

0672

BOX:

404

FOLDER:

3751

DESCRIPTION:

Taylor, John G.

DATE:

07/17/90



3751

Foreman

0674

GROSVENOR P. LOWREY.
CHAS. FRANCIS STONE.
JOSEPH S. AUERBACH.
RICHARD W. STEVENSON.
JOSEPH M. KEATINGE.

Lowrey, Stone & Auerbach,
Attorneys & Counsellors at Law,
No. 3 Broad St. (DREXEL BUILDING) New York.

October 7th, 1891.

Dear Sir:-

We beg to say that it will be impossible to procure the attendance or testimony of the witness Claude H. Wetmore upon the trial of the indictments against John G. Taylor and George Logan, as *he* Wetmore cannot be found.

Very truly yours,

Lowrey, Stone & Auerbach

De Lancey Nicoll, Esq.,
District Attorney,
32 Chambers St., City.

0675

COURT OF GENERAL SESSIONS OF THE PEACE OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John F. Sanford

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse John F. Sanford

of the crime of Bribery

committed as follows:

The said John F. Sanford,

late of the City of New York, in the County of New York aforesaid, on the

fourteenth day of June, in the year of our Lord one thousand
eight hundred and ninety _____, at the City and County aforesaid,

being a public officer and a person executing
the functions of a public office, he was a member
and patrolman of the police force of the said
city, duly appointed, qualified and acting as

0676

such, did feloniously ask and receive of and from one
Claude H. Wetmore, a bribe and a sum of money,
to wit: the sum of ten dollars in money, lawful
money of the United States of America, and of
the value of ten dollars, as a bribe and pecuniary
reward offered and given by the said Claude H.
Wetmore, and by him the said John F. Taylor
taken, accepted and received, upon an agreement and
understanding that the action and official
proceeding of him the said John F. Taylor as
such policeman should be influenced thereby,
and that he would neglect and violate his
official duty as such policeman to wit: that
he the said John F. Taylor, in his office as
such policeman, would permit, authorize and
allow the said Claude H. Wetmore to keep,
use and occupy a building and room in a
certain portion and district of the said city,
known and designated as the Ninth Police
Precinct, for the purpose of and devoted to
gambling, to exhibit and use gaming tables,

establishments, devices and paraphernalia, and to
 carry on, conduct, maintain and practice the
 business and profession of gambling in the
 said Ninth Police Precinct, and that he the said
 John F. Sanford, so being such patrolman as
 aforesaid, then and there and thereafter would
 not arrest, nor cause, suffer or permit to be
 arrested, the said Claude H. Wetmore for
 such gambling, and would keep and protect
 him from arrest and punishment, and free
 and exempt from police molestation, inter-
 ference or visitation while engaged in the
 business, practice and profession of gambling
 in the said Ninth Police Precinct as aforesaid,
 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.

John R. Sellers.

District Attorney

0678

BOX:

404

FOLDER:

3751

DESCRIPTION:

Thorpe, Chauncey

DATE:

07/14/90



3751

462
#91 Herengolmans

Counsel,
Filed 14 July 1890
Pleads, Chancery 15

THE PEOPLE
vs.
I
Chancery N. Thorpe
[Sections 511 and 521, Penal Code.]
(Indorsement, etc.)

JOHN R. FELLOWS,
District Attorney.

A True Bill.

R. L. Carter
July 17/90 Foreman.
Robert H. Gray 2nd
2nd Count
Sentence suspended
R. B. H.

Witnesses;
Sophie Altenburg
John Altenburg
Wm. A. Thorpe

0680

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

William H. Thorpe

of No. 147 W 20 Street, aged 34 years,
occupation Stable Keeper being duly sworn deposes and says

that on the day of 188

at the City of New York, in the County of New York he is the owner

of the annexed check and that the
endorsement of William H
Thorpe on the check now before me
and annexed payable to his order
is a forgery the said endorsement
not having been made by him
dependent or authorized by him

Wm H. Thorpe

Sworn to before me, this

of

July

188

day

Police Justice.

0681

Police Court, 2 District.

City and County } ss.
of New York,

of No. 143 Sullivan

Street, aged

28

years,

occupation

Housewife

being duly sworn, deposes and says,

that on the 8th day of

June

1890

at the City of New

York, in the County of New York,

Sophie Altenberger

Chauncey N. Thorpe did with intent to cheat and defraud deponent feloniously forge the name of W H Thorpe upon the check hereto annexed dated July 1. 1890 drawn by J Pacheco for the sum of Forty dollars payable to the order of said W H Thorpe said check being drawn upon the East River National Bank of this City.

Deponent further says that the said J Pacheco had an account with said Bank.

That deponent is informed by William H. Thorpe that he never signed said check or authorized any person to sign the same.

Deponent therefore charges said Chauncey N. Thorpe with forging the endorsement on said check with the felonious intent to cheat and defraud deponent and by which the said deponent has been cheated and defrauded of the aforesaid sum of \$40 and prays that he may be apprehended and dealt with according to law.

Sydney A. Rosenberg

Sworn to before me this 8 day

of July 1890

[Signature]
Police Justice.

0682

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Chauncey R. Thorpe 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.

Chauncey R. Thorpe

Question. How old are you?

Answer.

42 years

Question. Where were you born?

Answer.

U S

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

Answer.

62 Macdougall St 6 mos

Question. What is your business or profession?

Answer.

Farmer

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.

The matter of the check gave it to me and Sophie Allenberger gave me \$40. for it I endorsed the signature on the back. ~~My~~ I telephoned to my Brother that we had no money to pay the bills and he told me to have the check cashed I ~~was~~ have authority from my Brother to sign his name to checks
C. R. Thorpe

Taken before me this
day of *July* 18*90*

5 H.

John A. Kelly Police Justice.

0683

Sec. 151.

Police Court 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

*In the name of the People of the State of New York ; To the Sheriff of the County
of New York, or to any Marshal or Policeman of the City of New York, GREETING :*

Whereas, Complaint in writing and upon oath, has been made before the undersigned, one of the *Police*
Justices for the City of New York, by *Sophie Altman*

of No. *143 Sullivan* Street, that on the *12* day of *July*

1890 at the City of New York, in the County of New York,

against *Chauncey N. Thorpe* for
forging the endorsement of *William B*
Thorpe on a check dated *July 1, 1890*

drawn on the East River National Bank for the
sum of \$100
Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to
answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring *him*
forthwith before me, at the *2* DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this *8* day of *July* *1890*

S. J. O'Brien POLICE JUSTICE.

0684

1 42 P.M. 42 Mr. U.S. Agents Mr. 152. Sullivan Jr.

The within named

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

..... Police Justice.

POLICE COURT DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Warrant-General.

Joseph A. Clendburg

vs.

August Blaney N.
Shropfel

Dated

June 2 1889

Wm. O'Reilly

Magistrate.

Joseph A. Gardiner

Officer.

The Defendant
Blaney N. Shropfel
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Joseph A. Gardiner

Officer.

Dated

July 2 1889

This Warrant may be executed on Sunday or at
night.

Do J. C. O'Reilly

Police Justice.

0685

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 Byundant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of fifteen 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 July 8 1890 Lo J. P. Kelly Police Justice.

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

Dated _____ 18 _____ Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

0686

1060
Police Court--- *2* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sophie Alterberger
143 Sullivan
Chauncey W. Harpe

Harpe
Offence

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *July 8* 18*90*

S. O. Reilly Magistrate.

Gardner Officer.

100 Precinct.

Witnesses *William W. Harpe*

No. *147* *W 20* Street.

who is also a
defendant in a
case of Larceny

No. Street.

\$ *1500* to answer *by*

Remitted

Shore identified by Mr. Goff
Harmon W. Harpe
July 19-1890
Remitted from
Arthur Charles
to Jury Room
W. W. Harpe

0687

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Rhamey N. Thorge

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

Rhamey N. Thorge

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Rhamey N. Thorge,

late of the City of New York, in the County of New York aforesaid, on the second day of July, in the year of our Lord one thousand eight hundred and eighty-nine, at the City and County aforesaid, having in his custody a certain instrument and writing, to wit: an order for the payment of money of the said called Bank Cheque, which said instrument and writing is as follows, that is to say:

No. 223

New York, July 1st 1890

The First Ohio National Bank

Pay to the order of W. H. Thorge

Forty

Dollars

\$40.00/100

J. Pacheco

the said Rhamey N. Thorge

afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in forging on the back of the said instrument and writing a certain instrument and writing commonly called an endorsement which said forged instrument and writing commonly called an endorsement is as follows, that is to say:

W. H. Thorge

with intent to defraud, 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.

0688

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

— *Chauncey N. Thorne* —

of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Chauncey N. Thorne*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the City and County aforesaid having in *his* possession a certain instrument
and writing, *to wit: an order for the payment of money*

of the kind called bank checks —

which said *instrument and writing* is as follows, that is to say:

No. 223 New York, July 1st 1890
The East River National Bank
Pay to the order of W. H. Thorne
Four ————— *Dollars*
\$40 ⁰⁰/₁₀₀ *J. Pacheteau*

on the *back* of which said *instrument and writing* there was then and
there written a certain forged instrument and writing commonly called an *endorsement*
of the said last-mentioned *instrument and writing* which said forged
instrument and writing, commonly called an *endorsement* is as follows,
that is to say:

W. H. Thorne

with force and arms, the said forged *endorsement* then and there feloniously did
utter, dispose of and put off as true, with intent to defraud, — *he* — the said
Chauncey N. Thorne then and there well knowing the premises,
and that the said *endorsement* was forged, 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.

JOHN R. FELLOWS,

District Attorney.

0689

BOX:

404

FOLDER:

3751

DESCRIPTION:

Titterton, Edward

DATE:

07/14/90



3751

0690

POOR QUALITY
ORIGINAL

Bail fixed at \$3000
see below

Witnesses:

Paul Shea
John Beck
Michael Mitchell
John Gary
Frank Tetterton
Off. Foley - 10th Dec

Bail fixed at
\$3000

W. Brady

Feb 18 '91

Part 2 - April 23, 1891

Child and Consisted of
Granddaughter 2nd Degree

12 yrs & 7 mos

January

Counsel

Filed

Pleads

day of

1890

THE PEOPLE

Ordered to C. G. Court
of 1st and 2nd degree for
trial at 2nd
2nd degree 1st degree 2nd degree
Edward T. Winton

JOHN R. FELLOWS (over)

District Attorney

Filed and Jury disagree

Sub. 1st degree with Counsel. 1st degree
A TRUE BILL.

Ordered to C. G. Court
of 1st and 2nd degree for
trial at 2nd
2nd degree 1st degree 2nd degree
Edward T. Winton

0691

POOR QUALITY
ORIGINAL

see below

Witnesses:

Paul Shea
John Beck
Michael Mitchell
John Henry
Frank Titterton
Off. Foley - 10th Regt.

Paul fixed at
\$2000

W. H. May

Feb 18 '91

Part 2 - April 23, 1891.
Tried and convicted of
manslaughter 2nd degree.

12 yrs + 7 mos by
Judge.

Counsel,

Filed

day of

1891

Pleads,

THE PEOPLE

Ordered by the Court
ofayer and Titterton for
trial at 2/1/91
23rd March 1891, 238 Elizabeth
Edward Titterton

Manslaughter, first degree.

[See 189, Penal Code]

JOHN R. FELLOWS, (over)

District Attorney.

Feb. 16, 1891.

Tried and jury disagree

Feb. 4/91 by agreement with counsel. Found
A TRUE BILL.

R. H. B. B. B.

Ordered by the Court
ofayer and Titterton
for trial.

3. P. 12 yrs + 7 mos

0692

-----X
The People &c.

Agst:

Edward Titterton
-----X

John Clark, 257 Elizabeth Street, states that he knows nothing of the shooting affray, but knows the defendant. Has known him for some years; that he and the defendant had an altercation about the year 1887, and it was reported to him that the defendant would do him up the first opportunity; that he knew him to be of a quarrelsome disposition, and the year following, he had some trouble with his brother Frank Titterton, whom he stabbed. The defendant was arrested at that time, and for some reason or another, no bill of indictment was found against him.

0693

-----X
The People &c.

Agst.

Edward Titterton.
-----X

Mrs. Eichinger, 263 Elizabeth Street, states that she has known the defendant from boyhood and never knew anything wrong against him; she remembers the night of the shooting and she was looking out of her window on the first story above the street, and saw a crowd of men, two of whom seemed to be struggling and pulling one another. When the next she heard was a shot being fired by some one unknown to her. That is about all that she knows. She says that the defendant was the smaller one of the two who were grappling with each other, and that the crowd were so close around the two that were struggling that she was unable to distinguish anything clearly as it was quite dark.

0694

JOHN PECHT, 240 Elizabeth Street, states that on the afternoon in question, I understood they had a keg of beer on the roof. I went up to see Dillon to ask him to have dinner. I sat on the roof a few minutes. The first thing that I knew of the growl was that Frank Titterton and several friends were working a beer growler on the street, when Dillon, the deceased, came along and said that they should go across the way and work it, and Frank Titterton said he had paid for it, and would drink it where he liked. I walked up the street to where Dillon had gone. As I reached the place where Dillon was standing, I found him in a quarrel with Frank Titterton. No blows had been struck, but I jumped in and pushed Frank Titterton away. With that, Edward Titterton, the defendant, came up exclaiming to his brother Frank "Why don't you give it to him". Dillon said: "You, nor the two of you can give it to me." With that, I took hold of Frank and pushed him up the street away from Dillon. When I turned around, Edward Titterton had fired the shot. I saw the defendant, Edward, a few minutes afterwards, and asked him what he had done, and he told me it was accidental. I then said we will get you after a while.

0695

DANIEL SHAY, 3 Second Avenue, states; I was sitting on the coal box in front of 240 Elizabeth Street with Edward Titterton, Martin Stanton and James Ramsey. I saw Dillon approach Pecht and give him something, and I heard Dillon say something about having had a fight up the street. Dillon then walked away up the street, and we, I with the rest, followed him up. When we reached the place in front of the factory, Frank Titterton sat on a low step and he and Dillon were talking. Dillon asked that the pint of beer that they had, that they should go across the street and drink it. Titterton said that they would drink it there. Dillon remarked that he was as good as Titterton. Both were a little intoxicated. Frank Titterton got up and tried to quiet him. Dillon remarked that he could fight him or any two in the crowd. Edward Titterton the defendant, was standing at the next entrance, in front of the window, and called out to his brother Frank "Why don't you put up your hands; put up your hands like a man!" Dillon retorted to the defendant "Do you want some of this?" Dillon then ran towards him and struck the defendant two blows. I then turned around and had walked about ten steps when I heard a shot.

This is a witness most friendly to deft as he was the one who informed the police officers that the deft was ready to surrender after the shooting and is the only one among the deft's brother who claims that Dillon struck deft

0696

From
Dillon
Pecht
Dillon

JOHN GEARY, 240 Elizabeth Street. I was on the roof of 238 Elizabeth Street on July 4th last with Frank Titterton, John Pecht, Patrick Rafferty, Michael Mitchell, Dillon, the deceased was also there. We were up there four or five hours. We came down about seven o'clock. We went up the street and a pint of beer was purchased. We then came over to the factory, 256 Elizabeth Street. Frank Titterton and the deceased had an argument, when Edward Titterton made some remark to his brother Frank, "why don't you get out and take what you get." With that, Dillon says, "Let the two of you get out and see if you can give it to me." Dillon made a rush for Edward Titterton the defendant. I then heard the shot as he made the rush and saw Dillon after the shot was fired, run after as though to reach Titterton, and then walked over and put his hands up and leaned against something and then fell. I didn't see Dillon strike Edward Titterton.

0697

✓ PATRICK RAFFERTY, 238 Elizabeth Street, states: I was on the roof of 238 Elizabeth Street, on the afternoon of July 4th last, with Geary, Mitchell, Dillon, Frank Titterton and Pecht. Afterwards, I went up the street, and in the stable yard found Dillon and Mitchell drinking beer. The next I saw was Dillon, who had left us, coming back followed by Pecht and Edward Titterton. Frank Titterton had a hold of Dillon by the lappels of the coat. Pecht had hold of Frank and was shoving him away, and Dillon made a rush for Eddie Titterton and the shot went off. I saw him shoot Dillon. There was a distance of about four feet between the defendant and deceased. I did not see the deceased strike the defendant. I saw the defendant pull the pistol from the hip pocket, and I think he had it pulled out before Dillon rushed for him.

Defendant

0698

MICHAEL MITCHELL, 4 Rivington Street, states: I was on the roof with Geary, Dillon, Frank Titterton and Pecht on the day in question. I came down about seven o'clock. It seems that we were all sitting there. I think the trouble was that Frank Titterton bought a pint of beer, we drank it on the street. He wanted Dillon to take a drink on the street, and he said no, that he would not drink it on the street. Titterton said, "I paid for it and will drink it here. Dillon came up and challenged Titterton to fight, and Titterton told him he didn't want to fight. Titterton's brother Edward, says: "Get up and take what you get." Dillon says: "The two of you can't do it." there was a rush between one another, and there was a shot. They didn't get to blows at all. I was trying to push Dillon away, and was pushing him away at the time the shot was fired. I was pushing him towards the gutter, and while so pushing him the shot was fired. Frank didn't get hold of Dillon. Frank was sitting down and Dillon was standing up. His brother Edward, the defendant, said to Frank, who was then sitting down: "Why don't you get up and take what you can get." Frank then got up and Pecht pushed him away.

FRANK TITTERTON, 238 Elizabeth Street, states.: I was present at the time of the killing of Dillon, on July 4th. I first met Dillon about nine o'clock in the morning. We were together all day. We were in the stable alley in Elizabeth Street, working the can, or growler, as you call it. We started up to the roof about twelve o'clock, and remained there until between six and half-past six. We emptied a keg of beer. After leaving the roof we started up the street in front of this factory, No. 258 Elizabeth Street. We all sat down, the party of us that was on the roof; myself Patrick Rafferty, John Geary, Michael Mitchell, John Pecht, and David Dillon, the deceased. I should judge it was about half-past eight or nine o'clock. We bought a pint of beer. I paid for it. I took a drink from the pitcher, and handed it to John Geary, I believe he went to hand it to Dillon, the deceased, and he would not accept of it. A couple of minutes afterwards, he started down the street on a quick walk towards Prince Street - walked down to 242 Elizabeth Street, when he came back, he came over to where we were sitting, and said we were all a lot of sons of bitches and could lick any two of us in the gang. With that I got up and tried to pacify him. I got up and said what is the matter with you; there is nobody saying anything to you here Dillon. With that, he says: "You are a fighter, can you take all I can give you." I says: "Yes, I suppose I will have to." He then took off his hat and coat. I tried to pacify him again. With that, my brother, the prisoner, spoke up. I believe he came up with Dillon. He says: "Put up your hands Frank and defend your-

0700

(2)

self". With that, the deceased ran at the prisoner where he was standing in the doorway, and punched him twice in the jaw. When the deceased ran at him John Pecht took hold of me and shoved me down the street. After the deceased struck the prisoner I don't know whether he pulled him out of the door or my brother pushed him back towards the curb. As they both came out towards the curb I heard the shot. After the shot was fired the deceased struck at my brother twice again. I stood three or four feet away. Pecht had hold of me. I saw the flash, but did not see in whose hands the pistol was. The flash was on the left-hand side of the prisoner and the deceased; I didn't see the pistol at all. I could not say why Dillon said that he could lick any two in the gang. I never had a word with him in my life. I don't remember Dillon saying that he would not drink the beer on the street. I said I would drink it anywhere I pleased; that I had paid for it. We had twelve or fourteen pints of beer before we went on the roof. We had a keg on the roof. I never knew that my brother carried a pistol. I never saw it in my life. I was pretty full that day. I am 27 years old, and am a truck driver.

0701

THE PEOPLE OF THE STATE OF
NEW YORK.

against

Edward Titterton

Statement
of
Witness
John R. Bellows
John R. Bellows

DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY

*Material
Complaint*

[Signature]

[Signature]

First District
Police Court

John Foley being duly sworn deposes and says, that he is a police officer attached to the 10th precinct police, that about the hour of 9³⁰ o'clock p.m. on the night of the 11th day of July 1890 while deponent was patrolling his post on Elizabeth Street, a citizen came to him and told him a man was shot in front of 254 Elizabeth Street, deponent went to the said premises and there found a man lying on the sidewalk with a pistol shot wound in the left breast, deponent immediately sent an officer to the station house for an ambulance and when the ambulance came the surgeon in charge pronounced the man dead, about fifteen

minutes thereafter, one Daniel
Shea came to me while I was
patrolling my post on Elizabeth
Street, and told me the man
who shot the deceased wanted
to give himself up, and that his
name was Edward Titterton
and that he lived at 238 Elizabeth
Street, I went with said Shea
to the 1st floor of the Tenement
house 238 Elizabeth Street and the
said Shea pointed out Edward
Titterton the defendant to me as
the person who done the shooting.
I then asked said Edward Titterton
if he done the shooting, and he
said he did, and I asked him
what it was all about, and he
said it was about a quarrel
between the deceased and with
his defendants brother (Frank
Titterton) and that Shea assaulted
him the defendant twice, and
that he said defendant shot

the said Wilson (the deceased) I
 asked him how many times he
 said defendant shot the deceased
 and he replied once, and that
 after he shot the deceased, the
 deceased assaulted him again.
 I then asked him what he had
 done with the revolver, and he
 said after he shot him he threw
 the revolver away and ran; and
 that is all I know about the case.

I now believe me
 this 5th day of July 1890 } John Foley

J. M. Patterson
 Police Justice

4
Daniel Shea being duly sworn
deposes and says

I reside at 238 Elizabeth
Street, I was a little after 9 o'clock
p.m. on the night of the 7th day of
July 1890, I was sitting on a
coal box in front of 240
Elizabeth Street, with the defendants
James Ramsey, Martin Stanton
and in front of the house 242
Elizabeth Street, John Tate and
his wife were sitting when
Nelson the deceased came up
Elizabeth Street, and said to
Tate I have a fight on up the street
Tate got up and went with him
and myself Ramsey, Stanton;
and Edward Titterton followed
him, and when we got to 254
Elizabeth Street, I heard Nelson
the deceased, talking to Frank
Titterton the defendant about
a pint of beer, and the deceased
went to Frank Titterton's door

not throwing the suit to you
 alone, but to all of us. and
 deceased said he could fight
 any two that were there. Frank
 Titterton stands up to talk to
 him and deceased asked him if
 he Frank Titterton would take
 all that I will give you. And Frank
 Titterton said I suppose I will
 lose to you are bigger than me.
 Then Edward Titterton said to
 his brother Frank Titterton, put
 up your hands like a man, when
 William the deceased said to
 Edward Titterton do you want
 some of this when William the
 deceased ran for Edward Titterton
 and hit him twice on the head
 and shoulder, then I heard
 a shot fired, I don't know who
 fired it, then I saw William the
 deceased make a pass for
 Edward Titterton and Edward
 Titterton runs down the street

And Allen the deceased walks
 over to an Iron post and puts his
 hand on it, and I saw the blood
 pushing out of the wound,
 and he falls, and somebody
 catches him, I then walked away
 and that is all I know of this
 case. I then went and found
 the officer and told him he
 wanted to surrender himself
 and the officer came and arrested
 him.

Done before me
 this 5th day of July 1890 Daniel Shea
 J. M. Patterson

Deputy Justice

Frank Titterton being duly sworn deposes and says

I reside at 238 Elizabeth Street and that between the hours of 6th and 6³⁰ o'clock p.m. on the 4th day of July 1890 I with the deceased myself, Patrick Rafferty, John Garte, John Geary and Michael Mitchell were all on the roof of 238 Elizabeth Street, where we had a keg of beer, and after we had finished the keg of beer, we all came down from the roof and went over to the factory 254 Elizabeth Street and sat down on the stoop there; and while sitting there I with the deceased got up and walked down Elizabeth Street to the front of 240 Elizabeth Street, and told my brother Edward Titterton, the agent, and Garte and Shea, who were all sitting there, that he had trouble up the street;

8

And when the deceased said he
 could lick any two sons of bitches
 in the gang; I got up and I
 tried to pacify him, and then
 he asked me if I could take all
 that he could give me (meaning
 a licking) and I said yes I
 could, and then he took off
 his coat. And I stood there, just
 then a brother of mine told me
 to put up my hands. And when
 went over and hit my brother
 the defendant in the jaw twice
 and then my brother the defen-
 dant made a run at him
 and then I heard the pistol shot
 after when the deceased got
 shot, he struck my brother again
 my brother the defendant done
 the shooting and that is all I
 know of it.

