

0004

BOX:

270

FOLDER:

2600

DESCRIPTION:

Brewster, Samuel Smith

DATE:

08/03/87



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Witnesses:

Witness John Niles
bailed in \$500.
by Stephen [unclear]
1013 [unclear] Ave

Witness
James [unclear]
in \$1,000.
bailed by
~~Roswell Steel~~
24 [unclear] [unclear]
Roswell Steel
42 Pine Street

Counsel, [unclear]
Filed, 3 day of Aug 1887
Pleads, Not Guilty (41)

THE PEOPLE

vs.

Samuel Smith Brewster

RANDOLPH B. MARTINE,

District Attorney.

Atty Sept 26/87
Re. [unclear] 23. 1888.
died, remitted murder 2d.
A True Bill.

Imcon J. [unclear]

Foreman.

Imcon J. [unclear]
for life of [unclear]

MURDER IN THE FIRST DEGREE.
[Section 183, Penal Code.]

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City and County of New York, SS.

James Tunnell, being duly sworn deposes and says: I am 66 years of age, and I reside at 343 West 36th Street. Upon the 16th of July last, I lived 149 West 52nd Street. I had lived there at that time for almost two years. I am a married man. My wife lived there with me. My wife's name is Mary. My business is attending to furnaces and house cleaning, wherever I can get a job. My wife does cooking and house cleaning. I have known Samuel Smith Brewster for about twelve years. I have known William Hicks for about nine years. Brewster has been visiting me in a social way for about five years, on the average once in five or six weeks - Hicks has been visiting the same way, generally in company with Brewster for about three years last past, and during that time I believe, he has been there not more than six times. I have heard the statement in his affidavit in this case, in which he says, that Brewster and he had been accustomed to visit me and my wife in company all during the summer on an average once or twice a week. That statement is untrue.

On the 16th of July last, the day of the killing of Ebo Williams, at about six o'clock in the afternoon Hicks and Brewster came to my house ^{as hereafter related} ~~in company~~. They asked me whether they could stay there all night and I consented. I have heard the statement in Hicks' said affidavit to the affect that I asked him and Brewster to stay there all night.- That statement is untrue. I have also heard the statement in Hicks' affidavit that I asked him and Brewster to stay to Sunday dinner next day. That state-

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ment is also untrue. That I went to bed to the best of my recollection about between ten and twelve that night, we made a bed for Brewster and Hicks in the ^{big} back room - my wife and I slept in the bed room - I had two rooms there. I eat my supper there that night. I have heard the statement in Hicks' said affidavit that from about five o'clock on that evening until about nine, Hicks, Brewster and myself played cards steadily until nine o'clock. That statement is untrue. I have also heard the statement of Hicks' that my wife was in the room all the time from five to nine. That statement is untrue. I have heard read the statement in Hicks' affidavit that at nine o'clock he asked Brewster why he had left so suddenly, and that Brewster made no answer. I don't recollect anything of that kind being said. I have also heard the statement in Hicks' affidavit that at about six o'clock next morning my wife went to see her mother, who is a cook in a large flat 59th Street and Broadway I do not recollect any such thing taking place. It would be very unusual for her to leave at six in the morning to go to see her mother - its something she never did. That statement also is therefore untrue. At about eight o'clock on Sunday morning I went out and brought in the "World" newspaper, and read from it, not aloud, but to myself, the statement of Ebo's, and that there was a general alarm out for Hicks and Brewster as being suspected of the deed. I have heard read the statement in Hicks' said affidavit, that I read that newspaper article to Brewster who made no reply.

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I declare that statement to be false. I did not read the article out aloud, but after I had read it, I pointed it out to one of them, I forget which, and handed the paper to them. They read the article. ~~I had not up to this time the slightest suspicion of any act of this kind on either Hicks' or Brewster's part, and did not know for what purpose they wished to stay there all night, except I thought it might be for a social purpose, as they had done before. This statement which I read from the paper was the first information I had of Ebo's killing, or of suspicion being upon Hicks or Brewster.~~ I have heard read the statement from Hicks's said affidavit that upon my reading aloud the said article, Hicks said to Brewster, "Brewster, did you stab Williams"? That Brewster first said "no", and then said to Hicks in my presence, "there is only one man who saw me do it". That Hicks said, "do what?" that Brewster then said, "stab that man". That Hicks then said, "who is it?" that Brewster then said, "John Wales". I declare all that statement to be absolutely false. No such conversation took place in my presence, unless it was conducted in whispers. There was more or less whispering done between Hicks and Brewster during their stay at my house that night, but I don't know what they were whispering about. Upon their former visits to my house they had not indulged in whispering, and this was the first time they ever did it. When they read the article one of them said to me, I forget which, out loud,

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that they did not know whether he had died that night or not, that is the night before,. I do not recollect what further was said. or that any further remark was passed upon the subject at all after that. Less than an hour according to my recollection, after the reading of this article, and their comments upon it, Hicks left the house, saying to me, "I am going to my aunt's". After the reading of the article Hicks said to me "that he had a notion to go and deliver himself up to Captain McDonnell. I do not know where he went when he left and did not see him there after, until I saw him to-day where he now sits. Brewster stayed in the house with me all day Sunday. I was not working. We did not play cards. I never play cards on Sunday. Brewster stayed with me all day Monday in the house, I did not work on that day. My wife, I think, was out on Monday, doing something in her line. Brewster did not go out of the house on Monday. He stayed there also on Tuesday with me until the time of his arrest, by Captain McDonnell on Tuesday afternoon. On the morning of Tuesday he went out for about fifteen or twenty minutes. I don't know where he went. I met him going out, just as I was coming in from some where I had been. I think I had been in Mr. ^{Stack's} ~~Black~~'s barber shop, next door talking. After he came back from being absent as before stated, sometime during that day, he said he wanted a shave. He himself, in my house, then shaved off his goatee, side-whiskers and mustache, leaving his face perfectly smooth. During the twelve years that I have known Brewster, he has always

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worn mustache, goatee and whiskers, with the exception of once a number of years ago- about six years ago. Between nine and ten we commenced to play cards together, we two being alone. It had been about seven o'clock when Brewster was out, as I have before stated. I am positive he did not get shaved when he went out, but shaved himself in my house, and I saw him shave himself. He used my razor, shaving cup and brush and soap which I used to use when I shaved. I have not shaved now for two years past. We had played about two games of Casino sitting at the table in front of the room being on the top floor, with the scuttle open above our heads. I having, as I recollect, my coat on. I think it was a hot day, and Brewster being in his under-shirt, slippers and pantaloons, when the door opened and Captain McDonnell walked in. I did not see him until he put his hand on me. He then said to me, "I want you". I said "do you want me"? he said, "Yes" Then he put the nippers on me. He was about taking me off when a gentleman, whom I understand, is detective Saverpool came in, and said, as I recollect, to the Captain: "Look at them eyes." Then the Captain said, "that is all right; take him"; he is my man." And, at the same time he went towards Brewster, who was still sitting at the table, had not moved from it, but was fooling with the cards. Upon the same floor lived colored people, among them one woman by the name of Mrs. Luckey, and another one whose first name is Lizzie, but whose other name I don't know, they were there at the time Captain McDonnell came in, and at, ~~that~~ ^{the} moment

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the Captain left my side, Mrs. Lucket and Lizzie were in the hall, one of them cried out, "don't take that old man; the man you want is in the room. I have heard Captain McDonnell say that she said, 'that that man came to my house Saturday night', but I do not recollect her say that. The Captain went towards Brewster as he sat at the table and said, "come Sam, I want you." Brewster looked up and said, "my name is not 'Sam,' my name is 'Smith.'" Captain McDonnell put his hand to the side of the man's head and pulled his face around so that he could see the side of his chin, and said, "you are my man." He said, "what, did you 'shave your whiskers off so as to disguise yourself'?" Then Brewster dressed himself, and the Captain put the nippers on him, and took him away. Detective Savercool went with him, and another officer, I don't know his name.

Before dinner on Sunday, Brewster had told me to go to one Hannah Johnson, who lived at, I think, 216 West 40th Street, as cook, and who was his mistress or woman. I had known her for about two years, and Brewster and she had stood up with me and my present wife, when we were married two years ago, this month. Brewster asked me to go and see this Hannah Johnson and tell her to come up to my house and see him, ~~although, I thought that Brewster had plenty of time to do that himself, and although he is a much younger man than I, I nevertheless went on the Lord's day to see this mistress of his and tell her that Brewster wanted to see her at my house.~~ I told her so and came back and reported to Brewster, what I had done, and he said

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it was all right. I had no further conversation with Hannah at the house in 40th Street, than to tell her that Brewster wanted to see her. She came up to the house in about half an hour after I saw her, and in the back room she had a conversation with Brewster in my presence, but they talked together so low that I could hear nothing more of their conversation than that Brewster told Hannah Johnson there was trouble down town. ~~I did not know to what he alluded when he said there was trouble down town,~~ although I had, as I have stated, read a statement in the paper; ~~and although Hicks had said he had a notion to deliver himself up to Captain McDonnell.~~ After the conversation, when Hannah was going away, she asked me if Brewster was arrested to come to her and tell her, and I promised to do it. ~~I wondered what it was Sam would be locked up for, and after Hannah had gone I asked him whether it was likely, they would be after him for what he had done. I do not recollect precisely what answer he made to me, but to the best of my recollection, he said, "that if he was locked up for it he could not help it."~~ After Hannah had gone Brewster said to me, as nearly as I recollect,

So that as soon as the Captain took Brewster away, I followed out of the house immediately, and went down Seventh Avenue on the East side of the way, to go to Hannah Johnson's in 40th Street and tell her that Brewster was taken. I walked very fast. I do not personally recollect whether I ran, but if Captain McDonnell says I ran, I won't contradict him. I know I walked very fast. When I got to Hannah's house I told her Sam was locked up.

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She said to me that she would try to get some money to get a lawyer for him, and that she would probably go down to the Tombs, That was all the conversation I had with her then.. Once after this I saw Hannah Johnson, she came then to visit me at my house, and my wife was there. Hannah stayed two hours, and during that time we talked and she said that she had been down to the Tombs to see Brewster in the meantime and she said she would try to get money to help him, but that if Brewster's wife came to the Tombs, she would not have anything to do with it. I have never seen Hannah since. I have never since tried to get money to Help Brewster out, *or to get him a lawyer.*

Samuel Brewster came to my house on Saturday afternoon as I have before stated, and stayed there until the following Tuesday afternoon, when he was arrested by Captain McDonnell and taken from the house. During all that time I did not know and did not suspect that he was implicated in the murder of Ebo Williams. I was entirely free from suspicion of that although I read the article in the paper on Sunday morning; although I handed it to Hicks and Brewster; although Hicks told me when he was going away that he had a notion to give himself up to Captain McDonnell; although Brewster stayed there for three days, which was very unusual; although he shaved off his whiskers and mustache, a thing which I have not known him to do for years; although he sent me on Sunday to see his mistress to bring her there; although his mistress told me to come and tell her if Sam was locked up, and although

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~~Sam told me that if he was locked up he could not help it. In spite of all these things I still maintain that I did not suspect during all his stay at my house that he was mixed up in that murder.~~

From the time I read that article in the newspaper, ^{before} I suspected Brewster of being mixed up in that murder, and as the different things happened that same Sunday and the next day, and on Tuesday, my suspicions became stronger.

I will ^{have} tell the whole God's truth exactly as this thing occurred.- On the Saturday night of the killing, when I came home at about five o'clock, I found Sam Brewster standing in the door. I said to him: "Hello Sam; what's the matter"? He said: "I have got into some trouble down town." I said: "What is it?" He said: "Through Hicksey, in a game of shooting crap". Then I went up stairs with him. Hicks was not there at this time. Hicks came in a minute afterwards. Then I left them up stairs and then I went down in the barber shop next door, and there they were buzzing and talking about a colored man being killed down town. So, that from what Brewster had said to me, and from what I had heard in the barber shop, I immediately thought that this killing was the trouble of which he spoke, and then I went up stairs and said to Brewster: "Sam, I hear there has been a colored man killed down town; who is this man?" He said: "Ebo Williams". I said: "Is it any-body I know?" He said: "No"; it is a fellow "from Baltimore." Then the quickness with which he

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answered my questions made me think still more that this was the trouble of which he had spoken. Then there was nothing more said at that moment, it was all hushed up until Hicksey appeared to be worried around there until bed time, along about ten or eleven o'clock, and then Sunday morning Hicks got worried and continued to worry right along, and I says: "here now, you ^{have both} got to go, you might as well go now; it is a good time to go now, as to wait later. So Hicksey said, "I am going" to see my aunt". Well, I says, "if you are going to see your aunt all right." Well, he says, "I will go and see my aunt and I have a good motion to go and give myself up to Captain McDonnell". So I did not know where my wife was then, and Hicksey started out, and said, "I am going to my aunt's", and started boo-hooing (crying). I said, "Brewster, I expect nothing else, but there will be somebody up here to pull us, McDonnell or somebody else to pull us; for they seem to know it around here pretty well, and somebody is going to tell him where you are stopping." Well, he says, "I don't know who knows where I am". Oh, well, I says, "somebody knows where you are." He says, "if you will let me stay here a day or so I will make it all right with you one of these times". Well, I said, "Sam, I don't mind about your staying, but I don't like to have an officer pull up here; I never had an officer come up here before." In the morning, Sunday, I got two newspapers, the ^{Journal} Herald and World, I got them for the express purpose of seeing about this case, and paid for them with my own money. I did not read it out

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aloud, I think, Hicks read it aloud to Brewster, and Brewster criticised the ^{Journal} ~~Herald~~ report and said it was not as correct as the World. On Saturday night and during the whole of Brewster's stay there, both he and Hicks talked freely and continually about the occurrence down town *in my house*. I heard Brewster say that John Wales was the only man that saw him do it. Then they talked the whole matter over from beginning to end. How it commenced, I heard them say about Ebo Williams having this here crooked dice in the "crap" game- having a set of dice with two threes on it as Mr. McDonnell said, and it came about five cents, I think, it was, and I think, Ebo Williams, if I am not mistaken, as they told me, was taking a drink and Hicks was growling about his five cents, and if I am not mistaken, Hicks went up and jabbed him in the belly with an umbrella handle, and then, if I am not mistaken, he drew off to hit Hicks with a glass, and Tommy Harnett came between them, and, it seems that Brewster then struck the blow that killed him over Tommy Harnett's shoulder. He said in my house, that he had the knife that it was done with. He told me that he took it out of his pocket, opened it and put it behind his back and up his sleeve, and that he thought nobody saw him. That is about all I remember. He said to Hicks, "you are the whole cause of this." Brewster said that after he did the cutting, he started towards Sullivan Street, and, I think, he said, Hicks stayed inside and he, Brewster started to go to Sullivan Street, and when Hicks found he had gone, Hicks pulls right out after him. Brews-

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ter said that somebody on the street who came out of the saloon said to him, "go it," that man is ^{dyin'} ~~dead~~, and when he got around Sullivan Street he didn't know which way to go, but he said he took a car and went up town. Then, I suppose it was, he came to my house, and that Saturday night he left my house and went to see Hannah Johnson in 47th Street, and where he left Hicks, I don't know, but Brewster came to my house alone; Hicks, came afterwards. Sam, said, during his stay at my house, "that if he had the money, he would he would leave town". I have told the whole truth about the whiskers and about the shaving - I really don't know anything about his hair being cut.

Sworn to before me this
10th day of March, 1888.

James Tunnell

A. D. Barker
Notary Public
N.Y. Co.

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THE PEOPLE OF THE STATE OF
NEW YORK,

against

Brewster,

*Applicant
of
James C. Thumell.*

John R. Feltoway
RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

**POOR QUALITY
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A.S.

City and County of New York, SS:

Wellington Sampson, being duly sworn deposes and says: I reside at 27 Sullivan Street. I am unmarried, and am a widower. I am going on 36 years of age. I was born in New Jersey. I am by occupation, a polisher of pencil cases, but I have worked for a chimney sweep, when not occupied at my own trade. I knew Ebo Williams for about two months before his death. I believe he came from Baltimore. His character for peaceableness was good. I have known him to gamble, but I have not known him to be a professional gambler or make his living by that means. I never knew anything about his past record. I never heard anything about his being involved in any confidence game.

I have known William Hicks for about three years. His reputation for peaceableness is not good; he is rather quick tempered even when sober, inclined to be impulsive, and when under the influence of liquor he is extremely disagreeable and quick to pick a quarrel. I have known Brewster for some three years, he is a waiter by occupation. When sober, he is gentle and peaceable, but when under the influence of liquor, he is very disagreeable, and a dangerous man. I have known John Wales for twelve years. His character for peaceableness is good. He is a man about 40 years of age, industrious and attends to his business. I have never known him as a professional gambler. I know nothing of his past record, except what I heard people say, that he was locked up on a criminal charge.

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I have known George Hyde for about twelve years. His character for peaceableness is good, and has the reputation for industry and attending to his own business - he drives a market truck.

I first saw Williams upon the day of the killing, about 1-30 in McShane 's saloon No. 36 Grand Street. He came in there with Wales. I was sitting there when they came in. Wales had two dice in his hand shaking them, and he said to me: "I will 'shoot' ten cents". He said, "move; 'let us go out in the hall-way". He threw the dice upon the floor once or twice. Harnett, who was behind the bar, said, "I don't want any throwing of dice in here, John". He wanted me to move so that we could go out in the hall-way, and throw, and I did not want to move, as my hand was sore and paining me. Then Wales and Williams went out the Thompson Street door. Then I heard a game going on outside of the saloon, and I went out, and found Williams, Hyde, Wales and Hicks playing "shooting crap" on the wooden platform outside the door. I looked at them a little while and then joined in the game. Williams said, "we want five cents more to make the pot up", and I put in five cents. Then it being Williams' throw, Hyde said to him: "Hold on, there are two threes on one of these dice." Thereupon Hyde grabbed for the money and the dice, he got the money, but Williams got the dice. He asked Williams to let him see the dice. Williams showed him one die. Hicks asked Williams for his ten cents, and I asked him for my five cents. Williams said to Hicks: "I will break your

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"jaw if you don't shut up. Then Hicks and Williams were going for each other, when Hyde went between them and kept them apart, and said, "you shant fight". Then I got my five cents from Hyde, and Hicks got his ten cents, but I forget from whom.. Then I walked towards the corner of Grand & Thompson Streets. I stood there awhile. Hyde, Williams and Wales walked towards Broome Street. Then after a few minutes I walked into the saloon. When I got in there I remember seeing Brewster, Hicks and Hyde in there. Brewster was standing up against the side-board on the other side of the room from the bar. Hicks stood at about the middle of the bar. Hyde was standing near Brewster, and I was standing near Hyde. Hyde and Brewster being near the side board. In a minute or two Williams and Wales come in, and Williams said: "Mr. Harnett, give us two glasses of beer; give me a large one for I am dry". The beer was given them. Then, immediately, Hicks, who still stood at the bar, said to Williams: "You black son of a bitch, you need not think you can come down here from the 15th Ward and rob me".. I did not hear what Williams replied. Then I saw Hicks try to get a glass off the bar which he had been drinking from, but Harnett snatched it before he did. Then Brewster, from where he stood, said to Hicks: "I would not talk so long; I would wear that stick out over his head." Hicks, at this time, had in his hand an umbrella stick. He then raised the stick in the attitude of striking, and Ebo raised his glass above his

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head in a similar attitude . The glass was then empty.

