

0084

BOX:

329

FOLDER:

3116

DESCRIPTION:

Hahne, John

DATE:

11/28/88



3116

POOR QUALITY
ORIGINAL

0085

1116783524

Chas. Langdon

Counsel,

Filed *26* day of *Nov*

1887

Pleads *Not Guilty*

THE PEOPLE,

vs.

John H. Adams

VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1888, Sec. 21 and
page 1889, Sec. 5.]

1536 9/1/87

Pld Dec 3 off 22 Dec 6 P 11 inquest

JOHN R. FELLOWS

brother of

Pr Dec 7/88 District Attorney.

Transferred by consent to

A True Bill

Wm. J. McCall

Sherman.

S.S.

WITNESSES:

off Warder

26. Dec.

POOR QUALITY
ORIGINAL

00005

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Hahne

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

John Hahne
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said

John Hahne

late of the City of New York, in the County of New York aforesaid, on the *twenty-sixth* day of *August* in the year of our Lord one thousand eight hundred and eighty-*eight*, at the City and County aforesaid, the same being the first day of the week, commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to one

Hector Warden

and to certain other persons whose names are to the Grand Jury aforesaid unknown, 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

John Hahne
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

John Hahne

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of a certain place there situate, which was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep closed, and on the said day the said place so licensed as aforesaid unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0087

BOX:

329

FOLDER:

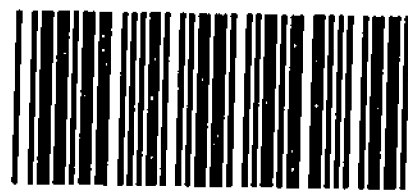
3116

DESCRIPTION:

Hall, John A.

DATE:

11/08/88



3116

POOR QUALITY
ORIGINAL

0000

Counsel,
Filed day of 188
Pleads,

Grand Larceny
[Sections 628, 681, 559 Penal Code].
degree

THE PEOPLE

vs.

John A. Hall

JOHN R. FELLOWS,
District Attorney.

A True Bill

Wm. C. Macclae
Foreman.

Wm. C. Macclae
Foreman.
J. C. G. J. 2009
Elmira Ref. P. S. M.

Witnesses:

Office Manager

Police Court—2nd District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. Oriental Hotel 39 West Broadway Street, aged 33 years,
occupation Merchant being duly sworn
deposes and says, that on the 23 day of October 1888 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 day time, the following property viz:

One Diamond Jeweled Stud of
the value of One Hundred dollars

the property of

Deponent

Sworn to before me this
day of October 1888

Police Justice.

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 John A. Fall (now here)

from the fact that on or about said
date, deponent missed said property from
his deponent's room in the above described
Hotel and deponent is informed by
Frank N. Evanhoe of the Central Office
that he arrested said defendants and
the defendants gave deponent the key of his
defendants' trunk at premises no 68 East
11th Street and said Evanhoe found
the aforesaid Stud in the defendants' trunk
here shown in court and identified by
deponent as his property

Deponent

POOR QUALITY
ORIGINAL

0090

CITY AND COUNTY }
OF NEW YORK, } ss.

aged

35

years, occupation

Frank E. Evans
Detective Sergeant

of ~~N.Y.~~

Central Office

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Frank Carter

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

Sworn to before me, this

day of

Nov 3

188

J. J. Evans

J. J. Evans

Police Justice.

POOR QUALITY
ORIGINAL

0091

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

John A. Hall 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. *John A. Hall*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Canada*

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

Answer. *103 West 14 St 2 years*

Question. What is your business or profession?

Answer. *Ball boy*

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

Answer. *I have nothing to say*

John A. Hall

Taken before me this

day of

Nov

188

W. H. H. H.
Police Justice.

POOR QUALITY
ORIGINAL

0092

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

Police Court---

21428
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John J. O'Connor
139 West 8th Street
Brooklyn, N.Y.
John J. O'Connor

Offence

Dated

188

Wm. J. Hall
Magistrate

Ernest J. Hall
Officer

1061
Precinct

Witnesses

Carlton Officer

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

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 *Five* 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 *Nov 3rd* 188 *J. J. O'Connor* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John A. Hall

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

John A. Hall —

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

The said

John A. Hall,

late of the City of New York, in the County of New York aforesaid, on the *23rd* day of *October*, in the year of our Lord one thousand eighty hundred and eighty-*eight*, at the City and County aforesaid, with force and arms,

one kind of the value of

one hundred dollars.

of the goods, chattels and personal property of one

Joseph D. Carter

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.

POOR QUALITY
ORIGINAL

0094

SECOND COUNT—

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

John H. Hall —

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

John H. Hall.

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,

*one diamond stud of
the value of one hundred
dollars.*

of the goods, chattels and personal property of one

Joseph Cantor

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

Joseph Cantor

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

John H. Hall —

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

JOHN R. FELLOWS,

District Attorney.

0095

BOX:

329

FOLDER:

3116

DESCRIPTION:

Hankell, William E.

DATE:

11/02/88



3116

576

Witnesses:

J B Lecker
E M. Kingdon
J H. Bradburn

Nov. 14, 1888.

I recommend the
dismissal of this Indict-
ment for the reasons
stated in the case of
People v. Duncan Mc-
Bunahan, filed here-
with.

J H. Fellows
District Attorney.

Counsel,
Filed, 2 day of Nov 1888
Pleads,

THE PEOPLE

vs.

FRAUDULENT REGISTRATION.
[Chap. 410, Laws of 1882, § 1908.]

William E. Hankell

JOHN R. FELLOWS,
District Attorney.

A True Bill.

J H. Fellows Foreman.
22 Nov. 16, 1888
Indictment dismissed

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

William E. Marshall

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *William E. Marshall*
of a FELONY, committed as follows:

Heretofore, to wit: on the *17th* day of
October, in the year of our Lord one thousand eight hundred and eighty-~~eight~~ *the*
same being a day duly appointed by law as a day for the general registration of the
qualified voters of the said City and County, the said *William E. Marshall*
late of the City and County aforesaid, at the City and County aforesaid, did personally
appear before the Inspectors of Election of the *21st* Election District
of the *21st* Assembly District of the said City and County, at a meeting
of the said Inspectors of Election then being duly held for the purpose of the general
registration of the male residents of the said Election District as then were, ~~or~~ would be
on the day of election next following the said day of registration, (to wit: on the *19th*
day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in
the said month of November, and being the day duly appointed by law for the holding of
a general election throughout the said State, and in the City and County aforesaid), entitled
to vote therein, at the duly designated polling place of the said Election District, and did
then and there, at the said general registration of voters, feloniously and fraudulently
register in the said Election District, not having a lawful right to register therein, in this,
to wit: that the said *William E. Marshall* was not then a male resident
of the said Election District as then was, or on the said day of election next following the
said day of registration would be entitled to vote therein, for the reason that he was not
then, nor would he on the said day of election have been, an inhabitant of the said State
one year next preceding such election, and the last four months a resident of the said
County of New York, and for the last thirty days a resident of the said Election District,
against the form of the statute in such case made and provided, and against the peace and
dignity of the said People.

JOHN R. FELLOWS. District Attorney.

0098

BOX:

329

FOLDER:

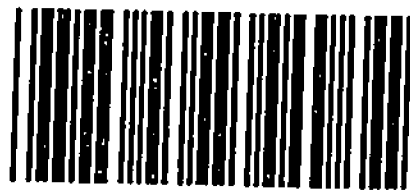
3116

DESCRIPTION:

Hanley, John W.

DATE:

11/28/88



3116

Witnesses;

W. H. Bulgar

13th Feb.

January 9th 1889
I recommend the
discharge of this Indictment
for reasons set forth
in the Affidavit of
Mr. Brewster filed
herewith -
J. H. Deane
District Attorney.

Counsel,

Filed

day of

188

Pleads,

THE PEOPLE

vs.

B
John W. Stanley

VIOLATION OF EXCISE LAW.
(Selling without License.)
[III, R. S. (7th Ed.) page 1981, § 13, and
of 1883, Chap. 340, § 6].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. D. MacCall

Part III January 9th 1889.
Refeman.

Indictment dismissed

POOR QUALITY
ORIGINAL

0099

State of New York } ss
City & Co. New York }

Henry Cronston, being duly sworn says he resides in the City of New York, that he is the Proprietor of the New York Hotel. And that when his License expired he was sick and out of the City. Immediately upon his return his attention being called to it, he at once made application for a renewal of said License - which had expired about ten days before. He had also given his check in payment of the same which was accepted by the Commissioners four (4) days previous to the arrest of his bar keeper John Hanley, which was explained to the officer at the time. who replied that he could not help it. he was ordered to make the arrest and must do so.

Sworn to before me this 17th day of December 1888

John H. Newman
Notary Public
N.Y.C. No 36

Henry Cronston

POOR QUALITY
ORIGINAL

0 10 1

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

188

Senator Fitch (or some
name like it)

would like you to take
no action in the Hanley
indictment till he gets
here - he will be here
at 1/2 past 11 sharp

John M. Hanley Excise
Part I Pleading

POOR QUALITY
ORIGINAL

0102

Excise Violation-Selling Without License.

POLICE COURT- 2 DISTRICT.

City and County
of New York, ss/

of No.

15th Avenue, *Edward Gilgan* Street,
of the City of New York, being duly sworn, deposes and says, that on the 19th day

of September 1888, in the City of New York, in the County of New York, at

No.

721 Broadway Street,
John W. Hanley (now here)
did then and THERESELL, CAUSE, suffer and permit to be sold, under his direction and authority,
strong and spirituous liquors, wines, ale and beer, being intoxicating liquors, in quantities less than
five gallons at a time, to be drunk in the house or premises aforesaid WITHOUT HAVING A
PROPER LICENSE THEREFOR contrary to and in violation of the statute in such case made
and provided.

and the said Hanley did then and
then sell deponent one glass of whisky
for which deponent paid him the sum
of fifteen cents.

WHEREFORE, deponent prays that said
may be ~~arrested and~~ dealt with according to law.

Sworn to before me, this 19 day
of Sept 1888

John W. Hanley
Edward Gilgan
J. Henry Bond Police Justice.

POOR QUALITY
ORIGINAL

0103

Sec. 193-200.

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

John W. Hanley 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.

John W. Hanley

Question. How old are you?

Answer.

29 years old

Question. Where were you born?

Answer.

New York

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

Answer.

107 E. 12 St 4 years

Question. What is your business or profession?

Answer.

Bar tender

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 and
demand a trial by Jury

JW Hanley

Taken before me this

day of

188

Edmund J. [Signature]

Police Justice.

POOR QUALITY
ORIGINAL

0104

BAILED,
No. 1, by Jack Donnell
Residence 715 Ave. A Street
No. 2, by _____
Residence _____ Street
No. 3, by _____
Residence _____ Street
No. 4, by _____
Residence _____ Street

St. Wilson
13th St.

366. 1481
Police Court... District...
THE PEOPLE, &c.,
ON THE COMPLAINT OF,
John W. Hauley
Dated Sept 19 1888
Offence Exercise Law
Magistrate, Had
Officer, Wilson
Precinct, 15
Witnesses _____
No. _____ Street
No. _____ Street
No. _____ Street
to answer 100
Bailed

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 John W. Hauley guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One 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 19 Sept 1888 John W. Hauley Police Justice.

I have admitted the above-named Dependant to bail to answer by the undertaking hereto annexed.
Dated Sept 19 1888 John W. Hauley Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offence within mentioned. I order h to be discharged.
Dated _____ 1888 _____ Police Justice.

POOR QUALITY
ORIGINAL

0105

Court of General Sessions, PART *One*

THE PEOPLE

vs.

John W. Hanley

For

INDICTMENT

To

M.

No.

Jacob Laurentthal
715 Broadway

Street,

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Pleading* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on *32* the *December* day of instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time your bond will be forfeited.

JOHN R. FELLOWS,

District Attorney.

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

THE PEOPLE OF THE STATE OF NEW YORK,
AGAINST

John W. Stanley
The Grand Jury of the City and County of New York, by this indictment, accuse
John W. Stanley
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS AND WINES
WITHOUT A LICENSE, committed as follows:

(III. Revised
Statutes, (7th
edition) p. 1281
Section 13.)

The said

John W. Stanley
late of the City of New York, in the County of New York aforesaid, on the *nineteenth*
day of *September* in the year of our Lord one thousand eight hundred and
eighty-*eight*, at the City and County aforesaid, certain strong and spirituous
liquors, and certain wines, to wit: one gill of wine, one gill of brandy, one gill of rum, one
gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale,
one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong
and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, in
quantity less than five gallons at a time, to
one Edward Gilgar and to
certain other persons whose names are to the Grand Jury aforesaid unknown, without
having a license therefor, as required by law, contrary to the form of the Statute in such case
made and provided, and against the peace and dignity of the People of the State of New York.

(Laws of 1883, chapter 340 sec-
tion 5) SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
John W. Stanley
of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, ALES, WINE AND
BEER WITHOUT A LICENSE, to be drank upon the premises, committed as follows:

The said

John W. Stanley
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, and at the premises there situate, known as
number *seven hundred and twenty-one Broadway*
certain strong and spirituous liquors, and certain ales, wines and beer, to wit: one gill of
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury
aforesaid unknown, unlawfully did sell to
one Edward Gilgar and to
certain other persons whose names are to the Grand Jury aforesaid unknown, to be
drank upon the premises aforesaid, without having a license therefor, as required by law,
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.

**POOR QUALITY
ORIGINAL**

0 107

(Laws of 1883,
chapter 840 sec-
tion 5.)

THIRD COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *John W. Hanley* —
of the CRIME OF GIVING AWAY STRONG AND SPIRITUOUS LIQUORS, ALES,
WINE AND BEER WITHOUT A LICENSE, to be drank upon the premises, committed
as follows:

The said

John W. Hanley —

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, and at the premises there situate, known as
number

seven hundred and twenty-one Broadway
certain strong and spirituous liquors, and certain ales, wine and beer, to wit: one gill of
wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of
cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of
lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury
aforesaid unknown, unlawfully did give away to

certain — persons whose names are to the Grand Jury aforesaid unknown, to be
drank upon the premises aforesaid, without having a license therefor, as required by law,
against the form of the Statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0 108

BOX:

329

FOLDER:

3116

DESCRIPTION:

Hannon, John

DATE:

11/26/88



3116

Witnesses,

Margaret L. L. L.

Off. A. L. L.

16-11-1887

Bailed by

James L. L.

439. West 16 - St

I have thoroughly examined all the
testimony herein, & cannot find enough
to justify further right on his trial.
The great preponderance of evidence shows
the case to have been one of self-defense
& accordingly recommend the dismissal
of the indictment.

W. L. L.

Nov 7/90.

A True Bill.

W. L. L.
Nov 7/90.
Mr. J. L. L.
Mr. J. L. L.
Mr. J. L. L.

Counsel,

Filed 26 day of Nov. 1887

Plends, M. L. L.

THE PEOPLE

'08.

John L. L.

JOHN R. FELLOWS,

June 9th 1887, District Attorney.

[Section 129 - 123, Penal Code.]

Witnesses,

Margaret Constance

Officer Adams

16th Feb

Bailed by
James Hannon

439. West 16th St

I have thoroughly examined all the
evidence in this case, and find every
part of it fully satisfying with the
great preference of evidence that
we are to have been one of self-defence
and accordingly recommend the dismissal
of the indictment.

W. Parker

Defence
Feb 7/90

Feb 7/90

Counsel,

Filed 26 day of Nov. 1889

Pleas, C. Mag. 24

THE PEOPLE

vs.

John Hannon

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. Macleod
Pay III. W. Macleod
M. O. J. Macleod
W. Macleod
Feb 7/90

[Section 129-133, Penal Code.]

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss:

AN INQUISITION

Taken at the Coroner's Office

No. 67 Park Row Street, in the 4th Ward of the City of New York, in the County of New York, this 25.30th day of August in the year of our Lord one thousand eight hundred and 88 before

FERDINAND EIDMAN, Coroner,
of the City and County aforesaid, on view of the body of Patrick Culliton
now lying dead at

Upon the Oaths and Affirmations of
Twelve 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 Patrick Culliton came to his death, do upon their Oaths and Affirmations, say: That the said Patrick Culliton came to his death by

Injuries caused by a blow struck with a wrench in the hands of John Hammer on the 21st day of June, 1888 opposite 435 W. 16th St. According to the evidence produced before the undersigned Jurors the defendant was not justified in striking the fatal blow.

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.

For names of Jurors see inside

Ferdinand Eidman

CORONER, E. S.

CORONER'S Office.

TESTIMONY.

Verdict in Re Patrick Culliton

We the Undersigned Jurors find that Patrick Culliton came to his death by a Blow struck with a wrench in the hands of John Hannon on the 21st day of June 1888 according to the Evidence produced before the Undersigned Jurors the defendant was not justified in striking the fatal Blow.

Philp Wassung 39 Second Ave
Eldred Jackson 411 East 116th St
James Eberlin 222 West 37th St
Jacob Mark 7 Worth St
James E Lins 170 Bowery
M. F. Flynn 12 Barredge
R Weiden 317 Bowery
Larsen Corn 262nd Bowery
James Brown 113 Columbus Pl
John P. McGurran 1465 Lex. Ave
Francis Henry 205 E 100th St
Charles J. Rechs 183 Bowery

Taken before me

this 30 day of August 1888

Andriana Oidman CORONER.

TESTIMONY.

Dr. Justin Lebold, Deputy Coroner, being sworn
says:— I made an autopsy on the body
of the deceased Patrick Cullen, at St.
Vincent's Hospital, Aug 20/88 at 12.M.
External Examination showed a wound of
the scalp over left parietal prominence,
one immediately below, each one being
about 1 1/2 inches in length, the latter
in width; scalp removed showed a com-
pound fracture of the skull, (of the left parietal
bone, about 1 in. long and 1 in. in width,
this opening in skull was enlarged by
operation to the extent of 1 3/4 inches, Skull
cap removed showed the membranes of
the brain; and the brain itself injured,
brain was softened, presented consid-
erable pus on its surface, and also an
abscess cavity immediately beneath the
fracture of the skull, all the other organs
of the body are normal, death in
my opinion was caused by exanthema
from suppurative meningitis and compound
fracture of the skull, (homicidal)

Justin Lebold M.D.

