was.

Q. How many smears were there?

A. I think just about four spots.

Q. About four spots?

A. Yes, sir.

Q. Now, about what would be the size of the spots, if you know?

A. Well, they were like finger spots.

Q. You would not swear that they were finger spots?

A. I would not.

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Q. You would not swear what put those spots there, would you?

A. No, sir.

Q. What was the color of the spots you saw on the cuff and on the back of the shirt?

A. It was a color as though it was rubbed, you know, in that flannel, and it gave a light color, a lighter color than the blood that was in front, because it was not as thick, there was not as much of it.

Q. Who was it, Captain, that first suggested you should take the shirt off the back of this defendant?

A. Either Captain McLaughlin or myself suggested it in searching him.

Q. You both suggested the searching?

A. We made him strip off, we wanted to see his inside shirt.
We talked over the matter.

By The Court:

Q. He wants to know whether you suggested it or McLaughlin,
or whether it occurred to you both?

A. McLaughlin is the one, I think, that suggested it, that is my impression.
I know we both talked about it.

By Mr. House:

Q. What time was it that you got back to this room 31 on your
second visit, if you recollect now?

A. I think it was about about half past 11, that is my best impression.

Q. How long did you remain there at that time?

A. Well, prob-

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ably we remained there, we might have remained there maybe
half an hour.

Q. You did not go into room 33 at that time, did you?

A. No, sir.

Q. And the blood stains that you have spoken of in your direct
examination you cannot say now that they were in existence
at the time you made your second visit, can you?

A. No, sir.

Q. Now, what time was it that you made your third visit to
that hotel, and discovered those blood spots?

A. Between 3 and 4 in the afternoon.

Q. Who was with you at that time?

A. Capt. McLaughlin, Detective Crowley and myself.

Q. Who else?

A. Nobody else.

Q. There was not a single living person to your knowledge,
with the exception of yourself, McLaughlin, and Sargeant
Crowley on the floor at that time?

A. That is all.

Q. Had you given instructions at the time you three were up
there alone, between 3 and 4 o'clock in the afternoon, that
no other person should be admitted up there?

A. No, sir,

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I did not.

Q. Who first discovered those blood stains in front of room 33?

A. Well, that I can't say, I can't tell whether it was Crowley or McLaughlin, either one of the two of them.

Q. Then it was not yourself that first discovered it.

A. No, sir; we all three seen them, who seen them first, I don't know.

Q. Please tell me how near to the door of room 33 were these blood stains?

A. Well, they were probably about a foot; they were scattered around, some of them on the floor.

By The Court:

Q. Take one of them first.

A. Well, say about a foot from room 31.

By Mr. House:

Q. One spot was about a foot from room 31?

A. Yes, sir.

Q. Where was the next spot?

A. The next spot was up against the door, there were two or three spots against that door.

Q. What door?

A. Against room 33, that is, right outside of the jamb of the door.

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Q. How many spots do you recollect of seeing within a foot, or a foot and a half of the door of room 31?

A. There was about five spots altogether, I cannot recollect exactly.

Q. About five spots altogether.

A. Yes, sir, on the floor or the hallway, yes, sir.

Q. That would be putting two or three of them within a foot

to a foot and a half of the door of room 31, an the other two or three nearer to the doorway of room 33, is that it?

A. Yes, sir.

By The Court:

Q. Near the sill of the door?

A. Yes, sir.

Q. Near the jamb?

A. Yes, sir.

By Mr. House:

Q. Now, Captain, tell me the size, if you can, of those blood spots that were within a foot to a foot and a half of the door of Room 31?

A. Like spots that if your nose was bleeding, they would drop and spot over it, like as if a drop fell on the floor.

Q. Like as if a drop fell on the floor?

A. Yes, sir.

Q. Would you say that some of the two or three spots were nearer the doorway of Room 33?

A. Yes, sir.

Q. Now, about this blood stain that was found on the door of Room 33, did you look carefully at that?

A. Yes, sir.

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Q. Supposing this is the door; in the first place, how many we're there on that door, Captain?

A. I think three, sir.

Q. Two panels below? and a large panel above?

A. Two panels above.

Q. And a large on below?

A. No, sir, it is not that sort of door, I cannot explain it, I think it was a door that had two panels on the side and then was built straight up with boards, it is a common door. Right here in the centre is a large spot.

Q. Now then take this as the panel and show where that spot is?

A. Yes, sir (indicating)

Q. Taking from the top of the spot directly over to the door knob of the door of Room 31, what was the distance?

The Court: What would you say was the distance?

A. I should say it might be about four feet , and it may not be as much.

Q. Now, take from the top edge of this spot right directly across the edge of the door, what would you say was the distance?

A. What is the distance from 33 to 31?

Q. No. This is the doorway her (indicating) ?

A. Yes, sir.

Q. You have put your finger about there as indicating where the spot of blood was that was on the outside of the door

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of room 33?

A. Yes, sir.

Q. I say, taking from the centre of that blood spot and drawing a line diagonally across to the door knob of Room 33, what would you say was the distance?

A. Probably a foot or a foot and a half.

Q. Do you recollect Captain McLaughlin being on the stand before the coroner?

A. I don't know what he testified to.

Q. He testified that distance from the centre of the blood spot on the door knob diagonally across was about 15 to 16 inches, that would be about your opinion now?

A. Probably it might.

Q. Suppose we start from the centre of this blood stain and go right across to the end of the door of Room 33, what would be the distance, should you judge?

A. Well, probably it might be between 8 or 10 inches.

Q. 8 or 10 inches?

A. Yes, sir.

Q. Now, then, starting from the centre of the blood spot and going down to the floor, what would be the distance?

A. Well, it might be 2 or 3 feet.

Q. Starting from the centre of the blood spot, and going up to the top of the door, what was the distance?

A. I could not exactly say, I cannot get the top of that door in my mind.

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Q. It was considerably nearer the floor than it was the top of the door, wasn't it?

A. Yes, sir

Q. Quite a way down on the door from the door knob?

A. Yes, sir.

Q. Now, Captain, after having discovered this blood stain on the door of Room 33, did you take any notice of the door knob?

A. No, sir.

Q. You made no investigation of the door knob of Room 33 at all?

A. No, sir, I only looked around generally at it; as I told you, Captain McLaughlin was doing that and Crowley.

Q. Did you make any investigation of the door knob on the inside of Room 33?

A. No, sir.

Q. Now, sir, describe to us if you will, again, the exact size and shape of the blood spot that was on the floor in Room 31, where you discovered the body?

A. It was blood just as though it was dripping and made a pool there and kept running, it was all around right under her buttocks.

Q. Did it flow under the mattress?

A. Yes, sir, and I think it looked to me as if it went through the mattress.

Q. And had gone down on to the floor?

A. Yes, sir.

Q. So that the larger part of that blood spot was more under the bed than out into the room, was it not?

A. Yes, sir,

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on the inside of the jamb.

Q. Was it on the door itself or on the casing?

A. No, sir, it was on the casing.

Q. On the casing, on the inside?

A. Yes, sir.

Q. Above or below the into which the bolt would slip?

A. Above.

Q. How large a spot was that?

A. It might be about the size of a quarter or a half a dollar.

Q. Did you take any particular notice of it?

A. Not any more than to look at it, that is all.

Q. Can you tell us now about what its color was?

A. It was red.

Q. Dark red?

A. Well, I could not exactly say.

Q. You could not exactly say.

A. No, sir.

Q. A sort of rounding spot, a jagged spot, or a streak?

A. A sort of jagged spot just as though somebody put something against it.

Q. As though something went across it, you mean to say?

A. No, sir.

Q. How about the blood on the door of room 33, where was that?

A. I did not see any blood on the door of room 33.

Q. You did not see any blood on the door of room 33?

A. No, sir.

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Q. You did see some blood on the bed tickings?

A. Yes, sir.

Q. What was the condition of that bed ticking as you saw it, it cleanly?

A. No, sir.

Q. Rather dirty and nasty?

A. It is a very old bed.

Q. It was an old bed?

A. Yes, sir.

Q. And did the bed ticking look as if it had seen a great deal of service?

A. Yes, sir.

Q. How many spots of blood did you see on that bed ticking?

A. I seen two spots on it.

Q. Tell me the size of the largest spot?

A. The largest one might be about the size of a dollar.

Q. And the smallest spot?

A. The smaller one might be the size of a quarter.

Q. Of a quarter?

A. Yes, sir.

Q. Was the largest spot you saw round, shaped like a dollar?

A. Yes, sir, round that way.

Q. And the smaller spot you say was a round shape like a quarter?

A. Yes, sir, just a spot.

Q. Did you feel those spots?

A. No, sir.

Q. You did not touch them at all?

A. No, sir.

Q. Were they dry or wet?

A. They were dry.

Q. They were dry?

A. Yes, sir.

Q. Quite dry, were they not?

A. Yes, sir.

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Q. Very dry?

A. No, sir, they were dry.

Q. What color were they?

A. They were red, you could see it was blood.

Q. It looked as if it was blood?

A. Yes, sir.

Q. Now, imagine the head of this bed in room 31 where the bureau is, will you, Captain?

A. Yes, sir.

Q. Suppose the woman was lying at full length on that bed, whereabouts would her hind quarters, if I may so speak, come on that bed in reference to the largest spot you saw?

A. It might come about her hips.

Q. It would come about her hips?

A. Yes, sir.

Q. If her lower limbs were thrown out that way it would come somewhere near her private parts, would it not?

A. Well, around there.

Q. How far below this large spot was the smaller spot that you saw?

A. About a foot or 12 inches.

Q. Is there any window in Room 33 at all, Captain?

A. No, sir.

Q. How is that room lighted?

A. It has got to be lighted by a candle.

Q. Isn't there a sort of window cut on the side of Room 33 that opens out, isn't there a little ventilating window that opens into the hall?

A. Well, I am not sure about

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that. That is an inside room, and there is no light

and there is no window, that I could see, except there might be some ventilation from the upper portion of it in the hall, I am not sure about that.

Q. How did you and Captain McLaughlin Detective Sergeant Crowley get light while you were examining the condition of Room 33?

A. I think it was a candle they had.

Q. You are not quite sure?

A. No, sir, I am not positive whether it was a lamp or a candle.

Q. Now you say it was the next morning after you had removed the shirt from this defendant that the stocking was removed from his foot?

A. I think it was the next morning , I am not sure about that.

Q. It was not the same night you took the shirt?

A. No, sir, it was not the same night.

Q. You think the same morning?

A. That is my impression now.

Q. Might it have been the morning after that?

A. No, sir, I don't know, I could not tell you; my impression is that it was the next morning.

Q. Now, give us as near as you can, a description of the spot that was found on his stocking?

A. I cannot give you any description about it, I just seen him take it off and there was a spot right here (indicating)

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Q. About where?

A. On the side there, I seen him look at it.

Q. About where your ankle would be?

A. Yes, sit.

Q. Isn't it true that you looked at that stocking with a great deal of care?

A. I didn't put my hand on it.

Q. Was there any blood found on the bottom of the stocking?

A. It was coloured as though it was blood, I don't know whether it was blood or not.

Q. You would not say it was?

A. No, sir, I would not.

Q. Do you know where the stocking is now?

A. I don't, sir.

Q. Who had the stocking when you last saw it?

A. I think it was Detective Frink that had all those things, they were put together.

Mr. House: We call upon the District Attorney to produce the stocking now.

Mr. Wellman: We are going to produce it in the regular course of time.

The Court: I cannot do further than allow you to call this witness back when this stocking is produced, for the purpose of further cross-examination. If that suite you you can go to something else.

Q. Did you examine his shoe carefully?

A. No, sir

Q. Do you know whether any person did examine his shoes?

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A. Yes, sir, I seen Detective Frink examining him.

Q. Do you know where the shoes are now?

A. I do not, sir.

Q. Did you ever take the shoes away from him?

A. Yes, sir

Q. The shoes are now either in the possession of the District Attorney or the police?

A. I don't know what they have done with the shoes.

Q. Do you know whether they were given back to the defendant or not?

A. I think they were, I don't know, I think they were given back to him. There was a piece cut out of the side of the foot, and I think the shoes were returned to the prisoner; that is my impression.

Q. A piece cut out of what?

A. Out of one of the shoes.

Q. Do you know whether it was the right or the left?

A. I could not tell you.

Mr. House: I think we allow this witness to step down with the privilege of recalling him when we get that stocking.

The Court: That is if the stocking is produced or is in possession of the people.

By Mr. Wellman:

Q When you and McLaughlin took off the shirt from the prisoner , which you say you did the night he was arrested between 11 and 12 o'clock and you discovered the blood on it, did

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you say anything to him?

A. Yes, sir, I think one of us asked him what that blood was, and he says "..... sick ..."

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Louis W. Schultz's, a witness called on behalf of the People, being duly sworn, testified as follows:

Direct Examination by Mr. Wellman:

Q. You are one of the Coroners of the City of New York?

A. Yes, sir.

Q. And have been so for how long?

A. Two years and a half.

Q. You were called to the scene of this homicide on the 23rd or 24th of April of this year, were you not?

A. Yes sir.

Q. What time of day was it?

A. Word came up to the Coroners' Office a little after eleven o'clock.

Q. How soon did you answer the call?

A. I was there within half an hour.

Q. So that about half past eleven you arrived at the East River Hotel?

A. At half past eleven or quarter of twelve; I called at the Oak Street station house first.

Q. Did you go upstairs?

A. Yes sir.

Q. To room 31?

A. Yes sir.

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Q. Did anyone go with you?

A. Well, Captain O'Connor and quite a number of reporters.

Q. I want you to tell the jury when you went up to this room in the first place, what if anything, you allowed the reporters to do and where they stood in the room?

A. They all came upstairs with me and stood behind me while I was there making the examination there.

Q. Did they go into the room?

A. Yes sir, they went into the room.

Q. How many were there, Mr Shultze?

A. I should think about eight; I wouldn't be sure about the number.

Q. They stood behind you?

A. It was a very small room, and they stood fully two or three feet behind me.

Q. Did you allow them to come near the bed or the corpse?

A. No sir.

Q. Did you allow any of them to come near the pool of blood under the bed?

A. No sir, nobody came near the pool of blood or touched it.

Q. Now when you left did they go with you ?

A. Yes sir, they went with me.

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Q. Will you tell this jury that while those men were there with you, six or eight reporters, none of them came anywhere near the body at all to touch it?

A. I will solemnly swear to that.

Cross Examination by Mr. Levy:

Q. You say you got to the scene of the crime about half past eleven o'clock?

A. A quarter of twelve.

The Court: He says he got notice at the Coroners Office a little after eleven, then he went directly to the police station house, and then he went from there to the hotel.

Q. When you got to the scene of the crime did you go upstairs immediately?

A. Well, after about two minutes, two or three minutes. I waited until the Captain could get the keys from the saloon keeper.

Q. When you got there were the reporters upstairs or downstairs?

A. The reporters were all downstairs.

Q. When you went upstairs, did you find any upstairs?

A. No sir, nobody was allowed to go upstairs until I got there. Three or four reporters were in the saloon and

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four or five in the street.

Q. Sure there were not more than eight?

A. There might have been ten.

Q. Captain O'Connor says there were twelve is he right or wrong?

A. I should say there might have been ten.

Q. Who went into the room first, Doctor?

A. I did.

Q. Was the door locked?

A. The door was locked yes sir.

Q. The door was locked when you went into the room?

A. The door opened for me and I proceeded in.

Q. Who opened the door for you?

A. I cannot remember that.

Q. Was it opened with a key?

A. Yes sir; at least I thought so.

Q. You are quite certain the door was locked?

A. I rather think it was locked.

Q. When the door was opened were you the first one to enter?

A. I was the first one went in.

Q. Was the room light?

A. No sir. Still you could see; it was pretty light there, the shades were drawn, or rather the shutters.

Q. The windows were closed?

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A. I think the windows were closed.

Q. Shutter's closed?

A. Yes sir.

By The Court

Q. What do you mean by windows? There is a distinction between windows and shutters. Were the shutters closed or open when you got in there?

A. I don't think they were open .

Q. What kind of shutters were they— —outside or inside?

A. Outside shutters.

By Mr. Levy:

Q. The outside shutters were closed and the window was shut. Did you pull up the windows?

A. No sir, I did not. I could see quite plainly.

Q. Did you open the shutters?

A. No sir.

Q. You went to the bed immediately?

A. I did, yes sir.

Q. Did you look about the room before you went to the bed?

A. Well, I took a hasty glance as I entered.

Q. You saw the condition of the room?

A. Yes sir.

Q. You saw the clothes upon the floor?

A. I saw some clothes on the floor in the corner.

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Q. What part of the room, Doctor?

A. It was in the angle, in the corner.

Q. Was there a chair in the room?

A. I think there was a chair there.

Q. You think?

A. Yes sir.

Q. Did you notice any blood spots upon the floor?

A. I did.

Q. Did you look for them?

A. I saw a pool of blood.

Q. You saw a pool of blood?

A. One large pool of blood.

Q. Right in front of the bed?

A. Yes sir.

Q. Any other pool of blood?

A. I could not see any other pool.

Q. Not in your investigation?

A. There was some blood under the mattress, that is what I saw and on the floor.

Q. You only saw one pool of blood?

A. One good, large pool of blood.

Q. That pool was formed by drippings from the bed?

A. Yes sir.

Q. Did that pool run outward or inward— —did it run from the

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bed or under the bed.

A. A little from the bed, not under the bed exactly.

Q. A great distance, Doctor?

A. No sir, not a great distance.

Q. Was the pool congealed?

A. Yes sir; partly congealed.

Q. Was that still dripping?

A. Some drops came from the mattress.

Q. Are you prepared to testify that there were some drippings from the mattress?

A. Yes sir.

Q. So that the blood was not entirely congealed or coagulated?

A. No sir.

Q. Did you put your hand on the body?

A. I did.

Q. What form was the body lying when you came there?

A. The form was what we might call a knee-chest position. The position as I entered the door— —you know the position of the house exactly. You come in the Water Street entrance, and going up a flight of stairs you proceed northward to Catherine Street, and as I entered the room number 31 — —as the door was opened I entered it.

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Q. I asked you to describe the position of the body. I will put the question in a different form. The body lay with its back toward the door, is that it?

A. With its back end the rectum and the private parts and the heels of her feet partly exposed, facing Catherine Street.

Q. So that the moment you entered the door you saw the back and the posterior exposed to your view?

A. Yes sir.

Q. Well, Doctor, were the legs extended or were they crossed or doubled up?

A. No sir.

Q. What was the position?

A. They were close together, I believe.

The Court: You believe?

The Witness: Well, I am positive

Q. Were they lying parallel? Can you describe it more accurately than close together? Isn't it a fact that the legs were crossed?