I do not know what he did with the beer, whether he drank it or threw it away. Both advanced slightly towards each other, in this attitude, when they were about five feet apart, and not yet within striking distance or reaching distance, Harnett came from behind the bar, and took hold of Ebo, facing him and backed him towards the water closet. While he was backing him Hicks followed the two and tried to strike Williams with his stick. I did not, however, hear him say anything to Harnett. I did not hear Harnett say anything to Williams or to Hicks. I saw Harnett push Hicks with his hand towards the Thompson Street door. Then at this time Brewster advanced from where he stood, came behind Harnett, reached over Harnett's right shoulder, and stabbed Ebo in the left breast. I did not know at the time of the blow whether or not he had stabbed him. I thought he had hit him with his fist. But after he struck, I saw a knife in his hand. I could not see the handle of the knife, and did not know what kind it was. Williams immediately fell backwards into the water closet. Brewster went out of the saloon directly, and Hicks followed him, both going through the Grand Street door.

Then I heard Harnett say to Wales: "That man is hurt John; "pick him up." Wales picked him up with the help of Hyde, and placed him on a chair. One of them opened his shirt, and I saw a hole in his left breast where he was stabbed. Then I went out and in a short while came back

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again. I did not get off that block until Captain Mc -
Donnell put the crowd out.. I was there when Officer
Henze came. I am positive that Brewster had no part in
the dispute between Hicks and Williams. I am positive
that Williams addressed no language to him. At the time
of the stabbing the only persons in the saloon were
Harnett, Williams, Brewster, Hicks, Hyde, Wales and myself.
There were two strange white men in there a little while
before, but they left before the stabbing.

Sworn to before me this
seventh day of ^{March} ~~February~~, 1888.

Wellington Sampson

A. D. Parker
Notary Public
N.Y. Co.

The affiant was fully read by me
B. Sampson before signing,
he acquiesced in & pronounced
correct all its statements,
Mar 7/88 LADP

POOR QUALITY
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0904

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Brewster

Opponent of

Wellington Sampson

John R. Helms,
RANNOUPEL B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

**POOR QUALITY
ORIGINAL**

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14.
City and County of New York, SS

William Hicks, being duly sworn deposes and says: I am 28 years old. I reside at 58 Thompson Street with my mother, who is a widow, and who supports herself by the work of her own hands. I aid in her support. My business has been that of a waiter. The last place I worked was for Mrs. Jane M. Merrill 31 & 33 West 31st Street. I worked there for about 3¹/₂ years, and left there on account of sickness. I was not discharged, but left with a good record. I was there as private waiter. I was sick with inflammation of the bladder for about a month, and when I recovered I went as a waiter to the Belmont Hotel, at Hagerstown, among the Schooly Mountains, N.J. This was in 1886, in the summer season. I staid there about a month. Then I left there of my own accord and came to New York., when I entered the service of Mr. Tyner, Corner of Broome & Thompson Street, and who lives at 20 Varick Place. He keeps a saloon at Broome & Thompson Street. I went as his bar tender. I stayed there until April, 1887. I was discharged from Tyner's because he wanted a relative of his own in the place. Then from that time on to the time of this homicide, I had no regular employment. I got odd jobs wherever I could, and gave my mother what assistance was in my power. I am unmarried.

I knew Ebo Williams by sight for about three months before his death. I knew him to speak to him for about three months, the same time. I knew Williams to gamble, the same as anybody would do, but I have never known him to be

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a professional gambler, or to make his living by gambling. I have seen him in the company of colored confidence men but I do not know him to have operated in that line himself. His reputation for peaceableness was good. He was not a man inclined to pick a quarrel. I never seen him quarrel with anybody. I remember during the summer of his death he was working on Pier 26 North River for John Polhemis. I don't know where he lived. During the whole period of my acquaintance with Williams, as above stated, I saw him quite frequently, almost daily, sometimes in Thompson Street, and sometimes on the docks. Whenever I saw him I would greet him, saying, good day, and have nothing much more to say to him. He was not a companion or associate of mine to the same extent as Brewster was. I used to have little conversation with him.

I have known Wellington Sampson for about three years I understand he comes from New Jersey. He has so told me. His character for peaceableness is good. He attends to his business and is an industrious man. I understand his business to be that of a chimney sweep, but he tells me he has learned the trade of pencil case polishing.

I have known George Hyde ever since he was a little boy. He is a New York boy by birth, drives a market truck. His character for peaceableness and industry is good. I know nothing against him.. All of these men whom I have mentioned are accustomed to play cards at times, they are not regular gamblers.

I have known John Wales ever since I was a little

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boy. He is about 40 years of age as I understand, industrious and attends to his business. His character for peaceableness is good. I have heard that he was once imprisoned on a criminal charge, for what, I do not recollect. He is not a gambler by profession. I know nothing of my own knowledge against his character. He is a married man.

I have known Brewster for about ten years. He has during that time been a waiter, and I have been employed in the same place with him. During that time our relations have been friendly. He was an associate of mine. And when sober he is quiet and peaceable, but when under the influence of liquor he was irritable and of bad temper and quarrelsome. He was, when in that condition, easily excited and easy to get quarreling.

I first saw Ebo Williams on the day of the killing at about noon, in McShane's saloon. John Wales was with him. After I was there a few minutes, he went out. We had no conversation at that time. I next saw Ebo Williams, according to the best of my recollection, about two o'clock on that same afternoon, on a wooden platform in front of McShane's saloon, Thompson Street side, outside the door of the saloon. He was there with Hyde and Wales and a strange colored man. They were playing on that platform a game of dice called "shooting crap". In that game each player had a certain amount of stakes up and on the board. Wales was not engaged in the game when I got there. I joined in the game on my arrival. Subsequently

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Wellington Sampson arrived and also joined in the game. About half an hour after I first got into the game, Hyde suddenly shouted to Williams, whose shoot it was: "Hold on, there are three threes on one of these dice". Then Hyde made a grab for both dice and money. He got the money but Ebo got the dice. Then I said to Ebo Williams, "give me my ten cents." I had had ten cents up; Sampson fifteen cents and Hyde twenty-five cents. I do not recollect what the strange colored man had up. Williams had up a quarter. Williams and I were going for each other to clinch, when Hyde pushed me away, and pacified the quarrel, saying, "you shant fight, get away", and he pushed both of us away from each other. Then Williams gave me my ten cents, and I said nothing more. Sampson all this time said nothing that I recollect. Then I walked towards the corner of Grand and Thompson Street, and Hyde, Wales and Williams walked towards Broome Street. I did not notice which way Sampson went. Then the next thing that I remember is that a few minutes after, Hyde called to me and said, "come and have a drink", and I went with him into McShane's saloon. When I went in there I don't recollect anybody but Harnett being there. I do not recollect Brewster being there when I came in. Brewster, I think, must have come in after I got there. Hyde and I drank together, I taking a glass of beer. Then two or three minutes after we got in, Wales and Ebo came in together. I don't recolect what time Sampson came in. When Ebo and Wlaes come in I was standing at about the middle of the bar. Williams called to Mr. Harnett, and said:

POOR QUALITY
ORIGINAL

0909

5 H.

"Mr. Harnett, give us two glasses of beer; give me a large
"one for I am dry." Harnett gave them the beer. Wales
drank some of his. I was still feeling rather sore about
what I considered Williams' attempt to cheat me at the
game, and at this moment I said to him: "You son of a bitch,
"you need not think you can come down here from the 15th
"Ward to skin me". Then he replied to me: "You black
"motherless son of a bitch, if you don't go away from me I
"will kill you. We were about at that time five feet apart.
Then he put his hand into his right hand pants pocket. I
said to him "what are you going down into your pocket for"?
Then he held up his empty glass in an attitude of striking
and I held up in the attitude of striking, a cane which I
which was an umbrella handle
had in my hand. We both advanced a little towards each
other, but while we were no less than five feet apart and
not yet within striking distance, Harnett, the barkeeper,
ran from behind the bar, and caught hold of Ebo Williams,
and ~~facing him~~, he began to back him towards the water
closet, which is on the same side of the saloon as the bar,
and towards Thompson Street, next to the ice box. While he
was backing him up, I followed along side of the two, and
said to Harnett, "Let him go; I will attend to him". Harnett
pushed me out to arms length from him, and said, "you get
"away". Then I remember nothing more until I saw Brewster
going out of the door. I solemnly swear I did not see
Brewster advance to Williams; I did not see him strike or
stab Williams, and I did not know that Williams was stabbed
until I learned it from the newspapers on the following

**POOR QUALITY
ORIGINAL**

0910

G.H.

day. I saw Brewster, however, the next moment leaving that saloon, and I left inside of a minute afterwards. I did not see Williams fall down. I did not see him in Wales' or Harnett's arms, being supported by them.. I left at the moment I did for the reason that I thought that the dispute was over, as Harnett had pushed me away, and told me to stop, and I stopped the dispute on my part on my own accord. I then went out of the saloon, walked towards Sullivan Street, and on the Corner of Grand & Sullivan I met Brewster. I did not then inquire why he had left the saloon so suddenly. He said to me, "come, let us go up town". I said "where?" "Let us go up to Mary's and have a game of "cards", and then come down town". I agreed. (Mary's, was Mary Bonnell, who lives with her husband James Bonnell, at 149 West 52nd Street.) Brewster and I had been accustomed to visit the husband and wife in company, all during the summer on an average, one or twice a week, pass an evening there, and play cards. We took the sixth avenue cars together and went up to Bonnell's. Found the husband and wife there. When I got there, I recollected that I had forgotten to deliver some clothes for my mother, and I said to Brewster, that we should go down town without playing cards. Brewster said, "No; wait a while; what is the use of going down so soon." I thought then it was suspicious that he did not want to go down town; I thought there was something wrong. So I agreed to stay, and it being then about five o'clock, we played until nine, steadily, myself, Brewster and James Bonnell. Mrs. Bonnell was in

POOR QUALITY
ORIGINAL

09-11

7 H.

the room all the time. I did not eat any supper, nor did any of the others, while I was there. At about eight o'clock I began to notice that Brewster was uneasy, and at nine o'clock, five hours after the occurrence in the saloon, I asked him why he had left so suddenly. He made no answer. At about six o'clock James Bonnell asked me and Brewster to stay there all night, and stay to Sunday dinner, next day.. Brewster agreed to stay all night, and I did also.. At about nine o'clock, we went to bed. Brewster and I slept together. At about six o'clock next morning, James Bonnell's wife went to see her mother, who is a cook in a large flat 59th Street and Broadway. James Bonnell brought in the morning papers, Sunday morning, and read from one of them, the statement of Ebo's killing., and that there was a general alarm out for me and Brewster, as being suspected of the deed. He read it to Brewster, who made no reply. I then said to Brewster: "Brewster, did you stab Williams?". He first said no, and then said to ^{me} in Bonnell's presence: "There is only one man who saw me do it". I said "do what"? he said: "Stab that man". I said, "who is it?" he said: "John Wales". I at once left Bonnell's house and went to my mother's in Thompson Street, got on clean clothes and left the house with the intention of delivering myself up to Captain McDonnell. I did not tell my mother of my intention because she was old and had heart disease, and I thought it would be dangerous to her - I did not want to worry her. This was after dinner on Sunday.

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POOR QUALITY
ORIGINAL

0912

84.

I then went to my aunt's in Elizabeth Street, Mrs. Susan Ryan, 269 Elizabeth Street. I went there for the purpose of telling her the whole affair and asking her to tell my mother, and delivering myself up, but when I got there I felt ashamed to disclose the true state of facts. I waited around until late at night, and she asked me what I was staying there so late for, and I told her the whole thing, and asked her if she had a copy of the Herald in the house, and I read the account to her. She began to cry and asked me to stay there. I stayed there all that night and all the next day, which was Monday. On Monday night she went and told my mother of the thing, and my mother went and told Mr. Tyner, with whom I had formerly worked, Mr. Tyner came around to see me on Tuesday morning, and told me that I ought to deliver myself up, that I was innocent of the killing of this man, and asked me if he would go around to the station house with me. I asked him to, and he did so, and before nine o'clock on Tuesday morning, I went to the station House and delivered myself up to Captain McDonnell, stating who I was. I informed him where Brewster was, to wit: at James Bonnell's 149 West 52nd Street.

Sworn to before me this
Tenth day of ^{March} February, 1888.

A. Parker
Notary Public
M. J. B.

W. H. H. H.

POOR QUALITY
ORIGINAL

0913

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Brewster

Defendant

of
Morgan & Hicks

John R. Fieroux,
RANDOLPH B. MARINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

POOR QUALITY
ORIGINAL

0914

C O U R T O F G E N E R A L S E S S I O N S .

T H E P E O P L E

Against

S A M U E L S M I T H B R E W S T E R .

City and County of New York, ss:

WILLIAM HENZ being duly sworn deposes and says: I am an officer of the municipal Police force of this city, at present attached to the 19th precinct. Upon the 16th day of July I was attached to the 8th precinct; on said last mentioned day my beat was in Thompson street, from Grand Street to Houston Street, and the side streets for one block east of South Fifth Avenue.

On the afternoon of said day, about four o'clock, my attention was directed to a crowd of people standing on the corner of Grand and Thompson streets. I was told by a little colored boy who was standing by that a man had been stabbed in M'Shane's saloon, No. 36 Grand street.

I immediately entered the saloon and found therein John Wales, Iber Williams, the deceased, and Thomas Harnett, the bar-keeper. As I entered, ^{Williams} Wales was sitting on a chair dead. Harnett was standing at the corner of the bar. Wales was about leaving the place, and knowing that he, the deceased, and Hicks, were companions, and that they had entered the saloon in company that afternoon, and I suspected that Wales might be a homicide.

POOR QUALITY
ORIGINAL

0915

I took ^{to} ~~Wales~~ the Station House, and on his way, ^{he} told me the story which he has detailed in his statement annexed to the deposition herein.

I brought him before Captain McDonnell, when said statement was made. The Captain immediately directed me to dress myself in citizens clothes and seek Brewster; I did so, and went into a half dozen saloons upon the lower part of Sixth Avenue, which I knew to be the resort of colored people. My search was without result, but in one of these saloons I met ^{colored man, whose name I don't know} ~~George Hyde~~, who told me that ^{W-X} Brewster had been there a short time before, and that he was gone down in the neighborhood of 40th or 41st Street.

After this search I returned to the Captain and reported the result; the Captain put me upon a similar duty next day, and I looked for Brewster in Bleecker Street and its neighborhood without result.

The following day, still in citizens dress, I looked for him about the neighborhood of ~~near~~ 41st Street between 6th & 7th Avenues, to which I had been directed as aforesaid, but again without result. After that my connection with the case ceased; Captain McDonnell put Detectives Saver^epool and Policeman Ryan, upon the case, for the purpose of finding Brewster's whereabouts.

Hicks' reputation, for peaceableness is bad; he is known as an irritable and quarrelsome man; He is a gambler, and does not work for a living, and associates with prostitutes. He is unmarried. He has been the companion of the defendant for a long time.

POOR QUALITY
ORIGINAL

0916

I do not know anything about Ebo Williams, the deceased. Brewster always appeared to be a quiet man, and I do not know anything about his drinking habits or his temper when drunk. I know that he associates with prostitutes and is a gambler, accustomed to work a game called among colored people, "hooting crap".

Hyde appears to be a decent enough fellow, drives a market truck and works for a living; I know nothing against him. I know nothing about Sampson's character.

John Wales' character for peaceableness I know nothing against. I have known him to be a gambler and to have been arrested on a criminal charge for robbery in this county for which he was discharged.

Sworn to before me this
Seventh day of ^{March} February, 1888.

William Henry

A. L. Barker
Notary Public
N.Y.C.

POOR QUALITY
ORIGINAL

0917

Court of General Sessions

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Sam'l Smith Brewster

*Affidavit of
Officer William Hoyer*

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

**POOR QUALITY
ORIGINAL**

0918

City and County of New York, SS:

John Wales, being duly sworn deposes and says: I am forty-one years old. I was born in this City, in Leonard Street. I have lived in New York City all my life. At the time of the killing of Ebo Williams, I lived at No. 242 West 27th Street, and was a waiter by calling. I now live at 345 West 36th Street. I am a married man with one child. I am still a waiter by calling, but am now working at Mr. Floyd's, 118 East 25th Street, doing chores and attending fires for him, - it is a private house.

I believe Ebo Williams was born in Baltimore. He told me so. I have known him about three years. I met him first in a bar room (McDonald's) corner of Wooster and Bleecker Streets. I do not gamble myself. I have gambled for sport in earlier years, but gave it up and do not do it at all now.

I have known Ebo Williams to work on Pier 36 North River as a stevedore in loading, where the Charleston Steamers came in. I have known Ebo Williams to be a gambler by profession, and I have known him to be a confidence man, working with colored people, never with white people. Ebo's reputation for peaceableness was good. He was not a man inclined to pick a quarrel, and I never saw him quarreling with anybody. I know nothing against him, except the facts that he was a gambler and a confidence man.

Counting back from his death, Ebo had been in New York, as far as I know, about nine months at the time he was

**POOR QUALITY
ORIGINAL**

0919

W

killed. It was during this period that he worked on Pier 36, as above stated, for one John Polhemis. He lived in Greene Street, I cannot recollect the number, although I have been there - it was between Bleecker and West Third Streets. He lived there with a woman whom he called his wife, although I do not know whether she was or not.

During this period of nine months I saw him off and on, I cannot tell how often, on ~~the~~ average, sometimes not for a couple of weeks, and sometimes two or three times a week. On these occasions, I used to see him when I came from home to down town, in Bleecker Street, sometimes in the street, sometimes in a saloon. Then I would talk with him.

I have known Hicks, since he was a little boy. I think he was born in New York. I guess, he is about twenty-nine years old. I have known him for over fifteen years. His reputation for quarrelsomeness, is bad. He is always ready to pick a quarrel. He is irritable when sober and more so when drunk.. He is accustomed to drink to excess. Hicks is not married. He has no father. His mother lives up town, I think, in 58 Thompson Street, and she takes in washing. When Hicks felt like it he would go home, when not, he would go to his girl's, who lives in Sullivan Street, and stay there all night. Hyde, is, I think, younger than Hicks. He is a decent fellow and drives a market truck. He is a New York man by birth. I have known him ever since he was a little boy.

POOR QUALITY
ORIGINAL

0920

His reputation for peaceableness is good. He is not a drinking man. ~~XXXXXXXX~~

Sampson is a peaceable man, a chimney sweep. Comes from New Jersey he tells me. I think he is older than Hicks or Hyde. He attends to his business and is an industrious man. He lives in 37 Sullivan Street, I think, with a woman, whom he keeps there - his mistress.

Brewster, I have known some fifteen years. His business is that of waiter. He came, according to his own statement, from Huntington I. Island. . When he was sober he was a peaceable man and not at all unpleasant or irritable, but when he was drunk, - which was very often - he was a man of exceedingly bad temper. He was then very quarrelsome and willing to have a fight on any pretext.

From the time Ebo and I entered McShane's saloon and found Hicks and Brewster there, until the time when Brewster stabbed Ebo, about fourteen or fifteen minutes, to the best of my recollection, elapsed. During that time, I did not hear Brewster say anything or see him do anything. I could see no sign of liquor on him. I never heard of ^{Brewster} ~~Ebo~~ being in trouble before on any criminal charge. I know about six or seven years ago, he was sued on a charge of slander by a woman named Rose Laws, a colored woman, who came from Philadelphia, and was stopping here. He called her a prostitute and slandered her. He was sued for it and locked up in Ludlow Street jail for a while, and subsequently a compromise was affected as well as I recollect..

