

09 18

BOX:

177

FOLDER:

1795

DESCRIPTION:

Smith, Henry

DATE:

05/14/85



1795

Witnesses:

*James H. Reynolds*

*2nd*

No. 115

Counsel, *Ed*  
Filed *14* day of *May* 188*5*  
Pleads, *Not guilty* 15

THE PEOPLE  
vs.  
*Henry C. Smith*  
Grand Larceny, 1st Degree.  
(From the Person.)  
[Sections 528, 529, Penal Code.]

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.

*E. H. Smith*

Foreman.

*May 14/85*  
*James H. Reynolds*  
*24m 6m 6p 7p*

09 19



0920

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,of No. 84 Essex Thanz, Thum. Street, aged 49 years,  
occupation Mill Stone Dealer in being duly sworn  
deposes and says, that on the 7<sup>th</sup> day of May 1888 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession and  
Person of deponent, in the night time, the following property viz:One Pocket Book containing  
Good and lawful Money of the  
United States to the Amount and  
Value of Three 5/100 dollars.the property of deponent.

and that this deponent

has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen,  
and carried away by Henry L. Smith (now fug)from the fact that at or about the hour  
of Seven O'clock P.M. on said date  
deponent was standing in a street  
car in Canal Street near Essex Street  
that deponent felt some persons place  
their hands in deponent's left hand  
pockets of the pantaloons then on deponent's  
person. and on turning around deponent  
caught the said Smith in the act of putting  
his hand from deponent's pockets with  
the said property in his possession  
and saw the said Smith turn said  
property under the seat of the car.Dr. Amey Thum

Sworn to before me, this

1888 dayof May 1888  
Police Justice.

0921

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, { ss

District Police Court.

*Henry C. Smith* being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is *his* right to make a statement in relation to the charge against *him*; that the statement is designed to enable *him* if he see fit to answer the charge and explain the facts alleged against *him*; that he is at liberty to waive making a statement, and that *his* waiver cannot be used against *him* on the trial.

Question. What is your name?

Answer

*Henry C. Smith*

Question. How old are you?

Answer

*48 Years.*

Question. Where were you born?

Answer.

*New York City*

Question. Where do you live, and how long have you resided there?

Answer.

*Met.*

Question. What is your business or profession?

Answer.

*Machinist*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty of the Charge.*

*his*  
*Henry C. Smith*  
*man*

Taken before me this

day of

*March*

188*8*

*Wm. J. Smith*  
Police Justice.

0922

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed,  
and that there is sufficient cause to believe the within named

Henry J. Smith  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two  
Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he  
give such bail.

Dated

May 8<sup>th</sup> 1885

John H. Bond Police Justice.

I have admitted the above-named  
to bail to answer by the undertaking hereto annexed.

Dated \_\_\_\_\_ 188

Police Justice.

There being no sufficient cause to believe the within named

\_\_\_\_\_ guilty of the offence within mentioned, I order h to be discharged.

Dated \_\_\_\_\_ 188

Police Justice.



0923

Police Court

District.

THE PEOPLE, &c..

ON THE COMPLAINT OF

*Frank Thum,*

*84 Essex St*

*Henry L. Smith*

2

3

4

Dated

*May 8* 188

*Welds* Magistrate.

*McLann* Officer.

Precinct.

Witnesses

No

*Charles McLann*  
*G. P. Smith's Police*

No.

Street,

No.

Street.

\$

*1000* to answer

Sessions.

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.





0925

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

of the goods, chattels and personal property of one

by certain persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

unlawfully and unjustly, did feloniously receive and have ; the said

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

**RANDOLPH B. MARTINE,**

**District Attorney.**

0926

BOX:

177

FOLDER:

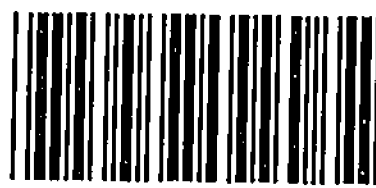
1795

DESCRIPTION:

Smith, Peter

DATE:

05/15/85



1795

0927

BOX:

177

FOLDER:

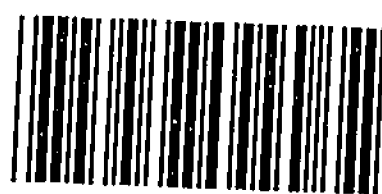
1795

DESCRIPTION:

Sweeney, Alexander

DATE:

05/15/85



1795



POOR QUALITY  
ORIGINAL

0928

Handwritten notes on a separate sheet of paper, including the date "Dec 10, 1883" and the name "John Smith".

Handwritten notes on a separate sheet of paper, including the date "Apr 2, 1883" and the name "John Smith".

0929

New York.

188.

People }  
v. }  
Waney }

My Nov 16/88

Capt Thos. R. Ryan,  
Dear Sir:-

Will you kindly  
bring with you when you  
call here next week, the  
pistol with which Hamm  
was shot, & oblige.

Yours very truly,  
~~Benjamin~~  
Ward

Cap Ryan states that  
pistol not in his possession.



0930

TELEPHONE, 531 LAW.

CABLE ADDRESS, "LENIENT."

MEMORANDUM

FROM

HOWE & HUMMEL,

Counsellors at Law,

WM. F. HOWE,  
A. W. HUMMEL,  
BEN. STEINHARDT,  
JOS. F. MOSS,  
DAVID MAY.

87 & 89 CENTRE STREET  
AND  
136, 138 & 140 LEONARD STREET.

To Benj. R. Dos Passos, Esq.,

Assistant District Atty.,

New York City.

*New York, Nov. 19th, 1888.*

Dear Sir:-

You are aware that Alexander Sweeney has been more than two years in the Tombs awaiting trial. You promised to try the case this Term, but for some reason, you have not done so.

I must respectfully urge upon you that the case be set on trial for the first week of the next Term. This is only an act of justice to the accused, by whom I am getting censured for the delay.

Do I entreat you to put it down for the first week in December for trial.

Yours respectfully,

*William F. Howe*

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HOWE & HUMMEL,  
Law Offices,  
87 & 89 Centre Street,  
AND  
136, 138 & 140 Leonard Street,  
NEW YORK CITY.  
Wm. F. Howe. A. H. Hummel.

Benjamin R. Dos Passos, Esq.  
Assistant District Attorney  
N.Y. City.



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James J. Fannon  
is as far doing nicely  
as yet no signs of  
any brain injury  
have appeared.

G. de N. Hough M.D.,  
House Surgeon  
2d Surg Dir.  
Bellevue Hosp

0933

STATE OF NEW YORK.  
CITY AND COUNTY OF NEW YORK, ss:

POLICE COURT, DISTRICT.

*Michael Farley*  
of No. *21 Precinct* Street, being duly sworn, deposes and says,  
that on the *7<sup>th</sup>* day of *April* 188*5*  
at the City of New York, in the County of New York, *He Arrested John*

*Alexander Sweeney and Peter Smith*  
both now present on a charge of  
Shooting and Wounding one John  
Hannon and inflicting injuries of  
such a serious character on said  
Hannon as may cause his death.  
That the injured man in deponent's  
presence requested deponent to hold  
Smith on the charge. While he refused  
to say anything to implicate Sweeney.  
Deponent therefore asks that said Smith be held and  
dealt with as the law directs— *Michael Farley*

Sworn to before me, this  
of April 1885

*John J. Sullivan*  
1885  
Police Justice

0934

POLICE COURT

DISTRICT.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Michael Farley  
vs.  
Alexander Brown  
& Peter Smith

Dated

April 8<sup>th</sup>

188

Magistrate.

Murray

Officer.

Witness,

May 10<sup>th</sup> Committed  
(Without bail)

Committed to await

Disposition

the result of inquiries

(Capt Ryan to be notified in  
advance of the examination)

AFFIDAVIT

List of witnesses

Off Michael Farley 21 Prov  
Capt. Thos. Ryan  
Sergeant F. H. Martens  
Richard Tracy 336-<sup>aged</sup>  
Michael Brown 344-<sup>38</sup>  
Peter Tully 334-<sup>11</sup>  
Owen Gillespie 663-<sup>1st an</sup>  
Mr. W. H. Kennedy 211-<sup>5</sup>  
Coroner's Office  
Garry de M. Hough 211-<sup>5</sup>  
Bellman H. H. H. H.  
Off H. H. H. H.  
Coroner's Office



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*[Handwritten signatures and notes on the left margin]*

CITY AND COUNTY  
OF NEW YORK. } ss.

the within-named Bail, being duly sworn, says, that he is a

said City, and is worth

over and above the amount of all his debts and liabilities; and that his property consists of

Hundred Dollars,

holder in

*third interest in tenement houses No. 347 East 32nd Street & 336 Ave A and a third in East 38th Street North Side between 1st Ave and East River and all worth two thousand dollars above all legal liabilities*

*Mary Gray Ann Hany by*

RECOGNIZANCE TO TESTIFY.

New York Special Sessions.

THE PEOPLE, &c.,

vs.

Magistrate

Filed

day of

186



0936

**Police Court, Fourth District.**

**RECOGNIZANCE TO TESTIFY.**

CITY AND COUNTY  
OF NEW YORK.

the

day of

BE IT REMEMBERED, That

in the year of our Lord 1885

of No.

and

of No.

Street, in the city of New York,

Street, in the said City,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowledged themselves to owe to the PEOPLE of the STATE OF NEW YORK, that is to say: the said

the sum of

and the said

the sum of

separately, of good and lawful money of the State of New York, to be levied and made of their respective goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz.:

**The Condition of this Recognizance is such,** That if the person, first above recognized, shall personally appear, at the next COURT OF SPECIAL SESSIONS of the Peace, to be holden in and for the City and County of New York, and then and there *Testify* and give such evidence, in behalf of the people of the State of New York, as he may know, concerning an Offence or Misdemeanor, said to have been lately committed in the City of New York, aforesaid by

**And do not Depart thence,** without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the  
day and year first above written.

Richard Tracy

Miss Mary J. Haughy

Police Justice.



0938

THE PEOPLE &c.,

vs.

SWEENEY.

New York, January 16th, 1889.

THOMAS M. RYAN, a witness for the People, being duly sworn,  
testified as follows:

DIRECT EXAMINATION BY MR. DOS PASSOS.

Q You are the Captain of the 21st Precinct?

A Yes, sir.

Q You were such in April, 1885?

A I was.

Q You know the defendant Sweeney?

A I know him.

Q Did you know the defendant Smith?

A I did.

Q Do you recollect Sweeney and Smith being brought into the  
station house on the 7th of April by Officers Farley and  
Martens?



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A I do.

Q Now, Captain, will you state to the Jury just what occurred at that time; what the conversation was that passed between you and the defendants, if any?

A To the best of my recollection, I was behind the desk at the time these two men were taken in by the Rounsaman and Sergeant, I was busy at the time with other prisoners at the station house, and they were delayed a little time before the Roundsman stepped up to the desk; he says " Captain, we have two men here arrested, accused of shooting a man in the shanty at the foot of 38th St. East River"; I then stepped from the desk out on the floor and I said to Smith: "How is this?" The Roundsman handed me a pistol and said "This pistol I found on Smith;" I examined the pistols carefully and found that there was one bullet missing, the chamber was empty; I said to Smith: "Have you fired that bullet there is one chamber empty;" he says "I have fired it some time ago, about six months ago, fired it at a cat".

Q Was this in the presence of Sweeney?

A Yes, sir; they were both close together. I then said to

Q Smith "What about the shooting of this man at the dock" and he says "I don't know anything about it, I wasn't

0940

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there".

Q Was Sweeney still present?

A Yes, sir; we were altogether there on the floor.

Q Did you have any conversation with Sweeney?

A I merely said to Sweeney-- I said "What have you to say about this matter"; he says "I don't know anything about it".

Q That is all you had to say to Sweeney?

A All the conversation was turned to Smith, but it was directed to both in fact, they were both there.

Q They were both there?

A Yes, sir.

Q Did Sweeney say anything about being at the shanty?

A He said he didn't know anything about it, that he wasn't there; I think that was what he said, that he wasn't there. I then told the Sergeant to send for the ambulance, which he did. I then directed Roundsman Farley to go to the dock, and if the ambulance should get there before I would get there for him to retain the ambulance until I would get to the dock with these two men to see if the injured man would be able to identify them as the parties who had assaulted or shot him. The Roundsman started towards the dock, or he left the sta-

0941

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tion house for that purpose, and I called two of the officers, officers Brophy and Sheridan and Sergeant Martens and myself-- we started off with the prisoners to the dock. We got there before the ambulance arrived. Farley was there, that is the Roundsman, and I stepped into the shanty.

Q You stepped into the shanty and saw Hannon?

A Yes, sir; I saw Hannon.

Q What was his condition when you saw him?

A He was sitting on the bench and the blood running down all over his face; he appeared to be considerably battered and bruised, his lips and face was all mussed up.

Q What did you say, if anything?

A I said to him "What is the matter with you, are you shot?"

Q Was Sweeney there?

A They were both there, Sweeney and Smith.

Q In the room?

A In the shanty.

Q What did Hannon say?

A "No, I don't think I am shot, no, Captain."; I think he called me Captain as he knew me very well; he says "No, I don't think I am shot, I think somebody struck me on the head with a club or an iron bar". From his ap-



0942

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pearance, he didn't appear to know what he was saying.

THE COURT: The last part may be stricken out.  
State what he said.

THE WITNESS: I said then "These two men have been arrested and accused of shooting you. They are under arrest now"; said he "I don't want anybody arrested, I won't make a complaint." I told the Officers to take those two men back to the station house, that I would hold them at any rate. As we were about to start out the door Hannon says "Hold Smith, he is the one that did it"; that is as we started to go out. He didn't mention Sweeney's name.

Q Then you took them back to the station house?

A Yes, sir.

Q Captain, do you know what has become of the pistol which you had, and which was here on the trial?

A It was here on the trial and it was left here; I have never seen it since; there was also a small vial with the bullets.

Q Now, do you recognize that bottle and its contents?

A (handing witness a bottle)

A I do, sir.

Q Who did you receive that from, if anybody?

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A I received it from Dr. Denning, I think his name is.

Q Dr. Dennis, you mean, Dr. Frederick L. Dennis.

A That is the gentleman I received it from at his office.

Q What office?

A His private office in 22nd St.

MR. HOWE: I am not making the point I could make. I could embarrass you very much by asking you to prove the details as to that bottle and all this. I admit that the deceased was shot by that bullet if you please, I will go as far as you want.

MR. DOS PASSOS: You admit that this was the bullet that was taken from the body of the dead man at the autopsy?

MR. HOWE: Yes.

MR. DOS PASSOS: We will take your admission.  
(The bottle referred to was offered in evidence and marked People's Exhibit B of this date)

Q What kind of a pistol was this?

A It was a self-cocking pistol, and English bull ~~dog~~ pistol as we call them.

CROSS EXAMINATION BY MR. HOWE.

Q You have been on the force a great many years?

0944

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A Yes, sir.

Q You have been a Captain a great many years?

A Yes, sir.

Q You are pretty familiar with the rules of the <sup>enforcement</sup> force?

A Yes, sir.

Q Did you see Hannon in the Hospital?

A I did.

Q To the best of your recollection about how many days was it after the shooting?

A I think it was the next day.

Q The next day?

A Yes, sir, in the evening.

Q And Hannon then was in the condition as you testified to talk, and understood himself, he understood you and you understood him?

A Yes, sir.

Q I am speaking now of the Hospital?

A Yes, sir.

Q He then and there in that Hospital, didn't he, said to you "Hold Smith"?

A He told me Smith was the one that did it.

Q He didn't say one word about Sweeney?

A No, sir; I wasn't allowed to talk but a few words to him.



0945

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I was forbidden.

Q But he didn't say one word about Sweeney to you?

A He didn't mention Sweeney's name at any time to me.

COURT OF GENERAL SESSIONS

## Part III.

-----X  
The People of the State of New York, : Before  
: Hon. Henry A.  
against :  
: Gildersleeve, and  
ALEXANDER SWEENEY. :  
: a Jury.  
-----X

Indictment filed May 8th 1885.

Indicted for Murder in the 1st degree.

N e w Y o r k , January 15th 1889.

A p p e a r a n c e s :

For the People, Assistant District Attorneys Benjamin  
F. Dos Passos and Henry Macdona,

For the Defendant, Mr. William F. Howe,  
and Mr. Joseph F. Moss.

The jury sworn.

Mr. MACDONA opens the case for the People.

0947

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Mr. DOSPASSOS: I may as well state that a witness for the people, Ernest N. Applegate, who was employed in the District Attorney's Office, and as I understand a gentleman well known to the judges, testified on the former trial---

Mr. HOWE: I object to the District Attorney stating this, and I desire to call your Honor's attention to the section of the code---

The COURT: I understand that Mr. DosPassos was about to state that some witness who testified before is dead.

Mr. DOSPASSOS: I simply want to offer the testimony of Ernest N. Applegate.

Mr. HOWE: I object, and in objection I desire to call your Honor's attention to section 465 and section 544 of the Code of Criminal Procedure which prevents the District Attorney doing the very thing he is about to do, namely, to state in the presence of the jury something that occurred at a prior trial. After this admonition he can make any statement he pleases/ IT will be error.



0948

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Mr. DOSPASSOS: Mr. Applegate is now dead, and we offer in evidence his statement upon the previous trial. We also offer this diagram of the place where this affair occurred.