A. No sir, the legs were not crossed.

Q. You are quite positive about that?

A. Yes sir.

Q. Captain O'Connor testified that the legs were crossed.

The Court: He testified that one leg lay across

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over the other.

Q. Which is correct Doctor?

A. It might be right around the feet that was all.

Q. They were not crossed.

A. No sir.

Q. The head seemed to be enveloped with something didn't it, Doctor?

A. Yes sir.

Q. What was that something?

A. I think it was an apron.

Q. Was it a cloth?

A. Yes sir, of some kind.

Q. Was it a chemise?

A. It might have been; I cannot say positively.

Q. Was it of a white fabric?

A. I think it was dark blue.

Q. Dark blue?

A. Yes sir.

Q. It was not a chemise then?

(No answer.)

Q. Now, Doctor, was it tied around the head?

A. It was tied around the head and neck.

Q. When you say it was tied around the neck, won't you kindly describe the situation of that cloth or fabric?

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(No answer)

By Mr. Nicoll,

Q. Did you make an examination of it?

A. Yes sir, I cut the knots.

By The Court.

Q. Be kind enough to tell the jury what it was?

A. I proceeded to that room and immediately on looking at the patient I saw at once she was enveloped in some clothes, and I began to feel for her face.

Q. What portion of the body was enveloped in the clothes?

A. Here whole face; the whole skull in fact, the whole skull was enveloped with those cloths which were tied with three strings, were tied as tight as they could be around the neck. I called for a knife as to cut them, and immediately on cutting the three different strings the cloth began to loosen and I unwound them and threw them on the floor.

By Mr. Levy.

Q. This blue cloth enveloped her head and her face and seemed to be tied around them with a string— —did you say more than one string?

A. I cut three different strings.

Q. Were the strings drawn through the cloth or upon the

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same side of the cloth?

A. Around the outside of the cloth.

Q. That is to say, the string had no connection with the cloth that covered the head?

A. No sir, they were separate.

Q. They seemed to be tied separately?

A. Yes sir.

Q. What color were the strings?

A. They were dirty, nasty strings; I couldn't tell you what color they were.

Q. Cord or rope?

A. No sir.

Q. How tight were they?

A. They were tied so tight that I could not undo them with my hands and I had to call for a knife to cut them.

Q. The three strings separately tied around, or three strings twisted into one strap?

A. Three different knots.

Q. Where were the knots, Doctor?

A. Right here (indicating).

Q. The three right in front?

A. In the front of the neck.

Q. The three went from here to here; were they under each other?

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other?

A. They were in different positions.

Q. Can you tell me whether the strings and the knots came above what is known as the Adam's apple or below it?

A. Just about around the Adam's apple.

Q. Above or below?

A. One might have been above and the other below.

Q. Was the body cold?

A. Yes sir, it was cold.

Q. Entirely cold?

A. No sir, not entirely cold.

Q. Had rigor mortis set in?

A. Yes sir, she was quite stiff.

Q. The tongue protruded?

A. I don't think it did.

Q. The eyes open or closed, Doctor?

A. The eyes were open— —one of them was open.

Q. Sure about that?

A. As near as I can recollect I think only one eye might have been open.

Q. Quite certain the tongue did not protrude?

A. It did not protrude fully.

By The Court.

Q. Was there any protrusion of the tongue at all?

A. There might have been.

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Q. There was?

A. A slight protrusion of the tongue.

Q. Was there any blood about the face?

A. I didn't see any about the face.

Q. Or about the head?

A. I did not see any about the head.

Q. Any flow of blood from the ears?

A. I didn't see any.

Q. Any flow of blood from the nose?

A. I could not say as to that.

Q. Were the eyes closed?

A. Yes if, one was open and the other was partly closed.

Q. When you entered into the room did you notice any smell in the room?

A. There was a nasty, disagreeable door.

Q. An odour that is part of the habituation there?

A. Yes sir, possibly.

Q. No unusual door, was it?

A. No sir.

Q. You did not discern a different odor in that room other than other sections of that building?

(No answer.)

By The Court.

Q. Was it an odor proceeding from dirt?

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A. It felt that way, like a dirty, nasty room.

By Mr. Levy.

Q. No distinct odor so far as that room was concerned.

A. No sir.

Q. You examined the body carefully, didn't you?

A. At the time.

Q. Did you see any blood on the body?

A. No blood on the body at all except around the abdomen.

Q. I mean with the exception of that?

A. The abdomen and the private parts.

Q. Did you examine the hands?

A. I did not examine the hands; I looked at them casually.

Q. Were they clenched or open?

A. I could not say as to that.

Q. You can't tell.

A. No sir, I could not tell whether they were clenched or open.

Q. Was there any blood on the hands?

A. Didn't seem to be any blood on the hands.

Q. Was there any discoloration of the body other than the blood or what you concluded was blood?

A. Except the discoloration of-death.

Q. That is all?

A. Yes sir, that is about all.

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Q. Did you see any yellow discoloration on the body?

A. I could not say as to that.

Q. You examined the body and the color of it?

A. Well, I tell you, Counsellor, I came in there, and my duty as a Coroner brought me there to see if the woman was dead. I was convinced that she was dead, and I was convinced that she was strangled, but as for looking for blood spots on the body or whether the blood came out of her nose, I did not particularly notice. I was fully convinced that she was dead, and that she was mutilated while she was dead.

By Mr. Wellman. You were not making an autopsy?

A. No sir.

By Mr. Levy. You say when you went into the room you were accompanied by ten or twelve reporters?

A. I think about eight or ten.

Q. We will say eight or ten. And Captain O'Connor accompanied you?

A. Yes sir.

Q. And Captain McLaughlin?

A. No sir.

The Court: He went to this police station and Captain O'Conner and eight or nine reporters went up with him to this room.

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Q. When you approached the bedstead, Doctor, did the others crowd about you.

A. Well, they were behind me.

Q. They were behind you?

A. Yes sir.

Q. Very close to you?

A. It was a pretty close room, they were all behind me.

Q. Did you make any efforts to discover whether or not there we're more pools of blood or stains of blood than one pool of blood which you say was immediately under the front of the bed?

A. Well, I took a hasty glance at the room and I saw this large pool of blood.

Q. Did you see the second pool of blood-about a foot away from the bed did you see blood?

A. Well, there might have been.

Q. Did you see a second pool of blood?

A. I don't remember seeing it; I might have.

Q. Now, during the time you were there making your investigations in any official position did the reporters parambulate Up and down the hallway?

A. All of them could not get in; some of them were in the hall.

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Q. So that they walked up and down the hallway?

A. Some of them were in the hall.

Q. Some went into the other rooms and went about generally on the upper floor of that building?

A. Yes sir.

Q. When you went down did they go down with you?

A. I think they did.

Q. You don't know whether any others remained up there, do you?

A. I think Captain O'Connor went out with them.

Q. Can you tell me whether the rooms upon that floor were closed or open, the other rooms other than room 31 that you went into?

A. I could not swear.

Q. You don't know?

A. No sir, I don't know.

Q. Are you certain that you were accompanied downstairs by the same number of men that went up with you?

A. Well, I think that they all came down with me because we started in for the store downstairs.

Q. Do you know, Doctor, what police officers were there at the time?

A. The only official that I know was Captain O'Connor.

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Q. You don't know whether any others were there?

A. I don't know, I heard there were one or two Central Officers men, but I was not certain about it.

Michael Crowley, a witness called on behalf of the people, being duly sworn, testified as follows:

Direct Examination by Mr. Wellman,

Q. You are a police sergeant, are you not?

A. A detective sergeant.

Q. You have been connected with the force for how many years?

A. Twenty years.

Q. What time on the 24th, the morning of the 24th of April of this year did you go to the East River Hotel?

A. About half past ten I was ordered to the East River Hotel by Inspector Byrnes to investigate a murder that was there.

Q. About half past ten you were ordered there?

A. Yes sir, I started down and I got there about ten or fifteen minutes to eleven.

Q. Had the coroner been there when you got there?

A. No sir.

Q. How soon after you got there did the coroner arrive— —did he arrive while you were there?

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A. I could not tell; I was not there.

Q. Did he arrive when you were there?

A. No sir.

Q. How long were you there?

A. I was there about twenty minutes or half an hour.

Q. Did you go up to room 31?

A. Yes sir.

Q. Tell the jury please what you saw when you went in. Describe the condition of that room minutely.

A. I went into this hotel through the barroom and I saw the bartender there named Thompson.

Q. Did you go upstairs to room 31?

A. I went to room 31, and the door was open, and I went in and there, at the left hand— —

Q. We're there any body up there?

A. No sir, nobody there. I looked in the room a saw a woman lying on the bed at the left side of the room with her head turned towards the window on Water Street. She was naked; there was nothing on her only a lot of clothes wrapped around her head. I went up to the woman's head and looked at the head. It was tied around with some cloths and some string. It looked to be like an apron string I should judge it to be, tied around her neck. I looked over the woman's body and I seen a big gash in

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her stomach and her entrails was drawn down between her legs and looked as if they had been drawn down or fell down, I could not say which.

Q. Her bowels?

A. Yes sir, they were down between her thighs, down between the calves of her legs. I looked around the room and there seen nothing but the clothes in one corner of the room. I examined them and could not find anything there. On the right hand side of the room was a lot of women's clothes on the floor.

By The Court:

Q. Did you examine those?

A. Yes sir, I did. I found a dress and that dress had a pocket and it was turned inside out, and then there was a larger pocket about a foot and a half long, like a big purse, made of blue cloth, and that was turned inside out and near the window on the window sill there was a pair of spectacles, and I could not find anything in the room at that time. I then went downstairs and I went into the barroom again and I asked if there was any— —

Q. Never mind that. How about the blood on the floor in room 31, was there any blood that you noticed?

A. The woman lay on the bed there about, I should judge as far

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as my four fingers from the edge of the bed; her was about four inches from the edge of the bed and right from there the blood was on the edge of the ticking and it was thick and soft and it dripped down onto the floor, and right there was quite a pool of blood, about the size of my hat, right on the edge of the bed.

Q. The inside or the outside of your hat?

A. About the size of the rim of my hat.

Q. On the floor?

A. Yes sir.

Q. Was that the only spot of blood?

A. About, I would say, eighteen inches away from this pool of blood there was a mark on the floor like as if you would spit on the floor and draw your foot across it that way (indicating), that kind of a mark.

Q. What was the mark?

A. Blood.

Q. About that much blood?

A. Yes sir, like as if you would draw your foot on anything that would leave a long streak of blood about the width of my three fingers and about as long as that. When there was another one came into it, another mark came into it, as if a person had moved their feet that was (indicating). I noticed that on the floor leading from that

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room to the opposite room room there was two or three— —

Q. On the hallway?

A. Yes sir, on the hallway, about three or five spots of blood, going over towards the room 33 and on the door of 33 there was some marks of dark colored stuff, it looked to me like blood.

Q. Where was that, on the door of 33?

A. On the outside of the door about half a foot away from the knob of the door, nearer to the floor on the door, nearer to the floor than the upper part.

Q. How large a space of blood was it? Illustrate on the side there?

A. I suppose that the three spots of blood in a circle would be of about maybe the size of a silver dollar, and then there was a long streak going down about, I should judge it to be about nine or ten inches long.

Q. Where it had dropped down?

A. Yes sir, these three spots were in the centre. It was not exactly in the centre, it was nearer to the knob of the door than the centre of the door.

Q. You mean nearer to the side on which the knob is?

A. Yes sir.

Q. Did the door open in or out?

A. The door opened in.

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Q. On the inside of the door what was there?

A. I did not examine that at that time.

Q. You did not examine it?

A. No sir.

Q. Did you notice a candle in room 31?

A. In room 31 I did. There was a candle on a small shelf and on the side of the wall a candle stick without any candle on it.

Q. No candle on it.

A. No sir.

By The Court:

Q. Any portion of the candle or any part of the candle?

A. The wick of the candle.

Q. The remains of a burned candle?

A. Yes sir.

By Mr. Wellman:

Q. That is in room 31?

A. Yes sir, that is the room where the dead body was.

Q. Now in room 33, when did you examine room 33?

A. I went in there at the time and looked at room 33. There was nobody in the room. I looked there, I lit a match, it was dark in that room and I saw on the shelf behind the door a candle about a half into the socket of the candle stick.

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Q. What room was this please?

A. Room 33.

By The Court:

Q. You found two pieces of candle?

A. One in 31 burned down so that you could not use it, and there might be about an eighth of an inch or half an inch of a candle in room 33.

Q. The candle in room 33 was burned down to one eighth or half an inch from the candle stick?

A. Ye sir.

By Mr. Wellman:

Q. Did you examine the door of room 33?

A. That afternoon.

Q. At what hour?

A. About three or four o'clock— — about that time.

Q. What did you discover there, if anything, on the inside of the door of room 33?

A. Inside of the door on the back part of the door there was a large spot an inch and a half long and about an inch wide on the jamb alone where the knob of the door is as you close the door, where the knob goes into the door.

Q. Near where the knob of the door goes into the door?

A. Yes sir, on the jamb of the door.

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Q. Was there anybody at that time with you when you examined it about four o'clock?

A. Captain McLaughlin and Captain O'Connor.

Q. Where was the body of Carry Brown at that time?

A. The body was in the room.

Q. Of 31?

A. Yes sir.

Q. It had not been removed?

A. No sir.

Q. Did anybody in your presence do anything to those spots of blood?

A. Captain McLaughlin cut out the spots and put them in a piece of paper except the streak of blood which he a part of it there.

Q. It was still there when you last saw it?

A. Every one else saw it. Captain McLaughlin took his finger and put it on the floor and got some dirt in his finger and rubbed it in these holes where he had cut the blood out of.

Q. What did he do with any other pieces of blood; did he cut them out then?

A. He cut two pieces off the paper partition right within a foot of the door at the right of the door.

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By The Court:

Q. He cut off the paper?

A. Yes sir.

Q. Off the partition?

A. Yes sir, he cut a piece of paper with blood stains on it.

By Mr. Wellman:

Q. Was that from room 33?

A. Yes sir, on the partition of room 33.

Q. Look at clothing and see if you can identify it.

The Witness (examining the clothing): That dress was lying in the right hand corner of the room. That pocket was turned inside out like that (indicating). This thing here (showing a waist) was on the back of a chair. This thing was rolled up (showing a corset) like that, and it was to the right under the chair at the head of the bed. This looked just like that, it was on the floor towards the Catherine Street side of the room, that is the right hand corner as you went in the room that way. This thing here was around her head (showing a small shawl) and that apron— —

Q. Where was that tied?

A. Tied around her head.

Q. Did you take it off?

A. No sir.

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Mr. Friend: I move to strike it out.

The Court: He may be able to tell that he taken off.

Q. You did not take it off?

A. No sir, I did not touch her head. I only saw those things tied around the woman's head. I could not see her face because these things were around her head.

By The Court:

Q. You would not touch it?

A. No sir.

Q. You did not touch it until the Coroner came?

A. No sir. The other clothes I cannot identify them. Those drawers were on one side I think of the room; I ain't sure about that, I think one side of the room.

By Mr. Wellman.

Q. Is there anything else you can identify?

A. This pocket here, this thing here, was up in a corner of the room.

Q. That was the other pocket you spoke of?

A. Yes sir, it was turned inside out as it is now.

Q. Turned like that?

A. Yes sir. The other clothes I cannot tell exactly where they were.

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By The Court.

Q. You got these clothes in that room?

A. Yes sir, the clothes were in this room.

Q. Were you there at all when the Coroner was there?

A. No sir, I was not; I was there afterwards with the woman that identified the body.

Cross Examination by Mr. Levy.

Q. Mr. Crowley, we're those articles which have just been exhibited in the same condition as they were you them last in the East River Hotel?

A. Yes sir, I would say that they were.

Q. And have not changed in their appearance at all?

A. Not that I can see.

Q. Well, Mr. Crowley, what time of the day was it when you got there for the first time?

A. Well, as near as I can judge it must be about ten minutes of eleven when I got in that room.

Q. Who accompanied you there to the room?

A. Nobody.

Q. To the hotel?

A. Detective Brady.

Q. You immediately went to the room when you arrived at the hotel?

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A. I left Brady in the barroom and went upstairs to the room myself.

Q. Didn't he go up there with you?

A. No sir.

Q. Did you request him to stay down?

A. Yes sir.

By The Court.

Q. You found Brady in the premises when you got there?

A. I left him on the ground floor with the woman.

By Mr. Levy.

Q. When you got on the floor to go into that room did you find the door open?

A. Yes sir, I did.

Q. Not locked at all?

A. No sir.

Q. No difficulty in getting in?

A. The door was open.

Q. You say it was open— —you mean the door was ajar, open, or you could open it without the use of a key?

A. The door was wide open.

Q. And you went straight up to the body, right up to it?

A. Yes sir.

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Q. Did you touch the body?

A. I put my hands on the woman's hip and kind of turned it around to look at the cut.

Q. You turned her over?

A. No sir.

Q. Was there any other persons present in the room when you were there?

A. No one.

Q. Was there any other person or persons upon that floor at that time?

A. No one else, unless they were in the the two rooms that was locked on that floor. I looked in there and could not see anybody through the cracks in the door.

Q. Did you look into all the other rooms?

A. Yes sir, I did sir.

Q. Now, Mr. Crawley, you say you put your hand upon the body to look at the nature of the cut?

A. Yes sir, on her hip.

Q. How close to the head of the bed did the body lay?

A. I should judge about as wide a distance as four of my fingers from the extreme edge of the mattress.

Q. About five inches?

A. About that as near as I can tell.

Q. Where was the knife?

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A. I did not see the knife at all.

Q. It was not there?

A. No sir.

Q. Did you say that the blood had formed immediately upon the outer edge of the bedstead— — had it not?

A. Exactly under her hips, yes sir.

Q. Did that blood run out under the bed?

A. Yes sir, it ran more under than outward, more inward than it would outward.

Q. Was that blood congealed?

A. Yes sir, partly.

Q. When you got there the Coroner had not arrived?

A. No sir.

Q. Was the body warm?

A. No sir.

Q. Was the body cold?

A. I should say it was.

Q. You felt the body?

A. Yes sir, it was col to me.

Q. The Coroner said it was warm?

A. It felt cold to me; I don't know what the Coroner said.

Q. Did you notice whether the blood dripping continued, whether it continued dripping from the bedstead?

A. I think it was dripping, yes sir. I did not wait long

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to watch that—no sir. I couldn't answer to that.