**POOR QUALITY
ORIGINAL**

0921

4

On the afternoon of the killing, I met Williams on the sidewalk on Grand Street, by chance, and near No. 36. We went into No. 36, Mr. McShane's saloon. We went there almost instinctively, as whenever we were in that neighborhood, we generally visited there. It was quite a meeting place for colored people. When we got into the saloon we found there George Hyde, and Harnett, the barkeeper, who was behind the bar. When we entered the saloon after greeting each other, Williams had two dice shaking them in his hand. I asked him to let me see them, I think which he did, and I rolled them on the floor. Harnett said: "Now don't start a game in here", and I said, "No sir" and I gave Williams back his dice. Then George Hyde said "let us go outside, if you want to play". Williams, Hyde and myself then went outside to the wooden platform just outside the side door at the Thompson Street entrance. Hyde and Williams commenced playing a game of dice, which they call "shooting crap". In a couple of minutes Hicks and Sampson came out of the saloon and joined them. I suppose they must have come in the main entrance on Grand Street, because ^{I think} they were not in the saloon when we were in there, and they had not got in by the Thompson Street entrance while we were there. Hicks and Sampson, on their arrival joined in the game. I did not join in at all, at any time, except for the first throw, after which I left the game entirely. After Hicks and Sampson came into the game, a stranger colored man who came sauntering along the street was taken into the

POOR QUALITY
ORIGINAL

0922

5

game. I did not know him. This game lasted about half-an hour all together. During the course of it, Hicks having up ten cents, Sampson, I think, five cents, and Hyde either twenty-five or fifty cents, and the strange colored man, ten cents, I think, the strange colored man, having meanwhile, as I recollect, left the game. Hyde suddenly shouted to Williams, whose throw it was, "hold on, there are "two threes on one of those dice!" Immediately Williams grabbed all the money and the dice. Hicks said: "give me "my money?" and Williams thereupon handed him his ten cents. Then Hicks, apparently not satisfied, began to quarrel and upbraid him, and said to him, "You can't come "down here from the 15th Ward to rob me". But Hyde pacified the quarrel by telling him that he had got his money, and he ought to be satisfied. Sampson said nothing that I remember. Then as there was still a bet between Hyde and Williams to be decided, the three of us, Hyde, Williams and myself, walked up the street towards Broome Street, in order to decide it. Hyde agreed to decide it by a throw of the dice, and Ebo threw two dice upon the sidewalk and won the throw, whereupon Hyde was satisfied. Then Hyde said to Ebo, "give me ten cents" and Ebo said, "yes, certainly", and went into his pocket and took out the money, and gave it to Hyde. Then we three walked

probably about twenty-five feet ahead of us. At this time I saw Hicks & Brewster standing on McShane's corner together, apparently in conversation, but they turned into the saloon together before Williams got there.

back to McShane's saloon, Hyde going a little ahead of us two. On the way, Ebo said to me, "Have a drink", and I said, "I guess I will"; I am a little dry, and I guess I "will take a glass of ale". When we got into the saloon

**POOR QUALITY
ORIGINAL**

0923

6

we found there, besides ourselves, Hicks, Hyde, Sampson, Brewster and Harnett, the Barkeeper, who was behind the bar, and two strange white men. These white men went out almost the minute of our entrance. So that at the time of the stabbing hereinafter related, I am positive, these were the only people present, to wit: Harnett, myself, Brewster, Hicks, Hyde, Sampson and Williams. This was the first time I saw Brewster in the saloon that day.

When we got into the saloon, Ebo says to Harnett, "Mr. Harnett, give me two glasses of beer; give me a large one for I am very dry". The beer was given us. I drank some of mine as soon as I got it. Hicks and Brewster were standing together at the side-board, on the opposite side of the room from the bar, and about ten feet distant from it, as near as I can judge. Ebo was about to drink his beer, when Hicks said to him from where he stood: "You black son of a bitch, you need not think you can come down here from the 15th Ward, and rob me." As he said this he advanced from the side-board towards where Ebo was standing, and held his cane raised as though to strike. Then Ebo, without touching his beer, turned around to face Hicks, and threw his beer from the glass into a slop-bucket that stood under the faucet by the ice box. He said to Hicks: "You black motherless son of a bitch, I will kill you if you don't go away from me, and let me alone; why don't you go away and let me alone". Then Williams advanced a step or two, from his place, towards Hicks, Hicks being armed with a cane and Williams with a glass in his hand. Of the two, Hicks advanced most from his

POOR QUALITY
ORIGINAL

0924

7

place. Hicks is a short, under-sized man, much smaller than Williams. Williams raised his glass in his hand, as though to throw it at Hicks. Hicks had his cane raised above his head in a striking attitude. Then when they had got not less than five feet apart, and not yet within striking distance or arms length, Harnett ran from behind the bar, got hold of Ebo and twisted him around so that his face, which before was turned from the bar, was now turned towards it. "Now you keep still" said Harnett, "or I will call an officer". Harnett faced him, holding him and backed him towards the water closet, which is on the same side of the saloon as the bar, towards Thompson Street side. While he was backing him this way, Ebo's right side was towards the direction in which Hicks and Brewster were standing. While he was being backed towards the water closet, ^{Hicks} ~~Ebo~~ followed him and Harnett, keeping along side of them, and said: "Let him go, I will attend to him". Then when he was backed fully to the water closet, without a word having been said, either by Brewster to Ebo, or by Ebo to Brewster, Brewster suddenly advanced from the place where he was standing, walked slowly, leisurely and coolly, with a segar in his mouth, towards Ebo and Harnett, and getting close to them, reached over Harnett's shoulder and stabbed Ebo in the left breast. I saw the shine of the knife in his hand, but was unable to distinguish what sort of a knife it was. When Williams was stabbed, the glass was not in his hand. I don't know where it was. Immediately upon receiving the blow, he fell backwards.

POOR QUALITY
ORIGINAL

0925

8
X
The thing was done so quickly that Harnett had no sus -
picion that he was stabbed, and I ^{was at the moment} ~~am~~ not sure of it myself.
Harnett said to me, "He must have a fit, Wales, pick him up".
I helped some one else to pick him up, then for the first
time, I noticed a rent in the clothing over the region of
the left breast. Ebo lifted up his head and moved, as
though endeavoring to speak, but was unable. I said, "here
"send for a doctor, this man is stabbed". He lived only
four minutes after he was stabbed. I was there when the
officers came.

At the time of the stabbing, I was standing at the bar
some ten feet away from Brewster as he stabbed, with my
face turned directly towards him. I am positive in my
recollection of these details. I am positive that neither
Hicks nor Ebo struck each other. I am positive as to the
attitude of Hicks and Ebo, at the time Ebo was seized by
Harnett. I am positive that Ebo said nothing to Brewster,
and did not threaten him in any way, and that Brewster was
not at all concerned in the quarrel between Hicks and Ebo;
and I am also positive, that Brewster said nothing to Ebo.
I am positive the first thing I saw on Brewster's part was
when he advanced towards Ebo and stabbed him.

I never heard of any ill feeling between Brewster and
Ebo. I don't know how long they were acquainted. I have
no ill feeling towards Brewster. I have only told the
facts precisely as they occurred.

Sworn to before me this
day of February, 1888.

*I have been during my life
several times confined in penal institutions*

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112

for the crime of confidence gambling, with
colored people. My offenses in that regard, & the
punishments inflicted for them, are as follows.

I was in 1873 tried & convicted in
Newark, New Jersey, for throwing the box game, &
served a sentence of two years imprisonment in Trenton
State Prison. About six years ago, I was sent from
this county to the Penitentiary for one month, after
trial, for working the three-cent-piece game. About
five years ago, I was sent from this county to the Pen-
itentiary for working the card-game, for sixty days,
after trial. About 3 years ago, I was sent from
Hecent Leprons to the Penitentiary for six months,
after trial, for working the three cent piece game.
Since serving this last term -- I have married, &
have ever since lead a straight & honest life, working
steadily. I have never been guilty of any offense except
those above specified.

Sworn to before me
this 8th day of March,
1888.

John H. H. H.

A. D. Parker
Notary Public
N.Y.C.

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POOR QUALITY
ORIGINAL

0927

THE PEOPLE OF THE STATE OF
NEW YORK,

against

*Affidavit
of*

John Wales

John R. Fellows,
RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

**POOR QUALITY
ORIGINAL**

0928

-----X
The people &c.

vs.

Brewster
-----X

City and County of New York, SS:

Thomas Harnett, being duly sworn deposes and says
I am forty-two years of age, and reside at 51 James St.,
in this city. I am now working as bar tender for one
McVay, 34 Grand Street, this city. On July 16th ult. and
for some four years last past, I worked as bartender in
the premises No. 36 Grand Street, which was, upon said last
mentioned date, occupied by James McShane.

I knew Ebo Williams, the deceased, for about three
months. I know nothing of his past record or character.
so far as I knew he was of a peaceful disposition. I
never saw him involved in any quarrel.

I have known John Wales for about sixteen years. I
know nothing of his past record, so far as I know he is
of a peaceful disposition.

I know Sampson for about three years last past. When
sober, he is very quiet, but he is a little cross when
drinking.

I have known George Hyde for about three or four
years last past. So far as I know, his character is good,
and he is of a quiet disposition.

I have known Brewster as long if not longer than

**POOR QUALITY
ORIGINAL**

0929

2

Wales. He is of a quiet disposition so far as I know, except when drinking, at such times he is cross, quarrelsome and easy to pick a dispute.

I have known Hicks for some three or four years, he is the crankiest one of the lot, and is all the time getting into musses. He appeared to be quite a constant companion of Brewster's. He travelled with him a great deal. You would usually see them in each other's company. Brewster seemed to be, to some extent, a champion of Hicks. When Hicks had musses, he generally called upon Brewster and told all his grievances to him.

I am not certain as to the time I first saw Brewster upon the day of the homicide; nor as to the time I first saw Williams on said day. To the best of my recollection, I first saw Williams in the saloon 36 Grand St., at about noon of that day, in company with John Wales, there may have been others with him, but I am not certain. I recollect that John Wales had some dice in his hand which he threw upon the floor of the saloon; that I told him to stop, that I did not want any playing in there, and that then Wales, Williams and some others, I think, Hyde, went outside for the purpose of having a game. I recollect, at a little before four o'clock on the day of the homicide, Sampson, Brewster, Hicks and Hyde were in the saloon. Hicks and Hyde were drinking at the bar in company, Brewster stood by the side-board. I do not recollect where Sampson stood, or what he was doing. Hicks was standing at about the middle of the bar drinking, when

**POOR QUALITY
ORIGINAL**

0930

3.

Wales and Williams came in. Williams called for two glasses of beer and asked me for a big one, because he was dry. I gave them the two glasses of beer, giving both of them big ones. Then Hicks began to abuse Williams. I do not recollect the precise language in all particulars, that he used, I know that he called Williams a son of a bitch. I recollect also that Williams replied to him, but I don't recollect the precise language that Williams used. I recollect that Hicks endeavored to seize a glass upon the bar and I pulled it away. I remember too, Brewster saying to Hicks in reference to Williams: "If I were you, I would not waste so much time in talk, but I would wear than came out over him." I do not recollect, however, the precise moment at which this was said. I was behind the bar at this time, but I came from behind it then and told Hicks to stop, that I did not want any muss in the saloon. I saw that Williams' glass was empty, but I do not know whether he drank his beer or threw it away. When I stepped from behind the bar Williams was in the act of drinking his beer, but after I came from behind the bar Hicks raised the cane he had in his hand as though to strike Williams and Williams raised his glass as though to strike Hicks. Then, fearing that the two would become engaged in a scuffle, I put my back against Williams, and kept Hicks at arms length. He was never nearer to Williams than the length of my arm and the thickness of my body. Neither

**POOR QUALITY
ORIGINAL**

0931

H

of them were at any time within arms length of each other. I then pushed Williams backwards, towards the water closet, on the Thompson Street side, back of the ice box. Hicks followed us up and I kept pushing him back, keeping him at arms length. I pushed him sharply towards the Thompson Street entrance, I do not recollect what he said, or whether he said anything, while he was following us up. I was somewhat excited during the dispute, more so than those who were merely spectators. When I had backed Williams up to the water closet, I turned around and faced him, so that my back was towards Hicks, and at that moment he suddenly become lax and fell. I did not know what was the matter with him - I thought he had a fit, but leaning over and touching him I felt him limp, and not at all like a person in a fit, so that I said to those near by, "here, this man is hurt, "help pick him up", or words to that effect. Thereupon, somebody, I think, John Wales helped me to pick him up, and we put him on a chair. At that moment I saw Brewster followed by Hicks go out the Grand Street entrance. When he was placed on the chair, I saw blood on his shirt and I said, "here, this man is hurt, he is cut, he is dying" Then I believe I told some one to go first for a doctor and afterwards for an officer. Some one went, I think, Hyde, and subsequently an officer came in. Subsequently officer Henze came in. Williams died in about five or seven minutes.. We let him stay on the chair, and thereafter three or four officers came and took the body away

POOR QUALITY
ORIGINAL

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5

I swear positively that there was not a blow struck between Hicks and Williams. I swear positively that Brewster did not participate in the quarrel; that he addressed no language to Williams, and that Williams addressed none to him. I did not see Brewster strike the blow. At the time Williams fell, my back was towards Brewster.

Sworn to before me this
seventh day of ^{March} February, 1888.

Johna Hamitt

A. D. Barker

Notary Public N.Y. &

POOR QUALITY
ORIGINAL

0933

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Brewster

Applicant
of

Thos. Harnett.

John C. Fellows
RANBOLPH B. MARTIN,
DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0934

6-8

2 10 11 12

$$b \frac{1}{x} = C_2 x$$

(Bail, Edw. Houston, 28 Thompson St.)

✓ George Hyde (in H.D.) o York St.

Wellington Sampson (in H.D.) 27 Sullivan St

✓ Captain M Donnell 5th Precinct

✓ William Hicks (in H.D.)

✓ Officer Henze

~~James McShane~~ — ~~38 Grand St.~~

✓ Jeff. Savercool 5TH Precinct

~~Off. Howard~~
~~Off. Howard (?)~~

$$g \sim \alpha \sqrt{4 - \frac{2}{x}}$$

Off James Ryan

Wm James P. Thunell
James P. Thunell

Mary ~~Bonnell~~ (his wife)

Gyan

✓ George A. Wheeler — Surveyor

Off. Wm. J. Backeth, 8th Precinct.

Sergeant Horace M. Wells, 24th Pres

" James M. King 8th Prec.

Patrick Guy, Driver, Bellevue Hospital

✓

**POOR QUALITY
ORIGINAL**

0935

Coroners' Office.

RECOGNIZANCE TO TESTIFY.

City and County of New York, ss.

Be it Remembered, that on the
Sixteenth day of July in the year of our
Lord 1887 Thomas Harnett
of No. 316 Grand Street, in the
City of New York, and Edward Houston
of No. 28 Thompson St. in said city,
personally came before me, one of the Coroners of said City and County, and ac-
knowledgeed themselves to owe to the People of the State of New York, that is to
say, the said Thomas Harnett
the sum of Twenty Hundred Dollars, and the said
Edward Houston the sum of
Twenty 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 be made in
the condition following:

The condition of the above Recognizance is such, that if the above-
named Thomas Harnett
shall personally be and appear at the next Court of General Sessions of the Peace,
to be held in and for the said City and County of New York, to give evidence
on behalf of said People against John Doe. (right name
at present unknown) who stands charged
with having caused the death of Ebo Williams
by stab wound this day as well to the Grand
Jury of the said Court, as to the Petit Jury, and do not depart the said Court,
without leave, then this recognizance to be void and of no effect, otherwise to remain in
full force.

Thomas Harnett
Edward Houston

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

My B. Messer
CORONER.

POOR QUALITY
ORIGINAL

0936

CORONERS' OFFICE, NEW YORK.

THE PEOPLE, & C.,

ON THE FINDING OF A CORONERS' JURY.

Recognition to Testify.

Thomas Harnett

Taken the 16th day of July 1887.
M. J. B. Messenger
Coroner.

Filed day of 18

City and County of New York, ss.

Edward Houston

the within-named bail, being duly sworn, says, that he is a Free holder
in said city and county, and is worth Forty hundred
dollars over and above the amount of all his debts and liabilities, and that his property consists of

Real Estate at 28 Thompson Street,
valued at \$7,000.00

Edw Houston

Sworn before me, this

16th day of July 1887
M. J. B. Messenger
Coroner.

**POOR QUALITY
ORIGINAL**

0937

1814	Charles C. L. Beaverton	104	105	F	7173
	Daniel Casanova	524	6	42	729 12
1816	John Corliss	4457	6	7	1132 24
	Henry J. Taylor	190810			271292
1817	Charles L. Knyfild	120 13		34	219
	Richard Cassey	347			
1818	Joseph L. Kenning	224,50			
	Charles Hollander	130			
1819	Stephen C. Farland	185			
	Benjamin H. Kent	393			
	Herman Z. Wintzell	1157			
	Sam Brown	234, 42			
1820	Frederick Berte				
	Felix M. Campbell				
1821	Reuben M. Kirschfeld	236, 27			532 27
	Charles W. Field	226, 15			58 104
1822	Peter Delaney	302, 106			
	John O. Wolf	124 36			52 6 6
	Frederick J. Shallock	105, 116			15 20
1823	Alfred Taylor	111			357812

8/17/06

1 st Ch	William Von Glahn	37 ^{1/2}	6. 322 3
and	Max Schayer	23	1000
	<u>1870</u>		
and	Charles H. Schoderman	159, 100	17 06
	Peter Matthews		
1 st Ch	Allyp Scherer	217	06
1 st Ch	Fredrick Hildebrand	229, 31	275 ^{1/2}
1 st Ch	John C. B. Matthews		
1 st Ch	Roßman H. Smith	105, 90	66
<u>1st Ch</u>	<u>Jacob B. Schuman</u>	913	00
1 st Ch	Alexander Hay	180, 00	1000
1 st Ch	William S. Wallace		
1 st Ch	Gustave Ludovici	16	160
1 st Ch	John C. Krinme	2203 34	00
1 st Ch	Michael J. Madden	132, 39	00
1 st Ch	Samuel Hopkins	280 22	00
1 st Ch	John E. Cusick	56	06
	Fredrick W. Webb		

POOR QUALITY
ORIGINAL

0939

13 18 1916

11 1/2	John Smith	920 100	4 26
11 1/2	Henry J. Hannigan	131 240	100 7
11 1/2	Alvan J. Clarkin	300 100	740 6
11 1/2	Theodore E. Johnson	420 180	13 3
11 1/2	Samuel Dillman	750 52	508 3
11 1/2	John P. Horton		
11 1/2	Edwin R. Wilson	32 52	2 2
11 1/2	Thomas E. Wood	22 350	
11 1/2	Charles Magnum	45 389	10 1
11 1/2	Daniel H. Bacon	46 240	3 2
11 1/2	Arthur M. Baker	325 384	30 3
11 1/2	Walter B. Dean		
11 1/2	Herman Chambers	429 51	44 6
11 1/2	Fredrick Hoffmann	1500 100	29 9
11 1/2	James Ferguson	190 60	26
11 1/2	Charles R. [unclear]		
11 1/2	Frank Hunsdorfer	77 52 6	106 7 6
11 1/2	Nathan [unclear]	504 320	
11 1/2	Albert W. Fleischer	287 76	26
11 1/2	John Kelleher	300 200	43 8 2

POOR QUALITY
ORIGINAL

0940

Push this
case - P.B.M.
Nov 18/87
To Mr Parker -

Lyons Detention
Nov. 18th 87.

