

0785

BOX:

529

FOLDER:

4828

DESCRIPTION:

Grant, Albert

DATE:

08/15/93



4828

Witnesses:

*Mr. J. J. [unclear]
[unclear]
[unclear]
[unclear]
[unclear]
[unclear]*

156
13

Counsel,

Filed

1st day of Aug 1893

Pleads,

THE PEOPLE

vs.

Albert Grant

[Section 498, vs. 6558-22]
Burelary in the Third Degree,

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

R. J. Coz Foreman.

August 18/93 -
Blodgett Smith
attendant Aug 3rd day.
Ed. J. [unclear]

Police Court—2 District.

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

Thomas Gibney

of No. 230 9th avenue Street, aged 19 years,
occupation Liquor Dealer being duly sworn

deposes and says, that the premises No 230 9th avenue Street,
in the City and County aforesaid, the said being a five story brick tenement
building the ground floor
and which was occupied by deponent as a Liquor Saloon
and in which there was at the time a woman being, by name

were BURGLARIOUSLY entered by means of forcibly breaking a window
in said premises and then raising a latch on
said window frame—

on the 11th day of August 1883 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Fourteen dollars and eighty seven cents in
gold and lawful money of the United
States and a quantity of regals the whole
of the value of about twenty dollars

\$ 20⁰⁰/₁₀₀

the property of Deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Albert Kraus (witness)

for the reasons following, to wit: from the fact that
deponent securely locked and fastened
the doors and windows of said premises
at about the hour of 12³⁰ AM on the
said date. the money was in a drawer behind
the bar in said premises. Deponent is
informed by Officer Newman that he found
the defendant in said premises at
the hour of about 7¹⁵ AM on said date

with a quantity of Sugars in his possession
as well as said money. That defendant
subsequently found that the window glass had
been broken and that said money was
missing from the drawer in said premises -
Defendant having been informed of the
facts says he is guilty

Sworn to before me this } Thomas Gibney
11th day of August 1893. }
(M. J. Brady)
Police Justice

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Burglary

188

Magistrate.

Officer.

Clerk.

Witnesses:

committed in default of \$ Bail.

ailed by

Sined.

Sec. 198—200.

✓ District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Albert Grant 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. *Albert Grant*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *England*

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

Answer. *No home*

Question. What is your business or profession?

Answer. *Labourer*

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 Guilty*
Albert Grant.

Taken before me this *11*

day of *August*

1887

Wm. J. Brady
Police Justice.

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

Police Court--- District.

855

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas G. H. H.
230 2nd Ave.
Albion, N.Y.

Offense _____

Dated, Aug 11 1893

Magistrate,
within an _____ Precinct.

16

Witnesses
Call the witness
No. _____ Street _____

No. _____ Street _____

No. _____ Street _____
to answer _____

Guilty
Punish

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

Defendant

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

Dated, August 11 1893

Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ 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

Albert Grant

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

Albert Grant

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows :

The said

Albert Grant

late of the 16th Ward of the City of New York, in the County of New York, aforesaid, on the
eleventh day of August in the year of our Lord one
thousand eight hundred and ninety-three in the eighth time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the saloon of
one

Thomas Gibney

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said

Thomas Gibney

in the said saloon

then and there being, then and there feloniously and burglariously to 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.

SECOND COUNT—

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

Albert Grant

of the CRIME OF *Petit* LARCENY

committed as follows:

The said

Albert Grant

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

the sum of fourteen dollars and eighty-seven cents in money, lawful money of the United States of America, and of the value of fourteen dollars and eighty-seven cents and one hundred sevens of the value of five cents each,

of the goods, chattels and personal property of one

Thomas Gibney

in the

saloon

of the said

Thomas Gibney

there situate, then and there being found, in the *saloon* aforesaid, 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.

De Lancey Nicoll,
District Attorney

0793

BOX:

529

FOLDER:

4828

DESCRIPTION:

Green, Matthew

DATE:

08/10/93



4828

Witnesses:

68.

Counsel,

Filed

10 day of August 1893.

Pleads,

Not guilty

THE PEOPLE

vs.

P

Matthew Green

Murder, 1st degree
For 1st & 2nd sides

DE LANCEY NICOLL,

District Attorney.

Spaid & Connolly

A TRUE BILL

S. P. B. vs. P. B. M.

S. J. Cross

Foreman.

July 20/94

The People,

vs.,

MATTHEW GREEN.

"
"COURT OF GENERAL SESSIONS, PART 1.
"
" BEFORE JUDGE MARTINE, and a Jury.
"
"

Thursday, February 15, 1894.

Indictment for MURDER.

Assistant District Attorney Bartow S. Weeks, for The
People.

Messrs. W. F. Howe and J. F. Moss, for the Defense.

Mr. Weeks: In this case, may it please
the Court, the defendant is indicted for murder in
the first degree; but the People, after an examina-
tion of the case, will not ask for a conviction of
murder in either of the degrees, and will only ask
for a conviction of manslaughter.

The Court: I do not understand that that
will limit the number of challenges that the defend-
ant is entitled to.

Mr. Weeks: I do not think that it will,
but it will avoid the necessity of inquiring as to
whether the jurors have any conscientious opinions
that would prevent their rendering a verdict of
guilty of murder in the first degree.

A Jury was empanelled and sworn.

Mr. Weeks opened the case for the People.

J O H N K l e f, being duly sworn, testified as follows:

By Mr. Weeks:

Q What is your business, Mr. Kief?

A. I have got a bird store.

Q Where is your place of business now?

A. Between 48th and 49th streets, on First avenue; No. 865.

Q On the 25th of July, of last year, where was your place of business?

A. First avenue, near 34th street.

Q What number?

A. 590; between 34 and 33rd streets.

Q On that afternoon did you see James Halstead in your store?

A. Yes, sir; he was coming in there.

Q How long had you known him?

A. I never saw him before.

Q What time did he come in?

A. Well, it was in

the afternoon. He was in about half an hour, looking around.

Q While he was in there, did the defendant, Green, come in?

A. Yes, sir.

Q Did you know Green before?

A. Yes, sir.

Q How long had you known him?

A. I know him about three years.

Q Was Green alone when he came in?

A. No. There was another man coming in with him.

Q Who was the other man -- do you know?

A. I don't know.

Q Have you seen him in court this morning?

A. No; that was the first I saw of that other man -- I didn't take notice.

Q When Green came in, what was Halstead doing?

A. He was looking at the rabbit, and then he looked at the bird. Halstead said the bird was no good; Green said, "Yes; the bird is good."

Q What else did they say? Give us, as near as you can, the words that passed between them.

A. They called one another a name.

Q What did they call?

A. Green said to Halstead he didn't know anything about birds. Well, he says he knows just as much as he. He called him a bum.

Q Who called him a bum?

A. Green.

Q Green called Halstead a bum?

A. Yes, sir.

By the Court:

Q This man here called Halstead a bum?

A. Yes, sir.

By Mr. Weeks:

Q What did he say when he said that?

A. Halstead said he was no bum, and he showed his card. I saw they wanted to commence to fight. I said I didn't want fighting in here; "If you want to fight, go outside." I ran out, in order to get a policeman, and I went to 34th street. I told the policeman to come along with me. He says, "Where is it?" I told him. He says, "Get the policeman on the beat, in First avenue."

Q When you came back, where was Halstead?

A. Halstead was lying on the other side, on the side-walk.

Q Your store is on the East side?

A. On the East side.

Q Now, when Green came in, Mr. Kief, did you notice whether he was sober?

A. Well, I didn't look. I didn't see anything on him.

Q While he was talking, did you notice then?

A. Green wasn't in more than ten or fifteen minutes.

Q He was not in there more than ten or fifteen minutes?

A. No, sir.

Q Did you notice what his condition was?

A. No, sir.

By Mr. Howe:

A. He comes in once in a

while, looking around at the birds.

Q Hewas going to buy that bird?

A. No.

Q Not buy that bird?

A. No.

Q Hadn't he seen that bird before, and talked about it?

A. He was in a couple of times in the store; he came in once in a while, looking around, seeing the birds.

By Mr. Weeks:

Q Had he ever talked with you about buying a bird?

A. Well, not that time.

Q. Had he ever talked about buying the bird that they were then quarreling about?

Λ. No.

W 1 L L 1 A M H U M M E L L, being duly sworn, testified as follows:

By Mr. Weeks:

Q Where do you live, Mr. Hummell?

A. 34th street and First avenue.

Q Do you remember Tuesday, the 25th of July last?

A. Yes, sir.

Q Were you in Kief's bird store that afternoon?

A. Yes, sir.

Q Did you see Halstead in there?

A. Yes, sir.

Q Did you see Green come in?

A. Yes, sir.

Q Did any one come in with Green?

A. Afterwards there

was coming another man in.

Q What was his name?

A. I don't know; he went out

right away.

Q Have you seen him in court to-day?

A. I see Mr. Green here.

Q Did you see the man that came in right after Green?

A. No.

Q How long did the other man, the man that came in right after Green, stay?

A. A couple of minutes.

Q Tell us what condition Green was in when he came in?

A. It was about a canary bird.

Q Did you notice whether or not Green had been drinking?

A. I don't know. I think he was sober, from what I saw.

Q Well, now, tell us what happened there about the canary bird?

A. Halstead says, "That canary bird is no good," and he saw some rabbits; he said he had some rabbits about a couple of years ago.

Q What did Green say?

A. Halstead says, "That canary bird is no good." Green says, "That canary bird is good."

Q What else did they say, back and forth?

A. Well, one word gets another.

Q What other words were said?

A. Well, Green called him a name, and grabbed him on the whiskers.

Q What did Green say?

A. He says he is a bum.

Q What did Halstead say?

A. He says he is no bum.

Green grabbed him by the whiskers and throwed him over the counter.

Q What did Halstead do?

A. He said he was no bum; finally, they mussed together.

Q Did Halstead take anything out of his pocket?

A. He gave a card to John Kief.

Q Then, after that, you say they were together?

A. Yes, sir.

Q Tell how they came together?

A. Halstead was standing on the counter, and Green was in front of Halstead.

Q Now, what did Green do?

A. Then he grabbed him on the whiskers.

Q Grabbed who?

A. Halstead, and threw him over the counter, pushed him back over the counter.

Q What did he say? Did he say anything?

A. Yes, sir; he says before he goes out, he will kill him. Then he make like to get loose.

Q Who did?

A. Halstead.

Q Did he get loose?

A. Yes, sir.

Q Did you see whether or not he struck Green at that time?

A. Well, he made like this (illustrating), and he ran out of the door.

Q Brought his hands like that, in front of Green?

A. Green had him on the whiskers, and he wanted to get loose, and he make like this when he was out.

By the Court:

Q What do you mean -- pushed Green's hands, to get out?

A. He wanted to put him away.

Q Did he touch Green?

A. He had him like this (indicating).

Q Green had hold of him that way?

A. Yes, sir; and Halstead make like this (indicating).

Q With his elbow?

A. Yes, sir.

Q Where did he push Green, if he pushed him at all? Did he touch Green with his elbows?

6

A. I didn't take notice of that; and then he get loose,

and then he ran out.

By Mr. Weeks:

Q Halstead ran out? A. Yes, sir.

Q Did he run or walk out?

A. He walked out; he went out.

Q What became of Green? A. Well, he followed him, after-
ward, right away; then he grabbed him, on his neck, and
threw him down on the side-walk.

Q Green grabbed Halstead by the neck?

A. Yes, sir.

Q What did he say? A. Behind.

Q By the neck -- what did he say? A. He threw him down,
and then he kicked him.

By the Court:

Q How far had Halstead got before Green came up to him?

A. He was out of the store.

Q How far had he got out, how far had he gone -- to the edge
of the side-walk, next door, or across the way?

A. No.

Q How far did he get away before Green caught him by the back?
You said that Halstead went out, and Green followed him?

A. Yes, sir.

Q Where did Green catch him, when he got out?

A. He was only about a foot or two feet away.

Q Out of the door? A. Yes, sir.

By Mr. Weeks:

Q You saw him down on the side-walk, and he kicked him?

A. Yes, sir.

Q What did Halstead do? A. Then Halstead rose up again,
and then he was no more by his shoulders, and he ran in the
middle of the street.

Mr. Howe: I ask that that be stricken out.

The Court: Yes; strike it out.

By Mr. Weeks:

Q Halstead got up again? A. Yes, sir.

Q Where did he go? A. He went to the middle of the street.

Q Did he stagger, or did he go right out straight?

(Objected to, as leading.)

By the Court:

Q When Halstead got up and went out into the middle of the street, how did he go; did he walk or run straight?

A. No; he kind of ran straight. He was going one side to the other, not straight no more.

By Mr. Weeks:

Q What did Green do? A. Then he followed him again.

Q And what happened then? A. He threw him down again.

Q Whereabouts? A. In the middle of the street.

By the Court:

Q Did he catch or touch him that time?

A. He was all the time behind him.

Q Did he get hold of him again -- did Green get hold of Halstead again?

A. That way, behind, on the

neck.

Q Did he give him a blow, or did he catch hold of him with his hands? How did he do when he got in the middle of the street?

A. He threw him down, and then he took the heel.

Q He kicked him? A. Yes, sir.

By Mr. Weeks:

Q Then what happened, after that, Mr. Hummel?

8 A. Then he got up again.

Q Who got up? A. Halstead.

Q Where did Green go; what became of Green?

A. Green, he was there.

By the Court:

Q Where did Halstead go? You say Halstead got up again?

A. Yes, sir.

Q Where did he go to then? A. He fell down again in the mud gutter, on the side-walk.

By Mr. Weeks:

Q On the other side of the street?

A. He went across the way. He didn't take no more of the side-walk.

By the Court:

Q Right down in the gutter, he was? A. Yes, sir.

By Mr. Weeks:

Q What became of Green? A. Green went away.

Q Did you see where he went to? A. Yes, sir.

By the Court:

Q You say he got up in the middle of the street and went to the side-walk. What did Green do when the other man got up and went to the side-walk?

A. He followed him all the time.

Q Followed him to the side-walk? A. Yes, sir.

Q He fell at the gutter. You say Green followed him. What did Green do when he got to where he was on the other side of the street, as you say; anything? You stated that Halstead went to the other side of the street, near the gutter, and there fell; is that right?

A. Yes, sir.

Q Did Green go over? A. Yes, sir, he went there.

Q Did he do anything when he got there?

9 A. He kicked him.

Q He kicked him again?

A. Yes, sir.

By Mr. Weeks:

Q Where was it that you saw him kick him the last time -- where was Halstead when you saw ~~Green~~ kick him the last time?

A. It was on the street.

Q In the middle of the street?

A. Of course; he kicked him twice.

Q Did he kick him over in the gutter, on the other side, when Halstead was over in the gutter, on the other side of the street?

A. I can't say that no more; there was too many folks there. I only saw him fall down.

Q Did you see what became of Halstead and Green, after Green kicked him in the middle of the street?

A. Then he got up again.

Q Then Halstead got up?

A. Yes, sir.

Q Did you see what became of Green?

A. He followed him all the time. He wanted to run away.

Q After they got out in the middle of the street, could you see?

A. I could see the middle of the street. I saw him get up again.

Q Did you see Halstead strike Green, after Halstead got away from the middle of the street?

A. Certainly, on the tracks. He fell down first on the side-walk.

Q Then, from there, did he go across the street?

A. From the side-walk he goes across the street.

Q But, from the middle of the street, did you see him go any farther? Just think a minute.

A. From the middle of the street he fall; he gets up again, then goes over on the mud gutter, and then he fall down again, and, as soon as he fall down again, there was

all the folks around. I could see nothing no more.

By the Court:

Q What did Green do? A. They all say Green went away.

Q Did you see Green go away? A. I didn't see him go away.

Q Where was Green when you last saw him?

A. I saw him standing there; he came back again.

Q While the man was lying down-- you said he was down in the street -- Green was there, when he was down by the track?

A. Yes, sir.

Q Did you see Green after that? A. I saw him at the side-walk, when the ambulance was there.

Q Did you see him while the man was lying on the walk, at the gutter, at all; did you see Green?

A. Yes, sir, I saw him afterwards. He was away, and he came back again.

C r o s s E x a m i n a t i o n .

By Mr. Howe:

Q Now, Hummell, what is your business?

A. I work in a saloon now.

Q In a saloon? A. Yes, sir, just now; about two months, or three months.

Q You sweep out the saloon; don't you?

A. Yes, sir; and make a fire.

Q Now, you were asked by the learned District Attorney about Green's condition on this day. Tell the Jury whether or not you were drunk?

A. I was sober.

Q You were sober?

A. Sober.

Q How many drinks did you have that day?

11 A. Nothing that day /

Q What time in the day was it? A. It was in the afternoon.

By the Court:

Q About what time, as near as you can get at it?

A. I don't know.

By Mr. Howe:

Q Tell the time, if you were sober?

A. It was about three or four o'clock.

Q You think that was it; do you? A. Yes, sir.

Q Up to four o'clock that day you mean to say you had nothing to drink? Now, try and think. Do you mean to tell the Jury that?

A. I drank nothing that time, not before 8 or 9 o'clock, until I went home.

Q Not until night? A. Yes, sir.

Q What did you drink? A. Me and a couple of friends had a pint of beer when I got there; that is all.

Q That is all you drank that day?

A. Yes, sir; certainly.

Q Don't you ever drink in the day time?

A. Very seldom I take a glass of beer.

Q Very seldom? A. Yes, sir.

Q You mean to tell this Jury that you were sober?

A. Certainly.

Q When you were in the bird store kept by Kief; is that it?

A. Yes, sir.

Q You saw Kief in there; didn't you? A. Certainly.

Q Kief was there all the time that you were there; wasn't he?

A. Yes, sir. Kief went out to get an officer.

Q That was after they had been fighting?

A. When the fight started, then he went off.

Q But you saw them fight? A. Yes, sir.

12 Q And then Kief went out? A. Yes, sir.

Q Before Kief went out you had seen this man, you say, take Halstead by the whiskers?

A. Yes, sir; by the side whiskers.

Q Did Halstead strike him at all? A. No, sir; I didn't see him until like this way (indicating).

Q You tell this Jury that Halstead did not strike him at all in the bird store; yes or no -- come, be honest?

A. He went this way (showing); that is all I seen.

Q Do you mean to tell the Jury that?

A. Yes, sir. I can't tell more than what I saw.

Q Then you say that Halstead went out? A. Yes, sir.

Q After he detached himself from Green; is that it?

A. When he gets loose.

Q And then he went out? A. Yes, sir.

Q And Green went out? A. Yes, sir.

Q Now, directly they got outside of the door, what did you see?

A. As soon as he comes out, Green grabbed him by the neck and throwed him down again, and kicked him with the heel.

Q Had Green thrown Halstead down before that, then?

A. As soon as Halstead was coming out, Green followed him, and he throwed-----

Q You say that, when they got outside of the door -- you remember when they got outside of the door; don't you?

A. Yes, sir.

Q Suppose you are looking at them now. They went outside of the door; is that it? A. Yes, sir.

Q You saw them outside of the door? A. Yes, sir.

Q Now, tell the Jury what Green did then?

A. Then he grabbed him on the neck and threw him right down on the side-walk.

- Q That is, outside of the bird store? A. Yes, sir.
- Q You are sure of that? A. Yes, sir, and he kicked him, and he got up again.
- Q Green grabbed him by the neck and threw him on the side-walk?
- A. Yes, sir.
- Q How did Halstead fall upon the side-walk?
- A. He fell on the side, and he kicked him.
- Q Was it on his back or on his side that he fell; was his face upwards or not? A. On the side he fell.
- Q Halstead fell upon his side; is that what you mean to tell the Jury?
- A. Yes, sir; like that (showing).
- Q And then, when he was down, you say Green kicked him?
- A. Certainly.
- Q Now, mind, this is outside the bird store?
- A. That is outside; not inside.
- Q You tell this Jury that you saw Green kick him?
- A. Yes, sir.
- Q Where did he kick him? A. He kicked him on the head, and all over.
- Q How many times did he kick him?
- A. I didn't count them.
- Q Well, about how many; twenty?
- A. I can't tell that; I never counted.

By the Court:

- Q Give us an idea; one, two, three, or four?
- A. He gave him more than four.

By Mr. Howe:

- Q More than four kicks, when he was on the ground?
- A. Yes, sir, certainly; on the side-walk, not on the ground.

14 Q Well, then, you say there were four kicks, at least, when he

was on the ground?

A. On the side-walk.

Q When he was on the side-walk?

A. Yes, sir.

Q Then did Helstead get up?

A. Yes, sir; then he got up, like this (illustrating).

Q Show us?

A. Hewas falling down, and then he got up like this (illustrating), and finally he got up, and then walked over on the street, and he grabbed him down again.

Q He got up -- you want to show the jury that he wanted to get up, and he staggered, he went like this (indicating)?

A. Yes, sir.

Q That is, as if he had been cut, you told us, by this motion?

A. Yes, sir.

Q And then he went where?

A. To the middle of the street. He got up from the side-walk, and then he went across the way -- at least, into the middle of the street.

Q Then he walked to the middle of the street?

A. Yes, sir.

Q Then you say he walke d like this (illustrating); is that it?

A. Yes, sir. He had no more strength. He was half dead.

Q Then, when he was in the middle of the street, what happened? We have had the side-walk -- what happened inthe middle of the street?

A. He threw him down again.

Q Who threw him down?

A. Green.

Q The learned Judge asked you the question, how did Green throw him down?

A. He grabbed him ^{on} the neck, behind.

Q He came from behind?