Sworn to before me }
 this 5th day of July 1890 } F. E. Morton
 J. M. Patterson }
 Police Justice

Michael Mitchell being only
 sworn deposes and says

I reside at 240 Elizabeth
 Street, and about the hour of 9
 o'clock p.m. on the night of the
 4th day of July 1890, myself
 John George, Patrick Rafferty
 and Frank Titterton were all
 sitting on the stoop of the factory
 250 Elizabeth Street, and Edward
 Titterton, and John Tate were sitting
 on a coal box in front of 240
 Elizabeth Street and Isaac Dillon
 the deceased coming up
 Elizabeth Street and talking to Frank
 Titterton who was sitting with
 us, I don't know what he said
 to him and Frank Titterton then
 got up and told him say to
 Dillon the deceased that he
 didn't want to fight with him
 then Dillon said I will fight the
 2 of you (meaning Frank Titterton
 and Edward Titterton, the defendants)

0712

10
And they were going to fight and
I ran between them and separated
them, and then the shot was
fired, I don't know who fired
the shot, I saw no blows
struck and that is all I know
of the affair

Sworn to before me
this 5th day of July 1890 } Richard White

W. M. Patterson
Tol. Justice

Patron Rafferty, being only
 sworn deposes and says

I reside at 438 Elizabeth Street
 and between the hours of 6 and 6³⁰
 o'clock p.m. on the 24th day of
 July 1890 Frank Titterton, John
 Pate, John Georgy and Michael
 Mitchell and Ellison the deceased
 were all together on the roof
 of 438 Elizabeth Street, where we
 had a keg of beer, and after
 that we came down and saw
 in the doorway of 254 Elizabeth
 Street, this was about 9 o'clock
 the same night, and Frank
 Titterton and Ellison the deceased
 had a quarrel, I don't know
 what it was about, and
 Ellison the deceased went
 down the street and came
 up with Mr. John Pate and
 Edward Titterton the defen-
 dant came up after John
 Pate and shot him; I saw

0714

the pistol go off out of Titterton's
hand. I didn't see any blow
struck, and that all I know
of this occurrence

Sworn to before me
this 5th day of July 1890 } P. Rafferty

J. M. Patterson
Treasurer

John Geary being duly sworn
deposes and says

I reside at 734 Elizabeth
Street, and about the hour of
9 o'clock p.m. on the night of the
14th day of July 1890 I was sitting
in front of the premises 256 or
258 Elizabeth Street with Frank
Titterton, Rafferty and Mike Mitchell
when Quinn came up and wanted
to fight Frank Titterton, Titterton
was sitting down and he tried
to pacify him, when Edward
Titterton, Frank Titterton's brother
said get up and take what you
get, and then Quinn said
something about the two of
them getting up, and then
all I knew was I heard a shot
fired off. I don't know who fired it
and that I saw was the shot go off
and that all I knew of it

sworn to before me) J. Geary
the 14th day of July 1890)
J. W. Peterson) Police Justice

John Tate being away sworn
deposes and says
I reside at 240 Elizabeth
Street, about the hour of 8
o'clock p.m. on the night of the
4th day of July 1890 I was sitting
in the doorway of 240 Elizabeth
Street, when Dillon came up to
me and handed me his
watch, ^{and} he says mind this, I
think there is trouble up the
street, he went up and waited
for a few minutes until I
kind of heard of a racket, and
then I ran up, ^{and} I saw Edward
Titterton ^{and} she got off the
Coal box of 240 Elizabeth Street
at the same time I left
^{and} she and Dillon ^{and} Frank
Titterton having a quarrel, and
I got in between them and
separated them, and they went
at it again, and I got in between
them again, ^{and} Edward

15

Gitterton said to Frank Gitterton
 give it to him. ^{And} I got in to separ-
 ate them ^{And} the shot was fired
 off, I could not tell by whom
 it was fired, I saw no blows
 struck ^{And} that is all I know
 of it.

Sworn to before me
 this 5th day of June 1890 } J. Peck

Wm Patterson
 Police Justice

0718

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward Titterton being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h ^{is} right to
make a statement in relation to the charge against h ^{is}; that the statement is designed to
enable h ^{is} if he see fit to answer the charge and explain the facts alleged against h ^{is}
that he is at liberty to waive making a statement, and that h ^{is} waiver cannot be used
against h ^{is} on the trial.

Question. What is your name?

Answer.

Edward Titterton

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

New York City

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

Answer.

738 Elizabeth Street, 2 years

Question. What is your business or profession?

Answer.

Truck Driver

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 have nothing to say

Edward Titterton

Taken before me this

day of

1918

Police Justice

0719

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 Edward

Totten
guilty thereof, I order that he be held to answer the same and ~~he be admitted to bail in the sum of~~
~~Twenty Dollars~~, and be committed to the Warden and Keeper of
the City Prison, of the City of New York, ~~with~~ ~~the~~ ~~sum of~~ ~~bail~~

Dated July 15th 1890 J. M. Totten Police Justice.

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

Dated _____ 18 _____ Police Justice.

There being no sufficient cause to believe the within named _____
_____ guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

0720

POOR QUALITY
ORIGINAL

6

Police Court

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Foley
Guinn Titterton

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

Witnesses

No. 1

Frank Titterton

Michael Mitchell

Patrick R. Titterton

John Sealey

John Pate

John Peck

John Peck

John Peck

John Peck

John Peck

John Peck

John Peck

John Peck

John Peck

John Peck

John Peck

John Peck

John Peck

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John Peck

John Peck

John Peck

John Peck

0721

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
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 GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To *John Carroll*
of No. *290 Elizabeth* Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *Feb* ~~JANUARY~~ *1891*, at the hour of *9³⁰* ~~10~~ *18* in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Edward Titterton

Dated at the City of New York, the first Monday of *Feb*
in the year of our Lord 1890.

DE LANCEY NICOLL,
JOHN R. FELLOWS, District Attorney.

Ask for Mr. Davis.

0722

Pell's Chambers

17th Street

10th M^o County

34-36 North Moore St.

D.H. Van Pelt

Tr. Sec. of St. Pauline

9, 5th St. N. Y.

for ...

First ...

new ...

213 ... St.

house

District Attorney's Office
City & County of
New York

D. C. I. For 2 P. M.

John Clark. 257 Eliz St.
 Wm Grant 16 or 18 Prince.

✓ Steve Kratzberg 322 E 26th St.

✓ John Green. 65. 67 Worth St.

✓ Benj Goldman 402 E 89th St.
 or 65. 67 Worth St.

John S. Carey. 280 Bowery

Geo J. Dillon } G. C. D.
 Wm Dillon } 152 Pavonia Ave.
 Jersey City.

J. W. Scott 92 Murray St
 with Taylor Brothers.

~~Max Kahn 27 Henry St.~~

Wm McCarthy 31 Prince.

John Mc Donough 8 Spring St.

John Barrett 221 Mead.

Chas McCullum 234 Mulberry

0724

Mr. John Carroll
of 290 Elizabeth Street
is suffering from Malaria
and is unable to leave
his room

Sabden. Lahey &

62 Spring St.

Feb 17, 1891

Kenneth
A. Green

District Attorney's Office.
City & County of
New York.

18

People vs. Ed. Linton

Part 2, Apr. 20, 1885

Officer Foley

Daniel Shea. No. 3 Second Ave.

M. Mitchell 4 Livingston St.

P. Rafferty 238 E. 12th St.

John Henry 234 E. 12th St.

John Pate 240 E. 12th St.

John J. Dillon 152 Bowline Ave. Jan 1885

John Blake 257 E. 12th St.

Return this

list with index sheet

for

10³⁰

Part 2

Ind.

14.00

DILLON'S GOOD CHARACTER

1. Charles McCullom, 234 Mulberry Street, was President of Branch I4, St. Patrick's Alliance. Dillon was a member in good standing, and good reputation.
2. John Parrett, 221 Mott Street.
Have known Dillon for four years; good character and reputation in St. Patrick's Alliance.
3. John McDonough, 8 Spring Street. Register's Office.
President Branch I4, St. Patrick's Alliance - Dillon's character is good - Took Dillon's body from station house to his home in Henry Street. Dillon had a father and wife.
4. William McCarthy, 31 Prince Street.
Dillon's character was good.
5. James J. Dillon, ¹⁵² ~~247~~ Pavonia Avenue Jersey City.
Brother of deceased. *Wm Dillon father of deceased.*
6. J.W. Scott. Bookkeeper of Fay Brothers
92 Murray St.
7. Mrs Kahrs 27 Henry St. Housekeeper

0727

Police Court

District.

City and County } ss.:
of New York,

of No.

218 Mulberry

Street, aged 23 years,

occupation

Truck driver

being duly sworn

deposes and says, that on the 15th day of May 1887 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Edward

Fitterton now present - That said

Edward did wilfully and maliciously

cut and stab deponent upon

his left side with and by means

of a certain knife & sharp dangerous

weapon which he Edward then held
in his hand

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this

day

of

188

Edward Fitterton

Police Justice.

0728

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

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

Question. What is your name?

Answer.

Edward Fitterton

Question. How old are you?

Answer.

19 Years

Question. Where were you born?

Answer,

This City

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

Answer.

218 Mulberry Street

Question. What is your business or profession?

Answer,

I drive a truck

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. I only acted in self defense

E F Fitterton

Taken before me this 19th day of May 1938

188

Police Justice.

0729

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 _____

Edward Titterton
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____
500 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 15* 188 _____ *E. M. H. C.* 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 he to be discharged.

Dated _____ 188 _____ Police Justice.

0730

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

389 2 718
Police Court-- District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Paul Fitterton
258 West 4th
Edward Fitterton

2

3

4

Offence: Sedition
Assault

Dated May 13 1887

W. Murray Magistrate.
Charles R. E. Egan Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 1000- to answer

(Cm)

0731

FIRST DISTRICT POLICE COURT.

Recognizance to Testify.

CITY AND COUNTY }
OF NEW YORK. } ss.

BE IT REMEMBERED, That on the

Sixth day of *July* in the year of our Lord 18*90*
Hrausl Pitterton
 of No. *238 Elizabeth* Street, in the City of New York,
 and *Henry Miller*
 of No. *268 Spring* 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

Hrausl Pitterton
 the sum of *one* Hundred Dollars;

and the said *Henry Miller*
 the sum of *one* Hundred Dollars,
 seperately, 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 *General* 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

Edward Pitterton
 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. }

Frank Titterton
Henry Miller

J. M. Pitterton
 POLICE JUSTICE.

0732

McClintock
Police Justice

day of *July* 18 *90*
Sworn before me this

CITY AND COUNTY }
OF NEW YORK, } ss.

Henry Miller

the within-named Bail, being duly sworn, says, that he is a holder in
said City, and is worth *five* Hundred Dollars,

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

*a house and lot of land situated
at 268 Spring Street and worth
ten thousand dollars above all
incumbrances.*

Henry Miller

New York Sessions.

RECOGNIZANCE TO TESTIFY
THE PEOPLE, &c.,
vs.

POLICE JUSTICE.

Filed day of 18

0733

FIRST DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK. } ss.

Recognizance to Testify.

BE IT REMEMBERED, That on the

Sixth day of July in the year of our Lord 18 90
Michael Mitchell
of No. 240 Elizabeth Street, in the City of New York,
and Ellen Deunin
of No. 236 Elizabeth 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

Michael Mitchell
the sum of One Hundred Dollars;
and the said Ellen Deunin
the sum of One Hundred Dollars,
seperately, 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 Annual 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

Edward Pitterton

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.

Michael Mitchell
Ellen Deunin
mark

J. M. Gleason
POLICE JUSTICE.

0734

W. D. Dennis

Police Justice,

day of

July 1890

Sworn before me, this

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

*a house and lot of land situated at
236 Elizabeth Street and worth
eighteen thousand dollars free
and clear.*

Ellen Dennis
free holder in
two Hundred Dollars,

Ellen X Dennis
maist

Sessions.

New York

THE PEOPLE, &c.,

RECOGNIZANCE TO TESTIFY

vs.

Police Justice.

18

day of

Filed

0735

FIRST DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK. } ss.

Recognizance to Testify.

BE IT REMEMBERED, That on the

Sixth day of July in the year of our Lord 1890

of No. 240 Ely Street, in the City of New York,

and Dennis Shea

of No. 146 East 7th 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 one Hundred Dollars;

and the said one

the sum of one Hundred Dollars, 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 ^{General} 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

Edward Fitterton

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. }

J. M. Platterton
POLICE JUSTICE.

Dick
Dennis Shea

0736

CITY AND COUNTY } ss.
OF NEW YORK,

the within-named Bail, being duly sworn, says, that he is a free holder in
said City, and is worth five Hundred Dollars,
over and above the amount of all his debts and liabilities: and that his property consists of

a house and lot of land situated
at 146 East 78th Street and worth
nineteen thousand dollars five
and clear.

Dennis Shea

Sworn before me, the
day of July 18 90

Arnold
Police Justice,

RECOGNIZANCE TO TESTIFY

New York Sessions.

THE PEOPLE, &c.,

vs.

POLICE JUSTICE.

Filed

day of

18

0737

CITY AND COUNTY
OF NEW YORK, } ss.

the within-named Bail, being duly sworn, says, that he is a free holder in
said City, and is worth five Hundred Dollars,
over and above the amount of all his debts and liabilities; and that his property consists of

a house and lot of land situated
at 146 East 78th Street, and worth
nineteen thousand dollars five
and clear.

Dennis Shea

day of

Sworn before me this

July 1890

Police Justice,

New York Sessions.

THE PEOPLE, &c.,

vs.

RECOGNIZANCE TO TESTIFY

POLICE JUSTICE.

Filed

day of

18

0738

FIRST DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK. } ss.

Recognizance to Testify.

BE IT REMEMBERED, That on the

19th day of July in the year of our Lord 18 90

of No. 238 Elizabeth Street, in the City of New York,
and Richard Lee

of No. 238 Elizabeth 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

Daniel Sheen
the sum of One Hundred Dollars;

and the said Richard Lee
the sum of One Hundred Dollars,
seperately, 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 General 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

Daniel Sheen
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. }

Daniel Sheen

Richard Lee

J. M. Patterson
POLICE JUSTICE.

0739

day of *July* 18*90*
Sworn before me this
CITY AND COUNTY } ss. *Richard Lee*
OF NEW YORK, }
the within-named Bail, being duly sworn, says, that he is a *holder in*
said City, and is worth *One* **Hundred Dollars,**
over and above the amount of all his debts and liabilities; and that his property consists of
The house and lot of land situated
at 235 Elizabeth Street and is worth
Ten thousand dollars clear of
all encumbrances
Richard Lee

Police Justice.

New York Sessions.
THE PEOPLE, &c.,
ss.
RECOGNIZANCE TO TESTIFY

Police Justice.

18

day of

Filed

0740

FIRST DISTRICT POLICE COURT.

CITY AND COUNTY }
OF NEW YORK. } ss.

Recognizance to Testify.

BE IT REMEMBERED, That on the

1st day of July in the year of our Lord 1890

of No. 234 Elizabeth Street, in the City of New York,

and Richard Lee
of No. 238 Elizabeth 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

John Henry
the sum of One Hundred Dollars;

and the said Richard Lee
the sum of One Hundred Dollars,

seperately, 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 General 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

Edwin Twister
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. }

J Henry

Richard Lee

J M Platt
POLICE JUSTICE.

0741

CITY AND COUNTY } ss.
OF NEW YORK,

the within-named Bail, being duly sworn, says, that he is a Richard Lee holder in
said City, and is worth Two Hundred Dollars,
over and above the amount of all his debts and liabilities; and that his property consists of

The house and lot of land situated
at 138 Elizabeth Street and worth
ten thousand dollars clear of
all encumbrances

Richard Lee

day of

Sworn before me, this

18

Police Justice.

Sessions.

New York

THE PEOPLE, &c.,

vs.

RECOGNIZANCE TO TESTIFY

Police Justice.

18

day of

Filed

0742

Police Court, First District.

RECOGNIZANCE TO TESTIFY.

CITY AND COUNTY
OF NEW YORK

BE IT REMEMBERED, That on
the 17th day of July in the year of our Lord 1890

Richard Lee
of No. 738 Elizabeth Street, in the City of New York,

personally came before the undersigned, one of the Police Justices in and for the City of New York, and ac-

knowledged him self to owe the PEOPLE of THE STATE OF NEW YORK,

the sum of One Hundred Dollars,

of good and lawful money of the State of New York, to be levied and made of his 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 above recognized, shall
personally appear, at the next COURT OF GENERAL 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
committed in the City of New York, aforesaid by

Edward Twenter

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 Lee

AM Platt Police Justice.

0744

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, DISTRICT.

of No. 104 Frederick Street, aged 37 years,
occupation Keelboatman being duly sworn deposes and says

that on the 5th day of July 1890
at the City of New York, in the County of New York Edward Titterton

(man here) was arrested on a charge of
Homicide and that Daniel Shea
Frank Titterton, Michael Mitchell
Patrick Rafferty, John Gerry and John
Gale are necessary and material witnesses
on the trial; and deponent has good and
sufficient reasons to believe that the
above named persons will not appear
as witnesses on the said trial and
asks that they be committed to the house
of detention in default of bail
Daniel A Hogan

Sworn to before me, this

of July

day

Police Justice.

0745

Dear Sir:

New York, March 7th 1891.

The address which you want
is as follows:

James J. Dillon, 147 Pavonia Ave.
Jersey City, N. J.

Yours Respectfully

Wm J. McCarty

31 Prince St. N. Y.

0746

MEMORANDUM.



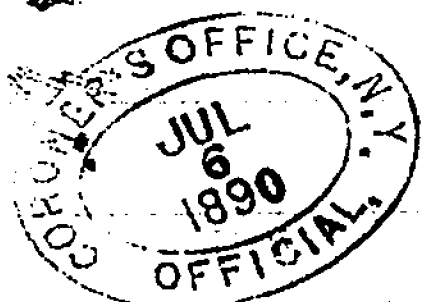
Coroner's Office,

67 Park Row,

New York, July 7th 1890

Shenby certify that
I made an autopsy
on the body David M. Sillars
said to have been shot in
front of 254 Eldridge
St. and from said
examination I find that
the cause of death was
internal hemorrhage from
a penetrating pistol shot
wound of chest.

W. J. Sullivan, M.D.
Coroner's Deputy



0747

TO THE CHIEF CLERK.

Please send me the Papers in the Case of
PEOPLE

vs.

Edward Titterton,

Irene Mc Kenna - 245 E 17 St.
Working 55 Becker St.
Levy - Teachers -

Have known defendant about
3 years - Kenna his wife - she
was Lizzie Hilton - Her brothers
are Theodore & George

Sabrina
Dena Stanton 2410
Martin Stanton Prince St.
used to be on the roof at 1111 Broadway

Mike Mitchell District Attorney
Green. might have
been on roof

0748

District Attorney's Office.

PEOPLE

vs.

St. Patrick's Alliance

Mitleny Hall

Boston

for good charact.
of deceased.

Raymond J. H. H.

to a member

250 U.

2 12/90

THE PEOPLE

vs.

EDWARD TITTERTON.

COURT OF GENERAL SESSIONS, PART II.

BEFORE JUDGE FITZGERALD.

Wednesday, April 22, 1891.

Indictment for manslaughter in the first degree.

Asst. Dist. Atty. Davis for the People.

Mr. Moss for the Defendant.

A Jury was empanelled and sworn.

JOHN PECHT, sworn and examined.

By Mr. Davis. Q. Where do you live? A. No. 240 Elizabeth St.

Q. What is your business? A. Driver.

Q. Driver of a truck? A. Yes sir.

Q. How long have you been in that business? A. For about eight years for the last party.

Q. Working for one man during that time? A. Yes sir, for one party.

Q. And who is that gentleman? A. Ralph Turner.

Q. Where is his place of business? A. No. 174 Mercer St.

Q. Are you a married man? A. Yes sir.

Q. You live with your wife and family? A. Yes sir.

Q. During last July did you live there? A. Yes sir.

Q. Did you know David Dillon in his lifetime? A. Yes sir.

Q. How long had you known him? A. Twelve or fourteen years, something like that.

Q. You know this defendant Edward Titterton? A. Yes sir.

Q. About how long? A. About eight or nine years I should think.

Q. Do you recollect the 4th of last July? A. I do, sir.

Q. Did you see David Dillon on that day? A. I saw him up.

on the roof that day.

Q. Up on the roof of what house? A. No. 240 Elizabeth St.

Q. As far as you can recollect who else was up there?

A. The best part of the witnesses I think was up there.

Q. Name some of them? A. Mitchell, Geary, Rafferty, Frank Titterton, I guess that is about all I can think of now.

Q. Was the defendant there? A. Yes.

Q. What were you doing up there? A. I went up to take Dillon down to have supper with me that afternoon and when I went up I saw they had some beer and I had a drink or two with them.

Q. How long were you up there altogether? A. About twenty minutes.

Q. And then what did you do? A. I went down stairs to supper.

Q. What time did you go down stairs? A. About five o'clock I guess, something like that.

Q. Did Dillon go down with you? A. No sir.

Q. You left him there, did you? A. I left him there.

By the Court. Q. In the afternoon? A. Yes sir.

By Mr. Davis. Q. When next did you see Dillon that afternoon?

A. I was sitting in the doorway with my wife, he came along and he gave me a watch to mind for him.

Q. About what time was that? A. That was seven o'clock I should think in the evening; he gave me a watch, he says, "here Johnny."

Q. Never mind what he said, when he gave you the watch what did you do? A. He said they expected trouble up the street; then he walked up the street towards the factory.

Q. He walked up the street, up Elizabeth Street? A. Up Elizabeth Street.

Q. To what street? A. Toward Houston Street.

Q. You said toward the factory? A. Towards the factory.

Q. On which side of the street is the factory? A. On the right hand side as you go up.

Q. The east side? A. Yes sir.

Q. He walked up there, did he? A. He walked up.

Q. Were there any other parties at or near your stoop at that time when he came to you? A. The defendant was sitting at the coal-box and I think Ramsey was sitting with him at the time.

Q. The defendant Edward Titterton and Ramsey? A. Yes sir, on the coal box at 240 Elizabeth Street.

Q. Right next the stoop? A. The very same door.

Q. When Dillon started down towards the factory what did the defendant and Ramsey do? A. When I saw them going up that way I walked up after them.

Q. What did they do? A. They followed him up.

Q. And then you went up? A. Yes sir.

Q. Begin there and tell us everything you saw? A. When I got up I saw Frank Titterton lying over in the doorway this way (illustrating) and Dillon kind of stooped over that way, talking to him; with that Frank got up, I saw there was going to be kind of a muss.

By the Court. Q. You saw Frank Titterton at Dillon's feet?

A. Yes sir.

By Mr. Davis. Q. Go on? A. The defendant came up, they had not been there I do not believe five minutes before the man was dead; that is about the size of it.

Q. You saw Dillon stoop over where Frank was? A. Yes sir.

Q. You saw Frank get up? A. Yes sir.

Q. What did Frank do when he got up? A. He stood up like as if he was willing to fight.

Counsel: I object and ask that that be stricken out.

The Court: Yes.

By Mr. Davis. Q. Tell us what his actions were? A. He stood something like this (illustrating).

Q. Where was Dillon? A. Right up close to him.

Q. What was he doing there? A. He was talking to him.

Q. How far away was Edward Titterton at that time?

A. About from here to the wall I should think.

Q. And then what was the next thing done or said?

A. The next thing was the shot.

Q. That was the next thing? A. Yes sir.

Q. Did you hear anything said before the shot?

A. I heard him say, "give it to him, Frank"; he said, "no, nor the two of us could not give it to him."

Q. Who said, "give it to Frank?" A. The defendant.

Q. Did you hear him say anything else? A. No sir.

Q. When he said that were Frank Titterton and Dillon in the attitude which you have described? A. Before I saw them coming to blows I got in between them to separate them and while he said that Dillon walked over towards him.

Q. You have described how Frank Titterton and Dillon were standing there together? A. Yes sir.

Q. While they were standing there together did the defendant Edward Titterton say anything? A. Not at the present time he did not.

- Q. Not at that time? A. No, not just then.
- Q. How were they standing when Edward Titterton said, "give it to him, Frank"? A. Frank was up the street and Dillon was out towards the gutter and Titterton was up against the house.
- Q. When you saw them standing there in that attitude, Frank Titterton in front of Dillon and Edward Titterton a little way away, did you do anything? A. I got in between Dillon and Frank Titterton.
- Q. What did you do when you got in between them?
A. I pushed Frank up the street towards Houston Street.
- Q. Had you pushed Frank up the street before or after you heard Edward say, "give it to him"? A. It was before and after, both..
- Q. Before and after, both? A. Yes sir.
- Q. Then you began to push him up there before you heard Edward Titterton say this, is that what you mean?
A. Yes sir, before.

Counsel: I object, that is leading.

The Court: This witness cannot tell the story without getting in illegal evidence. If you will call the attention of the Court to any improper evidence I will exclude it ---- any portion that is not proper, I will strike it out.

By Mr. Davis. Q. You stated that you pushed him down the street?

A. Up the street.

Q. Before and after you heard Edward say that?

A. Yes sir, before and after.

Q. And how far had you moved him or did you move him?

A. Yes sir, I did move him, I moved him quite a distance.

Q. About how many feet? A. Pretty near the length of the factory.

Q. How long is that? A. About ten feet I suppose.

Q. And then you heard Edward make this statement?

A. I heard him make this statement and with that Frank walked down again and when he walked down Dillon walked over towards Edward and I pushed Frank up again, I did not think there would be anything like that.

Q. Which way were you facing, toward or away from Edward Titterton? A. Away from him, I had my back towards him.

Q. I understood you to say that after Ed Titterton made this exclamation to his brother, that then Dillon said something?

A. He said, "you nor the pair of us could not give it to me."

Q. With that he started toward the defendant? A. Toward the defendant.

Q. And then what was the next thing you saw? A. The next thing was I heard the shot.

Q. You heard a shot? A. I heard the shot.

Q. From which direction did it come, from the direction of any of those persons? A. It came from up against the building where he was standing.

Q. Where who was standing? A. Titterton, the defendant.

Q. When you heard the shot what did you do? A. I turned around to see what happened.

Q. Now tell us just what you saw when you turned around?

A. I saw this Dave goes over towards the factory --- Dillon walks over toward the factory, I did not want to see what was the matter, I knew that he had been hurt and I ran down to see Dr. Feeney in Prince St. between Bowery and

Elizabeth Street and on the way down I met the defendant. I says, "what did you do now?" He says, "it is nothing, it is accidental, it is only a blank cartridge." I said, "you lie, you son of a bitch, you shot him." With that I left him, the doctor had been out and when I came back Dillon was lieing dead on the sidewalk.

Q. Did you see the wound? A. Yes sir.

Q. In his left side? A. The left side.

Q. And he was dead when you got back? A. He was dead when I got back.

Q. Did you see the defendant, Edward Titterton?

A. No, I did not see him no more until I saw him in Court the next morning.

Q. Do you recollect who else was there at the time the shot was fired? A. There was Mike Mitchell, Rafferty, Frank Titterton, Geary and a lot of others.