Sworn to before me,

this

day of

188

Indiana & Adams

CORONER.

0114

From St. Vincent Hospital.

New York, Aug 22 1888

To Coroner Aidman

Sir:

Please hold an Inquest on the body of

Name: Patrick Sullivan Residence: 455 W 16th

Age: 56 years months days. Admitted 21st day,

Nativity: IE; of Father 21st 1888, at o'clock M.

Mother By Ambulance A

in U. S., in City. From Residence B

Civil Bond: Occup.: Examined by Dr. Cunnely

Suffering from symptoms of C

Comp. Fract. Skull

Said Injuries said to have been received D

By being struck on head with wrench producing Comp. fract. Skull. - central abscess - Softening - Operation of Trephining twice performed. E

Death took place Aug. 20th 1888 at o'clock M.

The Autopsy revealed. F

Abscess & Softening of Brain

Remarks: Rem G

H. Cunnely M. D.
HOUSE SURGEON PHYSICIAN

- Ad. I. State the day of the week.
- Ad. A. State whether by Ambulance or Friends.
- Ad. B. State whether from a Precinct or a Residence and give the name.
- Ad. C. State whether from Natural Causes or from Shock (conscious or unconscious, due to Injuries, and if so, give name, place, date, number, character, and Extent of Injuries, always stating where indicated, whether right or left).
- Ad. D. State when, where, how, by what means or persons received, also whether Accidental, Suicidal or Homicidal; in falls, the distance, location and place; in Burns and Scalds the circumstances attending the same; in runover cases, the line of Street Car, Railroad or Conveyance; in Weapons, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.
- Ad. E. State name, date, place, character and results of any operation or amputation performed.
- Ad. F. Give a short resume of the Autopsy with the Pathological Diagnosis and the Cause of Death at the End.
- Ad. G. State here any important facts not embodied in the above statements.

POOR QUALITY
ORIGINAL

0115

Patrick Sullivan

Aug 20. 11

TESTIMONY.

Dr. Justin Herald M. D., being duly sworn, says:

I have made an Autopsy of the body of
Patrick O'Neill now lying dead at
St. Vincent's Hospital from such Autopsy
and history of the case, as per testimony, I am of opinion the cause of
death is Asthenia from Suppurative Meningitis
Compounded fracture of the skull.

M. D.

Sworn to before me,

this 20 day of August 1888

Andreas Aderson CORONER.

0117

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
56 Years — Months — Days	Ireland	S. Vincent & Cap.	Aug. 20/88.

439 Mo. 16th -
 June 21/88, off
 head with a wave,
 2:10 C. 16th
 166. 21/88

Theresa M. Hill

Dr. J. J. J. J.

1326
~~645~~
88

AN INQUISITION

On the **VIEW** of the **BODY** of

Admiral Callahan

when I found that he came to
Hatch by

Chelonia

Dear Sir,
I have the pleasure to
acknowledge the receipt of
your letter of the 11th inst.
and in reply to inform you
that the same has been
forwarded to the proper
authorities for their
consideration.

John Hancock

Original Filed in
SEP 20 1888
U.S. DISTRICT ATTORNEY
NEW YORK
1888 before
day

IN THE CORONER'S COURT OF THE CITY OF NEW YORK.

INQUEST IN THE MATTER OF
THE DEATH
OF PATRICK CULLITON.

BEFORE

HON. FERDINAND EIDMAN,
Coroner,
and a Jury.

NEW YORK, SATURDAY, AUGUST 25TH, 1888.

I N D E X.

SAMUEL AIKEN-----	2
DR. HENRY C. CUNNEELY-----	6
HUGH KIERNAN-----	9
WILLIAM HALAHAN-----	21
HENRY STEINMETZ-----	38
MRS. MARGARET REILLY-----	48
MRS. MAGGIE KELLY-----	51

Reported in full by H.H.ALEXANDER, 31 & 33 Broad St. Rooms 17 & 18.

IN THE CORONER'S COURT OF THE CITY OF NEW YORK.

INQUEST IN THE MATTER OF : BEFORE
THE DEATH OF : MON. FERDINAND EIDMAN,
PATRICK CULLITON. : CORONER.
AND A JURY.

NEW YORK, SATURDAY, AUGUST 25TH, 1888.

The Court met at 10.30 A.M.

For the relatives of the deceased appeared: MR.
JOHN W. BOOTHBY.

For the defendant, John Hannan, appeared: MR.
FREDERICK B. HOUSE.

The following Jurors were empannelled and sworn:

PHILIP WASSUNG	39 2nd Ave.
FRANCIS A. LEDERLE	205 E. 10th St.
ISADOR JACKSON	411 116th St.
EMIL FLINN	12 Bowery.
JAS. SLEVIN	222 W. 37th St.
LOUIS CORN	262 Bowery.
JACOB MARK	7 Worth St.
ROBERT WEIDEN	317 Bowery.
JAS. E. SIMS	170 Bowery.
JNO. P. MCGURRIN	1465 Lexington Ave.
JAS. BROWN	167-69 Park Row.
C. J. RECHT	93 Bowery.

THE CORONER: Gentlemen, the case that I have to lay before you is that of Patrick Culliton, who, it is claimed, was struck on the head with a wrench on June 21st, opposite 439 West 16th Street, by one John Hannan. We will now call the witnesses.

SAMUEL WALKER,

sworn and examined.

BY THE CORONER:

Q. You are a police officer, sir? A. Yes, sir.

Q. To what Precinct are you attached? A. The 16th.

Q. On the day in question, meaning June 21st, when did this assault occur? A. About half past eight in the morning.

Q. Will you kindly state to the Jurors the circumstances in connection therewith? A. Well, I was on post on 10th Avenue from 14th to 19th Streets and a man met me and told me that an ambulance was wanted at 455 West 16th Street, so I went around there and saw Culliton

standing in the hallway with his hand up to his head and blood flowing all over his face, and I asked him who assaulted him and he told me a man by the name of Hannan. I asked him where he lived and he told me. So I got another officer and told the other officer to go to the Station House and send for an ambulance. In the meantime, I went and got Hannan in the stable at 439 West 16th Street. I brought Hannan in front of Culliton, when the ambulance was there, and Culliton told me that that was the man that assaulted him.

Q. You made the arrest then? A. Yes, sir.

Q. What was done with the injured man? A. The injured man had his head dressed and then came to the Station House and made a complaint of assault against Hannan.

Q. Just state the full particulars, please? A. When I brought Hannan in front of Judge Gorman at Jefferson Market and Hannan was held in \$300 bail.

BY MR. BOOTHBY:

Q. Where did you take him? A. I brought him to Jefferson Market Police Court.

Q. After you went there, where did you take him ?

A. I didn't take him any place.

Q. You left him there ? A. I left him there.

Q. In whose hands did you last see him ? A. He
was bailed out---

Q. (Interposing) No, no; in whose hands did you
last leave Culliton ? A. He came there and made a
complaint in front of Judge Gorman and went home.

Q. Did you see him go home ? A. I saw him leave
Jefferson Market with his wife.

Q. Going away ? A. Yes, sir.

Q. That was the last you saw of him ? A. Yes,
sir.

BY MR. HOUSE:

Q. What time was it in the morning when you arrested
Hannan, the defendant ? A. A little before 9 o'clock.

Q. And whereabouts did you arrest him ? A. In a
stable at 439 West 16th Street.

Q. After you made the arrest in the stable, where did
you first take Hannan ? A. I brought him upstairs in
455 West 16th Street and had him identified.

Q. After you had made the arrest of Hannan, did he show you his watch? A. Yes, sir.

Q. (Submitting a silver watch) Look at that and see if that is the watch that he showed you? A. That I couldn't tell you now; I don't know whether that is the watch or not, only the glass of it was broken.

Q. Was it a silver watch? A. Yes, sir.

Q. And did he open the face of the watch and show you that the crystal on the watch was broken? A. Yes.

Q. After he had shown you that the crystal of his watch was broken, did he throw the broken pieces of the glass on the ground? A. He threw part of them.

Q. Did he call your attention to the fact that the watch that he showed you had a dent on the case of it?

A. I don't remember.

D R. HENRY C. GUNNEELY,

sworn and examined.

BY THE CORONER:

Q. You are the House Surgeon of St. Vincent's Hospital? A. Yes, sir.

Q. When was the deceased first brought to the Hospital? A. June 21st.

Q. Do you remember the time of the day? A. About five minutes of six in the evening.

Q. How did you find his condition when you first made an examination of him? A. I found him to be suffering from a scalp wound over the left eyebrow and a compound depressed fracture of the skull.

Q. Did you dress his wounds, did you keep him in the Hospital? A. I dressed his wounds and sent for the visiting Surgeon right away.

Q. And what was done, doctor? A. The man was taken and the wound cut down upon and he was found to be suffering from a compound depressed fracture. *Dura mater* The bone was trephined, a button of bone removed, the bone

elevated and the wound dressed antiseptically.

Q. You had to trephine ? A. Yes, sir; had to trephine to be able to elevate the other portion, which was pressing on the brain; that is, the membrane was also found to be torn at the time and the brain protruding through and lacerated.

Q. After that was done, was he kept in the Hospital or let go home ? A. He was kept in the Hospital.

Q. How long was he kept there ? A. He was kept there until the day he died, August 20th.

Q. Doctor, what in your opinion caused death ?

A. Cerebral abscess and brain softening, caused by the depressed fracture.

Q. Is that all you have to say ? A. That is about all.

BY MR. BOOTHBY:

Q. There is no question in your mind but what his death was caused by that wound ? A. No, sir; no question at all.

BY MR. HOUSE:

Q. When did you say you first saw him ? A. June 21st, about five minutes of six o'clock in the evening.

Q. Was there any indication about the wound that it had been dressed before you saw it ? A. Oh yes, it had been dressed.

Q. Do you know by whom it had been dressed ?

A. Well, I couldn't tell you that, no.

Q. And do you know where it had been dressed ?

A. I heard it had been dressed.

Q. (Interposing) Not what you heard, I am asking your own personal knowledge ? A. I don't know.

I BY MR. BOOTHBY:

Q. Now what had been done with the wound when you saw it ? A. Well, it was simply dressed with a little cotton and a bandage.

Q. The parts had not been---A. (Interrupting) Cut or anything of that kind.

Q. Left just as they were when the blow was struck ?

A. Yes, sir.

Q. And all that had been done to it was, it had simply been dressed with a temporary dressing ? A. Yes, sir.

Q. And what do you say it had been dressed with ?

A. Antiseptic gauze, borated cotton and an ordinary roll of bandage.

Handwritten signature/initials

HUGH KIERNAN,

called and examined.

BY THE CORONER:

Q. How old are you ? A. 13 years.

Q. Do you go to school ? A. Yes, sir.

Q. Do you go to church ? A. Yes, sir.

Q. Do you know the importance of an oath; do you know what will be done with you if you don't tell the truth ? A. Yes, sir.

Q. What will be done with you if you don't tell the truth ? A. I am going to tell the truth.

Q. Do you know what will happen to you if you don't tell the truth ? A. Yes, sir.

Q. What; were you ever told in Sunday school, or in church ? A. Yes, sir.

Q. Now what were you told ? A. That I would go to hell (Laughter in the Court room.)

THE CORONER: Now, gentlemen, I will not swear this boy; I will take his statement.

MR. HOUSE: And I submit, if you will permit me for once, this is a very solemn occasion and there is no cause for laughter.

THE CORONER: There is no cause for laughing here; the occasion is a very solemn one.

Q. What is your name? A. Hugh Kiernan.

Q. Where do you live? A. 450 West 16th Street.

Q. Do you go to school? A. Yes, sir.

Q. Do you go to school every day? A. Yes, sir.

Q. You don't go to school now; you are on vacation?

A. Yes, sir.

Q. What school do you go to? A. The 17th Street Public School.

Q. Where is the school? A. Between 8th & 9th Avenues.

Q. What is your teacher's name? A. Mrs. Schneider.

Q. Now on June 21st last, between the hours of eight and nine in the morning, where were you? A. It was near half past eight.

Q. Just answer my question, where were you? A. I

was going up the Street.

Q. Going up 16th Street ? A. Yes, me and another boy.

Q. Toward the school ? A. Yes, toward 9th Avenue.

Q. And what did you see ? A. I saw Mr. Culliton and this man there, Mr. Hannan, coming down.

Q. Coming down where ? A. Coming down as far as the new building.

Q. What did you see ? A. Mr. Culliton had his arm around Mr. Hannan's neck.

Q. What next ? A. And then they had some words between them.

Q. How far away were you from Mr. Hannan and Mr. Culliton ? A. About from here to that chair (Indicating).

Q. That is about 12 or 13 feet probably. Could you hear distinctly what they said ? A. No, sir, I didn't hear no words only the words when Mr. Hannan spoke and said, "You ought to go home; you are drunk."

Q. Mr. Hannan said that to Mr. Culliton ? A. To Mr. Culliton.

Q. What next ? A. Then Mr. Culliton threw him to the ground.

Q. Then Mr. Culliton threw Mr. Hamman to the ground ?

A. Yes, sir.

Q. Was Mr. Culliton a taller man than Mr. Hannan ?

A. Yes, sir.

Q. Was he a ^{stouter} ~~man~~ man than Mr. Hannan ? A. Yes, sir.

Q. Well, what occurred next ? A. Then Mr. Hamman got up and he hit him on the head with the wrench and he staggered.

Q. Did you do anything whilst you were looking at that ? A. No, sir.

Q. You didn't throw any stones or anything ? A. No, sir.

Q. You are quite positive that you have told the truth here ? A. Yes, sir.

BY JUROR JACKSON:

Q. When the two gentlemen were walking together did Mr. Hannan have the wrench in his hand ? A. Yes, he had the wrench in his hand.

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

Q. Before Mr. Culliton threw Mr. Hannan? A. Before Mr. Culliton did anything.

BY JUROR SLEVIN:

Q. Are you a friend of either of these two gentlemen? A. No, sir.

Q. Did you like either of these two gentlemen better than the other; you knew their names? A. Yes.

Q. And you had no malice or spite against either of them? A. No, sir.

BY MR. BOOTHBY:

Q. You say that you saw them come down together?

A. Yes, sir.

Q. Were they walking peaceably together? A. Yes, sir.

Q. Talking? A. Yes, sir.

Q. Culliton had his arm around Hannan's neck?

A. Yes, sir.

Q. And what was the next thing you saw? A. And then they commenced talking about something.

Q. Did you hear what they talked about? A. I only heard a few words. Mr. Hannan said to Mr. Culliton: "Go home; you are drunk."

Q. And then the next thing you saw was that--A. (Interrupting) Mr. Culliton threw him down.

Q. Threw him down on the ground? A. Yes, sir.

Q. And what did Culliton do then? A. He stood away like that (illustrating) and then made out to lift his foot to him.

Q. How near was he to him? A. About from here to there (indicating).

Q. Did Culliton look to you as though he were drunk?

A. Yes, sir.

Q. Was Hannan drunk? A. No, sir.

Q. He was all right? A. Yes, sir.

Q. Well, did Culliton strike him? A. No, sir; he didn't strike him.

Q. Did he kick at him? A. No, he lifted his foot.

Q. Didn't kick at him? A. No, sir.

Q. Did you see Culliton do anything else? A. No, sir.

Q. And what did Hannan do then? A. He got up and he struck him with the wrench on the head.

Q. Did Culliton do anything else except that?

A. That is all.

Q. And when Hannan got up how near was he to Culliton ? A. As far as from you to me.

Q. And right then Hannan struck him on the head with a wrench ? A. Yes, sir.

Q. What did Culliton do ? A. He staggered and fell back.

Q. And what did Hannan do ? A. Then he struck him again.

Q. Struck him down again ? A. Yes, sir.

Q. Struck him again with the wrench ? A. No, sir; he kicked him in the face.

Q. Did Culliton get up at all ? A. Yes, he got up, but Mr. Hannan left him.

Q. But not until after Hannan left him ? A. No, sir.

Q. Did you see him after he fell from the first blow on the sidewalk ; was it on the sidewalk ? A. No, sir; it was right in the gutter. He fell on the curb stone in the gutter and sat there.

Q. He made no motion to strike Hannan again ? A. No just put his hands up in front of him (illustrating).

Q. Nothing in them? A. No, sir.

Q. And then Hannan went away? A. Yes, sir.

Q. Where did he go; down the Street? A. No, sir; he went up towards his house---towards the stable...

Q. And left Mr. Culliton lying in the gutter? A. No sir; then a big, stout man came over and lifted him.

Q. But I mean Hannan left him lying there? A. Yes, sir.

Q. Now Mr. Culliton was an old man, wasn't he?

A. Yes, sir.

Q. How old a man do you think he was? A. About 50 years.

Q. Did he look an old man? A. Yes, sir.

Q. When you saw Culliton with his arm around Hannan's neck, they were all good natured then, weren't they?

A. Yes, sir.

Q. He was just going down the Street as a drunken man? A. Yes, sir.

Q. You say a man came over and picked him up? A. Yes, lifted him up.

Q. Who was that man? A. Some big, stout man.

Q. What was his name? A. I don't know him by name; I know him by sight.

BY THE CORONER:

Q. Is he in the Court room here? A. Yes.

THE CORONER: Will that man stand up.

(A man among the spectators arose).

Q. Is that the man? A. Yes, sir.

THE CORONER: What is your name, sir?

THE MAN: William Malahan.

BY MR. BOOTHBY:

Q. And Hannan went right away and didn't come back?

A. Yes, sir.

BY MR. HOUSE:

Q. Now, my son, at the time that Mr. Culliton threw Hannan down on the ground, Hannan had not done anything to Culliton, had he? A. No, sir.