A. Yes, sir; that is, the second time.

Q Now, we are in the middle of the road, or the street, as you call it?

A. Yes, sir.

Q And then you say Green came from behind, took him by the neck, and threw him down; is that right?

A. Yes, sir.

Q On the ground, on the street; that is, in the middle of the road?

A. Yes, sir.

Q What did he do when he was down then, in the middle of the road?

A. He kicked him around, pushed him around.

Q Kicked him then, in the middle of the road, when he was on the ground?

A. Yes, sir.

By the Court:

Q How much did he kick him? More than once?

A. I didn't count them -- more than one. Then a woman came with an umbrella, and she halloed out.

By Mr. House:

Q This is in the middle of the road? A. Yes, sir.

Q And he kicked him more than once? A. Yes, sir.

Q How many times? A. I didn't count them. I know the woman was coming, and she had an umbrella.

Q How many times do you think that Green kicked him, when he was on the ground, in the middle of the road?

By the Court:

Q Your best judgment, as you recollect it?

A. I never counted it.

Q Did he kick him severaltimes, or once or twice?

A. Oh, more; he kicked him more.

Q He kicked him more than twice? A. Certainly.

Q More than three times? A. Yes, sir.

Q More than four? A. Oh, yes -- that woman halloed with the umbrella.

By Mr. Howe:

Q Kicked him more than four times, when he was in the middle of the street, on the ground -- did he kick him in the head?

A. Certainly he kicked him in the head.

Q And in the face? A. All over, on the side.

Q I asked you the question, did he kick him in the face?

A. He kicked him all around.

By the Court:

Q Did you see any kick go in the face?

A. I saw it go on the head, on the side.

By Mr. Howe:

Q And they were very hard kicks, weren't they, as hard as he could kick, apparently?

A. Yes, sir, certainly -- if it was no hard kicks, he would be living.

Q You, Mr. Witness, think he kicked him to death; is that it?

A. Yes, sir. You asked me if it was hard; I say if it was not hard, then he was living; he was not dead.

Q The kicks were hard? A. Yes, sir.

Q You also said that, if they had not been hard, the man would be alive; am I right, did you say that?

A. Yes, sir; that is what I think.

Q Then the lady with the umbrella comes up; is that it?

A. Yes, sir.

Q Then the man is on the ground, and the lady with the umbrella comes up?

A. Yes, sir.

Q Where is Green? A. He was by Halstead. He kicked him, and then that lady halloed and then he gets up again.

Q What did the lady say? A. She halloed; she says, "Oh my!" that way.

Q Well, now, the lady was there with the umbrella?

A. Yes, sir, and then he got up again.

Q You were close to the lady with the umbrella; weren't you?

A. Not so very close.

Q How far; as far as you are from that gentleman?

A. Yes, sir; a little further. About so far (indicating); may be not so far. I didn't measure it.

Q You heard what she said, "Oh, my!?"

A. And then he gets up again.

Q Did she say, "Oh, my!" Was that her language; was that ^{what} she said?

A I am not sure of it any more, what

she said.

Q You are not sure what she said; is that it?

A. Yes, sir; only I saw the umbrella.

Q You saw her raise an umbrella? A. Yes, sir.

Q But what she said you don't know; is that it?

A. I am not sure of it any more.

By the Court:

Q What is your best recollection of what she said, as you recollect it now? Tell us what she said, to your best recollection?

A. I don't know. While I am not sure, I wouldn't say.

By Mr. Howe:

Q Well, then, did you see Halstead get up? A. Yes, sir.

Q Where was Green? A. He was standing, and he turned around by that lady, and then Halstead got up and walked away, and then he fell down again.

Q Halstead got up? A. Yes, sir, in the middle of the street; but that lady was there.

Q And the lady was there with the umbrella, when Halstead got up?

A. Yes, sir.

- Q Now, that is the second time that Halstead was down?
A. Yes, sir.
- Q Now, where did Halstead go then, when he got up from the middle of the street?
A. He wanted to go over on the other side, on the side-walk, but he didn't go any more so far.
- Q And he went over to the side-walk; is that it?
A. Yes, sir.
- Q Then they got up again; that is, from the middle of the street?
A. Yes, sir.
- Q And where did he go -- to the side-walk, you have said?
A. Yes, sir.
- Q Who went with him to the side-walk?
A. He went alone.
- Q He went alone?
A. Yes, sir; and Green after him.
- Q Green followed him, is that so, to the side-walk?
A. Yes, sir.
- Q What happened then, on the side-walk?
A. Then he fell down.
- Q Who fell down?
A. Halstead.
- Q Green did not knock him down?
A. I can't see that no more; there was too much crowd.
- Q Don't you remember Green and Halstead being on the ground together? You saw this man on the ground?
A. He was not on the ground.
- Q At no time, at no stage?
A. Oh, no, sir; he was standing, just as you stand.
- Q Standing as I stand?
A. Yes, sir.
- Q Didn't you see him on the ground? Didn't you see Halstead take a hold of the bottom of his pants, when he was down; yes or no?
A. No.
- 19 Q Where do you swear you live; in 34th street?

A. I was living, at that time, in Third avenue. I am now in First avenue.

Q Where do you live now? A. I sleep there.

Q Where did you sleep last night? A. In First avenue.

Q What number? A. I don't know the number; I work at 401, 34th street and First avenue.

Q Whose place in First avenue was it that you slept in last night? A. Where I am working is William Quigg, keeping a lager beer saloon.

Q What part of the house did you sleep in? A. I don't sleep there; I work there.

Q Didn't you just tell us you slept there? Where did you sleep last night? A. I got a room, in First avenue.

By the Court:

Q How near the place where you work? A. Across the way; "Dave," is the name; he keeps a restaurant.

By Mr. Howe:

Q Do you get pay for sweeping out the place, or do you get it in drink? A. I get pay.

Q When did he pay you? A. Every week.

By the Court:

Q How much do you earn a week? A. I get my board and everything.

By Mr. Howe:

Q How much money did he give you? A. He gave me three dollars, Saturday night.

Q When; last Saturday? A. Yes, sir.

Q Who did -- what is his name, that gave you three dollars? A. William Quigg; the boss; the proprietor.

Q And he paid you three dollars last Saturday night?

20 A. Yes, sir.

Q Now, do you mean to tell us -- you know Halstead was a big man, six feet high; wasn't he?

A. That is the first time I saw him, in the bird store.

By the Court:

Q Was he a big man?

A. Certainly he was a big man.

By Mr. Howe:

Q He was a big man; wasn't he?

A. Yes, sir; big whiskers.

Q He had big arms?

A. Yes, sir; long arms.

Q Big legs, strong?

A. He had big legs. He was a big man.

Q A thick, big man, a strong man; wasn't he?

A. I don't know if he was strong.

Q Did he look strong, apparently?

A. He looked like a

strong man -- he is not so fat.

Q You tell this Jury that this big, strong man, during the whole of the time from the time you saw him in the bird store, when you say Green took him by the whiskers, never struck Green once; yes or no?

A. I didn't see him strike him; I saw him like this way (showing).

Q That is, in the bird store?

A. Yes, sir.

Q That is all that this big, strong man did to Green, from the commencement to the end, was just to take Green's hand out of his whiskers; is that it?

A. He wanted to get loose; and, as soon as he gets loose, he goes out on the side-walk.

Q Did the strong man, Halstead, strike this man at all?

A. I didn't see it.

Q You didn't see it?

A. No; only in his bird store, when he wanted to get loose.

Q You saw this man strike him?

A. Certainly, he put

21 him down on the side-walk, right away.

Q Do you mean to tell this Jury that the man had his hands in the whiskers in the bird store, that he came outside and was thrown down in the middle of the road and kicked by him, and that he never once attempted to strike that man; he didn't attempt to strike him at all; did he?

A. No. How can he do it outside? His senses were away; he couldn't strike him any more.

Q Were his senses away, as you call it, when he was out on the side-walk the first time, or in the middle of the road; you said his senses were away? A. He fell down on the side-walk.

Q That is outside the store; is it?

A. Certainly; in the store, he had one hand on the whiskers.

Q You say he fell down on the side-walk, outside of the store. Do you mean that he fell down, or that Green pushed him down?

A. I saw that he grabbed him by the neck; he fell down; he took him like this way (illustrating).

Q Did Green throw him down on the side-walk, outside the store?

A. Certainly; he held him here, on the neck.

Q Did he throw him down, or did the man fall down?

A. He threw him down.

By the Court:

Q You say that Green threw him down?

A. Yes, sir; he had him on the neck.

By Mr. Howe:

Q Did Walstead say anything? A. He said not a word; not as I heard. He goes up on the side-walk, and then he comes across the street.

Q From the time they got out in the street, outside the bird store, until the last you saw of the fight, you tell this

Jury that Halstead didn't raise his hand once to strike

Green; is that true?

A. He had no sense more to

strike him.

Q When he was on the side-walk, did he attempt to strike
Green?

A. He couldn't strike him.

Q When he was on the side-walk, you say Green threw him down
again?

A. He grabbed him.

Q And threw him down?

A. Yes, sir.

Q Threw him on the side-walk?

A. Certainly; he was lying

there.

Q That is the first time, right outside of the bird store?

A. Yes, sir, a little way from the bird store.

Q Green was standing up?

A. Yes, sir, certainly, and

kicking.

Q When that was given, do you mean to tell this jury that that
man on the ground did not say a word, and did not attempt
to strike Green?

A. No, sir.

G E O R G E R U M F T S C H, being duly sworn, testified as
follows:

By Mr. Weeks:

Q Where do you live?

A. 189 First avenue.

Q What is your business?

A. Truck-driver.

Q On the 25th of July, of last year, were you a truck-driver?

A. Yes, sir.

Q For whom were you driving a truck?

A. Henry Ruler.

Q Where is his place?

A. 430 East 11th street.

Q At about half-past 4 on that afternoon, where were you?

A. Half-past 4 I was about 34th street and First avenue.

Q Driving your truck?

A. Yes, sir.

23 Q Which way?

A. Towards down-town.

Q What did you see there?

A. I just seen the wrestling match there.

Q Tell us what you saw. Did you see this man there, the defendant?

A. Mat. Green; yes, sir.

By the Court:

Q You saw the wrestling match; who was in the match?

A. Halstead and Green; I seen the two of them wrestling there, like.

By Mr. Weeks:

Q Where was it? A. 34th street and First avenue, right in the middle of the car-tracks. As I was driving, I couldn't help but see them; they were right in front of my truck. While they were holloaing, I drove one side. At 33rd street and First avenue, I stopped my truck. I got off my truck and came back to see how the fight would end. While I was standing there, looking at it, of course this Halstead fell, and in the fall they dragged him to the sidewalk, and he was lying unconscious.

Q What made Halstead fall? A. I couldn't say whether it was a blow felled him, or what it was.

By the Court:

Q He was bleeding? A. Yes, sir.

By Mr. Weeks:

Q Whom did you see strike the blow? A. Mat Green.

Q Where did he strike him? A. I thought it was in the back of the neck; with his fist.

Q Did you see Halstead strike Green?

A. No; I seen Halstead make an effort to strike him, and he missed it.

Q As you were going down the avenue, what did you see the two men do?

A. When I was going down the avenue

I seen them wrestling.

Q Did you see any blows struck? A. No, I didn't have time to see any blows, because I drove right past them. I got off my truck.

C r o s s E x a m i n a t i o n.

By Mr. Howe:

Q You were examined before the Coroner; weren't you?

A. Yes, sir.

Q You saw these two men in the middle of the road, fighting?

A. Yes, sir; in the middle of the road.

Q They were both standing up? A. Yes, sir; both standing up, at that time.

Q This is Green, you recognise him, don't you, and the other man was a big man; wasn't he? A. Yes, sir.

Q And they were both standing in the middle of the road and were exchanging blows?

A. I couldn't say whether both of them were hitting, but I just seen one blow struck.

By the Court:

Q You saw only one blow struck?

A. I seen an attempt made; that is all.

Q You saw one blow struck, and an attempt made by the other man; is that it? A. Yes, sir.

By Mr. Howe:

Q The man who was standing up, the other man, while standing, attempted to strike this man; is that it?

A. Yes, sir.

Q You cannot be mistaken about that? A. No, sir; I can't be mistaken -- as far as I know, that is all I seen.

25 Q That man who was standing up appeared to be as well self-

possessed as this man; didn't he? A. I should think so.

Q He did not appear to be any weaker than this man; did he?

A. No, sir.

Q Then he was not staggering, and out of his senses, when he tried to strike the prisoner; was he?

A. I couldn't tell you that.

Q In your opinion?

A. Of course, it was pretty hard for me to tell, because I drove past when I seen them wrestling.

Q Apparently, to you, it was a fight in the middle of the road, is that it, between the two men?

A. Yes, sir; that is all I could see; that is all I could make out of it.

Q That was your impression, as you were driving by?

A. Yes, sir.

Q And one man seemed as well able to take care of himself as the other, to your mind?

A. Yes, sir.

R e D i r e c t E x a m i n a t i o n .

By Mr. Weeks:

Q They were both standing up; weren't they? A. Yes, sir.

Q Was the other man very much larger than this one?

A. I guess he was about half a foot or a foot larger, Halstead was. He looked to be a very big, powerful man, about six feet.

Q Which was the man that got in the blow?

A. As far as I seen the blow, I think Green got in the blow on him. I seen Green get in a blow; on the back of the neck, I think it was, he hit him; I ain't sure.

Q Which one was knocked down? A. Halstead was knocked down.

26 Q But the other man had made a blow at this man before he

struck back; is that true?

A. The other man hadn't made a blow; the two of them were making blows, exchanging blows.

H E N R Y R E B E N E C K, being duly sworn, testified as follows:

By Mr. Weeks:

Q Where do you live? A. I am the only Rebeneck in the City of New York. I live at 563 First Avenue.

Q On the afternoon of Tuesday, the 25th of July of last year, did you see this defendant, Matthew Green?

A. I believe I did see him. I saw him when they came out of the bird store, or lager-beer saloon; I couldn't tell you exactly which.

Q The bird store is next door to the lager beer saloon?

A. Yes, sir; the next door.

By the Court:

Q Did you see anybody else there at the same time?

A. In the same time, no, I didn't see nobody. When he came out, the other man, a tall man, came out with him.

By Mr. Weeks:

Q Which one came out first? A. That I couldn't tell you, it was so close. I live opposite, on the other side of the street.

Q Where were you at that time? A. I was sitting in the window.

Q What floor do you live on? A. The first floor is a restaurant, and I live one stairs up.

Q When you saw the two men come out, what happened?

A. I seen the clinching and fighting, and the tall man was knocked down and Green helped him up again.

By the Court:

Q Was this on the walk? A. On the side-walk. Green helped him up and knocked him down again, just for fun.

By Mr. Weeks:

Q How did he knock him down? A. With his fist, you know; I couldn't tell.

By the Court:

Q It was no club? A. No club; I didn't see no club.

By Mr. Weeks:

Q After the defendant knocked him down the second time there on the side-walk, what happened?

A. He helped him up again, and then he knocked him down again. That was the third time I saw him. Then I called to my boss, "Come here."

Q What did you see happen after that?

A. I saw that he was down again, and then he rose up, Halstead rose up, and went across the street, and Green followed him.

Q How far did Halstead get away from Green?

A. He got away as far as the railroad tracks.

Q Was he as far away as you are from me?

A. Yes, sir.

Q When they got out in the street, what happened?

A. When they got out in the street, of course Halstead ran westward, and Green followed him.

Q Did Green over-take him? A. He followed him in 34th street; I didn't see the last.

Q Did you see Green do anything to him, beside knock him down?

A. I saw he butted and kicked him; I didn't see no blood.

Q Where was it that he butted and kicked him?

28 A. That was on the side-walk, where the man-hole goes

down for coals, on the front of Farley's place, it is a saloon, on the corner, it is a big house; outside of that door.

Q You saw Green butt and kick him?

A. Yes, sir, I seen that; on the side-walk.

C r o s s E x a m i n a t i o n .

By Mr. Howe:

THE WITNESS: Now, Judge Howe, we come together; ask me. I know you long enough, and you know me long enough.

Q My dear friend, just try and answer the questions. You saw two men come out of this bird store or the saloon, whichever it was?

A. That is what I said.

Q And one of them was this man, the defendant?

A. Yes, sir.

Q And the other was the man you called the big man?

A. Yes, sir; the tall man.

Q When they got outside they fought, you saw them fight?

A. The other man didn't fight; Green knocked him down; the other man didn't fight at all. He raised up his hand, then I would think it was a fight, but the other man didn't raise up his hand at all.

Q When they got outside, the other man didn't raise up his hand?

A. No; he was knocked down like a child.

Q Knocked the big man down, like a child? A. Yes.

Q How did he knock him down? A. He gave him one on his head, and then he fell -- or if he throwed him down, that is a different thing.

29 Q He didn't throw him down?

A. I don't know.

- Q Which was it? You have just said. Just try and remember what you said. You say he gave him a blow, and knocked him down like a child?
- A. Yes, sir.
- Q That is just what you said; wasn't it?
- A. That I did say.
- Q Then, if he gave him a blow and knocked him down, he didn't throw him down; did he?
- A. I didn't say he throw-
ed him down; he went down.
- Q And if any one else has said that he threw him down, to your mind that is not accurate, that is not true; he was knocked down, is that it?
- A. That is just what I said.
- Q When he was knocked down on the side-walk, you say this man helped him up?
- A. He helped him up once, I seen it, and then knocked him down again.
- Q You saw the blow given?
- A. Oh, yes.
- Q A knock-down blow?
- A. I seen that, too.
- Q And after the knock-down blow, then you say he kicked him, or did he pick him up first?
- A. No; he kicked him first, and then he picked him up.
- Q Did you see the kick?
- A. I seen the kick.
- Q You saw him give the kick; did you?
- A. Yes, sir.
- Q After he had knocked him down, he gave him a kick, is that it, and after he had given him the kick, then he picked him up?
- A. Yes, sir; that is correct.
- Q You do not mean to say that he kicked him more than once; do you?
- A. I didn't say how many kicks he gave him; I couldn't tell.
- Q Did you see him give him more than one kick?
- A. Yes, sir, I saw that he gave him more than one kick.
- 30 Q Did you see where he kicked him?
- A. I guess he kicked him

on the breast; not on the head.

By the Court:

Q Not on the head, do you say?

A. No, he didn't kick him on the head, that I seen.

By Mr. Howe:

Q You noticed that; did you? A. I noticed it was a warm day. I don't know how many times. I didn't want to see it; it was brutality for my part, where I came from.

By the Court:

Q You mean brutal; don't you? A. Yes, sir.

Mr. Howe: I ask that that be stricken out, his opinion.

The Court: Yes, I will strike it out.

By Mr. Howe:

Q And then he picked him up?

A. He did; helped him up, picked him up.

Q This is on the side-walk? A. Yes, sir; that was on the side-walk, just by Farley's store.

Q Then what happened? A. He knocked him down three times, on that side-walk.

By the Court:

Q These three knock-downs were all on the walk; were they?

A. Yes, sir.

By Mr. Howe:

Q You are sure about that? A. Yes, sir, I am sure.

Q Will you swear there were two kicks? A. There was more than two; that is what I believe. I believe he gave him three or four kicks.

Q Will you swear he gave him three or four kicks?

A. Yes sir.

Q After this knock-down blow and the three or four kicks, then

he picked him up and knocked him down again?

A. That is just what I said; right on that side-walk.

Q Then again, did he pick him up the third time?

A. No, I didn't see that.

Q Who picked him up? A. What I didn't see, I can't say.
I couldn't look out of the window. It was in 34th street.

Q You have sworn that he knocked him down twice only on the side-walk?

A. Yes, sir.

Q Did you see him get up? A. I saw Halstead get up,
and he knocked him down again.

Q That is the third knock down, is it, on that side-walk?

A. Yes, sir.

By the Court:

Q Did he help him the second time, or did the man get up himself? A. The second time he helped him up; he ran across the street. Green helped him up twice.

By Mr. Howe:

Q Green helped him up from the side-walk twice?

A. Yes, sir.

Q You saw him knocked down three times on the side-walk; didn't you?

A. No.

Q You are sure about that; are you? A. No, twice, I said; not three times.

Q Then what did he, Halstead, do? A. Halstead ran across the way. He wanted to get away from him.

Q Did you see him run? A. I did; not a run, but a fast walk; it was a pretty good walk. He wanted to get away from him.

Mr. Howe: That is a conclusion. I ask that that be stricken out.

By Mr. Howe:

Q Walked like this (showing)?

A. Pretty near like that; he couldn't walk, he was so much bruised. He walked slow.

Q Come down and show the Jury how he walked?

A. He walked just that way, like I do now (showing).

Q Did he have a stick with him? A. No; he had no stick.

Q He walked without a stick? A. Yes, sir.

By Mr. Weeks:

Q Walk as fast as you can? A. I can't walk no faster; I have been an old soldier; I am wounded.

By the Court:

Q Did he walk any faster than you then walked? A. No.

By Mr. Howe:

Q What? A. No faster than I did walk; he walked slow; and then Green was standing on the side-walk. I tell the truth, and nothing but the truth.

Q He did not walk any faster than you showed us?

A. That is just it; he tumbled from one side to the other.

Q Did you see him when he got on the other side of the street?

A. No, sir.

Q Did you see any woman with an umbrella there?

A. No, sir.

Q You saw Halstead strike this man; didn't you?