Q. While you were there did you see any blows inflicted upon Edward Titterton by anybody? A. No sir, I did not.

Q. Did Dave Dillon have any weapon of any kind? A. No sir, he never carried any.

Counsel: I ask that that answer be stricken out.

The Court: Yes.

By Mr. Davis. Q. Any club, stick or anything in his hand?

A. No sir.

Q. You saw none? A. No sir I did not.

Q. What time did you go on the roof that day? A. In the evning.

Q. About what time? A. A little later than four o'clock, about four o'clock.

Q. Had you been in company with these other people that were

A. They were all sober as far as I could see.

Q. Was it a large keg of beer? A. No, a small one.

Q. After that did you drink beer out of a tin can?

A. No sir. I did not.

Q. When did you next see Dillon after you left the roof?

A. Seven o'clock.

Q. What time was it you got off the roof? A. It must be around five o'clock.

Q. Had you drank anything betw een five and seven o'clock?

A. Ys, I had a pint of beer up in my own house.

Q. And that was all? A. That is all I had.

Q. At the time that Frank Titterton, the brother of this defendant, was there he was lieing, was he not?

A. On the side, that way, down on the step of the doorway.

Q. He was resting on his hand? A. On his hand.

Q. He was not doing anything to anybody, was he?

A. No, not that I seen.

Q. Was he sober? A. As I said, there were none of them drunk as far as I know; they might have a glass or a dozen for all I know, there was nobody drunk.

Q. Dillon was leaning over? A. Leaning over, I suppose they had some words before.

Q. Before that Dillon had given you his watch to mind for him?

A. Yes sir .

Q. And he went up? to where Frank Titterton was? A. He went up to where Frank Titterton was.

Q. After he got up there you followed him? A. I did a couple of minutes after he got up there.

Q. When you got up there what was the first thing you saw or heard? A. I saw Dillon leaning over Frank talking to

him, kind of angry like.

Q. Did you hear what he said? A. No sir, I did not.

Q. Frank got up as though to fight? A. Yes sir, as though to fight.

Q. What did Dillon do? A. He was talking loud, he did not make any attempt to strike anybody, he was talking loud to him.

Q. Did he say anything? A. He said he could lick the two of them, he said he could lick any one of them, it did not make any difference who it was. This man says, "why don't you give it to him"; he says, "you nor the two of us could not give it to me".

Q. When he said, "why don't you give it to him, Frank", you were pushing Frank up the street? A. I was pushing Frank up the street.

Q. The very moment the defendant said that the deceased rushed at him? A. No, he did not make no rush at all, he walked over, he went toward the defendant.

Q. Now at that time you had your back towards Dillon? A. Yes sir.

Q. You were pushing Frank up the street? A. Yes sir.

Q. And as you testified you pushed him the length of the factory? A. About ten feet I said, pretty near the length of the factory.

Q. How long did it take you to push Frank up as far as you got him? A. It did not take me very long.

Q. About how long? A. About five seconds I guess.

Q. And you did not see what took place between Dillon and this defendant did you? A. No, I did not.

Q. You remember testifying at the Coroner's Inquest?

A. Yes sir.

Q. Did not you testify there that Dillon made a rush for the prisoner? A. I says he walked toward the prisoner, I did not say he made no rush.

Q. Did not he go towards him rapidly? A. He went towards him, certainly, not on a run though.

Q. He was up against the wall? A. He was up against the building next door to the factory.

Q. How far from Dillon when he made the remark, "give it to him, Frank." A. Well, as I said before, the length of this -----

Q. About twelve or fifteen feet? A. No, not quite so far, about eight or ten feet.

Q. What took place, if anything, between Dillon and this defendant when you had your back you could not say?

A. No, I could not say, certainly not.

Q. Did anybody have ahold of Dillon? at the time he was shot?

A. I did not see anybody have hold of him.

Q. You looked around at the time you heard the shot?

A. I heard the shot, I saw Dillon walk over towards the factory and with that I left and went down for Dr. Feeney; from the way he acted I thought he was hurt, I could not tell whether it was mortal, the wound.

By Mr. Davis. Q. What did Ed Titterton do when Dillon moved toward him?

A. I could not see that, I was pushing Frank up the street at that time.

A Juror: I would like to know if the witness had any difficulty before with the defendant or if he was a special friend of Frank or Dillon.

By Mr. Davis. Q. The juror wants to know whether you are a special friend either of Dillon or this defendant ?

A. Neither one, never had any words with them.

Q. You were equally friendly with both? A. With both.

Q. Dillon was no more an associate of yours than the defendant Ed Titterton? A. No sir.

By Counsel. Q. You were pushing Frank Titterton away?

A. I was, yes sir.

Q. You were giving your attention to Frank Titterton?

A. To Frank.

Q. Why especially to Frank Titterton at that time?

A. Because he was smaller and I did not want Dillon to get in any trouble.

Q. You went up on the roof to take Dillon down to your house?

A. He came over to visit me and he got on the roof and I went down with him to his supper.

Q. Why did not you take hold of Dillon? A. When I had Frank I knew Dillon would not bother with Frank.

Q. Dillon was a large, muscular man? A. About my build.

Q. Any larger than you? A. No sir, he was not larger than me.

Q. Will you stand up, how many pounds do you weigh?

A. One hundred and fifty-three or fifty-five.

Q. You say Dillon was not a heavier man? A. He might have been heavier, but not in looks, he did not look to be any heavier than me.

By Mr. Davis. Q. Did Dillon live in that neighborhood of Elizabeth Street? A. No sir.

Q. Where did he live? A. He lived in Henry and Madison.

Q. He used to live there, did he not? A. Yes, he lived

in 217 Elizabeth Street.

- Q. How long ago? A. About eight or nine years ago.
- Q. Had you seen him at all during that eight or nine years?
- A. Now and then occasionally, yes sir.
- Q. Which one had you seen most frequently? Ed Titterton or Dillon?
- A. The defendant.

By Counsel. Q. Did not the deceased have his hat and coat off, when you were pushing Frank?

A. Not that I know of, I never took notice.

- Q. You do not know anything about that?
- A. I do not know nothing about that.

DANIEL SHEA, sworn and examined .

By Mr. Davis. Q. Where do you live, Shea?

A. No. 3 Second Ave.

- Q. What is your business?
- A. Gas fitter.
- Q. Where are you working?
- A. No place at present.
- Q. Where were you working before?
- A. The Standard Theater.
- Q. When did you cease working there?
- A. The 2nd of March.
- Q. How long did you work there at the Standard Theater?
- A. A little over a year.
- Q. Do you recollect the 4th of last July?
- A. Yes sir.
- Q. On that day were you in Elizabeth Street?
- A. Yes sir.
- Q. Did you see the defendant there?
- A. Yes sir.
- Q. And did you know David Dillon in his lifetime??

A. Yes sirz

- Q. Did you see him there?
- A. Yes sir.

- Q. Whereabouts did you see Dillon first that day?

A. In front of 244 Elizabeth Street.

Q. Had you been up on the roof of 240 that day?

A. No sir.

Q. Who was there with you at the time you saw Dillon there in front of 244.

A. No one was there with me when I

seen him.

Q. What time was it?

A. About two o'clock.

Q. Nobody else was there at that time?

A. Not as I know of.

Q. Did you see the deceased there at the same time?

A. No, not there.

Q. Did you see the defendant there at the same time?

A. No sir.

Q. Did you see Dillon later in the afternoon?

A. Not till

after six o'clock.

Q. Where were you then when you saw him after six o'clock?

A. Sitting on a coal-box in front of 240 Elizabeth St.

Q. And who was there with you?

A. The defendant, Stanton

and Ramsey.

Q. Did you see Pecht there at that time?

A. Yes sir.

Q. Where was he?

A. Sitting in front of 242.

Q. Did he live there?

A. No sir.

Q. Who else was there with him?

A. His wife and child.

Q. Was it then that you saw the deceased Dillon?

A. Yes sir.

Q. Now go on and state what you saw?

A. I saw him come

down the street towards Prince Street and saw him go over and speak to Pecht and hand him something, he said he was in trouble up the street, he goes up the street and Pecht follows, we got off the box and followed him up, we got up there.

- Q. Up where? A. In front of this factory, 256 or 254.
- Q. I seen Frank Titterton sitting down on a little stoop like and Dillon was talking to him; Frank Titterton got up and tried to quiet him; he would not have it; Ed was standing against a wall, against one of the iron pillars of the house and he says, "why don't you put up your hands, Frank, and take what you get?"
- Q. Who said that? A. Ed Titterton.
- Q. Did Dillon at this time have anything in his hand that you saw? A. Not that I seen. Dillon rushed towards Ed and said, "what do you want, some of this?" And made a pass to hit him and as soon as I seen him rush towards him I walked away; I heard then that he was shot, I turned around and seen Dillon run towards him again and made a pass as if to catch him.
- Q. After he was shot? A. Yes sir; so he passed me and went down the street, I seen Dillon walk over to the post and lean his left hand against it, one of the pillars of the house and spit up blood, I seen him fall, I ran down the street and stood in front of where I live.
- Q. Did you get there on the scene as soon as Ed Titterton did? A. Yes sir.
- Q. And when you got there Dillon was there? A. Yes sir.
- Q. Up to that time had Dillon struck anybody? A. No sir.
- Q. You say you heard Ed, the defendant say to his brother what, I did not quite catch that? A. Put up your hands and take what you get, fight like a man, some words to that effect, I can't remember now what it was.
- Q. Was it then that Dillon's attention was attracted to the Defendant? A. Yes sir.

Q. And he turned toward him you say and made a pass to strike him?
A. Yes sir.

Q. Do you know whether he struck him?
A. I aint sure whether he struck him or not.

Q. You cannot say?
A. No sir, his hand was alongside of his cheek, he might have hit him. I can't say.

Q. Did you see Mike Mitchell there?
A. Yes sir.

Q. What did you see him do?
A. I do not remember what he done; there was somebody got between the both of them, I don't know who it was, Dillon and Ed Titterton.

Q. You don't know who it was?
A. No sir.

Q. Was that before or after you heard the shot?
A. Before.

By the Court. Q. Did you hear a shout?
A. There was a good deal of shouting, I don't know whether it was that or not, I heard someone say he was shot.

Q. That was the 4th of July?
A. Yes sir.

CROSS EXAMINED.

By Counsel. Q. You remember that you were examined before the Coroner in this proceeding, don't you?
A. Yes sir.

Q. And that was shortly after the killing, your recollection of what took place the night of the killing was better than it is to-day?
A. Yes sir.

Q. What you testified to before the coroner was true, was it not?, you say to-day that he (Dillon) did not strike Edward Titterton?
A. I did not say that he did not strike him.

Q. He made a pass to strike him?
A. His hand glanced at his cheek.

Q. Did he make a pass to strike him? A. He went to strike him, his hand went alongside of his cheek, I wont say that he hit him.

Q. Do you remember making this statement before the coroner, that Dillon said, "do you want some of this", and ran after him and hit him twice, in that language. do you remember that? A. He said, "do you want some of this".

Q. I ask you if you remember testifying to that before the Coroner.

The Court: Read it again.

Counsel: Edward Dillon said to Titterton, do you want some of this and he ran after him and hit him twice."

By the Court. Q. Do you remember testifying to that before the Coroner? A. Yes sir.

BY Counsel. Q. You remember that don't you, then it is a fact that he hit him twice, isn't it? A. I don't know whether it is or not now.

Q. Do you tell this Jury that you do not know whether it is true or whether it is a fact or not? A. It might be a fact, I wont swear to it now.

Q. You wont swear to it now? A. No sir.

Q. But your recollection when you swore before the Coroner is better than it is to-day? A. I do not know.

Q. Is that the best answer you can give to my question?
No answer.

Q. I read from the evidence before the Coroner: "Dillon ran after Edward Titterton and he hit him twice; then I walked away and someone said he was shot"---- now that was your answer before the coroner, was it? A. Yes sir.

- Q. This took place about eight or nine o'clock at night, didn't it? A. Sometime along there.
- Q. It was pretty dark and the defendant was up against the wall of the factory? A. Yes sir.
- Q. How far away from Dillon? A. About five or six feet.
- Q. And did you see all the trouble that took place?
- A. Not all of it.
- Q. There was some fighting there, was there not, Dillon had this man up against the factory? A. He ran towards him, I walked away that time.
- Q. When he struck him, hit him twice, where was he?
- A. Up against the wall.
- Q. Did you see him strike back at Dillon? A. No sir.
- Q. You know this man quite a long while, don't you?
- A. Yes sir.
- Q. You know him to be of temperate habits, a sober man?
- A. Yes sir.
- Q. The deceased, what was his condition, Dillon, that time?
- A. He was not drunk and he was not sober.
- Q. Half and half, is that it? A. Yes sir.
- Q. He appeared to be intoxicated, didn't he?
- A. Not very much though.
- Q. He appeared to be intoxicated? A. Yes sir.
- Q. And did you see his coat or hat on or off?
- A. I do not remember.
- Q. There was a crowd around there? A. Yes sir.
- Q. They were more or less intoxicated, the whole lot of them?
- A. Not all of them.
- Q. How was Frank Titterton? A. He was drunk.
- Q. How was Geary? A. I don't know whether he was drunk or

not, he seemed to be drunk though.

Q. How was Rafferty? A. Well, he was half loaded, half drunk.

Q. Isn't it a fact that they were all intoxicated, every one of them there? A. No, not every one of them.

Q. Who was not drunk of the people that you know were drinking on the roof there that day? A. I don't know who was drinking on the roof.

Q. Those names that I have mentioned they were there?

A. Oh, they might have been all drinking.

By Mr. Davis. Q. You say you did testify before the Coroner that Dillon ran after Edward Titterton and hit him twice and then you walked away. Now you testify here that you saw him, do you not, make a pass at him twice; once before he was shot and once afterwards, is that your testimony?

A. Yes sir.

Q. Twice altogether? A. No, it was three times altogether.

Q. When was the first time? A. Right when he was in at the wall he made a pass and he hit him on the shoulder.

Q. On the shoulder three times? A. I do not know whether he went at him a third time, it might have been to catch him when he was running, when he was trying to get away.

Q. When who was trying to get away? A. Edward Titterton when he started to go away he passed me and I just turned around, he did not pass me, as soon as I saw him he turned around to hit Dillon, to make a pass to catch or hit him, I do not know which it was.

Q. Did he hit him? A. No, he did not touch him then.

- Q. He did not touch him then? A. No, not that time, that was the last one.
- Q. That was after he was shot? A. Yes sir.
- Q. Is that one of the times you refer to here before the Coroner? A. No sir.
- Q. Then do you mean to be understood here as saying that what you said before the Coroner was true or not true?
- A. Well, he made a second pass at him and hit him on the shoulder.
- Q. Is that one of the strokes that you referred to before the Coroner? A. Yes sir.
- Q. The time that he made the pass at him and struck him on the shoulder? A. Yes sir.
- Q. Was that before or after the shot? A. Before.
- Q. When was the first time that you refer to here in the testimony before the Coroner? A. That was before he hit him on the shoulder, right before that.
- Q. You followed Ed Titterton, didn't you, down to where the factory was, you went with him? A. Yes sir.
- Q. When you got down there you saw Dillon talking to Frank Titterton, is that your testimony? A. Yes sir.
- Q. And then Frank Titterton got up and Dillon was then talking to him and Frank was talking to Dillon, is that right?
- A. Yes sir.
- Q. Did you see Pecht there? A. Yes sir.
- Q. What did you see him doing at that time, anything?
- A. I do not remember I saw him doing anything.
- Q. You do not remember seeing him do anything?
- A. No sir.
- Q. And then it was that Edward spoke up and Dillon turned

toward Edward and went toward him, is that your testimony?

A. Yes sir.

Q. Did Edward move or did he stand still at that time?

A. I do not recollect whether he moved, he might have moved a foot, about the same spot he was.

Q. Did he move at all? A. I have no recollection of seeing him move.

Q. Do you mean to be understood that Dillon went right over there where he was standing and gave him a blow?

A. He struck at him first over some one's shoulder, I could not see.

Q. Over some one's shoulder? A. Yes sir.

Q. That was the person who was between him and Edward that you are talking about, is that it? A. Yes sir.

Q. You are sure of that, that the first blow was struck over some person's shoulder who was between Dillon and Edward Titterton? A. Yes sir.

Q. And the second blow, how about that, when was that struck?

A. Right after the first blow.

Q. Right after the first blow and over some person's shoulder?

A. Yes sir.

Q. Can you state whether or not either one of those blows landed upon Ed Titterton? A. One did, the last one might have, the second one.

Q. That one you think did? A. Yes sir.

Q. And then the third blow, when was that struck?

A. Right after he was shot.

Q. When he was shot he went toward Edward, striking at him?

A. Yes sir, he tried to catch him, I don't know whether he wanted to strike him.

By Counsel. Q. You have told us of course the blows that you saw the twice or the three times that Dillon struck at Titterton, either struck him or struck at him you saw that, didn't you, that night?

A. Yes sir.

Q. You remember testifying before the Coroner that you were fifteen feet or so from the place of the shooting?

A. Yes sir.

Q. You did not see the shot.

A. No sir.

Q. You did not know at the time who it was that fired the shot, did you?

A. No sir.

Q. How long a time was it from you saw the last blow, the second blow, until you heard the shot?

A. About ten

seconds or so.

Q. You had your head turned in another direction?

A. Yes sir.

Q. When you heard the shot you turned around?

A. No sir,

I heard some one say he was shot.

Q. Did not you turn around then?

A. Yes sir.

Q. Then you looked in the direction where you thought the shot came from?

A. Yes sir.

Q. You saw this man trying to get away and the other man after him?

A. I was not close to him, I was about four or five feet away from him.

Q. This man was close to the wall, was he not?

A. NO.

Q. How far from the wall?

A. About six or seven feet.

Q. Did the deceased have this man against the wall at any time that you saw?

A. I did not see him only when he struck at him.

Q. Only when he struck at him, this man was close to the wall, wasn't he?

A. Yes sir.

By Mr. Davis. Q. Did you see an pistol there that evening after the shooting? A. No sir.

Q. How long have you known the defendant? A. About as long as I can remember.

Q. How long have you known Dillon? A. About the same length of time, I know him longer I guess.

Q. Is either one of them your friend? A. Both is my friend.

Q. You are not interested in one any more than in the other?

A. No sir.

Q. Dillon had not lived there in that neighborhood of some years, had he? A. No sir.

Q. And how long before that day had you seen Dillon?

A. I do not recollect when it was, I do not recollect when I seen him before that.

Q. Within a year? A. Oh, I seen him within a month or two before that.

Q. How long before that had you seen the defendant?

A. I used to see him every night, I live in the same house.

By a Juror. Q. The witness said the defendant said, "put up your hand and take what you get", what is the meaning of tha5, shall he receive his punishment without fighting or is it slang to go for him to fight him?

By Mr Davis. Q. Do you know what that means? A. To put up his hands to fight him, take what he got, if he hit him to return the blow, something like that, that is all.

Q. It means to take the fight, isn't it? A. Yes sir.

JOHN GEARY, sworn and examined.

By Mr. Davis. Q. Where do you live, Geary? A. No. 240 Elizabeth Street.

Q. What is your business? A. Driver.

Q. Truck driver? A. Yes sir.

Q. Did you live at 240 Elizabeth Street last July?

A. No sir.

Q. Where did you live then? A. No. 234.

Q. Did you know David Dillon in his lifetime?

A. Yes sir, I know him about ten years.

Q. Do you know this defendant? A. Yes sir.

Q. How long have you known him? A. The same amount of time, I guess.

Q. Which one of them did you see oftener during the last five years? A. Titterton.

Q. How often did you see him? A. About every night.

Q. On the 4th of July of last year were you on this roof 240 Elizabeth Street and several others at the time?

A. Yes sir.

Q. What time did you go on the roof? A. Around two o'clock.

Q. What time did you come down? A. About seven.

Q. Then where did you go? A. I went to my supper, I guess.

Q. Were you drunk? A. No sir.

Q. You were not intoxicated at all? A. No sir.

Q. Any of the others intoxicated there on the roof?

A. I do not know, I could not say they were, they did not appear to me.

- Q. They did not appear to you to be so? A. No sir.
- Q. After supper where did you go? A. I went over in the stable of the alley, ~~of~~ 263 Elizabeth Street.
- Q. Is that right opposite this factory? A. Ye s sir, pretty nearly opposite.
- Q. Who was there with you? A. There was Dillon, Frank Titterton, Mike Mitchell and Paddy Rafferty.
- Q. Was Frank Titterton there? A. Yes sir.
- Q. You drank some beer there, didn't you? A. Yes sir.
- Q. Then what did you do? A. Came over to the factory then.
- Q. You went over toward the factory? A. Yes sir.
- Q. What time was it that you went over there? A. I went around eight o'clock I guess.
- Q. Did Dillon, the deceased, go over there? A. I did not see him coming out at all.
- Q. You did not see him come out of there? A. No sir.
- Q. Were you drunk then? A. No sir.
- Q. Any of the men drunk then? A. NO.
- Q. Who were over there at the factory before you saw Dillon after that? A. When I came over to that factory?
- Q. Yes? A. There was Paddy Rafferty, Mike Mitchell, myself and Frank Titterton.
- Q. And did Dillon come on the scene after that? A. He came up the street.
- Q. Now start in there and tell us in a loud tone of voice, what took place? A. The first I saw was having some argument with Frank.
- Q. Where was Frank? A. Frank was standing against the factory, he was sitting down or standing, I could not say

for sure; then they got out half way on the sidewalk.

Q. Who did? A. Frank.

Q. Where was Dillon? A. He came up, Dillon was standing
themetthen too.

Q. Near by Frank? A. A couple of feet from him.

Q. What were they doing? . They got arguing and Frank
got up and tried to pacify him like; there was loud talk-
ing, there was no blows, I did not see nobody get struck;
Ed then halloood out something.

Q. Edward Titterton, this defendant? A. Yes sir, he was
standing over against the factory.

Q. How far about from Dillon? A. About five feet I
guess, five or six feet.

Q. Did you hear what the defendant said at that time?

A. He says something about why don't you get up or
get up and take what you get, to his brother.

Q. Did you understand what he meant by that? A. Yes sir.

Q. Then what was done when Edward Titterton said that?

A. Then Dillon says, "let the two of you get out and
give it to him if you can", and Dillon made a rush for
Eddy.

Q. This Defendant? A. Yes sir, and then I heard the
shot go off, I saw Eddy run away and Dillon followed him a
couple of steps and came back again and he fell.

Q. Dillon came back again and fell? A. Yes sir.

Q. You saw Eddy run away? A. Yes sir.

Q. Before or after you heard the shot? A. Just after hear-
ing the shot.

Q. Did you see any blows struck? A. No, I did not see no
blows.

- Q. Did Dillon strike Edward Titterton at all? A. I did not see him.
- Q. You did not see any blows? A. No sir.
- Q. What became of Dillon? A. After he got shot?
- Q. Yes? A. He ran after him a couple of steps.
- Q. And then what? A. He came back and laid his hand on an iron post that was up against the factory and he fell down.
- Q. Did you see him after he was dead there on the sidewalk?
- A. Yes sir.
- Q. Did you see the wound? A. I seen the blood all over him, it was kind of dark.
- Q. You saw the blood over him? A. Yes sir.
- Q. And what became of Ed Titterton? A. He ran away.
- Q. Did you see any pistol? A. No sir. I did not see any pistol.
- Q. Did you see Mike Mitchell there? A. I could not say for sure, there was a pretty good crowd around.
- Q. After the shot? A. Yes sir.

CROSS EXAMINED.

By Counsel. Q. What time did you go on the roof that day?

A. About two o'clock.

- Q. And who went up with you? A. Frank Titterton, Pat Rafferty and Mike Mitchell, that is about all went up together that I know.
- Q. There were three men with yourself upon the roof with that keg of beer? A. There was about twelve up there.
- Q. Who were the others? A. Pecht was up there, he came up after.

- Q. He was drunk? A. Yes sir.
- Q. How long did Pecht remain up there? A. About two or three hours I guess.
- Q. Geary was up there? A. Yes sir. I was up there, I told you that.
- Q. You were all drinking that keg of beer? A. Yes sir.
- Q. You remained on the roof from two o'clock until what time?
A. Somewhere between six and seven, around that time.
- Q. About four or five hours? A. Yes sir.
- Q. You were drinking beer all the time? A. Not steady all the time, passing it around.
- Q. Talking and drinking beer? A. Yes sir.
- Q. Then you adjourned to the sidewalk, is that it?
A. Yes sir.
- Q. You resumed drinking beer on the sidewalk? A. I had my supper first.
- Q. Then you came back to the factory? A. Yes sir.
- Q. And then were there there some people that were on the roof?
A. Yes sir.
- Q. You commenced to drink? A. Yes sir.
- Q. What did you drink out of? A. Out of a can I suppose, can or pitcher, I aint sure.
- Q. You don't know which? A. No sir.
- Q. How many pints or quarts did you drink there?
A. Two or three pints.
- By Mr. Davis. Q. You mean you drank three pints yourself?
A. No , not myself, between us.
- By Counsel. Q. How many? A. Two or three pints I say.
- Q. How many were there to drink it? A. About six.
- Q. You testify there was none of them drunk? A. No sir.