Q. You don't know?

A. No sir, I could not recollect whether it was dripping or not.

Q. After touching the body and looking at the shape of the cut, did you search the room, examine the room?

A. Yes sir.

Q. I understood you to say upon your direct examination that there was but one more spot in that room?

A. A spot— —it was not a spot that was in there.

Q. In where?

A. In the room where the body lay, 31. It was like as if some person would put their foot on something and draw the foot along. It was not a spot it was a long streak.

Q. That was the only other spot you saw in that room?

A. At that time, yes sir.

Q. Did you go to the door?

A. Yes sir.

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Q. To the door of the room and continue your investigations, and you went into the hallway?

A. I did, sir.

Q. Upon that same occasion of your first visit there?

A. Yes sir.

Q. Did you see the spots in the hallway?

A. Yes sir.

Q. How many spots did you see in the hallway?

A. Well, there was four or five.

Q. Four or five?

A. Yes sir.

Q. We're they in a straight line or we're they gathered together in a pool or distributed over a portion of the floor?

A. As far as I can recollect there was but one or two spots near room 31 door, and there was two or three almost near the 33 door.

Q. You followed these blood spots or that trail of blood from room 31 to room 33 upon the occasion of your first visit to that hotel.

A. Yes sir, I searched both rooms; I searched three rooms.

Q. Did you go into room 33 upon your first visit?

A. Yes sir.

Q. Was it a dark room or light?

A. It is a dark room.

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Is a repeat of page 201

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Q. Did you continue your searches in that room?

A. At that time, no sir. I looked to see if anybody occupied the room. I examined the room.

Q. You did examine it?

A. Yes sir.

Q. And examined the bedstead?

A. I looked at the bedstead. There was nobody— —

Q. Did you look at the mattress?

A. Yes sir.

Q. And the chairs?

A. Yes sir, I looked— —there was only one there.

Q. You looked at that?

A. Yes sir, in a dark corner.

Q. Did you report the fact of the discovery of the blood spots the following morning?

A. I did not go back to the station house until after I had left the hotel. I went to the station house and I got there about fifteen minutes of twelve, and then I did not report anything to anybody because I had not finished what I was working on myself at that time. I had made no report at all to anybody.

Q. Do you recollect having testified before the Coroner at the inquest?

A. Yes sir, I do.

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Q. Do you recollect having testified at the Coroner's inquest that the blood spots in the hallway you did not discover until the evening?

A. I never recollect saying anything of the kind.

Mr. Wellman: Read it, if there is anything there. You have the Coroner's minutes in your hand.

The Court: You should call the witness's attention to that testimony, he having admitted that he was examined before the Coroner, and you can ask him if he so testified. You will give the jury the idea that this witness has testified in that way and the District Attorney disputes it.

Q. Let us go back to room 31. When you came there did you open the windows?

A. Did I open the windows?

Q. That is the question.

A. No sir.

Q. Did you open the shutters?

A. No sir.

Q. When you came there the windows were closed?

A. Yes sir—no sir, the windows was not closed, the window was raised up as that window is down there.

Q. Partly raised?

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A. Yes sir.

Q. Partly raised?

A. Yes sir.

Q. Did you notice any peculiar odor in that room?

A. I did not find any.

Q. Anything different from the usual smells about that hotel?

A. I didn't find any smell there.

Q. Did you look at the limbs of the woman to notice whether there were any blood spots other than those you have mentioned?

A. I don't remember any blood spots on the woman's limb at all. On her leg that was exposed to view, but what was on the other leg I could not say. But on the upper surface of that woman's leg I did not notice any blood except between the calf of her legs where her entrails were they were all blood, but not the upper portion of her leg. I did not notice any stains of blood.

Q. Did you see any discolorations other than blood upon any part of her body?

A. Not that I could see, no sir.

Q. You made no attempt to open the covering that covered her head?

A. No sir.

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Q. And when was your attention first that the dress pockets had be turned inside out?

A. When I examined the dress I looked to see if the woman had anything in her clothes that I could identify her by. I examined the clothes and found the dress pocket turned inside out.

Q. In your efforts to identify the woman you did not try to examine her face?

A. No sir.

Q. Or look at her face?

A. No sir, I would not open that.

Q. Then your efforts towards identification were directed simply towards her clothes?

A. Anything that might have been in the room that would give me some inkling to who the woman was.

Q. Did you inquire of the people in the hotel whether they knew who the woman was?

A. Yes sir, I did.

Q. Did you ascertain in that way?

A. Yes sir.

Q. Then you knew who the woman was when you went into the hotel to make the investigation?

A. No sir, I knew who the woman was when I came into that room.

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Q. You did not before?

A. No sir.

Q. You did not?

A. No sir. I will correct myself on that statement? I did not know who the woman was other than she was Old Shakespeare at that time.

Q. I mean so far as her designation as Shakespeare was concerned?

A. Yes sir, I found out that when I came downstairs.

Q. When did you leave that hotel after this first visit?

A. Well, somewhere about half past eleven, it might be twenty minutes after eleven or it might be forty minutes after eleven — — in that neighbourhood. Probably I was in that hotel half an hour and I may be there about twenty minutes.

By The Court.

Q. That was your first visit?

A. Yes sir, I am speaking of the first visit.

By Mr. Levy.

Q. Did you go into the room upon the upper floor?

A. I did. I examined all the rooms.

Q. At your first visit?

A. Yes sir.

Q. How many rooms did you go into Mr Crowley, at the first

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visit I am talking of?

A. I think three or four or five rooms.

Q. Four or five?

A. I think I did.

Q. You spoke of two rooms the doors of which were locked.

A. Room 29 and 30 was locked.

Q. Did you make any effort to get into these?

A. Yes sir.

Q. With a key?

A. No sir, I took a chair and looked over the square hole that is cut in the partition of the bed room.

Q. You didn't make any effort to get a key to go in?

A. No sir, not then.

Q. Your investigation of those two rooms was confined to looking through a hole?

A. Yes sir, to see if anybody was there.

Q. Could you see them?

A. Yes sir.

Q. Did you look at the scuttle that led from that floor to the roof?

A. Yes sir.

Q. Did you get on top of that scuttle?

A. Yes sir.

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Q. Did you walk up?

A. Yes sir, I went up an iron ladder.

Q. Was the scuttle locked or unlocked?

A. It was open.

Q. How do you mean open; was it unlocked?

A. The scuttle was not bolted, it was wide open.

Q. So that the sky was exposed?

A. Yes sir.

Q. You went away you say twenty minutes or half an hour after your first visit?

A. Yes sir.

Q. You returned to the hotel how long after?

A. I cannot tell you the exact time. I returned in company with a woman by the name of Kate McGovern, who I had discovered knew who this Shakespeare was, and I brought her up for the purpose of identifying this woman and she did.

Q. Did you return to the hotel with the Coroner?

A. When I got there an officer met me at the foot of the stairs and told me the Coroner had been there and gone.

Q. At the time you got there the second time the woman's face was exposed?

A. Yes sir, her head was uncovered and these things lay in the one corner of the room.

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By The Court.

Q. You were not there when the things were taken off?

A. No sir, this apron and shawl.

Q. When you got there first the head was tied up?

A. Yes sir.

Q. When you got there the second time you were told that the Coroner was there and these things were off?

A. Yes sir, her face was then exposed.

By Mr. Levy.

Q. What time was it when you got there the second time with that woman?

A. I should think about two o' clock, somewheres about that, half past one or two.

Q. Did you go straight up to that room?

A. I took the woman straight to that room.

Q. Was the body in the same position?

A. It was exactly.

Q. Exactly in the same position?

A. Yes sir.

Q. You went away again.

A. When I went into that room I took the woman's head, in my hand and turned her face around, and I says to this woman — —

Q. Never mind what you said. You turned her face around?

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A. Yes sir, so that this woman could see her face and she identified her, and I went out.

Q. Now, you got back there again in the afternoon?

A. I did in company with Captains McLaughlin and O'Connor.

Q. That was your third visit on that day?

A. Yes day.

Q. Captain McLaughlin and Captain O'Connor accompanied you?

A. Yes sir, at that time.

By The Court.

Q. What time was that?

A. I believe between three and four o'clock, your Honor.

By Mr. Levy.

Q. Now then, Mr. Crowley, I understand you to say that you had made no report up to the time that we have got to now, that is, your third visit, of the fact of your having discovered any spots of blood in the hallway— —is that so?

A. To the third visit—I did not say that.

Q. Well, up to the time of your second visit?

A. I did not say anything of the kind.

Q. Had you reported the facts of the blood stains at all?

A. I said that when I went back to the station house the first time after visiting that hotel I made no report to anybody as I had no report to make. I didn't have my investigation finished at that time.

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Q. Didn't you inform the acting inspector of Police of the fact of the discovery of blood stains in the hallway at the time of your second visit. Captain McLaughlin

A. On my first visit back?

Q. After your first visit back to the station house?

A. No sir. Not on the first; I did on the second.

Q. When was it you first informed him?

A. On the second time I went to the station house, when I went there to report that I discovered the woman who identified this woman Carrie Brown.

By The Court.

Q. That was after three o'clock, wasn't it.

A. It must be about half past one or two o'clock.

Q. I understood you to say you came back with the McGovern woman; what time was that you took Kate McGovern there.

A. I should judge it would be about half past one or two o'clock.

By Mr. Levy.

Q. Up to half past one or two o'clock had you informed the acting inspector that you had discovered blood spots in the hallway?

A. No sir.

Q. You had not?

A. No sir.

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Q. In response to this question of Mr. House, put to you at the Coroner's Inquest, did you make this reply, on page 46— —“What time did you go back to the East River Hotel?” that is, the second visit, to which you replied, “ I went out of the station house and returned and met Captain McLaughlin, and I told him and Captain O'Connor what i had found out in relation to the rooms, and the Coroner had come then and had been to the station house while I was absent,”

A. That is right.

Q. That is all you informed him of?

A. That is right. That is all I was asked at the Coroner's Inquest. That is all I was asked at the Coroner's Inquest, I was not asked anything about the blood stains at the Coroner's Inquest, nothing of the kind.

Q. In these rooms in the East River Hotel there were no wash stands?

A. There was a wash stand in room 31.

Q. A wash stand?

A. Yes sir.

Q. Any towel in the room?

A. No sir, no towel or basin or anything else but a wash stand except a chamber.

Q. Was there any blood stains or stains upon the walls?

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A. None that I could see.

Q. Is the ceiling of the room high?

A. I did not measure it. I would figure it at about nine or ten feet high. It may be more or it may be less.

Q. To the top of that chandelier (indicating)?

A. I would not give you a figure on it; I could not tell you.

By The Court.

Q. What room was that?

A. 31.

By Mr. Levy.

Q. Now, Mr. Crowley, did you examine the door of room 31?

A. Yes sir.

Q. We're there any blood stains at all upon the door of room 31?

A. I did not see any?

Q. Were there any blood stains at all upon the door knob of room 31?

A. I did not see any.

Q. You looked carefully, did you not?

A. At the knob?

Q. At the door generally and everything; you were making an investigation?

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A. I looked at the door very carefully as I thought.

Q. Could you testify whether or not the knob of the door had any blood stains on it?

A. I don't think it had.

Q. You went into room 33?

A. Yes sir.

Q. Was there any blood stains upon the knob of room 33, the door knob?

A. Well, I could not say there was on the knob.

Q. Did you look at the knob?

A. Yes sir.

Q. So you did not see any blood at all on the door knob?

A. Not on the knob.

Q. And upon the chair of room 33, you have testified that you discovered a blood stain?

A. No sir, I have not testified to that.

Q. Upon the bed ticking?

A. No sir, I did not say anything about that.

Q. You said that Captain McLaughlin took his pen knife and cut out a piece of the wall paper—is that so?

A. Yes sir, that is so.

Page 200 not in original

Q. You say he put those pieces in his pockets?

A. That is so.

Q. Did he wrap a piece of paper around them or any wrapping at all?

A. When he cut them off he wrapped them in a paper and put them in his inside coat pocket.

Q. Did he put them together?

A. He put the paper together.

Q. Did he separate them?

A. He had two pieces of paper and he wrapped them up in one parcel, by themselves, and the stains he cut out of the door he wrapped them up in a separate paper by themselves.

Q. And put them in his pocket?

A. Yes, sir, he put them all into the inside pocket of his coat or inside his vest, I ain't certain which.

Q. An inside pocket?

A. Yes sir.

Q. Did you go into room 33 at all, Mr. Crowley, when you made the first investigation in the morning that you told us of?

A. Yes sir.

Q. Did you go in with McLaughlin?

A. Yes sir.

Q. And O'Connor?

A. Yes sir.

Q. In the afternoon.

A. Yes sir.

Q. You say that it was a dark room?

A. Yes sir.

Q. Did you use any artificial light?

A. We got a candle.

Q. And looked around the room?

A. Yes sir.

Q. Did you see my blood stains in that room?

A. Yes, sir.

Q. Where?

A. On the bed tick, there was two or three spots of blood.

Q. No sheet on the bed?

A. No, sir, not on that bed.

Q. Was the blood dry, was it dry or wet?

A. The blood stains were dry.

Q. What was the color?

A. They were dark stains on it.

Q. Dark stains?

A. Yes, sir.

Q. Brown or red?

A. I could not tell you the color of the stains in that room, but dark.

Q. What other spots did you see?

A. I saw some spots on the side of the chair.

Q. What part of the seat?

A. About here (indicating)

Q. Was it a cane chair?

A. No, sir, a common wood chair, a wood bottom and a wood back, wooden legs, it was all wood.

Q. Was the stain upon the chair in the front or back of the chair?

A. On the back of the chair, right there (indicating)

Q. No upon the seat at all?

A. No, sir, it was about there (indicating)

Q. On the back of the chair?

A. Around there, on the chair seat.

Q. A large space?

A. No, sir.

Q. How large?

A. A number of little spots.

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Q. How large was the largest?

A. Well, about the size of the tip of my finger.

Q. Simply spots?

A. Yes, sir.

Q. Red, brown or yellow?

A. They looked like fresh spots.

Q. I didn't ask you that; what was the color?

A. Dark brown or dark red you might call them.

Q. Was it a brown red or a light red?

A. It was dark.

Q. Dark red?

A. Yes, sir, it isn't as light as that.

Q. Were the spots on the door cut out?

A. No, sir, they were scratched off.

Q. Did McLaughlin cut out spots on the bed tick?

A. I ain't certain about that.

Q. You don't know?

A. I am not certain whether he cut them out or not.

Q. Did McLaughlin cut out any of the spots in Room 33?

A. Yes, sir, he cut out— — I ain't certain whether he cut them off the bed ticking or not.

Q. You testified to having turned over this body and looked at it. Did you get any blood spots on yourself at the time of the first examination or the second?

A. No, sir.

Q. You did not?

A. No, sir.

Q. How far from the bed would you stand when you turned this body over?

A. I stood right up by the bed, this way.

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Q. Very close to it?

A. Pretty close to it, I stood on one side of the blood stains, the blood stains were here and I stood at her head, between her head and more in the centre of her body.

Q. Did you see the knife?

A. No, sir, I did not, not until after we were in the station house.

Q. You did not discover the knife?

A. No, sir, I did not.

Q. Now, Mr. Crowley, you have testified to having looked into two rooms which you say wer empty in the hall, at the top of the doors?

A. Yes, sir.

Q. Did you get a ladder for that purpose?

A. No, sir, I did not.

Q. What did our get to look in?

A. A chair.

Q. From which room did you get that chair?

A. I think it was room 27.

Q. Room 27?

A. Yes, sir I think it was 27.

Q. You took a chair from that?

A. I took the chair out of the room.

Q. I borrowed it from there?

A. There was nobody to borrow it from.

Q. How many rooms did you go into?

The Court: He says he went into every room on that floor with the exception of two.

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Q. I want to know how many rooms there were?

A. Two rooms were locked, the other rooms I went into.

Q. How many were the other rooms?

A. I went into 31, 32, 33, 27, 28, I don't know whether there was any other rooms on that floor or not.

Q. Is room 36 on that floor?

A. Yes, sir, it is on that floor, but in another part of the building.

Q. You did not go to any other part of the building?

A. I went around there.

Q. You didn't go into any rooms there?

A. No, sir.

Q. That side of the house is accessible by the hallway, isn't it?

A. Yes, sir.

Q. On the same floor?

A. Yes, sir.

Q. Of course you examined the walls in each of the rooms went into for blood, I suppose?

A. No, sir, I did not, not in the rooms I went in.

Q. Of course you examined the bed ticking in each of the rooms for blood spots, didn't you?

A. No, sir, I did not.

Q. You simply picked out Room 33 and and looked at the bed ticking and walls of that room?

A. No, sir, I did not, I did Nick it out at all. I went into room 32 first, and then went into 33, because they were the two rooms fronting on 31.

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Q. That is the only room you examined the bed ticking of as well as the wall?

A. That is all.

Q. You are unable to testify whether or not there were blood spots in the other rooms?

A. I could not testify that there were, I could not say that there was not any blood stains in any other rooms.

Br Mr. Wellman: You asked Mr. Crowley if he did not swear at the Coroner's Inquest that he did not examine the spots in the hall until the evening of the day the body was discovered. You have the stenographer's minutes and you ought to read that to him.

Mr. House: There is no necessity for any such 4th of July business as that.

Mr. Wellman: There is no such thing as that in the testimony.

Mr. House: I don't know whether there is or not. When I find it I will do it.

By Mr. Wellman:

Q. You say there was a wash stand in room 33?

A. Yes, sir.

Q. Any water in it?

A. No, sir, no basin.

Q. Was there any water in Room 33, was there any water?

A. No, sir, no water in Room 33.

Q. Was there water in Room 31?

A. No, sir, no water in Room 31.

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Q. A wash stand in 31 but no basin?

A. Yes, sir, there was a wash stand in 31 but no basin in it.

Q. And no towels?

A. Yes, sir, no towels, no wash stand in Room 33, I did not see a wash stand in Room 33.

Q. You say that the McGovern woman identified her. Have you got the McGovern woman here?

A. Yes, sir.

Mr. Wellman: I offer in evidence this bundle of clothing. Especially those portions of the clothing that were found and identified by the last witness as having been tied around the head of the deceased.

The bundle of clothes referred to were marked exhibit 5 of this date.

Catharine McGovern, a witness called on behalf of the people, being duly sworn, testified as follows.

Direct Examination by Mr. Wellman.

Q. Did you know Carrie Brown in her lifetime?

A Yes, sir.

Q. How long had you known her?

A. Well, about 15 or 16 years.

Q. How old was she?

A. I could not say as to her age, but I knew her that length of time.

Q. Did you see her on the morning of the 24th of April, Friday

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morning?