A. Halstead was a taller man than him. I didn't see no blood flowing, or anything at all.

By the Court:

Q He asked you if you saw Halstead strike Green?

A. No, sir.

By Mr. Howe:

33 Q Didn't Halstead attempt to strike him? A. No; he was

like a child. When you have a child in the cradle, you would not strike.

Q Halstead did not cry out? A. He cired a little bit.

By the Court:

Q Did he say anything -- did Halstead make any noise?

A. He halloed.

By Mr. Howe:

Q Did he halloa loud? A. I could hear it, across the way, where I was in the window.

Q What did he say? A. That is what I can't remember.

Q It was so loud a halloa that you heard it across the way; is that it?

A. Yes, sir.

Q And all the people passing must have heard the cry, if you heard it on the other side?

A. Of course, there was very little people that time.

Q It was a loud cry; was it not? A. A loud cry.

Q There is no question about that? A. That is right.

VERONICA MILLER, sworn and examined, testified as follows:

By Mr. Weeks:

Q Where do you live? A. 585 First avenue.

Q That is nearly opposite to where Mr. Kief used to have his bird store? A. Across the street.

Q On the afternoon of Tuesday, the 25th of July, was your attention attracted to anything in the street there?

A. I looked out of the window.

Q About what time? A. In the afternoon; I guess, about three o'clock; I am not sure.

Q Did you look out of the window? A. I looked after my child.

Q And, when you looked out of the window, what did you see?

A. I saw a man standing on the side-walk, across the street; and the other man I saw he walked away from him.

Q There was a man standing on the side-walk, on the other side of the street?

A. Yes, sir.

Q In front of what place was he standing?

A. By the window, by the liquor store.

Q The man who was walking across the street, in which way did he walk; towards your side of the street?

A. Yes, sir; he walked across the street, to the West side.

Q What did the man who was standing on the side-walk do?

A. He had his handkerchief, and he rubbed his face.

Q What then? A. I saw he walked after that man, and hit him.

Q Where did he overtake him, where did he catch him?

A. He pushed him home.

Q Where were the two men at the time that the man who was standing on the side-walk hit the other?

A. I didn't see him hit him on the side-walk; I only saw him-----

Q Were there on the side-walk or in the street when he hit him?

A. In the street; not on the middle of the street.

Q Of the two men, which was the taller?

A. That man who hit him was the smallest, and the other one was bigger.

Q That is the smaller one, the defendant. You say he hit him on the side of the head?

A. Yes, sir.

Q What did the taller man do, when this man hit him on the side of the head?

A. Nothing.

Q How many times did you see this man hit him?

35 A. He hit him twice, and he didn't fall. I only seen him

hit twice, and he turned around, that man.

Q Which man turned around; the tall man?

A. Yes, sir, and I don't think he fell. He turned around and that man walked away two steps, and he hit him again.

Q Which man walked away?

A. The tall man.

Q The tall man walked away two steps, and then this man came back and hit him again?

A. Yes, sir.

Q What happened then?

A. The other man, the tall man, fell, and I didn't see him no more. I only seen him standing by him.

Q Who stood by him?

A. That man that hit him.

Q Did you see what this man did, while he was standing by him?

A. No; I only saw that he looked after the car. The car came, and he looked up.

Q Which way was the car going, up-town or down-town?

A. Down-town.

Q And that car came between where you and these men were; the car was on the West side of the track, was it not; the track towards you?

A. Yes, sir.

Q Did the car go between you and the man?

A. Yes, sir.

Q Did you see this man, Green, again, after the car passed?

A. I saw him; the man from the liquor store, he took him in. I didn't see him after. He was standing by him, and I saw where the liquor store man, he took him in.

By the Court:

Q Were you in the window all this time?

A. No, sir; after the man lay down, and he didn't get up, I went down.

By Mr. Weeks:

36 Q When you got down stairs, where did you see this defendant,

Green?

A. The liquor store man, on the corner,
he took him in.

Q. That is Mr. Murtha?

A. Yes, sir.

BY MR. HOWE:

Q. When you saw this man, he was rubbing his face with his
handkerchief, was he not; he had the handkerchief to his eye?

A. Yes, sir.

H A M I L T O N J O H N S T O N, sworn and examined, testified
as follows:

By Mr. Weeks:

Q. What is your business?

A. Painter.

Q. Where do you live?

A. I am now living at 469

Sixth avenue, Brooklyn.

Q. On the 25th of July, of last year, were you at 34th street
and First avenue, in the afternoon?

A. Yes, sir.

Q. About what time?

A. About 4 o'clock.

Q. In which direction were you going?

A. I was going to the 34th street ferry, crossing over
to Hunter's Point.

Q. On the upper or lower side of 34th street?

A. The lower side.

Q. Tell the Jury just what you saw?

A. As I came up by the curb, I was just stepping up, right
in front of me, on the railroad track, was two large men
standing, and I saw one raise his hand and strike the other
in the face.

Q. Which one was it?

A. It was the man afterwards proved
to be Matthew Green.

Q. Was that the man (indicating the defendant)?

A. That is the man.

Q He struck the other one right in the face?

A. Yes, sir. I then had to halt, for the reason that they were obstructing my path. Then Mr. Green walked or staggered around -- the two men appeared like drunk to me, but Matthew Green staggered around, and he came over around that direction, and he turned and struck the deceased behind the ear. That was all that I seen, as far as that event. At the time of the striking, he, Mr. Green, stood in a position like as though he was about to kick-----

(Objected to)

(Objection sustained)

Q Describe the position?

A. He didn't kick -- in such a position, and I halloed, "Halt!" He remained quiet, and there was no more to get from that.

By the Court:

Q Where was the deceased, at the time you cried out "Halt!"?

A. The deceased was lying in a limp condition.

Q Lying down?

A. No, sir, not lying; he was kneeling down on his knees, on the railroad track; the western railroad track.

By Mr. Weeks:

Q On one knee; is that what you mean?

A. One or two, whatever it might be. He was down.

Q Did you then go on about your business?

A. No, sir, I remained there. Right off, at the time, there were people gathered about, and they dragged him over to the curb, right by me.

By the Court:

Q Dragged the man that was down?

A. Yes, sir.

Q Who dragged him; do you know?

A. No, I don't know any of them. They were bystanders. They brought him over.

38 Q Was he dragged over to the walk?

A. Yes, sir, and he

was brought down on the side-walk, and at that time a man came and put his hand to his eyes and opened them and says, "He is dead."

By Mr. Weeks:

Q Green was not there at that time?

A. Green was not there.

Q You can't say what that man said. Was it the Ambulance Surgeon; do you know? A. No; it was before the ambulance surgeon came; a stranger.

Q The first thing that you saw was these two men standing right in your path-way, and Green struck Halstead?

A. Yes, sir.

Q Did you see Halstead strike any blows at Green?

A. He didn't appear able; the two men were about of equal stature, as it appeared. Halstead, the deceased, stood with his hands up, so (illustrating).

Q Show me, as near as you can, the position in which Halstead stood? A. I supposed they were both drunken men; he stood so (illustrating), and when the man Green struck him, he came down on his knees, this way (showing); but he didn't knock him over.

Q Not entirely? A. No, sir; the blow was not enough to knock him over on his head at all.

Q Then what happened? A. As he was down on his knees this man, Green, as it appeared, staggered around, came around and hit him behind his head.

Q Then what became of Halstead? A. Halstead then fell backward.

Q All the way, flat? A. Yes, sir, fell back, the same as if I had nothing here to protect me (illustrating); but he wasn't knocked in that direction, he was knocked in

the other direction.

By the Court:

Q He was knocked from behind?

A. Yes, sir.

Q And he fell backward?

A. He fell back; he was struck from behind.

By Mr. Weeks:

Q Struck on the side of the ear; was he not?

A. Yes, sir; and he fell back so (showing).

Q Did Halstead, at any time, have hold of Green?

A. Not at that stage; no, sir.

Q Was there anything whatever to prevent Green going away from Halstead, that you saw?

A. As it appeared, he was going away, and turned back and struck him.

Q But he was not held by any one?

A. No, sir; no force.

Q There was no wall behind him?

A. No force whatever to

restrain him from going.

C r o s s E x a m i n a t i o n .

By Mr. Howe:

Q Now, when you said that you saw Green staggering around, you thought the two men were drunk; didn't you?

A. I did.

Q You think so now; didn't you?

A. That was my impression then; I have no reason to change the opinion.

Q You only saw two blows struck?

A. That is all.

Q And they were struck in the middle of the road?

A. On the West track.

Q It was in the middle of the road, or about the middle?

40 A. It was on the Western side; it was near the curb; it

was on the Western track, further to the West.

Q That is on the road? A. Yes, sir.

Q Then, when the deceased and Green were on the road, that is not on the side-walk, you understand me, where you saw these two blows given? A. Yes, sir.

Q There were only two blows given? A. Yes, sir.

Q And you were looking at them, of course?

A. I couldn't avoid it; the same as I am looking at this gentleman.

Q You were looking at them? A. They obstructed my path.

Q You saw what occurred; didn't you? A. I did.

Q You saw the first blow, which you have told us was in the face; is not that so? A. Yes, sir.

Q And then the man fell upon his knees, not upon the ground, not right along lying down? A. Not outright; no, sir.

Q Then when he was on his knees, you say, this man staggered around; am I correct? A. You are correct.

Q And hit him behind -- I think you said that?

A. Yes, sir.

Q And then the man fell back; is that it?

A. Yes, sir; correct.

Q And when the man fell back, you didn't see Green kicking or anything? A. He never kicked him in that condition.

By the Court:

Q Did he kick him? A. Not while I was there.

By Mr. Howe:

Q You saw him picked up and dragged away?

A. Yes, sir; and the man was not kicked.

By Mr. Weeks:

41 Q While you were there? A. That time.

The Court: He says he did not see him
kicked.

THE WITNESS: I said that the position he
took over the man was like one going to kick. I
halloaed, "Halt!"

Q There was no kicking? A. There was no kicking.
By Mr. Howe:

Q He did not kick? A. No, but the position he took
might deceive many a person that he did kick him; but he
did not kick him.

By the Court:

Q Can you illustrate that position?

A. I can. The man Green staggered around this way, and
he came up and he got in a position as if he was going to
kick, and he took the position as if he was going to kick
him, and I halloaed, "Halt!"

Q Did he raise his foot? A. Yes, sir, he took an
attitude; I thought he was going to kick.

Q The attitude you have described? A. Yes, sir.

By Mr. Howe:

Q He did not raise his foot from the ground?

A. No, sir, but he took an attitude of kicking, and I
halloaed, "Halt!" There was no kick made.

By the Court:

Q He did not raise his foot from the ground?

A. No, sir.

By Mr. Howe:

Q But he stood as though he was going to kick?

A. As plain to me as I am looking at this gentleman.

Q You are sure about that; there was no kick?

42 A. I am positive he didn't kick him.

By Mr. Weeks:

Q At that time? A. Yes, sir; at that time.

Q What happened before that, you don't know?

A. I do not; I am not able to tell.

L O U I S A E B E R H A R D T, sworn and examined, testified as follows:

By Mr. Weeks:

Q Where do you live? A. Long Island City.

Q What street and number? A. 343 Jackson avenue.

Q On the afternoon of Tuesday, the 25th of July of last year, did you come over to New York? A. Yes, sir.

Q About what time did you get over the ferry?

A. About half-past 4.

Q That is, at the 34th street Ferry? A. Yes, sir.

Q From the ferry which way did you go?

A. Right straight up the first avenue.

Q Up 34th street? A. Yes, sir.

Q When you got up to First avenue, will you please tell the Jury what you saw?

A. When I came up First avenue, I seen Halstead staggering off to go off on the side-walk.

Q That is, from the East side of First avenue, toward the West?

A. Yes, sir; but he didn't go this way; he went from this way (showing). I saw Green standing there, making an attempt to follow him, but he stood back, he made no attempt, and then he run after and grabbed him by the neck and commenced to hit him right away. I was afraid the car would run over him, or else he would kill him, and Green fell over him. Halstead got up and stood before him, and never made a move. I went on, and I laid my umbrella down, and then,

when they fell, I says, "Don't!" I was afraid he would be run over; he made a few steps, and I looked and Mr. Halstead was lying with his head right on the railing, this way, and I saw his face, and his eyes was open. "Oh." I said to myself-----

Q You saw his face, and his eyes were open?

A. Yes sir.

Q How many times did you see Green strike Halstead?

A. I couldn't exactly tell you that. But he struck him a good many times.

Q Do you say you started across the First avenue, and Halstead started also?

A. Yes, sir; and Green commences to start.

U r o s E x a m i n a t i o n .

By Mr. Howe:

Q You saw this man, Green, fall over Halstead; didn't you?

A. Yes, sir.

Q Fall right on him?

A. By kicking him. Halstead fell first, and he bent down and he kicked him.

Q Who bent down?

A. Green.

Q Bent down and kicked Halstead?

A. Yes, sir, and then he got up.

Q And fell over Halstead?

A. Yes, sir -- he didn't fall; he bent over him and kicked him.

Q How many times did he kick? A. I couldn't tell you exactly that, you know, how many times.

Q Did you see him kick him?

A. I did, with his fist. I seen him with his hands, nothing else.

By the Court:

44 Q You do not mean that?

A. He didn't kick him,

with the foot; he never hit him with his foot. Only with his hands.

By Mr. Weeks:

Q He struck him with his fist?

A. Yes, sir. He was not satisfied with that. If you will let me say a few words. Before he was arrested, he came over, and I spoke to Green. I said, "You hadn't ought to hit the man;" that is what I told him. He says, "Don't you interfere with the man's affairs, or I will hit you." He wanted to hit me.

By Mr. Howe:

Q You saw this man; didn't you?

A. I did.

Q You saw him with a handkerchief up to his eye?

A. I seen him both times, before he made the attempt to fell Halstead, and I seen him after he got up, when Mr. Halstead was lying unconscious.

Q Look at that picture?

A. I know, without looking at him.

Q You recognise that. Did you see that big, black eye, where it is closed?

(Objected to)

(Objection sustained)

Mr. Howe: I now offer in evidence a photograph of the prisoner, taken six days after the occurrence, showing a large contusion of the left eye.

The Court: There is the photograph, which speaks for itself; does it not, without your characterizing it?

Mr. Howe: Well, I suppose so. I offer that, and in conjunction with the offer I propose to ask this witness, in the hearing of the jury, if

that is about the condition of the eye and of the defendant, when he was holding his handkerchief to it.

Mr. Weeks objected, and Mr. Howe said he would offer the photograph at a later stage.

By Mr. Howe:

Q You talked with this man? A. I spoke to him, before he went into the saloon.

Q And after you had seen him strike the deceased?

A. I seen him strike him before, you know. I talked to him after, before I knew Mr. Halstead was dead.

Q And, when you talked to him, did you see that eye?

A. I did; I seen it before.

By the Court:

Q Was it bruised? A. Yes, sir.

By Mr. Howe:

Q Did you notice it? A. I noticed it, because he wiped it.

Q What was its condition? A. It was swollen, you know, and then he followed Mr. Halstead.

By the Court:

Q Was it bleeding? A. I didn't see much blood.

Q Did you see any? A. I didn't see no blood.

Q His eye was swollen? A. Yes, sir.

By Mr. Howe:

Q The eye was swollen; was it black and discolored?

A. It was not black. I only seen the swelling.

Q It was swollen big, larger than the other?

A. Yes, sir, of course.

46 Q It was not in the same condition as the other eye?

A. No.

Q You saw it -- did it appear to you to have been the result of a blow, the condition of the eye?

A. I didn't see the first of it, you know.

By the Court:

Q Did it look as if it had been made by a blow?

A. Yes, sir.

Mr. Weeks: There is no question, on the part of the People, but it was so caused.

C H A R L E S E. S A N B O R N, being duly sworn, testified as follows:

By Mr. Weeks:

Q You are a graduate physician? A. Yes, sir.

Q A graduate of what college? A. The University of New York.

Q Of what year? A. 1893.

Q Duly admitted to practise medicine in this city?

A. Yes, sir.

Q On the 25th of July, 1893, were you an ambulance surgeon connected with the Bellevue Hospital? A. Yes, sir.

Q On that day were you called to 34th street and First avenue, in the afternoon? A. Yes, sir.

Q About what time? A. I think it was about 4 o'clock.

Q What did you find there? A. I found a man, dead, on the side-walk.

Q Where was he? A. He was on the Western side of the street, lying on the side-walk.

Q What sort of a looking man? A. I don't remember his looks.

47 Q You then examined him, and found him dead?

A. And found him dead; yes, sir.

C r o s s E x a m i n a t i o n .

By Mr. Howe:

Q He was a big man? A. I don't remember the man.

Q Don't you? A. No, sir.

Q You did not see any bruises or any marks upon him, of any kind; did you? It was so stated at the hospital.

A. No, I don't remember about that; the man was simply dead. I examined him sufficiently to find that out, and no further.

Q In other words, you saw a big, strong, muscular, dead man in the hospital? A. No, sir.

Q Well, where was he; in the street? You found him dead, on the side-walk? A. On the side-walk; yes, sir.

Q There was nothing about him particularly to attract your attention? A. No, sir.

W I L L I A M H. D U D L E Y, being duly sworn and examined testified as follows:

By Mr. Weeks:

Q You are an officer of the Municipal Police, attached to the 21st precinct? A. Yes, sir; to the 21st precinct.

Q On the afternoon of the 26th of July, 1893, was the corner of 34th street and First avenue on your post?

A. No, sir, I was on the opposite corner; the north-west corner.

Q What was the condition of First avenue, at that time, in that neighborhood? A. The pavement was all torn

48 up on First avenue.

- Q On what part of the street? A. The middle of the West side of the avenue.
- Q Had the car-tracks been moved?
- A. They had been moved; yes sir.
- Q From the usual position, in the center of the street, to where?
- A. To the West side.
- Q Who called your attention to anything?
- A. One Hamilton Johnston and George Rumetsch.
- Q And what did you then do? A. I went in Martha's saloon.
- Q Whom did you find there? A. I found Mr. Green, bathing his eye; I believe it was his left eye.
- Q What was the condition of his eye, when you found him there?
- A. I found it black.
- Q How about the other eye? A. It was all right.
- Q Did you see anybody on the street, before you went in there?
- A. No, sir.
- Q Did you see Halstead? A. I saw Halstead; yes, sir.
- Q Before you went into the saloon? A. Yes, sir; I didn't stop.
- Q Where was Halstead, before you went into the saloon?
- A. He was sitting in the gutter; he was sitting on the curb, with his feet in the gutter.
- Q When you went into the saloon, what did you say to Green?
- A. I told him I wanted him outside, and he asked me what for. I said, "For hitting this man."
- Q What then? A. I took him outside, and I bent down to this man, thinking he was living -- I didn't know whether he was or not. I says, "Is this the man that struck you?" to Halstead, and he made no reply.
- Q What did Green say, if anything? A. He didn't say nothing. He told me it was all borrowed trouble.

Q What did you do then? A. I took him to the station house; and, before I went to the station house, I sent an ambulance call from the north-east corner, the saloon there. On the way to the station house, he told me it was all borrowed trouble, and this and that.

By the Court:

Q We want to hear this and that?

A. That is all I can think of. In the station house, Officer McCarthy came in.

By Mr. Weeks:

Q On the way to the station house, he says, "This was all borrowed trouble, this and that." What was the this and the that?

A. Well, that he was struck.

Q Say what he said?

A. He told me this man struck him, and he hit him back. That is about all I can remember.

Q When you got to the station house, did the defendant, Green, say anything there?

A. Well, no; he told me the same thing, borrowed trouble.

Q At the station house, at that time, did he say anything to the Sergeant?

A. Borrowed trouble, is about all he said in the station house.

Q Now, was the body of Halstead, the man that was outside, brought down to the station house?

A. Before he was brought in, Officer McCarthy came for a stretcher, and told me, in his presence, that Halstead was dead.

Q What happened then?

A. Green said, "The Lord have mercy on his soul."

Q Now, was the body of Halstead brought to the station house?

A. Yes, sir.

50 Q And from there where was it taken?

A. I believe, home.

Q To his home, in Harlem, 527 West 129th street?

A. Yes, sir; to Harlem.

Q Then you took Green to the Police Court, the next day?

A. I took him to the Police Court.

Q And from there to the Coroner's office?

A. And from there to the Coroner's office.

Q And when was he discharged by the Coroner on bail?

A. At half-past 2, on fifteen hundred dollars bail.

Q And what day?

A. The 26th.

Q At that time, what was the condition of his left eye, which you said was black?

A. Black.

Q What was the condition of his right eye?

A. That was all right.

Q Was the rest of his face swollen? A. I didn't notice.

Q You were with him? A. Only his eye; that is all.

Q You were with him; weren't you?

A. Yes, sir, I was with him.

Q You took him, on the afternoon of the 25th, to the station house?

A. Yes, sir.

Q And, on the morning of the 26th, you took him to the Police Court, and from there to the Coroner's office, and then saw him discharged on bail?

A. Yes, sir.

Q Now, was there any bruises whatever on his face, except the bruise of one eye?

A. His eye was swollen and black.

Q The rest of his face; was that swollen?

A. That is all I noticed. All I saw was the eye black, and swollen.

~~F. E. A. H. K. J. O'H. A. R. E.~~, being duly sworn and examined, testified as follows:

By Mr. Weeks:

Q You are a graduate physician? A. Yes, sir.
Q Admitted to practise here in New York? A. I am.

Q A graduate of what college? A. The College of Physicians and Surgeons.

Q What year? A. 1880.