The COURT: Is there any objection to the diagram being admitted in evidence .

Mr. HOWE: No objection to the diagram.

The COURT: The diagram made by Mr. Applegate is offered in evidence by the District Attorney and admitted .

Marked "People's Exhibit A". of this date.

RICHARD TRACY, a witness called on behalf of the People,

being duly sworn, testified as follows:-

Direct Examination by Mr. DOSPASSOS:-

Mr. HOWE: I now ask your Honor for an order that the witnesses for the People withdraw from the Court and that they talk not to each other during the time of this examination .

Mr. DOSPASSOS: We gladly consent to that order .

Motion granted .

Q Mr. Tracy, where do you reside ?

A No. 410 East 20th Street .

Q And what business are you engaged in ?

0949

4

A Working in a galvanizing shop.

Q Whereabouts ?

A No. 520 East 20th. Street.

Q What business were you engaged in in the month of April, 1885 ?

A In the teamster business.

Q For whom ?

A For Mr. Looney in 48th. Street.

Q And where did you reside then ?

A At No. 318 East 40th. Street.

Q Do you know the defendant, Alexander Sweeney ?

A Yes, sir.

Q He is present in Court now ?

A Yes, sir.

Q How long have you known Sweeney ?

A Before this thing happened ?

Q Before what happened ?

A This murder, we are here on account of.

MR. HOWE: I ask that that be stricken out, the word "murder".

THE COURT: It may be stricken out.

Q How long prior to April 7th/ 1885 did you know Alexander

0950

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Sweeney ?

A For a couple of years.

Q And how long prior to that time did you know, if at all,  
one Peter Smith ?

A About the same, I should judge.

Q Were you in the habit of associating with those two per-  
sons ?

A No, sir.

Q Where did Sweeney reside, do you know ?

A No, sir.

Q Do you know where Smith resided ?

A No, sir.

Q Do you recollect the 7th. of April, 1885 ?

A Yes, sir.

Q Where were you on that day ?

A In the afternoon I was down at the shanty, at the foot of  
38th. St.

Q Is that known as the dump ?

A Yes, sir.

Q That is the place where refuse is taken by the Street  
Cleaning Department ?

A Yes, sir.

Q Who did you see there at the shanty ?



0951

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- A Why, Harmon.
- Q About what time was this ?
- A Around three o'clock.
- Q And by Harmon, whom do you refer to, what Harmon ?
- A Why the deceased.
- Q John Hannon ?
- A Yes, sir.
- Q At about 3 o'clock ?
- A Yes, sir; around that time.
- Q How old a man was Hannon ?
- A Something around the thirties I guess.
- Q What was his occupation at that time ?
- A He was night watchman in the Street Cleaning Department.
- Q And did he have an office at the shanty ?
- A That is what they call it, an office.
- Q What time did you meet Harmon on that day at the shanty ?
- A Well, I was with him all the night previous.
- Q You were with him all the night previous ?
- A Yes, sir.
- Q Do you remember that the 7th. of April was a Tuesday ?
- A Yes, sir.
- Q So that you were with him on the evening of the 6th. of April ?
- A Yes sir.

0952

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Q What time did you meet him at the shanty that afternoon, the afternoon of the 7th. of April ?

A Well, about two o'clock; between 2 and 3 o'clock.

Q Had you been with him prior to that time, that afternoon?

A Not in the afternoon, no sir.

Q You had been with him in the morning ?

A Yes, sir.

Q Hannon was a friend of yours, was he not ?

A Yes, sir.

Q Was Hannon acquainted with Sweeney and Smith ?

A I believe he was.

Q Did you find Hannon when you got down to the shanty that afternoon ?

A No, sir.

Q What time did you see him there ?

A I was there before Hannon.

Q How soon after that did he come there ?

A Well, about an hour.

Q What did you do then ?

A Well, I was supposed to take the Inspector's place while he would go for his wages, the day inspector.

Q You went into the shanty ?

A Yes, sir.

0953

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Q Were there chairs in there ?

A One chair.

Q And what else ?

A And a bench.

Q What did you do ?

A I told the Inspector he could go for his money/

MR. HOWE: I object to that.

Q You are not to state what you said to anybody ?

A I just walked in the shanty and bid him the time of day.

Q Did you stand up ?

A Yes, sir, I stood up.

Q Did you subsequently sit down ?

A Afterwards, yes sir.

Q There was a chair there, and you sat on the chair ?

A Yes, sir.

Q Hannon came in about an hour afterwards ?

A Yes sir.

Q What did Hannon do ?

A He sent for a can of beer.

Q You had a conversation together ?

A Yes, sir.

Q Now, will you describe to the Jury just what that shanty is, just tell them about it, the size and dimensions of it



0954

9

A Well, I should judge it was about 12 x 6; 12 feet in length and six feet wide.

Q Twelve feet in length and six feet wide ?

A About that I should judge.

Q What did it contain besides the bench and chair ?

A A little stove, a desk and a coal scuttle.

Q It contained a stove, a desk and a coal scuttle ?

A Yes, sir.

Q What part of the room was the bench in ?

A Why , on the north side of the shanty.

Q Well, did it face towards the door as you went in ?

A The bench did; yes sir.

Q It faced towards you as you went in ?

A Yes, sir.

Q Where was the chair you speak of that you sat upon ?

A Right in front of the bench.

Q I show you People's Exhibit A. You see that shanty or building there, that small building ?

A Yes, sir.

Q Is it like that ?

A This here don't look much like that, it is too long this way.

Q How is this diagram here ?

A I don't understand that, sir.

0955

10

Q In the length I mean ?

A I mean that picture of the shanty.

Q You mean it is a little bit longer, perhaps ?

A It looks longer in the picture than what it is.

Q Now, did you see Sweeney that afternoon at the shanty ?

A Not at the shanty, no sir.

Q I am speaking of the afternoon or evening .

A I seen him on the dump in the afternoon.

Q You have now taken us down to half past 3 in the afternoon ?

A Yes, sir; about that time.

Q Did you go there again ?

A Yes, sir.

MR. HOWE: On what day ?

MR. DOSPASSOS: April 7th.

Q How long did you remain there ?

A Which time do you mean, sir ?

A I mean when you went there at half past three.

A I didn't say I went there at half past three.

THE COURT: He said between 2 and 3.

THE WITNESS: About 2 o'clock.

Q How long did you remain there ?

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A I remained there till about evening.

Q Where did you go then ?

A To 37th. St., to Tom Fay's house.

Q Who did you see there ?

A Why , Fay's wife.

Q Who else ?

A Fay, and a relation of his, a cousin or somebody, I don't know.

Q And then after you left there where did you go ?

A I went to a liquor store corner of 37th. St. and 2nd. Avenue.

Q Whose liquor store is that ?

A I couldn't tell you; I don't know the name; I don't recollect it.

Q After you left there where did you go ?

A Down to the shanty.

Q What time was that ?

A Around 6 o'clock.

Q Who did you find there when you got there ?

A Why, Hannon.

Q You went into the shanty ?

A Yes, sir .

Q Sat down ?

A Yes, sir.



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Q Where was Hannon sitting ?

A He was sitting in the chair.

Q On the chair ?

A Yes, sir.

Q Now, do you remember seeing Sweeney about that time or subsequent to that time at the shanty ?

A After that, yes sir/

Q How long after that ?

A Around a half an hour.

Q That would make it about half past six o'clock ?

A Around that time.

Q Where was Hannon and where were you when you saw Sweeney?

A I was sitting in a chair and Hannon was sitting on the bench.

Q You were sitting in the chair and Hannon sitting on the bench ?

A Yes, sir.

Q And was he sitting facing the door ?

A Yes, sir.

Q And where were you sitting ?

A On the chair.

Q Now in what position were you and Hannonas regards each other ?

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A He was sitting behind me.

Q Behind you ?

A Yes, sir.

Q Did you see Smith at this time ?

A Which time ?

Q You say you saw Sweeney about half past 6 o'clock ?

A Yes, sir.

Q Now when, when you saw Sweeney, who was with him ?

A Why, Smith.

Q Now, then, just describe to the Jury what you saw, beginning with the time you saw Sweeney and Smith, what you heard, and what occurred at that shanty ?

A We ll, I saw Smith and Sweeney coming across the street, and they entered the shanty together, and about a minute elapsed when there was a shot fired. They went away from the shanty. I followed them and had them arrested.

Q What was your position when you saw them coming in ?

A Why, I was sitting at the desk writing.

Q What did you do ?

A Why, I pretended I was asleep.

Q And in making that pretension, what did you go through; what was your position ?

A I was sitting on the bench like this (indicating with his

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head on his arm).

Q Did you see them as they entered the shanty ?

A I seen them coming across the street.

Q And what was their position ?

A Why, one was behind the other.

Q Who was ahead ?

A Smith came first.

By the Court:

Q You saw them cross the street ?

A Yes, sir.

Q Coming across the street ?

A Yes, sir.

Q Describe which way they were approaching, whether they were walking abreast, one ahead of the other, whether they were talking or what was being done ?

A I could not say whether they were talking, but they walked like as if one was behind the other. I should judge Sweeney was the last coming in.

By Mr. Dospassos (resuming):

Q And you saw them enter the shanty?

A I heard the footsteps.

Q Did you hear anything else ?

A I heard some whispering but I could not understand what



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was said.

Q You heard some whispering ?

A Yes, sir.

Q You had then closed your eyes ?

A Yes, sir.

Q How soon after you heard the whispering did you hear the shot ?

A I should judge about a minute.

Q About a minute ?

A Yes, sir.

Q Was the shot after you heard the whispering or before ?

A Why, after.

Q How soon after ?

A About a minute.

Q Now, are you positive that it was a minute, as long as that ?

A Only what I should judge, I ain't positive of a minute, but that is what I should judge.

Q At any rate, the shot was fired after the whispering ?

A Yes, sir.

Q Then, after the shot was fired, what did you do ?

A I followed these two men and got them arrested.

Q How long did you remain in the shanty after the shot was

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fired ?

A Why, not a half minute I guess.

Q Did you turn around and notice Harmon ?

A Yes, sir.

Q What was his condition ?

A He was sitting on the bench with his back to the wall; I noticed a hole in his forehead.

Q Did you see any blood ?

A Yes, sir.

Q And then after you noticed that, you went out and what did you do ?

A I followed the two men.

Q You followed them ?

A Yes, sir.

Q How far ahead of you were they ?

A One half of a block.

Q Tell the Jury just what you did in following them; where you followed them, down what street and up what streets and through what streets ?

A I followed them from the Dump to First Avenue and 38th. Street, down 38th. St. to 37th. St., across on the west side of the Avenue; they went down to 35th. St. and I followed them; they turned up 35th. St. towards 2nd.

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Avenue. I met Roundsman Farley and Sergeant Martens right on the corner of 35th. St. and 1st. Avenue, and I told him to arrest those two men, that they were after shooting a friend of mine.

THE COURT: Strike that out/. Don't state what you said.

Q You spoke to the officer ?

A Yes, sir.

Q As a result of what you said, what was done ?

A You mean what the officer did ?

Q Yes ?

A They went up and arrested both Smith and Sweeney.

Q What occurred there when the officer went up ?

A The roundsman struck Smith's pants with his club and struck a pistol in his pocket and he says "Hold up your hands; I want that revolver"; and he says "What did you shoot that man for"?

Q Was Sweeney present ?

A Sweeney was a little way up the street.

By Mr. Howe:

Q He could not hear what was said ?

MR. DOSPANSOS: I object to your interrupting me in this way.



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MR. HOWE: I have a motion to make to your Honor and it is this: I have a right to make a preliminary examination as to where Sweeney stood so that the Jury may determine and your Honor may pass upon the question as to whether he heard the conversation; and, if so, whether it is admissible or not.

THE COURT: Yes, you have that right, when the District Attorney gets to that point.

By Mr. Dospassos:

Q How far was Sweeney away ?

A Well, if you take it here, -- I should judge about from here to the wall (indicating).

Q Officer Farley, you say, arrested Smith ?

A Yes, sir.

Q How did he speak at that time ?

A He struck his pocket with the club.

Q How did he speak, in a whisper ?

MR. HOWE: It is my turn now to examine.

THE COURT: I think the District Attorney has a right to continue.

MR. HOWE: I ask your Honor to permit me to ascertain the tone of voice of the officer and the position of the parties.

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THE COURT: I think the District Attorney has a right to examine as he is doing. When he is through you have the right to cross-examine.

Q Now, in what tone of voice did Officer Farley speak to Smith ?

A Well, nothing louder than I am talking now.

Q As loud as you are talking now ?

A Nothing louder than I am talking now; that is as much as I can recollect of it.

Q Who arrested Sweeney ?

A Why, Sergeant Martens.

Q And what did Sergeant Martens say to Sweeney, if you heard ?

A Nothing that I heard, sir.

Q But he took him into custody ?

A Yes, sir.

Q What time was it, if you can tell us, that this shot was fired in the shanty ?

A I should judge about half past six o'clock.

Q And how soon after that was it that you saw these men arrested by officers Farley and Martens. You say you followed them up ?

A Yes, sir.

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Q How long after was it that you and they left the shanty that they were arrested ?

A I should judge about ten minutes, to walk from there up there.

Q Now, after these men were arrested, what did you do ?

A I went back to the shanty.

Q You went back to the shanty ?

A Yes, sir.

Q You had some further conversation, did you, with the officers, and as a result of that went back to the shanty?

A Yes, sir.

Q What became of the officers and of Sweeney and Smith ?

A They went to the Station House I believe.

Q Then you say you went back to the shanty ?

A Yes, sir.

Q And when you got back to the shanty, did you go in?

A Yes, sir.

Q Was Hammon there ?

A Yes, sir.

Q And what was his position ?

A Sitting on the bench, the same as I left him.

Q And, as far as you knew, was he dead or alive ?

A Why, he was alive; when I went back he spoke to me; I



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spoke to him first.

Q And then he answered ?

A Yes, sir.

Q And was he still bleeding, the blood running down his face ?

A Yes, sir.

Q How long did you remain there ?

A I remained there until the police came down and took me away out of there .

Q Who came down ?

A A couple of policemen.

Q Who else did you see there, did you see Captain Ryan ?

A Well, I believe it was him gave orders to take me to the Station House.

Q When you followed these two men from the shanty, did you keep them in sight all the time ?

A Yes, sir.

Q Were they together ?

A Yes, sir.

Q Walking together ?

A Yes, sir.

Q And when the pistol was taken -- you saw a pistol taken away from Smith ?

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A Yes, sir.

Q What kind of a pistol was it?

A Why, it was one of those bull-dog revolvers.

CROSS EXAMINATION BY MR. HOWE:

Q Tracy, you went into the hospital to see Hannon, didn't you?

A Yes, sir.

Q And he told you there that Sweeney had nothing whatever to do with this matter, didn't he?

MR. DOSPASSOS: I object to that; that is pretty wide cross-examination; asking him what was said.

MR. HOWE: I ask that question in leading words on cross examination.

THE COURT: When was this?

Q How soon after the shooting was this?

A When I went in to see Hannon?

Q Yes?

A I think it was on Thursday.

Q He told you it was Smith who shot him?

MR. DOSPASSOS: I object to that as an improper question; it suggests an answer. It is not cross examining the witness on anything brought out on

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the direct. The counsel is making the witness his own witness.

MR. HOWE: I have a right to ask him if he went to Alabama on that day, which you didn't bring out on the direct examination; I have a right to ask if he lived in the Hebrides, which you did not bring out on direct examination. I have a right to ask him anything to test him.

THE COURT: You claim the right now to show by this witness what the deceased said to him at that time or at any time after the shooting?

MR. DOSPASSOS: I object to his putting in the mouth of the witness the very words he wants the witness to testify to.

THE COURT: I will allow it. If he should deny it the counsel may want to call other witnesses that were present to show that he did say it.

Q Hannon said to you that it was Smith who shot him?

A That ain't the way he told me.

Q Tell us what he said?

A I said to him first -- When I went into the Hospital--  
This question wasn't put to me on the other trial, sir.

MR. HOWE: We want the truth, my friend.



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THE COURT: Mr. Howe wants you to say what you said to Hannon and what he said to you.

The WITNESS: I said to Hannon: "Philly, what will we do with these people?"; he says: "Never mind Dick, I am all right, Smith done me, but I will get hunk".

Q What did he say about Sweeney ?

A He didn't mention that Sweeney had nothing to do with it; he didn't say that; he said "Smith done me and I will get hunk on him".

Q Didn't he say to you that Sweeney had nothing to do with it; try and think ?

A I couldn't say that; he may have mentioned Sweeney's name, but I forget it.

Q Wasn't the result of his conversation with you that Sweeney had nothing to do with the shooting, yes or no ?

A Not altogether that, sir; I shouldn't say that way.

Q Was that about the impression ?

A Sweeney's name was mentioned but I could not tell you if he said Sweeney had nothing to do with it or not; I couldn't say; I know he said: "Smith done me and I will get hunk"; that's what I remember.

Q Whether he said Sweeney had nothing to do with it or not

*Heard the police*

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you cannot remember ?

A No, sir, I cannot.

Q He may have said it.

MR. DOSPASSOS: I submit that he has driven the witness far enough.

THE COURT: I will allow it, -- the question as to whether the deceased may have said something without this witness hearing it.

MR. DOSPASSOS: The witness says he doesn't recollect anything about it.