A. I could not say what day it was, but I saw her dead in bed.

Q. Where did you see her dead in bed?

A. In the 4th Ward Hotel as you call it.

Q. On what floor?

A. The third floor, they said room 31, it was the corner room.

Q. Whom did you go into the corner room, 31, with?

A. I went with an officer.

Q. Officer Crowley?

A. Yes, sir.

Q. You saw her in bed dead?

A. Yes, sir.

Q. You recognized that it was Carry Brown?

A. Yes, sir, truly.

No cross-examination.

Jeremiah J. Griffin, a witness called on behalf of the people, being duly sworn, testified as follows.

Direct Examination by Mr. Wellman.

Q. You are a police officer attached to what precinct?

A. Fourth.

Q. Did you go on the morning of Friday, the 24th of April, 1891 with Captain O'Connor to the 4th Ward Hotel, or the East River Hotel?

A. He was there before me.

Q. What time did you arrive there?

A. A few minutes after

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10 o'clock.

Q. A few minutes after 10?

A. Yes, sir.

Q. Did you go up into Room 31?

A. I was sent up by Captain O'Connor.

Q. Sent to get anything?

A. Yes, sir, he told me to get a knife.

Q. Did you get a knife?

A Yes, sir.

Q. What did I do with it?

A. I brought it to the station house.

Q. What did you do with it when you took it from under the woman's thigh?

A. I wrapped it up in a piece of cloth.

Q. Where did you get the piece of cloth?

A. I found it on the floor

Q. The floor of what room?

A. The room where the woman was murdered.

Q. Room 31?

A. Yes, sir.

Q. Did you wrap it up before you left the room?

A. I did.

Q. In the room?

A. Yes, sir.

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Cross-Examination by Mr. Friend.

Q. What is your name?

A. Jeremiah J. Griffin.

Q. You were examined at the coroner's inquest, were you not?

A. Yes, sir.

Q. You were examined by the learned Assistant District Attorney?

A. Yes, sir.

Q. You did not testify at the Coroner's inquest about having the knife wrapped up when you took it out of the room, did you?

A. I was asked questions by Mr. House and the District Attorney and I answered what I was asked.

By The Court.

Q. You did not testify to that?

A. No, sir, I did not say anything about it.

Q. We're you asked anything about a knife?

A. I was asked what I done with it.

Q. At the Coroner's?

A. Yes, sir.

By Mr. Friend.

Q. Did you say at the Coroner's inquest when that question was asked you — — —

Mr. Wellman: I object, if your Honor please, unless he reads from the testimony.

Mr. Friend: I simply asked this question: In answer to a question he said "I was asked what I did with the knife, and I asked him was his answer to that question, or did he say in answer to a question

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that he wrapped it up.

By The Court.

Q. Were you asked anything at the Coroner's inquest about a knife?

A. Yes, sir, I think I was.

Q. Were you asked whether you wrapped that knife up in a cloth?

A. No, sir, I was not.

Q. Did you state anything to that effect before the Coroner's?

A. No, sir.

By Mr. Friend.

Q. Now, Mr. Griffin, when you got to the 4th Ward Hotel, or the East River Hotel, as it is called, who was there?

A. Captain O'Connor was at the foot of the stairs, at the entrance.

Q. Did you go there alone or were you accompanied by anybody?

A. No, sir, I went there with Detective George Doran.

Q. Detective Doran of the 4th precinct?

A. Yes, sir.

Q. Captain O'Connor's precinct?

A. Yes, sir.

Q. Where was the Captain?

A. At the foot of the stairs talking to the sergeant and the Roundsman.

Q. What Sergeant?

A. Sergeant Haughey.

Q. And what Roundsman?

A. I think Roundsman Leonard, I am not sure whether it was a Roundsman or a policeman, I think it was Roundsman Leonard.

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Q. Did the Captain then remain in the building, or did he then go away?

A. He told me to go up stairs.

Q. I did not ask you that; I asked you whether he remained there or went away?

A. He went away, but he spoke to me for a few minutes.

Q. Did he go away before you went up?

A. Yes, sir.

Q. You then went up stairs?

A. Yes, sir.

Q. Did you go up alone?

A. No, sir, I think Doran was with me.

Q. Was the Roundsman with you?

A. No, sir.

Q. Where was the Roundsman or the Sergeant at that time?

A. Down at the door.

Q. When you say the door, do you mean the bar room door facing the corner?

A. No, sir, I mean the door leading up the stairs.

Q. The hall door?

A. Yes, sir.

Q. And you went up stairs then and found this knife?

A. Yes, sir.

Q. The knife was wet, I presume?

A. Yes, sir, it was wet on one side, almost dry.

Q. Had the blood upon the knife become coagulated?

By the Court.

Q. Do you know what that means?

A. No, sir, I don't know

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what it means.

By Mr. Friend.

Q. What did you do with the knife?

A. I picked up a piece of cloth or a piece of muslin or some kind of stuff, I ain't sure what it was, wrapped it up and brought it right to the station house, and when the Captain came from Police Headquarters I gave it to him.

Q. Has the knife been in your custody since?

A. No, sir.

Q. Has it been in the station house since?

A. I can't tell.

Q. As a matter of fact when did you see this knife last?

A. At the Coroner's inquest.

Q. And that is how long ago?

Mr. Wellman: May 18th.

A. That is the last I saw of it.

Q. From the time you found the knife under the person of the deceased until the day of the inquest, did you see the knife?

No answer.

By the Court.

Q. From the time you gave the knife to the Captain of Police in the station house to the time of the inquest did you see the knife?

A. Yes, sir, I saw it once.

By Mr. Friend.

Q. Did you place any mark upon the knife so that you would know

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it again?

A. No, sir, but if I could see the handle of the knife I would know it.

Q. You know the knife by reason of the handle. Were you present when the Coroner was there?

A. No, sir. I was down at the door; I didn't go up stairs.

Q. But did you notice a great many men go up stairs, didn't you?

A. Yes, sir

Q. Gentlemen connected with the press?

A. Yes, sir.

Q. The Coroner says eight or ten, and the Captain says perhaps twelve; how many do you see?

A. There was fully a dozen.

Q. About a dozen?

A. Fully a dozen, I think.

Q. They were all in this room?

A. No, sir, I don't know where they were, I stood at the front door when they went upstairs.

The Court: He told you a minute ago that he stood at the door when the Coroner went upstairs. He was not up stairs when the Coroner was.

Q. Did you go up stairs when the Coroner was viewing the body?

A. No, sir, I stood at the door assisting the officer to keep the crowd away.

By the Court.

Q. You saw the Coroner go up, I presume, and saw him come

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down?

A. Yes, sir.

By Mr. Wellman.

Q. There was an officer in charge there?

A. Yes, sir.

Q. You assisted the officer?

A. Yes, sir.

Q. What was his name?

A. There was one or two, there was the man on post, I think it was Officer Lynch.

Q. Who is the man on post?

A. I could not recollect.

Q. Meeker, wasn't that his name?

A. I can't recollect.

By Mr. Friend.

Q. Mr. Griffin, when you arrived there and in pursuance of what your superior officer had said to you, you say you went up stairs alone, is that true?

A. No, sir, I did not.

Q. Did Officer Doran go with you?

A. Yes, sir.

Q. Were there people up there at that time?

A. No, sir.

Q. Are you positive of that?

A. I am.

Q. Was there anybody in any of the rooms up there?

A. I don't know, I did not examine them.

Q. You did not examine them?

A. No, sir.

Q. You are not prepared to say that there were not some people up on that floor?

A. There was nobody in the room where I went and got the knife, that is all I know.

Q. Whether they were in the adjoining rooms or not you don't

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know?

A. No, sir, I don't know that.

Q. Were you there when the body was removed?

A. I was down at the door, I think.

Q. Were you up stairs at any time that afternoon?

A. No, sir.

By Mr. Wellman.

Q. At the Coroner's inquest you said nothing about having wrapped the knife up in a piece of cloth or something that you got there, nothing was asked you of that kind?

A. No, sir, I was only asked several questions at the Coroner's inquest and I answered them.

Q. And such questions you answered?

A. Yes, sir.

Q. Nothing was asked you about that. Your impression is that you were asked what you did with the knife and that you answered it?

Mr. Friend: I object to that. The evidence speaks for itself.

The Court: I think you are wasting time about this. The officer has testified to the fact that he got this knife and what he did with it. He was asked if he testified before the Coroner, and he has told you what he said at the Coroner's inquest or a portion of it. He was asked if he testified to any-

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thing in reference to wrapping the knife in a piece of cloth and he said he was not asked any such question.

By Mr. Friend.

Q. Do you remember being asked this question "You saw these blood marks in the hallway". Do you remember that question being asked?

A. Yes, sir.

Q. And your answer was "Not until the next day, though?"

A. That is true.

Q. The day after they were cut out?

A. There was plenty of them there for a week after.

The Court: The cutting out that was done was a piece of paper out of the partition of one of the rooms. There was nothing said about anything out of the hall.

Mr. Friend: I was under the impression that one of the officers testified to that. If I am mistaken I withdraw the question.

John P. Mullarkey, a witness called on behalf of the People, being duly sworn, testified as follows:

Direct Examination by Mr. Wellman.

Q. You are an officer attached to what precinct?

A. The 4th

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precinct.

Q. You wet the officer Captain O'Connor said he put in charge of these apartments on the 24th of April, the East River Hotel, is that so?

A. Yes, sir.

Q. What time were you put in charge?

A. Half past ten.

Q. Did you allow anyone to go up stairs on to that fourth floor after half past ten, until the Coroner arrived?

A. Yes, sir, I allowed Detective Crowley to go up.

Q. Did you allow anyone outside of the detective force?

A. No, sir.

Q. Anybody outside of Detective Crowley?

A. No, sir.

Q. Until the Coroner came. What time did the Coroner come if you know?

A. Well, I think he came in the neighbourhood of about a quarter after 11, probably it might be a little later.

Q. It might have been later?

A. Yes, sir.

Q. You allowed him to go up?

A. Yes, sir.

Q. Did anybody go with him?

A. Yes, sir.

Q. About how many people?

A. Well, there might have been a dozen or more.

Q. Reporters?

A. Yes, sir, and Captain O'Connor.

Q. Representatives of newspapers. With the exception of those people, Detective Crowley, the reporters and the Coroner

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did you allow anybody to go up to those apartments after you were put in charge?

A. Captain O'Connor went up.

Q. Outside of that.

A. No, sir.

Cross-Examination by Mr. Friend.

Q. You mean to say with the exception of 12 reporters, Captain O'Conner, Detective Crowley and, I presume, Officers Griffin and Brady— —they were there, were they not?

A. They were not up stairs.

Q. Well, with the exception of about fifteen or sixteen people, nobody else was permitted to go up stairs?

A. Not while I was there.

Q. Now, the Coroner got there about a quarter after 10 o'clock?

A. No, sir.

Q. 11 o'clock? And the gentlemen connected with the press went up stairs at that time?

A. Yes, sir.

Q. And into Room 31 where the body of the deceased was?

A. I don't know where they went, I did not go up, Captain O'Connor went up.

Q. You heard they went up?

A. I didn't hear so, I supposed that is where they were going.

Q. You have been up on that floor, have you?

A. No, sir.

Q. Didn't you see the body?

A. No sir.

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Q. You have never been on that floor at all?

A. No, sir, I have never been on that floor.

By the Court

Q. You went on a little after 10 and remained on until a quarter after 1 that afternoon?

A. Yes, sir.

Mary Minitier, a witness called on behalf of the People, being duly sworn, testified as followed:

Direct Examination by Mr. Wellman.

Q. Where do you live?

A. New York, sir, 25th Street and 9th Avenue my people does reside.

Q. You used to be connected with the East River Hotel?

A. Yes, sir.

Q. And what position did you hold in the East River Hotel, what did you work at?

A. Helping the housekeeper, an assistant.

Q. Now, do you remember the night before the morning on which Carrie Brown was found murdered in Room 31?

A. Yes, sir.

Q. Do you remember what you were doing?

A. Yes, sir.

Q. What were you doing in the evening?

A. Sitting in the box, sir.

Q. Who was with you in the box?

A. Jennie Lynch, Mary Haley, Mary Williams, Lizzie Carlton, a man-of-war's man, Old

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Shakespeare and myself.

Q. Whom did old Shakespeare come in with?

A. With Mary Haley.

Q. Did you drink with her that night?

A. Yes, sir.

Q. Did you see her drink anything?

A. Yes, sir.

Q. With whom?

A. With the man-of-war's man.

Q. That was not this defendant here?

A. No, sir.

Q. Who drank with the man-of-war's man?

A. Old Shakespeare, and all the rest of them.

Q. With whom did the man-of-war's man go up stairs, do you know?

A. I do not know, sir.

Q. When did he leave the box?

A. I don't know, sir.

Q. Before Shakespeare or after Shakespeare?

A. I don't know sir.

Q. Did he leave with her?

A. No, sir, he did not.

Q. Did she leave first or did he leave first?

A. He left first.

Q. About what time did she leave, can you tell?

A. Twenty minutes after ten.

Q. How do you remember it was twenty minutes after ten?

A. Because one of the girls asked me what time it was.

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Q. Where they going out with her when they asked you?

A. No, sir, she went out herself.

Q. How do you connect those two facts, of one girl going out and asking you what time it was?

A. The girl was not going out, she simply asked me what time it was.

By the Court.

Q. What girl was it?

A. Mary Madigan.

Q. How did you know the time?

A. I went out and looked outside by the ice box what time it was.

By Mr. Wellman.

Q. It was twenty minutes after ten?

A. Yes, sir.

Q. Did you see Shakespeare again that evening?

A. When she came back with a man.

Q. About what time was it when she came back with a man?

A. About 11 o'clock, sir.

Q. Did you let her in?

A. Yes, sir.

Q. Which door did you let her in?

A. In the hall door.

Q. Right at the front stairs?

A. Yes, sir.

Q. That opens onto Water Street?

A. Yes, sir.

Q. Did she ring?

A. Yes, sir.

Q. And you answered the door bell?

A. Yes, sir.

Q. Now, the man who was with her this man-of-war's man?

A. No, sir.

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Q. What kind of looking man was he?

A. A tall man with a light ish complexion.

Q. Can you tell anything more about him?

A. He came in, sir with the woman and she said to me "Good evening" and I said "Good evening". I opened the door.

Mr. House: We object to that unless the defendant was there.

The Court: It may be stricken out.

The Witness: She asked for a room and I asked her what price she wanted, 50, 75 or a dollar. She said she wanted a room for 50 cents. The man opened his purse.

Mr. House: We must object to this conversation as not being in the presence of the defendant.

Q. The man opened his purse, what did he take out?

A. He gave me a silver dollar, sir.

Q. What change did you give him?

A. Two quarters.

Q. What did you give him, a key?

A. I gave him the key of Room 31 and a new candle.

Q. What do you mean by a new candle?

A. A candle that was not burned.

Q. Did you give him anything else?

A. A candle stick and matches.

Q. Did you give him anything else?

A. She asked for a pint

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of beer. He gave me a new ten cent piece out of his purse I gave her a pint of mixed ale.

Q. Did you give him the key?

A. Yes, sir.

Q. What key was it you gave him?

A. The key of Room 31.

Q. Where did they go then?

A. She stood on the stairs until I bought her the beer, and then she went up stairs with the man.

Q. That was the hour?

A. 11 o'clock, sir.

Q. Do you keep a register for names in that hotel?

A. If they feel like registering themselves, sir.

Q. If they feel like registering?

A. Yes, sir.

Q. Did these people register?

A. No, sir.

Q. If people don't register how do you put it down?

A. We put fictitious names, sir.

Q. So that you put any name, where people don't feel like registering, you put any name that comes into your head.

A. Yes, sir.

Q. What name did you put down for them?

A. C Nicklo.

Q. Where did you get that name from?

A. From Thomas Thompson, he put it down himself.

Q. In your presence?

A. No, sir.

Q. Then you did not tell him anything about C. Nicklo?

A. No, sir.

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Q. It was a fictitious name?

A. Yes, sir.

Q. When was the name put down?

A. I could not tell you, sir.

Q. It was not put down when you let them in?

A. No, sir.

Q. What time did you go to bed yourself?

A. 12 o'clock.

Q. Whom did you leave in charge of that door, the Water Street door?

A. I gave the keys to Eddie Fitzgerald.

Q. You left him in charge of that door?

A. Yes, sir.

Q. Between 11 and 12 where were you?

A. In the box.

Q. Do the men who ordinarily come there and go up that way stay more than a half an hour or an hour?

Objected to. Objection sustained.

Cross-Examination by Mr. House.

Q. You remember of testifying before the Coroner's jury, do you not?

A. Yes, sir.

Q. And do you remember that you were questioned by Mr. Wellman?

A. Yes, sir.

Q. Do you remember saying to Mr. Wellman — — —

Mr. Wellman: I object to that. They should read the testimony. Twice to-day we have had illustrations of their remembrance differing from the minutes. It would be better to read the minutes.

The Court: It is the proper way to do if are going to contradict the witness.

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Mr. House: I am not going to contradict her.

The Court: The usual course, and with judgment the proper way, if you want to contradict a witness, is to call the attention of that witness to her testimony on a former occasion and ask her if she so testified on that occasion. That is usually done for the purpose of enabling the jury that she testified to a different Of facts on another occasion.

Mr. House: I am not trying to do that, I am trying to get at the facts of whether she testified before the Coroner that the name C. Nicklo was put on this register after the woman's dead body was discovered.

The Court: I will let you ask the question.

By The Court.

Q. Did you tell them at the Coroner's inquest that the name of C. Nicklo was put upon the register. Do you recollect?

A. I think it was put on afterwards, sir.

Q. Did you so testify before the Conor?

A. It was put on afterwards.

Q. Did you tell the Coroner that the name of C. Nicklo was put on the register?

A. Yes, sir, I told them that was the name

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registered.

By Mr. House.

Q. Then it is true, is it not, as a matter of fact that the name of C. Nicklo was put on this register as against Room 31 on the night in question after the woman's dead body had been discovered?

The Court: Do you know when it was put on?

A. No, sir, I do not, I do not know exactly when it was put on.

Q. Do you know who put it on?

A. Thomas Thompson

Q. Was it put on in your presence?

A. No, sir.

Q. Don't you know, as a matter of fact, that the name was not put on that register until after Carrie Brown's dead body was discovered in Room 31?

The Court: I will exclude that on the ground that she has already answered that she does not know. She did not see it put on.

Exception.

Q. How old are you?

A. 21.

Q. Whereabouts were you born?

A. 25th Street and 9th Avenue.

Q. Is your mother living?

A. Yes, sir.

Q. Is your father living?

A. No, sir.

Q. Have you got sisters and brothers in this city?

A. No, sir.

Q. Are you married?

A. Unmarried.

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Q. What is your husbands name?