Q Since that time have you been actively engaged in practise? A. I have; yes, sir.

Q And are one ^{of the} Coroner's physicians? A. Yes, sir.

Q And have been since what time? A. Since November, 1892.

Q During that time, and prior to that, have you frequently made autopsies and testified as to the result?

A. I have; very frequently.

Q Did you, on the 26th of July of last year, perform an autopsy on the body of James Halstead, at 527 West 129th street?

A. I did.

Q In your opinion, after performing that autopsy, what was the cause of death?

A. I made an examination, first, of the external part of the body, for wounds. I found a superficial wound, over the bridge of the nose, about half an inch in length; it did not interfere with the bone, the bone underneath was not broken at all. On the left side, about in this position, (indicating), there was a contused wound, on the left side of the head, over the ^{parietal}, about an inch in diameter. It was irregular and oval, and was also superficial. Beneath that, involving the temporal muscle, about two and a half inches in diameter; also irregular and oval in shape. This latter one involved the muscular tissue be-

neath to the distance of one-eighth of an inch. The skull was not fractured in that position at all. Posteriorly, right about in this position, there was a contused wound, about two inches in diameter, behind, in the back part of the head, over the occipital protuberance.

Q It is the most prominent portion of the back of the skull?

A. Yes, sir.

Q What did you find?

A. A contused wound. These were all three contused wounds, and were external. On opening the skull, I found a fracture, commencing in about this position (indicating), and running forwards. I cannot describe it very well, because it is in the interior of the skull. It had no connection with those other external wounds that I spoke of. About an inch and a half from the opening where the spinal cord enters the skull, one and a half inches back of that and one inch to the left, directly under this contused wound that I spoke of, the fracture commencing at that point and running forwards until it struck the temporal bone, here (indicating) which runs inside to connect the temporal bone on the opposite side, forming the arch of the skull. The fracture though, had no connection with the external wound on the side of the skull at all, only with the contused wound on the back of the head.

Q That fracture connected with the contused wound on the back of the head?

A. Yes, sir. There were no other marks of violence upon the body. I searched it very carefully. There was an old pleurisy, probably of a year or two standing, on the right side. With the exception of that, all the other organs were in good condition. There was an extravasation of blood,

commencing at the posterior part of the brain, extending into the fissure of Sylvian, one of the dividing parts of the ^{clotted} brain; that was filled with blood.

By the Court:

Q That clotted blood was where, on the brain?

A. Between the brain and the tissue of the skull.

By Mr. Weeks:

Q As the result of that examination and autopsy that you made what, in your opinion, was the cause of death?

A. He died from fracture of the skull -- that was the cause of death; the immediate cause was shock, resulting from that, and cerebral hemorrhage resulted from it.

Q In your opinion, were the two wounds which you found on the side of the skull here, the side of the head, such as could have been produced by a boot?

A. They were not, for this reason, that they were distinct and evenly around. There was no well-marked point of contusion that would be caused by a kick or a blow of any blunt instrument of that kind. It seemed to be a blow of the fist, if I could describe it in that way. The upper wound was a small affair. The back fracture looked as though it were done by the body falling back and striking the back of the head.

Q How large a man was this, Doctor?

A. He must have been nearly six feet, I think. He was a man who weighed fully two hundred pounds, anyhow, and he was about fifty-three or fifty-four years old. All the organs of the body were in good condition.

C r o s s E x a m i n a t i o n .

By Mr. Howe:

Q A pretty strong man? A. Very remarkably.

Q Was this the outer or inner table of the skull?

A. It went through; first commencing regularly in the inner table, and extending, subsequently, to the outer table.

Q The extravasation of blood which you speak of could have been caused by many other causes than that blow?

A. Into the brain?

Q Yes?

A. There was laceration of the brain connected with it. You would hardly have the same condition of extravasation of blood in that position, with the laceration, except from the blow.

Q Do you mean laceration, or lesion, or what?

A. Laceration.

Q There was not a mark upon that body of any external violence; was there?

A. Except those three, and the one on the nose that I mentioned.

Q The one on the nose, you have told us, amounted to---

A. Nothing at all; it was trivial. It could have been done by a finger nail.

Q And about the other one on the head?

A. It was not a very severe blow; it was done with some blunt instrument. I should say it might have been done with the fist.

Q How about the one on the back?

A. That was deeper -- more severe violence was inflicted at that point.

Q That was a blow which might have produced, as you say, a fracture of the inner table of the skull?

A. A fracture of both tables.

85 Q Was that the spot at which you found extravasation?

A. It was distributed over the whole surface of the brain underneath.

Q A fall might have introduced that?

A. It is a very common occurrence for a fall to produce just such an injury.

Q Just as likely to have produced it as a blow; is not that so?

A. The contusion was made with some blunt surface. There was not any mark as though it had been done by a blow or any moderately sharp instrument. It was evidently done by a fall on a smooth, hard surface.

Q It is just such an injury as might be caused by a fall on the pavement; is that so?

A. Yes, sir.

Mr. Howe: It is conceded that the person upon whom the autopsy was performed was the body of the Halstead named in the indictment.

Mr. Weeks: The People rest.

THE CASE FOR THE DEFENCE.

Mr. Howe opened the case for the defence, and the Court adjourned.

Friday, February 16, 1894.

F R E D E R I C K A D A M S, being duly sworn, testified as follows:

By Mr. Moss:

Q Where do you live? A. 255 West 35th street.

Q How long have you lived in this city?

A. I was born here, and lived here all my life.

Q What were you employed at in the month of July last?

A. In the month of July I was tending bar in Far Rockaway, for Kauser.

Q You saw this defendant here, Mac Shaw, the man who was

A. That afternoon.

Q Do you remember the latter part of July last, whether he had some trouble with a man?

A. I happened to be passing by at that time, between 33rd and 34th streets, on First Avenue, on the East side of the Avenue; I should judge between a quarter to 5 and 5 o'clock.

Q Give your best recollection of what you saw?

A. What I saw was this: I saw this man standing outside of the door of the bird store, the prisoner, on the walk, with his left hand to his eye, looking up and down the avenue. As I looked at him I seen him looking. I didn't know what was the matter at the time; but his eye is all swollen at the time. The first thing I knew, I saw a tall man coming out of the bird store, and he says to the prisoner, "Ain't you got enough?" And the next thing I saw, the prisoner says, "I will have you arrested," and he started to walk." This man with the whiskers started away, and the prisoner followed him, and he says, "Have you got enough?" I guess they had walked about three feet at the time, and the next thing was, he says, "I will have you arrested," and he got a little further on, and the first thing I knew, the man with the whiskers pulled out and hit the prisoner -- Helstead hit the prisoner, and the prisoner threw his hand up that way (illustrating), and kind of staggered; and, as he did, this man ran, and the prisoner here fell on top of him, but got up, and as he did this man with the whiskers caught him by the leg and kept pulling him down. There was a couple more at the time passed by and seen the thing. He caught the prisoner by the leg and held him there, and he,

the prisoner, worked himself away; and, in the meantime, this fellow got up and started to run. That was the last I seen of it.

Q Where did you go? A. I went down 34th street, to the ferry.

Q Did you notice, on that day, how the defendant was dressed?

A. I did. He had a white straw hat, and a blue uniform, with brass buttons.

C r o s s E x a m i n a t i o n.

By Mr. Weeks:

Q How long have you known this defendant?

A. I know this defendant about three months.

Q Before July? A. No, sir.

Q When did you first meet him?

A. I met him through a couple of friends of mine that spoke about this case. There is one man in the court-room now, Bernard Fitzpatrick, and the name of the other is John Murray; and both of them are in the Street Cleaning Department.

Q When was it that they introduced you to Green, the defendant?

A. They didn't introduce me at all, but they asked me---- I happened to state about seeing this accident, and they asked me wouldn't I be kind enough to come down as a witness.

Q When was it that you told them about it? A. I couldn't exactly say. Probably a month, or two months, afterwards. I meet them generally on the avenue, and different places.

Q Did you know it was anything more than a street fight?

A. That was all I thought it was at the time.

58 Q How did you come to speak to them about it?

A. I didn't speak to them -- they happened to talk about it, and I says, "Well, I seen that thing."

Q What did they say to you that caused you to say to them that you saw it?

A. They told me it was an accident happened in the street -- he said a case of murder. I said, "I happened to pass by at the time; I saw Green outside the door, with his hand to his left eye."

Q That is all you told them?

A. That was all, and they asked me would I come down as a witness.

Q You didn't tell them about seeing any blows?

A. Yes, sir; I did tell the whole business. I told them just the same as I have told here.

Q Have you told all you saw?

A. Yes, sir. This occurred on the side-walk, on the East side.

Q Did you see either of the men leave the side-walk?

A. No, sir; I did not.

Q After you saw the defendant fall on the man with the whiskers, what did you do?

A. I stood and seen that out.

Q Where were you bound for?

A. I was bound for Far Rockaway.

Q What train did you start to get?

A. It was my time off. It didn't make any difference when I got on the other side. Probably I stopped at Tony Miller's.

Q How many places like Tony Miller's did you stop at?

A. I stopped in McGarry's, down at the ferry.

Q How many places like Tony Miller's and McGarry's did you stop in before you saw this?

A. It would be quite a mystery for me to tell.

59 Q You had been in New York all day, celebrating your day off,

and had a few drinks?

A. Yes, sir; I was feeling

pretty good.

Q How many drinks did you have that day?

A. That would be a hard thing to say.

Q How long did you stand watching this accident, as you call it?

A. After he fell down, this man hit the prisoner -- probably two or three minutes; not exactly as long as that.

Q Let me understand. The first thing you saw was Green, outside the bird store, and then the man with the whiskers, Halstead, came out?

A. Yes, sir.

Q And, as soon as he came out, he struck him? A. No.

Q What happened? A. He stood for a minute or so.

Q Were they right in front of the bird store?

A. Yes, sir. I was just coming up the avenue when I seen Green outside the door, with his hand to his left eye.

Q How far were you away from them? A. I don't know-- about as far as this gentleman sitting here in front of me.

Q What occurred? A. As I told you before, Green was looking up and down the avenue, and looking, as I thought for a policeman, and the consequence was -- this man with the whiskers came out of the store.

Q As soon as you saw Green standing there, looking up and down the avenue, you thought he was looking for a policeman; did you? A. I did, by his actions.

Q What was there peculiar about his actions that indicated that he was searching for a policeman?

A. Because he had his hand to his left eye. I saw the condition he was in; his eye was swelled. I didn't see the man hit him at the time. Naturally enough, a person looking up and down the avenue, with his hand to his eye, I knew

there was something up. This man walked out of the store, and he says to Green, "Ain't you got enough?" Green says, "I will have you arrested," and he walked about three feet, and he pulled out and he hit him..

Q Who walked first? A. The man with the whiskers, he was ahead, and Green followed him, about three feet behind; when he pulled out and hit him.

Q They had not got up in front of Farley's, had they, the liquor store on the corner?

A. No, I don't think they got as far as that.

Q The man with the whiskers was walking ahead, is that right, with Green behind him? A. Yes, sir.

Q And, suddenly, the man with the whiskers turned around and struck Green; is that right? A. Correct.

Q What happened to Green? A. As soon as Green ran after him he staggered and fell -- Green staggered, and threw up his arms, and then ran for the man with the whiskers.

Q What did the man with the whiskers do then?

A. He followed Green, and fell on top of him.

Q Green caught him? A. No; he fell down, and he caught Green by the leg.

Q Didn't green catch him and throw him down?

A. No, he staggered, and fell himself, before Green got to him, and Green fell on top of him.

Q Green didn't knock Halstead down? A. Not at that time.

Q Halstead fell down himself? A. Of his own accord.

Q He fell right at the feet of Green, and that made Green fall over him? A. Green stumbled over him.

Q While Green was over him, Halstead caught Green by the trousers leg and held on to him? A. Yes, sir.

61 Q Did Halstead strike Green again? A. That I couldn't say;

he couldn't have a chance to strike him again.

Q Did Green strike Halstead? A. No, he didn't.

Q Did you stay there until they got free?

A. Yes, sir; they broke away then.

Q Which got up first? A. Green got up first, and he held Halstead by the leg -- I am a little mixed up. Green got up first, and, as he got up, Halstead caught him by the leg and held him and jerked him good.

Q Did he pull him down again? A. No, he didn't; Green got away from him; and, as he did, then Halstead got up.

Q Which way did Green go when he got away from him?

A. Green couldn't go. As soon as Green got up, he stood there; Halstead got up and he made a break and ran away.

Q Which way did Halstead start to run? A. Towards 34th street. That was all I seen, the last falling down business.

By the Court:

Q There were two fall downs? A. No, sir, only one; I couldn't see more than one.

By Mr. Weeks:

Q Then what did you do? A. I went down to McGarry's and had a drink, and went over the ferry.

Q Whom did you drink with? A. I didn't drink with anybody.

Q How was Halstead dressed? A. That I couldn't describe.

Q Did he have on a straw hat, a derby or a silk hat? A. If I am not mistaken, I think he had a soft hat on.

Q Light or dark in color? A. That I couldn't say at present.

Q Did he have on a coat? A. Yes, sir, he did.

62 Q What color? A. That I couldn't say.

- Q What color beard did he have? A. I should judge it was a kind of reddish beard.
- Q How old a looking man was he? A. I should judge he was a man about forty-three or forty-four; I couldn't say as to that.
- Q Who was it that introduced you to Green the first time?
A. Bernard Fitzpatrick -- but they didn't introduce me. They talked the matter over, Bernard Fitzpatrick and John Murray.
- Q Where did you first speak to Green?
A. I first spoke to Green in the Tombs.
- Q Who took you to the Tombs? A. I went myself.
- Q At whose request? A. The parties that I spoke to about the affair, Fitzpatrick.
- Q When was it that you went to see Green in the Tombs?
A. That was probably two months ago.
- Q When you went there, what conversation did you have with him?
A. I didn't know the man at the time. I says, "I am sorry to see you in this fix, old man. If I can be of any help to you, I will be glad to do it." He says, "If you can, come down on my trial. If you get a subpoena, will you come down?" I says, "I will."
- Q What did he say about what happened on that day?
A. He said that he was very sorry that this thing ever occurred, and that he was innocent of it. I don't know as he said anything more.
- Q Was that all he said the first time you saw him, at the Tombs?
A. That was all.
- Q When was the ~~second~~ time? A. Probably three weeks after, in the same place.
- 63 Q Who went with you? A. I was alone.

- Q Tell us what you said to him? A. He asked me how things were getting along, and I said, "I haven't heard anything different."
- Q Different from what? A. From the rumors that were going around about him -- everybody had an idea that he was innocent of this affair; that is about all.
- Q Whom did you talk to next about the case? A. I had no occasion to talk to anybody.
- Q Did you ever tell anybody exactly what you saw? A. I might have; I couldn't exactly say whether I did or not. I wasn't very much interested in the case, anyhow.
- Q Did you have any other talk with Fitzpatrick or with Murray? A. No; I have seen Murray once.
- Q Did you ever talk with anybody else about it? A. No.
- Q You never made a statement to anybody, and never signed any statement, and never were sworn to any statement, and never talked with any of the lawyers about the case? A. No.
- Q You are positively sure of that? A. Sure, positive; swear to it.
- Q Did you ever talk with Mr. Moss or Mr. Durrant before today? A. No, sir.
- Q Were you ever in the office of Howe & Hummell? A. Yes, sir; this morning, between half-past 9 and 10 o'clock. I saw Mr. Moss.
- Q Did you talk with him? A. Yes, sir.
- Q Did you tell him what you were going to testify to? A. No. The man never asked me.
- Q Did you make any statement of what you were going to testify to, to anybody? A. No.

Q And you want this Jury to believe that Mr. Moss and Mr. Howe put you upon the witness-stand and examined you, without knowing that you were going to testify to?

A. As true as God.

BY MR. HOWE:

Q You did tell this Murray what you saw -- what is his name?

A. Pat Murray and Barney Fitzpatrick.

Q You told them? A. I did, I acknowledge.

Q Whether they came to us and told us about it, you don't know, of course? A. I don't think they did. I know they never did.

Q Did you sleep with them? A. No, I never did.

Q Were you with them all the day long? A. No.

Q Were you in my office all the day long?

A. No; only this morning.

Q Why did you say you knew they never did tell us? You don't know anything about that; do you?

A. No, I don't.

Q You tell frankly what you remember, is that it, to this jury?

A. Yes, sir, I do, frankly.

J O H N L Y N C H, being duly sworn, testified as follows:

By Mr. Howe:

Q Where do you live? A. 650 Second Avenue.

Q You are a restaurant keeper?

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

Q What is your business now? A. I haven't done anything in six months.

Q Have been out of business for six months? A. Yes, sir.

Q Did you see any portion of this difficulty?

65 A. I was going to Long Island City at the time.

Q Please answer yes or no? A. Yes, sir.

Q Tell the Jury what you saw?

A. As near as I can remember, it was Tuesday, the 25th of July. I took a Third Avenue car, and got off at 32nd street. My mother lived on the corner of 32nd street and Second Avenue. I stepped in to see her, and I stayed about half an hour or so with her. I walked up Second Avenue to 33rd street, and through 33rd street to First Avenue, and I came to a bird store, between 33rd and 34th street, on First Avenue.

By the Court:

Q About what time of day -- can you tell us?

A. It was a little after 4, as near as I can recollect.

By Mr. Howe:

Q Go on? A. I saw a tall man run out of the bird store there -- I didn't know him -- with side whiskers, and a man with a blue uniform and a straw hat went out after him.

By the Court:

Q Do you see the man with the blue uniform here? Stand up, Green. A. I saw him once before. That is the gentleman; that is the man.

By Mr. Howe:

Q What was the blue uniform? A. The Street Cleaning Department Uniform, silver buttons.

Q The regular uniform of the department?

A. Yes, sir. This man with the blue uniform, I noticed, had a black eye, and he says to this tall man, "I am going to have you arrested." The tall man ran towards 34th street, and this man in uniform after him. There was a down-town car coming across, and both of them had passed the car and

got on the other side of the street, the West side of First Avenue, and I saw the tall man looking around, and the man-----

By the Court:

Q Were they still on the walk?

A. In the middle of the street. The tall man looked around and punched at the man in the blue uniform.

Q Did he hit him?

A. The man in uniform lifted his arm, and he warded the blow off. With that, the man in uniform hit him, and the tall man fell. By that time a crowd gathered, and I went about my business.

Q Where did he fall? Locate him as near as you can -- near 34th street?

A. Near 34th street, on the West side of the avenue.

Q Anywhere near the car-track?

A. The other side of the car-track.

Q The car-track was not in the middle of the street?

A. No, sir, it is on the West side, the car-track.

Q What was the condition of that street, at that time?

A. It was dry.

Q The pavement all right?

A. Yes, sir.

By Mr. Howe:

Q Now, Lynch, you made a statement to Mr. Moss here, and he took it down as you gave it; is not that so?

A. Yes, sir.

Q When did you do that; about how long ago was it?

A. Two weeks ago.

Q In my office, in Mr. Moss's private room? A. Yes, sir.

Q When the two men were outside of this bird store did you hear them say anything to each other?

A. When the tall man ran out of the bird store and the

man in uniform after him, was what attracted my attention.
I heard the man in uniform say, "You loafer! I am going to
have you arrested."

Q Did you hear what the other man said? A. No.

Q He might have said some thing and you not hear it?

A. Yes, sir.

Q Did you say that you saw this man fall over the other?

A. Yes, sir, I saw him fall on top of him.

Q Where was that? A. That was in the middle of the
Western car-track, the other side of the car-track, on the
West side.

Q Did you see them get up? A. I saw the man in blue
uniform get up first.

Q He was on top; was he not? A. Yes, sir, he was on top.

Q When that other man was down, did you see this man kick him
at all -- is it true that he kicked him?

A. No, sir, I did not.

Q If he kicked him when he was down there, you would have seen
it; would you? A. Yes, sir, I think I would.

Q That is your opinion? A. Yes, sir.

By the Court:

Q During the time you were there, he didn't kick him; is that
what you say? A. Yes, sir.

Q The defendant did not kick the other man? A. No.

C r o s s E x a m i n a t i o n .

By Mr. Weeks:

Q You say that you saw the tall man run out of the bird store,
the man with the whiskers? A. Yes, sir.

Q Was he running fast, or simply walking fast, when you saw him
run? A. A slow run.

Q He came out first, and the defendant, Green, came out after him?

A. Yes, sir.

Q The tall man ran towards 34th street, on a slow run, and Green after him?

A. Yes, sir.

Q How far along the side-walk did they go before the tall man started to cross the street? Did they go all the way up to the crossing of 34th street, or did they go diagonally across the street?

A. They went as far as the corner; ran across the crossing.

Q Until they got over to the car-track; is that right?

A. Yes, sir.

Q Green still pursuing the tall man?

A. Yes, sir.

Q Are the car-tracks there in the middle of the road?

A. The same as any ordinary street car.

Q And they were on that day?

A. Yes, sir; to the best

of my knowledge. I didn't notice. There was four tracks, two up and two down.

Q They were right in the middle of the street, and the street was dry?

A. Yes, sir.

Q And in good condition?

A. I didn't take much

notice.

Q It was not torn up, was it -- you would know if the street was being paved, if they were laying a sewer or anything of that sort; you would have noticed that?

A. I didn't notice that, to my knowledge.

Q Did you see the tall man turn around, almost as soon as he got out of the bird store, after having taken a few steps, and strike Green so as to stagger him?