Q May not Hannon have said at that interview, without your now remembering it, that Sweeney had nothing to do with the shooting ?

THE COURT: You may answer the question:

A I don't recollect it; I couldn't answer it; his name was mentioned.

Q Do you remember seeing Sweeney with Hannon on that day, and seeing Sweeney shake hands with Hannon that morning?

A Yes, sir.

Q About what time was that ?

A That wasn't in the morning, sir.

Q In the afternoon ?

A Yes, sir; in the afternoon.

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Q Sweeney and Hannon appeared to you to be perfectly good friends ?

A Yes, sir.

Q No question about it ?

A That afternoon, yes sir.

MR. DOSPASSOS: I object to this; I think it is a most remarkable line of testimony.

THE COURT: I shall sustain the objection. It is a conclusion for him to state that they were friends.

Q Where was this, what hospital ?

A Bellevue Hospital.

By the Court:

Q You say that at this interview Hannon stated: "Smith has done me," and that Sweeney's name was mentioned, you recollect his name was mentioned ?

A Yes, sir; I recollect his name was mentioned by Hannon and me both.

Q Do you remember in what connection it was mentioned, and what words were used at the time Sweeney's name was mentioned ?

A I could not very well say, to tell the truth; I know he didn't say anything bad about Sweeney; I am sure about that.



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MR. DOSPASSOS: I move to strike that out.

THE COURT: To a certain extent that is characterizing what was said. The witness does not recollect the language but he does recollect the fact that nothing was said which was adverse to Sweeney.

MR. DOSPASSOS: I must object to this little running talk of Mr. Howe. I think it is improper. I can hear it but your Honor can't hear it; but if you could I know you would stop it. I think it is exceedingly improper and unprofessional for the counsel to make criticisms upon the conduct of the District Attorney who is trying this case. He is constantly doing it and I am going to object every time he does it.

MR. HOWE: The District Attorney, in his inexperience, forgot that he said, before I made the remark "We will take it as it is" and the remark which I made in reply to him was simply "You must take it, the Court has so ordered". I ask now who is to blame.

MR. DOSPASSOS: Mr. Howe is now talking about something else that had already transpired. I am referring to subsequent conversation on his part.

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THE COURT: Mr. Howe disclaims any intention of doing anything wrong.

RE-DIRECT EXAMINATION BY MR. DOSPASSOS:

Q Tracy, you testified on the first trial of this case, didn't you ?

A Yes, sir.

THE COURT: You should not refer to that.

MR. DOSPASSOS: The former verdict can not be used or referred to either in evidence or in argument -- I am asking this witness now a bout what he testified to.

THE COURT: You may refer to that.

Q You have testified now that you saw Hannon in the Hospital on the Thursday after the shooting ?

A Yes, sir; I should judge it was that day, Thursday or Friday.

Q Do you mean to swear to that under your oath ?

A Yes, sir.

Q Do you know that this is the first time you have ever told that story ?

A Yes, I am aware of that.

Q Did you testify to that effect on the former trial ?

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A No, sir.

MR. HOWE: I object to that. He is their own witness. I object to that question as incompetent.

Objection overruled; exception.

Q Did you say anything whatever about seeing Hannon in the Hospital when you were examined in this case upon the former trial ?

A No, sir.

Q Before you were examined on the former trial you saw Mr. Purdy, did you not, the assistant who had the case in charge ?

A Yes, sir.

Q Did you tell him all you knew about the case ?

MR. HOWE: I object to it.

THE COURT: I don't see that it is material to know what he told Mr. Purdy.

Q Did you tell Mr. Purdy anything about this visit to the Hospital ?

MR. HOWE: I object to that question as incompetent, immaterial and irrelevant.

THE COURT: I will allow the question. You may answer it.

Exception.



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A No, sir; I did not.

Q You did not tell Mr. Purdy ?

A No, sir.

Q Didn't Mr. Purdy ask you to tell him the whole facts as you knew them ?

MR. HOWE: I object to that as incompetent, irrelevant and immaterial -- what Mr. Purdy told him.

THE COURT: You are going on to show a conversation had between this witness and a former assistant District Attorney.

MR. DOSPASSOS: Simply for the purpose of affecting his credibility. I asked him if he made those statements to Mr. Purdy.

THE COURT: I have allowed you to ask him that. You asked him if he told Mr. Purdy about the visit to the Hospital and he said he did not. Now you are going on and asking the witness to state all that was said about this case to Mr. Purdy.

MR. HOWE: And I object to it as incompetent and immaterial.

Objection sustained.

Q Did Mr. Purdy ask you whether you had ever seen Hannon again, after you saw him taken away in the ambulance ?

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A No, sir.

THE COURT: Don't answer that. You have no right to show an interview between Mr. Purdy and this witness. You have a right to ask him as to material matter which he now testifies to -- if he ever told that to anybody before. Upon that view of it you have a right to ask him if he told it to Mr. Purdy or told it to any of his friends or to anybody.

MR. DOSPASSOS: I will withdraw the question.

Q Why didn't you tell Mr. Purdy that you had been to the hospital, and that Hannon had made those remarks to you?

Objected to as incompetent. Question allowed; exception.

A Well, because he told me to answer all questions put to me; that I shouldn't give none at all, only to answer all I knowed about the murder. He didn't ask me if I seen Hannon or anything else after the murder. I only told him about the murder and not about seeing Hannon.

Q You thought that you were confined as to the facts which occurred in the shanty?

A Yes, sir; that is all.

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Q You told him about your having followed Sweeney, did you not ?

A Yes, sir; that was in the murder trial.

Q You told him that ?

A Yes, sir.

Q And you told him about the arrest having been made, did you not ?

A Yes, sir; I was willing to tell him that.

Q You told him you went back to the shanty, didn't you?

A Yes, sir.

Q You testified to all that on the former trial ?

A Yes, sir.

Q You said nothing to him about this visit to the Hospital?

A No, sir; I was willing on the trial and I wasn't allowed.

Q Now, did you tell Mr. Purdy anything about seeing Sweeney shake hands with Hannon that morning or afternoon ?

A No, sir.

Q You didn't say anything about that ?

A No, sir.

Q Why didn't you tell him about that ?

Objected to; objection overruled; exception.

A Well, as far as I think, on the other trial, Mr. Purdy didn't care to know anything about that, that is what I



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think; and I tried to tell Recorder Smyth about it but they told me to answer all questions, but I could say nothing else.

Q You saw this man on trial for his life ?

A Yes, sir .

Q And yet you failed to volunteer to make that statement ?

THE COURT: He says he did volunteer but they wouldn't let him.

THE WITNESS: I asked them to let me tell what I knew and they said : Answer all questions but say nothing. Answer all questions but not to give a question myself; I don't mean that they meant for me to say nothing but I had to answer -- I know that as well as anybody .

Q Now, you remember that I had a talk with you about this case ?

A Yes, sir .

Q And, didn't I ask you to tell me all you knew of the facts ?

MR. HOWE: I object. What you asked him is incompetent.

THE COURT: You may ask him this: Did I not have an interview with you ?; and then you may ask him

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why he did not tell you this.

Q Didn't I have an interview with you on two or three occasions about this case ?

A Yes; on two.

Q Didn't I go over your testimony with you ?

A Yes, sir.

Q Read it to you ?

A Yes, sir .

Q And talked with you about the case ?

A Yes, sir.

Q Did you tell me anything about this visit to the hospital?

A No, sir, I did not.

Q Why didn't you tell me about it ?

A You asked me questions and I answered them.

Q Did I tell you not to tell me anything excepting about the murder ?

A No, sir; you did not.

THE COURT: Your statements to him are not evidence against the accused.

MR. DOSPASSOS: It is simply to affect his credibility. I ask him whether he said anything to me about this visit to the aHospital.

THE COURT: It does not matter what object you

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have in view; it is not proper for the witness to state to the Jury all you said to him about this case.

Q How is it you didn't tell me that you made this visit to the hospital that Thursday afternoon?

A How was it that I didn't? Well, I don't know, only you didn't ask me no questions about if I ever saw Hannon. Didn't I make a remark to you that I could say something in favor of Sweeney if I wanted to?

MR. DOSPASSOS: No.

THE COURT: That must be stricken out.

MR. HOWE: I ask that the answer be retained.

THE COURT: It is not responsive to the question.

It will be stricken out.

Q Well, as a matter of fact, you didn't tell me anything about the visit to the hospital that afternoon?

A No, sir; not about the visit to the hospital.

Q Now, what time was it on Thursday you went to this hospital?

A Well, it was some time Thursday; I can't recollect the time now.

Q You can't recollect the time?

A No, sir.



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Q Do you recollect what hospital it was ?

A Yes, sir.

Q What hospital was it ?

A Bellevue Hospital.

Q Where is Bellevue Hospital ?

A 26th. St.

Q Whereabouts in 26th. St. ?

A Between the River and 1st. Avenue; it runs from the River to 1st. Ave. between 23th. and 26th. Streets.

Q You don't know what time of day you went there ?

A No, sir; I don't know; I know I was there and seen Hannon.

Q Can't you come something nearer the time than that ?

A No, sir; I could not.

Q How do you know it was Thursday ?

A I said I should judge it was Thursday or Friday.

Q You don't intend to swear that it was either one or the other?

A No, sir; I won't swear to the day; I say I went there

Q You don't know whether it was Thursday or Friday ?

A No, sir.

Q And you want the Jury to understand that ?

A Most undoubtedly; I am sure.

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Q It may have been Friday ?

A Yes, sir.

Q It may have been Saturday ?

A No, sir; it was not Saturday; I am sure of that because he died Saturday night coming on to Sunday morning; I wasn't there that day.

Q You were not there on Saturday ?

A No, sir.

Q And you don't recollect what time of day it was ?

A No, sir; I do not.

Q Was the sun out or was it in the night time ?

A I cannot look back that far; four years, to think of that.

Q Now, who went with you ?

A Nobody.

Q You went alone ?

A Yes, sir.

Q And how did you get in ?

A I got in at 26th. St., in a gate there.

Q You got in at 26th. St., in a gate ?

A Yes, sir.

Q Who let you in ?

A Mr. Standish, the man at the gate; he is dead now.

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Q He is dead ?

A Yes, sir.

Q Did you have a pass to go in ?

A No, sir.

Q You got in without a pass ?

A Yes, sir.

Q Now, whereabouts was Hannon; what Ward was he in in the Hospital?

A That I could not tell you; but when I told Standish who I was he let me in without a pass.

Q What part of the hospital, what ward was Hannon in; tell the Jury that ?

A Well, I could not tell you that.

Q You couldn't tell that ?

A No, sir; I might have heard what ward yesterday if I wanted to, but I never troubled about it; I went in to see Hannon.

Q You might have heard it yesterday ?

A Yes, sir; I could have found out if I wanted.

Q You did not get any instructions on that point ?

A I didn't look for any.

Q Now, you went into the Hospital ?



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A Yes, sir.

Q Can you describe the ward in that hospital in which Hannon lay?

A No, sir, I could not do that.

Q You couldn't do that?

A No, sir.

Q What kind of a bed did he lay on?

A The same as every other bed I should judge; I believe he did; I don't know; different beds.

Q On the usual kind of a bed?

A Yes, sir; I believe so.

Q What was it, a big bed that would hold two?

A I don't know; I think it was the same as every other bed there.

Q What kind of beds have they in that hospital?

A I never laid in one; I don't know what kind they are.

Q Didn't you see the beds?

A Yes; I seen the beds.

Q Well, what kind of beds were they?

A I don't know.

Q How large a room was Hannon in?

A Why, in one of the big rooms.

Q One of the big rooms?

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A Yes, sir.

Q How large was this big room ?

A I couldn't tell you that.

Q Now, was he in any room at all ?

A Yes, sir; in one of the wards.

Q How far did you have to go into the hospital before you reached Hannon ?

A Where do you mean, from the roadway outside ?

Q From the door. How far did you have to go in, how far did you walk into the hospital inside before you reached Hannon's room ?

A When I went in there first, I went to the wrong place and I had to go through several doors to get to his place., I know; I recollect doing that much.

Q You went to the wrong place ?

A Yes, sir.

Q You recollect that ?

A Yes, sir.

Q What place was that ?

A Some part of the hospital.

Q Was it the wrong place ?

A I went into the wrong ward.

Q What ward was that ?

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A What Ward was it? That I could not tell you; I don't recollect the Ward Hannon was in; I don't know the number of the Ward he was in but I know I was there to see Hannon.

Q You don't know whether it was on Thursday or Friday?

A No, sir, I do not.

Q You can't describe the room in which he was?

A No, sir; only a big Ward, that is all I can describe about it; I seen Hannon in bed and spoke to Hannon.

Q And before finding that Ward you wandered around the Hospital, did you? A Before finding the Ward Hannon was in?

Q Yes? A I went to the wrong Ward first; I was directed to the Ward Hannon was in by somebody in the place.

Q Will you describe to the Jury what kind of a room Hannon was in, and what kind of a bed he was on; and who was present? A

A Well, I can't describe it no more than what I have told you; it was one of the Wards in the Hospital and he was lying on the bed; I cannot tell you what kind of a bed it was, a feather bed or a straw bed or what it was; I can't tell you that; I didn't feel it; that was not troubling me; I went there to see how Hannon was and



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what he would have to say about the trouble .

Q Was it a bed with curtains down over it, did it have curtains over it so that you could pull them apart?

A No, sir; I don't think it did.

Q Did it or did it not?

A No, sir.

Q Was there a curtain over the head of the bed?

A No, sir.

Q There was no curtain over the head of the bed?

A No, sir.

Q Now did you see any screens in the room?

A There was a screen by the bed.

Q You saw a screen?

A Yes, sir.

Q I want you to tell the Jury about that screen; what color was that screen?

A Well, I don't know about that; I seen only one color, a green colored screen, in the Hospital; that is the only kind of screens I seen there; I couldn't tell what kind of a screen that was.

Q In Hannon's room?

A There was more beds in the big room where Hannon was; there was more beds there.

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Q What was the size of this screen?

A That I could not tell you, sir.

Q Give us some idea of the size of the screen?

A I did not take much notice of that; I couldn't tell you and there is no use in me saying the size of it, I ain't sure of it.

Q Who was with Hannon when you went in?

A His mother was there.

Q His mother was there?

A Yes, sir; and there was a fireman a couple of beds away from him that was after getting hurt, and who knew Hannon, was acquainted with him.

Q Did you have the conversation with Hannon in the presence of his mother?

A His mother was sitting there; whether she heard it or not I would not say.

Q How far away was his mother?

A Sitting by the bed there; she was sitting by the bed when I went in and saw Hannon and spoke to him, and Hannon told me this; I never told it on the other trial but I did intend to speak to this Judge to-day about it if I was not asked. I told that to my friends uptown.

Q Who was with you when you went in?

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A Nobody.

Q Anybody?

A No, sir.

Q Nobody with you?

A No, sir.

Q You went in alone?

A Yes, sir.

Q How long did you remain there?

A Well, fifteen or twenty minutes; the Doctor put me out when he found I was in there.

Q What Doctor put you out?

A That I couldn't tell you?

Q How do you know he was a Doctor?

A I believe so.

Q You don't know?

A No, sir; I am not sure, not positive..

Q Do you know the name of the party who put you out?

A No, sir; by his appearance I believe he was a Doctor.

Q Was Mrs. Hannon there when you were put out?

A She was there from the time I went in until I was put out, yes, sir.

Q And she saw the Doctor put you out?

A That I couldn't tell you.



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Q She was in the room, wasn't she?

A she was, yes, sir.

Q Now, when did you first tell the story to anybody about your going to the Hospital on Thursday?

A I told that over a year ago.

Q Who did you tell it to?

A I told it to the people up around my neighborhood for the first time; over a year ago I told it.

Q How much over a year?

A I don't know, sir.

Q How recently did you tell it?

A If I am not greatly mistaken I spoke about it this morning?

A To whom?

Q To a man that keeps a liquor store in 28th St. and Second Avenue; James Walker.

Q Did you speak to anybody in Mr. Howell's office about it?

A No, sir.

Q How did you come to speak to James Walker about it?

A I just asked him about the trial; he seen my name in the World printed as an ex-convict and he was talking about the trial, and I said that I intended to tell this when I go down to Court.

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Q You never told it to Mr. Howe?

A No, sir; I never spoke to that man in my life.

Q Did you tell it to the defendant's counsel on the first trial?

A No, sir.

Q You didn't tell a word about it?

A No, sir; I didn't speak to him at all, only on the trial.

Q Although you knew this man's life was in jeopardy?

A Yes, sir.

Q Have you ever been convicted of crime, Tracey?

A I was convicted of assault.

Q Were you convicted of anything else?

A Never convicted, no, sir.

Q Now, do you recollect my reading your testimony to you of the former trial?

A Yes, sir.

Q On several occasions?

Objected to.

Q Do you recollect being asked this question on the former trial, found at page 34, folio 132,.

Mr. Howe: I ask that the page of the minutes be stricken out.

The Court: You may ask him whether he made

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Q What people?

A Where I belong.

Q And he has been dead over two years?

A I believe so.

THE COURT: Gentlemen, we will now adjourn. You will observe the instruction I gave you at recess, that it is your duty not to converse among yourselves or with others in reference to this case; it is your duty not to read anything with reference to the case if your eye falls upon any mention of it in the newspapers; you must avoid talking with your families or with anybody about it.

Adjourned until to-morrow, Wednesday morning, January, 16,



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such a statement.