- Q. Neither Frank Titterton or Geary? A. Frank was kind of drunk.
- Q. Frank was drunk? A. Yes sir.
- Q. Was Dillon drunk? A. No sir, I could not say he was.
- Q. Was he sober? A. I do not know, I could not say whether he was sober or not.
- Q. Were you drunk? A. No sir.
- Q. Were you sober? A. Yes sir.
- Q. You are sure of that? A. Yes sir.
- Q. Do you remember testifying before, giving evidence in this proceeding? A. Yes sir.
- Q. You remember that you testified in substance that some wer loaded but you could not tell who were loaded, do you remember that? A. No sir.
- Q. Do you remember being examined by Mr. Howe? A. Yes sir.
- Q. You remember in substance testifying that some were loaded but you could not tell who was loaded? A. I says one was loaded, that was Frank Titterton.
- Q. You said he was loaded? A. Yes sir.
- Q. By that you meant he was drunk? A. Yes sir.
- Q. You were quite sober? A. Yes sir.
- Q. It was pretty dark, wasn't it, about the time this quarrel took place? A. It was coming on dark, yes sir.
- Q. Wasn't it between eight and nine o'clock at night? A. No, it was not after eight I don't believe.
- Q. What time was it? A. Somewhere between half past seven and eight.
- Q. It was on the 4th of July? A. Yes sir.
- Q. What was the first thing you saw after the defendant came up the street, Edward Titterton? A. Well, I heard

Dillon arguing with Frank.

Q. Dillon did not mention any names there? A. NO.

Q. He was willing to fight with anybody there, was he not, from his general appearance and conduct and action?

A. He was talking to everybody I suppose when Frank got up.

Q. The word that were used were, "let any two of you get up", is not that it? A. I did not hear that.

Q. Did not you testify to that before, do you remember swearing to that before? A. He came up and he says,

if anybody wanted to fight, or something like that, when Frank got up and tried to pacify him, he got talking to everybody.

Q. Tell us what it was he said, you were quite sober?

A. I do not know, he went up.

Q. Can't you tell us any language that he used? A. No, not exactly.

Q. Can you give us in substance what he said? A. I could not remember everything.

Q. He wanted to fight anybody there, didn't he, and Frank got up? A. Yes sir.

Q. Where was Edward at that time? A. Standing over against the factory.

Q. Edward was not with you and the other people on the roof that day? A. No sir.

Q. You know he is a temperate man and don't drink? A. Yes sir.

Q. He never drank in his life? A. Yes sir, I know him to drink.

Q. Intoxicating drinks in his lifetime? A. Yes sir.

- Q. Do you tell this jury that you saw him drink liquor and beer or intoxicants in his lifetime? A. Yes sir.
- Q. Who else was with you when you saw him? A. I don't know anyone.
- Q. Anybody else? A. I cannot tell who was with him, it is a good many years ago.
- Q. How many years ago was it? A. Maybe eight, nine or ten.
- Q. Did you drink then too? A. Yes sir.
- Q. How old are you? A. Twenty-three.
- Q. You were then fifteen years of age; when you were drinking beer and liquor? A. Yes sir, I did not say liquor, I say beer.
- Q. After Edward Titterton came up from the street what was the next thing you saw? A. They were arguing there at the time.
- Q. Where was he standing at the time? A. Against the factory.
- Q. Against the wall? A. Yes sir.
- Q. From that time did you see all that took place after that? A. I could not exactly say I did see everything.
- Q. What was the next thing you saw? A. The next thing I seen when Dillon made a rush for him, that is all.
- Q. You heard some remark from Eddy and you saw Dillon rush at him? A. Yes sir.
- Q. You were looking at Dillon at that time? A. Yes sir.
- Q. You were looking at the defendant? A. I could not very well see, I was agin the wall and he was agin the wall and the column was sticking out a foot or a foot and a half.

- Q. He was against the wall when Dillon rushed at him?
A. Yes sir.
- Q. How close did Dillon get to him?
A. I should say about two feet.
- Q. He did not lay his hands on him?
A. I did not see him lay his hands on.
- Q. You were looking at him?
A. Yes sir.
- Q. He did not strike?
A. Dillon had his hand up like that.
- Q. He never made a pass to strike at him?
A. He rushed with his hand up.
- Q. Did he touch this man's person at all with his hand?
A. I did not see him touch him.
- Q. How close were you to him?
A. I was standing about three feet away or so, maybe more.
- Q. Three feet away from him?
A. Yes sir.
- Q. How close was this man to Dillon when Dillon was shot?
A. He was maybe two feet.
- Q. Then the very moment he rushed at him he was shot, is that it?
A. Yes sir, I heard the report of a pistol.
- Q. How long a time elapsed from the time he rushed at him until the shot went off?
A. About a minute, I guess not a minute.
- Q. What were they doing during that minute, what was Dillon doing?
A. He made a rush for him and I heard the report of a pistol, that is all.
- Q. The moment he made the rush the pistol went off, is that it?
A. Yes sir.

MICHEAL MITCHELL, sworn and examined.

- By Mr. Davis. Q. Where do you live? A. No. 4 Rivington St.
- Q. What is your business? A. Laborer.
- Q. Do you know this defendant? A. Yes sir.
- Q. How long have you known him? A. About ten or twelve years.
- Q. Did you know David Dillon in his lifetime? A. Yes sir.
- Q. How long? A. I know him ever since I can remember.
- Q. Do you recollect the 4th of July last? A. Yes sir.
- Q. Were you in Elizabeth Street and did you see Dillon there and Frank Titterton and this Defendant? A. Yes sir.
- Q. Were you there when Dave Dillon was shot? A. Yes sir.
- Q. And did you see any part of the occurrence? A. Yes sir.
- Q. Were you on the roof that day with the others?
- A. Yes sir.
- Q. What time did you leave the roof? A. About seven o'clock I guess.
- Q. Where did you go then? A. Came down and went up the alley, went up the street to 259 I think it is.
- Q. Did you go into this alley? A. Yes sir.
- Q. And had some beer there? A. Yes sir.
- Q. Were you over near the factory after that? A. Yes sir.
- Q. Who was there when you got there? A. There was Geary Rafferty, Frank Titterton and myself.
- Q. Were you drunk? A. No sir.
- Q. You were sober? A. Yes sir.
- Q. Did you see Dillon there by the factory? A. Yes sir.
- Q. Did you see this defendant there by the factory?
- A. Yes sir.

Q Were you there by the factory when Dillon came up to the factory? A. Yes sir.

Q. And was Ed Titterton there at the time? A. No sir.

Q. Did Ed Titterton come there afterwards? A. He came after.

Q. About how long after? A. I could not say how long after.

Q. You saw him there though? A. Yes sir.

Q. Will you tell us what took place there that you saw?

A. I was sitting there when Dillon came up and he got arguing with Frank Titterton.

Counsel: I object.

The court: Strike out "arguing".

By Mr. Davis. Q. What was he doing with Frank Titterton, you say he got arguing? A. Frank Titterton argued, John Geary was there, stood at the doorstep, Dillon came up and he asked Frank out to fight, wanted to fight with him.

Frank told him he did not want to fight; so with that he got arguing with him there, growling, and Eddy told him to go up and take what he would give him, Edward Titterton said that; Dillon got out and said, the two of us can't do it; then there was a rush and the pistol.

Q Titterton got out? A. Yes sir.

Q. Whereabouts do you mean? A. On the street, on the sidewalk.

Q How far out from the building? A. About four or five feet I guess.

Q. Where was Frank? A. Frank was standing into the building.

Q. Into the building? A. Yes sir.

- Q. And where was Eddy? A. He was standing at the building too.
- Q. Dillon said, "the two of us can't do it"? A. Yes sir, we jumped up and ran between.
- Q. You say you saw Dillon rush for Edward Titterton, he made a rush and we got between them, whom got between?
- A. Pecht grabbed Frank Titterton and I caught hold of Dillon.
- Q. You caught hold of Dillon while Dillon was going up to Edward? A. Yes sir.
- Q. How did you catch hold of him A. I caught hold of him by the right shoulder, by the arm.
- Q. Were you facing Edward Titterton at that time?
- A. No sir, my back was turned.
- Q. Who were you facing? A. I was facing Dillon.
- Q. Did anything happen while you were in that position?
- A. The shot was fired while I was in that position.
- Q. What were you doing in that position with Dillon?
- A. I was holding Dillon.
- Q. Was he moving or standing still? A. He was trying to move.
- Q. What effect did your holding have upon him?
- A. I pushed him up against the paving stone.
- Q. Did you succeed in pushing him back? A. Yes sir, against the paving stone, then he made a lunge like that and the shot was fired.
- Q. A lunge over your shoulder? A. Yes sir.
- Q. Then what happened? A. Then I let go of him.
- Q. Then you let go of him? A. Yes sir, as soon as I heard the shot.
- Q. Did Dave Dillon strike Edward Titterton at all?

A. Not as I seen.

Q. As soon as he rushed for him you say you jumped in front of him, you urged him back and he moved back?

A. Yes sir.

Q. During the moving the shot was fired? A. He did like that and tried to push forward.

Q. Was he moving at all either bakward or forward?

A. No sir, I had hold of him trying to keep him back and he went up like that.

Q. Over your shoulder? A. Yes sir.

Q. It was then the shot was fired? A. The shot was fired.

Q. You are sure of that? A. Yes sir.

Q. You cannot be mistaken? A. No sir.

Q. Suppose that I were Edward Titterton and this gentleman here was Dave Dillon coming toward me, Dave Dillon's face would be facing me, would it not? A. Yes sir.

Q. About how far at the time that Dillon started to rush at Titterton was he from Titterton, the Defendant?

A. About that far I guess. (Illustrating.)

Q. As far as I am from you? A. No, not quite as far.

Q. About here (illustrating). A. Yes sir.

Q. The time you saw Dillon rush for Ed Titterton he was about as far as this gentleman from me? A. Yes sir.

Q. Suppose this gentleman was Dillon and I am Ed Titterton, will you place yourself by Dillon as you were standing when you heard the shot fired? A. I had him like that.

Q. Did you have your hands upon him, holding him back?

A. Yes sir.

- Q. Was it while you were in that position that you heard the shot fired? A. Yes sir.
- Q. Then the left side of Dillon was uncovered? A. Yes sir.
- Q. And your back was towards Titterton? A. Yes sir, towards Titterton.
- Q. And while he was in that position was it, that you saw Dillon strike out at Titterton? A. Yes sir.
- Q. Did you see where the wound was upon Dillon? A. Yes sir.
- Q. Point it out on that gentleman? A. Right here.
(Pointing to the left side.)
- Q. You left the left side uncovered while you were holding him back? A. Yes sir.
- Q. Had you seen any blows struck upon Edward Titterton before that by Dillon or by anybody? A. No sir.
- Q. Then you say you let go of Dillon when you heard the shot? A. Yes sir.
- Q. What did he do? A. He ran after Titterton.
- Q. How far did he run? A. He ran about ten or fifteen feet.
- Q. And then what did he do? A. Then he made a grab for him and he staggered back again about ten feet and he fell up agin the factory; he stood up like that and he put his hand up by the post to his stomach and the blood came out of his mouth and nose and he dropped.
- Q. You saw him after he was dead there on the sidewalk? A. Yes sir.
- Q. Did you see the pistol? A. No sir.
- Q. What became of Edward Titterton after he did that? A. I do not know where he went after that, he went down the street.

- Q. Did you see anybody go with him? A. No sir.
- Q. How long before that day had you seen Dave Dillon?
- A. As far as I can remember it was Decoration Day.
- Q. How long before that had you seen Edward Titterton?
- A. I saw him every day and every night.
- Q. And associated with him? A. Yes sir.

CROSS EXAMINED.

By Counsel Q. What time did you go on the roof that day, Mitchell?

A. About one o'clock it was.

- Q. And how long did you remain there? A. Till about seven.

- Q. Six of you were on the roof that afternoon? A. Yes sir.

- Q. Pecht, Shay, Geary? A. Shay was not there.

- Q. Pecht, Geary and Frank Titterton? A. Yes sir.

- Q. Who else? A. Patrick Rafferty --- there was several more came up through the day and had something to drink, we were in a party.

- Q. You were there all the while? A. Yes sir.

- Q. It was you people got the keg of beer, you went up to bring it up? A. Yes sir.

- Q. Were you sober when you went upon the roof that day?

A. Yes sir.

- Q. Had you drank any early in the day? A. No sir.

- Q. This was on the 4th of July? A. Yes sir.

- Q. You were not working that day? A. No sir.

- Q. You tell this jury that you did not have a drink up to one o'clock that day, is that so? A. No sir, that is so.

- Q. You went on the roof for the express purpose of drinking

that beer?

A. Yes sir.

Q. And for no other purpose? A. No sir.

Q. How many glasses did you drink? A. I can't say how many I drank.

Q. So many that you can't recollect, is that it?

A. It is not that but I did not keep count.

Q. You kept drinking steady right along? A. Not steady, no sir, we were playing cards.

Q. All the while playing cards? A. Very near all the while.

Q. All the six of you? A. Yes sir.

Q. For money? A. No sir.

Q. For sociability? A. Yes sir, for run.

Q. You left then at seven o'clock? A. Yes sir.

Q. You went down to the place called Stable Alley?

A. Yes sir.

Q. You there procured beer with the assistance of a can, didn't you? A. Yes sir.

Q. You drank several cans full in the alley? A. Yes sir.

Q. How many did you drink? A. About four, I guess.

Q. Who were there with you? A. There was Dillon and a fellow of the name of Cash.

Q. Is that his nickname? A. No, that is his right name.

Q. Who else? A. Galvin and I and Frank Titterton was in there. that is all I can remember was in there now.

Q. After that where did you go? A. Went across over to the factory, No. 254.

Q. You did not go home to get anything to eat? A. I came down and I went into the house.

Q. You went in there before you went to the alley?

A. Yes sir.

Q. In front of the factory you had some beer? A. One pint.

Q. Who drank that? A. Frank Titterton, I, John Geary and Patrick Rafferty.

Q. Did not Dillon drink any of that? A. No sir.

Q. Are you sure of that? A. I am sure of that, he said he would not drink out in the street, he wanted Frank Titterton to fetch it over in the alley.

Q. You are sure that he did not drink when at the factory?

A. Yes sir.

Q. While you were in front of the factory what was it that Frank Titterton said about paying for the beer?

A. Dillon wanted him to fetch it over in the alley; he said he paid for it and he would drink it.

Q. He said, "I paid for the beer and I will drink it where I like?" A. Yes sir.

Q. Then what took place after that? A. Some fellow fired a Roman candle and Dillon went across the street, I don't know where he went after that till he come up arguing with Frank Titterton.

Q. You did not hear an angry word up to that time?

A. No sir.

Q. Dillon went over to where the Roman candle was?

A. Yes sir, went across the street.

Q. When he came back Pecht was with him? A. Yes sir, Pecht followed him up.

Q. You remember that, don't you? A. Yes sir.

Q. When he got up what was the first thing Dillon said?

A. He was arguing with the whole lot of us in general.

- Q. You were then in front of the factory? A. Yes sir.
- Q. You were sober? A. Yes sir.
- Q. Frank Titterton was sober? A. He was drunk on the roof in the daytime, I don't know whether he was sober in the night, he fell asleep on the roof.
- Q. Geary was sober? A. I don't know whether he was drunk or not, he did not look as if he was drunk.
- Q. Was Pecht drunk or sober? A. Pecht was not drunk either.
- Q. Was Rafferty drunk? A. No sir, not as far as I could see.
- Q. What was the first thing Dillon said after coming over from the Roman candle? A. I could not say what he said, he got arguing there, I don't know what he said.
- Q. Do you remember testifying before? A. Yes sir.
- Q. Do you remember saying when Dillon came over, "I can fight you", to Frank? A. It is so long ago I can't remember every little thing, it is over nine months ago.
- Q. You remember testifying to this about a month ago, don't you, in substance what I said? A. I remember testifying that Frank Titterton said he knew he could lick him, he did not want to fight with him.
- Q. Frank Titterton said he knew Dillon could lick him? A. Yes sir.
- Q. Dillon said he could fight anybody in the mob and then Frank Titterton said, "I don't want to fight with you or have anything to do with you", is that it? A. Yes sir.
- Q. He was sitting down at the time? A. Yes sir, we were all sitting down.
- Q. Where was Eddy, the defendant, at that time? A. He was

standing up beside him on the other side against the wall,
there is six or seven columns there.

Q. What did the defendant say? A. The defendant told
Frank to get up and take what he would get like a man.

Q. Are those the words that he used? A. Yes sir, some-
thing like that ---- why don't you get up and take what you
get.

Q. What did Dillon do then? A. Dillon told him that
two of them could not do it.

Q. What were the words that he used if you remember?

A. I cannot remember, I know I heard him say "get out
the two of you and do it".

Q. How close was Dillon to Edward Titterton at that time?

A. Four or five feet.

Q. Titterton was standing up against the wall and Dillon was
four or five feet from him? A. Yes sir.

Q. Were you standing at that time? A. I was sitting
down next to Frank Titterton.

Q. What next took place? A. They made a rush and we got
up.

Q. Who made a rush? A. Dillon made a rush at Titterton.

Q. Are you sure of that? A. Yes sir.

Q. Do you remember testifying only a month ago both parties
made a rush? A. Well, a rush was made.

Q. You remember testifying to that, don't you? A. There
was a rush made, that is what I said.

Q. By both of them, by Eddy and by Dillon? A. I could not
say whether Eddy made a rush or not.

Q. You saw Dillon make a rush? A. Yes sir.

- Q. You were sitting down? A. Yes sir.
- Q. He was only five feet away from Eddy at the time he made the rush? A. Yes sir.
- Q. How far away were you from Dillon at that time?
- A. I was about the same distance only a little this side of Eddy.
- Q. Then you got hold of Dillon before he reached Titterton?
- A. Yes sir.
- Q. Are you sure of that? A. Yes sir.
- Q. What was the closest distance that Dillon got to this man before you grabbed him? A. I cannot say how close he got to him.
- Q. They were only five feet apart? A. I know that.
- Q. Had he moved? A. He stepped forward.
- Q. Only one step? A. I cannot say how many.
- Q. You got between them? A. Yes sir.
- Q. Titterton was against the wall? A. I do not know where he was when the shot was fired.
- Q. I say when you got between them Titterton was against the wall? A. I could not say where he was, my back was turned.
- Q. Can you tell whether Titterton stayed there or went away, did not you look for him? A. No sir, I did not look for him until after the shot was fired.
- Q. You had your back in the direction in which Titterton had been standing? A. Yes sir.
- Q. You commenced to push Dillon trying to get at Titterton?
- A. Yes sir.
- Q. You were pushing him back and he was trying to get away from you? A. Yes sir.

- Q. Do you mean to say you can tell precisely the position in which you were and the position of this man's body at that time? A. Yes sir.
- Q. Will you stand down here and show us? A. There is the way, I had him like that (illustrating).
- Q. Were you standing as straight as that? A. Yes sir, pushing.
- Q. And how was Dillon? A. His hand was out like that.
- Q. I am Dillon, place my hands in the position in which he had them? A. I had this hand like that, pushing him back and he got his left hand over, I did not have hold of his left hand at all.
- Q. He had both arms on the right portion of the body? A. Yes sir.
- Q. Are you sure about that? A. Yes sir.
- Q. You remember that distinctly? A. Yes sir.
- Q. Where was his left hand? A. The time the shot was fired his left hand was out like that trying to make a lunge.
- Q. He was sideways? A. He was like that, there is the way he had him, he was going like that, trying to get at him (illustrating).
- Q. Now you remember distinctly, you swear that you remember that this portion of the body, the left side was out, is that it? A. Yes sir, that is it, because he was left-handed.
- Q. Is that the only reason? A. I don't know whether that is the reason or not.
- Q. How many times have you spoken about that to the District Attorney before to-day? A. I cannot say how many times.

- Q. Give us your best judgment? A. About three or four I guess.
- Q. You indicated to me just the position you were in?
- A. Yes sir.
- Q. You afterwards knew that the shot was in the left portion of the body? A. I did not know it till I felt it when he was lying on the ground.
- Q. You felt it lying on the ground? A. Yes sir.
- Q. You saw where the shot was? A. Yes sir, I did.
- Q. Then he did not hold his hand, Edward Titterton, at all?
- A. Not as I seen.
- Q. If he did would you not have seen it? A. How could I see it when my back was turned.
- Q. He did not reach him at all? A. I do not know how far he was from him when he fired the shot, whether he reached him or not.
- Q. Dillon had not held his hand until up to the time the shot was fired? A. No, not as I seen.
- Q. He was holding him, if he had struck him you would have seen him? A. He might have been striking him with his left hand for all I know, he might have struck him over my shoulder, I wont say whether he did or not, I would not say that he did, I am not going to swear that, I do not know it.
- Q. You knew Dillon well? A. Yes sir.
- Q. You knew he was a man of large physique, don't you?
- A. He was not so large.
- Q. Nearly as large as you? A. Pretty near, yes sir, he was about five feet eight, I guess.

- Q. A strong man? A. A strong man.
- Q. You know his reputation is that of a fighter?
A. I never seen him fighting.
- Q. I ask you if you know that his reputation was that of a fighter? A. No, I do not know his reputation.
- Q. Do you remember testifying, swearing that his reputation was a fighter at the other trial? A. No, I do not remember that, I never swore that.
- Q. You never did? A. No, because I did not know it to swear it, I heard he could handle himself, take his own part.
- Q. That he could handle himself? A. Yes sir, take his own part.
- Q. Did you know whether he had his coat on or off at the time he was shot? A. I think he had his coat off, I aint sure.
- Q. You are not sure about that? A. No .
- Q. Why can't you tell this jury whether he had his coat on or off? A. There was such excitement.
- Q. Is that the reason? A. Yes sir.
- Q. That excitement did not prevent you from seeing the left portion of his body? A. That was when he was lying on the ground, I know th waybhe had hold of him when he was shot.
- Q. You remember pretty accurately everything that took place that night, don't you? A. Yes sir.
- Q. Just as well as if it happened at the present moment?
A. Not so well, it is so long ago.
- Q. You were in the same condition of kind that night as you are now? A. Yes sir.

Q. As sober as you are now? A. Yes sir.

By Mr. Davis. Q. How long were you in front of Dillon holding him before you heard the shot fired, as near as you can get at it? A. About half a minute or a minute.

Q. A short period of time? A. Yes sir.

PATRICK RAFFERTY, sworn and examined.

By Mr. Davis. Q. Rafferty, where do you live? A. 238 Elizabeth Street.

Q. What do you work at? A. Laborer.

Q. Did you know David Dillon in his lifetime?

A. I knew him about ten years.

Q. How long have you known Edward Titterton? A. Well, I know him about ten years.

Q. How often did you see Titterton? A. I generally see them two or three nights out of the week.

Q. How often have you seen Dillon for the last five years?

A. Very seldom, just saw him about once in every two weeks, probably sometimes I would not see him for a month.

Q. He did not live in that neighborhood then?

A. No sir.

Q. Where did he live, do you know? A. I believe he lived in Henry Street some place.

Q. On the 4th of July last did you see Dillon and Ed Titterton on Elizabeth Street? A. Yes sir, I seen both of them up there.

Q. Did you see this difficulty opposite the factory there,

254 Elixabeth Street?

A. Yes sir.

Q. Was Frank Titterton there?

A. Yes sir.

Q. Who else?

A. John Geary, Mike Mitchell, John Pecht, that is all, I guess.

Q. Was the defendant there?

A. Yes sir, he was.

Q. And Dillon?

A. Dillon.

Q. Tell us what you saw there before and at the time of the shooting?

A. I seen Frank Titterton have some words with Dillon and John Pecht trying to quiet both Frank Titterton and Dillon. Frank Titterton was sitting down, he got up and got hold of Dillon by the lapels of the coat and tried to quiet him; this Edward said something to Frank.

Q. What did he say?

A. I could not tell you what he said.

Q. Do you remember any part of it, the substance of it?

A. No sir. So I seen Dillon make a rush when Eddy said something to Frank, Dillon made a rush at Eddy and Eddy shot him.

Q. Then he shot him?

A. Yes sir.

Q. Did you see Mike Mitchell there?

A. Yes sir.

Q. Did he do anything at the time Dillon made a rush?

A. I believe he had hold of Dillon.

Q. Did you see him have hold of him?

A. I seen him kind of push him back.

Q. Was that before or after you heard the shot?

A. He had hold of him I believe at the time the shot was fired.

By the Court. Q. Did you see him?

A. Yes sir.

By Mr. Davis. Q. You saw him have hold of him at the time the shot was fired?

A. Yes sir.

Q. And did you see what Edward did? A. I saw him put his hand in his hip pocket and shoot him, he had his hand up like that when he shot him (illustrating).

Q. Did you see the pistol? A. I would not swear to that, that I seen the pistol.

Q. You saw him put his hand to his hip pocket and draw it at him, is that your testimony? A. Dillon made a rush at him, he stepped out from the factory like that when Dillon made a rush at him and he shot him.

Q. At that time Mitchell was having hold of Titterton, is that your testimony? A. Yes sir.

Q. Then what did Titterton do? A. When he shot him he went down the street.

Q. Did you see whowent with him? A. No sir, Pecht ran down after him.

Q. He ran down after him? A. Yes sir.

Q. What did Dillon do? A. Dillon ran after him and he came back, came back to where I was standing and put his hand up against the post and the other hand down like that and he rolled over and laid down in the street.

Q. Did you see him when he was there? A. Yes sir.

Q. Did he die right there? A. Yes sir.

Q.

CROSS EXAMINED.

By Counsel. Q. You remember, young man, that you were examined before the coroner very nearly a year ago, nine months ago?

A. Yes sir.

Q. You were examined only a month ago, about five or six weeks ago? A. Yes sir.

Q. And this is the third time that you testified in reference to this shooting? A. Yes sir.

Q. Do you remember being asked before the Coroner whether you saw the pistol before the shot was fired? A. Yes sir.

Q. What was your answer there, if you remember?

A. I do not remember.

Q. What did you say about the pistol? A. I saw him shooting, I saw him hold out his hand like that and shoot him.

Q. Did you see him put his hand in the back pocket?

A. Yes sir.

Q. How far away were you? A. I was about four feet, I guess.

Q. Where was Dillon? A. Dillon was standing out in the street in the middle of the sidewalk.

Q. How far away from Titterton? A. I guess he was about two or three feet or four feet.

Q. Which is true? A. About four feet.

Q. Was he in the middle of the sidewalk or was he near the wall when he fired the shot? A. He stepped out from the wall like the house line.