Q. You are positive as to that? A. Yes, sir. He just simply said to him, "You are drunk, and you had better go home."

Q. And then Mr. Culliton immediately threw him down upon the ground? A. Yes, sir.

Q. And then he stepped back and raised his foot?

A. Yes, sir.

Q. Did he raise his foot as if to kick him? A. Just like that (illustrating) and looked at him.

Q. Now you say that Mr. Culliton was a much larger man than Hannan, was he? A. Yes, sir.

Q. Taller too? A. Yes, sir.

Q. And heavier? A. Yes, sir.

Q. And a pretty strong man, wasn't he? A. Yes, sir.

Q. Now how long had you known Mr. Culliton? A. For the last four or five years.

Q. You had seen him around the neighborhood, hadn't you? A. Yes, sir.

Q. And he wasn't a weak man? A. No, sir.

Q. He was a stronger man physically than this man, Hannan, wasn't he? A. Yes, sir.

Q. Now what did you say your name was? A. Hugh Kiernan.

Q. And whereabouts do you live? A. 450 West 16th Street.

Q. ~~XEN~~ Do you know where Mrs. Culliton lives?

A. Yes, sir.

Q. Whereabouts does she live? A. 455 West 16th Street.

Q. And you know her, don't you? A. Yes, sir.

Q. And you have talked with her, haven't you ?

A. Yes, sir.

Q. And she asked you to come down here, didn't she ?

A. Yes, sir.

Q. And you told her that you would ? A. Yes, sir.

Q. Now how many times do you think you have talked with Mrs. Culliton since this trouble ? A. Twice.

Q. The first time you talked to her was when ?

A. The day after he got hurt.

Q. And since then when have you talked with her ?

A. The night of his wake.

Q. Did you go to the wake ? A. Yes, sir.

Q. How did you happen to go to the wake ? A. Well,

I just went up to see him.

Q. Mr. Hannan had the wrench in his hand when he was coming down the Street, didn't he ? A. Yes, sir.

Q. Do you know what he had been doing with it ?

A. I guess he had been taking a nut off the wagon, or had just been putting it on.

Q. Did you see Hannan at the time he was putting a wheel on the wagon ? A. No, sir.

Q. Did you see him around the wagon ? A. No, sir.

Q. But he had the wrench in his hand when he was coming down the Street ? A. Yes, sir.

Q. And the first man to do anything violent and the first man to strike a blow was Mr. Culliton ? A. Yes, sir.

BY MR. BOOTHBY:

Q. Did Mr. Culliton strike any blow ? A. No, just had his arm around his neck.

Q. Wasn't all the neighborhood at the wake ? A. Yes, sir.

WILLIAM HALAHAN,

sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. 82 Horatio Street.

Q. What is your business ? A. Truck driver.

Q. For whom do you drive a truck ? A. F.W. Devoe
& Co.

Q. And where does your boss reside ? A. Corner
of Fulton & William.

Q. On the morning in question, June 21st, between
the hours of eight and nine, where were you ? A. I
was at Robert Gentle's warehouse, 438 West 16th Street,
between 9th & 10th Avenues, opposite.

Q. And did you see this trouble between the deceased,
Patrick Culliton, and the defendant here, John Hannan ?

A. Yes, sir.

Q. How far away from the occurrence were you ?

A. Well, I was talking to Mr. Hannan's father at
the time----

Q. (Interposing) Just one minute. How far away

from the trouble were you? A. A hundred feet.

Q. And on what side of the Street did this trouble occur; on the South side or the North side of the Street?

A. On the North side of the Street.

Q. Between 9th & 10th Avenues, or 8th & 9th Avenues?

A. 9th & 10th Avenues.

Q. And what attracted your attention; loud talking?

A. No, sir.

Q. What attracted it? A. I was talking to Mr. Hannan's father at the time it occurred. This man came walking down the Street-----

Q. (Interposing) Which man? A. Mr. Gulliton. He comes up to Mr. Hannan's father and he says to John Hannan's father, "You old son of a bitch, you won't give me a job, but you'll give every other man one. You are no God Damned good, nor your son aint."

Q. That was what the deceased said to Mr. Hannan?

A. He said it to Mr. John Hannan's father.

THE CORONER: Is Mr. Hannan, the old gentleman, in Court?

MR. HOUSE: Yes, sir. Stand up Mr. Hannan.

(Mr. Hannan , senior, arose.)

BY THE CORONER:

Q. The dead man said those identical words to this old gentleman? A. Yes, sir.

Q. Proceed? A. Mr. Hannan said "Even if I could give you a jolt, what could you do?" He says, "Get out, you old son of a bitch, I can drive a truck better than you or your God damned son can." So, with that, John Hannan was greasing a wagon at the time

Q. (Interposing) The defendant? A. Yes, sir. He looked up and seen what was going on between Mr. Culliton and his father and he walked over and says "Say, why don't you go on down the Street and mind your own business; we don't interfere with you." So Culliton says "What? You come over to take it up for your father?" John Hannan says, "No, but we don't interfere with you," so they both walked down the Street and I stood talking with his father.

Q. Mention the names, if you please? A. Mr. Culliton and John Hannan walked down the Street, and Mr. Hannan's father and me stood talking together.

Q. Now proceed? A. Mr. John Hannan was just

the least little bit ahead of Mr. Culliton, entering the tin shop at 455 or 439, I aint sure what number it is, a hundred feet from where he was talking with me. With that Mr. Culliton pulled out and hit him across here (indicating) on the right side of the face. John Hannan went down and while down Culliton hauled off and hit him on the right side of his stomach. With that John Hannan tried to get up and Culliton kept following him up and just as John Hannan was half way up, Hannan pulled out and hit him on the head with a wrench.

Q. Proceed. A. Well, with that I walked down and John Hannan says to me, "Take him away," after hitting him with the wrench. I took Mr. Culliton down the Street to 455 and told him that was his house, and he was able to walk in. So I went back to where my truck was on the opposite side of the Street, waiting to get a load at the warehouse.

Q. That is all you know of the occurrence? A. That is all that occurred.

BY JUROR JACKSON:

Q. Did the two gentlemen walk down the Street together, or did Mr. Hannan walk first and Mr. Culliton follow? A. They walked down together. Mr. Hannan

asked him why he didn't go home and mind his own business. Both walked down together talking between them.

Q. They didn't have linked arms? A. No, no linking about it. They walked down talking. He had the wrench just like that (illustrating) after greasing the wagon.

Q. Did Mr. Culliton step back and did he remain back when he struck Mr. Hannan the first blow? A. Mr. Hannan went to walk to go inside the tin shop and while doing that Mr. Culliton pulled out and hit him right on the jaw.

Q. And that felled him to the ground? A. That felled him to the ground, and Culliton hauled off and kicked him in the right side.

Q. Didn't Mr. Hannan get up and strike him with the wrench? A. Well, he tried to get up; he wasn't more than half way up, and while half way up he hauled off and hit Culliton on the head.

BY THE CORONER:

Q. You say while Hannan was attempting to get up Culliton kicked him again? A. I say Culliton kicked him once and was going to make another attempt to kick

him. While Hannan was struggling to get up, he hauled off to---

Q. (interposing) You say first Hannan was felled to the ground from a punch or blow, and whilst attempting to get up the dead man attempted to kick him again and then Hannan struck him with the wrench? A. That is it.

BY JUROR WASSUNG:

Q. Did he strike him with the wrench or fire it at him? A. He struck him with the wrench, held it in his right hand.

BY JUROR JACKSON:

Q. He was not up when he struck him? A. Not quite.

Q. And did Mr. Hannan kick Mr. Gulliton while he was down? A. No, he did not.

BY JUROR MARK:

Q. How far were you at the time he struck him?

A. I was a hundred feet or so.

Q. You saw it? A. I seen it with my own eyes.

Q. You didn't make any attempt to go down and help him? A. I went down, yes. I got there just as the

blow got struck and pulled the dead man away.

Q. You say the dead man struck him first ? A. Yes, sir.

Q. And you were a hundred feet away and couldn't get down there time enough before he struck him ? A. No.

Q. You saw everything; you saw him when he raised his hand ? A. I saw him.

Q. You made no attempt to get down there ? A. No, I didn't make no attempt.

BY JUROR SLEVIN:

Q. Did Mr. Hannan strike him more than once ?

A. He struck him one blow.

BY JUROR RECHT:

Q. Did you mean that he struck him just as he was rising from the ground ? A. As John Hannan was rising he struck him.

Q. And Culliton was standing ? A. Standing over him, and Hannan was trying to get up. He got half way up, he wasn't rightly up and he struck Culliton on the head.

BY JUROR MCGURRIN:

Q. Was Culliton stooping over at the time he struck him ? A. Almost.

BY MR. BOOTHBY:

Q. You heard the story of this little boy, didn't you ? A. I believe I did.

Q. Couldn't you hear what he said ? A. Yes, a little bit.

Q. Did you hear the whole of it ? A. I didn't take notice to all he said, no.

Q. Did you hear him say that Culliton, as they came down the Street, had his arm around Hannan's neck ?

A. Yes, I heard him say that.

Q. Do you swear that is not so ? A. I swear it, yes.

Q. Did you hear him say that while he had his arm around his neck Culliton pulled Hannan down upon the side walk ? A. I swear that aint so.

Q. You heard him say that ? A. I heard him say that.

Q. And you swear that isn't so ? A. Yes.

Q. Then you heard him say that while Culliton was down Hannan struck him on the head with the wrench just as he was getting up ?

MR. HOUSE: The boy didn't say that. The boy said

that while Hannan was down Hannan kicked him.

THE CORONER: I think Counsellor House is right. The Stenographer will read from his minutes the portion of the testimony of the boy referred to.

THE STENOGRAPHER: (Reading) "Q. You say that you saw them come down together? A. Yes, sir. Q. Were they walking peaceably together? A. Yes, sir. Q. Talking? A. Yes, sir. Q. Culliton had his arm around Hannan's neck? A. Yes, sir. Q. And what was the next thing you saw? A. Then they commenced to talk about something. Q. Did you hear what they talked about? A. I only heard a few words. Mr. Hannan said to Mr. Culliton, "Go home; you are drunk."

Q. And then the next thing you saw was that---A. (Interrupting) Mr. Culliton threw him down. Q. Threw him down on the ground? A. Yes, sir. Q. And what did Culliton do then? A. He stood away like that (illustrating) and then made out to lift his foot to him.

Q. How near was he to him? A. About from here to there (indicating). Q. Did Culliton look to you as though he was drunk? A. Yes, sir. Q. Was Harman drunk? A. No, sir. Q. He was all right? A. Yes,

Q. Well, did Culliton strike him? A. No, sir;
he didn't strike him. Q. Did he kick at him? A. No,
he lifted his foot. Q. Didn't kick at him? A. No,
sir. Q. Did you see Culliton do anything else? A. No,
sir. Q. And what did Hannan do then? A. He got
up and he struck him with the wrench on the head. Q. Did
Culliton do anything else except that? A. That is all.
Q. And when Hannan got up how near was he to Culliton
A. As far as from you to me. Q. And right then
Hannan struck him on the head with a wrench? A. Yes,
sir. Q. What did Culliton do? A. He staggered
and fell back. Q. And what did Hannan do? A. Then
he struck him again. Q. Struck him down again? A. Yes,
sir. Q. Struck him again with the wrench? A. No,
sir; he kicked him in the face."

BY MR. BOOTHBY:

Q. Now, that is all untrue? A. Yes, that's
all untrue; I'll swear to it.

Q. How long have you known Hannan? A. Well,
about five years.

Q. Is this young man Hannan a friend of yours?

A. None whatever; just acquainted slightly on both

sides.

Q. Do you know his father ? A. Slightly.

BY THE CORONER:

Q. Do you know the family of the deceased ? A. Just about as much as I do Hannan's family.

Q. Had you known the dead man ? A. Yes, sir.

Q. To speak to him ? A. Yes, sir.

Q. How long did you know him ? A. I knew him to speak to him about a year or two years, or a year and a half.

Q. You have no preference for either family; simply came here to tell the truth ? A. Just came here to tell what I seen; that is all.

Q. Now you came here you say of your own accord ?

A. Yes, sir.

Q. To tell the truth ? A. Yes, sir.

Q. And you haven't done anything else, have you ?

A. No, sir.

Q. Just what you saw you have stated ? A. Yes, sir.

Q. And you say that the statement that was made by the little boy was true only in part ? A. In part;

that is all.

BY MR. HOUSE:

Q. How old are you ? A. 25 years of age.

Q. You are a truck driver by profession ? A. Yes.

Q. I presume you never had the advantage of a college education ? A. No, I had just a Public School education.

Q. And when did you start out to work for yourself ?

A. I guess about 15 years ago.

BY THE CORONER:

Q. How old were you at that time ? A. I guess I was about ten or eleven years of age when I started out.

BY MR. HOUSE:

Q. And you have always been a decent, respectable, hard-working man since ? A. Yes, sir. I have worked seven years with the people that I am with now.

Q. And you understand the nature of an oath, don't you ? A. I do.

Q. And you recognize the obligation of an oath ?

A. Yes, sir.

Q. And there is no necessity and no reason why you

should come down here and tell other than the truth in this matter, is there ? A. None whatever.

Q. You are not a ^{particular} ~~particular~~ or intimate friend of this man Hannan ? A. None whatever.

Q. And you were not a particular, neither were you an intimate friend of the deceased ? A. No, sir.

Q. You were just as friendly to the dead man as you are to the living man ? A. Just the same.

Q. And you are just as friendly to the living man as you were to the dead man ? A. Just the very same.

BY THE CORONER:

Q. Were you ever arrested for any offense ? A. Never in my life.

BY MR. HOUSE:

Q. Now I will get at it briefly so that we can understand. The first that you saw of this occurrence was when the deceased was talking with old Mr. Hannan ?

A. Yes, sir.

Q. And he used this vile and profane language toward old Mr. Hannan ? A. Yes, sir.

Q. And while he was thus using this profane language toward old Mr. Hannan, the defendant came to him from a

wagon ? A. Yes, that is it.

Q. Now what was he doing at that wagon, if you know ?

A. He was greasing the wagon.

Q. And when he came over did he have the wrench in his hand ? A. Yes, sir.

Q. And he stated to the dead man that he had better go away and not interfere with them ? A. He said "We don't interfere with you, Pat; why don't you go and mind your own business ?"

Q. And then they walked down the Street ? A. They walked down together.

Q. Now when the defendant got in front of this tin shop, did he turn as if he were going in to the tin shop ?

A. He went right pointing for the tin shop.

Q. And as he was going right for the tin shop, then it was that Culliton struck him on the right side of the face ? A. Then it was that Culliton struck him on the right side of the face.

Q. And that knocked him down ? A. Yes, sir.

Q. While he was down on the Street, Culliton kicked him ? A. Yes, on the right side.

Q. Now up until the time that Culliton struck the

defendant the blow which knocked him down on the Street, had Harman done anything to him? A. Not at all.

Q. Had he offered to strike him? A. No.

Q. Now after he was on the ground and Culliton had kicked him in the side, then you saw the defendant attempt to get up? A. Try to get up.

Q. Did he get half way up? A. He got in a half way up position and as Culliton was coming to him he let the wrench go.

Q. Then you came down and got Mr. Culliton? A. I came down and got Mr. Culliton and John Hannan says, "Take him away," and I took him down to 455 West 16th Street, and I says to him, "This is where you live," and he went in.

BY MR. BOOTHBY:

Q. As they walked down the Street were they apparently friendly? A. Friendly? No, they couldn't be friendly.

Q. Were they apparently friendly? A. I couldn't say.

Q. You didn't see any indications of enmity between them, did you? A. They were talking to one another,

I don't know what they were saying.

Q. But so far as you could see, they were perfectly friendly ? A. I wouldn't say that.

Q. Could you see anything that was unfriendly ?

A. Well, it started as I say, and it stands to reason they couldn't be friendly.

Q. Did you see anything ? A. Only just the conversation; I don't know whether it was friendly or anything else.

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

Q. Did they walk side by side ? A. Yes.

Q. How near together ? A. Well, right up as near as they could almost to one another.

Q. And did you notice what kind of shoes Culliton had on ? A. No, sir.

Q. Or whether he had boots on ? A. No, sir.

Q. You say you saw him kick Hannan ? A. Yes, sir.

Q. Did you notice whether he had any shoes on or not ?

A. Oh he had shoes on; I don't know whether they

were boots or shoes.

Q. Were they heavy shoes ? A. I couldn't say.

Q. Don't you know that he didn't have anything but
slippers on ? A. I am sure he didn't have slippers
on.

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

HENRY STRINNETZ,

sworn and examined.

BY THE CORONER:

Q. You live where ? A. 42 Horatio Street.

Q. What is your business ? A. Butcher.

Q. For whom do you work ? A. Gus. Bucklein.

Q. Where is your employer's place ? A. 87 Horatio Street.

Q. And on the morning in question, meaning June 21st, between the hours of eight and nine, where were you ?

A. I was in 16th Street between 9th and 10th Avenues.

Q. What were you doing there ? A. I serve a customer right near 9th Avenue.

Q. And did you see this trouble that arose between the deceased and the defendant ? A. Yes, sir/

Q. State all you saw in connection therewith ? A. I was going through 16th Street. I was coming up from 10th Avenue towards 9th Avenue and I saw two men kind of growling together. Well, this was about seventy-five to a hundred feet from where the accident happened, and

I saw them come down. They were close together and they got as far as Neil's tin place and Hannan turned to walk in the place and as he did so Culliton hit him on the head and tripped him up and as he was down he kicked him, and Hannan jumped up and as Hannan was trying to jump up Mr. Culliton went for him again and Hannan raised the wrench and hit him on the head and that was the last I saw. There was a Baker wagon came beside me and I didn't see the rest of it.

BY THE CORONER:

Q. You didn't particularly care to learn any more about it? A. Well, I couldn't, because the wagon was a Baker wagon and had a top that shut down.

BY JUROR JACKSON:

Q. Did they come down together? A. Yes, sir.

Q. Did Mr. Culliton have his arm around Mr. Hannan's neck? A. No, sir; he did not. He had his shoulder kind of against Mr. Hannan's neck. He was a little behind and as they walked down I didn't hear any words, but it seemed as if everything was all over until they got to the cornice place and as Hannan went into the place then he got the---

Q. (Interposing) Did you know the two gentlemen by name ? A. No, sir; I never knew them until after the accident.

BY THE CORONER:

Q. By whom were you first spoken to in reference to this affair ? A. Right next door to where the shop is there is a gentleman that keeps a saloon.