A. I haven't got any husband.

Q. How long have you been residing at the East River Hotel?

A. Well, about five years.

Q. Have you been in the employment of the manager of that hotel during all this time?

A. No, sir..

Q. Then you simply had a room there?

A. No, sir, I roomed in any room.

Q. You have been a frequenter of the East River Hotel for the past five years?

A. Yes, sir.

Q. And you have not been upon the staff of employees is that it?

A. I have not.

Q. Mrs. Corcoran was there at the time you were acting in the capacity of assistant?

A. I was helping the housekeeper.

Q. How often during those five years have you assisted her about the hotel?

A. Pretty near all the time, she was not there all the time, strangers and different housekeepers were there.

Q. Whiner any other housekeeper was there, not this Corcoran woman, did you help the housekeeper?

A. Very seldom.

Q. Now, for these services you rendered as assistant housekeeper, by whom were you paid?

A. If Mary Corcoran felt so disposed she could pay me herself.

Q. If she did not feel so disposed you got no pay at all for

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it?

A. No, sir.

Q. On this night you let old Shakespeare in with this man up stairs, did you occupy a room in the hotel?

A. Yes, sir.

Q. What room did you occupy?

A. No. 3 on the first floor.

Q. With whom did you occupy that room?

A. With a gentleman.

Q. Had you ever occupied a room with him before that night?

A. No, sir.

Q. Did he stay all night with you?

A. Yes, sir.

Q. What time did you go to bed?

A. 12 o'clock.

Q. What time did you get up in the morning?

A. I could not exactly say what time, after 9 or 9.

Q. It was either 9 or a little after?

A. I do not know which.

Q. You were not married to this man you stayed with?

A. No, sir.

Q. You have frequently stayed with different men in that hotel during those five years, have you not?

A. Yes, sir.

Q. When did you hear that the dead body of old Shakespeare had been found?

A. Friday morning.

Q. How long after it's discovery?

A. Well, I do not know.

Q. You don't know?

A. No, sir.

Q. What time did you hear of it?

A. After I getting out of bed, sir, it was after 9 o'clock sir.

Q. You heard it after 9?

A. Yes, sir.

Q. On Friday morning?

A. Yes, sir.

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Q. Now when was the first time that you saw old Shakespeare?

A. Thursday night.

Q. Was that the first time you ever saw her in your life.

A. Yes, sir, the first time in my life.

Q. You had been in the neighbourhood of this East River Hotel, for the past five years, and been a guest there?

A. Yes, sir.

Q. You knew the woman known as Lopez?

A. Yes, sir.

Q. And you knew the woman known as Dublin Mary?

A. Yes, sir.

Q. And the woman known as Herrington, the big woman?

A. I never seen her there sir.

Q. You knew this Sullivan woman?

A. No, sir.

Q. The Sullivan woman who lived around in Herrington's place?

A. No, sir.

Q. Did this man-of-war's man come in there with old Shakespeare?

A. Yes, sir.

Q. The first time that you saw Carrie Brown was on Thursday night?

A. Yes, sir.

Q. The night before her body was found?

A. The night when she went up stairs with the man.

Q. How many times have you seen this defendant?

A. Twice, this makes three times.

Q. Now, what time was it you first saw old Shakespeare about Thursday night?

A. About 10 o'clock sir, Thursday night

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Q. She came into this box with Mary Haley? You were in the box before she and Mary Haley came in?

A. Yes, sir.

Q. How long had you been in the box before old Shakespeare and Mary Haley came in?

A. I came down about 7 o'clock and I stayed there that night until 12 o'clock.

Q. You stayed in this box drinking from 7 o'clock until 12?

A. I was not drinking, sir.

Q. Didn't you drink anything on that night at all, not a drop?

A. One drink I took.

Q. One drink from 7 o'clock in the evening until 13 o'clock, midnight?

A. Yes, sir.

Q. Now, tell us if you can who was in the box at the time old Shakespeare and the Haley woman were there?

A. There was Jennie Lynch, Mary Carlin, Mary Madigan, Lizzie Carter, this man-of-war's man, old Shakespeare and myself.

Q. The defendant was not there was he?

A. No, sir.

Q. Had you seen this defendant on that Thursday night at all?

A. No, sir.

Q. How long did Old Shakespeare stay in the room drinking with those you have named before she went out?

A. About 20 minutes or half an hour.

Q. What time did I understand you to say it was that she and the Haley woman came in?

A. About ten minutes of ten

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either ten minutes of 10 or 10 o'clock.

Q. So that she went out somewhere about half past ten?

A. No, sir, she came back within that time.

Q. She came back again?

A. Yes, sir.

Q. Who did she come back with at that time?

A. With Mary Haley.

Q. Then she had been into the drinking box early in the evening with Haley, stayed there a few minutes, went out and came back?

A. Yes, sir, and come back with a man.

Q. She went out and came back with a man at 11 o'clock. How many times was she in this drinking box with Mary Haley on this occasion?

A. Twice I think.

Q. What time was it when she left the second time?

A. I could not exactly tell you.

Q. You could not say?

A. No, sir.

Q. What time was it when she came back with this man?

A. About 11 o'clock.

Q. How did she and this man get into the hotel?

A. By coming to the back door, the entrance on Water Street.

Q. Who let them in?

A. I did sir.

Q. How did you know that they were at the door?

A. They rang the bell.

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Q. And the door was fastened at that time?

A. The door was locked.

Q. Now, let us see if you understand it. This hotel is located on Catharine Slip and Water Street, is that it?

A. Yes, sir.

Q. The entrance into the bar room proper is on the corner of Catharine Slip and Water Street?

A. Yes, sir.

Q. It is a sort of an entrance this way, a sort of v-shape?

A. Yes, sir.

Q. Down below on Water Street is the first door that you meet, isn't that so?

A. No, sir, that is going into the box.

Q. That is the door that leads from Water Street into the box?

A. Yes, sir.

Q. Below this door that leads from Water Street into the box, is the hall door which leads from Water Street into the hallway that goes upstairs?

A. Yes, sir.

Q. And on the Water Street side is an electric button on you push, isn't that so?

A. Yes, sir.

Q. And what time of night is it that the Water Street door which leads into the hallway that goes up the stairs is closed?

A. I do not know sir?

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Q. At any rate, when you let old Shakespeare and this man in at 11 o'clock it was locked and fastened then was it not?

A. Yes, sir, I locked the door.

Q. But it was locked at the time you let them in and you had to unlock it to let them in?

A. Yes, sir.

Q. Who had locked it before you went out to let them in, you don't know?

A. Edward Fitzgerald.

Q. What time was it when Edward Fitzgerald gave you the keys?

A. I could not exactly say sir.

Q. You cannot say?

A. No, sir.

Q. Where was Edward Fitzgerald at the time that old Shakespeare and this man went up stairs?

A. Tending bar, sir.

Q. Where was Shine, who was the night bartender?

A. He was playing cards at the end of the bar. At the head of the bar.

Q. What time was it when Shine usually came on duty?

A. Six o'clock, sir.

Q. What time was it he went off duty?

A. I could not exactly say, I think 7 o'clock the next morning.

Q. That bar room is practically open all night?

A. Yes, sir.

Q. You were not in here when the Corcoran woman testified, were you?

A. No, sir.

Q. Now you recollect, or you will remember that the door which leads from Water Street into the hallway goes up stairs.

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When you say you opened the door to let old Shakespeare and her companion in, the bell did not ring?

A. Yes, sir.

Q. You remember that, do you?

A. Yes, sir.

Q. Now, when you come out of the bar room there is a sort of passage way which goes up, or which leads from the bar room into this box, and a long passage way into which leads to the water-closets attached to the bar room, isn't that so?

A. Yes, sir.

Q. You remember that?

A. Yes, sir.

Q. When you get into this little passage way where the water closets are, and when you want to get out into the hallway that leads up the stairs, isn't there a door which shuts off that passage way into the toilet room and the hallway that goes up stairs?

A. There is a door that you have got to go up stairs through.

Q. If you go from the bar room?

A Yes, sir.

Q. But if you go from the street you don't have to open that door, do you? Coming in from the street do you? We will get at it this way. You have referred to an electric button that is on the Water Street door, haven't you?

A. Yes, sir.

Q. Now, then there is another electric button that rings another bell in that hotel?

A. Yes, sir, the same bell.

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Q. But it is not on the Water Street door, is it?

A. It is on the other door.

Q. That door has a little hole in it?

A. Yes, sir, a little wicket.

Q. What was the condition of that door at the time you let old Shakespeare and her companion upstairs?

A. It was locked.

Q. It was locked?

A. Yes, sir, it was locked before I opened it.

Q. So that if a person was in the hallway just before you let old Shakespeare and her companion in from the street and wanted to get in from the bar room out into the street they would have to ring that bell, wouldn't they?

A. No, sir, not while I would be there, because I had the keys and could open it.

Q. When you were drinking in the box, how would you know they didn't ring the bell to get into the bar room, or for you to let them out into the street?

A. Yes, sir.

Q. When you went to let old Shakespeare and her companion in this door was closed?

A. I opened it.

Q. It was locked before you opened it?

A. It was locked, I

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unlocked it to let them in.

Q. What time of night was that door locked?

A. It is locked all the time until the people come in, and I open that door when they come in, the bar room is before you reach the hall door.

Q. It is locked all the time until what time in the morning?

A. I don't know.

Q. It is locked all during the night?

A. No, sir, it is not locked all during the night; if people wants to come in the door is not locked then, or go out.

Q. To let them out?

A. Yes, sir.

Q. Somebody must unlock it to let them out?

A. Yes, sir, and then it is locked again.

Q. When anybody wants to come through that door you, Shine or Fitzgerald would unlock it for them?

A. Yes, sir.

Q. Then it was locked again?

A. Yes, sir.

Q. And no person passes through that door without either of you three people opening it for them?

A. I don't be at the door all the time.

Q. When you are not there Shine is there, isn't he?

A. I was only there that one time, that one night.

By Mr. Wellman.

Q. It is not your business to be there?

A. No, sir, not at all.

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Q. You did not attend the that door except that one night?

A. That is all, sir.

By Mr. House.

Q. When you let old Shakespeare and her companion in from Water Street, before they went up stairs what did you do with the hall door, did you lock it?

A. Yes, sir, I did.

Q. And after they had gone up stairs where did you go?

A. I locked the door and came into the box.

Q. So that both doors were locked?

A. Yes, sir.

Q. Now, will you please give us a description of this man that came in with old Shakespeare?

A. He had a light moustache and light hair; other things I do not know, I did not take a full description of him.

Q. Did you ever say to anybody that he had hazel eyes?

A. Well, I was not sure about it.

Q. Light eyes?

A. I thought he had on account of having light hair.

Q. How tall was this man you let in with Shakespeare?

A. Five feet eight inches.

Q. Did he have anything on his face but a moustache?

A. A light moustache.

Q. That was all?

A. Yes, sir.

Q. Can you tell us now how he was dressed?

A. No, sir, I cannot.

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Q. Can you tell us what kind of a hat he wore?

A. A derby hat, sir.

Q. Was there anything peculiar about the derby hat?

A. It was dented like.

Q. Was it dented on the side, in front or in the back?

A. I didn't take notice what way it was dented. I did notice it was dented on the top.

Q. That is not the man you let in with Old Shakespeare that night?

A. No, sir.

Q. You have already said that you have not seen this man on that night in question?

A. I saw him three times.

Q. Who gave Old Shakespeare and her companion the key to the room?

A. I did, sir.

Q. What key was it?

A. 31, sir.

Q. Was there a tag on?

A. Yes, sir.

Q. Did you see them go into room 31?

A. No, sir.

Q. So far as your personal knowledge is concerned then, you do not know whether Old Shakespeare and her companion occupied Room 31 or not that night?

A. I gave them the key; that's all.

Q. I will put the same question to you again and try and get the answer I want. I say then, so far as your knowledge is concerned, you don't know whether Old Shakespeare and her companion occupied Room 31 that

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that night, do you?

A. I don't know; no, sir.

Q. How long was Old Shakespeare and this man standing in the hall before they went upstairs before you had let them in?

A. About 10 minutes.

Q. Did you see this man after he had passed out of your sight going upstairs?

A. No, sir; i did not.

Q. Did you see him when he went out of the hotel?

A. No, sir.

Q. Have you any idea what time he went out of the hotel?

A. No, sir.

Q. Have you any idea whether he came downstairs, or went through the scuttle, or got out through a window?

A. I don't know, sir.

By Mr. Wellman:

Q. You went to bed?

A. Yes, sir.

By Mr. House:

Q. Did you ever state to a Police Officer that this man who was with Old Shakespeare had hazell eyes, or light blue eyes?

The Court: She said she did state that, and she said she supposed he had because he had light hair.

Q. Didn't you make that statement because the bar-tender told you to do it?

A. No, sir; I seen the man myself.

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Q. You saw the man yourself?

A. Yes, sir.

Q. Did you write the name "C. Nicklo" down on the register?

A. No, sir.

Q. Whereabouts was the Register when the old woman and the man went upstairs?

A. On the desk.

A. And this is the desk that is near the doorway that leads from the hallway to the drinking box?

The Court: The testimony is that place where they kept the cans to get the beer in, and also the candles.

A. Yes, sir.

Q. You had one desk for that purpose?

A. Yes, sir, that is all.

Q. Did you see that register that night?

A. Yes, sir; the book was open.

Q. Did you write anything down before or after they went upstairs?

A. No, sir.

Q. When next did you see that register?

A. Not until the next morning.

Q. Was there any name there against room 31?

A. I did not look at the book; it was on the desk.

Q. When was the name "C. Knicklo" put there?

The Court: Excluded.

Exception.

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Q. Did you ever state to any person that that name C. Knicklo was put there at the instigation of counsel, for the dead body of old Shakespeare had been discovered?

A. I do not know who put it there; it was put there after the body — —

Q. Did you say that?

A. It was put there after the body was found.

By the Court:

Q. How do you know that?

A. I don't exactly know, but the book was there.

Mr. Nicoll: I move to strike it out. He has already testified that she does not know anything about it.

By the Court:

Q. I asked you a few moments ago if you wrote the name, and you said you did not?

A. No, sir.

Q. I asked if you saw the name of C. Knicklo written, and you said that you did not.

A. No, sir; I did not.

Q. How do you know when it was put there?

A. I don't know whether it was put on that night, or whether it was put on the next morning; I do not know.

By Mr. House:

Q. Where was Thompson at this time?

A. He was not there

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at that time.

Q. He was not there at all?

A. No, sir.

Q. Did this man give you any name when he went upstairs?

A. No, sir.

Q. Whoit that put the name on that Register of C. Knicklo; do you know where they got that name from?

A. No, sir.

Q. Was it a fictitious name?

A. Yes, sir.

Q. It was?

A. Yes, sir.

Q. That was not the first time fictitious names have been put upon that register?

Objected to.

The Court: She says she does not exactly know. How could she know.

Mr. Wellman: Thompson is going to be a witness, and you can ask him about it.

The Court: She says she knows nothing about it.

Mr. Wellman: We are going to call the man who did put it down.

Q. Just let us see if you can recollect. Let me carry you back again to the time before the Coroner. Do you recollect being there and stating, as appears at page? was this question put to you: "...gave her

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a candle?" Did you say yes.

Q. A whole candle?

A. Yes, sir, out of the drawer.

Q. That was not this man (referring to the defendant)?

A. No, sir.

Q. Did he give any name?

A. No, sir.

Q. He gave no name?

A. No, sir.

Q. Did he put any name down in the register?

A. No, sir.

Q. The next morning there was a name put down?

A. Yes, sir.

Q. Now was this question put to you by Mr. Wellman before the coroner? "The next morning there was a name put down?" and to that question did you make this answer "A. Yes, sir." Is that so or is it not; do you recollect so testifying?

A. Yes, sir; I think I did say there was a name put down.

Q. What name was put down?

A. C. Nicklo.

Q. Was that the name put down, or how was it put down—how did you get the name?

A. They told me to say that up in the room sir.

Q. Is that true?

A. Yes, sir, Thomas Thompson.

Q. He told you to say that?

A. Thomas Thompson.

Q. Now, then, "who told you" that is the question and you said: "Thomas Thompson the head bartender in the hotel."

Q. He told you to say that he wrote the name C. Nicklo, to let the room to C. Nicklo?

A. Yes, sir.

Q. Did this man give you a name?

A. No, sir.

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Q. Now, when was it that Thomas Thompson, the head bar-tender, told you to put the name of C. Nicklo down in this book?

A. He didn't tell me to put the name in the book; he told to save the name of C. Nicklo on Friday morning.

Q. And that was after the body had been discovered?

A. Yes, sir.

Q. Is that it?

A. Yes, sir.

Q. Did he not tell you at that time that he had put that name down in the register?

A. No, sir; he did not.

Q. Did you look at the register to see whether it was down or not?

A. No, sir.

Q. But he did tell you that if you were asked about it to say that the name was that of C. Nicklo?

A. Yes, sir.

The Court: She has answered that two or three times.

The Court then admonished the jury, calling their attention to section of the Code of Criminal Procedure, and adjourned until to-morrow morning, June 30, 1891, at 10 A.M.

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New York, June 30th, 1891

TRIAL RESUMED.

EDWARD FITZGERALD, a witness being called by the People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Wellman.

Q. Eddie, you are now in the House of Detention, aren't you?

A. Yes, sir.

Q. And have you been in the House of Detention since when?

A. Since the 1st of May.

Mr. House: Oh, I can't hear you, my boy.

The Witness: Since the 1st of May.

Q. Since the 1st of May?

A. Yes, sir.

Q. Before you were in the House of Detention, where were you employed?

A. 14 Catherine Slip — — the East River Hotel.

Q. The East River Hotel?

A. Yes, sir.

Q. What did you do there, at the East River Hotel?

A. I done all the cleaning around, and attended to the door.

Q. Speak out loud, please. You did all the cleaning around?

A. Yes, sir, I I cleaned up and attended to the door and did a little behind the bar.

Q. You cleaned up, attended to the door and did a little behind the bar?

A. Yes, sir.

Q. How long have you been working there?

A. Between two and

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three months.

Q. Do you know this man here, the defendant at the bar?

A. Yes, sir.

Q. What do you call him around the hotel? What do you call him?

Mr. House: One moment. That is objected to - what they call him around the hotel, as being improper and immaterial.

Q. By what name do you know him?

A. Frenchy.

Q. When did you see him first - do you know?

A. It was two nights before the murder, one or two nights before the murder.

Mr. House: Now one moment, if your Honor please, I object to the killing or the death of this old woman being characterised as a murder.

The Court: Well, leave out the word "murder."

By the Court.

Q. One or two nights before the death of this woman, Shakespeare?

A. Yes, sir.

By Mr. Wellman.