Rev. K. B. Martin

Sir,

(I beg,

to call your attention to my case
I am confined here now about
four months and lost my
mother and my home broken
up. When the "Grand Jury" visited
this institution they asked me
if I made any effort to get out
I told them no. Now I respectfully
appeal to you for relief in the
hope you will push my case
I am a witness against

Samuel S. Brewster for the killing
of Eto. Williams on the 16th July -

Yours Respectfully
George Lydo

POOR QUALITY
ORIGINAL

0941

Profy

v.

Samuel A. Brewster.

Comrade.

City & County of New York:-

Michael Tynan, being duly sworn,
deposes & says:

I live at 20 Varick Place, in this city. I lived there on July 16th, 1887. William Hicks I have known for about six years. On Monday after the homicide herein I was sent for by Captain McDonnell. I went to see him at the station-house. He asked me whether I was well acquainted with Hicks' mother; I said I was. He asked me whether she wouldn't do most anything for me; I said I guessed she would. He asked me whether I thought I could get her to come around to the station-house to see him; I said I thought I could. I then went around to his mother's house, and told her the Captain would like to see her about her son, to advise her to get him to give himself up—a piece of advice which I gave her myself at that same time. She came with me at once to the station-house, we saw the Captain. The Captain told her that if her boy was innocent of complication in this murder, it was best for him to give himself up, & that if he did he, the Captain, would be his friend, & that if she would bring him to Mr. Tynan, whom she knew, Mr. Tynan could bring him there.

He acknowledged the force of this reasoning, and said he would find out where he was, & bring him to ~~the~~ me, to bring to the Captain. Then I took her down home, leaving the Captain in the station house.

Next morning a colored boot-black named Taylor came to me ^{and met me on the corner of Chambers & Cotton Streets} in my house, and told me Hicks wanted me. I asked him where Hicks was; he said he was at his mother's house. I went right around to there, & saw Hicks, & advised him to give himself up. He said he would, & asked me to go with him to the station-house. I consented. His mother was present. I went with him, & gave him up to Captain McDonnell in the station-house. I then left, & heard nothing of the conversation had between Captain McDonnell & Hicks.

Sworn to before me
This 9th day of March, 1888

Richard Tynans
Notary Public
N.Y. Co.

POOR QUALITY
ORIGINAL

0944

Count of General Defenses.

People

v.

Samuel Smith Brewster.

Murder.

Affidavit of Michael Synan.

POOR QUALITY
ORIGINAL

0945

TO THE CHIEF CLERK.

PLEASE SEND ME THE PAPERS IN THE CASE OF

PEOPLE

vs.

CC 100
In re
207-100-11, 2-790/2
CC 100-11, 2-790/2

District Attorney.

POOR QUALITY
ORIGINAL

0946

New York. th 1888.

Mr. Parker

I have taken the Privilege of writing to you as I had forgotten to speak to you of one occasion when I was arrested on some trouble about a Police case but I was found innocent and discharged. I thought it was my duty to tell you, as I did not think of it the time I was before you it has been a long time ago

Yours Respectably

John. Wales
345 West 36th St
City

**POOR QUALITY
ORIGINAL**

0947

I G.

City and County of New York, SS:

George Hyde, being duly sworn deposes and says; I am 24 years of age and was born in New York City, I live at No. 6 York Street, where I have a room. I drive a market truck, am unmarried. I knew Ebo Williams before his death for about three months. His reputation for peaceableness was good. Have, however, known him to gamble. I have not known him as a professional gambler. I don't know that he ever made his living by that. I have seen him in company of colored confidence men. I don't know that he followed that as a business. I believe he came from Baltimore.

I have known Wellington Sampson for twelve or fifteen years. His reputation for peaceableness is good. His business, as I understand, is that of a jewelry polisher.. He is industrious and attends to his business. He is unmarried.

I have known John Wales since I was a small boy. His reputation for peaceableness is good. He is married and his business is that of a waiter. He attends to his own business and appears to be industrious. I know nothing of his general reputation, except that I heard Captain McDonnell say that he gave him six months once for confidence business. I have known Brewster since I was a small boy. When sober, he is of a peaceable disposition, but when under the influence of liquor, he is very quarrelsome and ugly, and is apt to become involved in a quarrel very easy. He is a man that bears watching on this account when

**POOR QUALITY
ORIGINAL**

0948

2. C.

he is drinking.

I have known William Hicks, since I was a small boy, he being several years older than I am. Hicks is not what you would call a quiet or even tempered man, he was liable at any time to get into a quarrel, even when sober, when he had a backer with him. When alone he was easily managed. When at all in liquor he was irritable and ugly, much like Brewster.. It is my opinion he would never have picked this quarrel with Williams, except Brewster had been present. Brewster and he travelled together a good deal, and for a long time. Brewster is a larger man than Hicks, and probably about the same size as Williams. Hicks has the reputation among his acquaintances of being a quarrelsome little fellow.

On the day of the killing, I first saw Williams between two and three o'clock, in McShane's saloon No. 36 Grand Street. Harnett was also there, he was behind the bar. When I entered the saloon I passed the time of day to them. Either Williams or Wales had dice shaking them in his hands, and one of them was rolling them on the floor. Harnett said, "don't start a game in here", and one of them said, no. Then I said, "let us go outside, if you want to play". Then Williams, Wales and myself went outside to the wooden platform just outside the side door, at the Thompson Street entrance. Williams and myself commenced playing a game of dice which they call "shooting crap". Wales joined in several hands, but soon discontinued, and stood watching the game. Thereafter Hicks came in first and Sampson sub-

**POOR QUALITY
ORIGINAL**

0949

3. C.

sequently. I do not recollect any one else joining in the game. The game lasted altogether about an hour, during the course of it Hicks had up ten cents, Sampson five cents I twenty-five cents and Ebo, I think, forty cents. I suddenly noticed two threes on one of the dice, and shouted to Williams, whose throw it was: "Hold on, there are two threes on one of the dice". I tried to grab the money and the dice, I only got the money and Williams got the dice. I asked him to let me see the dice. He showed me one die, which was straight. Then I was satisfied. Hicks, however, asked him for his ten cents, when Williams said, "if you don't shut up, I will break your jaw." Then they made for one another, and I stepped between them and kept them apart, saying, "You shant fight". Then Hicks got back his ten cents. I gave Sampson his five cents. I held fifty cents in my hand. I do not remember Sampson saying anything, except asking for his five cents. Then Sampson walked off and Hicks walked off towards Grand Street. As there was still the question of the bet to be settled between Williams and myself, he, Wales and I walked towards Broome Street, on the way, I agreed to settle it by a throw of the dice, and Williams threw two dice upon the sidewalk and won the throw, whereupon I was satisfied, and gave him the fifty cents. Then I said to him, "give me ten cents," and he said, "yes, certainly", and took the money out of his pocket and gave it to me. Then I walked back to the saloon a little in advance of Williams and Wales. I saw Brewster and Hicks standing on the corner of Grand &

POOR QUALITY
ORIGINAL

0950

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Thompson Streets, I called to Hicks, and said, "I have got ten cents, will you have a glass of beer", and Hicks thereupon joined me, and went into McShane's saloon with him. Brewster came in a second or two after; I forget where Sampson was at this time. I don't know whether he was in the saloon at this time or got there afterwards. I did not treat Brewster, I only treated Hicks. Brewster stood at the side bar opposite the bar. Both Hicks and myself called for beer, I drank mine and immediately left the bar, and stood at the side board, a few feet from Brewster. Hicks remained at the bar. Hicks stood about mid-way of the bar, and just about the time I had my beer drank and went to the side board, Wales and Williams come in, and stood at the end of the counter, and Williams called for two beers, saying: "Mr. Harnett give me two beers; give me a large one for I am dry". As soon as Williams had called for the beers, Hicks began abusing him, and called him vile names. He said to him: "You black son of a bitch, you need not think you can come down here from the 15th Ward to skin me", or words to that effect. Then, as I recollect, Williams replied something which I did not hear, except that I remember it was something in the same strain. Then Hicks tried to grab the glass that he drank out of, when Mr. Harnett, the bartender, got hold of it. Hicks had in his hand the stick of an umbrella, and at this point, Brewster, who was still standing at the sideboard, said to him: "If that was me, I would not talk so long about it; I would wear that cane out on him." Then

**POOR QUALITY
ORIGINAL**

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Hicks raised the cane which he had in his hand in a striking attitude. Ebo raised his glass above his head in a striking attitude. The glass was then empty. I do not know whether he threw his beer away or drank it. Both of them advanced somewhat towards each other in that attitude. Then, while they were about four or five feet apart, and before they had got to within reaching distance, Harnett came from behind the bar, took hold of Ebo. He faced him, and, I think, he took the glass of him, and backed him towards the water closet, which is on the same side of the saloon as the bar towards Thompson Street door. Hicks followed them up, and I did not hear him tell Harnett to let him go, that he would attend to him. I saw Harnett push Hicks, however, as though he wanted to push him out of the Thompson Street door. I did not hear Harnett say anything to Williams while he held him, nor did I hear him say anything to Hicks while he pushed him. Then when he had backed him up to the water closet, Brewster, who was standing as before mentioned, near by me, left my side, went over to the two, went behind Harnett and struck over Harnett's shoulder at Ebo's breast with a knife. He struck over Harnett's right shoulder at Ebo's left breast.. Ebo's right side was at this time towards Thompson Street. I saw the blade of the knife in his hand. I did not see the handle. I am not certain what kind of a knife it was. I first saw the knife when he was standing along side of me, at the side board, at the time he said to Hicks, that he would ware the cane out over

6.9.

Williams, if he were in his place. He took the knife out of his left hand pants pocket, put it behind his back, and with both hands behind his back opened it, and then pushed it up his right sleeve. This knife was taken out and put in his sleeve, by him at the time, he uttered these words to Hicks, which I have mentioned. That was before Hicks and Williams had put themselves in attitudes of threat, before they advanced on each other, and before Hicks had endeavored to get the glass of the counter, and from that time until the blow was struck by Brewster, it was, to the best of my recollection, five minutes. During all that time the knife was held concealed in his sleeve.

I think, he struck him only once. He had taken not the slightest part in the quarrel. His only statement during the course of the quarrel was the one which I have related, and then when those words were spoken by Brewster, Williams made no reply to them. Ebo fell backwards, right away, he did not speak a word. After the stabbing Brewster shut the knife up, put it in his pants pocket - I think, the pocket from which he took it - and walked out, and Hicks went out right after him. No one tried to stop them. I went for a police officer Henze two or three minutes after and brought him there. When I got back, Wales, Williams and Harnett were in the saloon. When Williams fell, he fell backwards into the water closet. Harnett said, "that man is hurt". Then he was picked up and put on a chair by John Wales and myself. Then I

0953

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opened his lawn-tennis shirt a little and saw blood in about the region of the heart. Harnett said, "go and find a policeman", I went out and looked around and said that I could not find any. He then said go and get Casey, (Casey is another bar-tender.) I asked Sampson where Casey lived, but he could not give me any information. Then an officer came in, and asked me to go and find Officer Henze, who was the officer on post, I found him on Thompson Street between Spring & Prince. and told him there was a man dead down at Tommie Harnett's. Then I went home. Upon Tuesday night, detective Saverpool saw me in McShane's and asked me to go up and see the Captain. I did so and the Captain subpoenaed me for Thursday before the Coroner. At the time of the stabbing the only people in the saloon were Williams, Brewster, Hicks, Sampson, Harnett, Wales and myself. I am positive that Hicks and Williams were never clinched, and I am positive that Williams had no quarrel in the saloon with Brewster.

Sworn to before me this
^{March}
~~fourth~~ day of February, 1888.

At Parker
Notary Public
N.Y. Co.

George R. Hyde

0954

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Brewster

Applicant
of
George Hyde
John A. Fellows
RANDOLPH B. MARINE.

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

0955

COURT OF GENERAL SESSIONS OF THE PEACE:

City and County of New York.

-----X

The People

vs.

Samuel Smith Brewster

Indicted for Murder in the first:

Degree.

Indictment filed, August, 1888.

-----X

Before,

Hon. Frederick Smyth,

and a Jury.

Tried, April 18th., 1888.

APPEARANCES:

Assistant District Attorney Parker, for the People:

Messrs. House & Friend, for the Defence.

GEORGE A. WHEELER, Civil Engineer, testified
that at the request of the District Attorney, he had
visited the premises at 36 Grand Street, in the City of
New York- the saloon kept by one James Mc Shane- for

2.

the purpose of making a diagram of the premises and the sidewalk around them. He had made such a diagram, and he produced it. (the diagram was offered in evidence and marked.)

GEORGE HYDE, testified that he lived at No. 6 York Street in the City of New York, and that he was a truck driver by trade. He had worked last for C. S. Durling, in Duane Street. He knew the defedant at the Bar; he had known him since he was a small boy. He was in James Mc Shane's saloon, 136 Grand Street, on the 16th. day of July, ^{1887,} the day on which the homicide took place. He saw the defendant in the saloom. He also saw William Hicks there and Wellington Sampson. He also saw John Wales there. He knew the deceased, Ebo Williams, slightly, for about three months before his death. He saw him on the day in question, in the saloon. He first saw him between two and three o'clock in the afternoon, in the saloon. Besides the deceased in the saloon at that time, were the witness himself, John Wales, the defendant Brewster, William Hicks and Thomas Harnett the bar tender

3.

and Wellibgton Sampson. He saw John Wales and Ebo Williams throwing dice on the floor in the rear of the saloon. A couple of minutes afterwards, Mr. Narnett, the bar tender stopped Wales and Williams from playing dice. Then he, the witness, asked them to go outside and stop. They went outside and began to play on the Thompson Street side of the saloon, on a platform on that side of the saloon. They played, "Crap". The game was played with two dice, shaken in the hand. They played for about an hour. Then he, the witness, discovered that Ebo Williams had what he called, "quarter dice," and he discovered two trays on one dice. Then he, witness, said, "them dice is crooked. There is two trays on one of them dice. Hold on." Then he grabbed for the money stakes with one hand and for the dice with the other. He got the money, but Williams got the dice. He witness, had 25 cents staked on the game, and Sampson had 5 cents and Higgs had 10 cents. Wales was not in the game at that time. Then he, witness, asked Williams to let him see the dice, and the dice that Williams showed him were all right and he, witness, consented to let the matter

0958

4.

pass. Then Hicks made some remark that he could not remember, and asked for 10 cents, and Williams said, " I will break your jaw if you don't keep still," and they started a fight on the sidewalk. They fought with their fists and he, witness, got between them and pushed them back. Williams had previously given back the 10 cents to Hicks, and he, witness, told Hicks that there was no necessity for fighting, because he had his money back. Then Hicks walked down the street. He, witness, gave Sampson his 5 cents back and Sampson walked away. Then Wales, Williams and the witness went up the street, to decide the bet for the 50 cents. They walked up the street- Thomson street- to the point between Broome and Grand Streets. They remained there about 10 minutes. Williams won the money, and he, witness, borrowed 10 cents from him and walked down the street towards Mc Shane's saloon ahead of Williams and Wales, and saw Hicks. He, witness, was about 25 feet ahead of Williams and Wales. When he got to the corner, he saw Brewster, the defendant, and Hicks, standing on the corner of Grand

5.

and Thompson Streets together. It was the corner on which Mc Shane's saloon was situated. They were standing on the Thompson street corner. He, witness, asked Hicks in to have a glass of beer, and Hicks went in with him. and Brewster followed, though he was not invited.. When they entered the saloon, the Bar tender and Sampson were in there. He, witness, asked for a glass of beer and Hicks asked for beer also, and they drank it at the bar. Then, he, witness, after he had drank his beer, stepped back from the bar to the sideboard on the other side of the saloon. Hicks remained at the bar. Brewster was standing at the sideboard when he, witness, got there. Sampson was sitting in a little rear room in an arm chair. He had a sore arm. Harnett the bar-tender, was behind the bar. Then John Wales and Ebo Williams came in and stood at the end of the counter and asked for two beers. They stood at the end of the bar furthest back from the door. They entered by the Thompson Street entrance. Williams asked for a large glass of beer, because he was dry; and they got the beer. As they began to drink, Hicks began to curse Williams. Hicks

0960

6.

was still standing at the bar, about mid-way to the bar. Hicks said, "You black son of a bitch, do you think you can come from the 15th. Ward to rob me?" Williams called Hicks a "Son of a bitch" and they continued calling each other names for quite a while. Brewster was still standing by the sideboard and he said to Hicks, "If that was me, I couldn't talk so long about it. I would wear that cane out on him." Hicks had the stick of an umbrella in his hand, without the covering on it, and, when Brewster made the remark, Hicks grabbed for the glass that he had been drinking out of. It was empty and stood on the bar; but the bar tender got hold of it before he did. Then Williams started towards Hicks with his beer glass- which he had emptied by drinking or throwing away the beer- in his hand. He had the beer glass raised up for to throw it at Hicks or to strike him with it. Then Hicks raised his cane. Then bar tender got between the two men and ran Williams back towards the rear of the saloon. The bar tender also pushed Hicks away, as though he intended to push him out of the Thompson Street entrance. Harnett took the glass out of

7.

Williams' hand and pushed Williams up against the wash-basin at the back of the saloon. A water closet was close to the wash-basin. In the meantime Hicks was halloaing, but the witness could not remember what he said. Hicks was also trying to get at Williams. The bar tender pushed Williams back the entire length of the saloon, to the water closet and washstand. When they got him to the rear of the saloon Hicks and Williams were about five feet apart. Up to that time neither of them had struck the other a blow nor had they been within reaching distance of each other. Harnett still had hold of Williams, and they were facing each other. Hicks was following them up. At that time, Brewster walked over from the sideboard and "Jabbed " over Harnett's shoulder. He, witness, remained at the sideboard. He "Jabbed" over Harnett's right shoulder into Williams with a knife. He, witness, had not seen the knife before that occurred, but he had seen the blade of the knife. He saw Brewster go down into his left hand pant's pocket take out the knife, open it and shove it up his right sleeve. That was about a minute or two before he said

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to Hicks, "That if it was me, he could not talk so long about it." During all the time that Hicks was pushing Williams back to the closet, Brewster had the knife up his right sleeve, and held his right hand behind his back. He, witness, picked up Williams and put him on a chair and saw that he was wounded in the left breast, in the region of the heart. After he saw Brewster stab Williams over the right shoulder of Harnett, he saw Williams fall forward into the water closet, and saw Brewster walk out of the Grand Street entrance. Hicks followed him out immediately. Williams fell on his back in the closet, and he, witness, and John Wales picked him up and set him up on a chair. He witness, opened the lawn tennis shirt that he wore, and saw the blood coming from his left breast over the region of the heart. Then he, witness, went out to find an officer. He found Officer Henze and sent him to the saloon and went away. Williams died while, he, the witness, was in the saloon. He died within three or four minutes after he was stabbed by Brewster. After he sent the officer to the saloon, he witness, went home. At the time of the stabbing, to the

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best of witness' recollection, there were in the saloon, John Wales, Wellington Sampson, William Hicks, Samuel Smith Brewster the defendant, Thomas Harnett the bartender, and the witness. Ebo Williams was also there.