Q You were asked on the former trial this question:

"Did you go with him to the Hospital? A No, sir.

Q You saw the ambulance start for the Hospital? A Yes, sir.

Q And that is all you know about the matter? A That is all.". Do you recollect making that statement?

A That is right, yes, sir.

Q Now why didn't you-- why did you say that that was all you knew about the matter?

A I was told to answer such questions; I tried several times to tell them this but they wouldn't allow me; they told me to only answer questions.

Q You say you saw Sweeney shake hands with Hannon in the afternoon; what day was that?

A That was Tuesday afternoon.

Q The day of the shooting?

A Yes, sir, the day of the shooting.

Q Whereabouts was it?

A Down at the 38th St. dump, on the board.

Q And who was present?

A There was another young fellow, I do not know his name, who belonged around there, he was picking coal or something

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Q You don't know his name?

A No, sir; he carried beer to us.

Q You simply saw them shake hands and separate?

A Yes, sir.

Q How do you come to recollect that?

A How do I come to recollect that? Well, because I do--  
why wouldn't I recollect it as well as anything else.

Q That is your explanation of it?

A Yes, sir; and what Hannon said to me when he came back.

R<sup>c</sup><sub>F</sub>-CROSS EXAMINATION.

BY MR. HOWE.

Q Purdy told you not to tell anything in favor of Sweeney,  
didn't he?

A No, sir, I didn't say that; he told me to answer all ques-  
tions.

Q What was it you said that you could say something about--  
you never saw me until to-day?

A No, sir; never in my life.

Q Or anyone connected with my office that you know of?

A No, sir.

Q You are this gentleman's witness?

A Yes, sir.

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Q Brought here by him?

A Yes, sir.

Q Consulted with him and conferred with him in his private room?

A Yes, sir.

Q Didn't you say this to me "I think Mr. Purdy didn't want to hear anything from me in Sweeney's favor?"

A Yes, sir; I said I thought so.

Q And that is the reason you didn't say it?

A Yes, sir; that is the reason I didn't say it; I would not be let say it.

BY MR. DOS PASSOS.

Q You say that Standish, the doorkeeper at the Hospital is dead?

A Yes, sir.

Q When did you ascertain that fact?

A Why, when he died.

Q When did he die?

A Well, he was dead I guess about going on two years.

Q He is dead going on two years?

A I should judge about two years.

Q And how did you ascertain that he had died?

A I heard people talking about him.

0996

# Stenographers' Minutes.

Court of General Sessions  
Part 3.

BEFORE

The People vs.  
against  
Alexander Sweeney

Hon. H. A. Eldersleeve  
and a Jury

January 17<sup>th</sup> 1889

WITNESSES.

DIRECT.

CROSS.

RE-DIRECT.

RE-CROSS.

Alexander Sweeney

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THE PEOPLE &c.,

vs.

SWEENEY.

New York, January 17th, 1889.

ALEXANDER SWEENEY, the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HOWE.

Q What age are you?

A Going on thirty-two-- thirty-two years of age next April.

Q Were you at this shanty, or dump as it has been termed, at the time Smith shot Hannon?

A I was.

Q At 3 or 4 o'clock in the afternoon of that day, had you seen Hannon in Gillespie's saloon?

A I didn't meet him there; I met him at the shanty, at the Dump.

Q At what time?

A At about half past three in the afternoon.

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Q Where was it, if ever, that he invited you to come to his shanty that night?

Q In Gillespie's saloon.

Q What time was that?

A That was between four-- around four o'clock in the afternoon.

Q That same afternoon?

A Yes, sir, that same afternoon.

Q Gillespie has told us, and you heard it, that you and the deceased had a scramble or a tussle as he said, hauling and scratching each other on the floor of that saloon. Is that so?

A Well, the deceased reminded me of that.

Q That was the day before?

A No, sir; that was Monday.

Q I say that was the day before?

A Yes, sir.

Q On Monday?

A Yes, sir.

Q The day before the shooting?

A Yes, sir.

Q And then after that you and the deceased had some drinks together?

A Yes, sir.

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Q Had you any ill feeling towards the deceased then?

A Not a particle.

Q Did he invite you to drink there?

A Yew, sir.

Q After that?

A Yes, sir.

Q Did you drink with him there, after that?

A Yes, sir.

Q Did he then and there invite you to come up the next night to his shanty to meet a girl?

A Yes, sir.

MR. DOS PASSOS: I object to that. It is too leading I think.

THE COURT: It is a little too leading.

Q Well, what did Hannon say to you then?

A He asked me down to the dock that night, to the shanty, at least, and he would have a girl there for me, there would be two of them down there.

Q There would be two girls down there?

A Yes, sir.

Q One there for you?

A Yes, sir.

Q What reply did you make?

A I told him I would be down there.

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Q Now was it, Sweeney, in consequence of that request of Hannon's made publicly in that saloon, that you went there the next night?

Objected to as leading. Objection overruled.

A Yes, sir, it was.

Q Had you at the time you went to that dump or shanty, as it has been termed, or both, any idea or knowledge that Smith had a pistol?

A I did not.

Q Did you at any time know that Smith ever carried a pistol?

A Well, I didn't associate with him; I didn't know him at all.

Q Say yes or no, if you did, say yes, if you didn't, say no?

A I never knew him to have a pistol.

Q Then the first you ever saw of the pistol was when it was in Smith's hands either at the time of, or after the shooting?

Objected to.

THE COURT: That is really a resume of what the witness has already said. He has said that he never knew him to have a pistol at any time.



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A After the shooting.

Q Did you either directly or indirectly, knowingly aid or abet Smith in the shooting of Hannon?

MR. DOS PASSOS: I object to that. It is calling for the conclusion of the witness. It is a question of law.

THE COURT: It is eminently proper to ask that question. He is asking him as to the fact.

Objection overruled.

Q You did not knowingly directly aid or abet Smith when he shot Hannon?

A As God is my judge, I did not.

Q The witness Tracy has testified that he saw Smith crossing the street and you behind him, and that Smith went into the shanty and shot Hannon when he was on the bench and you were inside the place. Did you know at that time, or had you any idea that Smith was going to shoot Hannon?

A I did not.

Q Had you at that time any ill feeling toward Hannon, Mr. Sweeney?

A None whatever.

Q The sole purpose of your visit to that dump or place

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that night, was to obey the invitation which Hannon had given to you in Gillespie's?

A Yes, sir.

Q When the pistol went off and you saw that Hannon had been injured, what did you say?

THE COURT: He hasn't stated that.

Q You heard the pistol discharge, did you?

A Yes, sir; I heard the pistol discharge.

Q Did you see that the discharge had injured Hannon?

A I did.

Q Did you say anything to Smith then, if so what?

A I turned around and said to him "What did you do that for?"; he said "It went off".

Q You said to Smith "What did you do that for?"

A Yes, sir.

Q What was his reply?

A He said that it went off, that the pistol exploded.

Q What did you say then?

A I asked him what he was going to do, and he said "I don't know, let us go up the Avenue and get a policeman".

Q Go up and get a policeman?

A Yes, sir; Smith said that; he says "You come up with me"; I says "I will do no such thing, I will stay here"; and

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he says "No, -- well, I won't go up"; the deceased said "No, Aleck. You stay here"; so I thought about doing the best thing would be to go up with Smith. Well, I went up the Avenue with him--

Q Instead of going for a policeman Tracy followed you and gave you into custody?

A Yes, sir.

Q Tell the Jury how that was. Tell the whole truth about it?

A We went to First Avenue, and being that I didn't know which way the policeman was, up or down, I thought I would go down towards the station house anyway, and meet him on the way down. I went down, and got down as far as 35th St.; there was no policeman in sight at the time; I didn't see any; we turned up 35th St. towards the stationhouse, and in the middle of the block near Second Avenue two officers came behind us and one of them, Roundsmen Farley caught Smith and Martens took hold of me; and he hit Smith, gave him a shove in the back of the neck and shoved him away ahead of me and hit him on the side of the leg and I heard him say "Give me that pistol." So then we went to the station house.

Q Sergeant Martens arrested you?

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A Yes, sir; he put me under arrest.

Q You denied in the station house, so we have been told and I take it to be true, that you were in the shanty -- when you were before the Captain?

A Yes, sir.

Q Tell the J<sup>u</sup>ry why you denied it, if you hand't anything to do with it?

MR. DOS PASSOS: If your Honor please, anything that the defendant said is perfectly competent, but he cannot cross examine his own witness and ask him why he did not say a certain thing; he is really in cross examination, he is asking him why he didn't tell about this. I submit that it is improper. He can ask him what occurred, what was said and what was done, but when he comes to ask this witness as he is doing now, why he didn't say a certain thing, I submit that it is illegal and incompetent.

THE COURT: You have already shown that while at the station house the defendant made certain statements. His counsel now asks him why he made them. I will overrule the objection.



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A Well, I wanted Smith to tell it himself, because he  
done it I wanted him to tell it.

Q Smith had done the shooting, and you wanted him to tell  
it?

A Yes, sir. I was under arrest at that time.

Q You didn't desire to say anything by which you would be  
kept in custody?

A No, sir.

Q Did you desire to say anything then which might subject  
you to being locked up?

THE COURT: That is a little bit leading.

Q Sweeney, have you until this time ever been arrested for  
anything?

A Yes, sir; I was arrested for intoxication.

Q When was that, sir?

A Well, in 1880 or 1881, I can't recollect that.

Q How long ago was it?

A Well, about eight or nine years ago.

Q You lived home with your mother?

A Yes, sir.

Q Now you heard the deposition, not a deposition but you  
heard something read in this Court, in which a witness

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by the name of Curry is alleged to have sworn that at five o'clock on the morning of the 7th of April, you were around Hannon's dump, or place or shanty. Is that true?

A No, sir.

Q Where were you at that time?

A In my bed.

BY THE COURT.

Q Where was your bed?

A In the house.

Q In what house?

A My mother's house.

Q Where?

A No. 322 East 38th St.

BY MR. HOWE.

Q You say then that you took no part in the shooting of Hannon, save that you were accidentally present, according to Hannon's invitation, and that you didn't know that Smith was about to shoot Hannon; that you didn't know that Smith was going to inflict any injury upon him at all, and that whatever Smith did was done entirely without your knowledge or participation.

MR. DOS PASSOS: I object to that as improper and incompetent.

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THE COURT: It is simply a review of what he has already said.

MR. DOS PASSOS: It is a matter for the Jury to determine.

THE COURT: I think the objection might be sustained without any error, but he has already testified to that and I will allow him to answer. It is simply a resume of what he has already said.

A I did not.

CROSS EXAMINATION BY MR. DOS PASSOS.

Q What time did you see Peter Smith that afternoon?

A At a quarter to six o'clock.

Q Where did you meet him?

A In the neighborhood of First Avenue, between 37th and 38th Streets.

Q You met him at a quarter of six, whereabouts?

A Well, about a quarter to six, it might be ten minutes to six.

Q Whereabouts?

A Between 37th and 38th Streets on First Avenue.

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Q That was the after noon of the shooting?

A Yes, sir.

Q How far from Gillespie's saloon was this?

A About 25 or 30 feet, halfway in the street, in the Avenue.

Q Did you go into Gillespie's saloon with Smith to have a drink?

A Yes, sir.

Q What time was that?

A That was around six o'clock; it might be a few minutes to six.

Q What time did this shooting occur?

A About half past six o'clock.

Q And you and Smith before that were in Gillespie's saloon-- before the shooting you were in Gillespie's saloon?

A About six o'clock.

Q You had a drink together?

A Yes, sir.

Q What did Smith do while in that saloon?

A He went into the water closet.

Q Did you go with him? A. No sir.

Q Did you notice him when he came out of the water closet?

A No sir.



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Q Were you there when he came out?

A No, sir.

Q Did you leave him in Gillespie's?

A Yes, sir.

Q Did you have any conversation with him while you were there?

A Yes, sir, I had a little.

Q Did you bid him goodbye when he came out of the water closet?

A No, sir.

Q So you started away and left him there?

A Left him there.

Q Now, this you say was about six o'clock or ten minutes of six?

A Around six o'clock, it might be a little after six.

Q And how long were you in the store with Smith?

A About 10 or 15 minutes.

Q And when did you leave?

A About that time.

Q And how far is this shanty or dump from that store?

A Well, I should judge about 300 feet from the corner, it might not be that.

Q And how many minutes had it taken you to go down to that shanty?

A About a minute.

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Q Well, how long past six o'clock was it, when you got there?

A Well, it might be-- how long past six?

Q Yes?

A Well, I hadn't the time with me.

Q About how long was it?

A About half past six.

Q When you got to the dump?

A Yessir; when I got to the dump; it might be a quarter to seven or twenty minutes of seven.

Q Well, on your way down to the dump, did you see Peter Smith?

A I did not.

Q How long had you been at the shanty when you saw Smith?

A About a minute or two.

Q Who got there first, you or Smith?

A Me.

Q Did you notice anything in his hand?

A No, sir.

Q Were you at this time inside of the shanty?

A I was at that time inside the shanty.

Q And did you see Hannon?

A I seen Hannon and was talking to him.

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Q And where was he, was he sitting on the bench?

A Sitting on the bench.

Q With his back to a partition-- facing the door?

A Yes, sir; exactly.

Q You were standing up?

A Yes, sir.

Q Did you see Tracy there?

A I did; but I did not recognize him at that time.

Q Was he asleep?

A Well, he was in that position.

Q He was in that position?

A Yes, sir.

Q Did he have his hand up this way (indicating)

A Yes, sir; he had his hand that way.

Q Now, when did you first notice Smith?

A Just on the ~~side~~ as he came in the door.

Q And then what did you do?

A I didn't do anything. I asked him what brought him down here.

Q Well, didn't you have to turn your head to see him. How did you come to see him. You were facing Hannon, were you not?

A Not exactly facing Hannon, Hannon was sitting there and

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I was standing along side of him.

Q You could see Smith come in?

A I would have to turn my head that way.

Q Did you turn your head that way to see him come in?

A yes, sir; a little turn like that.

Q What did you do?

A I asked him what brought him down here.

Q Who was next to you, Hannon or Smith?

A Hannon.

Q Now then, what was your position when you heard the report of that pistol?

A My position-- I was talking to Hannon, at the time I was close to him.

Q Close to him?

A Yes, sir.

Q Now how close were you to Hannon. Can you illustrate. Suppose this was Hannon, how close now were you to him?

A Well, I was standing here (indicating)

Q Right there?

A Yes, sir; about that way, yes, sir.

Q About that far?

A Yes, sir; that is exactly it.

Q Where was Smith?



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A Smith, was, say where the Judge is.

Q Where was Smith when you heard the report of the pistol?

A In the very same place

Q And you were where you stand now?

A Yes, sir.

Q Hannon was here, and Smith was here, is that it? (indicating)

A Yes, sir.

Q And you were in the position you are now facing me, you were facing Hannon?

A Hannon was sitting down, not quite so high as that; the bench is a small bench about that high (Indicating)

Q You were facing Hannon that way looking towards him?

A Yes, sir.

Q Now, you say you saw the pistol in Smith's hand after the shot was fired?

A Yes, sir.

Q Where were you then when you saw the pistol?

A Right by Hannon.

Q Did you turn around and see Smith. How was Smith, what was his position when you saw the pistol?

A He had it in his hand that way.

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Q He had it that way (indicating)

A No, sir; he showed it to me.

Q Did he have it that way?

A Yes, sir.

Q Did he have it, holding it around the breech?

A No, sir.

Q Did you at the instant the pistol was fired, see the smoke puff out?

A No, sir.

Q You didn't see any smoke?

A Certainly.

Q You saw smoke?

A Yes, sir; certainly.

Q And did the powder from the pistol touch your face in any way?

A No, sir; it did not.

Q Now then, you say that you turned around to Smith?

A I turned around to Smith.

Q What did you see Smith have besides the pistol, if anything?

A I seen both a handkerchief and a white piece of linen; the handkerchief was in his hand; I don't know which it was whether a handkerchief or a piece of linen, I am not sure.; something white; I am not sure what it was along

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with the pistol.

Q And then Smith said "The pistol went off"

A Yes sir, exploded, the pistol exploded or went off .

Q Now you were a friend of Hannon

A Well, I have know him for a couple of years .

Q You hadn't had any trouble with him at all before that time ?

A Oh, yes sir .

Q Well weren't you a friend of Hannon's ?

A Certainly .

Q At that time ?

A Well, not a particular friend, well, just knew him. I just got acquainted with him that day any way intimate, that very day .

Q You are a friend of Tracy's too, weren't you ?

A No sir .

Q You were not a friend of Tracy's ?

A No sir, certainly not .

Q What did Tracy do when the shot was fired, did he jump up ?

A Yes sir .

Q He jumped up ?

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A Yes sir .

Q Did he grab Smith ?

A No sir .

Q Did he grab you ?

A No sir .

Q What did he say ?

A He didn't say anything .

Q He didn't say a thing ?

A Well, in the excitement, no sir .

Q Now how long was it before the firing of that shot --between the time ~~he~~ the shot was fired and the time you left the shanty ?

A Between the time ?

Q After the shot was fired how long was it-- how long did you remain in the shanty, you and Smith ?

A About two or three minutes .

Q And what did you do in that time ?

A Well, what did I do at that time? well, Hannon wanted me to stay there and Smith wanted me to go up the Avenue with him to get a policeman .