Q. He was standing on the sidewalk, is that it? A. Right on the house-line, where the iron grating is, you often seen the iron grating outside of the house.

Q. He was standing outside the factory at the iron grating?

A. Yes sir.

Q. On a level with the sidewalk, the iron grating is on a level with the sidewalk? A. Yes sir.

Q. And Dillon was in the middle of the sidewalk? A. Yes sir.

Q. Where was Frank Titterton? A. Frank Titterton, he was sitting down.

Q. At the time the shot was fired? A. No, Pecht had him

shoved up the street.

- Q. And where were you? A. I was standing in at the factory.
- Q. Where was Mitchell? A. Mitchell was out on the sidewalk in the middle of the sidewalk.
- Q. What was he doing? A. He had hold of Dillon.
- Q. Did you say that before the Coroner? A. I do not know as I did say before the Coroner, I said that either him or Pecht had hold of him, because both was separating them trying to keep peace between them.
- Q. You say now that either Mitchell or Pecht had hold of Dillon? A. Mitchell had hold of him when he shot him.
- Q. You have just said now that either Mitchell or Pecht had hold of Dillon at the time he was shot? A. They were shoving him away.
- Q. Is that so? A. Yes sir.
- Q. Do you know which one it was? A. I am pretty sure it was Mitchell because Pecht was in his shirt sleeves.
- Q. Was the deceased in his shirt sleeves? A. Yes sir.
- Q. Where did he take off his coat? A. I did not see where he took off his coat, I know he was in his shirt sleeves.
- Q. You were sober that night? A. Yes sir, I was sober that night.
- Q. As sober as you are now? A. No, of course I had a little taken, I was sober, I was not drunk.
- Q. What time did you go on the roof that day? A. I went on the roof about two o'clock in the afternoon.
- Q. You were drinking right along? A. Yes, up to six o'clock.
- Q. Then you went to Stable Alley and you commenced to drink

from the can?

A. Yes sir.

Q. And then you drank in front of the factory? A. Yes sir.

Q. You remember testifying that there was a pint of beer in front of the factory? A. Yes sir.

Q. Who drank it? A. I drank some of it, Geary, Mitchell, and a couple more of us I guess.

Q. Who else? A. I cannot remember everybody that was there.

Q. Did Dillon drink it? A. No, Dillon did not drink it, Dillon refused to drink it.

Q. Do you remember testifying that Dillon drank a pint of beer in the street? A. No sir.

Q. Are you sure about that? A. Yes sir, I am sure about that.

Q. Who did you last speak with about this case? A. I did not speak with anybody about the case.

Q. No one at all? A. NO.

Q. Who was the last person you spoke to? A. The last person I spoke to was Mitchell.

Q. In the District Attorney's office? A. No sir.

Q. Who did you speak with last in the District Attorney's office about this case? A. In the District Attorney's office, that I cannot remember, I did not speak about the case at all to nobody.

Q. Do you understand my question? A. Yes sir.

Q. Do you tell this Jury from the time this happened down to the present day you have not spoken to anyone about it --- who did you speak with since the last trial, since you testified then? A. I spoke with a good many.

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Q. Did you speak to anybody in the District Attorney's office?

A. I spoke I guess to the shipping clerk, that that man worked for.

Q. Did you speak with this gentleman here (Mr. Davis)?

A. Yes sir.

Q. When before to-day?

A. I cannot remember what day.

Q. Give us an idea?

A. I cannot exactly say when.

Q. One, two or three weeks?

A. About two weeks.

Q. Since you last testified, was it?

A. About that, I

guess.

Q. A week or two ago?

A. Yes sir.

Q. There was some evidence read over to you, was there not,

what you testified to before?

A. No, there was

nothing read over to me.

Q. You talked with the gentlemen about the case, didn't you?

A. Yes sir.

Q. You say that Frank Titterton got up and caught Dillon by the lapels of the coat and it was to quiet him down, you say?

A. Yes sir.

Q. He did not want to fight with him at all?

A. No sir.

Q. Edward Titterton then made the remark and Dillon rushed at him?

A. Yes sir.

Q. Did he strike him?

A. No sir, I did not see him

strike him.

Q. Did he strike him?

A. No sir, not as I seen.

Q. You were looking at him?

A. Yes sir.

Q. And you saw hi pull the pistol out?

A. I saw him go

down to his pocket and shoot him.

Q. As you testified, "I am sure I saw the defendant pull his

gun and shoot"?

A. No sir, I do not remember.

- Q. Did not you say that before the Coroner? A. I do not remember.
- Q. Did he hold it like that (illustrating)? A. Like that, and shot him (illustrating).
- Q. You were right by there? A. Standing up against the wall of the factory.
- Q. Give us your best idea of how many glasses of beer you drank that day? A. I do not know, I could not exactly say.
- Q. Give us some idea? five or ten or twenty? A. I guess about ten, more or less.

JOHN FOLEY, sworn and examined.

By Mr. Davis. Q. Officer Foley, what precinct do you belong to?

A. Police headquarters, central office.

- Q. Did you arrest this defendant? A. Yes sir.
- Q. On what day? A. On the night of the 4th of July last.
- Q. Where? A. I think the number is 232 Elizabeth St, or 234.
- Q. Did you tell him what he was charged with? A. Yes sir.
- Q. What did he say? A. He sent Shay for me and told me to come to the house, that he wanted to give himself up.
- Q. You went there and found him? A. Yes sir, I found him.
- Q. What did he say? A. He told me he had shot this man in self-defence.
- Q. Did he have the pistol there? A. No sir.

Q. Did you have any further conversation with him?

A. I asked him what he done with the revolver; first he told me he threw it in a trench where they were digging a subway in Elizabeth Street, he said he threw it out of the window and finally he said he did not know what he done with it, he threw it out of the back window into the yard and finally he said he did not know what he done with it.

Q. Then where did you take him? A. I took him to the 10th precinct station house in Mulberry Street and locked him up.

Q. Did you have any further talk with him? A. No sir.

Q. Did you see Dillon after that? A. Yes sir, I sent for an ambulance and the ambulance came there and the man was dead.

Q. Did you see the wound? A. Yes sir.

Q. Where was it? A. Somewhere around the left breast here.

Mr. Davis: Your Honor, I have spoken to Mr. Moss about proving the death and the cause of death; he said that the admission may be put on the record that the deceased David Dillon came to his death from a pistol shot wound from the pistol in the hands of the defendant Edward Titterton on the 4th day of July, 1890.

Mr. Moss: To save the District Attorney the time of proving it I will make that concession.

The Court: It is conceded by the defence the deceased died from pistol shot wound as laid in the indictment, a pistol fired by the defendant at the bar and that was the cause of death.

Mr. Davis: That is the case, your Honor.

The Case for the Defence.

Counsel for the Defendant opened the case to the Jury.

RICHARD LEE, sworn and examined.

By Counsel. Q. What is your business? A. I am a stone cutter by trade.

Q. How long have you lived in this city? A. Sixty-seven years going on.

Q. Do you know this young man? A. I know him, yes sir.

Q. How long have you known him? A. I have known him a number of years. I know him this last three years to speak to him, since 1888.

Q. You know him pretty intimately since that time?

A. Yes sir.

Q. Do you know other people in the neighborhood in which he resided?

A. Yes sir.

Q. Do you know his character for peace and quietness?

A. I always seen him quiet.

Q. What is his reputation, good or bad? A. Good.

Q. Is he a peaceable and hard-working sober man?

A. Yes sir.

Q. You knew he was a married man? A. Yes sir.

Q. You are landlord of the premises where he lives?

A. Yes sir.

CROSS EXAMINED.

By Mr. Davis. Q. How long do you say you knew him, Mr. Lee?

A. I cannot say now, the first time I spoke to him was in November, 1888, I knew him previous to this but not to speak to him.

Q. You say his reputation for peace and quietness is good?

A. Yes sir, as far as I know.

Q. Do you know a man named John Clark? A. Yes sir, I know him now, I did not know him till lately.

Q. Do you remember ever hearing of a difficulty that this defendant had with John Clark? A. No sir.

Q. In which this defendant went and got a knife from a man named William Grant and came back to where Clark was standing in Elizabeth Street and asked him to come down and have a fight? A. No sir.

Q. You never heard about that? A. I never knew nothing about that.

Q. And when Clark would not go down Titterton rushed at him with a knife that he got from Grant, you never heard that?

A. No sir.

Q. Do you know a man named Steve Kratzenberg? A. No sir.

Q. A driver for Jake Schultz, No. 63 Green Street?

A. No sir, not by that name, I might know him.

Q. Did you ever hear of Titterton, this defendant here, having a difficulty with him? A. No sir, never.

Q. Did you ever hear of Titterton being a driver there with Steve Kratzenberg and one day when Kratzenberg drove his horse in the stable it knocked up against Titterton's horse and Titterton said that if he did that again he would break his head and then threw two bottles at Steve Kratzenberg, this was about ten months ago? A. I don't know anything about that.

Q. You never heard of it? A. Never heard it.

Q. Do you know a man named Benjamin Goldman, 402 East 89th St. who worked for ~~Abraham~~ Obberman & Dominick?

A. No sir.

Q. Did you ever hear of Ed Titterton attacking this Benjamin Goldman, seizing a knife? A. No sir.

Q. You never heard that? A. No sir, never heard that.

Q. Do you know a man of the name of John S. Carey?

A. There is a John Carey in the neighborhood.

Q. Did you ever hear of Carey giving Titterton a knife to have a fight with John Green? A. No sir.

Q. You never heard of that? A. No sir.

Q. Did you ever hear of this defendant committing an assault upon Frank Titterton, the brother of the man who was mentioned in this case on the 15th of May, 1887, with a knife, cutting ~~up~~ him upon the left side with that knife?

A. Yes sir.

Q. You heard about that, didn't you? A. Yes sir, a family quarrel.

Q. But that did not strike you as being a very grave offence at all? A. No, a family quarrel.

By Counsel. Q. You heard that that was an accident, didn't you, Mr. Lee? A. I believe Frank was drunk, he had been drinking, so I heard.

Q. And that while they were going in the house he was cut?

A. Yes sir.

Q. Did you ever hear of any of the other things mentioned by the District Attorney? A. No sir.

Q. Did you ever hear anybody speak against this man in the neighborhood there? A. No sir.

By Mr. Davis. Q. Did you hear that that was an accident, cutting his brother? A. Well, really, I do not know no more than I heard that it was a family fight between the two.

WILLIAM GILLEN, sworn and examined.

By Counsel Q. What is your business, Mr. Gillen? A. I work in the department of public works.

Q. And this defendant is your son-in-law I believe, married to your daughter? A. Yes sir.

Q. How long have you known him? A. I know him about twelve years.

Q. Do you know other people that know him in the city? A. Yes sir, I do.

Q. Do you know his reputation for being a peaceable and quiet man? A. That is what I always knew.

Q. Is it good or bad? A. Good character I always considered him.

Q. A sober man? A. Sober and industrious.

Q. Did you know the deceased Dillon? A. Yes sir, well, better than I knew him.

Q. You know Dillon how long? A. I know him about fifteen or sixteen years.

Q. Do you know his reputation for being a quarrelsome man? A. Yes sir, I do, well, as a fighter, boss of the block.

Q. Boss of the block? A. Boss of the block, the boss fighter on the block, that is his reputation.

CROSS EXAMINED.

B Mr. Davis. Q. Your son-in-law is a man of peaceable habits, is he? A. As far as I know, yes sir. I heard never tell of him being anything else.

Q. Don't you know something about it? A. I always considered him so, always heard so.

- Q. Never heard anything against him? A. No sir.
- Q. Dillon was a rough and tough fighter? A. Yes sir.
- Q. A really bad man, a violent man? A. Only when in liquor I must say he was not quarrelsome; when he was in liquor he did not fear God, man or the devil, that is the kind of man he was, he would fight anybody.
- Q. You did not put it as strong as that on the last trial?
- A. That is as strong as I can put it, he was a fighter, he could handle himself, he did not fear nothing.
- Q. Your son-in-law was perfectly quiet on all occasions?
- A. As far as I knew; I considered he was a young fellow that could take his part, I did not associate with them, the boys told me.
- Q. Who told you that? A. My young son told me that he could take his own part when it would come to the scratch.
- Q. You think so? A. Yes sir.
- Q. He took his own part when he stabbed his own brother Frank?
- A. I hear it now.
- Q. Did you ever hear of the trouble with Steve Kratzenberg and John Green? A. No sir, I have never heard of that, I did not associate with that crowd to hear much of that.
- Q. Or with Benjamin Goldman? A. No sir, I did not know him.
- Q. Or with John S. Carey? A. I know Carey but I never hear of any trouble with him.

THEODORE C. GILLEN, sworn and examined.

By Counsel. Q. Mr. Gillen, what is your business? A. I work at the printing business.

Q. Are you a relative of this man? A. Yes sir, he is a brother-in-law of mine.

Q. How long have you known him? A. I have known him boys for the last twelve or fifteen years, been ~~in business~~ with him.

Q. You know the dead man Dillon? A. Well, I should say I do, I have got a mark I will carry to my grave from him.

Q. Do you know a number of people that know your brother-in-law in the city here? A. O yes.

Q. What is his reputation for being a peaceable and quiet man? A. Well, his reputation is excellent as far as peace and quietness goes.

Q. How long have you known Dillon, the dead man? A. I have known him since I have been eight years old been to school, both in the same class together.

Q. Do you know his reputation for being a peaceable and quiet man? A. He is one of these men that just as leave fight as eat, a man a little over six feet and always has been so; when I was a boy ten years old he kicked me and I have got the mark.

Q. What is your business? A. Printing, I work for the Methodist Book Concern.

Q. Are you a married man? A. No sir.

CROSS EXAMINED.

- By Mr. Davis. Q. Dillon was a very violent man? A. Yes sir, he always was.
- Q. Only when he was drunk though? A. He has fought with me and kicked me, he has bothered me dozens of times.
- Q. Kicked you? A. Yes sir, he kicked me when I was a boy and had marbles in my pocket, I was about ten years old.
- Q. He hit you once with a club? A. No sir.
- Q. With an iron bar? A. No sir.
- Q. Did he ever shoot you or shoot at you? A. No sir.
- Q. You say he was six feet and over? A. I should say he was about six feet.
- Q. Was he not seven feet? A. No, he was not seven.
- Q. How many pounds did he weigh? A. I should say he was a man weighed from 170 to 190 pounds.
- Q. Not more than that? A. I could not swear, I am only giving you a guess at it.
- Q. Your brother-in-law has never been in any difficulty that you know of? A. I do not know of any difficulty he ever had only that cutting affair, I only just heard of that.
- Q. That family matter? A. The family affair with his brother.
- Q. What was not very serious? A. No sir, it was just merely an accident more than anything else as far as I understood, of course I was not a witness to it, I got it from his own brother, he told me at the time.
- Q. What did the defendant say about it? A. I did not see him at the time.

- Q. Did he say it was an accident? A. I did not see him at the time it happened.
- Q. You never spoke to him about it? A. No sir.
- Q. Frank said it was an accident? A. Yes sir, he told me that.
- Q. Did nt he tell you he went before the Grand Jury and said it was an accident, there was no other witness but him?
- A. He never mentioned that to me.
- Q. Do you know whether anywitness went before the Grand Jury but Frank? A . I could not say.
- Q. Did you hear what the nature of the injury was that Eddy inflicted upon his brother Frank? A. I heard it was a cut he got in his back, that is all I heard.
- Q. A cut in his back with the knife? A. Yes sir, with a penknife.
- Q. Then did you hear whether anybody else but Frank witnessed that assault? A. I never inquired into it.
- Q. Did you ever hear of this episode about Clark, do you know John Clark? A. I know one young man John Clark, he is out on bail for burglary, if that is the young man, if it is the young man that is outside, a big tall man.
- Q. Whether it is or not, do you remember ever hearing of Ed Titterton getting a knife to go at John Clark?
- A. No sir.
- Q. Getting a knife from William Grant? A. No sir, never did.
- Q. You know William Grant, don't you? A. Yes sir.
- Q. He is a ^{good} ~~bad~~ man, isn't he? A. I could not say about that.
- Q. He is an honestn man, is he not? A. He works once in a

while and would like to take a drink once in a while.

- Q. He is honest? A. I could not swear the man is a thief or anything of that sort.
- Q. Do you know anything against William Grant? A. No sir.
- Q. If he should testify on the stand, you could not go back on the stand and say he was a thief or out on bail for burglary or that his reputation was bad? A. No sir.
- Q. Do you know a man named Steve Kratzenberg? A. I know the man by sight but I don't know him personally.
- Q. He was a driver in some place with your brother-in-law, wasn't he? A. Yes sir.
- Q. Not long ago, eight or ten months ago when your brother-in-law was there? A. When I see the young man it was three years ago the last time I saw him.
- Q. Did you hear of a difficulty that Ed Titterton had about him throwing two bottles at his head because his horse ran against his horse? A. Only that I heard around from different parties.
- Q. You heard about that? A. Yes sir.
- Q. Did Eddy tell you about it? A. No sir.
- Q. Who told you about it? A. My sister told me he was subpoenaed.
- Q. Told you that Steve Kratzenberg was subpoenaed down here? A. Yes sir.
- Q. Benjamin Goldmna, did you ever hear of him? the shipping clerk for Obberman and Dominick? A. No sir, I do not know the gentleman.
- Q. Did you ever hear of Ed Titterton taking a knife to him? A. No sir, never did.

Q. You say that notwithstanding this attack upon his brother Frank with a knife that he is a quiet and peaceable citizen?

A. Yes sir, except when drunk.

Q. And the other man, the dead man was a very bad man?

A. Yes sir, I could prove that.

JAMES H. RAMSEY, sworn and examined.

By Counsel. Q. How old are you?

A. Nineteen years old.

Q. What is your business?

A. Clothing cutter.

Q. Do you know this defendant?

A. Yes sir.

Q. How long?

A. O, a good many years, about six or seven years.

Q. Did you know Dillon?

A. Yes sir.

Q. How long?

A. About the same length of time.

Q. You knew one I presume the same as you did the other?

A. Yes sir.

Q. Do you remember the 4th of last July?

A. Yes sir.

Q. Will you tell the Court and Jury from the time that you and this man sat on the coal box until after the shooting, just state what you saw and what you heard said by either Dillon or this man, what you know about this shooting?

A. I was at the coal box in front of 240 Elizabeth St. on the evening of July 4th with Martin Stanton, the prisoner, Daniel Shea, John Pecht and his wife and children; I saw David Dillon come down the street and he went to where John Pecht sat and said, "John, there is trouble up the street", at the same time giving him something. Pecht got up and went with him and those on the coal-box and myself

followed to the factory.

Q. Mention who followed? A. Martin Stanton, Daniel Shea and myself.

Q. Titterton, was he on the coal-box? A. Yes sir; we reached the factor in front of 254 Elizabeth Street and sat on the doorstep with Frank Titterton and some other people; I heard Dillon tell him, "you are no good and never was no good". With that Frank Titterton asked him why he was talking to him. He said, "I am not talking to you but the whole lot of you." Frank said he would take all he could get; he (Dillon) threw off his coat and said, "come on." He (Frank) said, "no, I don't want to fight." The prisoner said, "put up your hand and take what you can get." Frank said, "no." The deceased made a rush for the prisoner and took him by the throat and put him up agin the iron shutter; the prisoner threw him off and the shot followed; the deceased made another attempt to go on him, he was not strong enough and fell, ^{he} ~~and~~ then walked down the street with the prisoner, he reached the barber shop 245 Elizabeth St., and John Pecht caught the prisoner; he asked him if he shot the man? He said, no, it was blank; he went to his own house 238 Elizabeth Street and then I ran for the doctor.

Q. That is all you know about it? A. Yes sir.

CROSS EXAMINED by Mr. Davis.

Q. What time was this, Ramsey? A. I guess it was about seven o'clock, I do not exactly know the time.

Q. Will you state that again, please? A. I was at the coal-box in front of 240 Elizabeth Street on the evening

of July 4th, I was sitting on the coal-box with Edward Titterton, Martin Stanton and Daniel Shea, in the doorway of 242 Elizabeth Street with John Pecht, his wife and child.

I saw David Dillon go down the street and go to where John Pecht sat and said, "John, there is trouble up the street", at the same time he gave him something. Pecht got up and went with him; those on the coal-box including the prisoner, Martin Stanton, Daniel Shea, followed Pecht up the street; we reached the factory and heard David Dillon tell Frank Titterton that they were no good and never was no good; Frank Titterton got up and asked him why he was talking to him? He said, "I am not talking to you but the whole lot." Frank said he would take all he could give; he then threw off his coat and said, "come on." Frank said, "I don't want to fight"; the prisoner told him to put up his hand and take what he would get.

The deceased made to rush for the prisoner and caught him by the throat, he put him up against the iron shutter, the prisoner threw him off, he was going in the same manner and he stepped out and the shot followed.

Q. He stepped out and the shot followed, is that what you say?

A. Yes sir.

Q. Is that what you said before?

A. Yes sir.

Q. The very same words, aren't they?

A. I do not know.

Q. Are not the identical same words?

A. I guess so.

Q. Go on?

A. The deceased attempted to go after him again but he was not strong enough, he walked down the street with the prisoner; they reached the barber's.

Q. Just before that, this juror does not hear you, did not hear the sentence just before that?

A. The deceased made

a rush for the prisoner, catching him by the throat and putting him up agin the iron shutter, the prisoner threw him off and he was again caught in the same manner and the shot followed; the deceased attempted to go for him again but he was not strong enough.

Q. That is what you said before, the same words?

A. Yes sir.

Q. Go on, Ramsey?

A. And then I walked down the street with the prisoner and John Pecht followed and John caught the prisoner here behind saying, "you shot that man"; the prisoner said, "no, it was only blank"; I walked to the prisoner's house and I went for a doctor.

By the court. Q. Who went for the doctor?

A. I went for the doctor.

By Mr. Davis. Q. Was Mike Mitchell there at the time this happened?

A. Yes sir.

Q. And Geary?

A. I did not see Geary.

Q. Was Rafferty?

A. This Rafferty was sitting down in the door-step.

Q. How many times have you gone over the story of this affray?

A. I was at the Coroner's inquest and at the other court.

Q. You have a pretty good memory, haven't you?

A. Yes sir, first class.

Q. You have memorized this, haven't you?

A. No sir.

Q. You could repeat that story just as you have told it word for word, couldn't you?

A. Yes sir.

By Counsel. Q. You have no interest in testifying here, have you Ramsey?

A. No sir.

Q. Are you any relative of this man?

A. No sir.

Q. Do you associate with him? A. No sir, we stand and talk once in a while.

Q. The same as you do with anybody else living in that neighborhood that you know? A. Yes sir.

Q. You gave some evidence at the coroner's inquest? A. Yes sir.

Q. You gave some evidence only four weeks ago? A. Yes sir

Q. You gave testimony the same as you did at the Coroner's inquest? four weeks ago in addition? A. Yes sir.

By Mr Davis. Q. How long have you known this defendant?

A. Six or seven years.

Q. Where did you live at the time of this occurrence, the shooting? A. Eighth Street.

Q. Did you know Dillon at all? A. Yes sir.

Q. How long have you known him? A. About six years.

Q. Did you ever live in Elizabeth Street? A. Yes sir.

Q. How long did you live there? A. About eight years, I guess.

Q. There is where you knew Titterton, wasn't it? A. Yes sir.

Q. How long did he live there? A. I do not know, sir.

Q. As long as you did? A. I think he lived there longer, I do not know.

Q. Did not you say you saw him every day? A. I might have seen him and not know him.

Q. You never associated with him? never had anything to do with him? A. No sir.

Q. How were you sitting on the coal-box with him this day? A. I was with another friend of mine.

Q. A juror asks if you saw the position in which Mike Mitchell was just before the shot was fired? A. He was standing back of the deceased.

Q. Not in front of him? A. No sir.

Q. You are sure of that? A. Sure.

MICHEAL MITCHELL recalled by Counsel.

Q. I ask you if this question was not put to you in the other building, the last time you testified in this case and whether you did not answer it as I will read it. "Q. You know his reputation is that of a fighter, wasn't it?" (meaning Dillon) and your answer was, "yes sir." Is not that the question and answer that you gave? A. That is not the way I answered it. I told Mr. Howe that I was too young when he was around there before to know anything about it.

Q. Was that question put to you on the other trial that I read? A. I do not know if it was put that way or not. I cannot remember, I know that he asked me that question, I said I was too young when he hung out before to know anything about it.

Q. Was this question put to you; "Q. He was a strong, brawny, muscular fellow, wasn't he? A. Yes sir."

A. Yes sir.

By Mr. Davis. Q. Was this question put to you; "Q. Do you know how many fights he had? A. No sir; when he was around there before I was too young to know anything about it!" Did you answer that way? A. Yes sir.

EDWARD TITTERTON, sworn and examined.

By Counsel. Q. Titterton, how old are you? A. Twenty-three, sir.

Q. Are you a married man? A. Yes sir.

Q. A wife and children, how many children? A. Two children.

Q. Where did you live at the time you were arrested?

A. 238 Elizabeth Street.

Q. How long have you been married? A. Three years.

Q. With whom did you reside in Elizabeth Street? A. My wife and two children.

Q. What is your business? A. Driver.

Q. How long do you know the deceased Dillon? A. About ten years.

Q. Are you a drinking man? A. No sir, never drink or use tobacco.

Q. Did you ever drink anything in your life, I mean intoxicating drinks? A. No sir.

Q. I believe you had some trouble with your brother once?

A. Yes sir.

Q. And you were arrested and subsequently discharged?

A. Yes sir, never indicted for it.

Q. You were charged with cutting him with a knife?

A. Yes sir.

Q. How long have you worked for a living? A. I used to work in the afternoon when I went to school and I have been working ever since.