Q. What is his name ? A. Mr. McCormack.

Q. What did he say to you ? A. I came home that same day and I told him what I had seen and a little while after it seems that this Mr. McCormack knew Mr. Hannan and he told Mr. Hannan about this.

Q. And that is the way you came to be subpoenaed ?

A. That is the way. Otherwise, I didn't know those two gentlemen at all.

Q. Prior to this occurrence, you had no acquaintance with either the defendant or the dead man ? A. No, sir.

Q. And that is the only thing that brought you here; to tell the truth ? A. That is the only thing.

Q. And to throw light upon the occurrence ? A. Yes, sir.

BY MR. BOOTHBY:

Q. And how far were you from this place ? A. Well, I don't know how many feet it is, but they were near the house and I was in a cart and and there was a truck that side and I was right in the centre, so they must have been perhaps fifty to seventy-five feet away.

Q. Was there a truck between you and the men ? A. No sir; not when this happened, not until after the first blow was struck; then a baker cart came between.

Q. Just as Culliton struck him ? A. No, sir; Culliton didn't strick him; it was Mr. Hannan struck--- Oh? I seen Mr. Culliton first throw him and kick him when he was down and I saw Mr. Hannan strike the blow and just at that time the baker wagon came there.

Q. You don't mean to say that Culliton threw Hannan down by striking him, do you; you don't mean to say that he struck him so as to knock him down ? A. No, I saw him trip his feet up from behind.

BY THE CORONER:

Q. Did you say the dead man struck Hannan first ? A. No, sir; I didn't say that. I saw the dead man knock him down and as Mr. Hannan was getting up he went for

Mr. Hannan again and as he went for Mr. Hannan Mr. Hannan took the wrench and struck him.

BY MR. BOOTHBY:

Q. You say when Hannan first went down, he didn't go down with a blow at all, he went down with being tripped up? A. It was together, the blow and the foot. He got the two of them together.

Q. Did you think that he was knocked down? A. Yes sir.

Q. Or did you think he was tripped down? A. With Mr. Culliton's foot. Both were at the same time.

BY THE CORONER:

Q. He tripped him and struck him? A. Yes, sir.

BY MR. BOOTHBY:

Q. How far was he away? A. He wasn't any distance.

BY THE CORONER:

Q. Did he strike him and trip him at the same time?

A. Yes, sir.

BY JUROR RECHT:

Struck

Q. ~~xxxx~~ him with what? A. With his fist.

Q. Culliton struck him and tripped him at the same time? A. Culliton struck him and tripped him at the

same time.

BY MR. BOOTHBY:

Q. Then he went down on the stoop, was it ? A. No, sir; on the sidewalk.

Q. How far was he from the entrance of the tin shop

A. It couldn't have been more than five or six feet that way (motioning) as he was turning in.

Q. Was Culliton drunk ? A. Yes, sir.

Q. How drunk ? A. He wasn't that drunk that he couldn't walk.

THE CORONER: No witness can answer a question how drunk a man is.

Q. (Continuing) He was not so drunk that he couldn't walk ? A. No, sir. You could see he was under the influence of liquor.

Q. Did Hannan fall right flat on the sidewalk ? A. He fell backwards.

Q. Did he fall flat on the sidewalk ? A. Yes.

Q. On his back ? A. About sideways, pretty near flat.

Q. In what position was Hannan when he struck Culliton ? A. He was just getting up, and he was kind of that way (illustrating).

Q. Was he on his feet ? A. Partly on his feet.
He must have been on his feet, but his head was back.
He was just getting up when he was struck down.

Q. Where was Culliton ? A. He was just going for
him again.

Q. Going for him when he was up ? A. Well, he
was trying to get up.

Q. Was he on his feet or on his knees ? A. He
was on his feet, but he was in this position (illustrat-
ing.)

BY THE CORONER:

Q. He was in the attempt of getting up ? A. Yes,
sir.

BY MR. BOOTHBY:

Q. Was Culliton striking at him with his foot ?

A. Yes.

Q. That was all ? A. He kicked him twice.

Q. No, but I say was he striking at him with his
foot when he was getting up ? A. Yes.

Q. And then Hannan took the wrench and hit him on
the head with it ? A. Yes.

Q. Did it knock him over ? A. It partly keeled him over. I don't know whether it really knocked him over or not, but just as that happened the baker wagon came between and I couldn't see him. I could see him kind of reel back.

BY MR. HOUSE:

Q. You were in your butcher cart ? A. Yes, sir.

Q. And you happened to be in this street at this time on business ? A. Yes, sir.

Q. And you say you saw two men who appeared to you to be having a growl ? A. Yes, sir.

Q. At that time you did not know the defendant, did you ? A. No, sir.

Q. Nor you did not know Mr. Culliton ? A. No, sir; I did not.

Q. Then you saw this defendant here and Culliton walk down the Street ? A. Yes, sir.

Q. And as the defendant Hannan was turning in to the tin shop you saw the deceased strike him and trip him with his foot at the same time ? A. Yes, sir.

Q. Now you are positive that at the time that the dead man tripped the defendat he also struck him with

his fist ? A. Yes, sir.

Q. Now from the time that you first saw these two men, who afterwards turned out to be Hannan, the defendant, and Culliton, the deceased, having what you say was a growl, and that they then walked down the Street, and when you saw Culliton give him the foot and give him the blow at the same time, had Hannan struck the dead man ?

A. No, sir.

Q. After Hannan was down on the ground, you are positive that the dead man kicked him ? A. Yes, sir.

Q. And then you are positive that Hannan got half way up ? A. Yes, sir.

Q. And as he was trying to straighten himself all the way up, the dead man came for him again ? A. Yes, sir.

Q. And when he came for him that time, then it was that Hannan struck him with the wrench ? A. Yes, sir.

THE CORONER: Stand up, Hannan.

(The defendant arose.)

BY THE CORONER:

Q. Was the dead man a taller man than the defendant here ? A. Yes, sir; he was close on to six feet.

Q. Was he a stouter man than this man ? A. Yes, sir.

Q. Stronger developed ? A. Yes, sir.

BY MR. HOUSE:

Q. From the personal observation that you had of the dead man, you are prepared now to swear, and do swear, that physically he was a much more powerful man than Hannan ? A. Yes, sir.

BY THE CORONER:

Q. And what led you to believe that Mr. Culliton was under the influence of liquor ? A. Because I could see him staggering a little as they were walking along, and by his actions, you could see it.

Q. Was he gesticulating ? A. Yes, sir.

Q. Talking loud ? A. I heard them talking loud. That was what attracted my attention. When I first saw them going toward the tinsmith's they seemed as if nothing had happened until they turned in to the place.

M R S. M A R G A R E T R E I L L Y,

sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. 435 West 16th.

Q. You are a housewife ? A. Yes, sir.

Q. What is your husband's business ? A. Gas-stove
fitter.

Q. And on the morning of June 21st, between the
hours of eight and nine, where were you ? A. In my
window.

Q. Of what story ? A. One flight up, in front.

Q. Is it a tenement house that you live in ? A. Yes,
sir.

Q. A five story tenement house ? A. Yes, sir.

Q. You were up on the first floor front ? A. Yes,
sir.

Q. Will you kindly state to the Jury all that
you saw ? A. All I saw was old man Harman and Mr.
Culliton having very hot words, seemingly.

Q. Could you hear what they said to one another ?

A. No, sir. I saw Mr. Gulliton talk for a long time with him, and I kept looking out of the window and I saw John Hannan, the young man, walking with and taking him away to bring him towards home, and I thought the occurrence was all over and went in out of the window.

Q. How do you know that Mr. John Hannan, the defendant here, was trying to take the deceased home; were they walking in that direction ? A. They were walking in the direction of Mr. Gulliton's home.

Q. And that led you to believe that this man was taking him home ? A. Yes, sir.

Q. And that is all you know ? A. That is all I know.

Q. You didn't see the blow struck ? A. No, sir; no blow struck.

BY JUROR JACKSON:

Q. How did he take him home; did he have his arm around him ? A. No, sir; they were walking side by side.

BY MR. BOOTHBY:

Q. How far did you see him go ? A. I saw him go

down a little way past where the old man and Mr. Culliton were arguing.

Q. The last time you saw them they were walking together ? A. Yes, sir.

Q. And then you went away from the window ? A. Yes, sir.

Q. And you know nothing more of it ? A. Nothing more of it.

BY MR. HOUSE:

Q. Now you are quite positive, madame, that when you saw the dead man and this man here walking down the Street as far as they did go in your sight, that Culliton did not have his arm around Hannan, did he ? A. No, sir.

Q. His arm was not around Hannan's neck, as far as you saw it, was it ? A. No, sir.

MRS. MAGGIE KELLEY,

sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. *28 South Ave.*
453 West 16th .

Q. You are a housewife ? A. Yes, sir.

Q. What does your husband do ? A. Laborer.

Q. Where does he work ? A. Downtown here some
place.

Q. Now madame on June 21st, between the hours
of eight and nine in the morning, where were you ? A. I
was coming from the grocery store and I heard Mr. Culli-
ton was struck by John Hannan.

Q. You were coming from the grocery store and you
heard that Mr. Culliton was struck by Mr. Hannan ?

A. Yes, sir.

Q. Did you see the striking ? A. No, sir; I
simply washed the blood off his face.

Q. Did he say anything to you ? A. Yes, he
said---

MR. HOUSE: (Interposing) I object to that, that.

it was not said in the presence of this defendant, and on the further ground that it is not given in the capacity of a dying declaration, and I call your Honor's attention to the late case that has been decided, the case of The People against Mundon, 103 New York, at page 211, where the Court of Appeals, the Court of last resort, has now decided that, where a man is charged with the killing of another and the Coroner is proceeding to investigate that killing, the Defendant is in the very same position that he would be provided he was before a police Magistrate; that none but legal evidence can be taken against him, and that he is to be entitled to the same remedies, the same rights; the same prerogatives, and that the same rules are to be exercised against him before the Coroner's Inquest when he is charged as if he were before a Police Magistrate. Now this witness is asked a question by your Honor, and your Honor will understand that I object to it out of the greatest amount of courtesy, simply in the interest of my client. It is a declaration made by the deceased man to this witness, not in the presence of this defendant, not under the solemnity of a dying declaration, and therefore the law says, specifically, that where a declaration is made by

another that is against the interests of that other, without the presence of the defendant there so that he may contradict the statement if he feels so disposed, he cannot be bound by that statement and it is not evidence. For that reason I object to any conversation between the dead man and this lady, provided that conversation was not in the presence and hearing of the defendant.

THE CORONER: Will you show me the decision of the Court of Appeals in that respect.

MR. HOUSE: It is 103 New York. It is the opinion that I used the other day.

THE CORONER: Is the word Coroner mentioned therein?

MR. HOUSE: The word Coroner is mentioned there, and if your Honor please, that was the case that I cited to Judge Patterson on the argument of the writ to prohibit one of your colleagues from filing his testimony so far as Mr. McLean was concerned, and day before yesterday Judge Patterson rendered the decision in which he says, and we are about to enter an order, that Coroner Messenger may file his depositions against other people, but that having precluded the defendant, McLean, from the

the right of cross examination before the Coroner's Inquest, that an order may be entered which shall provide that, while those depositions are filed as against the interests of other people, they must in nowise be filed against the interests of Mr. McLean, or jeopard him in any way, shape, or manner. Now the case of The People against Mundon specifically mentions the word Coroner and there the Court of Appeals declares that a man is to be in the same position before a Coroner as if he were before a committing magistrate. It does not use the words committing magistrate, but it uses the word magistrate.

THE CORONER: I so understand.

MR. HOUSE: I haven't 103 New York in my office, but I will get it.

THE CORONER: I will postpone the further examination of this witness until that time.

MR. BOOTHBY: There are a number of witnesses here that have been subpoenaed here to give these very statements that this dead man made immediately after the accident.

THE CORONER: I wish you would show me the 103rd New York.

MR. HOUSE: I will show it to you.

THE CORONER: In the meantime we will take a recess.

At this point (12.20 P.M.) a recess was taken until
1 P.M.

AFTER RECESS.

THE CORONER: The counsel on behalf of the family of
the deceased tells me that he has some material witnesses
that he discovered this morning; that he was only told
this morning that there were three or four material wit-
nesses that can't be got in this case to-day, who are
not here this afternoon, and he asks for an adjournment.
In consequence of that position of affairs, therefore,
it may be well not to go ahead at all any more this
afternoon, but take up the further examination of witness-
es at our next session.

MR. HOUSE: I have the 103rd New York here. Shall
I read it?

THE CORONER: No, I will hear that at the next session.
Adjourned till Thursday Morning the 30th inst. at 10.30
A.M.

Court of General Sessions.

The People

vs.

John Harrison

Indictment:

Manslaughter

§§ 189-193 P.C.

for having on the 21st of June, 1888,
caused the death of Patrick Calliton
by beating him on the head with
a wrench. The crime was com-
mitted opposite 435 W. 16 St.

From the statements made by
the witnesses for the defense, it
is apparent that the assault upon
the deceased will be claimed
to have been justifiable homicide.

Trial Witnesses:

Samuel Tinker, 16th precinct.

Arrested the defendant and
had him identified by the
deceased.

Dr. H. C. Cunnelly, 166 East 90 St.
Examined and treated the de-

cleared in the St. Vincent's Hospital,
being the House Surgeon at the time.

Hugh Kiernan, 201 West 32 St.

14 years of age now. Knows
the nature of an oath.
Saw the whole occurrence and
gives a very clear statement
of what he saw.

Mary Jones, 84 Horatio St.

Saw the deceased immediately
after the assault. Can testi-
fy as to his condition, and
that he had slippers on. Dy-
ing declaration.

Margaret Culliton, 455 W. 16 St.

Widow of the deceased. Dying
declaration in regard to whole
occurrence. Condition of
the deceased. Death.

Dr. Verpl. Deputy Coroner
70 East 4 St
Autopsy

The following witnesses were examined before the Coroner and testified in favor of the defendant:

William Hallahan

82 Horatio St.

Henry Steinmetz

42 Horatio St.

Margaret Peilly,

435 West 16 St.

Richard M. Ureland

Wordhuff, N.Y., resident

438 West 16 St., business.

These witnesses have testified that the deceased struck the defendant first and dropped him to the ground and that he kicked him, when the defendant was lying on the sidewalk, and that when defendant tried to get up, he struck the deceased with a wrench on the head.

I intended to make an abstract of the witnesses statements, but my other duties have prevented me from

POOR QUALITY
ORIGINAL

0177

doing it.
Dated N. Y., Nov. 15, 1889.
Edward Grosvenor
Deputy Asst

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs,

John H. Hama

BRIEF OF FACTS.

For the District Attorney.

Dated

November 15 1889

Edward Groves

Deputy Assistant.

Court of General Sessions.

People }
John Hannon. } Manslay Htr.

I have carefully examined all the evidence in this case, & am clearly of the conclusion that the great preponderance of evidence establishes the fact that the blow causing death was struck in self-defense. The only testimony upon which the people could rely for the establishment of a *prima facie* case is that of two witnesses — one a boy of 13 years of age, friendly to deceased, not entirely free from suspicion of being influenced in his story by deceased's wife, & flatly contradicted by every other witness of the occurrence (some of whom, at least, are plainly entirely disinterested) — & the other deceased's wife herself, whose testimony is practically confined to the account of an alleged dying declaration made by deceased, not satisfactorily analyzed, in my opinion, & consisting of a very improbable narration of the facts of the dispute, not one of which was seen even by the boy above alluded to. The language of this witness — the wife — too, justifies the conclusion that her testimony is not free from the color of prejudice & resentment, & it is, in my opinion, but little worthy of reliance.

All the other witnesses, on the other hand, eye-witnesses of the whole scene, swear clearly to a state of facts which would prove the blow

to have been struck in self-defence. They declare that the deceased, by a sudden & unprovoked blow from behind, felled defendant to the ground; that while defendant was down, deceased kicked him; that when defendant strove to rise, deceased, ~~struck~~ standing over him, struck at him again, when defendant, half risen, struck the blow which resulted fatally, with the iron wrench which he carried in his hand from his push-completed work. There is no proof of wanton or malicious attack upon defendant's part; & if the testimony of these witnesses, as to the respective positions of defendant & deceased at the time of striking the fatal blow, be true, it would be difficult to imagine a clearer case of self-defence.

I accordingly recommend the dismissal of the indictment.

A. D. Parker

Definitely.

Dec. 2, 1889.

Samuel Stiken
Dr. Cunnally
Hugh Kiernan
Wm. Stalder

(only policeman - as to arrest)
(as to injuries, cause of death)
(boy - makes for us)
(ag. it is dead)

Henry Sternmetz
Margaret Reilly
Mary Jones

a u u
(knows nothing of ~~the~~ ^{it} - what she does say is)
(No good for any one)

Margaret Gulliton
Rich. M. Ireland
John Harold

(Swears to a very improbable story)
(dead ag. it is)
(results of autopsy)

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

John Hammond being duly examined before the under-
signed 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.

John Hammond

Question. How old are you?

Answer.

33 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

422 West 166 St 3 years

Question. What is your business or profession?

Answer.

Driver

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

Answer.

*I am not guilty. The
complainant insulted my
father and then struck at
me and kicked me and
knocked me down and
broke the crystal of my
watch and I only struck
him in self defence*

John Hammond

Taken before me this

day of

June

188*8*

John Hammond Police Justice.

POOR QUALITY
ORIGINAL

0183

BAILED,
No. 1, by Anna Hannon
Residence 1435 West 16th Street.
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick Colligan

John Hannon

Offence Assault
Mis.

Dated June 21 1888

Thomas Magistrate.

Sam Oiler Officer.

16 Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 3000. to answer 8.8 Street.

Pauline

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 _____

John Hannon

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three 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 June 21 1888 John Hannon Police Justice.

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

Dated June 21st 1888 John Hannon 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.

0184

1000

Paifixed at \$10,000.

REPAIRED, Serial 7/55

No. 1, by.