UNDER CROSS-EXAMINATION. The witness, testified that he was 24 years of age and had lived at No. 6 York Street for about three months before the homicide. He had known the defendant since boyhood and he had known the deceased only two or three months. He could not recollect where he first met the deceased. Brewster was not playing in the game that day. To his knowledge, Brewster had had no trouble or dispute with the deceased. He didn't see the whole knife in Brewster's hand, but he saw the blade of the knife when Brewster held his hand behind his back. He didn't call out to Williams to look out because Brewster had a knife; that he saw the blade of in Brewster's hands.

The Witness declined to answer whether he had ever been imprisoned in the penitentiary on the ground that his answer would tend to degrade or incriminate him. He

10.

He had never been in State Prison. He declined on the same ground to answer how many times he had been imprisoned in the penitentiary. He refused to answer on the same ground whether he had ever been convicted of larceny. He didn't know whether Ebo Williams, the dead man, was a professional gambler and made his living at gambling. He had seen Williams working for two or three weeks out of the time that he knew him. He didn't remember whether he swore before the Coroner, as follows: "I knew the deceased two or three months. He bore a pretty hard reputation. Never heard him to be a wide open thief, but he was a confidence man and a gambler." If he had testified to that effect, it was true. He thought that the dice that they played "crap" with belonged to Williams. The glass that Williams had in his hands when he advanced towards Hicks at the bar, was a large and heavy one.

IN RE-DIRECT EXAMINATION. He testified that he had gambled in his lifetime and he had gambled in Mc Shane's saloon and had seen others gamble there for

money. He didn't refer to the defendant, because he had never seen him gamble for money there.

THOMAS HARNETT, testified that he lived at 51 Thomas Street and was a bar tender. He then worked for Mr. Mc Evoy, of 34 Grand Street. On the day of the homicide, he worked for James Mc Shane, a saloon keeper, at 36 Grand Street. He knew the defendant at the bar, George Hyde the previous witness, William Hicks and John Wales, and he knew the deceased Ebo Williams during his lifetime. All of these men were in the habit of visiting the saloon and the bulk of the custom of the saloon came from colored people.

The witness corroborated the previous witness, George Hyde, as to what took place at the bar between Hicks and Williams, the deceased. He saw Brewster standing up by the sideboard or hanging leaf, where the lunch was kept. He saw Hyde standing close to Brewster. Hicks commenced to curse Williams and Williams also cursed Hicks. When he saw they were about to come together, Hicks holding up the umbrella stick and

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Williams the beer glass, he went from behind the bar and pushed them apart. Then he said, "I don't want any quarrel here. If you want to quarrel you must go outside." He heard Brewster say to Hicks, that if it was him, he would not waste so much time, but he would wear out the stick on Williams. Williams attempted to strike Hicks with the beer glass over his, Harnett's shoulder. Then he took away the glass from Williams and he backed Williams into the corner near the water closet and basin. He had not succeeded in taking the glass from Williams when he fell backward into the closet. When Williams raised the glass, he caught his hand and pushed it down behind him and held it down. Hicks attempted to hit Williams several times with the cane, and he, the witness, pushed Hicks back, and backed Williams into the corner towards the water closet and wash basin. He pushed Williams back, with his back against Williams' stomach and kept Hicks away with one hand. Hicks followed Williams right up to the closet. Just as they got to the closet, Hicks attempted to strike Williams again and he, witness, gave Hicks a

13.

violent push and he shoved him towards the Thompson St. door and turned to take the glass out of Williams' hand. He was then facing Williams and his back was towards the other part of the saloon. Williams suddenly fell backwards into the closet and let go of the glass. He, the witness, put the glass on the bar and said, "That man has got a fit." Then he went back to Williams, and John Wales and George Hyde helped him to take Williams up, and he looked at Williams and saw that he was wounded that he was cut- and he said, "This man is cut." He got a chair and put Williams into the chair and said "This man is dying. Go for a doctor." He could not remember whether anybody went for a doctor but no doctor came, and he sent for a police officer. A police officer came in within three or four minutes after he sent out for one. He could not remember whom he sent. Williams died within four minutes after he was put in the chair. Brewster had gone out of the saloon through the Grand Street door at that time and Hicks went out right after him. Williams was dead when the officer

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came into the saloon. He saw the blood on Williams's shirt and saw the shirt open. The body of the deceased was taken away from the saloon about an hour and a half afterwards. There was at no time any blow struck in the difficulty between Hicks and Williams. They were not near enough at any time to strike each other with their hands. Williams was not near enough at any time to strike Hicks with the glass, nor was Hicks near enough at any time to strike Williams with the stick.

UNDER CROSS-EXAMINATION. The witness testified that they had in that saloon, glasses that were called, "John L. Sullivan's ". It was a large glass that Williams had in his hand, but not a "John L. Sullivan". Williams let go of the glass as he fell back in the closet. At that moment Williams had hold of the glass, and he also had a hold of it. At the time that Williams fell he, witness, was holding the glass down.

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JOHN WALES testified that he lived at No. 345 West 36th. Street and that he was a waiter. He was doing chores in the employ of a Mr. Floyd. He was a married man and was 41 years of age. He had one child. He had known Samuel Smith Brewster for about 15 years. He had known Ebo Williams for about 3 years. He had known George Hyde from childhood and had known William Hicks about as long. He had known Wellington Sampson for about 10 years. He knew Thomas Harnett, formerly a bartender in James Mc Shane's saloon. The witness corroborated the previous witnesses as to the occurrence in the saloon and as to the game on the sidewalk, and as to the homicide. He, witness, helped to pick Williams up, ~~and~~ at the request of Mr. Harnett, after he, Williams had been stabbed by Brewster. After the deceased was put in the arm chair, the deceased recognized him, the witness, and tried to speak. He worked his lips twice. His head was lying on his, witness', right arm at the time. He lived for about 4 minutes after he was stabbed. He, witness, opened William's shirt, and saw the blood on his breast and the blood was bubbling up

16.

from the wound, just as though it came from an open vein. A doctor was sent for, but no doctor came. He was present when Officer Henze came in. Besides the colored men enumerated by the previous witnesses there were in the saloon about the time of the stabbing, two white men; he, witness, didn't know who they were. They were strangers and they went out just before the stabbing. When Brewster left the sideboard when Harnett had backed the deceased into the closet, he saw Brewster go over to where Harnett had a hold of Ebo Williams, and raise his hand and strike one blow over Harnett's right shoulder at Williams. The witness had been in the penitentiary for operating as a confidence man and for gambling. He served two years in State Prison at Trenton, N.J. for operating as a confidence man. He had served both in the Trenton State Prison and in the Penitentiary in the City of New York. He served 6 months in the penitentiary about 4 years before. He was convicted at the Special Sessions. He was also sentenced from the General Sessions for gambling, to the penitentiary for one month. He was again sentenced for 60 days to the penitentiary.

17.

Whenever arrested and convicted, he was convicted for operating as a confidence man or for gambling. He had operated among colored men only. Since his release from the penitentiary the last time, about four years ago, he had been married and had not engaged in any form of gambling. He had worked steadily and had supported his family.

UNDER CROSS-EXAMINATION. He testified that he was recognized among the police of New York as a common negro gambler and Fakir as he had told the District Attorney. He had operated the "Tobacco box game" in New Jersey. He had been arrested and charged with an assault upon Officer Mc Guire, but he was not sentenced to the penitentiary for that assault. On the 16th. of July, he went into the saloon, at about 3 o'clock in the afternoon. He expected to get a situation as a waiter on the following day, at Bath Beach, Long Island. The game that was played outside of the saloon that day was called "Shooting crap." The defendant didn't play on

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18.

that day. He didn't see Williams at any time before he was stabbed put his hand into his pocket as though to draw a weapon.

WELLINGTON SAMPSON testified that he had been in the House of Detention for about 9 months. He had been living previously at No. 27 Sullivan Street before he was committed as a witness in that case. He was a chimney-sweep and pencil case polisher. He had been apprenticed to the pencil case polishing trade. He knew both the defendant and Ebo Williams during his lifetime. He had known Brewster about 3 years, and Williams about 2 months. He had known Hyde, Hicks and Wales for several years. He was in Harnett's saloon on the afternoon of the homicide. Witness then corroborated the preceding witnesses as to the occurrence prior to and at the time of the homicide. When Hicks renewed the quarrel with Williams at the bar, he heard Williams say to Hicks, " If you don't leave me alone, I will kill you, " and Williams rammed his hand down in his right pocket. The he heard Brewster say, " I wouldn't talk so

19.

long, I would wear that stick out over him." He heard Hicks say before Williams spoke to him, "You need not think you can come down to the 15th. Ward to rob me."

UNDER CROSS-EXAMINATION. Sampson testified that he was born in New Jersey and that he was about 36 years of age. He had lived in the City of New York for 10 years. He had lodged at 27 Sullivan Street. He didn't know the name of the woman who kept the house and he didn't know what the character of the house was. He knew it to be a lodging house. Previous to the 4th. of July, 1888, he had worked on the Troy Boat and he had worked in other places previous to that as a chimney sweep. He had never been convicted of any criminal offence or been imprisoned in any state prison or state penitentiary. George Hyde, ^{Hicks} Wales, and himself, had been in the House of Detention together for about 9 months, as witnesses in the case. They had conversed about the case, but only as to the time when they would be likely to get out. They didn't converse as to what they were going to testify to on the stand. He had never seen

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the defendant play "Crap." in or near the saloon.

WILLIAM HICKS testified that he lived at No. 58 Thompson Street, and was a waiter. He lived with his mother at that number. His mother took in washing and he aided in her support. He knew the defendant, and had known him for about 10 years. He knew the deceased in his lifetime. He had known him for about two months. He knew George Hyde from boyhood, Wellington Sampson for about three years and John Wales since he was a boy. He saw Brewster first on the day of the homicide at about 11 o'clock in the morning. He saw Ebo Williams, the deceased, at about noon on that day. He first saw him in Mc Shane's saloon. At that time, there were in the saloon besides the deceased, John Wales and George Hyde. Wales came in and had a couple of dice and threw them on the floor and Mr. Harnett told him to stop and then George Hyde asked them outside to play. They all went out. They began to "Shoot crap" on the Thompson Street side of the saloon at a point between the stoop and the side door. The players were, witness, John Wales

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Ebo Williams, George Hyde and Wellington Sampson. They played for about an hour. . Then George Hyde discovered that the dice were crooked. At that time, he, witness, had 10 cents at stake, Sampson 5 cents, Williams 25 cents, and Hyde 25 cents. Hyde said, "There's two treys on them dice." It was Ebo Williams' throw. After he threw, George Hyde grabbed for the dice and missed them. He grabbed the money. Williams got the dice and he, witness, asked Ebo Williams to give him 10 cents and Williams said, "If you don't shut up, I will smash you in the nose." He and Williams started for each other and George Hyde parted them. Then Ebo Williams gave him, the witness, his money, and Hyde and Wales and Ebo Williams went up Thompson Street towards Broome. He, the witness, walked towards the corner of Grand Street. Sampson got his money back. He didn't notice where Sampson went. A little afterwards, Hicks called to him from the Grand Street side of the store, and asked him to have a drink. He accepted the invitation and walked into the saloon and had a glass of lager beer. Hyde also had a glass of lager. They stood at the

middle of the bar. After he had drank his beer, Hyde walked over to the sideboard. He, witness, remained at the bar. Williams and Wales came in from the Thompson Street side and walked towards the end of the bar near the icebox. Williams said, "Give me a glass of beer. Give me a big one because I am dry." After Williams got his beer he, witness, said to Williams, "Don't you think you are coming from uptown downtown to skin me." He also said, "You black son of a bitch, don't think you are coming from uptown to try and skin me." Williams said, "If you don't go away, I will kill you." and he put his hand in his pocket. He, the witness, said, "What are you going down in your pocket for." Williams put his hand into his right hand pant's pocket, When he, the witness, asked Williams what he was going down into his pocket for, Williams took his hand out and grabbed for his glass and there was nothing in his hand when he took it out of his pocket. At that time, Brewster was standing at the sideboard close to Hyde. Then he, witness, started to grab for the glass out of which he had drank his beer, but Mr. Harnett got it before he

23.

did. Then Williams poured the beer out of his glass and got hold of it and started towards him, the witness, and he, the witness, started towards Williams, raising his cane.

The witness then described what happened from this point up to the time that the deceased was stabbed by Brewster, in accordance with the testimony of the preceding witnesses. While Harnett was pushing Williams back to the closet and he, the witness, was following them up, with his cane uplifted. He did say to Harnett, "Let him go; I will attend to him." After the stabbing, he saw Brewster go out of the door and he, the witness, went out right after him. Then they took a car and went uptown. They took a 6th. Avenue car at the corner of Grand and Varrick Streets and went uptown to 52nd. Street to the house of Jim Tunnell, between Broadway and 7th. Avenue. The number of the house was 149 West 52nd. St After he left the saloon, he met Brewster at the corner of Sullivan and Grand Streets. He had known Jim Tunnell for 5 or 6 years. Tunnell was a married man He had known Turnel's wife for about 3 years. He had previously

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visited the house in company with the defendant, perhaps 2 or 3 times. Their first visit together was about a year before the homicide. The prisoner and the witness went up to Jim Tunnell's rooms on the top floor front. Tunnell had two rooms. They asked Tunnell whether they could stop there that night to have a little talk with him, and Tunnell said they could. They played cards until 9 o'clock. He, Brewster and Tunnell played together. After playing cards they went to bed. Tunnell and his wife went to bed in the little room and Brewster and himself slept in the big room. On the following morning, the 17th. of July, 1887, Tunnell brought "The World" in and read about the killing of Ebo Williams. Brewster was present and heard Tunnell read about the killing. Then he, the witness, asked Brewster whether he killed Williams. He said to Brewster, "Did you kill this man?" Brewster said, "What man" the witness said, Ebo Williams. Brewster said, "No," at first; then he said, "Yes." Then Brewster said that only one man saw him do it and that was John Wales and he would not say anything about it. He, the witness, then got up and said to Brewster,

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"I am going to my aunts. I have a notion to give myself up." Then he, witness, left the house and went to his aunts in Elizabeth Street. He, the witness, left Tunnell's house about 7 oclock in the morning. He left Brewster there. He gave himself up to Captain McDermott on the following Tuesday morning. He stayed at his aunt's house until Monday night and then he went to his mother's home at 58th. Thompson Street. From there he went to the Prince Street Police Station at about 8 o'clock on Tuesday morning and gave himself up to Captain McDermott. Then he told the Captain where he could find Brewster.

UNDER CROSS-EXAMINATION, the witness testified that he was a waiter by trade and last worked for J. M. Merrill, 31-33 West 31st. Street. The very last place that he was employed in was Mr. Turner's at the corner of Broome and Thompson Streets, in the Summer of 1886. He worked for him until April, 1887. He had known the defendant for 10 years, and they were always friends, and were still. He had worked with Brewster at Schooley's Mountain, in the Summer of 1886. He didn't start the

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quarrel in the saloon The quarrel was between himself and Williams. Brewster had nothing to do with it. Williams started the quarrel first outside of the saloon.

In reply to a question from the Court, the witness testified that when he and the defendant went to Jim Turnell's house, the defendant had a moustache and side whiskers. On Sunday morning, the 17th. of July, the defendant shaved off both his side whiskers and moustache

In reply to a question from Counsel for the Defence, the witness testified that he was born at 58 Thompson Street and had lived there all his life. A Mr. Tyner, for whom he worked, came to his mother's house on Tuesday morning and he and Mr. Tyner went together to the police station. He didn't notice whether the defendant was smoking a cigar or not at the time of or just before the stabbing.

JAMES TUNNELL testified that he lived at 343 West 36th. Street On the 16th. of July, 1887, he lived at

149 West 52nd. Street. He was a married man. His business was attending to furnaces and cleaning house. He lived on the top floor at 149 West 52nd. Street. He had two rooms there. He knew the defendant at the bar and had known him for about 12 years. He also knew Wm. Hicks for about 9 years and was slightly acquainted with Wellington Sampson. He was also slightly acquainted with George Hyde. He didn't know Ebo Williams at all in his lifetime. He was slightly acquainted with Thomas Harnett. He had known John Wales for about 7 years. Brewster was accustomed to visit the witness' house in 52nd. Street during the last 3 years he had been there, about once in six weeks. He had been there about four times in the year for the past three years. Hicks and Brewster had come together in the house about three times. They came to his house on the night of Saturday the 16th. of July 1887. He first saw Brewster that evening when he, the witness, came out of the barber's shop. Brewster was standing at his, witness' door. The barbers shop was next door. It was then between five and six o'clock. He asked Brewster what he was doing up there

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and Brewster said that he was in trouble downtown. Then, he, the witness, asked Brewster to go up to his rooms. He asked Brewster what trouble he was in and Brewster said, "For stabbing a man." Then he, the witness, asked Brewster if he, the witness, knew the man and Brewster said, "No, he is a man from Baltimore." He, the witness, asked what his name was and Brewster said, "Ebo Williams. Hicks hadn't come up at that time. He came up a few minutes after. In the house he asked Brewster what he was in trouble about, and Brewster replied, "On account of Hicks." He asked Brewster how it commenced, and Brewster said, "Hicks and Williams were 'shooting crap' and someone discovered that there was two treys on the dice." Hicks commenced quarreling with him and Hicks struck him about 5 cents with an umbrella stick and Ebo Williams went towards him and struck him with a glass. Harnett went in between them to stop them from fighting and while Harnett was stopping them from fighting, I took a knife from my pocket and struck Williams over Harnett's shoulder.". Then he, Brewster, said that he went out from the saloon into Grand Street and went.

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towards Sullivan, and someone said to him, "Go, for the man is dying." and he went to Sullivan Street and took the car and came up to witness' house, and waited until he, the witness, came out of the barber's shop. He, the witness, went down to the barber's shop and heard the people there talking about a man being stabbed downtown. He went up stairs and Brewster went down to 47th. Street where some friend of his lived and came back to his, witness' house again. Brewster said that he was going to see Hannah Johnson. He came back between 9 and 10 o'clock. They went to bed between 11 and 12 o'clock. In the morning, at about 7 o'clock, he went out and got "The Journal" and "The World". He did it of his own accord. He read the account of the killing of Ebo Williams in the "World" to Brewster. Then he handed it to either Brewster or Hicks. After he read the papers, Brewster said that the "World" gave the most correct account. Then he, the witness, said that they could not stay there, because he didn't want Captain Mc Donnell to come up to his house and take out any man and Hicks commenced crying and said that he had a mine to give

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himself up to Captain Mc Donnell. Then he said that he would go to his aunts and went out. After Hicks went out, Brewster asked him, the witness, to go down to Hannah Johnson at 216 West 27th. Street, and ask her to come as he wanted to see her. He, the witness, did so, and Hannah Johnson came up to the house and Brewster and she had a conversation which he didn't hear. The defendant stayed in his house all day Sunday and Monday and almost all of Tuesday, up to the time of his arrest. Shortly before his arrest he went out into the street and was gone 20 or 30 minutes. He, the witness, didn't know where he went. When Brewster came to his house, Brewster wore a moustache and side whiskers. He also had a goatee. On Tuesday morning, after he had been out, he said he would like to shave, and asked him, the witness, to lend him his razor and cup, and brush; and he, the witness, did so and Brewster shaved his face clean. He hadn't seen Brewster's face smoothly shaven before for 5 years. On Tuesday forenoon, he, Brewster, sat down to play cassino in the large front room. They played the game up to the time that Captain Mc Donnell

31.

came in and tapped him, the witness, on the shpulder and said, "I want you" He, the witness, said, "Do you want me? " and Captain Mc Donnell said, "Yes." Then the Captain put the nippers on him, the witness, and said, "Do you know what you are going for? " and he, the witness, said, "I don't." Detective Savercoll said, "Look at his eyes." The detective was standing in the door. Captain Mc Donnell took him, the witness, away from the table to the middle of the floor. Then, when the detective said, Look at his eyes" the detective saw that he, the witness, had only one and said, "I think you made a mistake in your man." Then the Captain went to Brewster and said, "Sam, I want you." Brewster said "My name is not Sam, my name is Smith." At that time, Detective Savercoll had gone out into the hall. Then the Captain changed the nippers from him, the witness, to Brewster, and he said to Brewster, "What did you shave your whiskers off for?" "Did you want to try to disguise yourself?" It was about 12 o'clock when the Captain entered his, the witness' room. The Captain entered the room first, and Detective Savercoll stood

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in the door, while the Captain was making the arrest. When the Captain asked Brewster why he had shaved off his whiskers, Brewster made no reply. He was taken out into the hall and then he was taken down into the street to the station house. After Brewster's arrest, he went down to 40th. Street and told Hannah Johnson that Brewster was arrested.