Q. How long ago is that? A. Since I was ten years old.

Q. Are you in the habit of carrying a pistol? A. No sir, I just carried it on the 4th of July for amusement only,

that is all.

- Q. This was on the 4th of July? A. Yes sir.
- Q. How long did you have the pistol that you shot this man with? A. I had it over two years.
- Q. Were you in the habit of associating with those men drinking there? A. No sir.
- Q. I mean Rafferty, Dillon, Mitchell and the other people? A. I never associated with them at all.
- Q. How long was it you said you had this pistol before the 4th of last July? A. Over two years.
- Q. Where did you have it? A. I had it in the wash-stand drawer in the bed-room.
- Q. Do you remember what time that day you took it out? A. It was about half past eleven I believe in the morning.
- Q. Where was your wife that day? A. She went to the country that morning with the young one.
- Q. How were you passing away the day? A. Firing off the fire-arms sitting around the door firing off the revolver for amusement sake.
- Q. Did you go up on the roof? A. Yes sir.
- Q. Who did you see up there? A. My brother, Geary, Mitchell, Pecht, Dillon, Rafferty and a few more, sat alongside gambling, whose faces I did not see.
- Q. What were they doing? A. They had a large keg of beer which Geary stood by the side of with a glass in his hand.
- Q. What did you do up there? A. I went to the front of the roof for a while and came down stairs and wrote a letter to my wife.
- Q. Where did you write the letter to your wife? A. Belport.

- Q. Then you came back where? A. I went back to the roof, with the intention of getting my brother who boarded with me, he was a hard drinker, I used to carry money for the meals.
- Q. You were taking care of his money? A. Yes sir, he gave me his money for his meals.
- Q. Was he drunk that day? A. He laid stretched out on the roof when I went up there.
- Q. What time was that? A. About four o'clock and again about half past six.
- Q. At half past six did you go up for him? A. Yes sir.
- Q. Did you go off the roof with him? A. Yes sir, we came off together.
- Q. Where did you go? A. Went to a restaurant on the Bowery called Beefsteak John.
- Q. Did you have something to eat there with your brother?
A. Yes sir.
- Q. What time was it when you went back to Elizabeth Street?
A. About seven o'clock.
- Q. Did you leave your brother? A. We sat on the coal-box together, himself, Geary and myself until they went up the street together afterwards, Geary and my brother went up the street together, I sat still on the coal-box.
- Q. When next did you see Dillon? A. Between eight and nine o'clock when he came down the street and handed Pecht a watch or something bright, he told him to hold it, he intended to have a scrape up the street; Pecht was sitting in the doorway of 242 Elizabeth Street when Dillon handed him the watch; Pecht got up and handed the child to his wife and started on a run up the street to Dillon.

- Q. What did you do? A. Ramsey, Shea and Stanton jumped off the coal-box and I followed up last.
- Q. When you got up there what did you see? A. I noticed in the middle of the doorway was sitting four, Geary, Mitchell, Rafferty and my brother Frank, stretched off with their hats off, apparently very drunk; Dillon stood over my brother with his hands and said, "you did it", to my brother. My brother answered back, "no, I did not"; Dillon said, "you lie, you son of a bitch", right out like that; then my brother raised to his feet and asked Dillon what he was kicking about, talking that slang way; Dillon says, "you know what I am kicking about God damned well, I not only will do you but the whole lot of you", pulling his coat and hat off; he handed it to John Pecht; nhe said, "I can lick any two sons of this and that in the gang." Nobody made him any answer; he walks over was and a short space where my brother put his finger in his face, like that; he says, "can you take all I can give you", calling him a song of a this and that; my brother said, "no", and then my brother after that said, "yes"; Dillon began to roll up his sleeves to go at my brother, I stood over against the building and told my brother to put up his hand and take what the deceased could give him, I had hardly the words out of my mouth when the man grabbed me by the throat and struck me twice, he struck me a blow under the jaw and one by the side of the temple and he grabbed me by the throat.
- Q. What effect did those blows have upon you? A. The blow he struck me on the temple, it dazed me, I did not know where I was. Somebody says, "let go of me", I saw the fellow coming at me again. I drew out the revolver and fired

at him to save myself, I was not able to run away.

Q. Did you believe yourself to be in danger? A. Yes sir,

I was not able to defend myself, I was walking from the blows and the shove he gave me.

Q. How long had you known Dillon? A. About ten years.

Q. Did you know his reputation for being a quarrelsome fellow?

A. Yes sir.

Q. Was he a much larger man than you? A. Yes sir.

Q. Were you against the wall? A. Yes sir, I stood up against the building.

Q. What did you do after that? A. After I shot him the blow did not prevent him from coming at me, he made another blow at me, I kind of stooped my head, he struck me one here and one on the back of the head and knocked me against some of the pavements on the sidewalk, I had the revolver in my hand, I turned away to see if he was following me or not, I walked down the street to 242 Elizabeth Street next door to where I live, I was grabbed by the lapel of the coat and pulled around, I saw John Pecht, the man who held his hat and coat while he was beating me. He said, "what did you do", you son of a this and that "to put a ball in him?" I saw the man was under the influence of drink, I told him it was a blank cartridge; he said "you lie, you son of a bitch", he shoved me against the coal-box, I went up the hallway, there was an empty room, I walked in and stood against the wall, I threw it on the floor. I heard some loud crying in the hallway and noticed the voice of my broth-in-law and sister-in-law going in the hallway. I thought the man was hurt, I threw the revolver out of the window with the cartridges and going

out on the landing Daniel Shea was coming up. I asked him was Dillon hurt? He said he thought he was dead. I asked him was the policeman there; he said yes. I told him to go up and tell the policeman where I was, I wanted to give myself up.

Q. Officer Fole, came? A. Yes sir. he asked me what I done with the revolver? I told him I threw it out in the yard.

Q. Outside of this affair that you had with your brother which you say you were arrested for, were you ever in any trouble? A. No sir.

CROSS EXAMINED by Mr. Davis.

Q. You say you had that pistol that day simply to fire it off on the 4th of July? A. Yes sir.

Q. Blank cartridges? A. No sir, a full cartridge.

Q. You were firing those in the street? A. Yes sir, in the alley and subway.

Q. You were firing them on the roof too, weren't you? A. Yes sir.

Q. They were not blank cartridges that you fired on the roof? A. No sir, I stood at the board against the chimney and fired against the board.

Q. How many cartridges did you fire that day in the celebration of the 4th? A. I did not count, quite a number.

Q. How many do you say? A. I fired off about thirteen times, I filled five times each --- thirteen times in the morning, I fired off six shots on the roof.

Q. That is sixty or seventy cartridges you exploded? A. Yes sir.

- Q. How many of those were in the street? A. All, outside of six.
- Q. You did not hit anybody in the street that day, did you, with your cartirdges. A. No sir, I fired them in a large hall they had, back of the subway.
- Q. You say that Dillon caught you by the throat? A. Yes sir
- Q. Did he take a tight grip of you? A. Both hands, front and back.
- Q. Choked you so your tongue came out? A. No sir.
- Q. Did he grip you pretty hard? A. Yes sir.
- Q. Leave any marks there on your throat? A. No sir.
- Q. Did he punch you too? A. Yes sir.
- Q. Where? A. One here and one on the temple.
- Q. Bruise you? A. Yes, my temple was pretty swollen in the morning.
- Q. Did you say anything to the officer about that?
- A. No sir.
- Q. When did you first speak of his taking you by the throat and pounding you on the head? A. At my last trial.
- Q. That was the first time, wasn't it, that you mentioned it?
- A. Yes sir
- Q. That was last month, was it? A. Before Mr. Barrett.
- Q. That was on February 16, that is the first time you said anything about his having caught you by the throat and had hammered you about the head? A. Yes sir.
- Q. You remember this affair you had with your brother Frank, you cut him with a knife, didn't you? A. Yes sir.
- Q. Whereabouts did you cut him? A. He says down around the hip somewhere.

- Q. Wasn't it in the back? A. No sir, he says it was around the hip.
- Q. Don't you know where you cut him? A. No sir, we rolled in the gutter together.
- Q. Were you drunk that night? A. No sir, I never drink.
- Q. You were not drunk? A. No sir.
- Q. Well, he had you arrested? A. No sir, he did not make any complaint against me.
- Q. He did not? A. No sir, the officer.
- Q. Weren't you arrested on that complaint of his?
- A. O yes, I was arrested, my brother did not have me arrested.
- Q. Do you know your brother's handwriting? A. Yes sir.
- Q. Is that his handwriting? (Showing paper.)
- A. Yes sir.
- Q. Do you mean to say he did not make that complaint against you? A. He made a complaint against me.
- Q. He did make a complaint against you and you were arrested for cutting him? A. Yes sir.
- Q. Do you remember that he stated there that on the 15th of May, 1887, that he was violently and feloniously assaulted and beaten by Edward Titterton, that said Edward did willfully and maliciously cut and stab deponent upon his left side with and by means of a certain knife or sharp instrument, sharp and dangerous weapon which he (Edward) then held in his hand with felonious intent to take the life of deponent and do him grievous bodily harm without any justification; do you remember his making that complaint against you and signing it? A. No sir.
- Q. You were there in the court, weren't you? A. Yes sir.

- Q. Was that a pure accident? A. Yes sir.
- Q. You signed a paper in there? A. No sir, not as I remember.
- Q. Look at that, is that your signature? A. That is my signature but I do not remember signing it.
- Q. Do you remember being brought up and asked what your name was and you said Edward Titterton? A. Yes sir, I remember that.
- Q. How old are you? Nineteen years. Where were you born? This city. Where do you live and how long have you resided there? 218 Mulberry Street. What is your business? I drive a truck. Do you remember saying that?
- A. Yes sir.
- Q. Do you remember saying, "I am not guilty, I only acted in self-defence?" A. No sir.
- Q. Look at that signature and read that paper, read the last sentence there? A. I never remember signing the paper.
- Q. Read the last answer given by you, it says there that you stated that you acted in self-defence? A. Yes.
- Q. Now you say it was a pure accident? A. Yes sir.
- Q. Did you say that you acted in self-defence? A. I do not remember, I may have said so.
- Q. But now you say it was simply an accident? A. Yes sir.
- Q. Your brother was the only witness to that transaction, was he not? A. Yes sir.
- Q. And do you remember his telling you that he went before the Grand Jury? A. No, I do not remember him telling me.
- Q. Did not you hear that he went before the Grand Jury?

A. He never told me so but I heard it.

Q. There was no other witness against you, was there?

A. No sir.

Q. You heard also the fact that the complaint was dismissed against you by the evidence which you gave before the Grand Jury, is that it?

A. Yes sir.

Q. Do you know John Clark? A. Yes sir.

Q. Do you remember having a difficulty with him?

A. A few words.

Counsel: I object to that as immaterial and incompetent.

The Court: His general reputation has been put in evidence --- that answer may stand.

By Mr. Davis. Q. In that difficulty do you remember that you got a knife from John Grant who now lives in Prince Street and came back to where Clark was?

Objected to as incompetent, immaterial and irrelevant.

A. No sir.

The Court: You are not going into evidence of another offence, are you?

Mr. Davis: In this way, I submit that I have a right to ask this witness now as his character has been put in issue and as he is charged here with a criminal offence whether he has not on other occasions committed assaults on other persons.

The Court: If he has been convicted of any assault.

Mr. Davis: Or whether he has not committed assaults.

The Court: I do not think we can go into that, if he was on trial he might have a defence for it; the other witnesses were interrogated whether they heard of those matters and whether that would affect their judgment or opinion of his character.

Mr. Davis: If your Honor will reserve your decision I will submit a case, I had a memorandum of it yesterday, I have not the book here to-day, I cannot recollect the case, the Court of Appeals has a case in point.

The Court: The general tendency of the rule is that way, if he has been convicted of any assault. I do not think we can go into the trial of any other assault here.

PATRICK RAFFERTY recalled, by Counsel.

~~By Mr. Davis.~~ Q. Do you remember that you were examined on the other trial by this gentleman here (Mr. Davis)?

A. Yes sir.

Q. You remember that you were asked this question: "Q. Go on and tell in your own way what took place there about the time of the quarrel? A. They had an argument and Pecht came in and shoved Frank away from Dillon. Q. He shoved

Frank towards Houston Street and Dillon towards the gutter and then the defendant said something to his brother?

A. Yes sir. Q. What did he say? A. That I do not know what he said. Q. Then what next took place? A. Dillon

made a rush at the defendant and as soon as he did he shot him. Q. Who shot him? A. The defendant. Q. How far was

Edward Titterton from Dillon when Dillon made the rush?

A. About four feet. Q. How far had he stepped when the shot

was fired off? A. Well, about two feet I guess. Q. Did

Dillon lay his hands on Titterton before the shot was fired?

A. No sir. You remember testifying to that?

A. Yes sir.

Q. That was all you testified to with reference to the position of Dillon and the position of the defendant Titterton.

at the last trial, wasn't it?

A. Yes sir.

Q. You never said a word at that trial about the man Mitchell having a hold of Dillon and pushing him or holding him at the time he was shot, did you?

A. I do not know.

Q. Don't you know Rafferty, that to-day is the first time that you ever said either at the coroner's inquest or at the other trial, that the man Mitchell had hold of Dillon and pushed him back while he was shot?

A. I do not remember.

By Mr. Davis. Q. Now on the last trial do you remember being asked this question: "Q. Now can't you say whether or not Dillon struck Titterton? A. Well, when Dillon made the rush there was someone caught hold of Dillon to hold him back, I believe either Pecht or Mitchell had hold of Dillon? Q. And then the pistol went off? A. Yes sir. Do you remember testifying that way? A. I cannot remember.

Q. You cannot remember that? A. No not now.

Q. I am reading from your testimony given on that trial, you do not remember whether you testified that way or not?

A. No sir.

JOHN GEARY recalled by Counsel.

Q. You remember that you were examined at the other trial, Geary, don't you? A. Yes sir.

Q. Do you remember the question that was put to you in reference to the reputation that Dillon bore in the neighborhood?

A. Yes sir.

Q. You remember swearing that he had the reputation of being a wrestler and fighter? A. One time, before he left the block; he got married there.

Q. Did he have the reputation in that neighborhood of being a wrestler and a fighter? A. At one time he did.

Q. What do you mean, at one time? A. He went away from there and he never used to come around there at all.

Q. How long ago was that? A. When he got married.

Q. At the time he lived there in that neighborhood he had that reputation? A. Yes sir, when he lived there, before he got married.

Q. But he was in the habit of going around there, wasn't he? A. No, I could not say that.

Q. Do you sit there and tell this Jury that you do not know that Dillon was in the habit of going around Elizabeth St.

A. He was not in the habit, I might see him once on a Sunday, or once in a month.

Q. He got into a good many rows and fights there during the time? A. Not since he left there.

Q. Before he left there? A. I did not know him to be in any.

Q. Do you remember testifying on the other trial that he was in the habit of fighting? A. Yes sir, at one time.

By Mr. Davis. Q. When was that, how many years ago? A. About seven or eight I guess.

By Counsel. Q. How old a man was Dillon do you know?

A. I do not know.

By Mr. Davis. Q. What do you mean by saying that he had the reputation of being a fighter before he moved away from there?

A. I kind of heard that.

Q. Able to take his part? A. Yes sir.

Q. How about this man Ed Titterton, what was his reputation

around there? A. He was quarrelsome too.

Q. He had the reputation of being able to take his part, didn't he? A. Yes sir.

By Counsel. Q. Titterton never associated with you, did he?

A. Yes sir.

Q. When you and Dillon and the other boys would drink beer?

A. Dillon never associated with me of any account.

Q. Isn't it a fact that you and the other people there did not like this man because he would not drink with you and help to buy the beer? A. No sir, I never had any grudge or anything against him, I never had any grudge or hard feeling against either one of them.

Q. Have you been drinking any to-day? A. No sir.

Thursday, April 23, 1891.

MICHAEL J. CURLEY, sworn and examined.

By Mr. Moss. Q. Where do you live, Mr. Curley? A. I live in 379 Broome Street.

Q. What is your business? A. Clerk.

Q. Where? A. No. 280 Broadway, the Stewart Building.

Q. By whom are you employed there? A. By the street opening board.

Q. Do you know this defendant, Edward Titterton?

A. Yes sir.

Q. How long have you known him? A. I have known him for a year and a half.

Q. Do you know other people that know him? A. Yes sir.

Q. And do you know his reputation for being a peaceable, quiet and orderly man? A. Yes sir.

Q. Is it good or bad? A. His reputation is good.

CROSS EXAMINED by Mr. Davis.

Q. You testified before, Mr. Curley, didn't you? A. Yes sir.

Q. Was this question put to you: "Q. Were you intimate with the defendant? A. Well, he used to stop with a lady that occupied apartments above me." Do you remember being asked that question once before, on the last trial?

A. Yes sir.

Q. You said, "well, I used to see hi going up and down"?

A. Yes sir.

Q. Were you asked this question and did you give this answer:

"Q. Did you associate with him? A. No sir. Q. Did you associate with others who know him? A. No sir."

A. Yes sir, that is correct.

Q. ~~You~~ Do you remember this question and answer: "Q. You don't know what other people think of him? A. No sir, I do not." A. I will alter that a little.

Q. I want to know whether you were asked that question and you gave that answer? A. Yes sir, I think to the best of my knowledge that is the answer.

Q. I am reading from the minutes of that trial, now acknowledged to be the minutes on both sides: "Q. You don't know what other people think of him? A. No sir, I do not."

You gave that answer? A. Yes sir.

Q. Were you asked this question and did you give this answer:

"Q. Do you know any other people that know him? A. I have heard one other person." A. Yes sir.

Q. Do you remember this question and answer: "Q. What you have said here on the stand relates only to your own opinion

of him? A. My own opinion."

A. Yes sir.

Q. What you stated there was your own opinion regarding him?

A. Well, the lady he used to stop with was constantly speaking of his good qualities, I do not know nothing about him in a certain sense no more than from information.

Q. You give us certain testimony here in which you say his character is good? A. Yes sir.

Q. Is that your own opinion of him? A. It is hearsay in a sense.

Q. What you have heard from others, that is it? A. Yessir.

Q. On the last trial you said that what you stated there was simply your own opinion as to his character, was it?

A. By seeing him coming in and out of the place.

Q. You said simply that was your own opinion on the last trial? A. Yes sir.

Q. How long have you known him? A. I have known him for about a year and a half only.

Q. Did you ever hear of his having cut his brother Frank Titterton in the body with a knife? A. I have heard that on the last trial only.

Q. That was the first time you heard it? A. Yes sir, the first time I ever heard it.

Q. Did you hear that in the police Court when he was arraigned there he stated that it was in self-defence that he did it?

Objected to as incompetent and immaterial.

Objection sustained.

Question withdrawn.

Q. Did you ever hear of his getting a knife from a man named Edward Grant and going with it to have a fight with John Clark? A. No sir, I did not.

Q. Did you ever hear of his flinging two bottles at the head of his fellow-workman Steve Kratzenberg? A. I heard that yesterday here, when I was subpoenaed as a witness for character, that is all I heard of it.

Q. Did you ever hear of him taking a knife to Benjamin Goldman, the shipping clerk of Obberman & Dominick, 67 Worth Street, where the defendant was a driver? A. No sir.

Q. You never heard that? A. No sir.

Q. Did you ever hear of his getting a knife from John Geary and going to fight with a man named Green on Elizabeth St.?

A. I do not know either one of the parties.

Q. You never heard of that? A. No sir.

Q. You really do not know much about him, do you?

A. No more than he used to stop with a lady that occupied apartments above me, she was speaking about his good qualities to me several times and asked me if I could do anything for him, I saw him going up and down stairs and saw him sober and industrious, that is all I know.

Q. Your testimony is founded upon what that lady told you?

A. Yes sir, and seeing him myself.

Q. Do you know many other people who know him? A. No sir, I do not except this lady, Miss Giblin.

Q. She is the only person you ever heard talk about him or say anything in regard to his character? A. I do not

associate with the people around there, I go about my business, all I know is this is a very respectable lady, she frequented our house, she said he was a very exemplary young man; I was astonished when I heard this.

Q. You based your testimony upon that? A. Yes sir.

GEORGE LAWRENCE, sworn and examined.

By Counsel. Q. Where do you live? A. 290 Spring Street.

Q. What is your business? A. I am an engineer.

Q. Where? A. No. 62 and 64 Green Street.

Q. Do you know this defendant? A. I do, sir.

Q. How long have you known him? A. I should judge he was between ten and eleven years of age ---- from the Fall of 1878 or 1879.

Q. That is about twelve years ago? A. Somewheres about that time.

Q. Did you know his family? A. I did not, I never seen--- what do you mean, if you please?

Q. Did you know his parents? A. I knowed his father, yes sir.

Q. You have known him intimately for the last twelve years?

A. Yes sir, by him working on one side of the street and me on the other.

Q. You have been in his company a great many times during the last twelve years? A. He has been working, not in

his company after working hours.

Q. You know other people in this city that know him?

A. I do, yes sir.

Q. Do you know his reputation for peace and quiet?

A. In my company he has always behaved himself as a perfect gentleman.

Q. A peaceful and quiet man?

A. To the best of my knowledge and belief in my presence.

CROSS EXAMINED.

By Mr. Davis. Q. Did you have any particular influence over him which compelled him to be peaceable and quiet in your presence?

A. No sir, he was not under my eyes or in my employ.

Q. Then what you have stated here is the result of your observation of his actions during working hours?

A. Yes sir.

Q. You do not undertake to say outside of that what his reputation was?

A. No sir, I would not swear to nothing I did not see.

Q. You never heard of his having a knife and fighting with John Clark?

A. No sir.

Q. Or throwing two bottles at the head of his fellow-workman, Steve Kratzenberg?

A. No sir.

Q. Or of taking a knife to Benjamin Goldman, the shipping-clerk of Obberman & Dominick?

A. No sir.

Q. You never heard of that episode?

A. Since he got into trouble I heard them say that but I do not notice what people say then. for the reason that some would crowd a man down and nothelp to raise him up.

Q. Do you know his family?

A. I have seen his respectable wife twice, that is all, when she served subpoenas on me.

Q. Only his wife?

A. Only his wife.

Q. Do you know his respectable brother-in-law and father-in-law?

A. No sir, never wseen them only in this courtroom and the Court of Oyer and Terminer.

Mr. Moss: That is the case.

REBUTTING TESTIMONY.

Mr. Davis: I would like to recall the defendant.

EDWARD TITTERTON recalled by Mr. Davis.

Q. Titterton, you said you had fired off that pistol a great many times that day? A. Yes sir.

Q. Had you fired it off at all down by the factory?

A. No sir.

Q. Or in the presence of Dillon? A. On the roof.

Q. Was he there at the time? A. Yes sir.

Q. He saw you doing it? A. I do not know that he saw me do it.

Q. You do not know whether he did or not? A. No sir.

Q. He was there? A. He was sitting in the front, there was a large square between us.

Q. You fired these shots off? A. Yes sir.

Q. How long were you there firing the six shots?

A. About fifteen minutes.

Q. The front of this factory has columns projecting out, has it not? A. Yes sir.

Q. And the columns are about a foot wide?

A. Yes sir.

Q. In depth from the outer surface to the front of the building foot by foot all the way up? A. Yes sir.

Q. Were you standing in between those? A. Yes sir, at one side.

Q. Where were you standing when you fired the pistol?

A. The same place.

Q. You had not moved? A. No sir.

Q. It was at the place where he had you with his hand choking

you near the wall? A. Yes sir, he had me in the corner by the throat.

MARGARET KAHRs, sworn and examined.

By Mr. Davis. Q. Mrs. Kahrs, where do you live? A. No. 37 Henry Street.

Q. Did you know David Dillon in his lifetime? A. I only know him for the last five years, going on six.

Q. Did you know other people who knew him? A. Oh, I know more people that knows him of course.

Q. What was his reputation for peace and quietness?

A. He was a very quiet man, a hard working man, attending to his business and supporting his family, that is all I can say.

Q. You knew him for five years? A. I do, sir.

Q. And did he live in the same house with you? A. The same house with me.

Q. So you had an opportunity for observing his conduct?

A. Yes sir.

Q. You always found him peaceable and quiet? A. I did, sir.

Q. Supporting his family? A. Yes sir.

Q. Are you related to him at all? A. Nothing at all to him.

CROSS EXAMINED.

By Counsel: Q. You lived in the neighborhood where he lived?

A. He lived with me in the same house, No. 27

By the Court. Q. You mean he lived in the same building?

A. In the same building.

By Counsel. Q. All you know of him is seeing him going in and out

of the building, is that it? A. He was a tenant of mine,

I was janitor.

Q. Did you know how he used to pass his Sundays?

A. Always quiet.

Q. Was he always at home? A. He was not always at home, he walked in and out like any other man, going out to his friends, that is all I can say.

Q. Did you ever see him under the influence of drink?

A. I never did.

By Mr. Davis. Q. You never saw him under the influence of drink?

A. I never did.

Q. For the five years that you knew him? A. No sir.

ANNIE DILLON, sworn and examined.

By Mr. Davis. Q. Mrs. Dillon, where do you live? A. No. 27

Henry Street I did reside.

Q. Was the deceased David Dillon your husband?

A. Yes sir.

Q. How long had you been married to him? A. Nine years this June.

Q. Of course you knew other people who knew him?

A. Yes sir.

Q. What was his reputation for peace and quietness?

A. Well sir, since I have been married to him he has never tasted a glass of beer to my knowledge or anything else, that is eight years past that ever I seen or heard, till this occurred.

Q. You have never seen him come home intoxicated?

A. No sir, nor anybody else.

- Q. And was he a quiet and peaceable man? A. Always.
- Q. Supporting you and your family? A. Me and my family and his two brothers and his father, supported them all, all lived together in that lady's house six years this July coming.

JOHN W. SCOTT, sworn and examined.

By Mr. Davis. Q. Mr. Scott, where do you live? A. No 40 Harrison Street, Stapleton, Staten Island.