Residence

No. 1, by

Residence...

No.

Residence

No. 4, by

Residence.....

St. Louis, Missouri

African Near P. claterius

White Sulphur Creek and

2.48 Mr.

John

Police Court - District

10

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Arthur Ballou

45:5. ~~Miss~~ 16 2/3

John Hannon

RECEIVED
JUN 18 1961
AIR

Offence

Dated June 27 1888

Magistrate.

Officer.

Préfect.

Massachusetts

Street.

Handwritten text on lined paper, possibly a signature or name, partially obscured by a vertical dotted line.

Street.

Street,

to answer

Deposits on Credit
Feb 18 5000000

[illegible]

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.....

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.....188.....*Police Justice.*

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

Dated.....188.....*Police Justice.*

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

Dated _____ 188 _____ *Police Justice.*

POOR QUALITY
ORIGINAL

0185

Sec. 568.

2 District Police Court.

UNDERTAKING TO ANSWER—

Spec. SESSIONS.

CITY AND COUNTY
OF NEW YORK, } ss.

An order having been made on the 21st day of June 1888 by
John J. Gorman a Police Justice of the City of New York. That
John Harmon be held to answer upon a charge of

Assault

upon which he has been duly admitted to bail, in the sum of Three Hundred Dollars.

We, John Harmon Defendant of No. 422
West 16th Street; Occupation, Driver and
James Harmon No. of 439 West 16th Street;

Occupation Truckman Surety, hereby undertake jointly and severally
that the above named John Harmon shall appear and answer the charge above-
mentioned, in whatever Court it may be prosecuted: and shall at all times render h im self amenable to the orders
and process of the Court; and if convicted, shall appear for judgment, and render h im self in execution thereof
or if he fail to perform either of these conditions that we will pay to the People of the State of New York, the sum
of Three Hundred Dollars.

Taken and acknowledged before me this 21st
day of June 1888
John Harmon POLICE JUSTICE.

John Harmon
James X. Harmon
(Mark)

CITY AND COUNTY } ss.
OF NEW YORK,

day of *June* 188*8*
John H. Hannon
Police Justice.

Sworn to before me this

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *Five* Hundred Dollars, exclusive of property exempt from execution and over and above the amount of all his debts and liabilities, and that his property consists of *one home and lot of*

land known as premises No. 439 West 16th Street in said City

James H. Hannon
his
James H. Hannon
must

New York Spec. Sessions.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Undertaking to Answer.

John Hannon

Taken the *21st* day of *June* 188*8*

Gorman Justice.

Filed day of 188

0187

Police Court— 2 District.

CITY AND COUNTY
OF NEW YORK, ss,

of No. 455 West 16 Street, aged 56 years,
occupation Laborer
on the 21 day of June being duly sworn, deposes and says, that
in the County of New York, 1888 at the City of New York,

he was violently ASSAULTED and BEATEN by John Hannon, now
dead who struck deponent a violent
blow on the head with a heavy
car wrench, inflicting a severe wound

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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this 21st
day of June 1888

Patrick Collitan
John Hannon Police Justice.

POLICE COURT 2 DISTRICT.

City and County of New York, ss.:

THE PEOPLE,

vs.

John Hannon

On Complaint of Patrick Collitan
For Assault

After being informed of my rights under the law, I hereby waive a trial, by Jury, on this
complaint, and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to
be holden in and for the City and County of New York.

Dated June 21 1888

John Hannon
John Hannon Police Justice.

St Vincents Hospital
New York June 22/88
This is to certify that
Patrick Cullitt is a patient
at this hospital suffering
from a Compound Fracture
of Skull and will not
be out of danger for
some days.

H. C. Cunnely
House Surgeon

St Vincents Hospital

June 22/88

This is to certify that Patrick
Culliton is a patient at this
hospital suffering from a
Compound fracture of Skull
& Scalp wound and is
dangerously injured

H. J. Curricly
House Surgeon

0190

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

Margaret Colliton

of No. 455 West 16th Street, aged 45 years,
occupation Housekeeper being duly sworn deposes and says,
that on the 21st day of June 1888

at the City of New York, in the County of New York, Dependent
husband, Patrick Colliton, was
assaulted by one John Hannon
as he informed dependent.

That her said husband is now in
St. Vincent's Hospital; and dependent
is informed by the physicians in
charge of said hospital that he
is likely to die from the
effects of his injuries which consist
of a compound fracture of the
skull.

Margaret Colliton
deponent

Sworn to before me, this

of

June 1888

day

John J. Hannon
Police Justice,

POOR QUALITY
ORIGINAL

0191

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before John J. Loman a Police Justice
of the City of New York, charging John Harmon Defendant with
the offence of Assault.

and he having been brought before said Justice for an examination of said charge, and it having been made to
appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hear-
ing thereof having been adjourned,

We, John Harmon Defendant, of No. 424
West 16th Street; by occupation a Driver
and James Harmon of No. 439 West 16th
Street, by occupation a Truckman Surety, hereby jointly and severally undertake that
the above named John Harmon Defendant
shall personally appear before the said Justice, at the 2 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of fifty five (55)
Hundred Dollars.

Taken and acknowledged before me, this 22nd day of June 1888.

day of

1888

John Harmon POLICE JUSTICE.

John Harmon
James Harmon
mark

POOR QUALITY
ORIGINAL

0192

CITY AND COUNTY } ss.
OF NEW YORK, }

Sworn to before me, this
day of June 1881
Justice.

James Hammon
the within named Bail and Surety being duly sworn, says, that he is a resident and
holder within the said County and State, and is worth ten thousand ~~hundred~~ ^{free} Dollars, ^{#10,000}
exclusive of property exempt from execution, and over and above the amount of all his debts and
liabilities, and that his property consists of house and lot of
land known as premises No 439
West 16th street. in said city and
worth over ten thousand dollars.
(#10,000)

James Hammon
Mark

District Police Court.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

Undertaking to appear
during the Examination.

vs.

Taken the day of 1881

Justice.

0193

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

of No. 16th Precinct } George Logan
Street, aged 38 years,
occupation Police officer being duly sworn deposes and says,
that on the 20th day of August 1888

at the City of New York, in the County of New York, deponent arrested
John Harmon, the defendant
within named, on a warrant issued
by Coroner Vidman. That deponent
is informed by Coroner Vidman that
the injured man named in the
within Complaint of Margaret Colligan,
viz: Patrick Colligan, died from his
injuries on the 19th day of August
instant at St. Vincent's Hospital.
That said defendant Harmon, has been
bailed by Coroner Vidman in the

Subscribed before me this

188

day

Notary Public

0194

Sum of Ten thousand dollars, for his
appearance at the Sheriff.
Sworn to before me this } George Logan
23rd day of August 1888 }

W. W. Patterson Police Justice

Police Court District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated 1888

Magistrate.

Officer.

Witness,

Disposition,

St. Vincent's Hospital

August 27, 88

This is to certify that Patrick
Culleton is still a patient
at this hospital suffering
from a compound fracture of
skull also paralysis of
right side of body due to
said injury and will not
be out of danger for some
time

Dr. H. C. Currie
House Surgeon

0196

St Vincent's Hospital

June 30/88

This is to certify that
Patrick Culleton is a patient
here suffering from a Compound
Fracture of Skull and will
not be out of danger for
several days

Dr H. C. Cunnely
House Surgeon

0 197

-----X
The People of the State of New
York,

--agst--

JOHN HANNON.
-----X

Samuel Aiken, a police officer, will testify that on the 21st. day of June, 1888, he arrested the defendant a little after nine o'clock in the morning at a stable No. 439 West 16th. Street and that he took the defendant before the deceased and that he identified him as the man who had assaulted him. Mrs. Culliton, the wife of the deceased, says that at that time her husband said "That is the man that murdered me, and when I am dead hang him to the first tree."

Dr. Henry C. Cunneely, House Surgeon of St. Vincent's Hospital examined the deceased on the day of the assault, five minutes of six in the evening and found him suffering from a scalp wound over the left eyebrow and a compound depressed fracture of the skull. The piece of bone was removed, the bone elevated and the wound dressed antiseptically. The operation trephining was performed, the membrane was torn and the brain protruding through and lacerated. He remained in the hospital from the 21st. day of June to the 20th. day of August, when he died, his death being caused by cerebral abscess and brain softening, caused by the depressed fracture. The doctor will further testify that the wound was dressed before he saw it.

Hugh Kiernan, of 460 West 16th. Street on June 21st., will testify that between the hours of eight and nine in the morning he was going up 16th. Street toward Ninth Avenue; that he saw the deceased with his arm around John Hannon's neck, going down. That they had some words; that Mr. Culliton then threw Hannon to the ground and Hannon arose and struck Culliton on the head with a wrench, and that before the blow was struck with the wrench Culliton lifted his foot. That after the first blow was struck and Culliton staggered Hannon kicked him in the face. Kiernan is 13 years of age. He testifies that Culliton was drunk and Hannon sober.

William Halahan of No. 82 Horatio Street, in the testimony he gave before the Coroner had evidently been prepared in advance as he testified to the violent attack by Culliton upon young Hannon and that prior to making the same Culliton had used very profane and abusive language to Hannon Sr. which was entirely unprovoked, and it will probably be inadvisable to call him as a witness for the people.

Henry Steinmetz of No. 42 Horatio Street will probably be used as a witness for the defense as his testimony goes to show that Culliton had made an assault upon young Hannon and that by reason of his being tripped and struck by Culliton Hannon had fallen to the ground and when about to arise Culliton started to renew the attack when the blow was struck with the wrench.

Mrs. Margaret Rielly gave no testimony of any importance.

Mrs. Mary Jones of No. 84 Horatio Street testified that on the 21st day of May she saw Culliton after the injuries were inflicted and he said he wouldn't live and knew he was going to die. That she said to him "Mr. Culliton, take your hand down", and he answered "No, Mrs. Jones, I cannot take my hand down, if I do my brains will fly to the ceiling." That after the witness had sent for a policeman Culliton again said "Mrs. Jones I am going to die,--I know I am going to die." That an ambulance came from the New York Hospital and that Dr. Healey came with the ambulance and probed the wound. That she took from the feet of Mr. Culliton a pair of slippers that he wore on the day in question and they were offered in evidence and ~~admitted~~ by the coroner.

Mrs. Margaret Culliton of No. 455 West 16th. Street, the wife of the deceased, will testify that on the day in question he left the house wearing the slippers which Mrs. Jones, the last witness, took from his feet. That after the deceased said he was going to die he said to her "Maggie, I am going to die, and if you are talking to the Court all you will have to swear, and you will swear ~~to~~ what is true, is that I was coming down the Street and old man Hannon was on the sidewalk and I went up to him and asked him for a job and I says 'what's the matter with me that you don't give me a job?' Old man Hannon made answer and said he had nary job to suit him, and my husband said, "I am as good a truck driver maybe as you have in the stable." Old man Hannon said to him "You're getting like myself, a little too old." Young Man Hannon came out with a wrench in his hand and he

says, "What's the matter here now?" My husband said "Nothing much is the matter," and Johnny Hannan says "You had better go on down the Street where you belong," and my husband turned around like that (illustrating) the young man having a wrench in his hand. That my husband put his foot out and young Hannan fell and then jumped up and struck him with the wrench. The deceased further said that he thought young Hannan was fooling and that if he had known he was going to strike him with the wrench he would not have let him. That after he was struck he tried to scramble up when young Hannan kicked him and struck him a second time, and that then big Bill jumped over and took Hannan off. That her husband further said "I am killed, that's all you have to say; Johnny Hannan killed me, it's you that's at the loss."

Richard M. Vreeland, of Nordhoff N.J., was a witness called before the Coroner on behalf of the accused, and from the reading of his evidence it will appear that he was very much prejudiced in favor of Harmon.

I am instructed that there is a lady witness who saw the occurrence and I shall make the effort to find her and learn what she can testify to before the case is tried.

IN THE CORONER'S COURT OF THE CITY OF NEW YORK.

INQUEST IN THE MATTER OF
THE DEATH
OF PATRICK CULLITON.

BEFORE

HON. FERDINAND EIDMAN,
Coroner,

AND A JURY.

NEW YORK, THURSDAY, AUGUST 30TH, 1888.

S E C O N D D A Y .

I N D E X .

MRS. MARY JONES-----	56
MRS. MARGARET CULLITON-----	66
X RICHARD M. VREELAND-----	72
MEDICAL TESTIMONY-----	103
CHARGE-----	105
VERDICT-----	108
MOTION TO ADMIT TO BAIL-----	109

-----OXO-----

Reported in full by H. H. ALEXANDER, 31 & 33 BROAD ST. Rooms 17 & 18.

-----OXO-----

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IN THE CORONER'S COURT OF THE CITY OF NEW YORK.

INQUEST IN THE MATTER OF : BEFORE
THE DEATH : HON. FERDINAND EIDMAN,
OF PATRICK CULLITON. : CORONER,
and a Jury.

NEW YORK, THURSDAY, AUGUST 30TH, 1888.

S E C O N D D A Y.

The Court met at 10.30 A.M.

For the People appeared Assistant District Attorney,
Henry Hartman.

For the relatives of the deceased appeared Mr.
A. G. Palmer, of Palmer & Boothby.

For the Defendant, John Hannan, appeared Mr.
Frederick B. House.

M R S. M A R Y J O N E S,
Sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. 455 West 16th St.

84 Horatio St.

Q. You are a housewife ? A. Yes.

Q. Where were you on June 21st between the hours of eight and nine in the morning ? A. Looking out of the window.

Q. And where is your house ? A. It is the first stoop from 10th Avenue.

Q. On 16th Street ? A. Yes, sir.

Q. Do you occupy front rooms ? A. Yes.

Q. And you were looking out of your window ? A. Yes.

Q. And what did you see ? A. I just seen Mr. Culliton coming up the Street and he seemed all bloody but he didn't come in his own door, he passed one door to the door above and there was a lady standing there and she says, "Mr. Culliton, you don't live there, you live next door.

MR HOUSE: Was this defendant there when that statement was made by that lady ?

THE WITNESS: No.

MR. House: Then I object.

THE CORONER: Will you show me your authority ?

MR. HOUSE: I would like to know what the gentlemen of the other side propose to prove ?

MR. PALMER: We propose to prove by this witness the condition of Mr. Culliton at the time he came home and how his feet were clad upon the day and as to whether the kick was a dangerous one or as to whether the defendant had any just provocation for the blow which caused the death of deceased. Then we propose to prove by the wife the dying declaration and that he knew he was going to die. Of course my friend Mr. House and myself will agree undoubtedly upon the proposition that if the deceased, after he had given up all hope of recovery, made any declaration to his wife it will be admissible upon trial before a petit Jury and consequently will be here and enable this Jury to determine whether the deceased gave the prisoner any justification for the blow. Now we propose to show by this witness that the statement made by Halihan that he had attended the deceased home was wrong.

THE CORONER: Will you kindly show me the authority you cited the other day, Mr. House?

MR. HOUSE: I will show you the authority I cited, but there is no necessity of showing it after the declaration made by my friend on the other side, Mr. ^{Palmer} ~~House~~.

The proposition made by Mr. Boothby the other day was that he had several witnesses here who did not see the occurrence, but whom he wanted to have sworn, or examined as to certain statements that this deceased man, Culliton, made after he reached his house, and there was no statement on the part of Mr. Boothby that those statements were made by the deceased in the way of a dying declaration. ^{concede} Now I ~~said~~ the position assumed by my friend upon the other side, that if there is any witness who heard any statement as to this occurrence made by Mr. Culliton after he had announced the fact that he believed that he was going to die and that he had no hope of recovery then that testimony is admissible. But the testimony that I was arguing against and what I sought to keep out the other day, and for which I brought this authority, was mere statements made by the injured man after having received the injury and not in the nature of dying declarations. If a statement is offered here which comes within the law, in the nature of a dying declaration, your Honor knows as well as I know that it is proper and legitimate testimony.

THE WITNESS: He made the statement to me that he

was going to die. He says, "I know I won't live."

BY THE CORONER:

Q. You say now that he made a statement to you that he was going to die ? A. When he came upstairs----

MR. PALMER: (Interposing) This witness is not put upon the stand for that purpose.

THE CORONER: This is a question that I am desirous of putting for my own information.

Q. You say that the deceased, Mr. Culliton, made a statement to you that he was going to die ? A. He said he wouldn't live, he knew he was going to die. He said, "Mrs. Jones, get a doctor, get a doctor, I am going to die," in his own hall before he went into his room. I was the first person that seen him with his hand to his head. I says, "Mr. Culliton, take your hand down," and he says, "No, Mrs. Jones, I can't take my hand down, if I do my brains will fly to the ceiling." He leaned against the bannisters, and I called Mrs. Hackett down and says, "Will you please stay by Mr. Culliton until I call an ambulance." I went down stairs and there was a man down stairs who lived upstairs, I don't know his name, because I don't know much of the

neighbors in the house and I says, "Will you please go around the corner and see if there is a Policeman there, Mr. Culliton is bleeding to death upstairs." This gentleman ran around and brought an officer, who is here now, and Mr. Culliton says, "Mrs. Jones, I am going to die, I know I am going to die," and he wouldn't sit down and he wouldn't take his hand from his head. So after the doctor came he made Mr. Culliton go in his own room and sit down in the chair and he dressed his head and he was going to take him to the New York Hospital, and an Ambulance came from the New York Hospital, and Mrs. Culliton objected to his going to the New York Hospital; she wanted him taken to St. Vincents, to the Sisters.

Q. Then what was done? A. After the doctor went away he laid on the sofa and he began to get delirious and I didn't leave his side, and then I went to go out of the room and he called me back and picked up a spittoon and showed me where he had spit up a lot of blood and so I ran in to Mrs. Culliton and the daughter-in-law and another woman carried her in to my room fainting. I says you had better get another Doctor, and ~~the~~ Doctor

Healey came and pronounced him in a dangerous condition.

Q. Give us his language, if you can.

MR. HOUSE: That is taken subject to my objection, because the defendant was not present and what Dr. Healey said cannot bind the defendant.

THE CORONER: It cannot prejudice your case any.

MR. HOUSE: Very well.