Q. And where did you see him, one or two nights before the death of Shakespeare?

A. He went up stairs in the hotel with a woman.

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Q. On what floor?

A. On the top floor.

Q. Was the woman Shakespeare?

A. No, sir; I couldn't tell you who he went up with first.

Q. First?

A. The first night, I didn't take notice to the woman.

Q. But he went up with some woman?

A. Yes, sir.

Q. What time did he go up — — do you know?

A. I couldn't exactly tell you the time.

Q. Well, did you send him up — — did you give him the key of the room?

A. Yes, sir.

Q. Do you remember the room he had the first night?

A. No, sir, I couldn't tell you what room he had the first night.

Q. Did you see him go out in the morning?

A. Sam Shine let him out in the morning — — next morning.

Q. And you didn't see him go out in the morning?

A. No, sir.

Q. Now that was one or two days before the Shakespeare woman was killed. When did you next see him, after letting him up that first night?

A. The Thursday night?

Q. Yes, the Thursday night?

A. Yes, sir.

Q. That is the night before the body was found. The body was found the next morning — — the dead body.

A. Yes, sir.

Q. Where did you see him that night?

A. He came in between 12 and 1 o'clock.

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Q. Did you see him earlier in the evening?

A. No, sir, I did not.

Q. Between 12 and 1?

A. Yes, sir.

Q. He came in where?

A. He rang the bell to go up to bed by himself.

Q. Rang what bell?

A. The electric bell on the door of the Water Street side.

Q. The Water Street side?

A. Yes, sir.

Q. And did you go to the door?

A. Yes, sir.

Q. Where was Mary Miniter?

A. Mary Miniter had gone to bed before 12.

Q. And is it your duty to attend to the bell?

A. That night it was.

Q. That night it was. But is it usually?

A. Well, I was on the door almost all that week.

Q. But before that. Had it been your work usually?

A. No, sir.

Q. Whose work was it usually?

A. Well, that week the bar-tenders were changed, and one was put from night work to day work.

Q. And you came in, that week, for attending the door, and you had been tending the door for about four days?

A. Yes, sir.

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Q. And, between 12 and 1 o'clock, you opened the door for this man, when he rang the bell?

A. Yes, sir.

Q. What conversation did you have with him?

A. He said "Give me a bed, John".

Q. He called you by name — — John?

A. That ain't my name.

Q. But that is what he said?

A. Yes, sir, and he paid me 25 pennies and I give him rooms — — the key and matches and a green candle.

Q. And what is a green candle?

By the Court.

Q. A fresh candle?

A. Yes, sir, a whole, fresh candle.

By Mr. Wellman.

Q. And the key to 33?

A. Yes, sir.

Q. Now, what sort of key have you those hotels — — how large a key?

A. Well, about that size (indicating) — — a cast iron key.

Q. It is a large key?

A. Yes, sir.

Q. About four inches?

A. Yes, sir.

Q. And has it any — — — .

A. It has a tag on it.

Q. Now, what sort of a tag has it got on it?

By the Court.

Q. Was it a paper or metal tag?

A. No, sir, a brass tag.

Q. A brass tag?

A. Yes, sir.

Q. With a number on it?

A. Yes, sir.

By Mr. Wellman.

Q. What sort of tag on it?

A. A brass tag, with a number on it.

Q. Well, how large a brass tag and what shape — — — was it round or longer than it was round?

A. It was more square.

Q. It was more square?

A. Yes, sir.

Q. And how large? Show with your fingers?

A. About that long (indicating)

Q. Two inches and a half?

A. Yes, sir; and that wide (indicating)

Q. And about that wide — — two inches and a half by an inch and a half?

A. Yes, sir.

Q. And the key was four inches long?

A. Yes, sir.

Q. Now where did Frenchy go when you gave him his candle and key?

A. He went up stairs, sir, and I went out and gave the 25 pennies to Mr. Shine.

Q. 25 pennies? Then he paid you in pennies?

A. Yes, sir, he gave me 25 pennies.

Q. Whom did you give them to?

A. Mr. Shine.

Q. Who is he?

A. The bar-tender.

Q. What was he doing at that time?

Objected to as immaterial, irrelevant and incompetent.

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The Court: Well, leave that out.

By the Court.

Q. You gave him the money, the 25 cents?

A. Yes, sir.

By Mr. Wellman.

Q. Did you have any conversation with Mr. Shine at the time?

Objected to.

Q. When you gave him the 25 pennies did you have any conversation with him — — — yes or no?

A. Yes, sir.

Q. Now stop. Don't say what he said.

The Court: Don't say what he said.

Q. Was it unusual to let a man go upstairs alone?

Mr. House: One moment. That is objected to.
Don't answer the question. Objected to.

Mr. Wellman: It is one reason why he can remember all about it, if your honor please.

The Court: Well, he says he remembers all about it. He has told us everything that happened he says.

Mr. Wellman: But, if his attention was particularly called to this man, and he had to describe him to Shrine, and was taken to task by Shine for letting the man go upstairs alone on that occasion wouldn't that be proper?

The Court: But he has already positively

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identified him. If there is any question later, I will allow it perhaps — — allow the witness to be recalled as to that.

Q. But are you sure that this is the man that you let up stairs that night?

A. Yes, sir.

Q. When did you see him again, after you let him up that night?

A. He came down in the morning, between 5 and half past 5.

Q. He came down?

A. Yes, sir.

Q. What were you doing then?

A. I was sweeping near the end of the bar, in the saloon.

Q. You were sweeping near the end of the bar, in the saloon?

A. Yes, sir.

Q. Now, out of what door did he come?

A. He came out of the door that you turn around from the stairs.

Q. Yes?

A. Yes, sir.

Q. Did anybody open it for him?

A. No, sir, it was open.

Q. Did you recognise him?

A. Yes, sir.

Q. Well, what called your attention to him?

Mr. House: Now, one moment. Objected to what called his attention to him.

By the Court.

Q. Well, you recognised him, did you?

A. You, sir.

Q. Are you positive that he is the man?

A. Yes, sir.

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The Court: That will do as to that.

By Mr. Wellman.

Q. What did he do?

Objected to as being irrelevant and immaterial.

The Court: No — — what did the defendant do? I will allow that.

Mr. House: Exception.

A. Well, he came out and he kept into the partition as though he was — — —

Mr. House: One moment if your Honor please, I object to the characterisation of the witness.

The Court: I sustain the objection. Strike it out.

The latter part of the answer being stricken out by order of the Court.

Q. Now just show how he came out, taking that bench as the wall?

A. Here is the door and he came out, sneaking like that — —in close to the door, until he got to another door and went out of the box.

Q. Now which way did he have his face turned when he was going along the wall?

A. Like this (illustrating) — —the partition is on this side (indicating).

A. I know it is. But just reverse it for a minute. How did

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he have his face?

A. That way (illustrating).

Q. And, when he came to the corner, what did he do?

A. He went right out that way.

Q. Well, let me show you the plan (People's Exhibit 1). I show you People's Exhibit 1. You say he came out of that doorway by the stairway?

A. Yes, sir.

The Court: You had better mark it in some way.

Mr. Wellman: I will mark it.

Q. This is the wall. You say you saw him going along there, and there is the sink, and there is the other wall, and there is the door going through into the box. Now show me, with this pencil, the line that he took as he came along?

A. He kept close to the wall (indicating).

Q. To that wall (indicating)?

A. Yes, sir.

Q. Around the sink?

A. Yes, sir.

Q. And then went out of that door?

A. Yes, sir.

Q. Then he hugged the wall all the way along?

A. Yes, sir.

Mr. House: Now one moment. I object to the characterisation — —as to the defendant's having "hugged" the wall all the way around.

The Court: Yes; leave out "hugged".

Q. How close did he keep to the wall?

A. Just as close as he could get.

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Mr. House: It is no so much the witness as the District Attorney that I have to keep track of.

The Court: And I have to keep track of you and the witness and the District Attorney.

Mr. House: I know you have, sir, but you have no trouble with the defense.

Q. Now where were you, Mr. Fitzgerald?

A. Now there is a curtain comes over there.

Q. That is behind the door (indicating) and there is the bar?

By the Court.

Q. Now where does the bar face? Does it face Water Street?

A. Sometimes there is a curtain about there (indicating)

By Mr. Wellman.

Q. You have got it wrong. There is the bar (indicating) and this is behind the bar, and that is in front of the bar?

A. Well, the curtain come out about that far (indicating) from the bar.

Q. I understand. Where were you?

A. And I was right this other side, where the curtain goes up, but the curtain is down at 12 o'clock at night.

Q. So the curtain was down?

A. Yes, sir.

Q. Mark it with a cross where you were.

A. Yes, sir.

Q. You were sweeping there (indicating)?

A. Yes, sir.

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Q. And you are sure that you recognise this defendant as the man that came out as you have described?

A. Yes, sir.

Mr. Wellman: Here is the cross, gentleman, where the witness was, and here is the route that the defendant took when he came out. The curtain was down. It is taken away at 12 o'clock at night.

Q. You say that the door was open?

A. No, sir; sometimes that door is closed.

Mr. House: Well, that is another one of the funny remarks of the Assistant District Attorney that I think is improper.

Mr. Wellman further explains the diagram to the jury.

Mr. House: And now I object to his doing so, your Honor — — to his explaining the diagram other than it is explained by the testimony that he is getting out.

The Court: Yes. Confine yourself carefully to the testimony of the witness.

Mr. Wellman: I will, sir. I was just trying to explain to the jury clearly, and as courteously as possible. Here is where the witness says he

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was (indicating). I will confine myself strictly to the testimony. He says that, while sweeping there, he saw this man come out of that door (indicating), and that the door was open, and he says he saw the man come along this line, by the wall, from here, and go out into Water Street through the box.

Q. Do you remember the evening of the day that the body was found upstairs?

A. Yes, sir.

Q. Did you see this defendant that that day — —that evening?

A. He went up there that day.

Q. No, after the body was found?

By the Court.

Q. What time was the body found? Do you remember that?

A. About 10 o'clock in the morning.

Q. Now did you see the defendant after 10 o'clock that morning, when the body was found?

A. No, sir, I did not.

Q. Did you see him in the evening?

A. Yes, sir, I did.

Q. Now, did you happen to see him in the evening

Objected to as irrelevant.

Q. With whom did you see him?

A. With Officer Lang.

Q. Now what conversation took place in your presence and in the presence of the defendant?

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Objected to as immaterial, irrelevant and incompetent.

The Court: Why?

Mr. House: Because it is after the commission of the alleged crime.

The Court: But suppose that the man admitted that he had committed it. Would it be relevant then?

Mr. House: Yes, sir, it might be then.

The Court: Then you can have an exception, if you please, but the evidence is competent — — at least, the question is a proper one. I don't know what the evidence may be.

Q. (Question repeated)

By the Court.

Q. That is, at the time that you saw the defendant with the officer, that evening. Confine yourself to that. Keep yourself down to that. Go in.

By Mr. Wellman.

Q. What did the officer say?

A. The officer asked me did this man sleep in there last night.

By the Court.

Q. What was said in the presence of the defendant?

A. Yes, sir.

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Q. And was he close enough to hear?

A. Yes, sir. And I told him, "Yes, sir," and that's all I had to say.

By Mr. Wellman.

Q. And what did this man — — the defendant have to say — — anything?

A. No, sir.

Q. Now you say you saw him go out in the morning, between 5 and half past 5. How soon after did you go up to the top floor yourself? Do you remember?

Mr. House: Objected to, if your honor please. It having been declared, on the part of the prosecution, that this man is a foreigner, and there being no evidence on the part of the witness that there was an interpreter there present at the time, we object to this witness giving any conversation had between himself and the officer, in the presence of this defendant. And I base it upon the discussion of the General Ten which was lately handed down in the case of thd People against Rafaele Izzo.

The Court: I recollect the case. What do you say to that, Mr. Wellman?

Mr. Wellman: We'll, the conversation is all over, your Honor. I am now asking him about going upstairs.

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The Court: Well, he moves to strike it out.

Mr. House: Yes; I move to strike it out, and I ask your Honor to direct the jury to disregard it.

The Court: Yes; I will strike it out for the present. I understood from the District Attorney's opening that he knew some English.

Mr. Wellman: The witness already testified that he asked, "Give me a room, John," and spoke English.

The Court: Well, yes, there is some evidence. Let us see what the evidence is.

By the Court.

Q. When that man came in, that night, and asked you for a room will you just tell me what he said to you?

A. He rang the bell, and I went and opened the door.

Q. And what did he say?

A. And he said, "John, give me a bed".

Q. "John, give me a bed"?

A. Yes, sir.

Q. What did you say to him in reply?

A. I said nothing — — only locked the door after him, when he come in, and give him the candle and the key, and he paid me 25 pennies.

Q. Did you tell him what the price of the room was?

A. No, sir.

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Q. He said, "John, give me a bed"?

A. Yes, sir.

Q. And did you give him the key of the room?

A. Yes, sir.

Q. And you gave him a candle, and he went up stairs?

A. Yes, sir.

Q. And he paid you 25 cents in pennies?

A. Yes, sir.

The Court: I think there is enough evidence to allow that evidence to stand — — at least some knowledge of English.

Mr. House: Well will your Honor give us an exception?

The Court: Certainly.

By Mr. Wellman.

Now the next morning, after you had seen him go out in the way you have described, going along the wall— —did you go up to the fourth story?

A. Yes, sir, that morning.

Q. What?

A. Yes, sir.

Q. What time did you go up?

A. About 9 or 10.

The Court: what morning is this?

Mr. Wellman: The morning that the body was found.

The Court: The 24th of April?

Mr. Wellman: Yes, sir.

Q. Where did you go?

A. I helped the laundryman up stairs.

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with the laundry, and Mamie Corcoran was there and she asked me — — —

Objected to.

Q. Never mind that. Where did you go? Did you go near any room?

A. I knocked all the people up.

Q. You knocked all the people up?

A. Yes, sir.

Q. Did you go to Room 33?

A. I tapped on all the doors.

Q. Now after that did you go up again?

The Court: Now will you please tell me what time that was.

Mr. Wellman: Between 9 and half past, he says.

Q. Did you go up again?

A. After waking them up?

Q. Yes?

A. After I walked them all up, and looked in where there was no keys in the door— — —

By the Court.

Q. After you knocked on all the doors, you say?

A. Yes, sir, after I walked up the people— — any door that there was no key in— — —

Mr. House: Objected to — — anything he did, unless it has reference to Room 31, and because it was not done in our presence, and we are not bound by his attempting to wake people up.

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The Court: I think I will allow it to stand about his knocking on the doors. Did you knock on the door of Room 31?

A. Yes, sir, and I knocked on the door, and there was no key in the door, and I put the pass key in.

Mr. House: Objected to, and I move to strike it out.

The answer is allowed to stand.

Exception.

By Mr. Wellman.

Q. You put a pass key in and what else?

A. And opened the door.

Q. And what did you see?

A. And I seen this woman, with her head all bandaged up, and there was blood all over the ticking and all over the floor, and I ran down and I called Mamie Corcoran and — — —

Objected to. Objection sustained.

Q. You ran down.

A. Yes, sir.

Q. And had a conversation with someone?

A. Yes, sir.

Q. And you didn't go up stairs again after that?

A. No, sir.

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CROSS EXAMINATION.

Q (By Mr. House) How old are you Eddie?

A. Going on 21 years.

Q. Whereabouts are you from?

A. Bound Brook, N.J.

Q. How long have you been living in this city?

A. Pretty near all my life.

Q. Pretty near all your life?

A. Yes sir.

Q. Well, how long did you stay in Bound Brook N.J, before you came to live in this city? Can you remember?

A. No sir I can't.

Q. Well, you say you are 21 years of age?

A. Yes sir.

Q. And you lived in New York nearly all your life time?

A. Yes sir.

Q. And I suppose you came to this city from New Jersey when you were quite young.

A. I might have.

Q. Whom did you come with?

A. My father and mother I guess.

Q. Are they living now?

A. No sir.

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Q. Both dead?

A. Yes sir.

Q. Have you any relatives living here in the city?

A. Yes sir. I have got three sisters.

Q. Three sisters?

A. Yes sir.

Q. You have no brothers?

A. No sir.

Q. Now, how long have you been employed at the East River Hotel before this woman's dead body was found?

A. Between two and three months.

Q. Now, you recollect that the dead body was found on Thursday morning, 24th., of April-Friday morning the 24th., of April?

A. Yes sir.

Q. It was Friday morning- was it? See if you can recollect now?

Q. (By the Court) Can you recollect what morning it was?

A. No sir I can't.

Q (By Mr. House) Well, it made some impression on your mind, did it not-the discovery of that woman's body?

A. Yes sir.

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Q. It was something that never happened in that hotel you had been there before?

A. No sir.

Q. And so far as your personal knowledge goes, had you ever seen anything like it before in your life.

A. No sir, I did not.

Q. So that when you discovered the dead body of this old woman, in that room, it did form quite an impression upon your mind did it?

A. Yes sir, I run away from it.

Q. Yes, and you ran away from it?

A. Yes sir.

Q. And you have been in the House of Detention since when?

A. May 1st.

Q. And is it not true that you have talked over this case with a number of police officers?

A. I have not.

Q. You have not?

A. No sir.

Q. But you have kept the facts and circumstances, as you know them, vividly in your mind, since the time you saw the body of the old woman in that room; have you?

A. I kept it to myself.

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Q. Yes - kept it to yourself?

A. Yes sir.

Q. And it has been vividly in your head since?

Mr. Wellman: "Vividly" - he has not understood that word.

Q. (Mr. House) Well, you kept it fresh in your mind all the time. You have thought of it all the time?

A. Yes sir, I have thought of it all the time.

Q. And you say, notwithstanding that impression made upon your mind by the finding of the old woman's dead body in that hotel, and though you had never seen anything of that kind before, and it impressed you deep, yet you cannot remember the day of the week when you discovered the body?

A. I can't say whether it was Thursday or Friday. four days on.

Q. You cannot say whether it was Thursday or Friday and you were four days on?

A. No sir.

Q. But you know it was some morning, or was it at night time that you found the body?

A. It was in the morning-Friday morning.

Q. What?

A. Friday morning.

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Q. Why do you say now that it was Friday morning, when a moment ago you said you could not recollect?

A. Well, I was four nights attending to the door, that is the way I recall it or not.

Q. But you did not recall it until I pushed your ?

The Court: Is not that apparent. He has said it over and over again.

Mr. House: Yes sir.

(By Mr. House) But now you think it was a Friday morning?

A. Yes sir.

Q. Are you sure?

A. Yes sir.

Q. Now, can't you come a little nearer to

Q. Between two and three months?

A. Yes sir.

Q. you can fix the length of within a week, one

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Is a repeat of page 284

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way or the other - can't you?