- Q. What is your business? A. I have been connected for sixteen years with my uncle in the soap business.

Q. What is the name of the concern? A. Fay Brothers.

Q. Did you know David Dillon in his lifetime?

A. Yes sir.

Q. How long had you known him? A. Nearly two years.

Q. And how did you know him, in what way? A. In a business way.

Q. Did he work for the concern? A. He worked for the concern as a driver.

Q. Do you know how long he worked for them? A. From August 1888 until the time of his death.

Q. And was he a quiet, peaceable, sober and industrious man?

A. As far as I could learn, yes sir.

Q. What was his reputation there around the place where he was working? A. Good.

Q. Did you ever see him in any scrape at all, fights?

A. No sir.

CROSS EXAMINED.

By Counsel. Q Did you ever speak with anybody about his character?

A. Yes sir, after he was dead, why, I made inquiries and found -----

Q. With whom did you speak, mention the names of some of the people?

A. The employees.

By Mr. Davis. Q. What did you find, A. That they had never seen him take a glass of liquor.

By Counsel. Q. What employees? A. In the shop, in the factory.

By the court. Q. The employees of Fay Brothers? A. Yes sir.

By Counsel. Q. Will you mention the names of those people?

A. The engineer and the other drivers and the men upstairs ----- they all in fact were surprised to think that he could get in such a scrape.

Q. That he drank beer, is that it? A. Yes, they were, because they had asked him repeatedly to drink with them and he always refused.

Q. You were surprised to know that he drank beer?

A. I was.

Q. You heard the evidence in the last trial? A. No sir, I never was there.

Q. Did you hear the evidence on this trial, that they had a keg of beer on the roof, drinking it, on the 4th of July?

A. No sir, I did not.

Q. If you were to know that he was drinking beer would it change your opinion with reference to him? A. No, it would not, I think anybody can drink a glass of beer when they feel like it.

Q. If you knew some of the witnesses testified that he associated with on the 4th of July and that at the same time in

his life he had the reputation of being a fighter, would that alter your opinion? A. I have not heard any of them testify ---- it might, yes sir.

By Mr. Davis. Q. Did you understand the question, if some of them had testified to that fact would that alter your opinion?

A. I do not think the man could be as bad as he is painted.

By Counsel. Q. You do not know what he did after he left work?

A. No sir.

Q. You do not know how he passed his Sundays or holidays?

A. NO.

WILLIAM J. McCARTY, sworn and examined.

By Mr. Davis. Q. Where do you live? A. No. 31 Prince Street.

Q. What is your business? A. I am foreman of a printing office in North Moore Street.

Q. How long have you been there in that capacity?

A. About nine or ten years I guess.

Q. Did you know David Dillon in his lifetime?

A. Yes sir.

Q. Where did you become acquainted with him? A. He used to walk around the neighborhood at one time, he lived there I believe, I used to see him.

Q. How long had you known him? A. About eight years.

Q. Do you know other people who know him? A. He belonged to the same lodge as I did.

Q. What lodge? A. St. Patrick's Alliance of America.

Q. What was his reputation in that Lodge for peace and quietness?

A. He was sober and very quiet and was never known to drink.

- Q. You never knew him to drink? A. No sir.
- Q. You are not related to him in any way? A. No sir.
- Q. You simply state here what you have heard others say of him and what you have observed yourself? A. Yes sir.

CROSS EXAMINED.

By Counsel. Q. You have lived in that neighborhood a great many years? A. Yes sir, about twenty-six years I guess.

Q. You lived right in the immediate neighborhood of where this shooting took place? A. Yes sir.

Q. How far away from the place where the shooting occurred?

A. About a block and a half I guess.

Q. You know a great many of those witnesses together with Dillon, who testified in this case? A. No sir, I do not know any of the witnesses at all.

Q. You do not know any of those witnesses at all?

A. No sir.

Q. Do you know Rafferty? A. I do not know, there is three or four Raffertys around there.

Q. Do you know the witness Mitchell? A. There is four or five brothers of the name.

Q. Mitchell stand up --- do you know him? A. No sir, I do not know him.

Q. Do you know Geary? A. Well, there is three or four Gearys there.

Q. Geary stand up ----- do you know him? A. No sir, I do not know him.

Q. You knew the other brothers Mitchells and brothers Gearys before?

A. I suppose if I saw them I would know them, I did not speak to them.

- Q. You associated with people intimate with Geary and Mitchell?
A. No sir.
- Q. How long have you known Dillon? A. About eight years.
- Q. Did you ever know Dillon to drink beer on a roof around Elizabeth Street?
A. No sir, I do not go around Elizabeth Street.
- Q. You live in Prince right close to Elizabeth?
A. Yes sir.
- Q. Do you know the premises 238 and 240 Elizabeth Street?
A. I do not know, I might have seen the house, passing there.
- Q. You know where those premises are, don't you, how far away from there do you live? A. About a block and a half.
- Q. You have lived twenty years there? A. Twenty-six years.
- Q. You know those premises? A. No, I do not know where that crime was committed.
- Q. You do not? A. No sir.
- Q. Did you ever know of these people going and drinking beer on the roof there? A. No sir.
- Q. Did you ever hear of Dillon drinking beer? A. No sir.
- Q. Do you know where Stable Alley is? A. There is a stable there on this side of the way.
- Q. Did you ever hear of Stable Alley? A. I never heard that name.
- Q. You never did? A. No sir.
- Q. There is a little alley right close to these premises and a stable they call Stable Alley, did you ever know of them to drink beer in there? A. No sir, I did not.
- Q. Never heard of Dillon drinking before, did you?

A. No sir.

Q. You tell this Jury that the first time you ever heard of Dillon drinking beer was at this trial? A. I never knew him to drink beer.

Q. You never associated with him? A. I was a little bit intimate with him for the last five years on account of my being financial secretary of this lodge.

Q. You met in your lodge? A. Yes sir.

Q. Outside of your Lodge did you go around with him in that neighborhood? A. No sir.

Q. You did not know what he did outside of the Lodge, is that it? A. No sir.

Q. Did your associates have a picnic in the year 1890 on Decoration Day? A. We have a picnic every year.

Q. On Decoration Day? A. Yes sir, we have one this year too.

Q. Do you remember a little trouble that day, a fight in 1890?

A. There was a crowd rushing on the race track, that is all the trouble I know of.

Q. What part did Dillon take in that quarrel? A. He did not take no part as I know of.

Q. Did you ever hear of it? A. No sir, I was the first one over, I was on the police committee and I ran over to see what was the matter and he came over afterwards.

Q. Did you hear that he hit a man with a keg? A. No sir.

By Counsel. Q. Do you know a man named Jack Downes? A. I do not know him, I heard the name.

Q. Where did you hear the name? A. Elizabeth Street.

Q. How did you come to hear it? A. I heard one time he got arrested for some drinks and somebody told me he was ar-

98 rested, that is all I know of hisname, I do not think I

ever saw him.

Q. Did you ever hear of a trouble that Dillon had with Jack Downes? A. No sir.

Q. Do you know a man named John Mortimer? A. Yes sir, I believe there is three or four brothers of them.

Q. Did you ever hear of a trouble Dillon had with John Mortimer? A. I never heard of that.

Q. Do you know a young man named Meehan? A. No sir.

Q. Do you know Theodore Gillen, who is a brother-in-law of Titterton? A. I do not know as I do.

Q. You do not know Titterton? A. No sir, I never saw him before.

Q. Did you ever hear that Dillon kicked him and injured his leg? A. No sir, I did not.

JOHN McDonough, sworn and examined.

By Mr. Davis. Q. Where do you live? A. No. 8 Spring Street.

Q. What is your business? A. I am at present employed in the Register's office.

Q. How long have you lived at No. 8 Spring Street?

A. Fourteen years.

Q. Did you know David Dillon in his lifetime? A. Yes sir.

Q. How long do you know him? A. I think about five years to the best of my knowledge.

Q. Were you a member of the Alliance? A. I am president at present, I am treasurer of the district, what they call the district, embracing the whole city.

Q. You were president of that branch of the Lodge?

A. Yes sir.

- Q. And did you know David Dillon in that branch? A. Yes sir
- Q. What was his reputation for, peace and quietness among the members of that branch? A. I knew him, it was good.

CROSS EXAMINED.

By Counsel. Q. Did you ever hear it discussed by the members of that branch? A. No sir.

- Q. All you know of him is what you saw of him in the meeting room, you do not know how he spent his hours?

A. I have seen him outside, I have seen him in the street.

- Q. Did you see him around Elizabeth Street? A. Not Elizabeth Street, I do not go around them quarters.

- Q. You lived in Spring Street? A. Yes sir.

- Q. How far away from Elizabeth Street? A. From where this matter occurred I believe it is two and a half blocks.

- Q. You say you do not go around those quarters? A. No sir.

- Q. What do you mean by that? A. I do not associate with those people that go around those quarters.

- Q. If you were to know that Dillon was drinking the 4th of last July on the roof from a beer keg, would that change your opinion about him at all? A. I do not know that it would from what I have seen of him.

- Q. You would not believe that he would do anything like that? A. I would scarcely believe it from what I know of him.

- Q. Did you hear of his being in any fights around there? A. No sir.

- Q. Do you know a man named Dillon? A. No sir.

- Q. Do you know any of the men whose names I have mentioned? A. In fact I do not know the defendant.

Q. He has lived in that neighborhood for a good many years?

A. I cannot help it, I do not know him.

Q. Did you ever hear of the family of the Tittertons?

A. No sir, not until this trial came up.

JOHN BARRETT, sworn and examined.

By Mr. Davis. Q. Are you a member of the Alliance? A. Yes sir, I have been a member of the Alliance for about eighteen years.

Q. Did you know David Dillon in his lifetime? A. I knew him when he joined the society, I could not exactly say how many years, I guess it is three or four.

Q. You saw him in the Society, in the Lodge? A. Yes sir, in a sociable manner.

Q. You found him a sociable man? A. I did.

Q. Was he quiet and peaceable? A. I always found him quiet.

CROSS EXAMINED.

By Counsel. Q. Where do you live? A. No. 221 Mott Street.

Q. That is within one block of Elizabeth Street?

A. I believe so.

Q. Between what blocks do you live? A. I live between Spring and Prince.

Q. Where this shooting took place was on Elizabeth Street?

A. I do not know where it is, I only seen him dead in the Station House, I know nothing about it.

Q. Do you know this young man, the defendant? A. I never remember seeing him, I have heard of him, I never have been

in his company, I could not tell him from any other man in this room.

Q. Are the members of your society supposed to be temperate?

A. It is not a temperance society but I take it the majority of them are all temperate or well behaved men.

Q. Did you ever see Dillon drink anything? A. I did see him take a glass of beer.

Q. How long ago? A. About two years ago.

Q. How many times did you see him take beer? A. I could not tell you that, I saw him take a glass of beer.

Q. Was there a committee appointed by your Society to come here and give Dillon a good character? A. No, not as I know of.

Q. This is the first time you have testified?

A. Yes sir, the first time and I hope it will be the last, I have been thirty-five years in this country.

Q. Would it alter your opinion about Dillon if you were to know that he was in the habit of going around Elizabeth Street drinking beer on the tops of roofs and in alleys?

A. No, when I would not see anything of the kind.

Q. It would not change your opinion a bit? A. No sir, when I saw the act then I would believe it, I would not believe what I would be told.

By Mr. Davis. Q. You and I had some trouble before I brought you down?

A. Yes, a poor old man like me, coming from my work; if I could do any good -----

Q. You go right back to your work? A. Well, good day, gentlemen.

CHARLES F. McCULLOM, sworn and examined.

By Mr Davis. Q. Where do you live? A. No. 239 Mulberry St.

Q. Are you a member of the Alliance? A. I was at the time of this young man's death.

Q. Did you ever hold any office in the Alliance?

A. I did, sir.

Q. What office? A. President.

Q. Can you state whether any committee has been appointed by that Alliance to come down here and testify to Dillon's good character? A. Not to my knowledge.

Q. You never heard of such a thing? A. No sir.

Q. You are not on the committee if there is any such?

A. No sir.

Q. How long did you know David Dillon in his lifetime?

A. I knew him for twenty years or more I should think

Q. You knew other people who knew him? A. There must be some old neighbors but the majority of them has moved away.

Q. You know men in the Alliance who knew him, don't you?

A. Through being a member, that is about all.

Q. What is his reputation for peace a quietness?

A. As far as I know from him being a member of the Alliance I always considered him a great bully.

Q. A great bully? A. Yes sir.

Q. Upon what do you base that conclusion? A. Well, when there would be a motion made by one of the other members of the Alliance he would be the first one to condemn it and try to make him sit down, something to that effect, he would not allow him to talk.

Q. That was in the meeting of the Alliance was it, when you were presiding? A. Yes sir.

Q. And every member of the Alliance had a right to speak at proper times, I suppose, if a motion was made and seconded each member had a right to speak if he was recognized by the Chair? A. Yes sir.

Q. You found Dillon took part in the meeting and was boisterous? A. Yes sir.

Q. Did you ever hear of his having any personal encounter in the meeting with anybody? A. No sir.

Q. He never came to blows, did he? A. No sir.

Q. It was simply rather a hot and disorderly discussion, is that what you mean to say? A. Yes sir, that was about it.

Q. You had to call him to order, A. Yes sir, I could not do anything with him.

Q. You found that necessary but you never heard of his having any personal encounter there did you, or anything of that kind? A. No sir.

Mr. Davis: That is the case, your Honor, for the People.

Mr. Moss: That is the case for the Defence.

The Jury rendered a verdict of guilty of manslaughter in the second degree.

Testimony in the
case of
Edward J. Peterson

Filed July
1890.

-----X

The People &c.

vs.

Edward Titterton

-----X

Edward Titterton's Reputation for Quarrelsomeness.

I. John Clark, 257 Elizabeth Street.

A lad fired off a pistol at a dog - Ed. Titterton was present. I remonstrated. Ed. left me and got a knife from ^{Wm} Ed. Grant of 18 Prince Street. He then came over to me and called me down for a fight. This was in 1886, at 252 Elizabeth Street.

2. William Grant, 16 or 18 Prince Street.

Remembers the above occurrence - gave the knife to Titterton.

3. Steve Kratzenberg 322 E. 26th Street, drives for Jake Schultz, 63 Greene Street.

My horse pushed against Titterton's in the stable. He said he would break my head if I did it again. I told him to try it on. He flung two bottles at me. This was nine or ten months ago. Has a bad temper.

4. John Green, 29 Stanton Street, works for Jake Schultz at 65-67 Worth Street.

Bad reputation for peace and quietness. Everybody was afraid of him.

5. Benj. Goldman, 402 E. 89th St. works for Obberman and

(2)

Dominick, 65-67 Wprth Street.

July 70
I was attacked by defendant - struck me and went to seize a knife. I spoke to Schultz about it and Tittertm apologized. This was in latter part of last June. Bought a revolver to protect myself. Warned him after he apologized. Advanced money to his wife to pay lawyers.

6. John S:Carey, 280 Bowery.

Ed. Titterton handed me a knife in a qarrel I had with John Green. Titterton also knocked my teeth out.

(See Carey's statement.)

0855

THE PEOPLE OF THE STATE OF
NEW YORK

against

Edward Titterton

DeLauey Nicole
JOHN R. DELOWS,
DISTRICT ATTORNEY,
No. 32 CHAMBERS STREET,
NEW YORK CITY

DeLauey Nicole

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Frank Titterton, being duly sworn, testifies as follows:

Q Do ^{you} live at 218 Mulberry Street?

A Yes sir.

Q On the 15th of May were you beaten by this man?

A Yes sir, he stuck me with a knife.

Q What did you do to him before?

A We were up to a wake sir, and had some words.

Q Were you both drunk? I wasn't but he was.

Q And you had a row at this wake, and coming home, what happened?

A We come down stairs and had a fight there, and an officer parted us and he went home, and I went up stairs again, and about half an hour afterwards as I was going home I met him, and I said, her comes ---, and he said I could take my part, and I took my coat off, and I suppose I was getting the best of him and then he cut me.

Q What did you make the charge against him for, he is your brother?

A Yes sir; I said all along I didn't want to make any charge and the Judge at Jefferson Market told me if I wouldn't make a charge he would lock me up.

Q How long were you laid up?

A I wasn't laid up.

Q Were you cut with a penknife?

A I think it was.

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*Carey saw
the Dumb Bell
business*

*Carey saw
the knife
business*

*This is Thomas Brown whom I
was knocked out by the said Titterton*

-----X
The People &c.

vs.

Edward Titterton
-----X

*Carey says no blow
was struck*

City and County of New York, SS:

John T. Carey being duly sworn deposes and says;
I reside at 280 Bowery in the City of New York; I know
Edward Titterton the defendant herein; I have known him
for about twelve years; I was in his company on New Year's
night, about three years ago; and while visiting the house
of John Carroll at 257 Elizabeth Street, I had some
trouble with one John Green. The dispute was continued
out on the street in front of said premises; the said
Edward Titterton, being present with me, also one Edward
Collins, Frank Titterton, when a fight was started by
the said Green who resented some remarks that I made
about him; he drew a printers ruler, or more particularly,
a paper folder, and I rushed to get a cart-rung which
I failed to obtain. Edward Titterton, who then stood
alongside of me handed me a knife which I took and
rushed in upon the said Green, and cut him upon the
back. I then dropped the knife and ran away. I after-
wards saw Edward Titterton about two nights after, who
asked me for the return of his knife. I then told him
I had dropped it on the street, and he Titterton then
said let it go.

Sworn to before me this

18th day of February, 1891.

John T. Carey

*Harold P. Ryan
Notary Public
N.Y. Co.*

-----X
The People vs.

vs.

Edward Titterton
-----X

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My horse pushed against Titterton's in the stable. He said he would break my head if I did it again. I told him to try it on. He flung two bottles at me. This was nine or ten months ago. Has a bad temper.

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I was attacked by defendant - struck me and went to seize a knife. I spoke to Schultz about it and Titterton apologized. This was in latter part of last June. Bought a revolver to protect myself. Warned him after he apologized. Advanced money to his wife to pay lawyers.

6. John S. Carey, 280 Bowery.

Ed. Titterton handed me a knife in a quarrel I had with John Green. Titterton also knocked my teeth out.

(See Carey's statement.)

0060

THE PEOPLE OF THE STATE OF
NEW YORK.

against

Edward Sitterson

De Laury Nicoll.
~~JOHN R. FELLOWS~~

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY

 INQUEST INTO THE DEATH)

- of -)

DAVID M. DILLON, deceased.)

Before

CORONER LEVY,

and a Jury.

New York, July 10th, 1890.

APPEARANCES: Mr. Moss appears for the prisoner; As-
 sistant District Attorney Hartman represents the
 people.

-----oOo-----

JOHN FOLEY, called as a witness, duly sworn,
 testified:

BY THE CORONER:-

Q To what precinct do you belong? A. I am attached
 to the 10th precinct.

Q State to the Jury all that you know about this case?

A. About ~~min~~ 9.20 on the night of the fourth of July
 while patrolling the post I was down below Prince Street on
 the right hand side and a young man came down and told me
 that there was a man shot in front of No. 254 Elizabeth
 Street. I went right up there and I found a man lying on

the sidewalk and from all appearances he was dead. I sent for a doctor and no doctor came there until the ambulance came there and he was dead when the ambulance ~~xxxxxxxx~~ surgeon came there about twenty minutes after. While I was in the crowd waiting for the ambulance to come one of the witnesses, Shay, said that the shooting was down at No. 238 Elizabeth Street; that the shooting was done there and that the name of the man who did the shooting was Edward Titterton; he also said that he wished to surrender himself if I went down for him; when I came down and went into the house he came in out of one of the rooms and he gave himself up; I asked him how he did it and he said it was done through an accident and I asked him where the revolver was -- where the pistol was and he said he threw it away; he said they had a little growl; I asked him how many shots were fired and he said one. He said in the scuffle the pistol went off and he shot Dillon; and he said that Dillon assaulted him twice afterwards -- after the shot was fired.

Q Did he tell you where? A. In the region of the left breast.

CROSS EXAMINATION:-

BY MR. MOSS:-

Q He told you the whole circumstances of the shooting,

when you asked him, this prisoner did? A. Yes, sir.

Q Do you remember that the deceased attacked him -- do you remember him saying to you that the deceased attacked him and had him in a corner and struck him -- did he say that in substance? A. No, sir; he said that they had a scuffle and while they were clinched the revolver went off.

Q Did he tell you the cause of the trouble? A. No, sir.

-----OOO-----

DANIEL SHAY, called and sworn, testified:

BY THE CORONER:-

Q Where do you live? A. No. 258 Elizabeth Street.

Q What is your business? A. I am a gas fitter by occupation.

Q Tell the Jury all that you know and all that you saw upon this occasion on July 4th, with reference to the shooting? A. I was sitting on a coal box in front of No. 240 Elizabeth Street with Edward Titterton and *Martin Stanton* and James Ramsey, and next door in No. 242 John Peck was sitting there and when Mr. Dillon came down the street -- when he came down the street he came up to Peck and said

there is trouble up the street, come up; Peck went with him and we got off the coal box and followed him up; we got up there, and we heard the deceased, Dillon, talking to Frank Titterton, and they had some words, and the deceased and Frank Titterton had some words over a pint of beer. Frank Titterton stood up to talk to Dillon, and Dillon told him that he was not joking -- that he was not giving the hint to him alone but to all, after that Titterton said something which I didn't hear -- I didn't hear what he said but Dillon answered him and said would he take all that he could give him.

Q Who did? A. Dillon asked Frank Titterton. Titterton answered, "I suppose I will have to." Then Edward Titterton, the brother of Frank Titterton, said "Put up your hands," to his brother Frank. Then Dillon said, "Do you want some of this", and he ran after him, he ran for him.

Q You must mention the names? A. Dillon ran for Edward Titterton and he hit him ~~twice~~, twice, then I walked away and some one said he was shot.

Q Who said that? A. I don't know who it was.

Q Did you hear the shooting? A. Yes, I heard the shot go off.

Q How far from the place of shooting were you?

A. About fifteen feet or so.

Q Did you see it? A. No, sir.

Q Do you know who did the shooting? A. No, sir.

Q What occurred after that? A. I turned around and I seen Dillon make a pass as if to catch Edward Titterton and Edward Titterton ran down the street; I then saw Dillon walk over to an iron post and put his left hand on it and the blood was rushing out of his mouth; then he fell and some one caught him and I went away.

Q He fell and some one caught him and you went away?

A. Yes.

Q This happened when? A. On the night of July 4th, about nine o'clock.

Q Had you all been drinking? A. No, sir; I was not drinking anything.

Q The others? A. I don't know about the others.

Q What condition was Dillon in? A. I couldn't say.

Q Did he act like sober or intoxicated? A. He acted as if intoxicated.

Q How was the prisoner, Titterton? A. He was sober.

Q Were you on friendly terms with Dillon? A. Yes.

Q Also with Titterton? A. Yes.

Q How old a man was Dillon? A. About twenty-nine years.

Q Had you had any trouble on that day before that?

A. I don't know; I was down swimming all the afternoon.

Q Are you still working as gas fitter? A. Not now, sir.

Q You are doing nothing at present? A. No, sir.

Q Have you been talking about this case with anybody?

A. No, sir.

Q (A Juror) Who was Dillon fighting with at the time you walked away, before you heard the shot? A. Fighting with Edward Titterton, before I walked away; he had some words with the brother before that.

Q How far were you away when you heard the shot?

A. About fifteen feet.

Q You could see blood from his mouth? A. Yes.

Q You didn't see the shooting? A. No.

Q Did you go back after that? A. Yes, I walked back and seen him fall.

BY THE CORONER:-

Q In whose hands did you see the pistol? A. I didn't see any pistol at all.

Q Before the shooting did they have words and call each other names? A. No, sir.

Q This was on the street? A. In front of No. 254 Elizabeth Street.

Q After the shot was fired did this man run away?

A. Yes, down the street.

Q Did anybody follow him? A. Yes.

Q Did Dillon try to follow him? A. Before, just as I turned around Dillon made a pass as if to catch him.

Q As if he was shot? A. Yes.

----- oOo-----

CROSS EXAMINED:-

Q You have lived in that neighborhood a number of years?

A. Yes, born there.

Q You have known this man how long? A. As long as I can remember.

Q You know Dillon how long? A. As long as I can remember.

Q You knew the reputation that Dillon bore in that neighborhood? A. I cannot remember as to his reputation, -- I was a little boy when he lived there -- I never seen him

0060

fighting before...

Q There was ^{quite} a crowd around? A. Yes.

Q You didn't see the whole of the trouble between Titterton and the prisoner? A/ No, sir.

Q Where was the fight between Dillon and this man -- Was it in the hall or on the sidewalk? A. He was standing against the wall.

Q And when he was standing against the wall Dillon had him against the wall? A. No, sir.

Q Where was he? A. He was standing right against the wall, the prisoner.

Q You have known him a number of years? A. Yes.

Q You know for ten years he has not drunk anything?
A. Yes.

Q He is sober and industrious? A. Yes.

Q His brother was drunk there, more or less under the influence of liquor? A. No, sir.

Q You didn't see this man attack his brother? A. No.
Qxxxxxxxxx sir.

JAMES RAMSEY, duly sworn, testified:

BY THE CORONER:-

Q Where do you live? A. No. 97 East 8th Street. I am a clothing cutter by occupation, for Browning, King & Company, at Broome Street. I am still working there. I worked until half past ten o'clock I was sitting on the coal box in front of 240 Elizabeth Street and I seen the deceased come down and call John Pate and telling there was trouble up the street and all on the coal box followed him up, I was near the deceased and I heard him say to Frank Titterton that they were no good, and Frank asked him what he was talking to him about; he asked him could he take anything and he said I can take all you can give me. Frank Titterton stood up and Dillon pulled off his coat and handed it to one of the young men and I heard Frank Titterton say he didn't want to fight and his brother said why don't you stand up and take what he got instead of running away, with that Dillon made a rush for Edward Titterton and caught him by the throat up against the wall; he shoved him off with his hand like that and made another rush for him and caught him in the same place; Titterton jumped out and in jumping away the revolver shot off, and David Dillon attempted to go after him but didn't have strength

enough; after the shooting the prisoner and I walked down the street together.