A. Dr. Healey came and took a little case out of his pocket with instruments in it and he undone Mr. Culliton's head and he probed and he says to me, "Can I see you in your room" he didn't want to talk before Mrs. Culliton, so he came into my room and says, "Mr. Culliton is in a very dangerous condition." He advised her to send him to the Hospital and the ambulance came about five minutes to six in the afternoon and took him to St Vincents Hospital. I went right down after him. Mrs. Culliton told me to go down and pay the board for him, that she was not able to go, and I asked the Sister, "What do you think of Mr. Culliton's condition?" She says, "There's no hopes at all for him, we are after sending for the Priest."

BY JUROR JACKSON:

Q. When you saw Mr. Culliton how far was he from the house ? A. Mr. Culliton was just next door. He passed his own door and then a lady told him he didn't live there, he lived next door, and he turned around himself and came upstairs all alone.

Q. How far was he from the house before he passed the door ? A. He was at the other stoop, his own stoop, and I thought he was coming upstairs but instead of that he went to the other stoop.

Q. That was when you first saw him ? A. Yes.

Q. There was nobody with him then ? A. No, sir; not a soul.

BY MR. MARTIN:

Q. You live next door yourself ? A. Yes, sir.
(Indicating) Those are the slippers he had on and I took them off of him after he came upstairs.

BY MR. HOUSE:

Q. You were looking out of the window ? A. Yes, I was looking for my boy; I had sent him for rolls, and just as I happened to look out I seen Mr. Culliton coming from 9th Avenue and he didn't go in his own door, went ~~to~~ four

or five ^{steps} further and there was a lady standing on the stoop and she told him he didn't live there.

Q. What month was this? A. On the 21st of June.

Q. Do you know when he died? A. He died Monday week.

BY MR. PALMER:

Q. Where did you procure these slippers? A. I took them off Mr. Culliton. When he came in he asked me to take them off his feet, after he laid on the sofa.

Q. Were those the slippers he had on his feet at the time you saw him coming down the Street? A. Yes, and red stockings.

MR. PALMER: I offer the slippers in evidence.

MR. HOUSE: Objected to on the ground that they are irrelevant and immaterial.

M THE CORONER: I will admit the slippers.

MR. HOUSE: Exception.

Q. Now did you see Mr. Culliton on the day that he came home so that you could determine what his condition was---his head? A. Yes, he was bleeding terribly.

Q. Did you see whether he had any wounds or not?

A. Yes, he had one here (indicating) and then there

was one here (indicating).

Q. Two ? A. Yes, he had two cuts.

THE CORONER: That will all be shown by the testimony of the Deputy Coroner and also the report from the hospital. It strikes me that this lady is not capable of determining what his wounds were.

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MRS. MARGARET CULLITON,

sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. 455 West 16Th Street.

Q. And you are the wife of the deceased, Patrick Culliton ? A. Yes.

Q. On the morning of June 21st, between the hours of eight and nine, where were you ? A. I was in my own room, sir.

Q. Where is your room situated; in the front or at the rear of the house ? A. I have a whole floor through

Q. Were you looking out of your window at the time ?

A. No, sir.

Q. You were in your room doing what ? A. Making up my beds, sir.

Q. When did you first learn your husband was injured ?

A. I met him coming upstairs and he hollered "that Johnnie Hannan has killed me," to get a doctor right away, that he was killed by John^{nie} Hannan; that is all; and when I went in the hall I met him and you couldn't see an eye in his head for the blood.

Q. He said to you he was killed ? A. By Johnnie Hannan, and I says, "What have you done that he done that to you ?" And he says, "only fooling." So we sent then for the doctor. I sent for the Ambulance doctor and the Police at the same time to come to arrest Johnny Hannan and then the Police arrested Johnny Hannan. Before Johnny Hannan came the New York Hospital Ambulance Doctor came and was dressing his head and as he was dressing his head the Policeman took in Johnny Hannan to him and he says; "Is this the man who has struck you ?" And he says, "That is the man who struck me and he has killed me and when I die hang him to the next tree."

Q. Did he say he was going to die ? A. Yes, he said he was going to die all the time.

BY JUROR MARK:

Q. Was your husband a drinking man ? A. No, sir; he never had to pay a liquor bill in his life in a liquor store. Anyone can find that out.

Q. But was he a drinking man ? A. No, sir.

BY MR. PALMER:

Q. Do you know what your husband had on his feet on the morning of June 21st ? A. He had on slippers and

red stockings.

Q. When he left the house ? A. Yes, sir.

Q. Did he have on his same slippers when he returned ?

A. Yes, sir.

Q. Look at the slippers that have been introduced in evidence and state whether or not those are the slippers your husband wore ? A. Those are the slippers. He got them a year ago last Christmas a present from his daughter-in-law.

Q. You saw your husband in the hospital, did you ?

A. Yes, sir; I was there twice a day.

Q. Upon which occasion that you saw him at the hospital was anything said on the subject of his death ? A. He said all the time that he would never get out of there.

Q. Upon which occasion was it that you saw him there that he said anything about his dying ? A. I will tell you. About a month before he lost his feet he says "Maggie, I am going to die and if you are talking to the Court all you will have to swear, and you will swear what is true, I was coming down the Street and old man Hannan was on the sidewalk and I went up to him and asked him for a job and I says, 'what's the matter with me that you don't give me a

job," old man Hannan made answer and said he had nary job to suit him and my husband said, "I am as good a truck driver maybe as you have in the stable", and he says to old man Hannan, "You're getting like meself, a little too old." Young man Hannan came out with a wrench in his hand, and he says, "What's the matter here now?" My husband says, "Nothing much is the matter," and Johnny Hannan says, "You had better go on down the Street where you belong," and so my husband turned around like that (illustrating) and young man Hannan having his wrench in his hand and as soon as he done that he put his foot out and he couldn't do anything to him much and he fell and when he jumped up he struck him with the wrench and he thought he was only fooling the same as he was fooling himself. He said he didn't think he would strike him with the wrench "If I thought he was going to strike me with the wrench I wouldn't let him; I thought it was only fooling he was, the same as I was myself, with that he struck me with the wrench and I fell on my knees and I tried to scramble up and when he got me down he kicked me, and then I got up on my knees and he struck me a second time," and then he says there was a man, big Bill, he jumped over and took young man Hannan

from him and he came down the Street and he had to put his hand to his head to keep the blood stopped from flowing from his head and when he came home he says to me, "I am killed; that's all you have to say; Johnny Hannan killed me," and he says, "Its you that's at the loss." That is all.

BY MR. HOUSE:

Q. Your husband was a tall man, was he not ? A. Yes, a fine big, able man.

Q. He was a strong man, was he not ? A. Well, he was strong for his size, of course, but he wouldn't be strong enough for a young man I am sure.

Q. He was a taller man than Mr. Hannan was he not ? A. He was.

Q. And a heavier man ? A. Yes, sir.

BY MR. HARTMAN:

Q. It might be proper to state to you now that the interests of the People are being properly looked after and the People are representing you. You understand that, do you ? A. Yes, sir.

THE CORONER: I would be very much obliged to you if, in as plain words as the English language will enable you to use, you will make her understand that because she will

go away from here again dissatisfied. (To the witness)
I want to say to you, Madam, that this gentleman (Mr.
Hartman) is here to take care of your interests. Do you
understand that ?

THE WITNESS: Yes, sir; I do.

THE CORONER: Outside of your own counsel, this gentle-
man is here on behalf of and to take care of your interests
on behalf of the District Attorney's Office .

RICHARD M. VREELAND,

sworn and examined.

BY THE CORONER:

Q. Where do you live ? A. Nordhoff, N.J.

Q. What is your business ? A. I am bookkeeper for Robert Gentle.

Q. Where does the firm do business ? A. 27 Pearle Street; also 438 West 16th Street.

Q. On the day in question, meaning June 21st, between the hours of eight and nine in the morning, where were you ?

A. In the office of the warehouse at 438 West 16th Street.

Q. What did you see ? A. Well, I was looking out of the window. The trucks were loading in front of the door of the warehouse and I was looking out of the window to see who they belonged to and I heard an altercation across the way and I looked over and saw the deceased talking to old Mr. Hannan. Young Mr. Hannan was greasing a wagon down in front of the warehouse, and as I looked he had just finished. I couldn't hear what old Mr. Hannan said.

but the deceased was using very profane language and very blasphemous language to old Mr. Hannan. I couldn't catch but a few words; and young Mr. Hannan walked across and was talking to him. I didn't suppose they were quarreling, and in a few minutes they started and went down the Street. I didn't suppose there was any quarrel at all. Then they stopped down in front of the tin shop. Mr. Hannan was still in advance of the deceased, and suddenly Mr. Hannan turned around to walk in the tin shop, I suppose, or to go back; I don't know what he was going to do, but he partially turned from the deceased and as he turned the deceased struck him somewhere here (indicating), and as he turned he fell back on his elbow in this manner (Illustrating) ^{and} as he fell ~~on~~ and was on the sidewalk, the deceased kicked him, and as Mr. Hannan was on his left elbow trying to get up the wrench was in his right hand and as he was getting up the deceased attempted to strike him again with his fist, and as he attempted to strike him down in this way (illustrating) Hannan struck up like that (illustrating with the wrench and struck him and the deceased reeled over, but he didn't fall and he went around, and there was a man---I don't know whether it was the witness or not that was here on last Saturday, but he went up and they

talked together, and the blood was running down over the deceased's face and he walked off with him down the Street. Mr. Hannan went in the tin shop and I didn't notice where he went after that, until a half an hour afterwards, and then there was a telephone call for Mr. Hannan from the Chelsea Jute Mills and I sent down by the foreman to tell Hannan to come upstairs I wanted to see him and he came up and I asked him what was the matter and Mr. Hannan didn't have time to tell me. I knew this man was intoxicated from the way he walked.

BY MR. PALMER:

Q. Who was intoxicated? A. The deceased.

BY JUROR MARK:

Q. How did you know he was intoxicated? A. From his actions and the way he walked. He was staggering while he was talking to old Mr. Hannan.

Q. Could you positively say that he was intoxicated, or did you only imagine so? A. From his actions I imagined so. I wasn't by him. He was under the influence of liquor any way. There are a good many stages of intoxication; you can't tell.

BY JUROR JACKSON:

Q. You explained how you were looking out of the window. Did you see distinctly the blows struck the deceased by Mr. Hannan? A. The window was raised. I had my head out of the window to look down.

Q. You also saw the deceased strike Mr. Hannan?

A. Yes, he struck him so that he fell.

Q. Did he trip him so that in addition to the blow it brought him down? A. I couldn't say whether he tripped him, but I supposed it was from the blow.

Q. You were not near enough? A. No.

Q. How far away were you? A. I should judge 150 to 200 feet. It was diagonally across the Street.

Q. But you could see very plainly how Mr. Hannan reeled, fell on his elbow and when he was getting up that the deceased kicked him? A. The deceased kicked him when he fell, after he was down, and when he was trying to get up he kicked him again and when he was half way up he went for him again and that is the time that Hannan struck him with the wrench. You know what the position would be if you were lying on your elbow and trying to get up. He struck him only once then.

Q. You could see that very plainly ? A. I could see that very plainly.

Q. If he had struck him again you could have seen that ? A. Yes, sir.

Q. Did Hannan kick him ? A. No, he didn't kick him at all.

Q. Are you quite positive of that ? A. I know it. There was no other blow besides that one. When he was getting up he struck him, this way (illustrating). I could see them very distinctly, but the deceased kicked him before he struck him.

Q. My question was whether Mr. Hannan struck the deceased more than once. Could you have seen plainly whether Mr. Hannan struck him a second blow ? A. I am not certain whether he struck him a second blow. I couldn't see plainly enough for that, but I don't think he struck him a second blow. I should probably have seen it if he had struck him a second blow when he was getting up.

BY MR. PALMER:

Q. Did you know Mr. Hannan or his father prior to the 21st of June ? A. I never knew Mr. Hannan or his father prior to the 11th of May. On the 11th of May I went into Mr. Gentle's employ. It was through the business

relations with Mr. Gentle the way I became acquainted with Mr. Hannan, and I am only acquainted with either one of them in a business way, in doing business with Mr. Gentle.

Q. To whom did you first communicate the fact that you had observed what took place. A. I think I told it to Mr. Gentle first; either to Mr. Gentle, or Mr. Gentle's manager or foreman. But I think it was to Mr. Gentle I first communicated it.

Q. And you saw Mr. House prior to coming here? A. Yes.

Q. And you explained to him what you had seen?

A. Yes.

Q. Now you were standing in the window of the factory at the time the deceased was engaged in conversation with old man Hannan? A. Yes.

Q. Was the first thing that attracted your attention the loud noise made by the deceased talking? A. Loud talking.

Q. Did you discover his face at that time? A. Just merely glanced at it. He was a full faced man with dark moustache.

Q. Were you near enough to discover whether he had any marks upon his face or upon his person? A. No, sir; I could not. I was across the Street, upstairs in

the office in the warehouse.

Q. Then you were not near enough to tell whether he had any blood on him or not ? A. Not before the accident.

Q. At the time the assault took place, did you leave the office and go near them ? A. No, sir; I remained there.

Q. And all that you have described to the Jury, you saw from the window ? A. I saw from the window.

Q. Now do you pretend to say that from the window out of which you were looking you were near enough to tell whether Culliton had blood on him ? A. He didn't have any blood on him. I could see from the window.

Q. He looked the same as an average person ? A. Yes.

Q. He left old man Hannan and started and walked down the Street ? A. Yes, he was walking with young Mr. Hannan.

Q. Now you say that when they left the place where the old gentleman was standing that you supposed that there was going to be no trouble ? A. I didn't suppose there was any trouble.

Q. You had heard loud talking ? A. That is all.

Q. You kept your eyes fixed on the deceased and the prisoner from the time they left the old man until this row
~~xxxx~~ was all over ? A. I was looking at them as they passed down the street.

Q. Did you keep your eyes in condition to see the prisoner and the deceased from the time they left the point where the old gentleman was standing until after the deceased left and went home ? A. I had my eyes on them until after the blow was struck.

Q. Did you have your eyes on the deceased and the prisoner from the time----A. (Interrupting) Yes.

Q. Now when they reached the point where you say the prisoner was tripped and struck by the deceased---A. (interrupting) I don't know whether he tripped him or not.

Q. You didn't see that ? A. I couldn't tell which it was.

Q. You saw the blow struck ? A. I saw the blow struck.

Q. And saw the prisoner fall ? A. And saw the prisoner fall.

Q. And did the deceased kick him ? A. Kicked him

as he was down; as he went down he jumped at him and kicked him.

Q. On what part of the person of the prisoner did the deceased strick him? A. On the head, as I should judge, somewhere about there (indicating).

Q. I ask you what part of the person of the prisoner did the deceased strike? A. Somewhere on the side of the neck, or the side of the head, as far as I could see.

Q. But you are not prepared to say that at the same time the blow was struck the deceased did not trip the prisoner? A. I don't know. He might have tripped and struck him at the same time.

Q. Did you see whether the kick rendered by the deceased struck the person of the prisoner? A. As near as I could see I should judge it did.

Q. Can you testify as a matter of fact to this Jury that the kick given by deceased came in contact with the body of the prisoner? A. No, I cannot, because I was not close enough.

Q. Will you swear to this Jury that at the time the deceased made a kick at the prisoner, or at any time during the trouble his foot came in contact with the body of the prisoner? A. No, I cannot.

Q. Was there more than one blow by the deceased to the prisoner ? A. Not that I could see distinctly.

Q. Then you say the prisoner made an effort to rise ?

A. He made an effort to rise.

Q. Was the prisoner in a condition to see the deceased reel, as you have described it, at the time he was talking with his father ?

MR. HOUSE: I object to that question, on the ground that the witness has never stated that the deceased man was reeling at the time he was talking with old man Hannan.

THE CORONER: I sustain your objection.

Q. Have you not already stated in your testimony that while old man Hannan and the deceased were talking together ^{the deceased} was so inebriated that he reeled ? A. No, I didn't say that. I said he staggered. I said that I could see that he was under the influence of liquor, from his actions.

Q. From his staggering ? A. Well, you know how a man will---

Q. (Interposing) No, I don't know. Described the way deceased walked ? A. He stood talking to old man

Hannan and he staggered something like that (illustrating)

Q. Kept moving all the time ? A. Unsteady; that is the idea.

Q. And that indicated to your mind that he was drunk ?

A. That he was drunk, and also from his conversation, what I could overhear. Of course, I couldn't overhear it all. I could only overhear very blasphemous language.

BY THE CORONER:

Q. You say that you heard blasphemous language.

Who used it ? A. The deceased.

Q. What did he say ? A. The only thing I heard was "You God damned old son of a bitch."

BY MR. PALMER:

Q. Now while he was stepping about in that way, which indicated to your mind that he was under the influence of liquor, where was this prisoner ? A. He was greasing a wagon in front of the warehouse.

Q. Close at hand ? A. Nearly opposite the window from where I was standing, underneath.

Q. Now at the time that the deceased started to walk from the point where old man Hannan was standing down toward the tin store with the young man, did he still stagger or walk unsteady ? A. Well, he staggered about

the same. He walked unsteady; not like a sober man.

Q. And then he was walking close to the prisoner, was he not ? A. Hannan was walking a little in advance. Hannan was on the right side about that far (indicating) in advance, just so his shoulder was behind Mr. Hannan.

Q. From the position in which you saw deceased and the prisoner, there was no trouble about the prisoner seeing how the deceased walked ? . . . Well, Mr. Hannan was in advance; he couldn't tell very well; just as I step here in front of this gentleman (illustrating); he could if he had looked over his shoulder, I suppose.

Q. Now after the prisoner had received the blow struck by the deceased the prisoner attempted to rise from the ground ? A. The prisoner attempted to rise from the ground.

Q. After Hannan was knocked down, as you contend, by the blow of the deceased, Hannan attempted to rise ?

A. Attempted to rise.

Q. And before he was upon his feet he struck the blow with the wrench ? A. Struck the blow with the wrench.

Q. Could you see where that blow came in contact with the person of the deceased? A. Well, somewhere on his head here (indicating) as near as I could see.