UNDER CROSS-EXAMINATION. The witness testified that he had known the defendant for about 12 years, and Hicks for about 9 years. He had a difficulty once with a man named Crum. He was not sent to the penitentiary in consequence of that difficulty for 18 months. He served 90 days for some crime, but he didn't know whether it was in the penitentiary or not. It was on Blackwell's Island. He was there in 1875. That was the only time that he was ever in prison.

OFFICER WILLIAM HENZE testified that he was attached to the 19th. Precinct. On the 16th. of July, 1887, he was attached to the 8th. Precinct, under Police Capt.

Mc Donnell. At about 4 o'clock on the afternoon of the 16th. of July, 1887, he was at the corner of Grand Street and South Fifth Avenue. It was one block from James Mc Shane's saloon. A colored boy told him that there was a man stabbed in Mc Shane's saloon, and he went to the saloon and found John Wales and the bar tender, and the body of Ebo Williams there. Harnett was standing at the end of the bar and the chair was at the end of the bar and the dead man was in the chair, and Wales was standing beside the chair. Williams was dead when he, the witness, got there. He got full information as to the stabbing from John Wales. He arrested John Wales and took him to the station house and turned him over to Captain Mc Donnell. Then he went to different places where colored people were accustomed to assemble and play the game "crap" but he could not find the defendant. He searched in dozens of places for several days thereafter. While he, the witness, was at the station house with Wales, he left a police officer in charge of the body.

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CROSS-EXAMINATION. None.

CAPTAIN CHARLES Mc DONNELL testified that he was a Captain of Police in command of the 8th. Precinct of the City of New York. On the 16th. of July, 1887, he visited the saloon of James Mc Shane at 36 Grand Street. He found the saloon full of persons. In a corner of the saloon, near the ice box, he found the body of a colored man, sitting in a chair, with an empty oat sack thrown over his face. He took off the sack and looked at the wound. Then he ordered the arrest of Mr. Harnett and sent for a stretcher from the station house, and had the body removed to the station house. He also had the place closed. Then he started out in search of the defendant and Hicks. Then he despatched Officers Ryan, Savercoll and Henze to search for Brewster. He continued the search for several days, accompanied by Officer Harold. He went to a house in Ninth Street, where he knew that Brewster's wife was employed, but he didn't find Brewster. He also caused the house of Hick's to be watched. He got no clue until Tuesday morning, when Hicks came into the

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station and told all that he knew of the affair, and where Brewster could be found.

The witness corroborated Tunnell as to the facts connected with the arrest of Brewster.

CROSS-EXAMINATION None.

OFFICER WILLIAM J. HACKETT testified that he was attached to the Eighth Precinct. On the 16th. of July, 1887, in company with three other officers of that precinct he carried the body of Ebo Williams on a stretcher from James Mc Shane's saloon at 36 Grand Street to the 8th. Precinct Station House, and delivered it to Sergeant Wells, who was then in command at the station house.

UNDER CROSS-EXAMINATION. He testified that he didn't know Ebo Williams in his lifetime. The body that he carried was that of a colored man, and he found it in a chair near the bar of Mc Shane's saloon.. He carried the body to the station house between 4 and 5 o'clock.

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It was then conceded by the Defence that the body carried to the station house by the Officer, and delivered to Sergeant Wells, was under the sergeant's care until he delivered it to Sergeant King, who relieved him.

SERGEANT JAMES M. KING testified that he was attached to the 8th. Precinct of Police. On the 16th. day of July, 1887 he was in charge of the station from 6 p.m. He relieved Sergeant Wells. The body of a colored man, which the sergeant represented to be the body of one, Ebo Williams, he received from Sergeant Wells. The body was in the sitting room. He had charge of the body until 8 o'clock. At that hour, he delivered the body to the driver of the City Dead-wagon, who carried it to the morgue. The name of the driver was Patrick Guy.

UNDER CROSS-EXAMINATION He testified that he didn't know Ebo Williams in his lifetime.

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PATRICK GUY testified that he was the driver of the City Dead-Wagon, and that at 8 o'clock on the evening of July 16th., 1887, he received the body of a colored man from Sergeant King, on the 8th. Precinct Police Station, which was represented to be the body of Ebo Williams and that he took it to the morgue. After he had placed the body in the morgue, he locked the door, and delivered the key to Captain Donovan, the night watch.

UNDER CROSS-EXAMINATION. He testified that he didn't know Ebo Williams in his lifetime.

DOCTOR JUSTIN HEROLD, testified that he was a physician and surgeon. On the 16th. day of July, 1887, he was a Deputy Coroner in the City of New York. On that date he made an autopsy upon the body of Ebo Williams, at the morgue.. The body was then in charge of the morgue keeper, Captain Donovan. The deceased appeared to be about 28 or 30 years of age. He was a colored man, and he was about 5 to 5 1-2 feet in height.

38.

He found a penetrating stab wound on the left side of the chest, between the 4th. and 5th. ribs, about two inches from the breast bone. He opened the chest cavity and found that the penetrating wound severed the aorta which the principal artery of the body. The wound was about an inch and a half from the heart. The liver was in a cirrroid state, indicating an chronic change in the liver. The lungs were aedematous and congestive. The stomach was congestive. The cause of death in his, witness' opinion, was shock from the stab wound of the aorta, or hemmorrhage resulting therefrom. The wound was such as would be made by a sharp cutting instrument.

CROSS-EXAMINATION. None.

JOSEPH FOGARTY testified that he was an assistant keeper at the morgue. On the 16th. day of July, 1887, he accompanied Patrick Guy in the dead-wagon of the City of New York to the 8th. Precinct Police station house. A body was taken from that station house by Guy and himself which was represented to be the body of one, Ebo Williams

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a colored man. He and Guy took the body in the dead-wagon to the morgue, He was present at the autopsy made by Deputy Coroner Herold. The autopsy was held on the same body that he and Guy brought from the 8th. Precinct station house to the morgue.

UNDER CROSS-EXAMINATION. He testified that he didn't know Ebo Williams in his life time.

OFFICER JOHN O. SAVERCOLL testified that he was a detective attached to the 8th. Precinct. He was a detective in that Precinct on the 16th. day of July, 1887. He was present at the arrest of Samuel Smith Brewster by Captain Mc Donnell, on the 19th. day of July, 1887. He searched him, Brewster, after the arrest. He found in his possession a knife. He identified the knife shown to him by the District Attorney as the knife which he found in the possession of Brewster.

CROSS-EXAMINATION. None.

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The People Rest.

JAMES TUNNELL, being re-called for the Defence, testified that he was locked up in the House of Detention as a witness in the case. He had been locked up for one week. During that time, he saw Hyde and Hicks in the House of Detention. He also saw Wales there. He didn't converse with them about the case. He did have some talk with Hyde about the case, but he didn't tell him what he knew of the case.

UNDER CROSS-EXAMINATION by the District Attorney Tunnell testified that he went down to the District Attorney's office several times before he was committed to the House of Detention, and, whatever he knew of the case, he told Mr. Parker before he was committed to the House of Detention.

SILAS POLHEMUS testified that he lived at 15 1-2 Sullivan Street. He was a truck-driver. He had been in business for 25 or 30 years in the City of New York.

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He had known the defendant 12 or 15 years and knew other people that knew him. He had served with Brewster in the navy some years before. They served in the Haytian Navy together, in the ship "Galatea" He believed the defendant's character to be very good. He knew him to be a peaceable quiet man.

UNDER CROSS-EXAMINATION. He testified that the term of service in the Haytian Navy ended in 1886. He had seen him frequently during the subsequent 22 years and had always observed that he was orderly and peaceful. He had never seen him under the influence of drink to his knowledge; he was always quiet and peaceable.

THOMAS PHILLIPS testified that he lived at 6 Clark Street, and that he was 48 years of age. He had known the defendant for 12 years and knew others that knew him. During the time that he had known him, he had never heard anything against his character for peacefulness and quietness. His reputation was very good.

UNDER CROSS-EXAMINATION he testified that he never knew him to be anything but a peaceful and quiet man. He had never drank with the defendant except perhaps a glass of beer, and he had never seen him under the influence of liquor.

GEORGE STRAIN testified that he was a cook and waiter employed at No. 55 Bowery. He had known the defendant for four or five years and knew others who knew him. The defendant had been employed in the same place with him. His general reputation for peacefulness and quietness was good.

ANNIE J. PALMER testified that she was a married woman and lived at No. 6 Clark Street with her husband. She had known the defendant for 25 years. Her husband and the defendant were brought up together as boys. She knew other persons who knew the defendant, and she believed that his character for peacefulness and quietness was good. He had always been a good, hardworking man.

43.

UNDER CROSS-EXAMINATION. She testified that her husband worked in an armory. She knew Phillips and Strain, and Polhemus. They were all friends of each other, and had been friends for a long time. Brewster was a married man, and she knew his wife. She had never heard anybody speak of Brewster's character, except the witnesses and a Mr. Linger,. She heard Mr. Linger speak last Summer about Brewster's character.

MRS ANNIE J. PALMER, being re-called for CROSS-EXAMINATION, testified that she had never been in the penitentiary, but she had been imprisoned in the work-house for 10 days. She had been sentenced for 6 months upon the complaint of Officer Henze, for street-walking but didn't stay there. Her husband got her out. He gave bail for her. She was charged with trying to take a watch from a man who was coming out of a laundry and when she was proved to be innocent of that charge, she was sent to the Island for 6 months upon Officer Henze's complaint for street-walking.. She was just going

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along the street and the officer came along and grabbed her, and she got ten days in the workhouse.

SAMUEL SMITH BREWSTER, the defendant, testified that he was 35 years of age. He was born in the City of New York and was a married man. He had been married 10 years and 2 months. His wife was in court. He knew Ebo Williams in his lifetime, but not intimately- only to see him around the corners. He had seen him for about two or three months around the neighbourhood before the 16th. day of July, 1887. He had never had any quarrel with him, and had no animosity whatever towards him. He saw Williams on the 16th. day of July at Thomas Mc Shane's saloon, No. 36 Grand Street. He first saw him at about half past twelve o'clock. He saw him again about half an hour afterwards outside of the door of the saloon, playing dice. Williams was standing at the corner of Grand and Thompson Streets. and Williams asked him if he knew where John Wales was. and he told Williams Wales was up the street standing by

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the arch; and Williams said, "Tell Wales to come around to South Fifth Avenue, I have two lanes around there that I think I can beat out of some money." He, the defendant, saw Wales sometime afterwards, and said, "Ebo Williams wants you, and he says he had got two lanes around in South Fifth Avenue." About 15 to 20 minutes later, he, the defendant, came down the street again, and saw them all playing dice on the corner. He, the defendant, didn't join in the game, but sat at some distance from them. He, the defendant, never gambled there. He saw George Hyde grab for the money. Then he heard Hicks having some words with Ebo Williams, and he heard Williams say to Hicks, "I will smash your nose if you don't shut up." Afterwards they came up to where he, the defendant, was standing, and he heard Ebo williams say, "I don't care for you or your friend either. Then he heard Wales say, "I am with him and I am his friend," and they walked up the street together, Hyde, Wales and Williams. He, the defendant, sat still and a white man a friend of his, came along and asked him to have a drink, and he went into a store and had a drink of beer, and a cigar. At that time there was _____

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nobody in the store but the whiteman and himself. The white man and he stood talking a while, and, just as the colored men came in at the door, the whiteman went out. The colored men who came in were Ebo Williams and John Wales. Hicks and Hyde were standing outside but came in soon after Wales and Ebo Williams. Ebo Williams called for a couple of glasses of beer and Hicks and Hyde stood at the bar drinking beer, and Hicks said to Williams, "You son of a bitch, do you think you can come down in this Ward to beat us- to beat me out of money." and Williams said, "You little black son of a bitch, I will kill you." and he went down in his pocket and he didn't bring anything out and he threw the beer out of his glass and grabbed the glass and picked it up, and Hicks went towards him; and he, the defendant, was standing over in the corner cutting off the end of his cigar with a knife, and, as Williams raised the glass, he, the defendant struck at him and struck him as he thought on the arm. He had no idea of striking Williams a fatal blow. He didn't have the knife passed up his sleeve. He had it only to cut off the end of his cigar. He didn't take

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the knife out of his pocket and open it and push it up his sleeve. He had the knife in his hand at the time Williams raised the glass to strike Hicks. He had it in his hand to cut his cigar. He struck a blow at the hand or arm of Williams. He didn't premeditate or deliberate upon the act, and he had no idea of killing Williams. After striking the blow, he turned and walked out into the street. He had no idea that he had injured or killed Williams. Hicks followed him out and they went up to Grand Street, and he, the defendant stood on the corner and a man came up and said to them, "That man is dead." The defendant said, "Yes" That is all that he said. Then Hicks said, "Where are you going?" and the defendant said, "I am going to Jim Tunnell's house, where I started for when I came out of the house," and both of them went up together. They met Jim Tunnell at his door, and Tunnell invited them up to his rooms. They had a pint of beer, and he said to Tunnell, "Jim, Hicks got into a little trouble downtown." Tunnell said, "Is that so?" He, the defendant, said no more about the knife. Hicks went downtown and came back and told him that Williams was dead. He, the defendant, said, "Is that

so? " Then Hicks said, "Did you kill him? " and he, the defendant, said, "No." He, the defendant, at no time told Hicks that he had killed Williams. He, the defendant, stayed in Tunnell's house all night and on the following morning Hicks got up and said that he was going to his aunts in Lexington Avenue to get some money and go away. Hicks didn't tell him that he had a good mind to go and deliver himself up and when Hicks went out, he, the defendant, had no knowledge that he intended to deliver himself up to the police. He, the defendant was arrested on Tuesday following the killing, at about 12 o'clock. Before his arrest, he didn't say to Tunnell that he had taken the knife out of his pocket opened it, and walked over towards where Williams was, and struck the fatal blow. He shaved off his moustache and whiskers because he was frightened.

UNDER CROSS-EXAMINATION. He testified that he was a New Yorker by birth. His parents were in Albany. He had one child. At the time of his arrest he worked for an upholsterer at 221 Greene Street. The upholsterer's

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name was F. Busch. He was a waiter by trade. He had last worked at his trade two years before at 55 Bower. He had worked with Hicks at Schooley's Mountain. He had known Hicks for about 10 years. He had associated intimately with Hicks. They had been the same as brothers. He had known Tunnell for a good many years and used to go to his house about once a week. He knew Jim Tunnell's wife also. He had known her for about 3 or 4 years. He had known her before she had married Tunnell. He had known George Hyde for about 12 years and had known Wellington Sampson about 2 years. He had known John Wales about 15 years; he had been friendly with this man and had never had any quarrel with him. He had known Thomas Harnett for about 10 years and had always been friendly with him. He had known Williams only about two or three months. He didn't know where he came from. but he heard he came from Baltimore. He had seen William around the corners two or three times a week. He didn't know Williams to speak to. Williams spoke to him first that day. He had never spoken to Williams before that day. It was about half past 12 o'clock when they first

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met He, the defendant, was standing at that time at the corner of Broome and Thompson Streets. He had just come from his home. He hadn't been in Harnett's place at all that day. He hadn't drank anything in the saloon. He was not much of a drinker at any time. He knew the meaning of the terms "lanes" though he had never gambled in his life, because he heard the men talking about such things in that neighbourhood. He didn't associate with these men. They always gambled on the sidewalk there every day or afternoon, but he had never joined with them. He had seen Williams gamble there frequently. He had heard people say in that neighbourhood that he Williams, was a bumbler. When he delivered Williams' message to Wales, he didn't follow him but went round to his mother's house at No. 6 Clark Street. Her name was Rebecca Crawford. She lived in the house with the witnesses who testified to his good character. All of the witnesses lived there together. After he put his cigar in the saloon, he went and stood by the sideboard. There was a window near the sideboard and he stood in the window between the Thompson and Grand Streets doors.