Q Did Smith suggest the policeman or you ?

A Smith. I asked him what he was going to do about it.



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Q Didn't you say that Smith suggested getting a policeman?

A I asked him what he was going to do about shooting him.

Q What did he say ,?

A He said he would go up the avenue and get a policeman .

Q You said you wanted to stay with Hamon ?

AXYes sir .

Q You didn't stay , did you ?

A No sir .

Q But in about two minutes you left ?

A Yes sir .

Q Now, did Smith say that the shooting was an accident?

A No sir .

Q He did not ?

A Np sir; he said it exploded .

Q Did he say he couldn't help it ?

A He said the pistol went off .

Q Did he say he couldn't help it ?

A Yes sir; he said the pistol was exploded and he couldn 't help it .

Q What did he do with the pistol after it was shot off ?

A He put it in his pocket and went up the street .

Q What pocket ?

A Well, I dont know exactly what pocket, in the left hand pocket .

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Q In the left hand pocket ?

A Yes sir .

Q What did he do with the handkerchief ?

A He put that in his pocket too .

Q He put that in his pocket too ?

A Yes sir .

A And then you and he left the shanty ?

A Yes sir .

Q Now, did you tell Hannon that you were going to get a policeman ?

A I told him I would be back shortly .

Q Did you tell Harmon you were going to get a policeman ?

A Yes sir .

Q You told Harmon that ?

A Yes sir .

Q And what did Hannon say ?

A Hannon says "No, stay here ".

Q Have you ever testified before that you told Hannon you were going to get a policeman ?

A I have not testified before?

Q You have not ?

A I have testified before .

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Q Did you ever testify before you told Hannon you were going to get a policeman ?

A Yes sir, I believe I did .

Q You testified to that effect on the last trial ?

A I believe I did .

Q Are you sure ? This is a very important matter, Sweeney?

A I am most certain that I did .

Q Well, now, did you notice where this shot struck Hannon?

A Yes sir .

Q Well, how did it affect Hannon ?

A I didn't notice; I noticed a mark in his forehead .

Q Did you see the blood come out ?

A Yes sir .

Q I understand you to say that you had no conversation with *Tracy* whatever ?

A Not at that time .

Q Now you intended to go and get a police an ? didn't you?

A Yes sir .

Q What was your object in getting a policeman, what did you want to do with the policeman ?

A Well, for Smith to explain it too .

Q You wanted Smith to explain the shooting to the policeman, is that it ?

A Yes sir .

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Q You didn't care to explain it yourself ?

A No sir, because he done it .

Q <sup>h</sup>at is why you kept quiet ?

A Yes sir .

Q Now, did you hear Smith explain it to the Police ?

A Yes sir .

Q Did you hear Smith say that he had shot that pistol off  
at a cat six months before ?

A Yes sir .

Q Was that a true or false statement ?

A I dont know whether it is true or not .

Q Was it true or false ?

A I dont know /.

Q And although you heard Smith say that to Captain Ryan  
you never told Captain Ryan at that time, that he had  
done the shooting, did you ?

A No sir; at that time the poldeman came in the door and  
says "A man is shot at the foot of the street" and the  
Captain said "right away" Take these men down".

Q Did you say to Captain Ryan "Peter Smith shot that  
man"?

A No sir .

Q Why didn't you tell Captain Ryan that?

A He fired the shot; he done it and I was under arrest



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and I wanted to let him tell it .

Q You didn't think it was your duty to tell about this shooting ?

I A No sir; I did not .

Q And when was the first time that you told about the shooting ?

A Well, when was the first time time?

Q Yes sir ?

A It was on my trial .

Q Did you hear the police officers testify here that you said you had nothing to do with it and had not been down to the shanty ?

A Yes sir .

Q Why did you tell the police officers you had not been down to the shanty, if you had been there that day and saw Hannon ? A

A Because I wanted Smith to tell, and explain to the police .

Q That is your only reason ?

A Yes sir .

Q Now when you were called upon the trial of this case you stated that you were at the shooting, dont you ?

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A Certainly .

Q You say you said nothing to Tracy at all ?

A No sir .

Q You had a brother in the station house didn't you, Sweeney ?

A Yes sir .

Q A member of the police force ?

A Yes sir .

Q Why didn't you call for him and tell him about it ?

A I was under arrest at the time .

Q That is the only reason ?

A Yes sir, that is the only reason .

Q Did you inquire for your brother ?

A No sir .

Q After you were arrested you were taken down and confronted with Hannon ?

A Yes sir .

Q And did you hear Hannon say to Captain Ryan, --asking Hannon if he got shot and did you hear Hannon say in answer "I did not get shot I got hit with an axe"?

A Yes sir .

Q Why didn't you say to the Captain "He is mistaken this

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pistol went off in Smith's hands by accident" why didn't  
you say that instead of remaini ng silent ?

A He was questioning the deceased .

Q Why didn't you interrupt and say "Captain this man Smith  
did the shooting, the man wasn't struck with an axe"?

A Because I was under arrest .

Q That is the only reason ?

A I was under arrest .

Q Didn't you know that it would be much better for you to  
say that you had nothing to do with the shooting, that you  
were an innocent man ?

Mr. HOWE: I object to that .

Objection sustained .

Q Didn't you hear Captain Ryan asking him how he got hurt  
and who hurt him ?

A Yes sir .

Q Why didn't you say to the Captain that Smith's pistol went  
off in his hand?

A Captain Ryan had Smith at the time .

Question repeated ?

A Because I was under arrest there, and Hannon, the deceased  
ought to have told him .

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Q You left that for the deceased to tell?

A I left it for Smith.

Q Now, do you remember being asked this question on the last trial: " Q. Why didn't you tell Captain Ryan that Smith 's pistol went off in his hand? A I left that for the deceased to tell. Q. Why didn't you tell him?

A I was leaving that for the deceased to tell." Is that so?

A No, sir.

Q Did you testify to that on the last trial?

A No, sir, if I did I have no recollection of it.

Q You have no recollection of it?

A No, sir.

Q Now you say you left that for Smith to tell?

A Yes, sir.

Q Were you before the Coroner's inquest Sweeney?

A Yes, sir.

Q Did you hear the evidence of the witness Gillespie and others given on the witness stand?

A Yes, sir.

Q Did you hear the Jury return a verdict that Hannon came to his death—

MR. HOWE: I object to that . The Code forbids



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it. I call the Judge's attention to the fact that the District Attorney is now about doing something which is expressly forbidden by the Code.

THE COURT: It would seem so.

MR. DOS PASSOS: Your Honor can't tell until you hear the question.

THE COURT: You are not permitted to show what the verdict was.

MR. DOS PASSOS: I am referring to the verdict of the Coroner's Jury, not to the verdict of the Jury before whom this man was tried. I am referring to the Coroner's Jury.

MR. HOWE: I object to it as immaterial and incompetent.

THE COURT: What any Jury did is no evidence for this Jury.

MR. DOS PASSOS: I submit the Code does not disqualify that I shall not ask what the Coroner's Jury did I will simply ask him whether he was present and heard that decision, without stating what it was.

THE COURT: It is not material, certainly, what conclusion the Coroner's Jury reached in the

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matter.

MR. DOS PASSOS: I want to show what the defendant thought about it.

Q Were you called before the Coroner's Jury?

A Yes, sir.

Q Did you tell about the shooting?

A No, sir.

Q Why didn't you tell about the shooting?

Objected to.

THE COURT: A man charged with homicide before a Coroner's Jury isn't bound to state anything.

Q Do you recollect the night Hannon died?

A Well, I recollect it, yes, sir.

Q Do you recollect saying "It served the son of a bitch right, he ought to have died five years ago".

A Never heard that from my lips, nobody.

Q Nobody ever heard that from your lips ?

A No sir .

Q Now, do you recollect the fight between you and Hamon in Gillespie's beer saloon?

A No sir .

Mr. HOWE: I object to that on the ground that it assumes there was a fight.

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O bjection overruled .

Q You heard Gillespie testify ?

A Yes sir .

Q That you and Harmon were rolling over the floor scratching?

A Yes sir .

Q Striking ?

A Yes sir .

Q Do you remember that ?

A Yes sir .



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THE PEOPLE

against  
Smith and Sweeney.

-----  
City and County of New York, SS.

Thomas Fay, being duly sworn, says:- I live at No. 411 East 37th. street. I knew John Hannon during his lifetime. I know Smith and I know Sweeney. On the night before Hannon was shot I went with him into Gillespie's liquor store. Sweeney was there. After a drink some words about fighting occurred between Hannon and Sweeney. Gillespie was behind the bar and William Curry was present together with half a dozen other people. Hannon and ~~Sweeney~~ <sup>Sweeney</sup> started towards each other as if to fight. I pointed a revolver at Sweeney and told him to stand back, he, Sweeney, showing an inclination to attack me. Hannon said I can whip Sweeney alone, any day, if they will give me a fair chance. Come down to the dump now and I will whip him now.- Sweeney said we will go to the dump. We all started out, Hannon and myself. Sweeney went out and started to go towards the dump and Hannon and myself also went towards the dump, when Sweeney went up to a policeman who was there and asked the policeman to arrest me for having pointed a pistol at him. I got away for fear of being arrested, and then the parties went away.

Sworn to before me this

27<sup>th</sup> day of August, 1885.

*Henry Herzog*  
Notary Public  
N. Y. Co.

*Thomas Fay*



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THE PEOPLE, &c.

against  
Sweeney and Smith.

Affidavit of Thomas Fay.

*Hamm & Sweeney had  
some word about fighting*

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New York, Jan. 14<sup>th</sup> 1889.A Transcript from the Records of the Deaths Reported  
to the Health Department of the City of New York.

County of New York.

STATE OF NEW YORK.

CERTIFICATE OF DEATH,  
IN THE CITY OF NEW YORK.

No. of Certificate

853

1. Full Name of Deceased, (Write legibly and spell correctly. If an infant not named, give parents' names.) William Henry
2. Age, 31 years, 1 months, 1 days. Color (Race, if other than the white.) white
3. Single, Married, Widow or Widower. (Cross out the words not required in this case.) Married
4. Occupation, laborer
5. Birthplace, (State or Country.) New York State (How long in the United States, if of foreign birth.) 12 yrs
6. How long Resident in this City, 12 yrs
7. Father's Birthplace, (State or Country.) Ireland Father's Name, John Henry
8. Mother's Birthplace, (State or Country.) Ireland Mother's Name, Mary
9. Place of Death, (Please state name of Institution.) 425 East 18 Street, 18 Ward.
10. Residence before admission into the Institution, (Name of Street and Number of House.) Mary Street

11. I Hereby Certify, that I attended deceased from Jan 1 1889 to Jan 6 1889 that I last saw him alive on the 6<sup>th</sup> day of Jan 1889, that he died on the 6 day of Jan 1889, about 9 o'clock, A.M. or P.M., and that, to the best of my knowledge and belief, the Cause of his death was as hereunder written :

Chief and Determining } \* Salmonella Enteritidis

Consecutive and Contributing } Disinfectants

(Write opposite each cause; if unknown, it should be so stated.)			
Duration of Disease in			
Years	Months	Days	Hours

Sanitary observations, \_\_\_\_\_

Witness my hand this 6 day of January 1889

Place of Burial, Calvary (Signature,) Wm. J. Tierney M. D.,

Date of Burial, Jan 15 1889

Undertaker, Michael Dwyer Residence, 916 E 19<sup>th</sup>

\* If first floor is meant the floor immediately above or on a level with the grade of the street adjoining; the basement floor is below the level of the adjoining street.

A True Copy.

Chief Clerk.

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

Should be Certified by the head of the family or other responsible friend.

Should be Certified by the Physician.

# HEALTH DEPARTMENT OF THE CITY OF NEW YORK

## Sanitary Bureau, Vital Statistics.

Office, 301 MOTT STREET,  
New York, Jan 14<sup>th</sup> 1889

No. 697-  
Liber 25

### A TRANSCRIPT FROM THE RECORD OF DEATHS

IN THE CITY OF NEW YORK.

NAME OF DECEASED		DATE OF DEATH.		AGE OF DECEASED	
Grand old legal		Dec 11 1886		45 8 3	
COLOR	CONDITION	OCCUPATION	BIRTHPLACE	HOW LONG RESIDENT IN CITY	
W.	M.	clerk	Albany	15	
PLACE OF DEATH		FATHER'S BIRTHPLACE	MOTHER'S BIRTHPLACE	TIME FROM ATTACK TILL DEATH	
No. 1330 6123 ST. 122		Albany	Albany	YEARS MONTHS DAYS HOURS MINUTES	
CAUSE OF DEATH.		OFFICER'S SIGNATURE			
PLACE OF BURIAL		UNDERTAKER	MEDICAL ATTENDANT	M. D.	
John J. ...		John J. ...	John J. ...	John J. ...	
<p>NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed. The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.</p> <p>At Test Deputy Registrar.</p> <p>Chief Clerk.</p>					

1 E 01



1032

Court of General Sessions of the Peace,  
HELD IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE ON THE COMPLAINT OF

PART

vs.

*Alexander Schwann*

OFFENSE,

*Murder*

CITY AND COUNTY OF NEW YORK, ss.:

being duly  
sworn, deposes and says:

That he is a Police Officer attached to the.....Precinct That.....  
.....is a material and necessary witness  
on behalf of the People herein. That deponent is informed and verily believes that  
the said.....will not appear to  
testify when required, from the fact that.....

Wherefore deponent prays that the said *John Gallagher* be  
required to give sufficient security to assure his attendance when required as a  
witness, or upon a refusal to furnish such security that he be committed to the  
House for the Detention of Witnesses, until he be legally discharged.

Sworn to before me, this.....day

of.....188.....



It appearing by the within affidavit that there is reasonable cause to believe that Dwain Gillespie will not appear to testify, or cannot be served with the process of this Court when required, ,

I hereby ORDER that the said Oswen Gillespie  
enter into Recognizance with security in the sum of \_\_\_\_\_ Hundred  
Dollars for his appearance as a witness against the said defendant, and it is further  
ORDERED, if the said Oswen Gillespie fail to furnish  
such security for his appearance, that he be committed to the House for the  
Detention of Witnesses until he give such security or be legally discharged.

Dated New York,.....18.....

Count of General Sessions of the Peace.

## PART.

THE PEOPLE, ETC., ON THE  
COMPLAINT OF

22.

Alexander S. Antakay

ENTENHO

**Affidavit and Order to Commit to the House  
for the Detention of Witnesses.**

RANDOLPH B. MARTINE,  
*District Attorney,*  
 NEW YORK COUNTY

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**PART III.**

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room  
Door that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS]

**SUBPOENA**

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

**The People of the State of New York.**

To William Gillaspie  
of No. 332 - 9 Ave Street,

GREETING :

WE COMMAND YOU, That all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace, to be holden in and for the City and County of New York, at the Sessions Building, in the Park of the said City, on the day of January instant, at the hour of Eleven in the forenoon of the same day, to testify the truth and give evidence in our behalf against

Alexander Overbury  
in a case of Felony, *whereof he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of January, in the year of our Lord, 1888.

JOHN R. FELLOWS, *District Attorney.*

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Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Alexander Swamey*

Affidavit of Service of Subpoena.

City and County of New York, ss.

*Terence Duffy* being duly  
sworn, deposes and says: I reside at No. *74 Beach*  
Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the  
City and County of New York, and am over twenty-one years of age. On the *12<sup>th</sup>*  
day of *January* 188*9*, at *#332 - 9<sup>th</sup> Avenue*  
in said city, I served a subpoena in the above-entitled action, of which a copy is hereto annexed, upon  
*Owen Gillespie* a witness in the said action, personally, by delivering the  
said subpoena to and leaving the same with the said *Owen Gillespie*  
in person, at the place aforesaid; and that I know the said *Owen Gillespie*  
so served as aforesaid, to be the person named and described in the said subpoena, as such witness.

Sworn to before me, this

day of

*Jan. 14* 188*9*  
*Just H. Griswold*  
COMMISSIONER OF DEEDS,  
N. Y. C.

*Terence Duffy*

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.  
If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.  
If ill when served, please send timely word to the District Attorney's office.  
If you know of more testimony than you think material was not there brought out, please state the same to the District Attorney or one of his assistants.  
State of New York, ss.  
City and County of New York, ss.  
being duly sworn, deposes and says he  
Subpoena, of which the within is a copy, upon  
on the day of 188



1036

**Court of General Sessions.**

THE PEOPLE, on the Complaint of

vs.

*Alexander Archibald*

Offense: *Murder*

RANDOLPH B. MARTINE,  
*District Attorney.*

*Affidavit of Service of Subpoena by*

*Terence Luffy*

*Subpoena Server.*



1037

Sept 7 '85

People  
or  
Greeny & Smith

Capt Thos M Ryan, 21<sup>st</sup> precinct, stated as follows:

At about 7 o'clock in the evening of April 7<sup>th</sup> 1885 the prisoners Smith and Greeny, were brought into my station-house by Sergeant Martens and Roundsman Farley. The roundsman told me in the presence of the prisoners that a man was shot in a shanty at the foot of 38<sup>th</sup> Street East River that he was told by a man that was an eye-witness to it. Both of them were called upon to arrest those two men. They were pointed out to them as the man who had shot the man at the foot of 38<sup>th</sup> Street and East River, and then the roundsman said "Here is a pistol" producing a pistol, "that I have taken from Smith. We arrested him in 35<sup>th</sup> Street between 2<sup>nd</sup> and 1<sup>st</sup> Avenue."