Q. Now I want to know if you are positive that you saw all that occurred from the time Hannan was struck by the deceased until after the deceased was taken away from that spot; answer yes, or no, no conditions?

MR. HOUSE: Your Honor, again I propose to protect this witness. I have always got along with Mr. Palmer in a very friendly way, and I want this Jury to get every particle of information they can. I believe it is my duty to protect this witness. Now when the counsel has asked him a question and says, "I want an answer, yes or no, no conditions," I contend that the witness should answer the question in his own way.

THE CORONER: You are quite right.

MR. PALMER: May I make one suggestion.

THE CORONER: What is your suggestion?

MR. PALMER: My suggestion is that when this witness was examined on direct he was asked by a Jurymen as to whether he was positive there was but one blow struck by Hannan with the wrench, and it seemed to me at that time

that he was in doubt.

THE CORONER: I did not so understand him.

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MR. PALMER: Well, we get different understandings of the same thing. Now I am on the cross examination of this witness and I am entitled to an answer yes or no. I ask him a plain question, susceptible of being answered in that way. He knows whether he is willing to state upon his oath to this Jury if he saw all the blows struck by Hannan upon the person of the deceased during that altercation. Now I want to know if he is positive upon that point. It seems that Culliton had two holes in his head. He had other wounds upon his person, and I want to know whether Mr. Vreeland, who purports to have seen it all, is willing to swear to this Jury that but one blow was struck with that wrench, and he can answer it yes or no; and I do know that it is a proper way to cross examine, and I do know that in a Court of justice I
I should get the answer.

THE CORONER: You can get it here.

MR. HOUSE: I ask that your Honor, now as you are occupying the position of a committing magistrate as well as that of the Coroner, will manage, govern and control

this proceeding by the same rules and the same regulations that govern and control a court of justice. To a certain extent, this is a Court of justice, and there is no necessity for the other side constantly harping upon what they will get in a Court of justice. They will get equally as much justice here as they will in any other Court. Now, if your Honor please, this witness has stated in answer to a question of one of the Jurors that he saw but one blow struck. He also very properly said, in answer to the Juror's question, that if there was another blow struck he did not see it. Now all of the witnesses so far have been called here on behalf of the people. This is the first witness that this defendant has produced in his own behalf. And every one of the witnesses that have been called for the People and that have testified for the People swore that there was but one blow struck, with the exception of the little boy 13 years of age, and that little boy testified in the presence of this Jury that Hannan, the defendant, struck the deceased one blow with the wrench and then kicked him. Now there is no necessity of attempting to bulldoze this witness or force him into a position which he

does not propose to assume, and which I do not propose to allow him to assume, if I can protect him. The witness has answered the question that he saw but one blow struck. He saw no more. I submit he has a right to make that answer now.

MR. HARTMAN: I think it is quite proper to state that if the witness has any explanation to make after the direct question is answered, then it is time for him to explain; but when the counsel asks him yes or no, whether he saw one or two blows struck, he must answer that question yes or no.

THE CORONER: Unconditionally.

MR. HOUSE: I will withdraw the objection.

BY MR. PALMER:

Q. Now I ask you, Mr. Vreeland, whether you were in view of all that occurred from the time that row occurred between deceased and Hannan down to the time that the deceased was taken away? A. I think I was.

Q. You saw the deceased when he walked away? A. I saw the deceased when he walked away.

Q. In which direction did he go? A. He was going towards Tenth Avenue in company with a whole crowd there, I

don't know just how many.

Q. Did you wait to see whether he returned or not ?

A. I did not.

Q. You saw no further on that day ? A. I saw no further on that day.

Q. Are you prepared to state positively to this Jury, and I want an answer yes or no, that Hannan did not strike the deceased but one blow with that wrench on that day ? A. Not that I saw.

Q. Will you swear that there was but one blow struck by Hannan upon the body of the deceased that day ?

THE CORONER: He gave you an answer. He says he saw but one blow.

Q. Now what effect did it have x upon the deceased ?

A. It made the deceased stagger. I don't know what effect it produced.

Q. What effect did it produce that you saw ? A. It made him stagger backwards.

Q. How far backwards ? A. I don't know just how many feet.

Q. A number of steps ? A. A couple of steps, I should judge.

Q. Did he stagger far enough so that he indicated he was going to fall ? A. No, I don't think he did, from what I saw.

Q. How when the blow was struck by Hannan with the wrench and the deceased staggered back, what did Hannan do next ? A. The men all ran up and then Hannan turned and walked off in the tin shop. I suppose he went in there; I never looked.

Q. At the time these men ran up and surrounded Hannan and the deceased, could you see what took place afterwards ? A. I could not.

Q. If Hannan had struck the deceased again with the wrench could you have seen that blow ? A. Undoubtedly I would.

Q. While the crowd were about Hannan and the deceased, could you observe then ? A. I think I could.

BY THE CORONER:

Q. Was the deceased surrounded by a crowd at that time ? A. He was all surrounded by the crowd.

Q. Could you look through the crowd ? A. There is such a thing that I might not have seen in the passing and repassing.

BY MR. PALMER:

Q. Haven't you the scene photographed in your mind now, whether while standing at that window you lost the identity of Hannan or the deceased or not? A. There was a time when I could not see either one of them from the crowd.

Q. Was that prior to the time deceased went away.

A. That was prior to the time deceased went away, but it was a very few moments after the blow was struck before Hannan turned to go in.

Q. While the prisoner was rising from the ground he struck the deceased with the wrench? A. Yes, sir.

Q. The deceased stopped back a step or two? A. He stepped back.

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Q. Then the crowd came? A. This man ran over first and then the crowd came up.

Q. As soon as the crowd came up you couldn't see whether he struck the deceased or not? A. I couldn't see that.

Q. Are you prepared to say that after that crowd ran up the deceased did not fall? A. I didn't see him fall.

Q. Are you prepared to say he didn't fall? A. To the best of my knowledge and belief yes. As near as I could see, I didn't see him fall.

Q. If he had fallen could you have seen it? A. Yes.

Q. With the crowd around him? A. Not with the crowd around, no.

Q. After the crowd came up? A. No.

Q. Then if Hannan, the prisoner, had struck deceased a second blow and deceased had fallen, and been kicked by Hannan with the crowd surrounding them, you could not have seen it, could you? A. I think I could.

Q. Why do you think you could, if you could not see either one of them? A. I could not see either one of them at the time.

Q. Then your idea is that if Hannan had been upon his feet and Gulliton had been upon his feet with this crowd around them that you could not have seen either one of them? A. If there had been a blow struck again, naturally there would have been a commotion in the crowd.

Q. I want to know whether with Hannan upon his feet and with the deceased upon his feet, with this crowd about them, you could see Hannan and the deceased? A. Well,

I could see them part of the time.

Q. Was there a part of the time when you could not see them? A. There was a part of the time when I could not see them.

Q. As to that part of the time you don't know what was taking place? A. Of course I couldn't tell then.

Q. Then if during that time you could not see them the deceased was upon the ground with Hannan kicking him you would not be able to state to this Jury that that was not the fact? A. Oh I think I could.

BY MR. HARTMAN:

Q. (Indicating) Now Mr. Vreeland, is that the wrench that the defendant had in his hand? A. I don't know; I wasn't close enough to see it.

Q. Did you see what he had in his hand? A. I saw he had a wrench.

Q. How was he holding that wrench? A. He had a wrench in his hand something like that (illustrating).

Q. A double wrench? A. That I don't know. I saw he was greasing the wagon and when he walked across the Street he had it in his hand.

Q. Then I understand you to say that young Hannan was

on one side of the Street and Gulliton was on the other side of the Street ? A. Yes.

Q. And this man Hannan came over with the wrench in his hand ? A. This man had finished greasing his wagon-

Q. (Interposing) How do you know he had finished ?

A. Because I was looking at him.

Q. Where were you ? A. In the second story.

Q. What first attracted you to put your head out of the window and look at anything ? A. I was looking out of the window to see what trucks were loading or unloading.

Q. And looking out you looked across and saw what ?

A. I heard the loud talking first.

Q. What attracted your attention ? A. That attracted my attention.

Q. And you looked over there ? A. And I looked over there.

Q. Who did you see there ? A. I saw Mr. Hannan on the stoop and the deceased talking to him.

Q. You saw those two talking together ? A. Yes.

Q. What did those two do ? A. Nothing but talk.

Q. Was there any swearing between them at all ?

A. I heard loud talking and blasphemous language.

The only thing I have heard is what I have stated.

Q. Did Mr. Hannan, the old gentleman, say anything ?

A. I couldn't hear what he said; he didn't talk loud.

Q. How was it you couldn't hear what he said and could hear what the deceased said ? A. The deceased talked very loud.

Q. Did they separate then ? A. Young Mr. Hannan walked across the Street then.

Q. I haven't got to him yet. You were on one side of the Street and the old gentleman and the deceased were on the other side and you saw them there on the stoop talking ? A. Yes.

Q. You heard some swearing ? A. Yes.

Q. Then you saw them separate ? A. No, they didn't separate.

Q. Before they separated young Hannan walked across the Street with this wrench in his hand ? A. Yes.

Q. Then what did he do ? A. They talked together then.

Q. Those two were together, Mr. Hannan's father and the deceased ? A. Yes.

Q. Then this young man crossed the Street with this wrench in his hand ? A. Yes.

Q. He had been greasing a wagon ? A. Yes.

Q. And did he get over there before those two separated ? A. Yes.

Q. If I understand aright, the deceased was moving off in a certain direction ? A. No.

Q. Then they must have been together ? A. I said they were together.

Q. Didn't you just tell me they were not together ?

A. No.

Q. Didn't you say that Mr. Hannan's father was on one side of the Street opposite you and talking to the deceased ? A. Yes.

Q. Now here comes this young man across the Street. What effect does that have on those two; do they separate ?

A. They do not.

Q. They remain ? A. They remain.

Q. Until the defendant comes up ? A. Yes.

Q. Then what takes place ? A. Then they had a few

words together; I couldn't tell what it was; it wasn't loud.

Q. Who had words together ? A. The deceased and young Mr. Hannan. I couldn't tell whether old Mr. Hannan said anything or not.

Q. What was it young Hannan said ? A. I don't know.

Q. What was it deceased said ? A. All I heard him say was, "You God damned old son of a bitch."

Q. That was when those two, old man Hannan and the Deceased, were standing talking together. I want to know any conversation that took place between the three ? A. I don't know. They might not have said anything.

Q. You didn't hear any conversation between those three when the son had come across the Street and met those two ? A. No.

Q. You saw them there together ? A. Yes.

Q. How did they come to separate and who went with each other ? A. Young Mr. Hannan and the deceased.

Q. Who went first ? A. They went together. They both turned about the same time and walked off together.

Q. In the same direction ? A. In the same direction.

Q. Did you hear any quarrelling between them ? A. No

Q. Did you see any scuffling between them ? A. Not until the blow was struck.

Q. How far away were they from the old gentleman when the blow was struck ? A. Oh I should judge a hundred feet.

~~XXXXXXXX~~ Q. By whom was that blow struck ? A. By Culliton.

Q. Culliton struck this man ? A. Culliton struck this man.

Q. And you didn't hear any quarrelling between them at all ? A. No. I was very much surprised when I saw it.

Q. And what happened when Hannan was struck with Culliton's fist ? A. He fell back. I thought he was going to fall through the show window.

Q. Then he got up after he was struck, didn't he ?

A. I suppose he kicked him---

Q. (Interposing) Don't let us have any suppositions. The defendant was struck with the deceased's fist ?

A. Yes.

Q. And he went down? A. Yes.

Q. Did he fall prone upon the ground? A. He fell upon his elbow.

Q. Then he got up? A. Started to get up.

Q. What happened before he got up? A. The deceased kicked him.

Q. Where? A. Somewhere in here (indicating).

Q. That was a sort of diagonal position from where you were? A. Diagonally from where I was.

Q. And you were in the second story window? A. I was in the second story window looking out.

Q. You didn't see where he kicked him? A. He kicked him as near as I could see here (indicating).

Q. Did you hear any words at all? A. I didn't hear any words spoken.

Q. The next thing you saw, however, was the defendant getting up and striking this man with the wrench on the head? A. When Hannan was getting up ^{deceased} kicked him and tried to strike him again.

Q. You didn't see any weapon in the hands of deceased?

A. No, I didn't see any.

Q. You simply saw him strike with his fist, this man went down, was kicked by Culliton who went to strike at him again, when this man got in the blow with the wrench?

A. Yes, got in the blow before Culliton struck him the second time with his fist.

Q. Then what happened? A. Then the crowd ran up.

Q. Did Culliton fall when this man struck him?

A. He staggered a little bit but didn't fall when I saw him, and I saw him after the crowd began to separate walk down the Street. I don't know where Hannan went, I suppose he went into the tin shop.

BY MR. PALMER:

Q. How long was it from the time that Hannan struck the blow with the wrench before you saw deceased go down the Street? A. I suppose it must have been two or three minutes, probably about that.

BY THE CORONER:

Q. How long have you known Hannan's family? A. I have known them since the 11th of May. I haven't known old Mr. Hannan as long as that.

Q. You are merely casually acquainted ? A. Only in a business way. I didn't see Hannan perhaps once a week, or once in two weeks.

Q. Tell the Jury how you came here to testify ?

A. I told Mr. Gentle about the occurrence, and he said, "I suppose Hannan is going to be in trouble." I said, "Yes." Then he said, "I suppose Hannan did it in self defense from what you say," and I said, "Yes, I think it was in self defense, I don't think he would do anything of that sort." I had never heard anything of that sort.

BY MR. HARTMAN:

Q. Never heard anything of what sort ? A. Never heard of him being pugnacious, or anything of that sort.

Q. How long had you known him ? A. Since the 11th of May.

Q. Then you don't know of any trouble that Hannan may have been in previously ? A. I don't know anything about it.

Q. Whether he had beaten his wife---

MR. HOUSE: (Interposing) One moment. You stop right there, sir.

MR. HARTMAN: Well, the subject has been opened ?

MR. HOUSE: No, sir, the subject has not been opened.

MR. HARTMAN: The door has been opened so that I may go in to it.

MR. HOUSE: No, sir; you stop right there. The door is closed. You have no right to go into that.

BY JUROR JACKSON:

Q. After deceased had received that blow, did you go away from your place of view; did you see whether Mr. Culliton got up and went home alone, or anybody took him home ? A. There was a crowd there. All started down the Street together. I saw him walking down the Street.

Q. Did you see him walking alone or anybody leading him down the Street ? A. There wasn't anybody leading him. He was walking alone as near as I could see from my position.

BY MR. PALMER:

Q. Do you attempt to describe to this Jury the striking as minutely as you have, and then ^{not} to say whether Culliton was with anybody or not ? A. There was a crowd ~~xxxx~~ together.

Q. Was there any more crowd together when the deceased was struck than when he started to walk home ?

A. They were more separated.

Q. Then you could see him better then when the crowd surrounded him ? A. Certainly.

Q. State to the Jury whether when the deceased started to walk away, the crowd being separated, he was alone or with somebody ? A. I didn't see anybody having hold of him.

Q. Was there anybody in contact with his body, or having hold of his arm ? A. I didn't see anybody.

BY JUROR SLEVIN:

Q. At the time that he got the blow with the wrench did that blow knock him down ? A. It did not.

Q. Did he come near falling down ? A. He staggered backwards.

Q. You are sure he did not fall flat ? A. I am sure he did not fall flat.

THE CORONER: The Court will now ^{have} read the Autopsy.

The Clerk then read the following:

M E D I C A L T E S T I M O N Y .

I

DR. JUSTIN HEROLD, Deputy Coroner, being sworn, says: I made an Autopsy on the body of the deceased, Patrick Gulliton, at St Vincent's Hospital, August 20th, 1888, at 12 M. External examination showed a wound of the scalp over left parietal prominence, one immediately below, each one being about one and one half inch in length and the same in width. Scalp removed showed a compound fracture of the skull (of the left parietal bone) about one inch long and one inch in width. This opening in skull was enlarged by operation to the extent of $1 \frac{3}{4}$ inches. Skull cap removed showed the membranes of the brain and the brain injured; brain was softened and presented considerable puss in its surface, and also an abscess cavity immediately beneath the fracture of the skull. All the other organs of the body are normal. Death, in my opinion, was caused by exhaustion from suppurative meningitis and compound fracture of the skull; (homicidal).

(Signed)

JUSTIN HEROLD, M.D.

MR. PALMER: I would like to make the suggestion that even if the theory of the defense is true, even if the deceased struck a blow with his naked hand upon the body of the prisoner and even if he attempted to kick him, it would not justify the use of the wrench; that the prisoner would be guilty of manslaughter under the law.

THE CORONER: I desire to say in reply, Mr. Counsellor, that we have a very intelligent Jury. They have listened to the evidence pro and con and I am quite confident that they will render a proper verdict.

MR. HARTMAN: I don't know whether it is incumbent upon me to say anything or not, but of course I will have to say this: That upon the testimony as developed I believe that a Grand Jury will find an indictment for murder in the first degree; and if it were proper now, I should ask---and I say that because that is the substance of what I have got to say---that the defendant be committed without bail to await the action of the Grand Jury.

THE CORONER: Mr. District Attorney, before answering you, sir, we have got to wait and see what the Jury will say in their verdict.

XXXXXX

MR. HARTMAN: Yes. I didn't know but what you wanted to hear from me.

C H A R G E.

THE CORONER: Now, gentlemen of the Jury, all the available testimony in this case has been laid before you and it now becomes your duty to determine how, when and where the deceased, Patrick Gulliton, came to his death; and if any person, or persons, in your opinion, can be held responsible for the same.

I adjourned the case, after the first day's session, in order that every facility might be afforded to the interested parties to produce any new additional testimony that might enlighten you and materially aid you in arriving at an intelligent and just verdict. You have listened so patiently to the evidence and have interested yourselves so much in the case that I am confident you will have no difficulty in doing so.

The case, gentlemen, is one of those unfortunate occurrences where the death of one person and the life or liberty of another is involved, which occasionally come

before me in my official capacity, and which demand the strictest investigation at my hands.