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The name of the whiteman that invited him into the saloon to take a drink, was "Dutch Fred" He didn't know him by any other name. "Dutch Fred" treated him to a drink and he treated "Dutch Fred" to a cigar and "Dutch Fred" went out just as the colored men came in. When Williams threw the beer out of his glass and grabbed it with his left hand, he, the defendant, walked over and struck him, and he, Williams put his hand into his left pocket and drew it out without anything in his (left) hand. Then he grabbed up the glass and threw it at the door, and he, the defendant, walked over and struck him. Williams put his left hand into his trousers pocket. He also lifted up the glass with his left hand and he saw Hicks raise his cane and move towards Williams with his cane uplifted. He, the witness, didn't say to Hicks, "Billy, I would not waste so much time upon him, I would wear that cane out upon him." The witnesses examined would say anything. They had all testified falsely; even Hicks, with whom he was as intimate as with a brother. Before he struck Williams, he left his place at the dis- board and walked across the room and he had his knife

52.

in his hand. He was going to cut off the end of his cigar- the cigar that he got with "Dutch Fred.". He had taken out the knife just before Hicks had grabbed at the glass. He didn't have the knife up his sleeve at any time. Hyde was correct in saying that he had the knife in his hand, but he didn't put it behind his back. He had taken the knife out of his pocket about a minute before Hicks grabbed at the glass and before Williams siezed his glass. He held the knife for about two minutes. It took him about two minutes to cut his cigar. He cut off the top and he split it down. He did that to put it in a cigar holder. The knife produced by Officer Savercoll was not the knife that he used in stabbing Williams. He gave the knife that he used to Jim Tunnell in his house. He didn't tell Tunnell that it was the knife that he used. It was a knife that he had used for cutting burlaps for the furniture. The blades of the knife that he used were a little larger- perhaps an inch- than the blades of the knife shown to him by the District Attorney. There were three blades in the knife

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He didn't have the largest blade open. He had the next largest open. The knife produced by the District Attorney he, the defendant, obtained from Jim Tunnell. He said to Jim Tunnell, "Jim, this is a good knife, you can have it if you have a small one to lend me." That was on Sunday the 17th. of July that he said this. He could not tell at what time of the day on Sunday he said this to Tunnell. He made the exchange of knives because he wanted a smaller knife. His object was, not to rid himself of the knife with which he had stabbed Williams. He could have thrown the knife away in the street, if he had wanted to get rid of it, and he could have run away, if he had chosen to, because he had three days to escape in. There was no blood on the knife that he gave to Jim Tunnell. He didn't pay any attention to the knife and didn't wipe it off. He didn't know that he had stabbed Williams and he didn't believe it yet. He stayed in the saloon about three minutes after he had struck at Williams. He lit his cigar and went out on the corner, and stood there for about two minutes. For three minutes after he had struck Williams, Williams was trying to get away from Harnett, and Harnett was holding him. He didn't

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hear Harnett say, "This man has a fit." He didn't hear Harnett say, "That man is dying, go for a doctor." He didn't hear Wales say anything and he didn't hear anyone else say that Williams was dying. When he left the saloon, he hadn't the slightest idea that he had stabbed Williams. He started to go towards Sullivan Street, and a man came running up and said, "The man is dead." He, the defendant, and Hicks, were together at the time. He didn't know who the man was. He, the defendant, asked the man, "What man are you talking about?" The man said, "That man that Hicks was fighting." He didn't ask the man anything about the case, when he told him that Williams was dead. He, the defendant, didn't know who the man was that came up to him and announced the death of Williams. He, the defendant, didn't make any inquiry as to Williams' death. It was then four minutes after he was struck. When he walked over towards Williams with the knife, he knew that he had it open in his hand. When he walked over to Williams, he was at the end of the bar, almost up against the wall. He, the defendant, walked over towards Williams with the open knife in his hand. He didn't intend to use it. He had

it in his right hand. After the cutting, he, the defendant, shut up the knife and lit his cigar and went out. He put the knife in his right pant's pocket. He didn't look at the knife then or subsequently. He lit his cigar at the counter after the cutting. He lit his cigar about two minutes after the cutting. Hicks left Tunnell's house soon after they go there and went down town to see his girl at 27th. Street. He didn't say that he was going downtown to see whether Williams was killed, or still alive. He returned about half past seven o'clock. When he returned, he said, "That man is dead" He, the defendant, said, "What man" Hicks said, "Ebo Williams is dead." He didn't make any inquiry on the following day as to whether Ebo Williams was dead or not. he bought a newspaper- the "Herald" and he sat down and read the paper. He didn't look for the account of the killing of Ebo Williams because he didn't feel any curiosity about it. He didn't believe that he had killed him, and didn't yet. They got breakfast about 9 o'clock. Tunnell got some newspapers that morning, but he could not tell which one of them. He believed that the

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"The Journal" was one of them. Tunnell showed him "The Journal" and he, the defendant, said, "I don't care to look at "The Journal" If anything happens, it puts more to it, and "The World, gives the best news." Tunnell didn't read anything to him, and he threw the paper on the table and said, "There is the paper, if you want to read it." He read the article. It said that he and Hicks were suspected of killing Williams. He didn't say anything about the report. He had never before been charged with crime. After he had read the article, he did nothing; he sat down and smoked. He didn't say to Hicks, "There is only one man saw me do it" After he read the article, he asked Hicks if he would have some breakfast, and Hicks said, "I am going over to my aunts to get some money to go away." That was after he read the paper. That was Sunday morning. Hicks didn't make any allusion to the article. When Hicks said that he was going over to his aunts to get some money, he, the defendant said that it was all right. He didn't ask him, Hicks, where he was going and Hicks didn't tell him, the defendant, where he was going. Hicks didn't say that he

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had a good mind to go and give himself up to Captain Mc Donnell.

The defendant then gave the same account of the arrest as was testified to by Captain Mc Donnell.

He, the defendant, was a regular attendant at church. He attended the Bethel in Sullivan Street. His wife also went regularly to church. He, the defendant, went out on the following Sunday morning, but he didn't go to church. To shave off his beard and moustache, he borrowed Jim Turnell's razor. He had been borrowing it for the last 10 years. He, the defendant, didn't know Captain Mc Donnell when he entered the room and he, the defendant, knew only one officer in the Precinct, and that was Officer Henze. He had a conversation with Hannah Johnson, in Turnell's house and he sent Turnell to tell her to come up to the house. He declined to answer what his conversation with Hannah Johnson was, on the ground that his answer would tend to degrade and incriminate him. He didn't hear her tell Jim Turnell to come over and tell her ~~after~~ the Brewster was arrested. Captain Mc Donnell didn't tell him why he

arrested him, and he, the defendant, didn't ask the Captain. He supposed that Captain Mc Donnell arrested him for the killing of Williams.

OFFICER WILLIAM HENZE, called by the Defence, testified that he was attached to the 8th. Precinct. He knew where James Mc Shane's saloon was, at 26 Grand Street. He saw the dead body of Ebo Williams in the saloon, and he afterwards searched the pockets of the dead man. He found some dice, a dice box, some money, and a lot of papers in the pockets of the dead man and he wrapped these articles up in a piece of paper and delivered the articles to the sergeant in command at the desk in the station house. There were three dice. The money consisted of a number of pennies and a dime. He could not remember whether there were a number of 3 cent pieces in the money. He didn't find any knife or weapon upon the deceased.

Mr. Parker then produced the articles spoken of by the officer in his testimony, and they were identified

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by him.

MICHAEL TYNAN testified that he was engaged in the liquor business at 520 Broome Street. He was acquainted with Captain Mc Donnell. He went with William Hicks to Captain Mc Donnell's station house on the Tuesday morning following the homicide.

CROSS-EXAMINATION. None.

IN REBUTTAL. THOMAS HARNETT, being re-called by the District Attorney, testified that at the time that Williams raised the beer glass in his hand at the bar he had it in his right hand. At the time that Williams was struck with the knife by the defendant, he, Harnett, had hold of the glass, and had it pushed down so that Williams could not raise it.

CROSS-EXAMINATION. None.

WILLIAM HICKS and JOHN WALES, being re-called by the District Attorney, testified to the same effect.

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The People

vs

Samuel Smith Brewster

Indicted for murder in the

First Degree -

Indictment filed August 1888.

Tried, June 18/1888.

Before

Hon. Frederick Smyth,

and a Jury.

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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

New York, in the County of New York, this 21

in the year of our Lord one thousand eight hundred and

4th.

Ward of the City of

day of July

87 before

W. J. B. Messenger

Coroner,

of the City and County aforesaid, on view of the Body of Ebo Williams

lying dead at

Upon the Oaths and Affirmations of

Ten

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

Ebo Williams

came to his death, do

upon their Oaths and Affirmations, say: That the said Ebo Williams

came to his death by

Shock from stab-wound of

the arch of the Aorta inflicted with a Knife in the hands of Samuel Smith Brewster at 36 Grand St. on July 16/87 about 4 P.M. We exonerate William Hicks from all blame.

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.

August Ludeman 23 & 4th

Henry Lemter 106 5th Ave.

H. B. Levy 217-6th Ave.

B. Baucke 98- " "

F. Fricke 174 5th Ave

Gilbert G. Wood 172 5th Ave

P. Kolentr Jr 156-5th Ave

E. Dreyer 134 5th Ave

Jasper W. Cassper 108-6th Ave

J. Chas. Fish 136-6 Ave

W. J. B. Messenger

CORONER, E. S.

10 16

The People of the State of New York, on the Com-
plaint of

vs.

Samuel Smith Brewster

List of Witnesses.

NAMES

RESIDENCE

Thomas Hainett

36 Grand St.

Wellington Sampson

House of Detention

George R. Hyde

John Wals

William Hicks

Dr. Justin Harold

Coroners Office

Capt. Charles Mc Donnell

8th Precinct Station House

TESTIMONY.

John Wales being duly sworn deposes and says:
I reside at No 242 West 27 St, am a painter
was last employed at Hutchinson L.I. by Mr Garrison
on his ship or boat house. I left there about a week ago
I have been for about three years. His character
since he was in New York is poor. He was a painter
by profession, though he worked at times on the docks of
the Charleston to Savannah steamers. He worked as a
laborer. Williams came to New York about 9 months
ago. He came from Baltimore.

Today at about 3 o'clock P.M. I met Williams
in Grant St near No 36. We went together into
the saloon No 36. We found there George Hyde, who
lives in Thompson St, Samuel Brewster, who lives east of
a house for a gentleman, Charles Hickox, who lives
in Thompson St, I believe in No 58; and some strange
white men. When we entered, Cole asked me to have a
glass of beer, he ordered two glasses, he taking one.
Hickox then put a cane in his hand stepped up to
Williams and said "You black son of a bitch, you best
better give me my money." Cole replied "You son of a bitch
I will give you talk about doing anything to me."
Hickox said "You will eh?" Cole said "yes".
Hickox then had been standing about five feet away
from Williams, moved towards him. Thompson Williams
threw out his beer into the slop bucket. He then
held the empty beer glass - a schooner, - in a threatening
manner. Mr. Hammett seeing this came from behind
the bar to stop the quarrel, no blows being as yet
been struck, and took part of Cole. Hickox called
on Hammett to let Cole go. Brewster then went but did
not seem mixed up in the affair stepped behind Hammett
and watching over his shoulder struck into a knife or
dust at Williams. Williams fell backwards, the
glass being taken from him before he was cut.

Sworn to before me,

this

day of

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CORONER.

Brenton and Hickory immediately left the place.
The quarrell started over a game of dice Williams
played with Hickory, Hydrant some strange colored
man. Hydrant won some, Hickory won also. One man
said "There are two three on one die." This started
the argument and Hickory asked for his money, which
Williams gave him. The dice belong to Williams
They played for about twenty five minutes before we entered
the place. The play took place on the stoop.

Sworn to this 16th day of July 1887 John Waler
before me.

R. J. J. Messers
Coroner

Thomas Hammett being sworn deposes and says
I reside at No 36 Grand St. I am best known for Thomas
McShane at that number. I know the deceased
by his first name Ebo for about three months. He was
an occasional customer. He was not quarrelsome.
This afternoon Williams came into my place at being
about 4 o'clock. He came alone and remained ten or fifteen
minutes and left and came back about fifteen minutes
later. John Wales was with him. Sam Brewster, H. H.
Hicksey, George Hyatt were in the store. The colored
men, Williams and Hicksey were quarrelling before they
had come in. Hicksey & Brewster came in first and
Hicksey asked for Ebo. Hicksey was still talking his
business when Williams came in. Hicksey resumed the
quarrel. I came from behind the bar and told Hicksey
to stop quarrelling or leave the place. Hicksey tried
to strike Williams with the cane he held in his hand.
Williams raised his glass to strike Hicksey, I jumped
between the two men pushed both men apart. Suddenly
Williams dropped the glass and fell backward. I believed
he had a fit. I raised him on a chair and seeing that
he was out, I sent for an officer who came in about 3 or
4 minutes. Brewster walked out of the Grand St door
followed by Hicksey. Williams was in about five to
seven minutes.

Sworn to before me
this 16th Day of July 1887
M. J. B. Messinger
Coroner

Thomas Hammett

Coroner's Office.

TESTIMONY.

George Hyde being sworn says, I reside at 64012 St. I am a Truck Driver, I knew the deceased 2 or 3 months, He bore a pretty hard reputation. I never knew him to be a wide open thief but he was a Confidence man & Gambler. He worked at the dock a week or two during the 3 months I knew him. I have known Brewster since I was a small boy. He works at waiter & attends furnaces etc. he drinks too much, I never knew him to gamble. He carried a knife, the blade much longer than that of the one produced. It was a long slim bladed knife. On July 16/87 I saw Hicks & Brewster first in Mr. Williams's, they were standing there & occasionally drinking. It was about 11 AM when I saw them. I saw Williams about 3 PM in the saloon. In the meanwhile I went home to get dinner & went to different places. The game had started when I came in bet. 2.30 + 2.45 PM. The 1st game was played on the floor at the back of the saloon, they were playing dice. The dice produced are known as Crooked dice. They used 2 dice to play. One crooked & one straight. The game was 7 and 11.

Taken before me

this day of

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CORONER.

Coroner's Office.

TESTIMONY.

They call the game "shooting the Crap"
I think the dice produced belonged ~~but~~
to "Ebo". The 3 cent piece game was not
played, I don't understand it. They
did not play over 3 minutes in the
saloon as Mr. Harnett objected. I invited
them to play outside on a wooden floor on
the sidewalk. We played about an hour.
I saw two trays on the dice. I grabbed
the dice & the money. ^{He & I} ~~They~~ were playing
for 25¢. ^{He & I had 10¢ & Sampson 5¢ in the game} I did not get the dice.
The deceased took the crooked
dice away & replaced it with
a good one. Hicks asked him for the
money. There were a few words
exchanged & deceased said he
would break his nose when I
found out as deceased said ^{that} they were
~~that is~~ straight - I gave Sampson his
5 Cents. Ebo gave Hicks his 10 Cents.
Hicks & Ebo were about to fight
in the street & I pushed each
on one side & John Wales & Ebo
& myself went up the street to
decide which one of us Ebo or I
should have the 50¢. We went up
the street & Ebo made the 5 and
got the 50 Cents. Brewster was not in

Taken before me

this

day of

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CORONER.

Coroner's Office.

TESTIMONY.

the game at all. He did not bet.
I borrowed a 10 Cent from "Ebo". I
walked down the street & met
Hicks & asked him to have a glass
of beer. He & I walked into Wm W. Harnett's
Saloon 36 Grand St. & we had the
beer. I had my beer drank & so
had Hicks when John Wales & Ebo
walked in & asked for two glasses
of beer. Then Hicks commenced
to quarrel with Ebo calling one
another names & Hicks started to
grab the glass that he drank out of
when Wm Harnett the bartender got the
glass first. Then I don't know if
Ebo threw away his beer or drank
it. He came for Hicks with the glass.
At that time the bartender got
from behind the bar & they were
wrestling around there & they had
not got to one another rightly because
the bartender was in the way, he got
in between them to separate them.
Hicks had a cane out of an umbrella
in his hand. He started to jab Ebo
with it. Wm Brewster left the side
of me went over & jabbed over Harnett's
shoulder at Ebo with a knife.

Taken before me

this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

I saw the blade I did not see the handle, He struck twice with it. While Brewster was beside me he took out a knife, opened it & pushed it up his sleeve, saying to Hicks "I would not talk so long about it, wear that cane over him". This was the first time Brewster had anything to say in the quarrel. Mr Harnett was engaged, in parting Ebo & Hicks, He tried to get the glass from Ebo. Brewster struck at Ebo with the knife twice over the shoulder of the Bartender Mr Harnett. Then Ebo fell backward right away, He never said a word. Ebo did not strike at Brewster, He had no quarrel with him, He did not gamble with him & without provocation he stabbed Ebo. Then he shut the knife & put it in his pants pocket & walked out. Brewster before the stabbing ^{got the knife out of his left hand and} put the knife ^{in his pants pocket} up the right hand sleeve. After he was stabbed I thought he was dead. Brewster and Hicks walked out of the Saloon. No one tried to stop them. I went for the policeman 2 or 3 minutes after.

Taken before me

George D. Nyell

this 2nd day of July 1887
J. J. Merriam

CORONER.

Coroner's Office.

TESTIMONY.

5

Wellington Sampson being sworn says:
I reside at 27 Sullivan St. Am a laborer.
I have known the deceased about 2 months.
I don't know his reputation. I know Hicks
about 3 years. The last I saw of him ^{working} he
was tending bar, I never saw him gamble
or steal, I know Brewster about the same
time. He is a waiter, don't know where,
I believe Mr Brewster is married. I think
I saw Hicks first July 16/87 about 8 or 9
Am. He was in McShane's saloon, He was
doing nothing at the time. I saw Brewster
a little later in the same saloon. I
was sitting in a chair when Mr Wales
& Ebo Williams came in, I don't know
the time, It was in the afternoon - about
1 or 2 Pm. Don't know who proposed the
game. The first I saw was Wales
rolling the dice on the floor at back
of store. Ebo Williams & Wales only were
playing then. Hicks entered the game
outside in the street. Brewster was
not in the game, when Ebo rolled the
dice out I thought there were 3 treys
on them, Mr Hyde tried to get the
dice, don't know how much money was
up. I had 5 cents up, Hicks had 10c
& I don't know how much was up between Ebo

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

6

And Hyde, Hyde got hold of the money. Don't know who got hold of the dice. I saw a scramble for them. Then Hicks asked for his money & Ebo said "If you don't shut up I'll smash you on the nose" Then after a while Ebo gave Hicks his 10 cents. Then Ebo & Hicks commenced quarrelling calling each other different names. This was outside in Thompson St. Then Hyde Wales & Williams walked up the street Don't know what for. They were gone 5 or 10 minutes. Meanwhile I had gone into the saloon. They came back to the saloon, Williams got a glass of beer, don't know what Wales got. Hicks when they came to the door Hicks commenced to quarrel with Williams. Hicks called him a son of a bitch & Brewster said to Hicks "I would not talk so long I would hit Williams over the head with the stick." I saw no knife with Brewster at that time Hicks reached behind to get a glass. The bartender got a hold of it before him. Williams came from the icebox at the side of the bar & ran his

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

7

hand down his right side pants pocket, Hicks said "What are you going down your pocket for?" Williams pulled his hand out of his pocket ~~+~~ ~~the~~ he had nothing in his hand, He picked up the beer glass (schorner glass) and attempted to throw it at Hicks, W Hammett came from behind the bar and grabbed the glass, Hicks made a punch at Williams with a stick he had in his hand. Then I saw Brewster walk up and hit Williams over W Hammett's shoulder I did not know if he had stabbed him or not, I thought he had hit him with his fist, but when he was coming away I saw him have a knife in his hand, Williams fell down in the water closet ^{floor}, When they got him out I saw he was cut, The knife produced is not the knife, It had a longer & wider ^{blade} handle, I did not see him wipe the knife, He put it in his pocket, It was I suppose 2 or 3 minutes after Brewster told Hicks to swear the came out over Williams, that he struck him,

Well

Taken before me

this

day of

188

CORONER.

POOR QUALITY
ORIGINAL

1027

Coroner's Office.

TESTIMONY.

Brewster had no quarrel with the
deceased, He stabbed him without
provocation. Wellington Somber

Taken before me

this 2nd day of

July

1887

Thos. M. Menzies

CORONER.

Coroner's Office.

TESTIMONY.

Charles W. Donnell being sworn says: I
reside at 42 King St. I am Police
Captain of the 5th Precinct. I am 25 years
in the Police Force next June, I am
a Capt. going on 18 years. On July 16/87
the case was brought before my attention
about 4:30 PM. Officer Henze brought
to the Station House 128 1/2 St. St. Ch.
John Wales stating that there had
been a colored man killed at 36
Grand St Cor Thompson & that Wales
was supposed to be a witness to the
murder. I took charge of Wales
immediately and had a hurried
conversation with him to get the
facts or particulars of the murder.
I then ordered the Sergeant to pedigree
him & lock him up as a witness.
I then started to the scene of murder
36 Grand St a saloon owned by James
W. Shane & found the barroom full
of black & white people and the
body of a man lying on an arm
chair stretched out with a piece
of bagging over his face. I looked
at the wound which was on the
left breast at the region of the heart.
I had a short conversation with Mr
Hannett in relation to how the

Taken before me

this day of

188

CORONER.

Coroner's Office.

TESTIMONY.