Q (A Juror) Did you see who shot Dillon? A. I didn't see exactly -- I was on the left hand side of the prisoner; the prisoner was standing like that and I was standing like that (illustrating); I didn't see anybody having a revolver because the hand of the prisoner must have been like that.

Q Didn't the revolver smoke after that? A. Yes, I saw the smoke but no revolver.

Q The prisoner didn't run away after the shot was fired?

A. No, sir; the two of us walked down the street.

Q Were you close to the prisoner at the time? A. Yes; right alongside of him;

Q You couldn't see him raise his hand? A. No, sir.

Q Where did he have his revolver? A. I don't know.

Q (A Juror) You were standing right alongside of this prisoner? A. Yes.

Q There was a pistol shot discharged? A. Yes.

Q You cannot tell who fired it? A. Only from the smoke

Q You surmised it seeing the smoke? A. Yes that it was from Edward Titterton, the prisoner.

Q Did you walk away slowly or fast? A. At an ordinary gait.

By Mr. Hartman

Q What did you say to him about the shooting or did he say anything to you? A. He made a remark that it was a blank cartridge.

Q Is that all he said to you about it? A. Yes.

Q What do you mean by a blank cartridge? A. There was no bullet in.

Q How did he come to say that? A. I think John Pate ran for him -- ran after him and he said to him it was only a blank cartridge.

Q Are you related to the prisoner? A. No, sir.

Q Living in the same house? A. No.

Q You said you saw the smoke coming out? A. Yes.

Q Where from? A. From the right hand side of the prisoner.

Q How far away was he from the nearest person? A. John Pate was in front of me and the prisoner alongside of him.

Q Do you know who fired that shot? A. I don't know.

Q Will you swear that Titterton, the prisoner, did not fire that shot? A. No, sir.

Q Was it not talked about that night among your chums and associates? A. No, sir; I ran down for a doctor first.

Q When you got home that night did you know who fired that shot? A. Only from the smoke.

Q (A Juror) Could he have drawn the revolver and put it back without you seeing it? A. I don't know -- unless he dropped it as soon as the shot was fired.

Q How long had you known Dillon? A. Seven years about as long as I can remember.

Q Were you on friendly terms or unfriendly terms with him?

A. Friendly terms.

Q What was Dillon doing? A. He was a truck driver from what I hear; he has been away off the block for seven years at least, he comes around once in a while to see his friends.

Q (A Juror) Did you walk down with the prisoner after the shooting? A. Yes.

Q And you went back again? A. Yes.

Q Before you went back you knew he was shot? A. Only from hearing it.

Q Didn't you know it when you walked down the street?

A. No, sir.

Q How did he come to make that remark about the blank cartridge? A. When Pate came down and asked him.

Q Before you returned to the place of shooting? A. Yes.

Q Did Pate tell the prisoner that Dillon was shot?

A. No, sir.

Q Who spoke about that first? A. He came down and asked ^{him} ~~him~~ where he was going.

Q Who was going? A. Titterton; Pate says ^{he} ~~he~~ aint going up in the house, he held his arm around him trying to stop him from going in the house; Pate loosened his arms on him when he said that about the blank cartridge.

Q Did he act as if he was going to stop him from escaping?

A. Yes.

-----000-----

PATRICK RAFFERTY, duly sworn, testified as follows:

BY THE CORONER:-

Q Where do you live? A. No. 238 Elizabeth Street.

Q What is your business? A. I am a laborer by occupation.

Q State what you know about this case? A. John Pate, John Geary, Frank Titterton, Mike Mitchell and myself was up on the roof that afternoon; we had a keg of beer on the roof.

Q How many were there to consume the contents of the keg?

A. Well, there was about twelve of us.

Q Did you get through with the beer? A. Yes. After we got through with the beer it was about six o'clock.

Q When did you start in? A. In the afternoon, about two o'clock; and then we came down.

Q You all took part in the proceedings -- you all drank this beer? A. Yes, sir. We came down the street at six o'clock and sat up at the factory at No. 254 Elizabeth Street, and Mr. Dave Dillon and Frank Titterton had some words. Dillon went down the street and came up again and John Pate followed him and Mr. Titterton, the prisoner. They had some words and I seen Mr. Titterton fire the shot; that is all.

Q At whom did he fire the shot? A. At Mr. Dillon.

Q Did Dillon attack the prisoner before the shooting?

A. That I couldn't say; I didn't see any blows struck.

Q Now, some witnesses have testified here that there had been some fighting between the prisoner and the deceased before the shooting? A. I didn't see it.

Q The party that came down on the sidewalk who had been camping out on the roof were they all sober? A. Fairly so.

Q Did you drink anything else down stairs? A. Yes.

Q What did you mix with the beer when you got down stairs?

A. Nothing only beer.

Q Do you think it was domestic beer? A. I guess it come out of a keg, that is all I know; I don't know where it come from.

Q Don't you think you were all pretty well intoxicated?

A. No, sir.

Q You recollect exactly what took place? A. Yes.

Q Are you sure that the deceased, Dillon, did not strike or assault the prisoner before the shooting? A. That I couldn't say; that I didn't see.

Q You are friendly with both? A. Yes, sir.

CROSS EXAMINATION.

By Mr. Hoss:-

Q The deceased man was one of the people on the roof?

A. Yes.

Q And he had been there drinking beer from two o'clock until six? A. Yes.

Q Then you adjourned to the sidewalk? A. Yes.

Q To resume drinking beer with the can? A. Yes.

Q And drank there from six until about nine o'clock?

A. No, sir.

Q Until when? A. All the beer we had on the sidewalk - all the beer when we came on the sidewalk was two pints of beer and one pint Mr. Dillon didn't drink out of.

Q Can you tell us how many glasses of beer he drank from the time you first commenced until the shot was fired off?

A. I suppose about fifteen glasses of beer.

Q You might have drank more or less than that? A. Yes,

Q Was it a large keg? A. A quarter, I guess, it cost two dollars.

Q You remember sitting or lying in the hall? A. No, sir.

Q Who was it -- who was in the hall? A. Frank Titter-

ton.

Q Who else? A. That is all I remember.

Q Where were you when Frank Titterton was sitting down?

A. Four feet away.

Q Who was with you? A. Nobody but himself.

Q You were in position to see everything that took place from the time Dillon came up until the shot was fired?

A. No, sir; I seen Mr. Gate go down there ----

Q You were standing close to Frank Titterton, were you not? A. Yes, about four feet.

Q You were in full possession of your senses? A. Yes.

Q When Dillon came up what took place between Dillon and Titterton? A. Titterton stood up and Dillon and him had some words.

Q Did they strike at each other? A. I seen no blows struck.

Q If there were would you have seen it? A. I believe I would.

Q You were looking at the whole occurrence? A. Yes;; and I seen Titterton take his hand in his pocket and put his hand back again and shot him.

Q Where? A. He put his hand in his pocket.

Q Where did he hit him? A. In the middle of the side-

walk.

Q How far away was the deceased at the time? A. I

don't suppose he was two feet.

Q Had he struck the prisoner at all? A. That I did not see.

Q If he had would you have seen it? A. I couldn't say that.

Q Why not? A. I was standing there and I seen Titterton pull the gun and shoot him.

Q You were watching him? A. Yes.

Q There was nobody between you and the deceased and this man? A. No, sir.

Q You could see everything that took place? A. Yes.

Q And you didn't see this man strike the prisoner at all?

A. No, sir.

Q You did not see him have the prisoner up against the wall by the throat? A. No, sir.

Q Did you see the pistol held up like that? A. I seen him hold the pistol in his hand like that (indicating)

Q Where were you standing at the time in respect to this man? A. Behind him, about four feet.

Q The same as the other man? A. No, sir; sidewise to the other man; this man was in front of me.

Q Was it pretty dark there? A. Yes.

Q A large crowd around? A. Yes, quite a number.

Q (A Juror) What conversation did you hear between the prisoner and Dillon? A. I couldn't hear any words, only Dillon came up and said there was none of us any good.

Q Where was the prisoner? A. He followed Dillon up.

Q Dillon was not standing against the wall? A. No, sir.

Q At what time was he standing against the wall? A. Before he went down in the street.

Q Did you see any blows before this? A. Yes; I seen Frank have a hold of his coat, like that, trying to pacify him.

Q Where was the prisoner then? A. I didn't see him at that time; I seen the prisoner when Pate came up with Dillon.

Q You didn't see any blows struck? A. No, sir.

Q You didn't see Dillon hit the prisoner? A. No.

Q Were you sober that night? A. No, I was not as sober as I am the present time.

Q You want the Jury to understand that you know everything that took place? A. Yes.

Q As if it took place in your presence at the present time? A. Yes.

By District Attorney Hartman:-

Q You say that Titterton followed up Dillon? A. Mr. Pate and Titterton followed up Dillon.

Q What sort of a quarrel was it that the people had?

A. I couldn't say, I was not near enough to hear.

Q What did you see just prior to the shooting?

A. I seen Mr. Frank Titterton and Dave Dillon had some words.

Q Did you hear the words between them? A. No.

Q How do you know they had them? A. I heard them talking.

Q Were they talking loud? A. Yes.

Q When they quit talking what happened? A. Dillon went down the street.

Q Followed by Titterton? A. Yes.

Q When did Titterton shoot him? A. About nine o'clock.

Q I mean how long after this quarrel? A. About half an hour after.

Q You mean to say that Titterton went right up to him and shot him without any words between them? A. No, sir, I didn't hear anything.

Q But the result of that following up was the shot by Titterton? A. Yes.

Q Which killed Dillon? A. Yes.

Q Were they facing each other? A. Yes, sir.

Q And Titterton drew out his pistol and shot him?

A. Yes.

Q You didn't see anything in the hand of Dillon, did you?

A. No.

Q He had no pistol? A. No.

Q Where was his hand? A. I seen him having his hands up and Mr. Pate holding him.

Q And this man came up with the pistol and shot him?

A. Yes.

BY MR. MOSS:-

Q Before Dillon went down the street Dillon and Frank Titterton had some words? A. Yes.

Q Dillon went down the street? A. Yes.

Q Do you mean to swear that this man followed Dillon down the street? A. No, sir; he was not there at the time.

Q When he went down the street he went in the direction of where this man was? A. I don't know.

Q At any rate he returned? A. Yes.

Q And after that the shot was fired? A. Yes, after Dillon returned.

Q Pate had a hold of Dillon with his arms around his waist when he shot him? A. No, sir, I couldn't say for sure.

Q Why couldn't you? A. Because I couldn't say that for sure.

Q You were close by him? A. No, sir; that man was in front of me and I was two feet from him.

Q That is six feet away; there was nobody between you and the deceased when he was shot? A. Mr. Titterton.

Q You a moment ago swore that the prisoner had his hands around Dillon when he was shot -- you swore to that?

A. Yes.

Q Are you sure of that? A. No; I am not sure whether he had hold of him when he was shot but he had hold of him when he had the pistol.

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MICHAEL MITCHELL, duly sworn, testified:

BY THE CORONER:-

Q Where do you live? A. No. 240 Elizabeth Street.

Q What is your business? A. I am not working now.

Q State what you know about this case? A. About nine o'clock on the fourth of July I was sitting in front of the factory in company with John Pate, Frank Titterton and myself; Dillon came up and had a growl with Frank Titterton; that time he and John Pate and the prisoner came up the street with Dillon; the prisoner's brother was sitting down and Dillon wanted him to get up and fight, and the prisoner's brother said no and the prisoner said why don't you get up and take what you get, and Dillon said you get up and I will fight the two of you, and I ran between the two of them when the shot was fired.

Q Between what two? A. Dillon and Titterton.

By Mr. Hartman:-

Q Your name is Mitchell? A. Yes; I had hold of his right arm.

Q Not by the lapels of his coat? A. I was pushing him like that (illustrating) and had hold of his arm when this shot was fired.

Q Did you see any firearms in the hands of the deceased?

A. No, sir.

Q Can you describe what your position was -- were you standing face to face to Dillon? A. In front of him, I had a hold of him like that, trying to keep him away.

Q You were right in front of him you say? A. Yes.

Q Was Titterton behind you or Dillon? A. Behind me.

Q How did he arrange the pistol? A. I don't know, I had my back turned to him.

Q All you know is that that pistol was fired by Titterton?

A. I didn't see him do it.

Q He was behind you? A. Yes.

Q Was he the only one behind you? A. I couldn't say, I don't know, -- I couldn't see behind me; I was looking xxx out in the street; after the shot was fired I seen the prisoner go down the street.

Q Was he walking slowly? A. I cannot say.

Q Did Dillon fall after he was shot? A. He went about from here to the wall after being shot; there is a factory there and there are iron columns there and he leaned against one of the columns.

Q You didn't see whilst you were in front of the deceased -- you didn't see anybody struck? A. No.

Q (By a Juror) How big a man was Dillon? A. About five feet, eight, I guess.

Q Yes (By Mr. Moss) You were one of the men that were drinking beer on the roof that day? A. Yes.

Q How many glasses of beer did you drink? A. I don't know.

Q Had you taken so many glasses of beer that you cannot recollect the number? A. I don't know how many I had drunk.

Q Were you sober when you were on the roof? A. Yes. I knew what I was doing.

Q Did you work the can with the beer? A. No, sir.

Q Did you drink any beer out of the can? A. Yes.

Q You were sitting at the factory there? A. Yes.

Q You and Rafferty, the last witness and Frank Titterton and John Geary? A. Yes, sir; Titterton was sitting down I don't know whether Rafferty was sitting down or not.

Q Then Dillon came along? A. Yes.

Q Dillon and Frank Titterton had some words? A. Yes.

Q Dillon went down the street? A. I only seen him coming up, but he went away, he went on the other side.

Q You came back again? A. Yes.

Q After he came Peck and Edward Titterton? A. Yes.

Q What was the first thing that Dillon did? A. He came up and fired.

Q At that time Frank Titterton was sitting there?

A. Yes, and Rafferty was sitting down.

Q You are sure that he was not sitting because he testified here before -- why can't you tell? A. Because I am not sure of that.

Q But you are sure of everything else? A. Yes.

Q When Dillon came up what was said? A. I don't remember what he said, all I heard was, "get down and I will fight the two of us."

Q Where was this man at the time? (the prisoner)

A. He was standing against the factory.

Q You saw him there? A. Yes.

Q Did Dillon go over to him? A. I don't know.

Q Did he strike this man at all? A. I didn't see it.

Q Why didn't you see it? A. I had my back to the prisoner.

Q Were you not looking at the two of them? A. I didn't get very near them; I didn't see him have Titterton by the throat -- I didn't see it.

Q Were you standing facing the two men when you were shot?

A. I was.

Q Face to face? A. Yes.

Q Not sidewise? A. No, sir; I was pushing with both hands, trying to keep him away.

Q Are you as tall as the dead man was? A. Taller.

Q Was Dillon a tall man? A. I am stouter than he was; I was standing like that (illustrating).

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FRANK TITBERTON, duly sworn, testified:

BY THE CORONER:-

Q Where do you live? A. No. 238 Elizabeth Street.

Q What is your business? A. I am truck driver by occupation.

Q For what firm? A. Oldham, Talmage & Co., No. 65 Worth Street.

Q State to this jury what you know about this occurrence?

A. On the fourth of July it was; myself, Mitchell, Patrick Rafferty, Geary, Pate, David Dillon, the deceased we were on the roof of 238 Elizabeth Street and we had a keg of beer; we drank a keg of beer and between six and half past six we came off the roof and we started up the street

in front of the factory No. 254 ^{Elizabeth} ~~Henry~~ Syreet and we sat down for a while and Dillon got up and went down the street to No. 240 Elizabeth Street, and he met John Peck and Daniel Shay and my brother, that is all I noticed, coming up he came over where the gang was sitting and he said he could lick any two sons-of-bitches in the gang; I got up and tried to pacify him; he asked me if I could take all he could give me; and my brother said put up your hands like a man; so Dillon ran over and struck my brother twice in the jaw; he was standing in the door-way of the factory at the time; as soon as the deceased, Dillon struck him I seen my brother jump out and I heard the shot.

Q. Is your brother in the habit of carrying a pistol?

A. I never knew him to carry one in my life.

Q. Did you see him have a pistol that evening? A. No, sir; I seen him jump out and I heard a shot go off.

Q. Did you see fire and flame? A. Yes, sir.

Q. Where was the pistol? A. I don't know; I was so excited, I didn't know where the pistol was.

Q. In what position was Dillon and in what position was your brother when the shot was fired? A. Dillon was standing - when he struck my brother the deceased stepped back.

By The District Attorney.

Q. Did you see any weapons in the hands of Dillon?

A. No, sir; he had his hands up in fighting position.

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JOHN GEARY, duly sworn testified as follows:-

By The Coroner:

Q. Where do you live? A. No. 34 Elizabeth Street. I am a truckman by occupation and I work for Pomeroy & Gamble in the bedding business.

Q. State what you know about this occurrence? A. Me and Mike Mitchell, Patrick Rafferty was sitting at the factory No. 256 Elizabeth Street; this Dillon he come up, he had some argument with Frank Titterton; Frank got up and tried to pacify him and I heard his brother say get up and take all you get like a man, and he said something about the two of them getting up and fighting and then I heard the report of a pistol and seen the fire, that is about all I know about it.

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JOHN PECK, duly sworn, testified:-

BY THE CORONER:

Q. What is your name? A. My name is Peck; they call me Pate, sometimes;

Q. You are the man of whom they spoke when they said, "Pate"? A. Yes, they call me that sometimes. I live in No. 340 Elizabeth Street and I am a truckdriver by occupation.

Q. What firm do you work for? A. I work for a boss carman by the name of Ralph Tynen, and I am still working for him. I was at No. 242 in the door-way this night when Dillon came down the street and said "Mind this watch for me." I said, "All right." I said what is the matter; he said there is going to be a racket up the street. I heard a kind of a growl up there and the prisoner and Dan Shay followed me and I seen the deceased growling with Frank Titterton and I stepped in between them and stopped them, and this fellow, the prisoner said, "Get up Frank and give it to him." The deceased said you, nor the two of you won't give it to me and he made a rush for the prisoner and I interfered and I shoved Titterton up the street and with that this prisoner fired the shot and killed the man; when he was walking down the street I stopped him; I said what did you do? He said, it was only a blank cartridge; I said, "You lie"; he said, "It went off accidentally and it is a blank cartridge and with that I left him and went ~~towards~~ to the Doctors, thinking that Dillon was only shot in the arm, and when I came back I seen Dillon was dead; he

was shot in the left breast, right there; he held his arm that way (illustrating).

CROSS EXAMINED BY Mr. MOSS:

Q. You told this jury that at the time the dead man was shot you were pushing him back? A. No, sir; I was engaged in pushing Frank away at the time.

Q. You were not watching what the dead man and this man were doing? A. I pushed the dead man one side and my intention was to keep him away.

Q. You didn't see the shot fired? A. No, sir; I didn't see anything.

Q. How far away were you at the time? A. From here to the stove.

Q. You don't know whether they were one, two or three feet or four feet apart? A. I can give a kind of an idea.

Q. Did you see how far they were apart when the shot was fired? A. Yes; about five feet from him at the time.

Q. Did you see them? A. I didn't see it; I knew where I pushed him at the time.

Q. Can you swear of your own knowledge how far these men were apart when the shot was fired? A. I should judge about five or six feet.

0092

THE CORONER: The medical testimony is that death was caused by the pistol shot wound in the left breast. You have heard the evidence in this case and it is your duty now to say in your verdict the time, the manner and by whom and at whose hands this shot was fired. If from the evidence you believe that the prisoner fired that shot your duty is a simple one. The counsel for the prisoner does not desire his client to testify before this jury, reserving the rights to testify hereafter at some other tribunal.

The case is with you gentlemen.

VERDICT: We, the Jury, find that the deceased, David

M. Dillon came to his death by a pistol shot wound *of left breast inflicted with a pistol in*
~~at~~ the hands of Edward Titterton, on July 4th, 1890,
in front of premises No. 254 Elizabeth St. N.Y. City.

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0893

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of Coroners Office

No. 67 Park Row ——— Street, in the 4th Ward of the City of New York, in the County of New York, this 10 day of July

in the year of our Lord one thousand eight hundred and 90 before

Ferdinand Levy

Coroner,

of the City and County aforesaid, on view of the Body of David M. Dillon

lying dead at

Ten Upon the Oaths and Affirmations of
 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

David M. Dillon ——— came to his death, do

upon their Oaths and Affirmations, say: That the said David M. Dillon
 came to his death by

Pistol shotwound of left breast, inflicted with
 a pistol in the hands of Edward Titterton, on July
 4th, 1890 in front of premises no. 254 Elizabeth Street
 N.Y. City

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.

Ch. F. Beck 1013 6 th Ave.	Joseph Dillon 857 6 th Ave
Notham Low 1019 6 th Ave	Ch. F. Nicholson
M. Dawling 416 6 th Ave.	Mannie S. Case 441 6 th Ave
J. Titton 635 6 th Ave	Longfellow 475 6 th Ave
H. Michael 148 E 57 th St	Hartm Kurt 108 11 39 St

Ferdinand Levy

CORONER, E. S.

0894

Coroner's Office.

TESTIMONY.

Autopsy

27 Henry St July 5th 1890
 6 p.m. on the body of
 Daniel M. Dillon, said to have
 been killed in front of 254 Elizabeth
 Street, about 8 p.m. July 4th 1890.

Age, 29 years; white; Canadian;
 Married.

Body well nourished; rigor mortis well
 marked.

A penetrating pistol shot wound of the
 left chest wall in posterior axillary
 line at in 5th intercostal space

Direction: To the right, through left
 lung, aorta, right lung and exit
 through the 9th intercostal space on the
 right side and ^{bullet} lodged in the muscles
 of the back, in the posterior axillary
 line. Both pleural cavities contain
 clotted and fluid blood.

Organs normal.
Cause of death: wound above
 described.

J. J. Jenkins, M.D.
 Coroner's Phy.

Taken before me

this 5 day of July 1890

CORONER.

0095

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward Pitterton being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer—

Edward Pitterton

Question—How old are you?

Answer—

22 years

Question—Where were you born?

Answer—

N.Y. City

Question—Where do you live?

Answer—

238 Elizabeth St

Question—What is your occupation?

Answer—

Truck driver

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I am not guilty

Edward Pitterton

Taken before me, this *9th* day of *July*

1890

Frederick E. Egan

CORONER.

0896

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
29 Years	Months	Days	Canada	27 Henry St. fr front of 254 Elizabeth St	July 5 1890

3rd Quail St. 1890
HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

David M. Dillon

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

Edward J. Henton

Interquest taken on the day

of July 1890

before

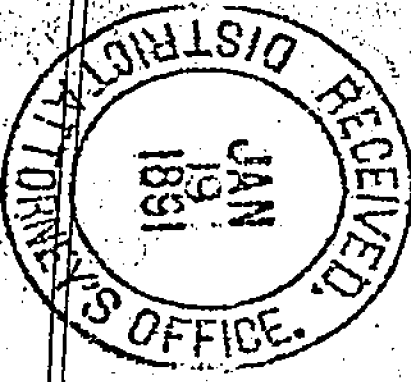
Frederick Henry Coroner.

Committed

Obtained

Discharged

Date of death



0097

74
Sad Quail 32 1890
HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

David M. Dillon

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

Edward Titterton

Inquest taken on the day

of July 1890

before

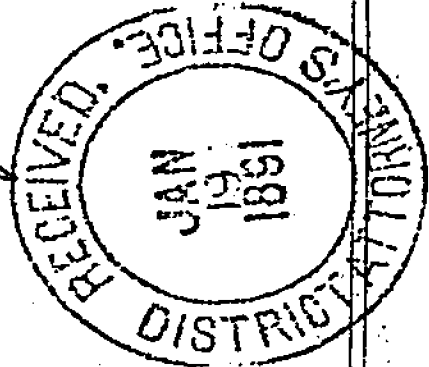
Andrew Sherry
Coroner.

Committed

Bailed

Discharged

Date of death



MEMORANDA.

29 Years	Months	Days	29 Years 01 Month 24 Days
AGE	PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
Canada	27 Henry St.	July 5 1890	July 5 1890

0098

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Titterton

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

Indictment accuse

Edward Titterton

of the crime of

Manslaughter

committed as follows:

The said

Edward Titterton

late of the City of New York, in the County of New York, aforesaid, on the

fourth day of July in the year of our Lord one thousand
eight hundred and eighty-nine - at the City and County aforesaid,

with force and arms, in and upon one,
David M. Sillon, in the peace of the
said People then and there being, wilfully
and feloniously, did make an assault, and
the said Edward Titterton, a certain
pistol then and there charged and
loaded with gunpowder and one leaden
bullet, which said pistol the said Edward
Titterton in his right hand then and
there had and held, to, at, against and upon
the said David M. Sillon, then and there
feloniously and wilfully did shoot off

and discharge, and the said Edward Titterton 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 him, the said David M. Dillon, in and upon the chest of him the said David M. Dillon then and there feloniously and wilfully did strike penetrate and wound, giving to him, the said David M. Dillon, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the said Edward Titterton in and upon the chest of the said David M. Dillon, one mortal wound of the breadth of one inch and of the depth of six inches, of which said mortal wound he, the said David M. Dillon then and there died

And as the Grand Jury aforesaid do say: That the said Edward Titterton, him, the said David M. Dillon, in the manner and form, and by the means aforesaid wilfully and feloniously did kill and slay, 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.

John R. Fellows,
District Attorney.

0900

END OF
BOX