It is quite unnecessary for me to review the testimony, which must be fresh in your memory. You have had before you the testimony of a great many witnesses giving in detail the plain facts of the case, and also the testimony of the boy, Hugh Kiernan, which differs somewhat from that of others. In your wisdom, you will doubtless know which version to accept. I have here a section of the penal code bearing on the subject of homicide, and justifiable homicide, which I will now read to you:

"In the lawful defense of the slayer, or of his or her husband, wife, the parent, child, brother, sister, master or servant, or of any other in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer, or to any such person, and there is imminent danger of such design being accomplished."

"One without fault, if attacked by another, may kill his assailant, if the circumstances be such as to furnish reasonable ground for apprehending a design to take his life or do him great bodily harm and that the

danger is imminent, however, in point of fact, there was no such design or danger."

Now, gentlemen, I think you have had sufficient evidence before you to enable you to determine and say in your verdict whether the case we are investigating comes under the head of justifiable homicide or not. Should you, after mature deliberation, in which you will be guided solely by the evidence, come to the conclusion that the defendant, Hannan, was not justified in his action toward the deceased, you will say so in your verdict and leave the Grand Jury and the Criminal Court to determine the issue.

If, on the other hand, you are convinced that the defendant was justified in his action towards the deceased; that he acted purely in self defense when he struck the fatal blow with the wrench which he held in his hand, that the use of the weapon was rendered necessary in overcoming his assailant whilst defending himself; that he could not protect himself without having recourse to weapons, you will so record your verdict. You will carefully consider whether the defendant was not quite capable of protecting himself against the deceased without resorting

to the use of a weapon, or if the evidence shows that he even attempted to do so.

If, after considering all the testimony in the case, you can conscientiously say that the defendant was justified in his action, then, as I said before, you will not hesitate to record it in your verdict and exonerate him from all blame.

Gentlemen, I feel I need not say any more in this case. I leave it with you, confident that you will arrive at a just and intelligent verdict. You will now please retire and bring in your verdict in writing and signed by every one of you.

At this point the Jury retired and after some time spent in deliberation returned and handed in the following:

V E R D I C T.

We, the undersigned jurors, find that Patrick Culliton came to his death by a blow struck with a wrench

in the hands of John Mannan, on the 21st day of June,
1888. According to the evidence produced before the
undersigned jurors, the defendant was not justified in
striking the fatal blow.

PHILIP WASSUNG-----39 2nd Avenue.
ISIDORE JACKSON-----411 East 116 St..
JAMES SLEVIN-----222 West 37th St.
JACOB MARK-----7 Worth St.
JAMES E. SIMS-----170 Bowery.
M. W. FLYNN,-----12 "
R. WEIDEN-----317 "
LOUIS CORN-----269 "
JAMES BROWN-----113 Columbia Heights.
JOHN P. McGURRIN-----1465 Lex. Avenue.
FRANCIS A. LEDERLE-----205 East 10th St.
CHARLES J. RECHT-----188 Bowery.

MR. HARTMAN: Now I make my motion that the defendant
be committed without bail to await the action of the Grand
Jury ?

MR. HOUSE: Now, Mr. Coroner, in response ^{to the motion} made by
the District Attorney, I submit that the evidence in this
case shows that, if this defendant has been guilty of
any crime, he is guilty only of the crime of manslaughter
in the second degree. Under no aspect of the case, under
no circumstance of this case, viewing the evidence that
has been introduced here, can any verdict other than that
be arrived at by a petit jury. It seems to me that it
is useless to hold this man to imprisonment without bail,

110

trusting that the Grand Jury may find an indictment of murder in the first degree. I do not care what the Grand Jury find, a petit jury never will find a verdict of that degree. This man is now under somewhere near \$15,000 bail. The bail is perfectly responsible. We are prepared to give that amount of bail, if it is your purpose to admit him to bail. It seems to me from the nature of the circumstances that the motion of the District Attorney ought not to be granted and that this defendant should be liberated upon such bail as in your opinion will produce him when he is wanted for trial.

THE CORONER: Mr. House, according to the verdict rendered by the Jury here----I don't particularly care to go into the details or merits or demerits of the case again---it suffices to say that you are a very learned counsel and you readily understand your remedy---I will certainly commit this man to the Tombs without bail. You know your remedy. Apply to a Supreme Court Justice. That under the circumstances is the best thing to do in the premises.

MR. HOUSE: I will do that.

ADJOURNED.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Hanson

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

Indictment accuse

John Hanson

of the crime of *Manslaughter,*

committed as follows:

The said

John Hanson,

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

Twenty first day of *June*, in the year of our Lord one thousand
eight hundred and eighty-*eight*, at the City and County aforesaid,

with force and arms, in and upon one
Calista Hamilton then and there residing,
 feloniously and unlawfully did make
an assault, and then the said Calista
Hamilton, with a certain sword which
he the said John Hanson in his
right hand then and there had and
held, in and upon the head of him
the said Calista Hamilton then and
there feloniously and unlawfully did
strike, beat, wound and fracture,
giving unto him the said Calista

William then and there with the
wounds aforesaid, in and upon
the head of him the said Patrick
William, one mortal wound and
fracture of the length of six
inches and of the breadth of four
inches, the which said mortal wound
and fracture the said Patrick
William, at the City and County
aforesaid, from the said twentieth
day of June, in the year aforesaid,
until the twentieth day of August,
in the same year aforesaid, did
languish, and languishing did die,
and on which said twentieth day
of August in the year aforesaid,
the said Patrick William, at the
City and County aforesaid, of the
said mortal wound and fracture
did die.

And so the Grand Jury aforesaid
do say, that the said John Warner,
him the said Patrick William, in
the manner and form aforesaid,
and by the means aforesaid,
willfully and feloniously did
kill and slay, against the
form of the Statute in such
case made and provided, and
against the peace of the County

POOR QUALITY
ORIGINAL

0260

By the State of New York,
and their signature

John R. Fellows,

~~Notary at Large~~

0262

BOX:

329

FOLDER:

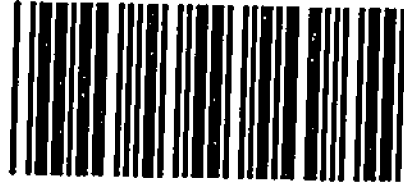
3116

DESCRIPTION:

Hannum, William H.

DATE:

11/02/88



3116

POOR QUALITY
ORIGINAL

0263

Witnesses:

J. B. Klecker,

E. M. Kingsley

J. H. Bradburn

Nov. 14, 1888.

I recommend the
dismissal of this In-
dictment for the reasons
stated in the case of
People v. Duncan Mc-
Bushman, filed here-
with.

J. H. Holmes.

District Attorney.

Counsel,

Filed,

Pleads,

2

day of

188

Nov 18

THE PEOPLE

vs.

FRAUDULENT REGISTRATION.
[Chap. 410, Laws of 1882, § 1908.]

William H. Hammon

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. H. Holmes
Foreman.

12 Nov. 16. 1888

Indictment dismissed

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

William H. Hannum

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *William H. Hannum*
of a FELONY, committed as follows:

Heretofore, to wit: on the *17th* day of
October, in the year of our Lord one thousand eight hundred and eighty-~~eight~~, the
same being a day duly appointed by law as a day for the general registration of the
qualified voters of the said City and County, the said *William H. Hannum*
late of the City and County aforesaid, at the City and County aforesaid, did personally
appear before the Inspectors of Election of the *Twenty-first* Election District
of the *Twenty-first* Assembly District of the said City and County, at a meeting
of the said Inspectors of Election then being duly held for the purpose of the general
registration of the male residents of the said Election District as then were, or would be
on the day of election next following the said day of registration, (to wit: on the
day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in
the said month of November, and being the day duly appointed by law for the holding of
a general election throughout the said State, and in the City and County aforesaid), entitled
to vote therein, at the duly designated polling place of the said Election District, and did
then and there, at the said general registration of voters, feloniously and fraudulently
register in the said Election District, not having a lawful right to register therein, in this,
to wit: that the said *William H. Hannum* was not then a male resident
of the said Election District as then was, or on the said day of election next following the
said day of registration would be entitled to vote therein, for the reason that he was not
then, nor would he on the said day of election have been, an inhabitant of the said State
one year next preceding such election, and the last four months a resident of the said
County of New York, and for the last thirty days a resident of the said Election District,
against the form of the statute in such case made and provided, and against the peace and
dignity of the said People.

JOHN R. FELLOWS. District Attorney.

0265

BOX:

329

FOLDER:

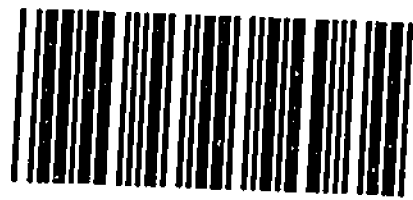
3116

DESCRIPTION:

Hanson, Caroline A.

DATE:

11/05/88



3116

POOR QUALITY
ORIGINAL

0266

Witnesses:

Empd. Marace

Offices.

[Signature]

Counsel,

Filed

day of

1888

Pleads,

Chargely (19)

THE PEOPLE

vs.

KEEPING A HOUSE OF ILL FAME, ETC.
[Sections 322 and 385, Penna Code]

B

Caroline A. Hanson

Part 3 Nov 13-88

JOHN R. FELLOWS,

District Attorney.

*Nov. 15th Part 3 at city
request.*

A True Bill.

*No 19-88 out submission only
witnesses, 11/27.*

Nov. 27. 11/27.

Foreman.

Ward McCleary

*Part 3 November 19/88
Complaint sent to Special Agents*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Caroline A. Hanson

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

Caroline A. Hanson

(Sec. 322,
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said

Caroline A. Hanson

late of the *20th* Ward of the City of New York, in the County of New York aforesaid, on the *twenty-third* day of *October* in the year of our Lord one thousand eight hundred and eighty-eight and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in the said house divers evil-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Caroline A. Hanson

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offences on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

Caroline A. Hanson

(Section 385,
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said

Caroline A. Hanson

late of the Ward, City and County aforesaid, afterwards, to wit: on the *twenty-third* day of *October* in the year of our Lord one thousand eight hundred

and eighty-*eight*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* said house, for *her* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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.

THIRD COUNT—

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

(Section 322
Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said

Caroline A. Hanson
late of the Ward, City and County aforesaid, afterwards, to wit: on the *twenty-third* day of *October* in the year of our Lord one thousand eight hundred and eighty-*eight* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *her* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are, habitually disturbed, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0269

BOX:

329

FOLDER:

3116

DESCRIPTION:

Harrington, Michael

DATE:

11/16/88



3116

POOR QUALITY
ORIGINAL

0270

Witnesses:

Ames

28th

On the evidence before me in this
Case I am satisfied that the defend-
-ant at the bar is not the Michael
Harrington named in the indictment
and that a conviction in this Case
can not be had. I therefore recommend
that the defendant be discharged.
~~that the defendant be discharged~~
That the indictment be
dismissed

J. W. Goff
Clerk Dist. Ct.

Counsel,

Filed, 1888

Pleas,

Indigently

THE PEOPLE

vs.

Michael Harrington

22, Nov 28, 1888

Indictment dismissed

Alfred Block

JOHN R. FELLOWS,

Nov 28, 1888 District Attorney.

even days

A True Bill.

W. C. MacCoy

Foreman.

FRAUDULENT REGISTRATION.
[Chap. 410, Laws of 1882, § 1908.]

POOR QUALITY
ORIGINAL

0271

In the Police District Court,
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiffs,

against

Information for Fraudulent Registration.

Michael Harrington Defendant

City and County of New York, to wit:

occupation

, being duly sworn deposes, alleges and says:

That he has good cause to believe and doth verily believe and charge that heretofore, to wit: on the 7th day of October, in the year of our Lord one thousand eight hundred and eighty-eight, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, the above-named defendant, at the City and County aforesaid, did personally appear before the Inspectors of Election of the 14th Election District of the Assembly District of the said City and County, at a meeting of the said Inspectors of Election then being duly held for the purpose of the general registration of the qualified voters of the said City and County, resident in the said Election District, at the duly designated polling place of the said Election District, and then and there, at the said general registration of voters, feloniously did fraudulently register in the said Election District, not having a lawful right to register therein, by reason of not being a male resident of the said Election District, as then was, or on the day of the general election to be held throughout the said State of New York, and in said City and County on the sixth day of November 1888, and next following the said day of registration, would be entitled to vote therein, in this, to wit: that he, the said defendant was not then, nor would he on the day of the said general election so next following the said day of registration have been an inhabitant of the State of New York for one year, and of the said County of New York for four months, and of the said Election District for the last thirty days next preceding the day of the said election, and being thereby disqualified by the Constitution and Laws of this State as well from voting at the said election, as also from then and there registering as such voter, all of which the said defendant then and there well knew.

That as your informant has good cause to believe and doth verily believe the said defendant in and for so feloniously and fraudulently registering as aforesaid, did then and there, being examined by the said Inspectors of Election according to the requirements of the Laws of this State as to his qualifications as an elector of the said Election District, and particularly in respect to his residence falsely and fraudulently give and state to the said Inspectors of Election as his then dwelling-place and abode, and cause and procure the said Inspectors to enter in the register of the said Election District duly made and furnished as provided by law for that purpose, certain matters to the effect that his dwelling-place and abode was then the premises and place situate in the said Election District known as number Steau boat

Plymouth and that he had resided in said State and County and at the said premises and place for such a period of time as then entitled him, or would on the day of said election entitle him to vote therein: whereas in truth and in fact the dwelling-house and abode of the said defendant was not then the said premises and place, and he had not so resided in said State and County and at said premises and place for such period of time as aforesaid.

Wherefore your informant prays that a warrant may issue for the arrest of the said defendant, and that he be dealt with according to law.

Taken and sworn to before me, this

day of Jan

1888.

Joseph E. Brush
Police Justice.

POOR QUALITY

0272

W
Buck
Harrison

0273

District Police Court.

Michael Hemmington 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.

Answer

Answer

Answer;

Answer.

Answer

Answer.

~~I~~ seen before me this

POOR QUALITY
ORIGINAL

0274

City and County of New York, ss.:

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK.

To any Peace Officer in the County of New York:

Information upon oath having been this day laid before me that heretofore, to wit: on the
27 day of October in the year of our Lord one thousand eight hundred and
eighty-six, the same being a day duly appointed by law as a day for the general registration of the
qualified voters of the said City and County, one Michael Harrington
at the City and County aforesaid, did personally appear before the Inspectors of Election of the
14 Election District of the Assembly District
of the said City and County, at a meeting of the said Inspectors of Election, then being duly
held for the purpose of the general registration of the qualified voters of the said City and
County, resident in the said Election District, at the duly designated polling place of the said
Election District, and did then and there, at the said general registration of voters, feloniously
register in the said Election District, without having a lawful right to register, therein;

Harrington **You are therefore commanded** forthwith to arrest the above-named *Michael*
and bring him before me at the District
Police Court, in this City, or, in case of my absence or inability to act, before the nearest or most
accessible Magistrate in this County.

Dated at the City and County aforesaid this day of November, 1886.

A. J. White
Police Justice.

0275

Police Court **District**

10. 12.
12. 11. 11

1455

THE PEOPLE, &c.,
ON THE COMPLAINT OF

ON THE COMPLAINT OF

28-

Offence

Dated

Veränder 188

七


Magistrat

4

Office

Office Address: Precinct 0

Witness

Mr. Thompson

No. 4

much to Birmingham

22

Wesley J. Adams

NO 31

[Handwritten signature]

04

1983

14

RECEIVED
JAN 10 1967

8-15

Direct

6

to answer

75

146 North St

15

Wanda Thomas P.I. Corner

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five 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 Nov 6 1888 Richard J. ... Police Justice.

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

Dated.....188.....*Police Justice,*

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

Dated.....188.....*Police Justice.*

POOR QUALITY
ORIGINAL

0276

District Attorney's Office.

PEOPLE

vs.

Michael Harrington

Subpoena

Chairman of board of
Inspectors

also

Mr. O'Brien election
Bureau to produce
election register of
the 14th election dist
of the 1st Assy Dist

POOR QUALITY
ORIGINAL

0277

Officer of Government
on Sept 2nd
for over a week -
Does not know when
he will be able to attend

POOR QUALITY
ORIGINAL

0278

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Richard Harrington

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *Richard Harrington*
of a FELONY, committed as follows:

Heretofore, to wit: on the *27th* day of
October, in the year of our Lord one thousand eight hundred and eighty-*eight*, the
same being a day duly appointed by law as a day for the general registration of the
qualified voters of the said City and County, the said *Richard Harrington*
late of the City and County aforesaid, at the City and County aforesaid, did personally
appear before the Inspectors of Election of the *Tenth* Election District
of the *First* Assembly District of the said City and County, at a meeting
of the said Inspectors of Election then being duly held for the purpose of the general
registration of the male residents of the said Election District as then were, or would be
on the day of election next following the said day of registration, (to wit: on the *ninth*
day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in
the said month of November, and being the day duly appointed by law for the holding of
a general election throughout the said State, and in the City and County aforesaid), entitled
to vote therein, at the duly designated polling place of the said Election District, and did
then and there, at the said general registration of voters, feloniously and fraudulently
register in the said Election District, not having a lawful right to register therein, in this,
to wit: that the said *Richard Harrington* was not then a male resident
of the said Election District as then was, or on the said day of election next following the
said day of registration would be entitled to vote therein, for the reason that he was not
then, nor would he on the said day of election have been, an inhabitant of the said State
one year next preceding such election, and the last four months a resident of the said
County of New York, and for the last thirty days a resident of the said Election District,
against the form of the statute in such case made and provided, and against the peace and
dignity of the said People.

JOHN R. FELLOWS. District Attorney.

0280

BOX:

329

FOLDER:

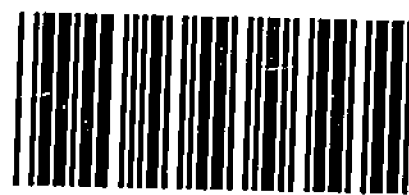
3117

DESCRIPTION:

Hart, Edward J.

DATE:

11/09/88



3117