A. No sir.

Q. Can you fix it within two weeks one way or the other?

A. No sir. I did not keep track of how long I was there.

Q. You did not keep track of how long you were there?

A. No sir.

Q. Now, when did you say, Eddie, was the first time you ever saw this defendant?

A. One or two nights before that woman was found.

Q. (By Mr. Wellman) Had you ever seen him before Eddie?

A. Not in there - to my knowledge.

Q. (By Mr. House) What?

A. Not in the hotel - to my knowledge.

Q. Not in the hotel to your knowledge.

A. No sir.

Q. And, so far as your knowledge will take you, Eddie, is it not true as a matter of fact that the first time you saw the defendant was, as you have expressed it, one or two nights before the old woman's body was found?

Mr. Wellman: We'll, we have had it four times.

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The Court: Yes, that is

Mr. House: Well, may he answer that again now?

The Court: No, I will exclude it, on the grounds that the question has already been answered.

Mr. House: And I will except.

Q (By Mr. House) Then you saw him between 12 and 1 on the night before the morning upon which the body was found?

A. Yes sir.

Q. So that makes twice in your life time that you had seen this defendant?

A. In that hotel.

Q. In that hotel.

A. Yes sir.

Q. Now how many times had you ever seen this old woman known as Carrie Brown, or old Shakespeare in the hotel.

A. I have never seen the woman.

Q. You had never seen the woman before you saw her dead body?

A. No sir, I had never seen her before.

Q. No sir.

A. Then you had never seen the defendant in the

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hotel together.

A. No sir.

Q. Now, taking these one before the finding of the body - you say that defendant the hotel?

A. Yes sir.

Q. What door did you let him through?

A. The front door on Water Street.

Q. And is that door - is that the door, that is always locked at night time?

A. Yes sir.

Q. And, on the outside of the door, on the Water Street side is this electric button?

A. There is an electric button there, and there is a bell that you pull.

Q. Yes. Now where does the bell that goes over this electric button ring when you touch the button?

A. Behind the door.

Q. Behind the door?

A. Yes sir.

Q. And the man who is on the bar at that time, takes the key of that door and lets the person in?

A. Yes sir.

Q. What's it?

A. Yes. There is a man on the door, and man on the bar.

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Q. There is a man on the door and a man on the bar?

A. Yes sir.

Q. Now then, Eddie, after you leave what is known as the bar-room proper and pass through the passage-way which is made by this drinking box, on the other side is the water closet - is it not. Or toilet?

A. Yes sir - before the ice box.

Q. Yes, before the ice box.

A. Yes sir.

Q. Now, at any time before you reach the door which opens directly into Water Street, is there not another door that you have to pass through, with a wicket in it? You know which one I mean.

Q. (By the Court) With a hole or window in it?

A. Oh yes.

Q. (By Mr. House). And is it not true that the door is also locked at night time?

A. Sometimes it is and sometimes it ain't.

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Q. Well, is it not oftener locked than unlocked my boy.

A. Well when people come in you might have to to the bar for change and you might leave it open and forget to lock it.

Q. They might forget to lock it. But as a matter of fact that door is intended to be locked at night time the same as the Water Street door? Is it not?

A. I have often left it open and found it open and locked it.

Q. Well, what is the electric button there for?

A. Well. When it is locked you have to put your hand on it to get out.

Q. And that bell rings and somebody takes the key from the bar and lets them out?

A. Yes sir, through the door or through the box.

Q. Through what box— —the drinking box?

A. Yes sir, they can go out through there, or wash themselves and go through the door.

Q. Now there is an entrance to the barroom & through here (indicating) and sort of a V shape entrance right ... the corner?

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A. Yes sir.

Q. And this bell is on the door that leads from Water Street in to the drinking box?

A. Yes sir.

Q. And there is a door that leads from the drinking box out into the barroom?

A. Yes sir.

Q. And is not it a sort of passageway before you go directly into the barroom— —after coming out of the box.

A. How is that?

Q. (Question repeated)

A. Yes sir; there is a passageway.

Q. Now whereabouts is the ice box— —where is that in barroom with reference to the door which leads into the box from the street?

A. I don't understand?

Q. There is an icebox. Isn't it near that door that goes into the drinking box from the barroom?

A. Yes sir.

Q. So that you have the drinking box on the one side?

A. Yes sir, and the ice box on the other.

Q. And the ice box and that drinking box form a little sort

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of passageway?

A. Yes sir.

Q. And just beyond the ice box and on the same side of the ice box is the toilet room?

A. Yes sir.

Q. Now at five o'clock in the morning or between five and six o'clock in the morning this Water Street door is still locked, is it not?

A. Yes sir.

Q. Is it not true that the Water Street door is locked day and night, Eddie?

A. Yes sir.

Q. Yes?

A. Yes sir.

Q. So that if a person wanted to go into the street from up stairs they couldn't go through the Water Street door without ringing ringing and calling somebody's attention in the barroom?

A. They could not unless the outside of the door — — near the toilet — if that was open — could come through the door.

Q. Or come through the box?

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A. Yes sir.

Q. Now between five and six o'clock in the morning wasn't the door which leads from the drinking box into Water Street open?

A. Yes sir; that was open.

Q. Yes. And isn't it true as a matter of fact people coming from upstairs very frequently came down through this passageway and go into the box and out into the street?

A. Yes sir, there is men that comes up here with women and they go up and stay a little while and come down and they let them out but they don't come down the way this man did come down.

Q. I did not ask that. I am simply asking you the facts — — if you haven't seen men come from upstairs down through the passageway and go through the drinking box and out into the street?

A. Yes sir.

Q. Yes?

A. Yes sir.

Q. And you have also seen men come down and go through the barroom and out into the street?

A. Yes sir.

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A. Yes sir.

Q. Now what room did you give the defendant the first night that he ever staid in the hotel?

A. That I couldn't tell you.

Q. Well, you cannot tell?

A. No sir.

Q. And it was only at least two nights before the morning that the body of the woman was found.

A. Yes sir.

Q. And you are now unable to say what the number of the room you gave the defendant on that occasion.

A. The first time?

Q. Yes.

A. No sir, I couldn't tell.

Q. You couldn't tell.

A. No sir.

Q. When he went upstairs on the first occasion with this woman did you put his name on the register?

A. No sir.

Q. When you let him upstairs on the second occasion did you put his name on the register?

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A. No sir.

Q. Where was the register at the time that you let him upstairs the second time alone?

A. On the desk.

Q. On the desk?

A. Yes sir.

Q. So that if you wanted to put his name on the register you could - couldn't you?

A. I couldn't write good enough.

A. I did not ask you that — — whether you could write good or poorly. The fact remains nevertheless that on the second occasion, if you did wish to you could have put his name on the register.

THE COURT: He could, he says, if he could have written well enough.

MR. HOUSE: We'll, you can write some — — can't you?

A. Yes sir.

Q. Can't you write your own name?

A. Yes sir, that is about all.

Q. Well, you could write the name of John Brown for instance?

A. Yes sir, I could write that.

Q. Or Tom Smith?

A. Yes sir.

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A. Yes sir

Q. Suppose someone had given you the name of C. Nicklo. You could write that.

A. Yes sir, but it would have to be spelt to me.

Q. It would have to be spelled to you?

A. Yes sir.

Q. So, if someone spelled it to you you could write it down?

A. Yes sir.

Q. Now, did you put the name of this defendant on that register at the time that you let him into the hotel?

A. No sir.

Q. When he went up alone?

A. No sir, I used to put down his name.

Q. You used to put down his name?

THE COURT: No; did you put down any name.

MR HOUSE:

Q. For him.

THE COURT:

Q. When you let this defendant in he gave you twenty five cents; you gave him a candle and key, did you put down his name?

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A. Yes sir, I put the name down that morning.

Q. Do you recollect the man ringing the bell. Now listen to me.

A. Yes sir.

Q. You opened the door, and his asking you for a room?

A. Yes sir.

Q. And you gave him the key for a room and a green candle and his going upstairs?

A. Yes sir.

Q. Did you write down any name at that time on the register?

A. No sir.

Q. Did you write down any name at that time on the register?

A. No sir.

Q. That is what I want to get at.

MR. HOUSE:

Q. Now can you describe the woman that went upstairs the first night with?

THE COURT:

Q. What kind of looking woman was she — — how old was she?

A. No sir, I couldn't describe her.

MR. HOUSE:

Q. Had you ever seen her in the hotel before?

A. No sir.

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Q. And you say that he was alone when he went up upstairs the second time?

A. Yes sir, he was alone.

Q. Now, did you see old Shakespeare the woman whose dead body was found in the morning go up that night?

A. No sir.

THE COURT: He told you that he never saw Shakespeare in that hotel until he saw her dead body and he could not have seen her go upstairs.

MR. HOUSE: That is correct your honor, but I think I have the right to get out the question intelligently so that we can place it intelligently before the jury.

THE COURT: Well, have you any doubt that those twelve men are intelligent?

MR. HOUSE: I have no doubt of their intelligence sir.

THE COURT: Well, he has already told you that he never saw her until he saw her dead body.

MR. HOUSE:

Q. Did you see the man that went upstairs with old Shakespeare?

A. No sir.

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A. No sir.

Q. Have you heard the description of him given by Mary Miniter?

A. I heard some say sandy moustache, or something like that.

Q. Now where were you at the time that old Shakespeare and this man went upstairs?

A. Getting drinks at the bar. The bell rung as I was waiting on customers.

Q. Do you know what time the bell rung?

A. Well it was between a quarter of eleven and half past eleven.

Q. When you gave this defendant the key and the candle did you follow you upstairs?

A. No sir.

Q. Did you see him on the top floor of that hotel at all?

A. No sir.

Q. And are you able now, of your own knowledge to swear in what room he slept that night?

A. Thirty three.

Q. Did you see him in 33?

A. Well I gave him a key for 33.

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Q. I asked you if you saw him in room 33?

A. No sir.

Q. Well, how are you able to swear that he slept in that room?

A. Because I gave him the candle and the key to room 33.

THE COURT: And that is your only reason for saying that he was in that room?

A. Yes sir.

MR. HOUSE:

Q. That is your only reason for saying that he was in that room?

A. Yes sir.

Q. How much were you getting while you were employed at the East River Hotel?

A. Well I wasn't getting a steady salary all the time.

Q. Well when you were paid anything what was it?

A. Well I got as high as seven dollars or eight dollars a week.

Q. And did you sometimes get less than that a week?

A. Yes sir.

Q. Did you save your money as you got it?

A. Yes sir, I bought clothes with it.

Q. How long have you had the suit of clothes that you have

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on now?

A. This suit?

Q. Yes.

A. I have had that since I came to the House of Detention.

Q. Did you get it before or after you went into the House of Detention?

A. After I went into the House of Detention.

Q. Did some Officer take you out so that you might buy it?

A. No sir, from the District Attorney.

Q. From the District Attorney.

A. Yes sir.

Q. Who gave you the suit?

A. There was a man fetched me down to the clothing store.

Q. Yes; did you pay for that suit?

A. No sir.

Q. Do you know who did pay for it?

A. No sir.

Q. You don't?

A. No sir.

Q. It was a present to you by some body?

A. I wrote to the District Attorney for clothes.

Q. You wrote to the District Attorney clothes?

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A. Yes sir.

Q. And he sent a man up, and he took you to the clothing store and that suit was purchased for you?

A. Yes sir.

Q. Now did you see the man that went up stairs with Shakespeare on this night in question, understand? Did you see that man leave the hotel?

A. No sir, I did not see him leave or I didn't hear him going up.

Q. Well you knew a man went up stairs with her?

A. Yes sir.

Q. And you say you didn't see him leave?

A. No sir, I didn't see him leave or I didn't hear him go up.

Q. You didn't hear him go up or leave either?

A. No sir.

Q. Now whom have you seen since you have been in the House of Detention?

A. Since I have been in the house of Detention?

Q. Yes.

A. I have seen nobody only the officers of the House of Detention.

Q. Only officers of the House of Detention?

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A. Yes sir.

Q. Since you have been in the House of Detention do you mean to say that you haven't conversed with any of the detectives from Headquarters?

A. No sir.

Q. Not one?

A. No sir.

Q. How many times have you seen people from the District Attorney's office since you have been in the House of Detention?

A. Once.

Q. And where was that?

A. At the House of Detention — — when they fetched me for clothes.

THE COURT: Was he an officer of the House of Detention?

A. No sir.

Q. Was it an officer from the District Attorney's office.

A. He was from the District Attorney's Office.

Q. Do you know what his name was?

A. No sir. He fetched me down to the clothing store.

Q. And took you back to the House of Detention I suppose?

A. Yes sir.

MR. HOUSE:

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Q. How many times have you talked with with the district attorney or his assistant regarding this case?

THE COURT:

Q. Either the District Attorney himself or any of the assistant district attorneys.

A. Well, I have talked with them once or twice.

Q. Once or twice?

A. Yes sir.

MR. HOUSE:

Q. Once or twice?

A. Well, say three times.

Q. Three times?

A. Yes sir.

Q. How many times had you talked with police officers this case?

A. I have not talked to any at all about it.

Q. You have not talked to the police officers about this case?

A. No officer.

Q. Has anybody given you money since you have been in the House of Detention?

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Q. What is that?

Q. Has anybody given you any money since you have been in the House of Detention?

A. No sir.

Q. Not one cent?

A. Not one sent.

Q. Why did you hesitate a moment ago when I asked you this question?

A. (No answer)

Q. What?

A. I didn't understand you.

THE COURT: He didn't understand you he says.

MR. HOUSE: Why, don't I speak plain enough for you to understand me? And do you say now in the presence of the jury that you didn't understand me when I asked you this question — — has any person given you any money since you have been in the House of Detention?

A. Well, neither they have — — not from the outside.

Q. Well who has given to yo from the inside?

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A. Mary Miniter.

Q. Mary Miniter?

A. Yes sir.

Q. How long had Mary Miniter been in the House of Detention?

A. Since the day that the woman was found.

Q. Yes. You are on intimate terms with Mary Miniter are you not, you are friendly with her — — quite friendly?

A. Kind of.

Q. What?

A. Kind of.

Q. How much money has Mary Miniter given you since you have been in the House of Detention?

A. Two dollars or two and a half.

Q. Do you know where you got the money from?

A. No sir.

Q. Where you allowed to see her every day while you have been in the House of Detention.

A. No sir.

Q. How many times have seen Mary Miniter since you have been there?

A. I saw her every morning going down to breakfast.

Q. And did you have an opportunity of speaking to her when she was going down to breakfast?

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A. No sir.

Q. Where were you when Mary Miniter gave you this money in the House of Detention?

A. I was in the yard.

Q. And where was she?

A. Up on the top floor of the House of Detention.

Q. And you hollered up to her that you wanted some money?

A. No sir.

Q. How did you notify her that you wanted money?

A. She gave it to McGowan the officer or any of the officers and they give it to me.

Q. Did you ask her for money?

A. Yes sir, once or twice for tobacco.

Q. And she gave it to the officers and they gave it to you?

A. Yes sir.

Q. Now how many persons connected with this case have been locked up in the House of Detention with you?

A. Men?

Q. Yes, men.

A. One — Edward Smith.

Q. Do you know where he comes from?

A. No sir.

Q. And how long has he been in the House of Detention with

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you?

A. About 56 days.

Q. Have you ever talked this case over with him?

A. Yes sir.

Q. How frequently have you talked this case over with Smith?

A. I asked him when he come in — — and he asked me what case I was in and I said the “ripper” case too.

Q. Now I’m asking you how many times you have talked the case over with him; go on, did you talk?

A. I could not tell you.

Q. How many times?

A. Two or three times.

Q. Not more than that?

A. Two or three times.

Q. Have you talked with him four times.

A. I could not tell you.

Q. Five times?

A. I could not tell you.

Q. As many as ten times?

A. No sir.

Q. You have not?

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A. No sir.

Q. You are positive as to that?

A. I could not say.

Q. You could not say.

A. No sir.

Q. Now, young man, before you went to work at this East River Hotel where were you employed?

A. John Murphy.

Q. What is that?

A. 397 Water Street.

Q. What is his business?

A. A cooperage.

Q. How long were you employed by Mr. Murphy?

A. Very near a year.

Q. What did you do at Mr. Murphy's?

A. Drove a barrel truck for him.

Q. Before you worked for Mr. Murphy where did you work?

A. I worked for Denny Connors in Catherine Market.

Q. What is his business?

A. Oysters and clams?

Q. And how long were you with him?

A. Four years or more.

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Q. What was your employment there?

A. Running errands.

Q. Before you went to work for Mr — — — — — work?

A. Around the market.

Q. What doing?

A. Carrying errands out.

Q. For anybody that would ask you?

A. Yes sir, for anybody that would me.

Q. When did you leave school?

THE COURT:

Q. How old were you when you left school?

A. About twelve years old.

Q. And you are twenty one now?

A. Yes sir.

THE COURT: That would be nine years ago.

MR. HOUSE:

Q. Can you tell us the school that you went to?

A. Yes sir.

Q. What school?

A. The new Monroe Street school in Monroe Street.

Q. What?

A. The new Monroe street school in Monroe Street.

Q. And how long were you going to school?

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A repeat of page 310

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Q. How long did you attend this new Monroe Street School that you speak about?

A. That I couldn't tell you.

Q. That you could not tell us?

A. No sir.

Q. We're you there two years or three years or four?

THE COURT:

Q. Did you go today school or night school?

A. Day school.

Q. Now, can't you give us an idea of how long you were at school there?

A. Well, two or three years.

Q. From two to three years?

A. Yes sir.

Q. Can you tell us what classes you were in ?

A. I was in the first class.

Q. In the first class in the primary school?

Q. In the primary school or grammar department?

A. Primary yes sir.

REDIRECT EXAMINATION

By Mr. Wellman:

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Q. Now Eddie, you have been in the House of Detention 66 days you say?

A. No sir, I have been more than 56 days.

Q. Well how long have you been in — — do you know?

THE COURT: He said Smith was there 56 days.

MR. WELLMAN:

Q. You have Ben in the House of Detention for 60 days then?

A. Yes sir.

Q. And during that time you have had no money except what this Mary Minter loaned you or gave you?

A. Yes sir.

Q. You were taken away from your work weren't you?

A. Yes sir.

Q. And have been unable to earn any?

A. Yes sir.

Q. And when it came hot weather you wrote to the district attorney's office for some spring clothes?

A. Yes sir.

Q. And you got them?

A. Yes sir.

Q. And that is all there is about that — — is it not?

A. Yes sir.

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Is a repeat of page 313

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Q. How did you know you could get them the district attorney for them?