I examined the pistol and found that it had been very recently

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discharged - it smelt of powder very fresh. I handed it back to the roundsman to smell which he did, and asked him if he smelt powder and he said yes. I said "Smith how long has this been discharged?" There was only one Chamber discharged and he said "Six weeks ago - maybe six months ago". "What did you discharge it at then?" "At a cat - firing at cats". "And what about this Case down at 38<sup>th</sup> Street - did you shoot that man?" He said "I know nothing about it." I then told the roundsman to come down to 38<sup>th</sup> Street dock. In the meantime the ambulance had been sent for, and I told the roundsman to go 38<sup>th</sup> Street dock to the Shanty and detain the injured man till I got there with the prisoners which he did. Then I went <sup>Hot</sup> back with two or three officers and myself, and went down to this Shanty and took the prisoners with me and brought them before the injured man and I asked him if those were the men that shot



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him, or anyone of them. All he said was "Hold fast - he was the one that done it." I then took them to the station house. The officers that went with me were Brophy and Ferris. They didn't pay any attention but merely stood at the door. They had the men in Custody going down. They had no conversation with them at all. The next day we had the prisoners taken to Court and the day after that on the 7th, I went down to Bellevue Hospital and saw this injured man - he appeared to be very low, and I couldn't see the doctor - we searched all over for the doctor - the men employed in the establishment and we couldn't find the doctor and the orderly refused to allow me to leave anything to say to the injured man but after a while he gave consent and I was allowed to speak to him and I spoke to him and he appeared to be very low and I left orders for to have the coroner sent for and have his statement taken

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As to that I said then "You appear to be very low John, and I am afraid you are going to die. You told me in the shanty to hold Smith - he was the one that done it."

What do you mean by that?"

He said Smith is the one that shot him. That was in the presence of Sergeant Cassidy.

Sgt Cassidy was there with me at the time -

Q What did he say in answer to your saying he was very low?

A He didn't say anything. I asked him that question: "What do you mean by saying 'Smith was the one that ~~done it~~ shot you done it.' That is saying Smith was the one that shot you. Do you mean Smith was the man that shot you?" He said "Smith is the one that shot me."



1041

People

vs

Greeney &amp; Smith

Michael Farley, of the 21<sup>st</sup> precinct, stated as follows:

On the evening of ~~April 7~~ <sup>April 7</sup>, Sergeant Martens and myself, about 6<sup>th</sup> was patrolling up First Avenue - and at the corner of 3<sup>rd</sup> Street and 1<sup>st</sup> Avenue, there was a citizen by the name of Tracy Bue to the two of us, and told us there was a man shot at the foot of E 3<sup>rd</sup> St - told us that there were two men that was going up 3<sup>rd</sup> Street was the men that shot him. Myself and sergeant Cassidy went up 3<sup>rd</sup> Street and this prisoner Smith was about going in a liquor store between 2<sup>nd</sup> and 3<sup>rd</sup> Avenue and wanted Greeney to go in which Greeney refused to do. They then stepped from the stoop and stood there - and I arrested Peter Smith the prisoner and sergeant Marten arrested Greeney. As I went up to Smith, I said to

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him "What have you been doing at the foot of 38 Street - did you shoot anybody down there?" He said "No I didn't shoot anybody down there." I said "Was you down there?" and he said "No I wasn't there at all." With that, I searched him and found a pistol in the right or left hand pocket - I think it was the right hand pocket - I disremember just now. The pistol then was kind of warm, and I looked around and saw Sergeant Masten having the other prisoner in charge, and we took them to the station house. Capt Ryan was at the desk. I told Captain Ryan we arrested these two men for shooting a man at the foot of 38 Street in their presence and gave the pistol to Capt Ryan who examined the pistol and smelt it and smelt fresh powder as if recently discharged in the presence of the two ~~prisoners~~ <sup>prisoners</sup>. The Captain asked them when did they use this pistol - if they shot a man at the foot of 38 Street, and they said ~~no~~ <sup>no</sup>.

1043

Then he asked when they discharged the pistol, and he said about six weeks or six months ago, shooting at cats. The I was ordered to the foot of East 38th Street by the injured man, and in the meantime Captain Ryan went there with the prisoners. Captain Ryan asked this man Hannon who shot him; he wouldn't say it was Smith or Sweeney, but he said "You hold Smith-- he was the man that done it," in the presence of both of them.

FRED. W. MARTENS of the 21st Precinct, stated as follows :-

On April 7th 1885, about 7 o'clock in the evening, I was patrolling with Roundsman Michael Farley up First Avenue, when a gentleman by the name of Tracy approached us and said a man was shot in a shanty at the foot of East 38th Street, and that one of those men shot him meaning Smith and Sweeney. I went with Michael Farley, approached the two prisoners and placed them under arrest. Roundsman Farley arrested Smith and I arrested Sweeney. We brought them both to the station house. I told Sweeney when I arrested him I wanted him and placed him under arrest, and told him to go along with me to the station house.

Q Was Sweeney near enough to hear the conversation between Farley and Smith

A We were all together.

Q He overheard the conversation?

A Yes sir.

Q What did he say to that?

A He said he didn't have anything to do with it-- what did I



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People

&

Sweeney & Smith

Statements of

Capt. Ryan

Roundman Farley

Wolcott Martens

Swinger, Gen.

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*The People vs.*  
District Police Court.

*The People*

vs.

*Andrew Conway*  
*vs.*  
*John Smith*

*In Examination Subsequent*  
*to an Examination*

STENOGRAPHER'S TRANSCRIPT.

*May 10<sup>th</sup> 1885*

BEFORE HON.

*Henry Conway*  
Police Justice.

*H. J. Tracy*  
Official Stenographer.

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STENOGRAPHER'S MINUTES.

*Fourth* District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF  
*Michael Farley*  
 vs.  
*Alf Chweeney & Peter Smith*  
 An Examination  
 Subsequent to an  
 Inquisition

BEFORE HON.

*Henry Murray*  
 POLICE JUSTICE,  
*May 10<sup>th</sup>* 1885

APPEARANCES:

For the People,

*Amos H. Purdy*

For the Defence,

*John O. Byrne*

*May 10<sup>th</sup>* 1885

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*M. J. Tracy*

Official Stenographer.



1047

4<sup>th</sup> DISTRICT POLICE COURT.

THE PEOPLE,  
ON COMPLAINT OF

John Hannan  
Michael Farley  
vs  
Al Sweeney & P. Smith

Examination had

May 10<sup>th</sup> 1885

Before

Wm. Henry Murray Police Justice.

An examination subsequent  
to an Inquiry

I, M. J. Tracy

Stenographer of the

4<sup>th</sup> District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of

Sweeney and Peter Smith

as taken by me on the above examination before said Justice.

Dated

May 10<sup>th</sup> 1885

Police Justice.

M. J. Tracy  
Stenographer.

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New York May 10<sup>th</sup> 1885

Fourth Dis Police Court.  
Hon Henry Murray - presiding.

An Examination.  
Subsequent to an Inquisition  
on the view of the body of  
John Hannon.

Richarda Tracy being sworn says,  
Where do you live?

Ques

Ans

Ques

Ans

Ques

3rd East 40<sup>th</sup> St

What is your business?

Drive a horse.

When did you last drive  
a horse?

Ans

About a week before  
that thing happened. I worked  
for Sam Connie a Stevedore.

Ques

Do you remember the day  
that Hannon was wounded?

Ans

Yes Sir.

Ques

What day was it?

Ans

Tuesday Apr 7<sup>th</sup>

1

1049

(2)

Ques What were you doing on the 17<sup>th</sup> of April?

Ans I was in a shanty with Samson; I was there all night with him.

Ques Was there a bed in it?

Ans No Sir.

Ques Any accommodation for sleeping?

Ans No Sir, only a bench that he got shot on.

Ques What did you do?

Ans Nothing; talking all night.

Ques In the morning what did you do?

Ans We went and had a drink about six or seven (7) o'clock.

Ques What did you drink?

Ans (2) Whiskey



1050

(3)

Ques Was Hannou with you?  
Ans Yes Sir.

Ques Did you go back again?  
Ans No Sir.

Ques Did you go home?  
Ans Yes Sir I never  
home.

Ques To where you lived?  
Ans Is Hott Sir.

Ques What did you do there?  
Ans Had my breakfast.

Ques After you had your break-  
-fast, what did you do?  
Ans Went up town.

Ques Had you no employment?  
Ans No Sir, not that day.

Ques Who did you meet there?  
Ans I cannot tell who I  
met.

Ques Did you drink any  
Ans Yes Sir.

Ques Did you come back  
to your dinner?  
Ans No Sir.

(3)

H

Ques Kept walking about and taking other drinks there?

Ans Yes Sir, I met him Hannon, we had three (3) or four (4) pints of beer.

Ques Where did you go then?

Ans Yes and Hannon went up to a fellows house in 37<sup>th</sup> St

Ques What is his name?

Ans Fry.

Ques Did you go out with him?

Ans Yes Sir, I went out with Fry, Hannon kept talking with Frys wife while we were going out.

Ques Did you drink any then?

Ans A glass of Ale.

(H)

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(5)

Ques What time was that?

Ans About 3<sup>30</sup> o'clock P.M.

Ques Had you been in Gillispie's store about 3 o'clock?

Ans I do not recollect

Ques Will you swear positively you had not been in Gillispie's store?

Ans I do not remember being in there.

Ques Were you sober enough to remember it?

Ans I was not altogether sober, I had enough of beer in me.

Ques What is your recollection of being in Gillispie's store now?

Ans I only recollect being there that morning.

Ques That was about three or four o'clock, where did you go then?

Ans I was in Faye's about that hour.



(C)

Ques After that?

Ans When I came down with the other fellow, Hammon was gone.

Ques

Ans You went to the Liberty?

Ques Yes Sir, I went to the shanty.

Ans very drunk? Are you not

Ques I was not very drunk, I had enough of beer in me.

Ans The shanty is as wide as these two tables, How many windows in it?

Ans

Ques Three. Were you standing on the bench?

Ans

Ques Standing on a chair like this.

Ans

What part of the shanty are the windows in?

(C)

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(7)

Ans One on each side and  
one in front.

Que How high  
up are they?

Ans About four (4)  
feet high.

Que Can I have to stand  
up to look over. If you  
were sitting down how  
could you have seen them

Ans I saw them  
coming down the street  
I saw them coming to the  
door.

Que And then say or do  
anything?

Ans No Sir.

Que No words  
were spoken?

Ans No Sir.

Que What did you do next

Ans I pretended  
I was asleep, I heard the  
shot fired and the two  
men went out.

(14)

8

Ques Did you know who fired?

Ans

I did not. I pretended I was asleep. I did not open my eyes, when the shot was fired. The two men went out.

Ques

There was no quarrel?

Ans

No Sir. I did not hear a word.

Ques

Do you really know whether there was a shot fired?

Ans

I know there was a shot fired.

Ques

How do you know I know, I can tell the noise, of a pistol.

Ques

What did Harmon say?

Ans

He did not speak. I looked at his head, there was blood, there was a hole in it.

(8)



9

Ques What did he say?

Ans Somebody hit him  
with an axe.

Ques He was quite  
conscious?

Ans Yes Sir.

Ques Near to the Hospital?

Ans Yes Sir. I saw  
him there after.

Ques By the Court.

Ans How long do you  
know the deceased?

Ans Since I was a  
child.

Ques How long have  
you known these two  
youngmen?

Ans About a year.

Ques About what time of day  
or night was the shot  
fired?

Ans Six or seven in  
the evening.

Ques Day light?

9

70

Ans The Street Lamps were  
lighted.

Ques Were you  
Harrison at the time?

Ans Lying alongside of me.  
Ques Why did you pretend to be  
asleep?

Ans I knew Greeley had a  
fight with Harrison.

Ques At the  
time the shot was fired  
where were these men?

Ans After they came in  
I heard the shot, after the  
shot was fired I woke  
up. I did not speak to  
them. They spoke between  
themselves, they remained in  
about a minute after the  
shot was fired.

Ques When you  
went into the Chanty was  
anyone else there other than  
you and Harrison?

1058

77

Ans  
Ques

No Sir.

Ans  
Ques

Was he asleep or pretending?

He was asleep.

Ans  
Ques

Did you hear no salutation on the part of Harmon when these men entered the door?

Ans

No Sir.

Not a word by anyone?

Only a whisper between the men that came in.

Ques

Were you sitting near to where Harmon was sitting?

Ans

I was sitting close enough to walk between us.

Ans

After the explosion did he make any explanation?

Ans

No Sir.

Ques

These men walked out?

Ans

Yes Sir.



Ques At the time you  
jumped over?

Ans At the time I went  
over.

Ques - Are you sure they  
were there?

Ans I saw them;  
I saw them come to  
the door.

Ques - Any one there when  
the shot was fired?

Ans Only me and  
Hannon and these two  
men.

Ques Had you ever  
any trouble with them  
to Sir.

Ques Do you know they  
were drinking with  
Hannon that afternoon?

Ans I was in there  
that morning with them.

Ques Were you there that  
afternoon?

13

Ans

No Sir.

Ques

You were not there about 3<sup>30</sup> o'clock?

Ans

I do not know, I forget.

Ques

If you had been there you would have known it

Ans

I cannot say, whether I was there or not. I  
will not swear, my best recollection is  
I was not there.

Ques

By Counsel) You heard one of the men  
say in a whisper to the other "Come"?

Ans

Yes Sir.

Ques

Have you not declared since the  
shooting that it was Smith fired the  
shot?

Ans

No Sir, I never said it.

Sworn to before me  
this 10<sup>th</sup> day of May 1885

John Murray

Police Justice.

14

Q, Smith being sworn  
 says; (4 342 E 46 Dr

Ques

Ans

Ques

Ans

Ques

Ans

Ques

Ans

Ques

Ans

Ques

Ans

Bar tender, I was looking to  
 get a place.

Do you know  
 Hammen?

No Sir.

Had you ever any dispute?

No Sir.

Is this your pistol?

Yes Sir.

Do you recollect going to  
 the Chantry on the Seventh of  
 April?

Yes Sir.

Was the  
 shot fired from this  
 pistol?

Yes Sir. I was going  
 towards 1<sup>st</sup> Av, I met Mr  
 Sweeney, we had something  
 to drink, he said he was  
 going to the dump as the



15

girls were going to be there.

Ques

When you went to the water closet, where was this pistol?

Ans

I had it in my pocket. Mr. Sweeney was not at the bar when I returned, I went over side. When I went in the stanty I said I came there to see the girls. I wanted my handkerchief. I found the revolver there, it went off. It was entirely accidental.

Ques

Did Sweeney know you had a pistol?

Ans

No Sir.

Ques

Did you go there to do any injury to anyone?

Ans

No Sir, I went there to see the girls. After the man was injured we were going to the Station House, when arrested.

1063

(16)

Q. How long have you andweeney been friends?

A. All our life time.

Q. When the pistol exploded what did you do?

A. I thought it was the best thing to get assistance. I said come we will go to the Station House, we met a policeman on the way. The constable asked me where the pistol was and abused me, I said in the Station House, the pistol was not fired off for six months, I was upset with the abuse I got. I made directly for the Station House, and did not resist the officer, I was two feet away from Hannan when the pistol went off, It went off while falling in from my pocket.

Sworn to before me }  
this 10<sup>th</sup> day of May 1885 }

Henry Henry

76 Police Justice

1064

18

Ques Where was it?

Ans 38" St And 1<sup>st</sup> St.

Ques Was it in Lilliput's place?

Ans I cannot say, Hannan told me it was outside.

Ques What took place between you and Hannan then?

Ans // He said we are friends anywhere.

Ques On Tuesday what took place?

Ans I went there on Tuesday at half past three o'clock, he came and said "hello" are you able to do anything, me and Hannan were going up to Lilliput's with Tracy, we had a couple of drinks, Hannan said to Tracy can you drive a Brick truck. Tracy said there was a charge of highway robbery against me, Hannan said he did not believe it, I said I guess I'll go to Mesbitt

18



Ans Gard. Hammon said  
come down to the Shanty  
after dark I will have  
a couple of girls there.  
I met Smith on 37 or 38  
St, he asked me to have  
a drink. He asked me  
if I was going any place  
I said to the Shanty,  
and Smith going to the  
water closet I went down.  
I went in the Shanty. Tracy  
had his hands so (describing  
to the Court) I asked Hammon  
where were the girls, he said  
it was too long yet; Smith  
just came in. I asked  
him what did you come  
here for. I then heard the  
shot, I said who is that.  
He said let us go to the  
Station House. We going  
to the Station House we  
were arrested.

1066

20

Ques Had you any pistol?  
Ans No Sir.

Ques You never had a quarrel?  
Ans No Sir.

Ques Did you know that  
Smith had a pistol?  
Ans No Sir.

Ques Did you and Smith have  
any understanding or do  
an injury to anybody?  
Ans No Sir.

Ques On the Sunday night, where  
did the quarrel take place?  
Ans 38<sup>th</sup> St. Cy the corner of

Ques Was there a  
fight?

Ans I do not know.

Ques Can you not recall  
whether you struck him or  
not?

Ans I do not recollect.  
Ques When he put you in mind  
of it?

Ans I cannot recollect.  
20

Alexander Sweeney being  
 sworn Sage, of 3rd East 38th  
 How long have you  
 lived there?