A. No, sir, I didn't.

69 Q Did he?

A. I didn't notice it.

Q You will swear positively that he did not?

A. Yes, sir; not to my knowledge.

Q You were right alongside of them; weren't you?

A. Not right alongside of them.

Q How close were you to them?

A. Seven or eight feet

away -- further; ten feet.

Q And, if he had struck him, there was nothing to prevent your seeing them?

A. Probably there was; I don't know.

By the Court:

Q You did not see?

A. I didn't take particular notice.

By Mr. Weeks:

Q When Greenstruck Halstead, the tall man, so that he fell, where did he strike him?

A. On the side of the head, here (indicating).

Q How did Halstead fall?

A. He fell backward.

BY MR. HOWE:

Q This happened in July. You have given us your best recollection of it?

A. Yes, sir, to the best of my ability.

Q Whether you are accurate or not about who came out of the bird store first, your impression is that the tall man came out first?

A. Yes, sir, the tall man.

BY MR. WEEKS;

Q You are sure of it; aren't you?

A. Yes, sir, I am sure of it.

AUGUSTUS MOYER, being duly sworn, testified as follows:

By Mr. Howe:

Q You are employed in the Sheriff's office? A. Yes, sir.

Q And do you live at 212 East 76th street? A. Yes, sir.

Q Do you remember the occurrence between Green and Halstead, on First avenue?

A. Yes, sir.

Q About what time in the afternoon was it?

A. Between 4 and 5 o'clock.

Q Tell the Jury what you saw, as you recollect it?

A. I was going down First avenue, after serving some Surrogate papers. When I got near the 34th street corner I saw a big, tall man, the deceased, evidently, and Mr. Green following him, and he was on a kind of a run.

By the Court:

Q Who was running? A. The tall man.

By Mr. Howe:

Q Green following?

A. Yes, sir. And the tall man looked around, to see, evidently, how close Green was behind him, and fell backwards. He tripped, and Green fell over him. Green was bending over him, to get up, and the man underneath got him by the pants leg and tried to hold him. Green was kicking to get loose, and, finally, he got loose, and the big man got up and walked towards the corner, across over the sidewalk, and Green after him. Before he got to the Westerly corner, the big man turned around and struck at Green and Green caught the blow with his left arm, and he struck at him again, the second time, and caught him on the neck somewhere.

By the Court:

71 Q That is, the deceased struck at Green the second time?

A. Yes, sir. And, as he did, it kind of staggered Green for the instant, and Green struck at him, catching him in the back of the head somewhere, and the man fell. There was quite a crowd accumulated then, and Green walked towards the corner and I continued through 34th street.

By Mr. Howe:

Q You say the deceased struck two blows at Green, then Green hit him, after the second blow, and the man fell?

A. Yes, sir.

Q After the man fell there, did Green kick him at all?

A. Not that I saw -- no, sir, he didn't. I didn't see him kick him.

Q You looked, you saw Green?

A. Yes, sir.

Q If he had kicked him, you would have seen it?

A. I think I would.

Q You gave your testimony to Mr. Moss, in my office?

A. I did; about ten days ago, I think.

Q You made your statement, and he had it taken down by the stenographer?

A. Yes, sir.

Q Do you remember how Green was dressed?

A. Yes, sir; he had a uniform on.

C r o s s E x a m i n a t i o n .

By Mr. Weeks:

Q How close were you to Green, at any time?

A. When I seen them come up First avenue I had just reached the corner, going down on the East side, about forty feet, when the man fell. I was going down to cross over to go up 34th street to Third avenue; about forty or fifty feet -- something like that.

Who told you to go to Mr. Howe's office, to make the state-

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C r o s s E x a m i n a t i o n .

By Mr. Weeks:

Q How close were you to Green, at any time?

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72. Q Who told you to go to Mr. Howe's office, to make the state-

ment?

A. After the occurrence, I walked through 34th street and told several friends what I had seen.

Q Can't you answer my question? Who told you to go to Mr. Howe's office, to make the statement?

A. I think it was Mr. Bomberg and Mr. Birmingham, the Superintendent in the Street Cleaning department.

Q Anybody else that you talked to about this case?

A. Yes, sir; William Murphy and William O'Brien.

Q Also in the Street Cleaning Department?

A. No, sir.

Q Who did you tell about it that night?

A. William Murphy, William O'Brien, Mr. Bomberg, and several others -- I forget.

Q Did you hear anything said between the men?

A. They said something, but what it was I didn't catch on.

Q How close was Green to Halstead when they came out of the store?

A. I didn't see them coming out of the store.

Q When you first saw them you say the tall man was ahead, running?

A. Yes, sir, evidently, running. He was in a kind of dog-trot, and he turned to look back to see how far Green was.

Q Did he run straight, or did he stagger at all?

A. When he looked around, he evidently tripped himself and fell backwards. He seems to have tripped himself. Green was so close on top of him that he fell over him.

Q Stand up. Give me a little idea of how it happened?

A. In running -- he was, evidently, trying to get away from Green, and in running he looked back that way (illustrating), and it seemed to me his foot caught some way, and

he fell backwards, and Green was so close on to him that he fell over him.

M A T T H E W G R E E N, THE DEFENDANT, being duly sworn, testified as follows:

By Mr. Howe:

Q Green, what age are you? A. I am fifty-three years old.

Q What business? A. I am a for-man in the Street Cleaning Department, at the time I got in trouble.

Q Are you married? A. I am a widower.

Q What trade did you begin when you were a young man?

 A. When I began a trade -- I went to school very little, and I used to help my father, in the liquor business. I guess I was going on eighteen or nineteen before I started to go to a trade.

Q Speak louder. A. I don't feel very well. I will speak louder if I can.

Q Your father kept under Laura Keene's theatre?

 A. Yes, sir; under Laura Keene's.

Q And he kept also a bar in 14th street?

 A. He kept several places. He was in Chatham street, and 28th street and Broadway, and 27th street and Fourth avenue, and kept in 30th street, and kept under Laura Keene's. When I was born, my father was in the liquor business in Chatham street.

Q Did you work in the Custom House? A. Yes, sir.

Q How long were you employed in the Custom House?

 A. I think I was employed over a year. A man named Andrews was Surveyor of the Port; he had me appointed.

74 Q When were you employed in the Street Cleaning Department;

When did you begin?

A. I can't give the date. I think it is seven or eight years back, to the best of my knowledge. I ain't sure of the date.

Q You have been employed in that department ever since?

A. Yes, sir, ever since; going on seven years.

Q When you were arrested, where did you live?

A. I lived in 213 East 29th street.

Q Tell the Jury, as well as you recollect, what occurred at the time we have heard about. You have been in court and heard all the witnesses' statements; some state one thing, and some another. I want you to give the Jury your honest recollection of it.

A. On that morning, I arose very early. I went over to 28th street and Sixth avenue, and took the elevated station. I got off at 104th street and Ninth avenue. My district runs from 97th to 103rd street, from Eighth avenue to the North River. This was on a Tuesday. We generally get through early on Tuesday, because, in the Summer time, there is not much ashes out. That day they got through earlier, something unusual. I generally come from my work on the elevated road. On account of getting through early this day--I got through at 3 o'clock--I walked through my district, to see if the ashmen told me the truth. That took me about half an hour. That left it about half-past 3. I was going over the cross street that runs from the Boulevard to the West End avenue, and I looked up and down to see if there was any receptacles laying out. In the meantime, I saw the 102nd street Boulevard car, and I thought, on getting through so early, I would take the car. I got on at the corner of 102nd street and the Boulevard, and rode down to

the 34th street ferry. I got off at 34th street. I walked, I guess, fully five feet past the bird store, and I wanted to kill the time, because I intended, on account of not feeling well, to go to bed as quick as I got home, and I didn't care how I spent a couple of hours before I would go home. I went in the bird store. I saw the man looking at the bird.

Q Had you ever been in the store before?

A. I used to frequent it regularly; may be once a week; may be once a month, in and out.

Q You knew the place?

A. Yes, sir, I knew the place.

I knew the man. I bought birds and dogs in 34th street before he moved there. I bought one dog and three or four birds, and bird cages and bird seed. I used to go there to get my bird seed. I had been in this store, I guess it was, two or three weeks previous to this, to the best of my knowledge. I saw a bird there, and I liked him. In the meantime, I had been taken sick. I had a number of birds, and I gave them away. There was a man I promised a bird to, and he met me on the street and asked me where the bird was. My intention was to buy the bird and give it to him. I went in this store. I had seen this bird, and I thought he was not well, and may be this man will not sell the bird, and if he doesn't will get another one." As I went in the store I saw this tall man -- Halstead, I believe his name was -- he was looking at the same bird I was going to buy.

Q Halstead and you were in this bird store?

A. When I went in the store he was looking at the bird I had seen. He stood up this way (illustrating) in front of me. The bird hung up. I came in behind. I touched him on the shoulder; I said, "What do you think of that bird?" He

didn't think he is any good, he said. I says, "I think he is a pretty good one; I heard him sing." He says to me, "What the hell do you know about a bird?" I says, "I have had birds and dogs all my life time, and I ought to know something about them. I think he is a good one," referring again to the bird. The bird man was behind the counter, and I said, "Don't you think so, Henry?" Henry says, "Yes, he is a good bird." So we had different words about the bird, I couldn't remember all, but we got into a little dispute, and, in the meantime, this man he had turned away from me, and the passageway was very narrow.

Q Describe to the Jury this passage-way from the store?

A. I should say the passage-way was about five or five and a half feet. It is a very small store. He has rabbits and pigeons on one side, and canary birds on the left. The birds were on the left as you come in, and the rabbits and pigeons are on the right.

Q In cages?

A. The birds are in cages. The pigeons are all in a big cage; it runs from the floor up -- they are not caged; they are in one big cage, different kinds of pigeons. This man, Halstead, he was in front of me. He turned around and he went behind me. I never looked around at the man. I still looked at the birds. I didn't think this man was behind me. I turned suddenly around, like that, and my elbow must have hit him in the stomach, and he gave me a shove. I says, "What do you mean?" And the next thing he struck me in the eye with his fist. As he struck me in the eye, I grabbed him. I had the two arms enclosed in mine. He tried to slip down, to catch me by the testicles. I said, "Are you trying to kill me?" I grabbed him by the whiskers. The German man said, "No fighting in the store,"—

his name is Hummell. In the meantime, water ran out of my left eye. I couldn't see. I held him by the whiskers. Hummell came around. My right eye was a little better. I broke away from him. I had this man at my mercy; he couldn't move. I went to the door, and walked out.

Q You say you went out of the store first?

A. Yes, sir.

Q You heard the witness, Lynch, say that Halstead went out first, and Adams said that you went out first. Is Lynch mistaken when he said that Halstead went out first?

A. They are both mistaken. I went out of the door first, before Halstead.

Q You went out after you got this black eye?

A. Yes, sir.

Q Some days after that occurrence did you have a photograph taken, showing your condition?

A. Yes, sir.

Q How many days after that was it?

A. I think it was six days.

Q Is that the photograph (showing photograph to witness)?

A. That is the photograph. There was three others taken with this one.

Mr. Howe: I offer that in evidence, that the Jury may see it.

Mr. Weeks: I do not think it is properly proven, but I will not object to it.

The Court: There is no objection to it, and it may go in evidence.

By Mr. Howe:

Q Tell us what happened when you got outside, immediately?

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A. When I came outside the door, the first thought that

struck me was to have the man arrested. I came outside the door. I couldn't describe it to you. I put my hand to the left eye, and I looked up and down. I hadn't been outside a minute, at the highest, and this man came right out.

There is a step -- not a step, it is a stone -- outside the door, and he just stood a second. He said to me, "What are you waiting for? Ain't you got enough?" I says, "I am going to have you locked up; you had no right to hit me."

Q You said, "You had no right to hit me;" what said he then, or what did he?

A. He started to walk, and he walked, I guess, two or three feet away from me. He turned around, and he says to me, "If you follow me any further, I will knock you down." I says, "I will follow you, if you go to Harlem." In the meantime, he starts to walk again, and I started after him, and he turned around on me and kicked, without having given me notice at all, and makes a strike at me. He hit me right on the top of the head. I had a mark. He hit me with his right hand, and, as he did, he started to go, and I started to go after him, and he went a few feet away from me and he fell and I on top of him -- I could hardly say on top of him, but his knees were up, and I went over his knees, and he lay there. He had fell before I reached him. I was only about three or four feet behind him. On account of my sight being bad, I got over him unintentionally--it happened so sudden--and I shoved myself off; and, as I was getting up off him, he had me caught by this leg here, and I had my leg that way (illustrating). I was talking to the man all the time. I says, "Let go of me; I ain't going to hit you." The man had a very long reach. He had me, at one time, that way (illustrating). I was afraid I would go back on my

head, and I leaned myself -- I didn't want to go backwards, and he raised me upwards; I didn't want to fall backwards. He had hold of my pants legs.

Q The motion of your leg was to try to get free from him?

(Objected to, as leading) (Objection sustained)

A. Yes, sir.

Q Why did you try to get your leg free?

A. Because it was misery for me, standing that way; I couldn't move. I was on one leg.

Q When you tried to get it free did you at all attempt to kick the man?

A. I kicked, yes, sir.

Q Did you kick him?

A. No, sir.

Q Did you attempt to kick him?

A. No, sir.

Q Now, tell the jury what you mean by kicking?

A. I kicked that way; kicked out (illustrating).

By the Court:

Q You kicked to get free?

A. To get free.

By Mr. Howe:

Q Wasn't it at the man?

A. Not at the man. The man had me, I guess, that high from the ground (indicating). I even jerked my leg back, to try to get it free from him.

Q That is what you mean by kicking?

A. Yes, sir.

Q Then what?

A. Then he let go of me, and he got up, and he went right off, off a kind of run, and I after him. I spoke to him again, "There is no use of you trying to get away from me."

Q When you said that, what did he do?

A. He still went on. I should call it a little trot, like; not a fast run, and he kind of settled down, as he got near the corner. Then he kind of looked at me, and

gave me a kind of sassy look. He was not afraid of me, because I hadn't hit the man. He went that way (indicating); he had confidence in himself. There was a lady, she got in between us.

By the Court:

Q That woman that was here?

A. I think she was the lady; I couldn't swear it was her. She was right on the corner, met Halstead and myself right on the corner. He went across immediately. There was a car going down First Avenue, and the ^{car} got between me and him. The car hadn't reached the crossing, and he jumped across quick, so as to get ahead, and I after him. When we got in the middle of the track, on the other track-----

By Mr. Howe:

Q Now, tell us what happened there?

A. This car was coming down on the West side of the track, and there is where he jumped ahead of the horses; and, just as we got around, you know, we were four or five feet from the crossing -- the horses merely put their feet on the crossing, and he got around, and I was around just as quick as he was. We both walked about four or five feet from the crossing, and he stood. He came to a stand-still there, and the car had passed, and he turned around on me again, and, with his right hand, he makes a blow.

Q He made a blow at you, with his right hand?

A. With his right hand, and he hit me about that part of the arm, and he hit me on the shoulder.

Q You say he hit you on that part of the arm?

A. Yes, sir, and, in defending off the blow -- here is the way I was walking behind him (illustrating). I had my

handkerchief out at this time. When I came out of the store, I got my handkerchief and held it up to my eyes, and, as he got around, he makes this blow on me. I had my hand, and I caught it quick, that way (illustrating).

Q And the blow struck that portion of your arm; is that it?

A. Yes, sir, that portion of my arm. Then I hit him, with my left hand -- I hit him on the breast, with my left hand. Then he makes another blow at me then and misses me, and didn't hit me at all. Then, as he missed me, he kind of turned sideways like, and I hit him on the side of the head.

Q He made the second blow, which missed you; and, as he missed you, you hit him? A. I hit him, on the side of the head.

Q And then he fell? A. He fell over.

Q On the side-walk? A. On the crossing; on the ground.

Q What happened then? A. About that time I suppose there was a crowd of about twenty people got around.

Q What did you do; where did you go?

A. I stood there a minute, and I went in the liquor store, on the corner.

Q Tell the jury whose liquor store?

A. I think a man named Martha owns the store.

Q What did you do in there when you got in?

A. I asked him for hot water to bathe my eyes with.

Q Did he give it to you? A. Yes, sir.

Q How long did you remain in that liquor store?

A. I couldn't say -- I suppose eight or ten minutes; a number of minutes. It was not very long before the officer came in and took me out of there. I was bathing my eye when the officer came in.

Q Is that the officer who was here yesterday on the stand?

A. That is the officer.

Q That liquor store was right close to this occurrence?

A. Right on the same corner.

Q So that you did not run away?

A. I did not intend to run away. It was in the bar-room. Mr. Murtha wanted me to go in the back room, and I told him, "No; give me that hot water to bathe my eyes." The officer came, and he told me he wanted me.

Q And the officer arrested you?

A. Yes, sir.

Q At the time you struck this man that blow, did you believe from the blow which he had given you inside the store, which blackened your eye in the way described by you and by other witnesses and by the photograph, and from the strokes he made at you, and from the blows which he gave you -- did you believe, at the time you struck him, that you were in danger of receiving personal injuries from him?

A. I thought I was in danger all the time, because the man had already hit me. I was afraid of the man, to tell the truth. The man was a powerful man; I should take the man to be five feet eleven or six feet -- taller than me. I am five feet nine. He must have been two and a half or three inches taller than I was.

Q The doctor tells us he was a big man; is that so?

A. He was a very powerful man; he was built in proportion. He looked like a hearty, raw-boned man. He looked like a mechanic, and not like a business-man.

Q You were afraid of him? A. I was afraid of him.

C r o s s E x a m i n a t i o n .

By Mr. Weeks:

Q Who said to you, Green, that you should go and have your photograph taken?

A. Somebody in the Coroner's office. They wanted me to go that morning, and I didn't feel well; I wanted to go home. I couldn't tell you who it was.

Q Did any one suggest it, after that?

A. Yes, sir, somebody that came to my house -- two or three in number.

Q Who are they? Give me their names.

A. People that lived with Mrs. Gallagher, and the woman I hired the room off. There was quite a talk -- somebody says, "He should go and get his picture taken," and I laughed at them.

Q You say, "Some one in the Coroner's office;" what was the name of the person?

A. I can't answer.

Q You say, "Mrs. Gallagher and some one else;" who else?

A. I don't know anybody else -- oh, yes, I do. A man by the name of Charles Muirhead.

Q Now, when you went to get your photograph taken, did you make any preparation for it?

A. No.

Q What time of day was it? A. I guess it was between 2 and 3 o'clock in the afternoon.

Q A rainy day? A. This man took me out of the house, I recollect. It was a dry day.

Q How was it you were not at work? A. I was suspended until I would get vindicated. They wouldn't let me work any more. When I went to work I had a notice my services was not wanted.

84 Q You did not make any preparation to have your picture taken;

did you?

A. No.

Q How many views of your face were taken?

A. I think the first one.

Q You say you had three or four taken?

A. He must have taken them off the first one.

By the Court:

Q Did you sit more than once?

A. I couldn't tell

you. He kept taking them occasionally off. I couldn't tell whether he was taking pictures. He was trying to get the machine in good order.

By Mr. Weeks:

Q He seemed to have a little trouble with the light?

A. Yes, sir.

Q Did you tell what you wanted it for?

A. I wanted to

have the eye taken as well as I could. It went down considerable; it was worse-----

Q You always wear your hair as you do now?

A. No; I had it parted in the right. When I went to the Tombs, I changed it.

Q What was the idea of doing that?

A. I don't know. I

thought there was some hair on the other side. I was getting a little thin here, and I thought-----

Q Now, you say that, when you knocked Halstead down, in the street, you thought you were in danger of receiving serious personal injury?

A. Yes, sir.

Q Was there anything to prevent your going away from Halstead?

He never chased you; did he?

A. I wanted to

have him arrested.

Q Did he ever chase you?

A. No.

Q He never followed you?

A. No; he was trying to get

Q There was nothing to prevent your going away?

A. No.

Q You say you came up from the 34th street ferry?

A. No; I was not at the ferry. I got off at First ave.

Q Didn't you see a police officer down that way?

A. No, sir.

Q On the contrary, instead of your not being able to get away, you say that you had hard work crossing in front of that car?

A. I was able to get away at any time. I didn't want to get away. I had to have an excuse for my eye. I couldn't go to work. I intended to have the man arrested. I was not trying to get away. I could have got away. I had to give some excuse. Previous to this, I was away six weeks; I was laid up from the 19th of February to the first of April, that I never worked a day. They said they wouldn't take an excuse from me.

Q When did you give up the idea of having this man arrested?

A. I didn't give up the idea at all.

Q After you knocked him down what did he do?

A. I stayed there, I couldn't tell you how long, a minute or so. My eye commenced to pain me; I was in misery. My intention was to try to get my eye well as quick as I could.

Q Who was the first person you spoke to, after you knocked him down?

A. I can't think that I spoke to anybody. Murtha was standing at the door. I couldn't say that I spoke to him.

Q Did you ask him to get a policeman, to have the man arrested?

A. I don't know whether I did. I can't say that I did.

Q As soon as you knocked the man down, leaving him lying there in the street, you were satisfied not to have a policeman

86 any longer?

A. I wanted to get my eyes opened.

Q You didn't want to have him arrested?

A. Yes, sir, my intention was to have him arrested. I asked the man in the store to look out and see that that man didn't get away from me--I couldn't call him by name, he was a stranger to me, in Murtha's store, the afternoon the trouble was.