(Objected to)

THE COURT: No, that won't do,

Mr. Wellman:

Q. Well, you know that in all other cases and each change of the season there, they write for clothes and get them that is a daily occurrence?

(Objected to)

THE COURT: No; that makes no difference.

MR. WELLMAN:

Q. Now, is there any reason that makes you remember that it was Room 33 that you gave this man?

A. Well, yes, the only one that I let in alone by themselves.

(Objected to)

Q. Did you ever let a man have a room by himself before?

(Objected to)

THE COURT:

Q. That was the only man that you let in that night alone?

A. Yes sir.

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THE COURT: I will allow him to answer the other question.

THE COURT:

Q. During the time you worked there - was this the only time that you let a man alone into that room?

A. Yes sir.

(Objected to, Allowed, Exception)

MR. WELLMAN:

Q. Now, speaking of the District Attorney: Did you ever have a talk with this gentleman here (indicating Mr. Nichols)

A. No sir.

Q. You came down town and had one talk with me?

A. Yes sir.

Q. And have you had any other talk with me except that one and at the Coroner's Inquest?

A. No sir.

Q. And you were brought down an interview with me and told me what you knew about the case?

A. Yes sir.

Q. And that was all?

A. Yes sir, that was all.

THE 3RD JUROR:

Q. Eddie, I would like to ask you a question. When you

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When you let this man in the hotel say he gave you twenty five cents?

A. Yes sir; twenty five cents.

Q. Yes. What did you do with that?

A. I fetched them out to the bartenders. They was playing cards and I says "Here is twenty five cents."

MR. HOUSE: Objected to. One moment

THE COURT: The council objects to what he said. You can tell the jury what you did without the twenty five cents.

THE JUROR: That is what I wanted to know.

THE WITNESS: I give them to Shine and he puts them into his beer money and he gave me a quarter piece and I put in into the room money that belonged to the room upstairs.

THE JUROR: What did you do then?

A. Then I put down room 33 and put a cross and 2 on the behind the bar.

Q. What did you do then? I want to get your honor, this key.

THE COURT: I understand what you want.

THE JUROR:

Q. What did you do with the key?

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A. Frenchy, the man.

THE COURT:

Q. Did you give this defendant the key before you gave the twenty five cents to the barkeepers?

A. I give the key and the candle to him. and then I went out and gave the pennies to the man Shine.

BY THE JUROR:

Q. Did you tell Shine the number of the key or the room?

A. Yes sir, room 33. I always tell them that.

Q. But I has been alleged that this defendant cannot speak English.

THE COURT:

Q. Did you say "This is the key of room 33."

A. Yes sir.

THE JUROR:

Q. Is it customary at this hour of the night to have all the rooms locked?

THE COURT: The room door.

THE JUROR: Yes sir, the room doors.

A. Every one of them is locked and the key hangs outside on the board with numbers on them.

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Q. And you gave the key of room 33?

A. Yes sir, I gave him the key of we.

Q. Now once more you say that he came down early in the morning about five thirty?

A. Yes sir, about five or half past five.

Q. Is it customary — — or how came you to attract your attention to this man especially when he came down.

A. Well, when he came down I was in the end of the bar where the curtain is — — that was open at night time and I was sweeping up and the way with which this man come out drew my attention to him.

Q. Ah. Was it unusually early?

A. Sir?

Q. Was it unusually early for a man to come down.

A. Well, they come down — —

THE COURT:

Q. Was it usual for other people to go down as early as five o'clock in the morning?

A. Well, they come down and go out in different way from the way he went out.

— — — — —

Re cross examination.

BY MR. HOUSE:

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Q. But you had seen other men come down from that hotel and go out?

A. They came down all hours; they go up with a woman and stay — — they go up with their wife.

Q. With their wife?

A. Well, yes sir.

Q. Leave the wife out.

A. Well, go up with a woman and stay fifteen or twenty minutes and then go away.

THE JUROR:

Q. Did you speak to him when he went out that morning?

A. No sir.

Q. Well, you told this jury that what attracted your attention was his coming along the side of the wall?

A. Yes sir.

THE JUROR: That is what I want. And was that an unusual ?

A. Well, yes — — when he went out. They usually walk out straight, but the way this man come out — — he kept close to the partition.

Q. Why didn't you speak to him? Was you impressed about it. It was an unusual way for a man to go out, was it not?

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A. I looked how he was sneaking out,

MR. HOUSE: We object to the characterisation of the witness.

THE COURT: Oh, no. The juror asked a question of the witness.

MR. HOUSE: I don't object to the jurors question but I do object to the witnesses characterisation.

THE COURT: Well then leave out "sneaking". But he has described the way he went out can draw your own conclusions gentleman of the jury.

THE 10TH JUROR:

Q. You say he slept there the night before?

A. Yes sir.

Q. And you gave him to key yourself?

A. Yes sir.

Q. Did the key have a number on?

A. Yes sir.

Q. You don't remember it — — but you don't remember that number?

A. No sir.

Q. Though it was only two nights before?

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A. One or two nights before.

Q. One or two nights before?

A. Yes sir.

MR. WELLMAN:

Q. But he had a woman with him that night?

A. Yes sir.

THE 10TH JUROR.

Q. And you don't remember the room you gave him?

A. No sir.

Q. Did he stay there all night?

A. Yes sir, he staid there all night.

MR. WELLMAN:

Q. And this time before when he went up he had a woman with him?

A. Yes sir.

Q. And there was no allowing a man up there alone?

MR. HOUSE: Now, one moment, if your honor please. I objected to the district attorney question.

THE COURT: He ha already testified to that.

MR. HOUSE: You had better take the stand and testify Mr. Wellman.

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By Mr. Wellman:

Q. Have you ever seen this man outside of the hotel, Eddy?

A. No, sir.

By the Third Juror:

Q. What is generally done with the key, when it has been used and when parties retire — — what is usually done with the key?

A. Left on the desk, when they come downstairs.

Q. Did you see him leave it on the desk?

A. No, sir; I was near the end of the bar, sweeping up.

By Mr. House:

Q. Now, Mr. Fitzgerald — — —

A. By the Court:

Q. Can you see the desk from the place that you were sweeping?

A. No, sir.

By Mr. Wellman:

Q. The fourth juror wants me to ask, if your honor please — — when you saw this man — — when you saw him going out in the way you describe — — the fourth juror wants to know why you didn't call to him?

By the Fourth Juror:

A. Or, look after him, and see who he was, or look out of the door?

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A. Well I could see from his face — — the way he went in the box — — who he was.

Q. Well what was your impression of a man going out in that way — — whether it was a thief, or something of the kind? “Why didn’t you look after him?”

A. Because I didn’t think there was anything up. I didn’t think there was anything the matter.

By Mr. Wellman:

Q. Is there anything to steal upstairs?

A. No, sir.

By Mr. House:

Q. Now, Mr. Fitzgerald, will you please describe the clothing that this defendant had on, on the morning that he went out?

A. Yes sir.

Q. Please describe it?

A. He had a derby hat.

Q. Yes?

A. He had a long overcoat.

Q. Yes?

A. He didn’t have his arms in the sleeves of the overcoat?

By Mr. Wellman:

Q. He didn’t have his arms in the sleeves of the overcoat?

A. No, sir.

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By Mr. House:

Q. Did you notice anything else about him?

A. No, sir, I didn’t notice anything else.

Q. You didn’t notice anything else about him?

A. No, sir.

The Court: That is what he said.

Mr. House: That is all. Oh, no, I will ask the witness another question, if your honor please.

The Court: Very well. Come back in the stand, sir. What is your question. Mr. House?

Mr. House: It may lead to two or three.

The Court: I have no doubt it will.

By Mr. House:

Q. Mr Fitzgerald, have you ever taken any particular notice of the locks of the rooms on the top floor?

Mr. Wellman:

A. Have you noticed the locks?

Mr. House: Oh, if it takes you that long. Time is precious.

By Mr. Wellman:

Q. Eddy, all the rooms on the top floor are locked?

A. Yes, sir.

Q. And you are the one that goes upstairs, in the morning, to wake them up? And you know whether they are all locked

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or not?

A. Yes, sir; they was all locked.

SAMUEL SHINE, called by the People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Wellman:

Q. Where are you employed, Mr. Shine.

A. The East River Hotel, sir.

Q. And what is your occupation there?

A. Bartender.

Q. You were bartender in April last, were you not?

A. Yes, sir.

Q. Did you ever see this defendant before?

A. Yes, sir.

Q. When did you first see him, and where?

A. At the East River Hotel, Wednesday night, and Thursday morning and Thursday night.

Q. Wednesday night and Thursday morning and Thursday night?

A. Yes, sir.

Q. Well was he there all during those times?

A. Yes, sir.

Q. Where did you see him Wednesday night?

A. In the room, sir, off.

Q. What?

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A. In the side room sir, called the box.

Q. That is the room you call the drinking box — — is it?

A. Yes, sir.

Q. How long did he remain in the drinking box, on Wednesday night?

A. About half an hour.

Q. Do you know whether he slept in the hotel on Wednesday night?

A. Yes, sir.

Q. Did you see him go out of the hotel on Thursday morning?

A. Yes, sir.

Q. What time did you see him go out?

A. Around 5 o'clock

Q. Around 5 o'clock?

A. Yes, sir.

Q. Which way did he go out on Thursday morning?

A. Through the bar-room.

Q. He didn't go out through the box?

A. No, sir.

Q. Did he walk along the side of the wall, and turn around the corner of the sink, when he came out on Thursday morning?

Objected to.

The Court: No, that won't do. You can de-

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scribe how he came out.

Mr. Friend: That is objected to. There is only one way to come out of any place — by walking out.

The Court: Well. The man might have come out on all fours, mightn't he — — or standing straight up.

Mr. friend: Yes, sir. But I except.

By the Court:

Q. Describe the way he went out?

A. He walked straight out through the bar-room, and went out through the Catherine Street entrance. He came into the bar from the hall.

By Mr. Wellman:

Q. Now, that was about 5 o'clock in the morning on Thursday?

A. Yes, sir.

Q. When did you next see him on Thursday?

A. Thursday evening.

Q. At what hour?

A. A little after 10 o'clock, sir.

Q. Where was he, Thursday evening, a little after 10 o'clock?

A. In the bar-room.

Q. In the bar-room?

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A. Yes, sir.

Q. We're you there?

A. Yes, sir.

Q. Well, did you do anything for him?

A. No, sir.

Q. Serve him with drinks or anything else?

A. No, sir.

Q. How long did he stay around the bar-room, Thursday evening?

A. Five minutes.

Q. Five minutes?

A. Yes, sir.

Q. And which way did he go out then?

A. He went out through the box — — towards the box.

Q. Towards the box?

A. Yes, sir.

Q. And that was a little after ten, or before eleven?

A. A little after ten — — between 10 and 11 o'clock, sir.

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Q. Now, that was Thursday night?

A. Yes, sir.

Q. Were you up all night Thursday night?

A. Yes, sir.

Q. Were you around Thursday morning — — — from 1 to 5 o'clock in the morning?

A. Yes, sir.

Q. Friday morning, I mean?

A. Yes, sir.

Q. From 1 to 5 o'clock?

A. Yes, sir.

Q. Where were you?

A. In the bar room.

Q. And where else?

A. That's all, sir.

Q. Did you see any man come down after 1 o'clock — — — between 1 and 5?

A. Yes, sir.

Q. How many?

A. Four or five.

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Q. Then before 5 o'clock, am I between the hours of 1 and 5, you saw four or five men come down?

A. Yes, sir.

Q. Did you have to open that door to let them out?

A. No, sir.

Q. Was the door locked?

A. No, sir; it was open.

Q. So that the people came down that night, and you say four or five men came down that night and got out without you opening the door?

A. Yes, sir.

Q. Can you describe any of the men what you saw?

A. No sir, I paid no attention.

Q. You don't know whether they were tall or short, or dark or light-haired, or what?

A. No, sir

Q. Are you sure that they came?

A. Yes, sir; positive.

Q. And certain of the number?

Yes, sir.

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Q. Thursday night was Room 33 let?

A. Yes, sir.

Q. How much was paid for it?

A. 25 cents.

Q. How was it paid?

A. In pennies.

Q. How do you know?

A. The boy, Edward Fitzgerald, gave me 25 pennies, telling me he left a man — — —

(Objected to)

By the Court:

Q. No. You got 25 pennies from Eddie Fitzgerald?

A. Yes, sir.

By Mr. Wellman:

Q. For what room?

A. 33, sir.

Q. And what time of the night was it?

A. Between 12 and 1 o'clock, sir — — — somewhere around there.

Q. Did you have any conversation — — — don't state what it was - did you have any conversation at that time with Eddie Fitzgerald about those 25 pennies, and about that ,

A. Yes, sir.

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Q. Now, wait a minute — — I will ask the question, but don't answer it. What did Eddie Fitzgerald say to you? From whom did he say he got the money, and what did you say to him, if anything, in reply?

(Objected to)

THE COURT: It's is excluded, on the ground that the defendant was not present.

MR. WELLMAN:

Q. Did the defendant on the the Wednesday when you said he spent the night in the Hotel, have woman with him?

A. I don't know, sir, whether he had any particular woman with him. He was sitting in there, with the rest of the women.

Q. Oh, No. But when he spent the night there, did he have a single room or a double one — — — Wednesday night.

A. A double one.

Cross Examination.

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A repeat of pages 333 and 334

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BY MR. FRIEND:

Q. Mr. Shine , how long have you been a bartender at the East River Hotel?

A. About four months.

Q. What business were you in previous to that?

A. Restaurant business.

Q. Where?

A. 17 Fulton Street.

Q. In business for yourself?

A. No, sir.

Q. By whom were you employed?

A. By Mr. Gilbert.

Q. How long were you in the employ of Mr. Gilbert?

A. About two years sir.

Q. Previous to that, what were you doing?

A. Working in a knitting mill.

Q. Working in a knitting mill?

A. Yes, sir.

Q. Where?

A. In Franklin Street and Mercer Street, for three years.

Q. As what?

A. Running a knitting machine.

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Q. Is that your trade?

A. Yes, sir.

Q. And you left that to enter the business of bartender?

A. Yes, sir; and the restaurant business.

Q. And you say that you were on duty as bartender in the East River or Fourth Ward Hotel, on the Wednesday preceding the Friday morning on which the deceased's body was found?

A. Yes, sir.

Q. You knew this defendant?

A. I have seen him. I didn't know him.

Q. You have seen him?

A. Yes, sir.

Q. Did you ever see him with "Shakespeare," in your life?

A. I never seen "Shakespeare," in her life.

Q. You had never seen "Shakespeare."?

A. No, sir.

BY THE COURT:

Q. Did you see the deceased?

A. No, sir.

BY MR. FRIEND:

Q. You remember distinctly that he was there on Wednesday night?

A. Yes, sir.

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Q. Slept there that night?

A. Yes, sir.

Q. What room did he occupy?

A. I don't know sir.

Q. You can't tell.

A. No, sir.

Q. You remember what room he had on Thursday night?

A. Yes, sir.

Q. What room.

A. 33.

Q. How do you know?

A. I was told by Eddie Fitzgerald.

Q. No! No! Do you know of your own knowledge? I don't want that.

THE COURT: You already asked him how he knew and he has told you.

MR. FRIEND: Well, he doesn't know, if he doesn't know of his own knowledge — — —if somebody told him.

THE COURT: One moment, Mr. Friend. You asked him how he knew. The trouble about this is that you made a slight mistake.

MR. FRIEND:

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Q. Outside of what Eddie Fitzgerald told you, you didn't know anything about this man being in room 33?

A. No, sir.

Q. You didn't see him there?

A. No, sir.

Q. You didn't see him on the floor that night?

A. I seen him in the barroom.

Q. Or in the "box"?

A. In the barroom.

Q. In the barroom.

A. Yes, sir.

Q. You remember him going on Thursday morning?

A. Yes, sir.

Q. He slept in a room in that Hotel, and you don't know the room, you say?

A. No, sir.

Q. He went out through the "box"?

A. No, sir.

Q. What morning did he go out through the "box"?

A. I didn't see him go through "the box" any morning.

Q. Then did he go out of "the box" that you know?

A. Never, to my knowledge.

Q. Isn't it true that you testified upon your direct examina-

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A repeat of pages 340 and 341

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tion that on Thursday evening he went out onto the street through "the box."

A. He went out towards "the box," I said.

Q. And didn't he go out upon the street through "the box"?

A. I don't know where he went. I didn't watch him after he passed through the barroom. I was waiting on customers.

Q. Didn't you testify on your direct examination that he went through "the box" to the street?

A. Towards "the box".

THE COURT: He said towards "the box."

BY MR. FROEND:

Q. Mr. Shine, you were on duty from what hour until what hour, Thursday morning?

A. From ... until ...

Q. And you remember this defendant coming out on Thursday morning?

A. Yes, sir.

Q. And about what time was that?

A. Around 5 o'clock — — — a little before or after.

Q. And a great many gentlemen that frequent that place about that time, do they not?

A. Yes, sir.

Q. And leave the place?

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A. Yes, sir.

BY 3RD JUROR:

Q. Where are the keys generally left after the occupants get through with a room?

A. On the desk.

Q. On the desk.

A. Yes, sir; in the hall.

Q. Is that mostly or unusually the case?

A. Usually, sir, if they don't forget and leave them upstairs. Some of them leave them in the locks, and don't bring them downstairs.

BY THE COURT:

Q. But, if they bring them downstairs, the rule is to leave them on the desk downstairs?

A. Yes, sir.

BY THE JUROR:

Q. Did you see the defendant leave the key on this desk?

A. No, sir. I didn't see him that morning at all.

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Re- direct examination.

BY MR. WELLMAN:

Q. Well, you didn't see the desk from where you are?

A. No, sir.

Q. It is right in the Water Street entrance — — — the desk?

A. Yes, sir.

Q. Now, you said to Mr. Friend that the way you knew the Frenchman occupied room 33 on Thursday night, was because Eddie Fitzgerald told you that? Now when did he tell you that?

(Objected to.)

(Allowed.)

(Exception.)

THE COURT: You went into that, Mr. Friend.

A. As soon as let the room.

Q. When he gave you the 25 pennies?

A. You, sir.

BY 10TH JUROR:

Q. Wednesday night you let him in yourself — — — you opened the door for him?

A. No, sir.

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Q. Didn't you say so?

A. No, sir. Wednesday night I seen him in "the box."

THE COURT: He saw him in "the box" with women.

BY JUROR:

Q. You saw him in "the box"?

A. You, sir

Q. What clothes did he wear?

A. I paid no attention to his clothes.

BY THE COURT:

Q. Did you notice his hat, or anything of that kind?