Ques

Ans

Ques

Ans

Ques

Ans

Ques

Ans

Ques

Ans

I was born there.

Did you know Harmon in  
 his life time?

I knew him  
 some a while. One or two  
 years.

Had you any dispute  
 with him at any time?

Yes Sir, I had a  
 quarrel with him on  
 Sunday night, before the  
 shooting.

Did you ever  
 have a quarrel before?

No Sir.

Tell us about that  
 quarrel.

I cannot tell  
 how it started, I met  
 him the next day and  
 he said we had a quarrel



1068

Ques Who were present at the time?

Ans W. Coe, I am not sure whether he was there or not.

Ques You cannot tell how the quarrel began or ended?

Ans I do not know.

Ques Were you and Harmon clinched?

Ans I do not know.

Ques This afternoon when the shooting took place had you and Smith been drinking?

Ans No Sir.

Ques How big a quantity is this?

Ans About the size of these two tables.

Sworn to before me }  
this 10<sup>th</sup> day of May 1885-

Henry Young Police Justice.

21

1069

William Curry says I know the deceased John Hannon. I know the prisoner Sweeney. On the ~~night~~ 6th. of April about 3 o'clock in the afternoon Hannon came to my house. He was all beaten, and his eyes were black, his lip was split and his fingers were bitten all through. He remained there in the house with me. I asked him who it was that beat him. He says Sweeney and Gillespy. So I asked him who it was that beat him. He says Gillespy is the man that done it. He showed me the leg and I rubbed it with kerosene. He didn't want to stay on it. I says to him why didn't you get out, he says I couldn't get out - they locked the door on me. Then I says they must had great fun with you in there. He says, yes; then we went down to the dump. He asked me if I would go to the dump with him, because he was afraid to go up. I says I will go up with you. I stayed up there with him all night. He says I am afraid to go up and be there alone because they might dump me and the shanty in the river. I says I will go up and stay there all night with you. I went up there with him and Sweeney and his companion came up there about half past 5 in the morning. I put my shoulder against the shanty door and stood there and the other man put his hand up to his mouth, this way, (describing) and Sweeney came up to the shanty and said, I want to talk to you. So they went away about twenty feet, away from the shanty. - I don't know what they said, but I heard John say, "if you want any more satisfaction the lot over there is big enough", and John came to the shanty then and Sweeney had a bad look on him - he muttered something and went away. I said to John they must be up for something, John, he says I guess they are when they are down here this early (about half past 5) John says I don't

1070

think they will interfere now, - I guess they have done enough, that is all John said.

I am working in the street-cleaning department myself. I know the custom of dumping. The deceased was night-watchman and the carts were dumped in the night. - Minus cars

The day inspector is supposed to leave there at 6 o'clock at night and the night-watchman takes his place. - The carts begin to arrive!. Sometimes they work in the 23d. Precinct at night time. The usual hour the carts begin to arrive - they generally come in about 7 o'clock when they work in the 21rst. Precinct, but the Broadway carts generally come in about 3 or half past 3 o'clock in the morning.



1071

Mrs. Hannon says, I am the mother of John Hannon, deceased. The deceased would have been 30 years of age in May. He lived home with me. The deceased has always worked and was my particular support from the time that he left school. After leaving school he went to work with Mr. Secor that kept a boiler shop at East 20th. street. After that he worked for the 21st. street Gas Light Co. for seven years, and after that he came to the Department of Public Works - Street Cleaning Department and was working there for 7 years and at the time of his death. On Monday morning a little after 8 o'clock my son came home.- His face was all swelled - he had a black eye, his lips were cut here - his lip was split, his leg was black from his ankle to his knee.- He showed it to me. His three fingers were bitten.- He had strange clothes on him; I said what is the matter, he said I got badly beaten at the corner of 38 street and First avenue, in Gillespy's. I says where are your clothes, - he said I left my clothes in 37th. street with a man by the name of Fay.- I says and are your clothes so torn?- he says no, but they are all covered with blood - I could not wear them home. And the shirt he wore - he took it off- I dipped them in a pan of water and it was a perfect mass of blood. Two days afterward- two days after he was buried, Mrs. Fay brought his clothes home. He told me he was beaten by Aleck Sweeney and Gillespy.- He said I went in there to have a drink and right after I went in a quarrel was raised, and Sweeney struck me, and before I could return the blow the other man struck me.- I didn't fall, but they staggered me. Sweeney grapped me around the body and the other man gave me an unmerciful beating. I hollered and Gillespy said, "kill the son of a bitch - the whole

1072

place will be hauled in. Gillespy came over and gave him this kick in the leg - he put his foot at his throat to stop him from hollering. I said who cut you here.- He said Aleck Sweeney - he had the blade of his knife right here. I said do you know who stabbed you?- He said no, I couldn't say, and I examined his clothes and his shirt- I couldn't see the cut of a knife in anything but in the white shirt he wore.

Wednesday morning I went up to see him in the hospital. I went up at 7 o'clock first - he seemed so bad - I could not speak to him.- I went up again at 9 o'clock.- He says then I feel bad - I am shot.- Are you shot says I?- He says yes,- I wished you would take me home. Don't think, he said the Bellevue people are good enough - they are good enough, but they can't do anything for me - the bullet tha Peter Smith put in my head is in it. I said Johnnie, the doctors don't think so - they think you will get well," because the docteor told me. He says, don't you believe the doctor, mother, I will never get well.- I know better than the doctors.- He says, "lift me up and kiss me, mother - lift me up and kis me."

I lifted him up and kissed him.- He says, "kiss me - because I am ging to die - the bullet that Smith put in my head will soon fetch me and leave you without a son." I said that is too hard, Johnnie.- He says well, we can't help itnnow, mother. I says, what did he shoot you for, Johnnie?- He says , for little cause, mother, but it was promised me a good while ago? I says, Johnnie, did tell that to anybody else - did you give that statement to anybody else, he said, yes, mother, as far as I know I told it to Captain Ryan and the Sergeant was there at the time,- I was not consciuss - I thought I was hit with an axe. Why don't Captain Ryan come now and take my statement now, because I am well able to tell him what they shot me for. He could.

1073

shot me for. He couldn't say any more-- I then said Johnnie-- he said why don't Captain Ryan come and take my statement. I says he did take your statement. He says, I was not conscious then-- if he came now, I could tell him all that happened, and what they shot me for. Captain Ryan will do all he can for the prisoners-- he says this, because Sweeny has a brother, a policeman-- in the station house there, and all the influence they can get, they will get it, and I am afraid you cannot get much satisfaction for your son. I says to him, Johnnie, is anybody else your murderer, but Smith? He says Aleck Sweeny is as much my murderer because Smith beat me-- spilt my blood and Sweeny drank a good deal of it. Was there anybody in the shanty with you, I said.-- He says Dick Tracy had been in the shanty with him. I said how come he to be there. He said because I was afraid. I had William Currie there with me the night before, and I had Dick Tracy with me that night. I says how early they went down to shoot you.-- He says that was their only chance-- because the place is alone, and the carts go out about six o'clock. They found they had me all alone there. I said Oh! ain't it awful. He says yes, mother, they are awful-- they killed me for little cause.

Smith used to hang out regularly at the corner of 21st Street and 1st Avenue. This Summer two years ago, I was going towards the 23rd Street dock, and I heard loud voices, and I knew my son's voice-- I says Mamie, that is Johnnie's voice. She says, I guess it is. So we hurried as quick as we could, and the time we reached there both of them a man had a hold of my son, and there was another man that



1074

had a hold of Smith. This man that held my son says Come on he has a pistol.-- He says I wouldn't give a damn for him or his pistol, I wouldn't take it from no man. He says never mind, come on-- and he did go ~~walk~~ ~~the~~ on. I stood there ~~walk~~ to see what Smith had to say, and he (Smith) said If he stayed a minute longer I would have shut the guts out of him. This man says Hannon would be able to lick you at any time; he says I know that-- I will take another way of fixing him if it is twenty years-- if it takes 20 years - if it is twenty years to come I will kill that son of a bitch. I stood there no more. I spoke to my son after that.- I asked him about it I says who was that you had the fuss with He said his name is Pete - Peter Smith. I said Johnnie he says if it is twenty years to come he will get square he will kill you. I asked him is that Smith who you was with, and he says yes. I then told him Johnnie, he said if it is twenty years to come he will kill you." He says he blows more. Then I said that man said he had a pistol, and he says, yes, he always carries that.

1075

Mary Hannon says, I am step-sister of the deceased I am 19 years old. I recollect being with my mother two years ago this Summer, when I saw Peter Smith. My mother and I were walking up and we heard a loud voice and my mother said that is our Johnnie. We went to see and some fellow had hold of Johnnie and somebody else had a hold of Smith, - and they took Johnnie away and Smith says if he had stayed a minute longer I would killed him.- Some fellow says Hannon could lick you.- Smith said I know he could but I will take an easier way of fixing him.- The next day I asked Johnnie who he was. He says it is Peter Smith - he stands up at the corner. I said Johnnie he said he would kill you.- He said don't you be afraid - don't you be so foolish. He showed me him at a ball, - he says there is Pete Smith, O how that fellow hates me. I went to the hospital, Wednesday morning.- I went in and I kissed him and said, Oh Johnnie - you look terrible.- He says so I ought to look terrible for I am shot through the head. My mother went up the second time to him. And then Thursday I went up to see him about 11 o'clock.- I went in and kissed him and asked him how he felt.- I asked him how he felt, he told me he felt very bad. I said you will get better, Johnnie, - he looked at me and said no, I will never get better. Then I sat down a few minutes - he moaned and I got up, then he says to me Mamy, raise me up.- I raised him up and when I raised him up he says kiss me good-bye.- I says Johnnie, you are not going to die.- And when I kissed him I said, Johnnie, you know who murdered you? - He said Aleck Sweeney drank my blood and Peter Smith shed it.

1076

My daughter was with  
me when they had  
the fight.

opened the door.  
the terrible killing they gave.  
Two or three.

Always gone.

People  
Peter Smith  
Alexander Lacey  
Hammaker - Murder  
1st degree  
Fetters  
William Curry  
Mrs. Harrison - Mother  
of Dec. = torturer to  
D.D.  
Mary Hammaker  
Sister of Dec.



1077

MEMORANDUM.

AGE. 31 Years. 4 Months Days. PLACE OF NATIVITY. New York City WHERE FOUND. Bellvue Hospital DATE, When Reported. April 27/85

Report  
made  
by  
Regan  
on  
4/27/85

21 Dec. 1891 1885.  
HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

John McDonald.

whereby it is found that he came to  
his Death by the hands of

Some person or persons

to the same at the

foot of 38th St. B.R.

April 1985 about 6:30 AM

Cause. Death about 11:00 AM

of record

Onquest taken on the 27th & 28th day

of April 1885.

by

William H. Parsons Coroner.

Committed

Obit

Discharged  
At May 10th at 11 AM

Date of Death April 27, 1885.

(At May 5th at 10 AM)

At May 8th at 3 PM

1078

Ad 2. 131. 1881.

HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

John Thompson.

whereby it is found that he came to his Death by the hands of

Some person unknown to the jury at the foot of 38th St. N.Y.

April 7th about 6:30 P.M. Cause. Distal chest wound of head.

Inquest taken on the 27th & 28th day of April 1881.

before William B. Hoar, Coroner.

Committed

Build

Discharged At May 10th at 10 A.M.

Date of Death April 7th 1881.

(At May 5th at 10 A.M.)  
At May 8th at 3 P.M.

MEMORANDUM.

AGE. 31 Years - Months - Days. PLACE OF NATIVITY. New York City. WHERE FOUND. Bellevue Hospital. DATE. When Reported. April 8th 1881.

John Thompson  
Killed  
by  
some  
person  
unknown  
to the  
jury  
at the  
foot of  
38th  
St. N.Y.  
April 7th  
about  
6:30 P.M.  
Cause.  
Distal  
chest  
wound  
of head.

1079

MEMORANDA.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
31 Years. Months. Days.	N. York City	Bellvue Hospital.	April 1935

*Is not shot  
of head*

*Michael V. Vaez  
committed to  
State of New York  
Apr. 12/35  
Lionel H. H. H.  
Kels Vaez. 2149  
diagonal Martin  
Officer John J. Anderson*

W. H. K.

No. 131

And Date 1885

AN INQUISITION

On the VIEW of the BODY of

*John H. H. H.*

whereby it is found that he  
came to his Death by

*Robert and Oswald  
of the State.*

Inquest taken on the 27<sup>th</sup> day  
of April 1885  
before

WILLIAM H. KENNEDY, Coroner.



MEMORANDA.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE. When Reported.
31 Years. Months. Days.	N. York City	Bellevue Hospital.	June 1885

Patrol shot  
of head

Richard Tracy  
committed to  
House of Detention  
Apr. 12/85.  
Coroner Kennedy  
Kds Farley. (21-85)  
Sergeant Martin.  
Officer John G. Sheridan

W. H. K.

No. 131  
And Quare 1885

AN INQUISITION

On the VIEW of the BODY of

*Richard Tracy*

whereby it is found that he  
came to his Death by

*Patrol shot*  
*of the Head.*

Inquest taken on the 27<sup>th</sup> day  
of April 1885  
before

WILLIAM H. KENNEDY, Coroner.

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1081

## CORONER'S OFFICE. • - / - TESTIMONY.

This is to certify that Jas. Hannan, aged 51, of 357 First Ave., was admitted to Bellevue Hospital on the evening of April 7-1885. He walked into the ward & sat down, seemed to be in very fair condition. Was at once put to bed. Examination revealed a small wound in the right-frontal region immediately over the frontal sinus. Considerable clotted blood & dirt covered his face. After careful cleansing first with soap & water & then with an antiseptic solution I found the right cheek & eyelids marked by a powder burn. The small wound was bluish in color, edges inverted. A small fragment of the frontal bone was quite freely movable. On closing the patient's mouth & nostrils & causing him to blow air & blood were forced through the wound showing that the frontal sinus was opened. There was at this time no evidence of injury to the brain. After thorough cleansing with antiseptic solution an antiseptic dressing was applied.

April 10. Until this morning patient progressed satisfactorily & there was no sign of any brain trouble. Now meningitic symptoms appeared & the Visiting Surgeon was

Taken before me

this 30 day of April 1885

William H. Kennedy CORONER.

1082

CORONER'S OFFICE. • 2

TESTIMONY.

sent for - On his arrival he advised "trephining" which was at once performed. - Several large pieces of bone were removed, also the bullet which was in several pieces & flattened & distorted greatly. The dura <sup>mater</sup> was found lacerated & the brain substance lacerated & softened to a depth of about 2 1/2 in. A few small pieces of bone & one of the bullet were removed from the wound in the brain.

After thoroughly washing out with 1:8000 bichloride, the wound was powdered with iodoform & dressed antiseptically.

At suitable intervals the dressing was changed & the wound irrigated with the same solution. The meningitis was, however, not cured by the operation, nor by the remedies employed. His symptoms grew worse & worse & at 11.25 P.M. April 11 - he died.

Garry de N. Hough M.D.

- House Surgeon -

Bellerue Hospital.

Sworn to before me this  
5<sup>th</sup> day of May 1885

Henry Ham Office Public

Taken before me

this 30 day of April 1885

William H. Ramsey CORONER.



1083

## CORONER'S OFFICE.

## TESTIMONY.

W<sup>m</sup> A. Conway, M.D., being sworn says, On April 12/85 at the Morgue, 26<sup>th</sup> St and East River, an Autopsy was made on the body of ~~James~~<sup>John</sup> Hannon who died in Bellevue Hospital at 11<sup>25</sup> P.M. April 11<sup>th</sup> 1885, having received a Pistol Shot Wound of the Head on April 7/85.

An external examination of the body showed a penetrating wound of the forehead with evidences of the operation of tramping. There were marks of powder on the face as though the weapon had been discharged very near the face.

On opening the skull under the external wound the dura mater was found perforated and the brain substance for some distance lacerated and softened; the membranes of the Brain and Brain itself giving evidence of inflammation and suppuration.

The heart was enlarged and fatty. The left pleura showed signs of an old pleurisy. The lungs were adenomatous and congested. The liver slightly Cirrhotic. Kidneys slightly fatty otherwise normal. Other organs normal. The Cause of Death was Inflammation of the Brain and its coverings following a Pistol Shot Wound of the Head.

Taken before me

W<sup>m</sup> A. Conway M.D.

this 17<sup>th</sup> day of April 1885

William A. Conway

CORONER.

Witness to before me this  
17<sup>th</sup> day of April 1885  
Office Justice

1084

## STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss:

## AN INQUISITION.

Taken at the *Coroner's Office*  
 No. 15. *Chatham* Street, in the *4<sup>th</sup>* Ward of the City of  
 New York, in the County of New York, this *27<sup>th</sup>* day of *April*  
 in the year of our Lord one thousand eight hundred and  
**WILLIAM H. KENNEDY**, Coroner,  
 of the City and County aforesaid, on view of the Body of *John Cannon*

*Seven* good and lawful men of the State of New York, duly chosen and  
 sworn or affirmed and charged to inquire on behalf of said people, how  
 and in what manner the said *John Cannon* came to his  
 death, do upon their Oaths and Affirmations say, That the said  
*John Cannon* came to his death by

*Shot wound*  
*of the head received at the hands of some person*  
*unknown to the jury at the foot of 3<sup>rd</sup> Street*  
*East River April 27<sup>th</sup> about 6.30 P.M.*

In Witness Whereof, We, the said Jurors as well as the **CORONER**, have to  
 this Inquisition set our hands and seals on the day and place aforesaid.