Q When did you tell him that? A. When I was going in. Murtha had to go away, outside. There was no hot water in his room; he had to go up stairs.

Q When the police officer came, did you ask him to arrest this man?

A. No, sir; I was bathing my eye at the time. I went out with him; he says, "I want you."

Q You didn't then say to him that you wanted him to arrest that man?

A. The man laid on the walk. I saw the man; I spoke to him.

R e D i r e c t E x a m i n a t i o n .

By Mr. Howe:

Q Do not answer this unless the learned Judge permits it. You told Mr. Weeks that you had those photographs taken in order that you might show the Department the condition of your eye?

The Court: He did not say that.

By Mr. Howe:

Q At the suggestion of some one in the Coroner's office; that was the first suggestion; was it?

A. Yes, sir; somebody in the Coroner's office.

Q Who it was you do not know? A. No, sir; I don't know.

Q When Mrs. Gallagher told you?

A. Yes, sir; it was talk -- I couldn't say it was Mrs.

87 Gallagher -- people in the place. I was up stairs, in my

room; Muirhead came, and insisted upon my going; he came from New Jersey. Charles Muirhead says to me, "Did you have your picture taken?" I says, "No, I didn't." He says, "Come and have it taken." He came and took me out of bed.

Q You had it taken, by Muirhead's suggestion?

A. I had it taken, by his suggestion.

By a Juror:

Q You said, when Halstead hit you, that you hit him with your left hand; is that so? A. Yes, sir; I hit him with my left hand.

By the Court:

Q Was that the time he hit you, when you hit him with your left hand; had he just struck you?

A. He struck me -- I did. Just as quick as I got a blow I right out and hit him in the breast. It was all done in a second, you may as well say. It was very quick.

By another Juror:

Q I want to ask the defendant: When that car came between you and Halstead, which way did you go around that car; by the front or the back? A. The front.

Q Which way did Halstead go? A. The front.

By the Court:

Q You both went ahead of the horses?

A. Both went ahead of the horses.

Q You followed in the same direction that the other man took?

A. Yes, sir, in the same direction, two or three feet behind him.

Q You jumped quick, to get past the horses?

A. Yes, sir.

By Mr. Howe:

88 Q So you should not lose sight of him?

A. So I should not lose sight of him.

J O H N S. C A R E Y, being duly sworn, testified as follows:

By Mr. Howe:

Q What is your business, Mr. Carey?

A. I keep two clothing stores, up on the Bowery.

Q What part of the Bowery? A. 70 & 72, and 126.

Q What is your partner's name? A. Charles Sides.

Q The firm is Carey & Sides? A. Yes, sir.

Q You know this man, Green? A. Yes, sir.

Q How long have you known him? A. About eighteen years; seventeen or eighteen, I should think.

Q Do you know his reputation for peace and quietness and general good conduct? A. Yes, sir.

Q Is it good or bad? A. It is good, as far as I know; very good.

Q Never heard anything against him?

A. Never heard anything, except in his favor.

Q Did you see this man a few days after this occurrence?

A. I saw him, I think, within one hour after he was admitted to bail. I should think it was a day or two after the murder -- whatever it was -- the killing.

The Court: We do not call it murder now.

By Mr. Howe:

Q What was the condition of that eye?

A. He had the most horrible looking black eye that I ever saw in my life. I asked him if-----

By Mr. Weeks:

Q Have you seen very many? A. Yes, sir, dozens; quite a few, on the Bowery.

E D W A R D J. M c D O N O U G H, being duly sworn, testified
as follows:

By Mr. Howe:

Q You are a physician? A. Yes, sir; a practising physician.

Q Did you see the body of the deceased, in the station house in East 35th street, on the 25th of July?

A. I did.

Q Were there any marks of violence on the face, that you saw?

A. No marks of violence on the face whatever, with the exception of a scratch over the nose.

Q That was on the face? A. No marks on the face whatever.

Q Save a little abrasion? A. The abrasion near the nose.

By the Court:

Q A scratch? A. Yes, sir; a scratch.

By Mr. Howe:

Q What did the deceased weigh? A. He weighed about two hundred and twenty pounds, in my opinion.

Q Was he of robust, powerful physique, or the reverse?

A. He had a robust, powerful physique.

Q His height was about what, do you consider, Doctor?

A. About five feet ten and a half.

By the Court:

Q Those are measurements or just estimates? A. Estimates.

By Mr. Howe:

Q Did you see Green in the cell in the station house?

A. Yes, sir; I did.

Q That same time? A. Yes, sir; about the same time.

Q Did you notice any marks of injury on Green's face; and, if so, tell the Jury what and where they were situated?

A. I saw a contusion over the left eye. The left eye was closed. The contusion was about three inches in diameter, and about two inches below the left eye-lid, which was closed. There was an incised wound, about three-quarters of an inch long, below the eye-lid of the right eye. It was very much swollen and puffed out; the eye was entirely closed.

C r o s s E x a m i n a t i o n .

By Mr. Weeks:

- Q. Where do you live, doctor? A. 304 East 79th street.
- Q. Do you know the defendant, Green? A. Yes, sir.
- Q. How long have you known him? A. I have been his physician about four years, attending physician.
- Q. Doctor, will you oblige me by turning your face a little more to the light, so that the jury can see your face with the light upon it. Now, turn your face so that your face is in the shadow, and partially half close your eyes.

(The witness does so.)

BY MR. HOWE:

- Q. You did not go through any of that performance with Green in the station house? A. No, sir, I did not.
- Q. You say that he had a pronounced black eye, as we term it in lay language? A. Yes, sir.
- Q. An incised wound; it was a pretty black eye, doctor, in lay language? A. Yes, sir, very much swollen; puffed up.
- Q. Light or no light, shade or no shade? A. Yes, sir.

P E T E R R A U B, being duly sworn, testified as follows:

By Mr. Howe:

Q You are an old juror of this court; aren't you?

A. An old juror?

Q You have served on the jury here; haven't you?

A. No, sir.

Q In the Over and Terminer?

A. No, sir.

Q What is your business?

A. Manufacturing cigars.

Q Where do you live?

A. 504 Second avenue.

Q How long have you lived there, Mr. Raub?

A. Eighteen years.

Q Do you know the defendant?

A. Yes, sir.

Q How long have you known him?

A. About ten years...

Q Have you been intimate with him?

A. I see him

pretty near every day. He lived right next door to me.

Q A neighbor of yours?

A. Yes, sir, a neighbor of mine.

Q Do you know his character and reputation?

A. Yes, sir.

Q For peace and quietness and general good conduct?

A. I always seen him quiet.

Q You observed him as a quiet man?

A. I never saw him quar-

rel with anybody.

Q Does he bear the reputation of a quarrelsome or a quiet man?

A. A quiet man.

Q That is for how many years; ten?

A. Ten years; that is about as near as I can come to it.

M I C H A E L J. M U R R A Y, being duly sworn, testified as follows:

By Mr. Howe:

Q Mr. Murray, I have been told that you are a jeweler; is that correct?

A. Yes, sir.

Q Where is your place of business?

A. 346 Fourth avenue.

Q How many years have you been in business in the City of New York?

A. I have been there for thirty-four years.

Q Do you know the defendant?

A. Yes, sir.

Q How long have you known him?

A. About thirty years.

Q Do you know his reputation for peace and quietness and general good conduct?

A. Yes, sir.

Q Is it good or bad?

A. Good, always; as long as I have known him.

Q Did you ever hear anything against him?

A. No, sir.

R O B E R T R U S S E L L, being duly sworn, testified as follows:

By Mr. Howe:

Q I have been told that you are a pilot, with the ferry company?

A. The East River Ferry Company.

Q How long have you been a pilot?

A. I have been there thirty-one years.

Q Do you know the defendant, Green?

A. Yes, sir.

Q How many years have you known him?

A. Close on to thirty; say thirty.

Q What is his character -- is it good or bad -- for peace and quietness and general good conduct?

A. Good. I know the man well.

R O B E R T T U R L E Y, being duly sworn, testified as follows:

By Mr. Howe:

Q You are a truckman; are you? A. Yes, sir.
Q How many years have you been in business in New York?

A. Thirty years.

Q How long have you known the defendant, Green?

A. I know him about twenty or twenty-five years.

Q Do you know his reputation for peace and quietness and general good conduct? Is it good or bad?

A. Yes, sir; good.

Q Did you ever hear anything against him? A. No, sir.

W I L L I A M V. O ' C A L L A H A N, being duly sworn, testified as follows:

By Mr. Howe:

Q You are Superintendent of the Street Cleaning Department?

A. Yes, sir.

Q Do you know the defendant? A. About six years.

Q Has he been under you?

A. He has been under me about eight or nine months.

Q You have known of him, in New York, have you, for six years?

A. Yes, sir.

Q He has been actually under you for the last eight months?

A. Yes, sir.

Q You have had occasion to watch him, and know him, and see him?

A. Four or five times every day.

Q Was his conduct that of a good, peaceable man, or the reverse?

A. He always had the reputation of being a very peaceful man, and very quiet.

Q That is his general reputation, peaceful and quiet; is it?

A. Yes, sir.

By Mr. Weeks:

94 Q Have you ever seen him under the influence of liquor?

A. I have never seen Green under the influence of liquor in my life.

Counsel summed up to the jury; and, after the Court's charge, the jury rendered a verdict of GUILTY of MANSLAUGHTER in the SECOND DEGREE, with a RECOMMENDATION TO THE MERCY OF THE COURT.

testimony
in the case of
Matthew Green

filed Aug.

1893

300 V2

CORONERS' OFFICE

City and County of New York.

STATE OF NEW YORK,

City and County of New York, ss:-

GEORGE RUMETSCH, residing at No. 278 First Avenue, aged, 20 years, occupation, truck driver, being duly sworn, testifies and says: On Tuesday July 25th, 1893, about 4.45 P. M. while driving my truck down First Avenue, I noticed two men standing in the middle of the car track and also noticed that the deceased raised his hand to strike the prisoner, and Matthew Green warded the blow off and struck James Halstead now deceased. I did not see any other blows; drove my truck down 33rd Street and came back, when I was held as a witness.

GEORGE RUMETSCH.

Taken before me this
26th day of July, 1893.

Wm. J. McKenna, Coroner.

POOR QUALITY
ORIGINAL

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Spec

① District Attorney's Office, *Please writing on office paper*
City & County of *you were gone & could not see*
New York. *your cousin*

Feb. 9th 1894

Hon. Randolph B. Martine

Dear Judge: —

Before passing sentence
on Matthew Green lately convicted in your
Court of manslaughter, permit me to urge
upon ^{you} considerations which, I trust, will
incline you to extreme clemency.

I do not wish to refer to any facts
brought out on the trial, because of them
you must, in the nature of things, be the best
judge, and I know that, without pressure
or suggestion ^{from any other source}, your merciful heart has already
been moved to give them such weight as
they deserve.

Green has already passed the prime of life
and he has already, without fault of his own,
borne trials and misfortunes which have kept
him almost without intermission in the shadow
of darkest poverty. His wife is dead sometime and
he has a child of tender years, whose only stay

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

(2)

and hope he has been. The most lenient view
of his punishment will deprive her of his support
and assistance and leave her to the bounty and
charity of ~~strangers~~ ^{strangers}, for, I believe, she has no relative
to whom she can go in her affliction.

Green is almost blind. This I know of
my own knowledge, and undoubtedly it is a
fact to which others in his behalf will call
your attention.

I have known Green for upwards of thirty
years. During all that time, I have had very many
opportunities of observing his disposition and con-
duct. We have lived in the same neighborhood.
Since the death of Mr. Halstead, I have heard
frequent reference by ~~his~~ neighbors and acquaintances
to Green's reputation. All agree with my statement
that he is a man of quiet, retiring disposition, not
prone to quarrel, on the contrary, disposed to submit
to insult rather than to resent it, and that the
unfortunate occurrence which resulted in
Mr. Halstead's death was a manifestation
which springing from extreme & aggravated pro-

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

(3)

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vocation and entirely at variance with his usual manner and bearing.

I never heard that he was arrested for any crime and least of all for anything in the nature of a crime of violence. I do not believe that he was ever arrested.

May I plead with you in passing, sentence to remember his advanced years, his personal affliction and the sorrow and the loss his child will suffer; ~~and~~ ^{and} that, if he must suffer imprisonment, it be for a term which will permit to father and to child at least a prospect of re-union and that it be not so rigorous in its conditions as to leave him blind beyond hope of recovery.

Yours very truly
John D. Sullivan

*District Attorney's Office,
City and County of New York*

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(3)

assistance. It seems ~~to me~~ that Kief is of little use as a witness as he can only testify that he saw them quarrelling and scuffling. Hummell, however, will testify to the above. He further states that Halsted and Green continued to scuffle in the shop and that they may have exchanged blows in the shop but that Halsted afterwards broke loose from Green and walked up the sidewalk a few steps towards 34th Street. He then turned (as indicated by line on diagram) and went across the street towards the west side of the avenue. Green pursued him and caught him about the middle of the avenue (at the point marked B) where he knocked him down and kicked him. Halsted finally got up and staggered across to the point marked C. Green still pursued him and again knocked him down and kicked him. A crowd assembled and Green went into Murtha's saloon as you can see by the statement of the officer. Mr. Bell was unable to remember whether Hummell can testify where Green received the black eye. It must have been either in the bird shop or at the point marked B for when they had reached point C Halsted was too weak to offer any resistance to

*District Attorney's Office,
City and County of New York*

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4

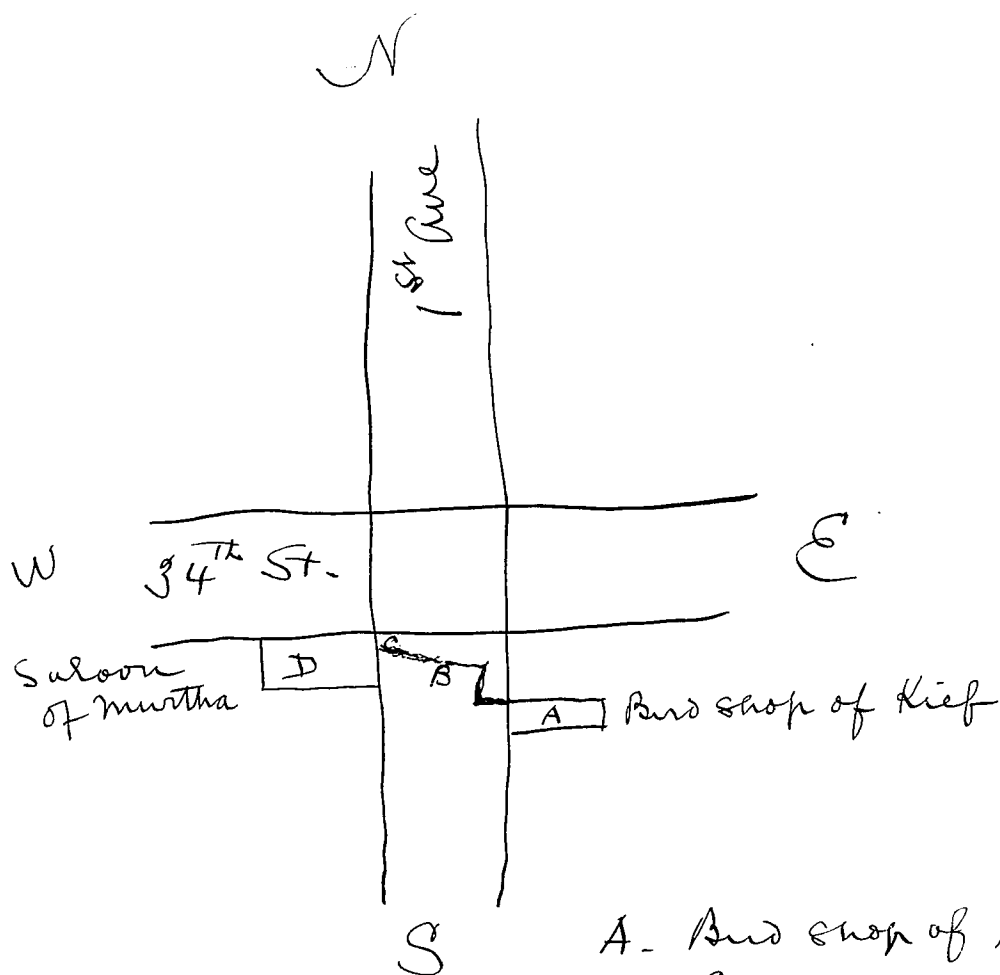
Green's attacks.

I would suggest that you examine the witnesses pretty thoroughly in order that we may use the transcript for examination upon the trial.

Would it not be well to have Hummel committed to the House of Detention?⁷ Mr. Bell informs me that he is not a respectable man and as he is an important witness, he might be approached by some of Green's friends.

Yours very truly

Geo Gordon Battle
Sept 4 1898



- A - Bird shop of Kief
- B - Center of Ave -
(where Green fish
knocked Halstead
down)
- C - Side walk in front
of Murtha's Saloon
(where Green knocked
Halstead down
second time)

0900

Per

v

Green

Diagram of
Premises ~~to~~

Per
r

Green

Diagram of
Premises ~~to~~

Geo & Green - Statement of Officer Dudley

Mrs Murtha - on corner 32nd St. & 8th Ave.

John Keefe Kief 590 First Ave.
Keeper of bird store at said address.
also a friend - my statements were taken at
Police Station. The quarrel began in the bird

store. There were a couple of
blows in the bird store &
they went across the street
to Murtha's corner; & they
then had some words on
the side walk. My attention was called
to disturbance by Geo Rumpfeltz and Thompson Johnson's
I saw Halstead

on the sidewalk & I went
in to Murtha's Saloon &
found Greene standing in
the store about four or
five feet from the bar in
the front part of the store.
He had his back to the bar.
He had a vessel containing
water on the a chair and
was bathing his eye - I said
to him "I want you" He said
"What for?" I said "for striking
this man outside." He says
"All right" & came out -

On the way to the Station
house he said "The man
struck me first" When we
got to the Station 30th St
near 3rd Ave. (21st Prec't)

Sergeant Jordan took his pedigree. He did not make any statement. Officer McCarthy came in for a stretcher & said "The man is dead". Green crossed himself & said "May the Lord have mercy on his soul!" or words like that. He was held all that night & the next morning I took him to Judge Koch at the 54th St. Police Ct. Under Judge K's order I took him to the coroner's office. At the Coroner's Office he was released on \$1500 bail.

0904

Rec

V

Green

Statement of
Officer Dickey

*District Attorney's Office,
City and County of New York*

August 6th 1893

Hon. John F. McIntyre,
Assistant District Attorney.

My dear Mac:-

I enclose you herewith all the papers in the case of Matthew Green; they consist of 1st, the information of Mr. Nicoll, 2nd, examination of Green before the Recorder; 3rd, statement of the Recorder endorsed on these papers; 4th, statements of the witnesses, Wm. H. Dudley, Geo. Rumetsch and Hamilton Johnson, taken before the Coroner; 5th, list of the witnesses, to wit:

Hamilton Johnson
Mrs. Veronica Miller
Richard Bittman
Geo. Reumetsch
John Kief
Thomas Murtha
Officer Dudley
William Hummell
Mrs. Eberhardt.

6th, statement of Off. Dudley, taken before me and 7, diagram of the premises.

Subpoeneas have been issued for all of the witnesses except Mrs. Eberhardt, to whom I sent a telegram in the name of Mr. Nicoll on Saturday, summoning her to appear on Monday morning at the Tombs Court.

*District Attorney's Office
City and County of New York*

189

2

Halsted's

Mr. George Bell, the attorney for ~~Hatfield's~~ widow, is interesting himself in the case. I had a long interview with him yesterday (Saturday) and he said he would be present at Court on Monday morning and would be glad to give you any information in his power. From what he says it seems that Wm. Hummell is the most important witness as he saw the fight from beginning to end. Mr. Bell's statement of what Hummell said to him is substantially as follows:

Halsted

Green and ~~Hatfield~~ first met in the bird store of John Kief (Marked A on rough diagram) They were strangers before to each other. There were at that time in the shop, Hummell, Kief ~~Halsted~~ and Green. They became involved in a discussion as to the merits of a canary bird in the shop and it seems that Green finally became angry and said to ~~Hatfield~~ *Halsted* "Damn you, what do you know about birds, anyway?" Hatfield replied; "I know as much as you do" Green then said, "Damn you, I will kill you" and caught ~~Hatfield~~ *Halsted* by the beard, bending him over towards the glass show case. Kief became alarmed for fear they would break the show case and ordered them out of the shop, and then ran out for

*District Attorney's Office
City and County of New York*

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(3)

assistance. It seems ~~to me~~ that Kief is of little use as a witness as he can only testify that he saw them quarrelling and scuffling. Hummell, however, will testify to the above. He further states that Halsted and Green continued to scuffle in the shop and that they may have exchanged blows in the shop but that Halsted afterwards broke loose from Green and walked up the sidewalk a few steps towards 34th Street. He then turned (as indicated by line on diagram) and went across the street towards the west side of the avenue. Green pursued him and caught him about the middle of the avenue (at the point marked B) where he knocked him down and kicked him. Halsted finally got up and staggered across to the point marked C. Green still pursued him and again knocked him down and kicked him. A crowd assembled and Green went into Murtha's saloon as you can see by the statement of the officer. Mr. Bell was unable to remember whether Hummell can testify where Green received the black eye. It must have been either in the bird shop or at the point marked B for when they had reached point C Halsted was too weak to offer any resistance to

*District Attorney's Office,
City and County of New York*

189

4

Green's attacks.