13

murder occurred, At that time
2 or 5 policemen came, I ordered
one of them to go to the Station House
for a stretcher & remove the body
there, I ordered another one to arrest
Mr. Barnett & close the place up
I then started on what information
I had to arrest the parties. I found
out where Brewster lived, I located
the residence of his wife & I watched
the house for 2 or 3 days with detectives
Savereool Harold & James Rypan, Two
some women found out that we were
watching, we went in & searched the
house but Brewster was not there. We
followed up the search till Tuesday
morning, I got some information
from Hicks about Brewster being
in 52 St. We went there & went
to a house ^{149 W. 52nd St} & went to the 2nd floor.
The scuttle was open & a ladder leading
to it, I walked up & found Brewster
& a man named Bunnell, Brewster
before the murder wore a mustache
& goatee, ^{& little side whiskers. They were playing cards} At that time he was clean
shaved. I arrested Bunnell & said he was
cross-eyed. ^{He had the same kind of whiskers as Brewster} I arrested
Brewster & brought him to the Station House.

Taken before me

this

day of

188

CORONER.

Coroner's Office.

TESTIMONY.

11

He gave his name, then I brought him to the Coroner's Office. From information I received I heard that Brewster worked for private families here, has the reputation of a quarrelsome little fellow. Wales has the reputation of a gambler, fakir, He got six months for the '3 Cent piece racket.' Hydes reputation, I have never heard of him doing anything wrong. I don't know anything of Sampson. We searched Brewster & found the penknife produced. I know nothing against Mr. Hammett. He told me that there was no gambling there. On the Sunday after, one of my officers went in & got a glass of beer and arrested him, & found some men playing cards there. Brewster after the murder got on a 7th Ave car & went to 52nd St, where he remained till I found him, I have never yet failed to arrest the prisoner in a murder case.

Charles M^e Donnell
Captain

Taken before me

this 21st day of July 1887

W. J. Merson CORONER.

Coroner's Office.

TESTIMONY.

Dr. Justin Leeds, being sworn says:
I made an autopsy on the body of
the deceased E. W. Williams, at the
Morgue, July 16th / 87. External exam-
ination showed a stab wound
of left side of chest, one-half an
inch long, in the fourth intercostal
space, section of thorax showed right-
lung bound down with old pleuritic
adhesions, left lung normal; arch of
the aorta presented a cut; one and
a half inches from the base of the
aorta, liver slightly congested,
stomach slightly inflamed, all other
organs normal, death in my opin-
ion was caused by shock, from
stab wound of the arch of the aorta
one and a half inches from base of the
heart.

Justin Leeds M.D.

Taken before me

this 27 day of July
W. B. Meserve

1887

CORONER.

POOR QUALITY
ORIGINAL

1032

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, { SS.

Samuel Smith Brewster 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—*Samuel Smith Brewster*

Question—How old are you?

Answer—*35 years of age*

Question—Where were you born?

Answer—*New York City*

Question—Where do you live?

Answer—*149 W. 52^d St.*

Question—What is your occupation?

Answer—*Laborer*

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

I am not guilty of the
Charge Samuel Smith Brewster

Taken before me, this

21st day of *July* 188*7*

My Comm. Messenger

CORONER.

POOR QUALITY
ORIGINAL

1033

MEMORANDUM.

AGE.	PLACE OF BIRTH.	WHERE FOUND.	DATE, When Reported.
33 Years. — Months — Days.	U. S.	5th Prec., State House	July 16/87

Witness.
John Hales
Traced by Dr. Orme
Stephen W. Orme
1033 Lexington Ave
N. Y. C.

-312- 1887
Ind. Quar.

HOMICIDE

AN INQUISITION

On the VIEW of the BODY of

Geo William

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

Samuel Smith Brewster



Comptrol taken on the
21 day
of July 1887
before

114,973. 114,000,000 - Coroner.

Remitted July 21st 1887.

Quitted

Discharged
Date of death July 16/87.

POOR QUALITY
ORIGINAL

1034

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Samuel Smith Brewster

The Grand Jury of the City and County of New York, by this indictment accuse Samuel Smith Brewster —

of the CRIME OF Murder in the first Degree, committed as follows :

The said Samuel Smith Brewster, —

late of the City of New York, in the County of New York aforesaid, on the sixteenth day of July, — in the year of our Lord one thousand eight hundred and eighty-seven, at the City and County aforesaid, with force and arms, in and upon one

Eliza Williams, —

in the peace of the said People then and there being, wilfully, feloniously, and of

his malice aforethought, did make an assault, and he the said Samuel Smith Brewster, —

the said Eliza Williams, with a certain knife — which he the said Samuel Smith Brewster, in

his right hand then and there had and held, in and upon the breast of him the said Eliza Williams, —

then and there wilfully, feloniously, and of his malice aforethought did strike, stab, cut and wound, giving unto him the said Eliza Williams,

then and there with the knife aforesaid, in and upon the breast of him the said Eliza Williams, —

one mortal wound of the breadth of one inch, and of the depth of six inches, of which said

POOR QUALITY
ORIGINAL

1035

mortal wound *the* the said *Elio Williams,*
~~at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the~~
~~day of~~ ~~in the same year~~
~~aforesaid, did languish, and languishing did live, and on which said~~
~~day of~~ ~~in the year aforesaid,~~ ~~the said~~
~~at the City and County aforesaid,~~
~~of the said mortal wound did die.~~
Here and Here died.

And so the Grand Jury aforesaid do say: That the said
Samuel Smith Brewster, Jr.,
the said *Elio Williams,* in the manner and form, and by
the means aforesaid, wilfully, feloniously, and of *his* malice aforethought, did kill,
and murder, against the form of the Statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

1036

BOX:

270

FOLDER:

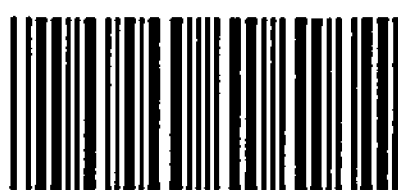
2600

DESCRIPTION:

Brommer, Alois

DATE:

08/15/87



2600

1037

BOX:

270

FOLDER:

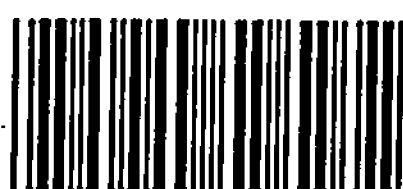
2600

DESCRIPTION:

Arnold, Daniel

DATE:

08/15/87



2600

1038

BOX:

270

FOLDER:

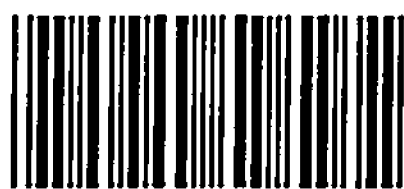
2600

DESCRIPTION:

Thiery, John

DATE:

08/15/87



2600

POOR QUALITY
ORIGINAL

1039

Thayer O. Schless
2nd Deputy

Counsel,

Filed 15 day of 188

Pleaded Not Guilty (16)

THE PEOPLE

Assault in the First Degree, Etc.
(Sections 217 and 218, Penal Code).

1. Alois Brommer
2. Daniel Arnold
3. John Sherry

RANDOLPH B. MARTINE

1. Recalled District Attorney.

Apr 26

A True Bill

Foreman.

May 10

Witnesses:

Louis Blase

Off Deers

21st

25th
April 26th 1888

Spred Schuyler

I approve the recommendation
of Mr. Foster within and
recommend that the indictment
as to Arnold and Sherry be
dismissed John W. Goff
Archd. Sec. City

POOR QUALITY
ORIGINAL

1040

Police Court— District.

City and County } ss.:
of New York, }

of No. 775 2^d Avenue Street, aged 44 years,

occupation Cair being duly sworn

deposes and says, that on the 1st day of August 1887 at the City of New

York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Alois Brummer

Daniel Arnold John Thier (all parties).
That the said Brummer did knowingly
point aim and discharge one shot
from a revolving pistol at deponent
the ball striking and wounding deponent
in the chin. That the said Arnold
struck deponent on the head with
a wooden club then and there
held in the hands of the said
Arnold. Outing deponent to run
and that the said Thier was in
company of the said Brummer and
Arnold and discharged a
shot from a pistol at deponent

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 3^d day
of August 1887

W. A. Verde Police Justice.

Louis F. Blass
Marsh

POOR QUALITY
ORIGINAL

1041

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss

Elvis Brommer 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. Elvis Brommer.

Question. How old are you?

Answer. 45 Years -

Question. Where were you born?

Answer. Germany -

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

Answer. 133 1/2 Stul & Philip's Avenue 3 Years -

Question. What is your business or profession?

Answer. Hotel Keeper -

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

Answer. I am not guilty of the charge

Elvis Brommer.

Taken before me this

day of September 1887

Police Justice.

POOR QUALITY
ORIGINAL

1042

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK } ss.

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

Question. What is your name.

Answer.

Daniel Arnold.

Question. How old are you?

Answer.

53. Years -

Question. Where were you born?

Answer.

Germany -

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

Answer.

194. Allen Street 2 Years -

Question. What is your business or profession?

Answer.

Hatchman

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

Answer.

I am not guilty of the Charge -

Daniel Arnold

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

1043

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ^{Yes}

5th District Police Court

John. Thiery being duly examined before the under-
signed 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty of the charge
John Thiery

Taken before me this

day of March 1888

Police Justice.

POOR QUALITY
ORIGINAL

1044

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

of No.

occupation

that on the

day of

188

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

Shander Lipitz
75 West Ave Brooklyn
Sailor
being duly sworn deposes and says
that on the *1* day of *August* 188*9*
at the City of New York, in the County of New York,
Union Park at Willis Avenue and
Southern Boulevard that he
then saw *Daniel Arnold William Davis*
John Henry and *Lois Brummer*
all now armed with pistols, clubs
and a knife in their hands and
that they assaulted *Louis Blase*
and two other men severely wounding
them with the weapons above mentioned
that said *Blase* is confined in a
Hospital suffering from a bullet

Sworn to before me this
of
188
day

Police Justice.

POOR QUALITY
ORIGINAL

1045

The preceding further with
Margaret Claryman, who
within Complaintant
in my absence. I
J. J. White

wanted and a club blow inflicted
by said Prayner with a club
held in his hands that two other
persons were injured by said assault
and are now unable to appear in
Court by reason of said injuries.
Applicant asks that said assault be
held to enable Complaintant to get
further evidence Alexander Lipitz
swore to before me this

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.
David Arnold
Wm. Hayes
John Henry
Oliver Brummer

Dated August 1 1884

J. J. White Magistrate

Deputy Officer

Witness

Disposition

24 Aug 3 2.30

Paula Chmielek Van C.

AFRIDA VIT

1046

Police Court
District.

2010-11-11

206. Arnold
Chas. D. Arnold

Amel Chmura

John. Henry

Dated March 20 1888

Magistrate.

Williams Adorno Office

Witnesses

RECEIVED
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U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.

19m Street, Riverside
No. 100 Lee-Wei Inc. ~~St.~~

No. *141* Street *141*

TO KUSVEY
100.00
\$

1.04.00

Dated 188..... *Police Justice*

District Attorney's Office.

PEOPLE

vs.

¹ *Alais Brummer*
² *Daniel Arnold*
³ *John Thierly.*

~~From~~
From an examination
made of the ~~case~~ ~~case~~
case as against Defendants
Nos 2 & 3; committing
of examining the complainant
(~~the~~ ~~being~~ ~~the~~ ~~of~~ ~~witnesses~~ ~~on~~
behalf of the prosecution)
as well as of ~~the~~ ~~officer~~ ~~Alais~~
who made the report
and from the fact that deft.
No. 1. after a trial and jury
before a Judge & jury was acquitted
of the jury, as well as from the
state's opinion expressed to
me by Cal. Dayson who tried
conducted the trial against
def. No. 1. I am of the opinion
that no conviction can
be obtained.

J. J. Jones
D. A. District Atty.

POOR QUALITY
ORIGINAL

1048

*In re
The Coffey
vs
Arnold & Thier*
HENRY F. LIPPOLD,
Attorney and Counsellor at Law,
VANDERBILT BUILDING, 132 NASSAU ST.,
DEUTSCHER ADVOCAT.

Room 53.

New York, June 7th 1888
William Foster Esq.

My dear sir.

Please inform
beard whether Hornsman Deever
has called on you in the above matter.
I first called on him so as to suit
his convenience to call on you, but his
long delay in informing ^{me} when he could
best call on you, induced me to send
him the subpoena for last Monday
morning. If he has not done so
be good enough not to allow any
steps to be taken in bringing
them to trial - should you conclude
to do so - until I am fully recovered.
I am now confined to my

lenses by nervous exhaustion
and a slight attack of con-
gestion in the head - which may
be brief, and again may require
my laying up for repairs.

Thanking you for past cour-
tesies, I am, very respectfully

Yours.

Henry F. Dippold
of Counsel

POOR QUALITY
ORIGINAL

1050



District Police Court,
New York, 1888

Samuel Price 29 Ave C.
Joseph Markowitz 100 E. 12th Street
Leopold Neubitz 202 Rivington St.
Louis Freed - 74 East Houston St.
64 Cannon St

Dr J. H. Hay.
200 East 22nd St.
Hempstead Harbor.

POOR QUALITY
ORIGINAL

1051

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Oliver Crommer, Daniel
Amold and John Henry*

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

Oliver Crommer, Daniel Amold and John Henry
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Oliver, Daniel and John, all* —

late of the City of New York, in the County of New York aforesaid, on the
first day of *August*, in the year of our Lord
one thousand eight hundred and eighty *seven*, with force of arms, at the City and
County aforesaid, in and upon the body of one *Samuel Adams*, —
in the peace of the said People then and there being, feloniously did make an assault
and to, at and against *him* the said *Samuel* —
a certain *revolver* then and there loaded and charged with gunpowder and one
lead bullet, which the said *Oliver, Daniel and John*
in *their* right hands then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent *him* the said *Samuel*, —
thereby then and there feloniously and wilfully to kill, against the form of the statute
in such case made and provided, and against the peace of the People of the State of
New York and their dignity.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said
Oliver Crommer, Daniel Amold and John Henry
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Oliver, Daniel and John, all* —

late of the City and County aforesaid, afterwards, to wit: on the day and in the
year aforesaid, at the City and County aforesaid, with force and arms, in and
upon the body of one *Samuel Adams*, —
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and to, at and against *him* — the said
Samuel —
a certain *revolver* then and there charged and loaded with gunpowder
and one lead bullet, which the said *Oliver, Daniel*
and John —
in *their* right hands then and there had and held, the same being
an instrument likely to produce grievous bodily harm, then and there feloniously
did wilfully and wrongfully shoot off and discharge, against the form of the statute
in such case made and provided, and against the peace of the People of the State
of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

1052

BOX:

270

FOLDER:

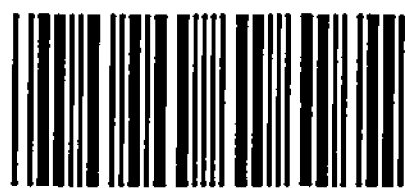
2600

DESCRIPTION:

Burns, James

DATE:

08/05/87



2600

POOR QUALITY
ORIGINAL

1053

Witnesses:
James Gudwood
J. C. Lacombe
Off Does

Counsel, _____
Filed, 5 day of Aug 1887
Pleads, _____

vs. THE PEOPLE
vs. James Burns
Grand Larceny, second degree
[Sections 628, 68 1 Penal Code]

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Wm. D. Thumby
Aug 8 1887 Foreman.
Pleads with G. L. 2 dy
S. 1. Two years.

POOR QUALITY ORIGINAL

1054

Police Court— District. Affidavit—Larceny.

City and County of New York, ss.

James Greenwood

of No 18 White Street, aged 31 years, occupation Green Merchant being duly sworn

deposes and says, that on the 25 day of July 1887 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the daytime, the following property viz :

Two pieces of green table damper of the value of Seventy two Dollars.

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by James Burns (now here) and

another person who is as yet not arrested and who is unknown to deponent and who were acting in concert with each other. For the reason that about the hour of 3 o'clock P.M. on the afternoon of said day said property was lying in a till under a counter in said premises and Deponent is informed by Stevenson Macdonald who is in deponent's employ as a porter man that he said said unknown person went out of said store with said property

of Storekeeping mch. 1887

Police Justice.

POOR QUALITY
ORIGINAL

1055

under his arms. And when said Macoun
followed him he dropped said safety
and ran away. And as soon as he
returned to said premises he found
said defendant hid away under
a counter in said store. And attempted
to make his escape. Defendant
therefore charges said defendant
with acting in concert with said
unnamed person and charges
him with the offenses aforesaid.

Present before me } James Girdwood
this 7th day of July '86 }

J. H. Smith

Police Justice

POOR QUALITY
ORIGINAL

1056

CITY AND COUNTY }
OF NEW YORK, } ss.

Stephenson Macoun
aged 26 years, occupation salesman of No.

18 White Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *James Lindwood*

and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 26 } *Stephenson Macoun*
day of July 1887 }

R. H. Smith
Police Justice.

POOR QUALITY
ORIGINAL

1057

Sec. 198—200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

James Barnes 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 *im*; that the statement is designed to enable h *im* if he see fit to answer the charge and explain the facts alleged against h *im* that he is at liberty to waive making a statement, and that h *is* waiver cannot be used against h *im* on the trial,

Question. What is your name?

Answer. *James Barnes*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *519 East 14th Street New York*

Question. What is your business or profession?

Answer. *Tip Printer*

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*

James Barnes

Taken before me this

day of *July* 188*7*

John J. Smith
Police Justice.

POOR QUALITY ORIGINAL

1058

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court-- 1st District.

THE PEOPLE, &c.,
OF THE COMPLAINANT OF

James O'Connell
18th White Street

1 *James O'Connell*
2 _____
3 _____
4 _____
Offence _____

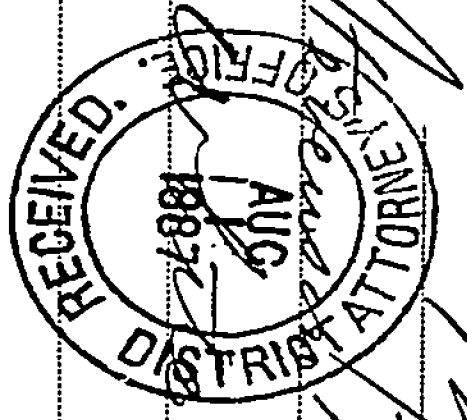
Dated *July 26* 188

W. B. West Magistrate.

Geo Officer.

James O'Connell Precinct.

Witnesses
No. *18* Street _____
No. _____ Street _____
No. _____ Street _____



No. _____ Street _____
\$ *1000* to answer _____

James O'Connell

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 _____

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____ 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 26* 188 *W. B. West* 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.

POOR QUALITY
ORIGINAL

1059

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

James Dumas

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

James Dumas

of the CRIME OF GRAND LARCENY IN THE ~~second~~ DEGREE, committed as follows:

The said

James Dumas

late of the First Ward of the City of New York, in the County of New York aforesaid, on the ~~twentieth~~ day of ~~July~~ in the year of our Lord one thousand eight hundred and eighty-~~seven~~, at the City and County aforesaid, with force and arms,

*Two pieces of linen damask of
the value of thirty six dollars
each piece,*

of the goods, chattels and personal property of one

James F. Dumas,

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

Richard W. Smith

District Attorney.

POOR QUALITY
ORIGINAL

1060

Counsel, _____
Filed, 5 day of Aug, 1887
Pleads, _____

Grand Larceny, second degree
[Sections 528, 581 — Penal Code].

THE PEOPLE

vs.

James B. Buns

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Moran D. Thumby

Foreman.

Aug 8 1887
Pleaded with G. S. S. Dy
S. P. Two years.

Witnesses:

James Gudwood
S. C. Macoun
Off. Does

106 1

END
ROLL