## JURORS.

220 W. Moore

J. P. Michel

Thomas Stacom

W. F. Ficke

G. Krieger

H. H. Becker

Fred. Bode.

276 East Houghton St.

27 Clinton St.

34 Bowery

18 Ave. A

41 Ave. A

283 E. Houston St.

32 Clinton St.

*William H. Kennedy*

CORONER, [E. S.]



1085

## CORONER'S OFFICE.

## TESTIMONY.

Reuben Michael Enley 21<sup>st</sup> of Rich-  
 mond says. On April 7<sup>th</sup>  
 about 6:30 P.M. I was coming  
 up 1<sup>st</sup> St with Sgt. Manton  
 a man came up to us at  
 3<sup>rd</sup> & 1<sup>st</sup> St and said that  
 a man had been shot at the  
 foot of East 3<sup>rd</sup> St he pointed  
 out the two prisoners Alexander  
 Greeney and Peter Smith who  
 were then in 3<sup>rd</sup> St bet. 1<sup>st</sup> &  
 2<sup>nd</sup> St I and the Sergeant  
 arrested the two prisoners  
 and searched them in the chest  
 and found a pistol in the left  
 hand pocket of Peter Smith  
 on chamber of which was  
 discharged it was a 6 chamber  
 English built dog, the other  
 chambers were full, the I could  
 smell the fresh powder from  
 the discharged chamber, I  
 brought the two prisoners to  
 the Station House and from  
 there to foot of East 3<sup>rd</sup> St  
 to see if the man that was  
 shot could identify them the  
 would not say who shot him.

Taken before me

 this 25 day of April 1888  
 William A. Kennedy CORONER.



1086

CORONER'S OFFICE.

TESTIMONY.

2

but told me to take Dr. Smith  
Hamm was then taken to the  
Hospital, the following morning  
the prisoners were taken before  
Judge Murray at 17th court  
who held them to await the  
action of the Coroner they  
were hurried to the Coroner's  
office. Hamm at first did  
not think he was hurt but  
had his throat with some pain  
Smith was also at the time

deposed to before me this  
10th day of May 1885  
Hamm applied Justice

Michael Farley

Sergeant Frederick H. Musters 21st Regt  
New York State. On April 7/85  
about 6.30 P.M. I was with the  
preceding witnesses and fully  
corroborate his statement with  
the exception of that I went  
to the Hospital with the injured  
man but did not go to  
Court, I heard the injured man  
say he in presence of the Captain  
and foundman he did not know who  
shot him but to hold Smith &

Taken before me

this 20th day of April 1885

William H. Murray CORONER.

1087

CORONER'S OFFICE.

TESTIMONY.

Saw the pistol after the Powder  
took it from Smith and  
chamber was discharged which  
smelt of powder. Smith said  
that the chamber had been discharged  
six months previous when he  
fired at a post. I arrested  
Loney found nothing on him  
he said he had nothing to  
do with the case.

Taken before me this  
day of May 1885  
Loney being sworn  
Sergeant of Police

Frederick W. Mortens

Sergeant 21<sup>st</sup> Prec.

Richard Tracy being sworn says I  
reside at No 310 East 40<sup>th</sup> St and  
drive a coal cart for Daniel Loney  
of East 40<sup>th</sup> St. On April 7<sup>th</sup> at  
about 7 P.M. I was sitting in a  
shanty at the foot of East 40<sup>th</sup>  
St with the deceased John Danner  
waiting to train a little while  
before the two prisoners came  
down, and when I saw the two  
men I shut my eyes and  
pretended to be asleep they  
came into the shanty and a  
shot was fired. I cannot

Taken before me

this 2<sup>nd</sup> day of April 1885

William A. Kennedy  
CORONER.



1088

CORONER'S OFFICE.

TESTIMONY.

day who fired it, after the shot  
 I saw the two prisoners going  
 out the door they went up the  
 street and I followed them  
 they turned 9th St. towards  
 37th. I jumped on a Bell  
 car and rode to 35th St. and  
 in the meantime I watched  
 the two men and I met  
 the Sergeant and I went  
 on the corner and told them  
 to arrest the two men that  
 they were after shooting a  
 friend of mine, both men  
 were then arrested. I had not  
 seen a pistol in the hands of  
 either of the prisoners, after the  
 men were arrested I went back  
 to the injured man and said  
 to him Oh Oh Johnny you are  
 done for now he will somebody  
 has hit me with an axe, the  
 shot had been fired about a minute  
 after the men came in the doorway  
 the prisoners spoke together in a whisper  
 but I do not know what they said  
 after the shooting one of them said come on  
 that will do, I was taken to the Station

Taken before me

this 25th day of April 1888

William N. Kennedy CORONER.



1089

CORONER'S OFFICE.

TESTIMONY.

House and gave the name of Richard  
Murphy as I did not want my  
name published, Smurray was  
the first man to enter the party  
I was with at the time

Sworn to before me this }  
day of May 1885 }  
Henry Moroney Police Justice

Richard Tracy

Michael O'Brien being sworn says I  
reside at 344 East 8th St. and am  
a laborer, I know the preceding  
witness Richard Tracy by sight  
and saw him April 7<sup>th</sup> about  
3.30 P.M. he Smurray & ~~Tracy~~ <sup>Harrison</sup> came  
into G. Dupuis's liquor saloon  
on the S.W. cor. 38<sup>th</sup> St & 1<sup>st</sup> St.  
and I Harrison asked me to  
have a drink I drank had  
about 3 or 4 rounds together  
Smurray & Harrison seemed to me  
to be good friends and Harrison  
invited Smurray to come down  
to the dump that he would have  
a girl there, my opinion is that  
Tracy was drunk and Harrison  
slightly so

Sworn to before me this }  
10 day of May 1885 }  
Henry Moroney Police Justice  
Taken before me

Michael O'Brien

this 25 day of April 1885  
William Newman CORONER.

1090

CORONER'S OFFICE.

TESTIMONY.

6

Peter Turley being sworn says. I reside  
334 East 34th and am a long-  
shoreman. On April 7th about 1885  
I was in Gillespie's room and  
saw Tracy there, I heard Dawson  
invite Spurney down to the dump  
saying that he would have a  
goat there Tracy and Dawson  
went down with him.

known to before me this  
day of May 1885

Police Justice

Peter & Turley

Queen Gillespie being sworn says. I reside  
663 West 11th and am in the  
liquor business. On April 7th  
about 3 or 4 P.M. I saw Tracy  
and the other men in my room.

known to before me this  
day of May 1885

Queen Gillespie

Police Justice

Taken before me

this 1st day of April 1885

William A. Kennedy

CORONER.

1091

CORONER'S OFFICE.

TESTIMONY.

Captain Thomas M. Ryan 21<sup>st</sup> Regt.  
 being sworn says. On April 2 about  
 6.30 PM Roundsmen Farley and  
 Sergeant Montano brought in the  
 prisoners Peter Smith and  
 Alexander Sweeney as prisoners  
 charged with shooting a man  
 off 38<sup>th</sup> at dock I asked if  
 they searched the man and  
 was told that a revolver  
 had been found on Peter Smith  
 I asked him when it had  
 been discharged he said  
 about 6 months ago I  
 the Roundsmen & Sergeant  
 went with the prisoners to  
 the wharf on 38<sup>th</sup> at dock  
 Cannon was sitting on a  
 bench in the wharf we all  
 stopped inside I asked Cannon  
 if either of the men had shot  
 or ~~been~~ <sup>been</sup> him he said no I  
 asked him if he was shot  
 he said he thought not, he  
 was cut and bleeding from  
 the head, and said he was  
 struck with some blunt instrument.  
 I asked if he wanted the

Taken before me

this 25<sup>th</sup> day of April 1885
 William W. Hemmick  
 CORONER.



1092

CORONER'S OFFICE.

TESTIMONY.

A.

parties assisted when I had shot him he said so he said he did not know the parties who shot him and if he had known them he would not assist them either, I do not think he was responsible for what he said, I asked him if he knew the two prisoners he said so and with that an ambulance arrived and the Doctor said he thought it was done with some blunt instrument he was then taken to the Hospital and I told the Officers to take the prisoners back to the Station House as they were about to leave the Mayor the injured man said both Smith and the one who shot him when I examined the revolver in the Station House, the chamber empty as if it had been recently discharged.

Thomas M. Ryan

Sworn to before me this  
10 day of May 1885

James M. Rice Justice

Taken before me

this 25 day of April 1885

William A. Harris CORONER.

1093

CORONER'S OFFICE.

TESTIMONY.

Richard Tracy being recalled says.  
 I met Hannon in the Shanty on  
 April 7<sup>th</sup> at 5.30 PM we left there  
 and went back again at 6.30 PM  
 we both saw J. Tracy Smith of  
 the 1<sup>st</sup> Regt. Hannon was not  
 drunk. Sweeney came in the  
 Shanty first and Sweeney immediately  
 after him at 5.30 PM. Sweeney and Hannon  
 had a fight in Gallagher's liquor  
 store on Sunday night April 5<sup>th</sup>  
 after the shot was fired I saw  
 the two men going out the door  
 I think Sweeney went out first  
 I looked at Hannon and saw  
 blood coming from his forehead  
 I said to him Oh Johnny you  
 are shot, where the two men were  
 arrested I did not hear Smith  
 say anything. I had no conversation  
 with any person in regard to  
 the evidence that I was to give  
 I saw Hannon in Dallas Hospital

Room to before me this  
 10 day of May 1885

Richard Tracy  
 L. M. Hannon (Witness)

Taken before me

this 27 day of April 1885  
 William A. Hannon CORONER.



1094

CORONER'S OFFICE.

TESTIMONY.

Roundman Farley being recalled  
 said, I arrested the prisoner on  
 the complaint of the previous witness.  
 I took the pistol from Smith's  
 pocket and asked him who  
 he shot, he said nobody at  
 all, I found one cartridge  
 had been discharged in the  
 Station House. Smith told the  
 Captain that he had fired at  
 a cat about 6 months before  
 that, the barrel that was discharged  
 smelt of powder as if it had  
 been discharged recently. I saw  
 Harmon in the Hospital (Illness)  
 the day before he died he was  
 then delirious. Sergeant Cassidy  
 & who was with me told Dr.  
 Hough to notify the Coroner  
 I heard Harmon say there is no  
 more dumping to day the Dr.  
 told me he thought the man  
 would not live, I cannot say that  
 Drury was drunk on the day of the shooting.

Roundman Farley  
 sworn to before me this  
 10<sup>th</sup> day of May 1885  
 J. M. [Signature]

Taken before me

this 2<sup>nd</sup> day of April 1885  
 William Kennedy

CORONER.



1095

CORONER'S OFFICE.

TESTIMONY.

Captain Thomas M. Brown being  
 recalled says. When the prisoners  
 were brought to the Station House  
 I asked the Roundsmen if he  
 had searched the prisoners he  
 said yes and had found a  
 pistol on Smith the first  
 I ordered them searched again  
 but nothing was found. on  
 them, I asked Smith if he  
 had anything to do with the  
 shooting of the man he said  
 nothing. I asked him then  
 about the barrel that was  
 discharged which smelt to  
 me as if it had been recently  
 discharged he said that he  
 found it at a cart about 6 months  
 ago. When I went to the County  
 I found Harmon with blood  
 over him I asked him who  
 done it and he said he did  
 not know and if he did he  
 would not have any one arrested  
 when the ambulance came the  
 Surgeon said that he did not  
 think the man had been shot  
 I told the Officers to take

Taken before me

this 27 day of April 1885

William H. Kennedy, CORONER.

1096

CORONER'S OFFICE.

TESTIMONY.

12

the prisoners to the Station  
House and as they were  
putting Hammon in the ambulance  
he said "Hold Smith he's  
the one that done it?" Hammon  
lived in the Hospital & day  
I saw him twice while he  
was there, I could not find  
the Dr who was attending him  
but I told the orderly to tell  
the Dr that I think he would  
be well to notify the Coroner  
On the next day I sent Sgt  
Curridy and Poundman Taylor  
to see the Dr and to tell him  
that he should notify the  
Coroner if it was necessary  
which they did. Dr. Brugh  
told me that a bullet had  
been extracted from Hammon's head  
I asked him for it and he said  
that the Police had it

Thomas M. Ryan

Thomas M. Ryan  
Sworn to before me this } I sworn before me  
day of May 1885 } this 8<sup>th</sup> day of May  
Police Justice 1885

Taken before me

this 27<sup>th</sup> day of

April 1885

Police Justice

William A. Murray  
CORONER.

1097

Court of General Sessions of the Peace of  
the City and County of New York.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

Peter Smith  
Alexander Sweeney

The Grand Jury of the City and County of New York by this indictment accuse

Peter Smith and Alexander Sweeney  
of the crime of murder in the first degree,  
committed as follows:

The said Peter Smith and Alexander Sweeney, each  
late of the Twenty-First Ward of the City of New York, in the County  
of New York, aforesaid, on the seventh day of April, —  
in the year of our Lord one thousand eight hundred and eighty-nine, —  
at the Ward, City and County aforesaid, with force and arms, in and upon one  
John Stannon  
in the peace of the People of the State of New York, then and there being, wilfully,  
feloniously, and with a deliberate and premeditated design to effect the death of him  
the said John Stannon, did make an assault, and the said  
Peter Smith and Alexander Sweeney a certain pistol, then and  
there charged and loaded with gunpowder and one leaden bullet, which they the  
said Peter Smith and Alexander Sweeney in their right hands then and  
there had and held, to, at, against, and upon the said John Stannon,  
then and there feloniously, wilfully, and with a deliberate and premeditated design to  
effect the death of the said John Stannon, did shoot off  
and discharge, and the said Peter Smith and Alexander Sweeney  
with the leaden bullet aforesaid, out of the pistol aforesaid, then and there, by  
force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the  
said John Stannon, in and upon the head of the said  
John Stannon, then and there feloniously, wilfully, and with a deliberate  
and premeditated design to effect the death of him the said John Stannon,  
did strike, penetrate, and wound, giving to him the said John Stannon,  
then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth,  
and shot out of the pistol aforesaid, by the said Peter Smith  
and Alexander Sweeney, in and upon the head of him the said  
John Stannon, one mortal wound of the breadth of one inch,  
and of the depth of six inches, of which said mortal wound he the  
said John Stannon, at the Ward, City and County  
aforesaid, from the said seventh day of April, —  
in the year aforesaid, until the seventh day of April, —  
in the same year aforesaid, did languish, and languishing did live, and on which  
said seventh day of April, —  
in the year aforesaid, the said John Stannon, at the Ward,  
City and County aforesaid, of the said mortal wound did die.



1098

And so the Grand Jury aforesaid do say that the said Peter Smith and Alexander Sweeney, him, the said John Shannon, in the manner and form, and by the means aforesaid, at the Ward, City, and County aforesaid, on the day aforesaid, and in the year aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of him the said John Shannon, did kill, and murder, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT: And the Grand Jury aforesaid, by this indictment, further accuse the said Peter Smith and Alexander Sweeney,

of the CRIME OF murder in the first degree, committed as follows:

The said Peter Smith and Alexander Sweeney, each, late of the Seventh Ward of the City of New York in the County of New York, aforesaid, afterwards, to wit: on the seventh day of April, in the year of our Lord one thousand eight hundred and eighty-five, — at the Ward, City and County aforesaid, with force and arms, in and upon one

John Shannon — in the peace of the People of the State of New York, then and there being, wilfully, feloniously, and of their malice aforethought, did make an assault, and that the said Peter Smith and Alexander Sweeney, each, then and there charged and loaded with gunpowder and one leaden bullet, which said bullet the said Peter Smith and Alexander Sweeney in their right hands then and there had and held to, at, against, and upon the said John Shannon, then and there feloniously, wilfully, and of their malice aforethought, did shoot off and discharge, and the said Peter Smith and Alexander Sweeney, with the leaden bullet aforesaid, out of the bullet aforesaid, then and there, by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the said John Shannon, in and upon the head of him the said John Shannon — then and there feloniously, wilfully, and of their malice aforethought, did strike, penetrate, and wound, giving to him the said John Shannon, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the bullet aforesaid, by the said Peter Smith and Alexander Sweeney, in and upon the head of — the said John Shannon, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound he the said John Shannon, at the Ward, City, and County aforesaid, from the said seventh day of April, —

in the year aforesaid, until the seventh day of April, —

in the same year aforesaid, did languish, and languishing did live, and on which said seventh day of April, — in the year aforesaid, the said John Shannon, at the Ward, City and County aforesaid, of the said mortal wound did die.

1099

And so the Grand Jury aforesaid, do say that ~~say~~ he said *Peter Smith*  
and *Alexander Greenberg, Jr.*  
the said *John Stannon*, in the manner and form, and by  
the means aforesaid, at the Ward, City and County aforesaid, on the day aforesaid, and  
in the year aforesaid, wilfully, feloniously, and of *their* malice aforethought,  
did kill, and murder, against the form of the Statute in such case made and provided,  
and against the peace of the People of the State of New York and their dignity.

*Donald R. Martin*  
~~JOHN M. JONES~~, District Attorney.

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END OF  
BOX