I would suggest that you examine the witnesses pretty thoroughly in order that we may use the transcript for examination upon the trial.

Would it not be well to have Hummel committed to the House of Detention?⁷ Mr. Bell informs me that he is not a respectable man and as he is an important witness he might be approached by some of Green's friends.

Yours very truly

Geo Gordon Battle
Sept 11/91

POOR QUALITY
ORIGINAL

0909

change address of

Hamilton Johnston

formerly 620 - 6th Ave
N.Y.C.

Now at 469 - Sixth Ave
Brooklyn

Coroners' Office,

27 Chambers Street,

New York, July 25 1893

Hamilton Johnson	620 - 6 th ave
✓ Mrs Leronica Miller ✓	585 - 1 st ave
Richard Bittman ✓	340 East 33 rd St
George Rumetuck	278 - 1 st ave
John Kief ✓	590 - 1 st ave
Mrs Murtha ✓	34 th St & 1 st ave
Officer Dudley	21 st
William Hummel	434 7 th Ave
Mrs Eberhardt	343 Jackson Ave

1847
To Hon. Rufus W. Johnson

Dear Sir,
I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the matter of the 1st of March, 1847, and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,
Rufus W. Johnson

I am, Sir, very respectfully,
Your obedient servant,
Rufus W. Johnson

I am, Sir, very respectfully,
Your obedient servant,
Rufus W. Johnson

Dear Sir,
I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the above matter. I am sorry to hear that you are not satisfied with the result of the examination. I will be glad to have you call on me at my office, and we will discuss the matter in detail. I will do all in my power to satisfy you.

100

0913

District Attorney's Office.

For one
PEOPLE

vs.

Matthew Green

Feb 15th / 94

*All served Personal
Except Johnston and
Dr. Hare then served
Order 12th / 94*

[Signature]

Jefferson - as referred to as
any witness called -
disinterested -

Inquest into the death of JAMES HALSTEAD. Before
Hon. Louis W. Schultze and a Jury.

New York August 11th 1893.

APPEARANCES: Mr. Vernon M. Davis, representing the District
Attorney appears for the People.

-----000-----

MR. DAVIS:- If your Honor please. I understand that Green,
the prisoner in this case has already been committed, with-
out bail, and indicted, and in view of that fact as far as
the District Attorney is concerned he does not desire to go
on with this inquest. It seems in the interest of Justice
it would be unnecessary inasmuch as the defendant has al-
ready been indicted. I therefore make these suggestions
that the inquest does not now go on.

-----00-----

TESTIMONY.

FRANK J. O'HARE, M. D., being duly sworn, says:

I have made an autopsy of the body of
James Hallett
527 West 129th St. and from such an autopsy
and history of the case, as per testimony, I am of opinion the cause of
death is

Shock; Fracture of base of skull; Homicidal.

Frank J. O'Hare M. D.

Autopsy on the body of James Hallett held at 527 West 129th
Street N.Y. City at 5³⁰ P.M. July 26th 1893, 25 hours after death.

External Appearance. Body well nourished. Rigor mortis marked. No edema
of extremities. Abrasion of nose $\frac{1}{2}$ inch in length, $\frac{1}{4}$ inch in diameter
over bridge, superficial. Contusions of scalp. — I over parietal suture,
1 inch posterior to fronto-parietal articulation 1 inch in diameter, ecchymosis.
II over and involving temporal muscle on left side $2\frac{1}{2}$ inches in diameter,
ecchymosis. III over occipital protuberance 2 inches in diameter, ^{ecchymosis}. No
other external marks of violence.

Internal Appearance. Haemorrhagic extravasation and clot over 1st, 2nd & 3rd
temporal convolutions on left side extending into the fissure of Sylvius
and between the brain and cerebellum. Venous congestion over the same area.
Fracture commencing ^{commencing} at the occipital bone in the posterior fossa of the
base of the skull on the left side, $1\frac{1}{2}$ inches posterior to the foramen mag-
num & 1 inch to the left of the median line & extending forwards and inwards
to the petrous portion of the temporal bone, rupturing the posterior meningeal
artery. Heart free from organic disease. Posterior and superior pleuritic
adhesions of right lung; left lung normal. Livers normal. Spleen normal.
Pancreas, stomach & intestines normal. Kidneys normal.

Anatomical Diagnosis. Cerebral haemorrhage from fracture of the base of
the skull.

Frank J. O'Hare M.D.
Coroner's Physician

Sworn to before me,

this 26th day of July 1893.

Luci W. Henry

CORONER.

0918

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
53	Years	Months	Days	England	527 West 129th St.
					July 26th 1893.

Loc. July 25th 1893 - 4th P.M.
M.X.
Yrs. in U.S. 27
Occupation Dyer.

fr. 21st Precinct Police Station.
fr. street opposite 590 11th Ave.

Matthew
Green
Dyer
1234-235
1893

L.W.S.

11/11/93

1893

AN INQUISITION

On the view of the body of

James Stalick,

whereby it is found that he came to
his death by

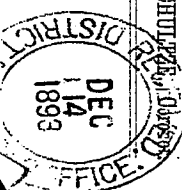
Choke;

fracture of base of
skull; suicidal.

Matthew Green
Dyer

Inquest taken on the 11 day
of August 1893 at 1893

LOUIS W. SCHULZ, Dyer



0919

John Kief - 590 - First Ave (865-1st Ave)

Keep bird store - Tuesday, July 25, 1993

Halstead was in store & about 15 minutes
after Green came in with another man,
& Halstead was looking at rabbits & looked
at a bird & said it was no good - Green
said it was good - Bird, followed & I
advised them out & I went down to
Hobby for officers - When I came
back - Halstead was lying on ground
on other side of street -

William Hummel - 605 First Ave & work
at Wm Lugg 401 E. 34 - on July 25 I
was in Kieps Store Halstead came in and
about a few minutes afterwards Green
came in They got talking about a Canary
bird Halstead said it was no good Singer
Mr Green said it was One word gets the other
man called him a buck & Halstead showed his fangs to him
then Green ~~back~~ grabbed Halstead by the
side whiskers ^{said during you I'll kill you} & threw him back over
counter & Halstead said I am a gentleman
& tried to get loose & finally ran out of
store - Green ran after him & grabbed
him by back of neck & threw him
down on sidewalk and kicked him with
heel - Halstead tried to get up & went
across the way & on tracks Green knocked
him down again -

Henry Rabeneck - 58.3 First Ave - the first I
saw was the two men coming out of Bird Store
I saw Green knock Halstead down on side
walk and then help him up; then ~~Halstead~~
knock him down - & then Halstead started
across the street and Green went after him
The second time he was knocked down
~~and~~ Green kicked him -

Mrs. Veronia Miller 585 - First am - I
looked out of window & saw Green on
sidewalk ~~in front of~~ near corner on East
side of ave & Halstead walked away
across the street - Green followed
him ^{near} but ~~to~~ car tracks & hit Halstead
^{side of} on head. Then Halstead turned & Green
struck him again once or twice and
then he fell - Green stood by him
& a car came along - Mr. Munster took
Green by arm down to saloon -

Geo. Rummelbach 187 - 1st Ave. - on July 25, 73 -
abt 4³⁰ driving truck down 1st Ave (S.W.)
two men wrestling in middle of street at
car tracks & saw Green strike Halstead
& Halstead fall.

TO THE HONORABLE FERDERICK SMYTH, RECORDER OF THE CITY
AND COUNTY OF NEW YORK AND JUSTICE OF THE COURT OF GENERAL
SESSIONS OF THE PEACE IN AND FOR THE CITY AND COUNTY OF
NEW YORK:

STATE OF NEW YORK,
City and County of New York, ss:-

DELANCY NICOLL, being duly sworn says: That he
is the District Attorney in and for the City and County of
New York.

On information and belief the deponent further says
that on the 25th day of July 1893, in the City and County
of New York in the State of New York Matthew Green of the said
said City and County did kill one James Halstead from ~~and a~~
deliberate and premeditated design to effect the death of
the said Halstead and that said killing was neither excusable
nor justifiable. He therefore ^{prays} that legal process may be
issued and that the said Matthew Green be apprehended and
held ~~for~~ to answer to said complaint and be dealt with ac-
cording to law.

Deponent is also informed that the said Matthew
Green is now at large having been released by ~~the~~ a Coroner
upon bail in the sum of \$1500. conditioned upon his appear-
ance at the Inquest upon the body of the said James Halstead.
Deponent regards this bail as insufficient to secure the
appearance of said Green and therefore prays that a warrant

of arrest be issued and that the said Green be apprehended
and held to answer said complaint and be dealt with ac-
cording to law.

Dated New York, in the County and State of New York

this 29 day of August A. D. 1893.

Subscribed and sworn to before me this
20 day of August 1893.

James W. DeLaney McCall
Ry

The Peoples

v.

Matthew Green

Information

(2c)

Dr. Chas F. Sauerbrey - Bellevue Hospital (until Apr 1st)
in July 93 was a Ambulance Surgeon, - at 11th & 12th St.
was called to 34 E 5th St + 1st Ave where found a
man reported him dead -

(2d.)

Dr. Chas. F. Santoboni - Bellevue Hospital (until Apr 1st)
in July, 93 was Ambulance Surgeon, at 4th & 10th
was called to 34 E 11th Ave where found a
man reported him dead -

Thos. Church: 593 First Ave. Saloon on S. W.
corner on July 25. 93. abt. 4 o'clock or 4³⁰ in
afternoon. no heed. crowd outside. Saw
Green - with black eye + told him to go
into store +

Saw man lying down at ^{South} crossing curb +
~~ambulance~~ near telegraph pole. + ambulance
came and surgeon pronounced him
dead. Officer Dudley came in + took Green
to station. I did not hear the conversation
between officer and Green.

Richard Brettman - 340 E. 33rd St.

Knows nothing about it & saw nothing of
it - did not see person or Halstead -

From had uniform & trousers on

saw a tall man run out & a man with a
 blue uniform & straw hat reach out after him
 & say I am going to have you arrested -

Tall man looked on and in middle of street struck at Green - who wandered off blow & struck Halstead who fell. I went about my business. Street dry and pavement all right. Saw Green fall over Halstead on western

Slow rise

Crossed on Green at his
fat mule, can handle. Tall man & truck
at Green & Green wanted it off & then
struck a second time & Green was
straggled & struck at Kalsbad &
struck him at back of head -

Evidently trying to get along fine
Green —

Green - 53 yr. 10 mo. 15 days -
23 Sept.

Adelphi

Kickin'g

Looked amazed and away again

He jumped over the back of the car to
get ahead of me coming down
and I kept him

When did you give up the idea of having
Waistcoat arrested -

Danger of receiving personal injuries

Struck with left hand -

At the time

He was in the car

Slit the bag

District Attorney's Office.

PEOPLE

vs.

Joseph T. Chazee

Martha J. Fuller

March 17/94

P. H. Tal

CORONERS' OFFICE,
City and County of New York.

STATE OF NEW YORK,

City and County of New York, ss:-

HAMILTON JOHNSTON, residing at No. 620 Sixth Avenue, aged 57 years, occupation, printer, being duly sworn, testifies and says: On Tuesday July 25th, 1893, about 4.30 P. M. while crossing First Avenue and 34th Street intended to go to the Ferry I noticed these two men standing on the west car track and I noticed that Matthew Green struck James Halstead now deceased in the face and he fell down and when down Matthew Green struck him again on the neck behind the ear. I do not know whether the two men had any previous altercation.

Hamilton Johnston,
620 Sixth Avenue.

Taken before me this
26th day of July 1893.

Wm. J. McKenna, Coroner.

Mrs. Therkent 343 Jackson Ave. L. I. City
I came across ferry & as I came up I
saw Halstead crossing street staggering
& saw Green wiping his eye & then
Green jumped at him & ~~struck~~ took
him by collar & struck him twice -
Halstead fell & Green struck him
again - I put my umbrella over
Halstead & said Dont Oh Dont -

CORONERS' OFFICE,
City and County of New York.

STATE OF NEW YORK:

City and County of New York ss:-

WILLIAM H. DUDLEY, residing at No. 241 East 35th Street, aged 26 years, occupation, Police Officer, being duly sworn, testifies and says: I am attached to the 21st precinct. On July 25th, 1893, about 4.40 P. M. while on *on corner 34th St. & 1st Ave -* patrol on First Avenue, Hamilton Johnston of 620 Sixth Avenue and another citizen *Geo. Rumetsch* informed me that a man by name James Halstead had been assaulted on the side walk 34th Street and First Avenue, and this Matthew Green was the assailant, and he is in the saloon of Thomas Murtha at the south west corner of 34th Street and First Avenue. I went into the saloon, and brought Matthew Green out to confront him with James Halstead, now deceased for identification. When we got to the place where the said James Halstead was lying I found he was dead. I did not ascertain how the altercation happened, as there were several witnesses I took them all to the station house. The deceased was removed to his home at 129th Street. The prisoner was arraigned before the Police Justice Koch, who remanded him to the Coroner.

William H. Dudley.

Taken before me this
26th day of July 1893.

W. J. McKenna, Coroner.

POOR QUALITY
ORIGINAL

0938



Keystone Mutual Benefit Association,

ALLENTOWN,

PENNA.

If not called for in 10 DAYS, return to

KEYSTONE

Mutual + Benefit + Association,

S. E. Cor. Hamilton St., & Centre Square,
ALLENTOWN, PA.



Barton S. Peck, Esq.
Trustee Attorney,
New York,
N.Y.

POOR QUALITY
ORIGINAL

0939

Dr. W. H. HARTZELL, PRESIDENT.

Dr. A. R. HORNE, SECRETARY.

JOHN L. MOYER, GENERAL SUPT.

OFFICE OF THE

Keystone Mutual Benefit Association,

S. E. Corner Hamilton Street and Centre Square,

ALLENTOWN, PENN. Oct. 19, 1893

Barton G. Weeks, Esq.,

Dist Atty.

Dear Sir:

Will you kindly inform us as soon as you are cognizant of the fact how soon the case of the homicide of James Hallstead will come up for trial at your Courts and oblige,

Yours, &c.

A. R. Horne

*241 1/2 5th St.
George R. ...
278 Third Ave.
Hamilton Johnston
650-6th Ave*

New York Jan 19, 1894.

Barton S. Weeks

Dear Sir

Henry Gabeneck of 583 First Avenue Arlington House he is a good witness for the People in the Matthew Green Case which you have in hands he has seen the whole occurrence from the start to the end by hitting and kicking him until he was dead, as far as Green's character is bad and he has been in the same scrape before and after he was addmitted by the coroner by \$500. bail the very same night or day after he went around 1st Ave and 34th St. Drunk and bragging that Tammany Hall will ~~will~~ protect him that he could get all the pull he wanted.

Hee is home every day after 5 P. M.

The People }
vs
Mathew Green }

Stand for causing
death - of James
Halsford on July
25th 1893 at 1st Ave
& 34th St N.Y. City -

Witnesses for prosecution

(1)

William Hummel

434 Third Ave

saw the affair from its beginning in the first store

(2)

Mrs Eberhardt

343 Jackson Ave Long Island City -

saw the affair in the street & intervened between
the men

(3)

Hamilton Johnson

620 Sixth Ave N.Y. City -

saw what occurred in the street and
made statement before the Coroner

POOR QUALITY
ORIGINAL

0942

Dr. W. H. HARTZELL, PRESIDENT.

Dr. A. R. HORNE, SECRETARY.

JOHN L. MOYER, GENERAL SUPT.

Barton S. Weeks, Esq.,

OFFICE OF THE
Keystone Mutual Benefit Association,
S. E. Corner Hamilton Street and Centre Square,
ALLENTOWN, PENNA. Nov. 4, 1893

Dear Sir:

Will you please inform us when the James Halstead
case comes up for trial, and oblige,

Yours, &c.

A. R. Horne
Sec. K. M. B. A.

+ *Homicide*

(1235)

Sec. 198-200.

District Police Court

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. Matthew Green

Question. How old are you?

Answer. About fifty three years

Question. Where were you born?

Answer. New York

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

Answer. At 213 E. 29th St New York - I have resided there about two years

Question. What is your business or profession?

Answer. I am foreman in the Street Cleaning Department

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 - What ever was done by me was done in lawful self-defence and with no intention to kill the deceased - I demand an examination - Matthew Greene

Taken before me this

day of

1893

of New York
Police Justice.

0944

705
Police Court...
District.
No. 69 District.

THE PEOPLE vs. Henry Weald
ON THE COMPLAINT OF
Matthew Greene

Dated, Aug 7th, 1893
Magistrate.

Witnesses
No. Street
Precinct.

No. Street

No. Street

\$ to answer.

C

all on when I need

Dated, August 3rd 1891 J. M. G. Police Justice.

Dated, _____ 189 _____ Police Justice.

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

Dated, 189..... Police Justice.

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroner's Office
No. 27 Chambers Street, in the 6th Ward of the City of
New York, in the County of New York, this 11th day of August
in the year of our Lord one thousand eight hundred and ninety-three before

LOUIS W. SCHULTZE, Coroner,
of the City and County aforesaid, on view of the body of James Stalshead
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 James Stalshead came to his death, do upon
their Oaths and Affirmations, say: That the said James Stalshead
came to his death by
Shock, fracture of base of skull; homicidal

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

JURORS.

N. D. Shank 87 E 113 Jos. Goldwater
H. Fastenau 100 E 112nd (Mark 1637 care
Charles Guenzler 1608 Ave B.
F. Keryel 1677 Lea Ave
Michael Reinhardt 1613 Ave B.
Theodore Flegg 163 E 114th
H. Fiecher 101 113th
John H. Lange 167th Ave B. Coroner. E. S.
H. P. Pivolan 102 E 102nd
J. H. W. 1605 Ave B.
J. H. W. 1429 Ave B.

CORONERS' OFFICE.

(1861)

State of New York, } ss.
CITY AND COUNTY OF NEW YORK,

In order having been made on the Twenty Sixth
day of July 1893, by William J. McKenna Coroner
of the City and County of New York, that Matthew Green of
213 East 29th be held to answer upon a charge of having
caused the death of James Halstead
at 34th Street and First Avenue on July
25th 1893.

upon which he has been duly admitted to bail in the sum of Fifteen Hundred
dollars.

We Matthew Green defendant, of No. 213 East
29th Street, in said City of New York, occupation Foreman Street Cleaning Department
Thomas J. Farrell of No. 84 Roosevelt Street,
occupation, Merchant of No.

Street, in said City of New York, surety, hereby undertake, that the
above-named Matthew Green shall appear before
Wm J. McKenna Coroner, to answer the charge above mentioned at
New York, on the 26th day of July 1893, at 10 o'clock
in the noon, and shall at all times render himself amenable to the orders and process of
the said Coroner; 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 Fifteen Hundred dollars.

Taken and acknowledged before me,
this 26th day of July

Matthew Green
Thomas J. Farrell
1893 Wm J. McKenna
Coroner.

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

Thomas J. Farrell
being duly sworn, says he is a resident and owner holder
within this State, and that he is worth the sum of Fifty thousand
dollars, over and above all his debts and liabilities, exclusive

of property exempt from execution; that his property consists of House and lot
situated at 84 Roosevelt street in the City of New York.

Thomas J. Farrell

Sworn to before me this 26 day

of July 1893

Wm. J. McKenna

Coroner.

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

being duly sworn, says he is a resident and holder
within this State, and that he is worth the sum of
dollars, over and above all his debts and liabilities, exclusive
of property exempt from execution; that his property consists of

Sworn to before me, this day

of 189

Coroner.

Before

Wm J. McNamee

CORONER.

The People of the State of New York,

against

Matthew Green

Wm J. McNamee

Coroner.

Dr. W. James Holstead

*Court of General Sessions
Clerk's Office*

PEOPLE

vs.

Mattison Fred

Defendant

- ✓ *Harold Johnstone 469 East Ave
Brooklyn*
- ✓ *John E. P. 865 - First Ave*
- ✓ *Dr. Chas. F. Sanborns 100 Ave*
- ✓ *Mrs. Verna P. Moline 585 1st Ave*
- ✓ *Mrs. Elmer P. 343 Jackson Ave*
- ✓ *John M. P. 593 - 1st Ave*
- ✓ *Geo. M. P. 189 - 1st Ave*
- ✓ *Woff B. P. 21st Ave*
- ✓ *Wm. P. 401 E. 34th*
- ✓ *Mr. Frank P. H. Ave*
- ✓ *Mrs. R. P. 583 - 1st Ave*

(155)

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Matthew Green

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

of the crime of Murder in the first degree.

committed as follows:

The said Matthew Green,

late of the City of New York, in the County of New York aforesaid, on the
Twenty-fifth day of July, in the year of our Lord one thousand
eight hundred and ninety-three, at the City and County aforesaid,
in and upon one James Halstead, then
and there being, willfully and feloniously
did make an assault, and with the hands
and feet of him the said Matthew
Green, in and upon the head and
body of him the said James Halstead,
then and there willfully, feloniously
and of his malice aforethought did
strike, tear, bruise and wound; and
the said Matthew Green, with the

said James Halstead, down into and upon the ground there, with great force and violence then and there wilfully feloniously and of his malice aforethought did, such cast and throw; and the said Matthew Green with his hands and feet spread - then the said James Halstead, then and there and whilst he the said James Halstead, was lying and being upon the ground there, in and upon the head ^{and body} of him the said James Halstead, then and there wilfully feloniously and of his malice aforethought, did strike, beat, bruise and wound, giving unto him the said James Halstead, then and there by the means aforesaid, in and upon the head ^{and body} of him the said James Halstead, divers mortal wounds, bruises, fractures and contusions, of which said mortal wounds, bruises, fractures and contusions he the said James Halstead then and there died.

And so the Grand Jury aforesaid do say, that the said Matthew Green, then the said

James Halstead, in manner and
form and by the means aforesaid,
wilfully, feloniously and of
his malice aforethought, did
kill and murder, against the
form of the Statute in such case
made and provided, and against
the peace of the People of the State
of New York and their dignity.

W. L. H. McCall

~~W. L. H. McCall~~

0953

BOX:

529

FOLDER:

4828

DESCRIPTION:

Greene, John

DATE:

08/09/93



4828

Witnesses:

Officer Baker

Counsel,

Filed

9

day of August 1893

Pleads,

THE PEOPLE

vs.

John Greene

John Greene

Burglary in the Third Degree.
[Section 498, 506, 518, 520]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

R. J. Cox

Foreman.

*Aug 11th 1893
Pleads Petitionary
J. M. J. per J.*

Police Court—3rd District.

City and County { ss.:
of New York

of No. 53 Lewis
occupation Liquor

August Bucher

Street, aged 37 years,

being duly sworn

deposes and says, that the premises No. 53 Lewis Street, 13th Ward

in the City and County aforesaid the said being a dwelling

and which was occupied by deponent as a dwelling and for business
~~purpose and in which there was at the time a human being, by name~~

were BURGLARIOUSLY entered by means of forcibly entering the
cellar and breaking a wooden partition

on the 4th day of August 1893 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of lead pipe or bar
fixtures of the value of about ten
dollars

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

John Green (now here)

for the reasons following, to wit: that said pipe was the
beer fixture and was in the said cellar
and was in a part thereof which
was partitioned and deponent found
the partition broken and said inclosure
entered and said pipe removed and
stolen. Deponent is informed by officer
Charles Baker, 12th Precinct, that he arrested
the defendant on East Street, after one

at 6 o'clock in the morning carrying lead
pipe concealed under his coat which
pipe deponent has since seen and
identified as stolen in the manner aforesaid
Sworn to before me
this 5th August 1893
John Ryan August Buckner
Police Justice

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 1889 Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1889 Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 1889 Police Justice.

Police Court, District

THE PEOPLE, &c.,
on the complaint of

vs.

1
2
3
4

Offence—BURGLARY.

Dated 1889

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 30 years, occupation Officer of No. 12th Precinct

Charles Baker Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of August Bucher
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

5

day

of

August 1893

Charles W. Baker

John Ryan

Police Justice.

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *John Green*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *5 Lewis St. 2 years*

Question. What is your business or profession?

Answer. *Bookbinder*

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*
John Greene

Taken before me this

day of *Aug* 189*3*

Police Justice.

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

Police Court, 3 District, 828

THE PEOPLE, &c.,
ON THE COMPLAINT OF

August 5th 1893
John Green

2 _____
3 _____
4 _____
Offense, Burglary

Dated, Aug 5 1893

Magistrate,
Burtin Officer.

Witnesses _____
Precinct 12

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

to answer

828

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

defendant

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

Dated, Aug 5 1893 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ 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 Greene

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

John Greene

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

John Greene

late of the 13th Ward of the City of New York, in the County of New York, aforesaid, on the
fourth day of August in the year of our Lord one
thousand eight hundred and ninety-three, in the night time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the building of
one August Bucher

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said
August Bucher in the said building
then and there being, then and there feloniously and burglariously to 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.

SECOND COUNT—

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

John Greene
of the CRIME OF *Petit* LARCENY committed as follows:
The said *John Green*

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

*one hundred pounds of lead
pipes of the value of ten cents
Each pound*

of the goods, chattels and personal property of one *August Bucher*
in the *building* of the said *August Bucher*

there situate, then and there being found, in the *building* aforesaid, 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.

De Lancey Nicoll
District Attorney

0962

BOX:

529

FOLDER:

4828

DESCRIPTION:

Grumach, David

DATE:

08/07/93



4828

Witnesses:

Louis J. Angelini
officer

Counsel,

Filed

day of August - 1893

Plends,

vs. (S)

THE PEOPLE

35 80 1893

ms.

332 1893

ATTEMPTING SUICIDE.

(Section 174, Penal Code.)

David Grumach

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

R. J. Crooks

Foreman.

Part 2 - Aug 23, 1893

Reads Officiary

Sentence suspended

P.B.M.

L

Sec. 198-200.

S' District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

David Gummach

Question. How old are you?

Answer.

35 years old

Question. Where were you born?

Answer.

Germany

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

Answer.

332 E. 80th St. 5 Mrs

Question. What is your business or profession?

Answer.

Cloak Examiner

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 took the Paris green
for the purpose of frightening
my wife. I did not want to
kill myself. David Gummach

Taken before me this

23

day of

1897

John J. Fisher

Police Justice.

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

Police Court 5 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John F. McClellan
David Townsend

1
2
3
4
Offence Attempted Suicide

Dated July 22 1893

John F. McClellan
David Townsend
Magistrate
Precinct

Witnesses

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. 10000 to answer

John F. McClellan
David Townsend

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

Alfred Frank
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 July 22 1893 Police Justice.

I have admitted the above-named
to bail to answer by the undertaking hereto annexed.
Dated 189 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 189 Police Justice.

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

of No. 244 1/2 West 100th Street, aged years,
occupation Police Officer being duly sworn, deposes and says
that on the 19 day of July 1893
at the City of New York, in the County of New York,

David Gornbach. (now here)
did, with the intent to take his
own life. feloniously commit upon
himself, an act dangerous to
human life, in violation of section
174 of the Penal Code of the State
of New York.

Deponent further says that at about
the hour of 1.30 A.M. said date. this
defendant took and swallowed a

Sealed in presence of this

1893

Police Justice

quantity of paris green.
Wherefore defendant prays the said
defendant may be held and dealt
with according to law.
Dunn & Deane
Attorneys at Law
New York
Police Justice

Police Court, District.

THE PEOPLE, Etc.,

ON THE COMPLAINT OF

vs.

AFRIDA VIT.

Dated 189

Magistrate.

Officer.

Witness,

Disposition,

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

David Grumach

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

David Grumach

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said

David Grumach

late of the City of New York, in the County of New York aforesaid, on the nineteenth day of July in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, with intent to take his own life

feloniously did take and swallow down into his body, a quantity of a certain deadly poison, known as Paris green:

the same being an act dangerous to human life, 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.

DE LANCEY NICOLL,

District Attorney.

Dr. David B. B. B. B.
Presbyterian Hospital
Gr. A. No. 1519 First Ave

Bertha Grunwald } 332 8 8 8
Barbara Horn }
Hermann Albert }

0970

BOX:

529

FOLDER:

4828

DESCRIPTION:

Grune, James

DATE:

08/18/93



4828

0971

BOX:

529

FOLDER:

4828

DESCRIPTION:

Cashan, Nicholas

DATE:

08/18/93



4828

Witnesses:

Robert J. Brumie

Counsel,

Filed 18 day of August 1893

Plead ~~not guilty~~ (21)

THE PEOPLE

vs.

James Brumie,

P

and

Nicholas Carstan.

DE LANCEY NICOLL,

District Attorney.

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

A TRUE BILL.

H. J. P. P. 1893

R. J. C. Wells Foreman.

Sept 3 - Sept 13, 1893.
No. 1 Trial and convicted

Assault in the 2nd Deg
Sept 2 - Sept 19, 1893.

No 2 Fred Brande Convicted
Assault 2nd Deg
No 3 P. H. 4 card. Sept 26/93

POOR QUALITY
ORIGINAL

0973

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

THE PEOPLE,)	BEFORE
)	
VS.)	
)	HON. RUFUS ^{B.} COWING,
NICHOLAS CASHAN.)	
)	AND A JURY.

TRIED, SEPTEMBER 18th, 1893.

INDICTED FOR ASSAULT IN THE FIRST DEGREE.

INDICTMENT FILED AUGUST 18TH, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY G.S. BEDFORD,

FOR THE PEOPLE.

P.A. MCMANUS, ESQ.;

FOR THE DEFENSE.

//////////

ROBERT J. CROMIE, testified that he lived at 504 East 150th. He arrived home on August 7th between 9 and 10 o'clock in the evening. He saw the defendant and James Graney at his stable door that night, in his yard. They had no right there. He heard them wrangling, and asked them what they were doing there. The complainant ordered them off his premises, and they replied in obscene language. A Mrs. MacMahon was present at the time and as the complainant turned to speak to her the defendant "sprang for me, snatching the legs from under me, while Graney grabbed the axe that I had in my hand for the purpose of breaking some firewood, and the defendant jumped on my head and commenced to kick me and punch me around the face while the other man went for me with the axe. Graney wrenched the axe and the defendant snatched me by the legs and threw me down; the other man struck me with the axe. I couldnt say exactly how long it lasted, but each and every time Graney struck me with the axe he

3
said, "Now you sone of a so and so, I have you, and I
will kill you before you ge. out." And every time
he let up on me I made a motion to get up and he said,
"I will kill you before you leave here." And then my
little boy came downstairs and said to Graney,
"For God's sake, Graney, don't kill papa." And then
he let up to me then, and then I got up and with the
assistance of Mrs. Mahon and my little boy and girl
they assisted me downstairs, and I lay on the kitchen
floor, and I throwed off in the basin about a half
basin full of blood and the ambulance surgeon came
and wanted to take me to the hospital, and I sent
for Dr. Byrne. The complainant was under the
doctor's treatment for 8 or 10 days. IN

C R O S S - E X A M I N A T I O N,
the complainant testified that he was employed by
Abram Steers, Lumberman at 124th Street and the
East River. Before that he was on the police for
about nine years. He was discharged from the police
force for standing in a beer saloon in 5th Avenue
and 24th Street. He was not discharged for assault-
ing a woman. He was convicted and sentenced to a

month in the prison for assaulting his wife.⁴
The complainant testified that he had not been living with his wife for 18 or 20 months. For the last 18 months he has been living with his housekeeper Mrs. Mahon, by whom he had a child. The complainant testified that when he came out of his house and heard the wrangling, he asked the defendant what he was doing there. The complainant had the axe in his hand at that time. The complainant testified that he used no violence towards the defendant. The defendant was the one who grabbed the complainant by the legs and threw him down and the other defendant struck him. The complainant said that he did not have a fight with Catherine McMahon on the sidewalk and a week before, and these two men did not rescue her from his abuse at that time. The complainant drank one or two glasses of beer that day. He did not frequent the saloons during the 8 or 10 days that he was recovering from the alleged assault.

IN

RE-DIRECT EXAMINATION

(None.)

V.J. BYRNE, testified that he is a practising physician at 362⁵ Willis Avenue. He was called to attend the complainant at about 2 o'clock on the morning of August 8th. He was then lying on his back in the middle of the floor. The witness examined the complainant and found a few contusions of the chest, one on the back to the left of the spinal column, and a small wound on the middle of the forehead. The wounds could be caused by a kick or a blow with the fist. A blow from an axe could hardly cause the wounds in question, unless it was very blunt. Dr. Daly, the complainant's family physician, was subsequently called in and the witness then withdrew from the case. There were no evidences of internal injuries. The statement that there were internal injuries was made over the signature of the witness based on the complainant's statements that he vomited the contents of the basin. The witness testified, on the stand, that he concluded, from his subsequent examination, that there were no internal injuries.

IN

CROSS-EXAMINATION.

(None.)

JAMES P. DALY testified that he is a practising physician. He saw the complainant on August 8th about 11 hours after the assault. The witness found slight discoloration of the chest and of the lumbar region of the back, and a slight wound on the forehead. The witness saw him only twice, on the 8th and again on the 10th, during his course of treatment of the complainant. The complainant was not seriously or even badly injured; only very slightly, and the bones are not and never have been or will be affected. There is no evidence whatever of an axe having been used upon the complainant; only of the fist in foot.

IN

CROSS-EXAMINATION,

the witness testified that no serious bodily harm had been inflicted upon the complainant and his injuries did not warrant his remaining in bed 8 or 10 days. He had known the complainant 6 or 7 years and had attended his family. In answer to the question, "Do you know what the reputation of the complainant is? in the community for violence?" the witness testified-

ed "it is not the best in the world; it is one of the
worst."

CATHERINE MAHON testified that she lived at 504 150th Street. About 9 o'clock on the evening of August 7th she saw a quarrel between the complainant and Cashin and Graney. The witness was in her house, and heard the complainant, who was out in the yard, order the defendants out of the stable. The witness testified, "I went into the yard, and as I approached the complainant said to me, "You go upstairs." And Graney jumped out of the stable door, and then Cashan was outside of the stable and at that instant he stooped and pulled the legs from under Mr Cromie, and I got a punch in the breast from Graney. Mr. Cromie went down and Graney wrenched the axe out of his hands, and before I could realize it three others jumped out of the stable. And those three fellows jumped on me and they opened my wrapper and tore me chemise open and one of them said, "Get her pocket-

book." And they deat me, arm, and it was as black ^{m 8}
as jet. I seen Cashan on top of Mr Cromie on top
of his head punching him as hard as he could and
Graney was standing over him with an axe, and I seen
him strike him with the axe. And the boy came in, and
he said, "Jim dont hit him." And he turned and he
says, "Now, I will give you one." And I said, "Dont
please. My arm is broke." And Graney ran out of the
yard." The witness testified that the complainant
vomited blood. The complainant's face was ~~sm~~ red and
the doctor prescribed an application and the dis-
coloration left in about a week.

IN

CROSS-EXAMINATION,

the witness testified that the three men mentioned
by the witness assaulted her but not the complainant.
As the complainant turned to the witness and said
"You go upstairs, " Cashan sat down and pulled the
complainant's legs from under him. The complainant had
the axe hanging down by whis side. The witness
admitted that she had one child by the complainant,
although she is not married to him.

///

WILLIAM ROMKEY, testified that he belongs to the 33rd Precinct.

He arrested James Graney and Cashan for the alleged assault. The defendants resisted arrest. The witness saw the complainant at 12:30 on August 8th. He was lying on his side in a rear room in his house. One side of his face was black and blue and in the basin was blood and undigested food. The witness brought the two defendants to the complainant's house and the complainant and Mrs Mahon identified them as the men who had assaulted both.

IN

CROSS-EXAMINATION

The witness testified that Graney and Cashan were drunk. It required four officers besides the witness to arrest the defendants. The witness was present at the examination in the police court and saw Cashan exhibit a black and blue wound on his arm, as if done by a blunt instrument.

IN

RE-DIRECT-EXAMINATION,

the witness testified that the mark was similar to

that which would be made by a policeman's club in
arresting a man. 10

////

THE DEFENSE.

MICHAEL C'SULLIVAN, testified that he is the Arrest and Complaint Clerk of the Police Department, and has charge of the records of dismissals from the police force. He examined the papers in the case of the Police Department against Cromie. The record shows that the complainant was dismissed from the force for conduct unbecoming an officer, in being in a lagerbeer saloon and assaulting a woman, one Hannah cotter; he was also absent from post and in a house of prostitution. He was found guilty, and dismissed from the force.

NICHOLAS CASHAN testified that he is 27 years of age on the 23rd of next November. He admitted that he had

11
been convicted of crime and served a term in prison.
He recollected the night in question, August 7th. He
was in the stables of Charles Degnan. Mr Cromie has
the lease of the property and hires a stall to Degnan.
Before that he met Graney at 150th Street about
half past 9 o'clock. We went up to Reilly's to see
a man named McKeown. We drank five or six
beers. The witness went with Graney to the stable
to give the horse some oats. They were in the stable
five or ten minutes when Cromie came in and said
"What are you doing in here?" Graney said, "I am
feeding the horse. And Graney said, "I will get out
when I feed the horse. He said, "If you don't get out
I will make you, and he had the axe in his hand and
made two blows at Graney. And Graney jumped for him
and got the axe and threw it outside of the yard and
and I walked out and went to walk out of the gate
and he got the axe and came for me and I turned
around and saw him coming and put up my arm and he
struck me with the axe on the right and left arm. And
I clenchd with him, and we fell on the ground and he
was on top of me, and I was punching him and he was

12
punching me and he had the axe and Graney ran and
got the axe and threw it away and pulled Cromie off
me, and we got up and left the place and went down
the street. I did not strike Cromie with the axe.
I did not have it at all; I only had hold of it, and
Graney wrenched it from me. Then we went across the
street and stood on the corner, and then went into
the shed belonging to Slattery." The witness did
not see anybody in the barn besides himself and Graney.
He did not see Mrs Mahon that night; no, did he see
any three persons grab a hold of her or abuse her or
assault her. The next day the witness's arm was
black and blue, and he could not use it. No policeman
struck him with a club. The doctor in the Tombs
informed the witness that a small bone in his arm had
been broken. He had been in the barn a dozen times
before with both Degnan and Graney. The barn is never
locked. The witness did not strike with anything but
his fist. The witness and Graney had been drinking.
IN

CROSS-EXAMINATION,

The witness testified that he was not "fighting drunk."

13
The officer did not send for other officers to assist in making the arrest; they all came together at the same time/ It was not true that he pulled the legs from under the complainant. The witness was convicted on March 10th, 1890, together with Graneey, for assault in the second degree, and received two years and eight months, and was discharged from prison on April 24th, 1892. Graneey got four years and two months. The witness was also convicted of disorderly conduct and got six months and was fined \$10.

I N

RE-CROSS-EXAMINATION,

the witness testified that he went into the shanty but once; he generally slept at his home, in 169th Street and Sheridan Avenue. He went into the shanty because he was a little full."

//////////

COURT OF GENERAL SESSIONS,

PART III.

-----x
THE PEOPLE :
of the State of New York, : Before
-Against- : Hon. Frederick Smyth,
JAMES GRUNEY, impleaded : and a Jury .
with NICHOLAS CASHAU. :
-----x

Indictment filed August 18, 1893.

Indicted for Assault in the First Degree.

New York, September 13th, 1893.

A P P E A R A N C E S.

For the People,
Assistant District Attorney S. J. O'Hare.

For the Defendant, Mr. P. A. McManus.

R O B E R T J. C R O M I E, a witness for the People, sworn,
testified:

I live at 504 East 150th Street in this city. I
am employed by Mr. Abraham Steers, lumberman, at 125th
Street, East River. I have a stable which adjoins the
house in which I live. Prior to the 7th of August last
I was acquainted with this defendant. I was also ac-
quainted with the co-defendant Cushau. Both these men
were members of a gang which hung around my stable; I
have seen them there hundreds of times. I chased them
out of my stable on several occasions and cautioned them
not to return. On the night of the 7th of August I

returned home about ten o'clock. I found the defendant Gruney in the stable. I took an ax which was in the corner and I went into an adjoining stable and saw Cashau. Gruney followed me in. I said to him "What are you doing here? Haven't I put you out of here several times? Will you keep out of here?" As I said this Gruney sprang at me and wrenched the hatchet from my hand. Cashau jumped at me, got me by the legs and tumbled me into the yard. Cashau jumped on my chest and commenced beating me, while Gruney kept hammering me with this ax. There was another man with them who took part in the assault, but I could not identify him. When they had assaulted me in this manner they ran out, and hid in a house on the opposite side of the street. The ax was an old, worn-out ax, which had been in the stable for quite a long time; I believe it weighed about five pounds. I was struck repeatedly by Gruney with the hatchet. My housekeeper was a witness of this assault upon me.

CROSS EXAMINATION:

I am fifty-one years of age. I was formerly connected with the police force of the city of New York for nine years. I was discharged about fourteen or fifteen years ago for neglect of duty. Since then I have been working steadily with my horse. I did not know that Gruney did any work. I saw him constantly hanging around my stable with this gang. My family consists of four members, three children and my housekeeper. I have a wife living, but I am not living with her. I have never been in the penitentiary as a prisoner.

I have never been convicted of any crime. I knew Gruney quite well for a number of years, and never had any previous difficulty with him. The night in question was the first time that he ever assaulted me. I have a son about sixteen years of age; he was examined as a witness in the police court in this case. I did not have any lantern in my hand at the time of this assault, but I am positive in my identification of the defendant Gruney, as well as of the defendant Cashau. I have seen this man about my house for about fourteen months. The woman who is living with me is my housekeeper.

P A T R I C K B Y R N E, a witness for the People, sworn,
testified:

I am a phusician practising in the city of New York at No. 362 Willis Avenue. I saw the complainant at his house about two o'clock on the morning of the 8th of August. He was lying on the floor, apparently in pain. There was blood on his face, around his nose, mouth and right here. His face was swollen on the right side. I examined his body, and found contusions about the chest and back. I examined his head; I saw a scalp wound on his head; it was an incised wound. In my judgment the wounds that I saw on the body of this complainant could have been inflicted by an ax. There was blood oozing from the ear of the complainant at the time I saw him.

J A M E S P. D A L Y, a witness for the People, sworn,
testified:

I am a regularly admitted physician practising in
(3)

the city of New York at No. 563 East 150th Street. I know the complainant in this case, and treated him professionally about the 8th of August last for contusions on the body. The contusions were on the chest and on the back, the small of the back. There was a slight scalp wound. I saw him on the 8th and then on the 10th. Another physician had seen him previous to my arrival. There were no internal injuries, so far as I could determine, from a superficial examination.

C A T H E R I N E M A H O N, a witness for the People, sworn, testified:

I am the housekeeper for the complainant at No. 504 East 150th Street. I remember the night of the 7th of August last. At about half-past nine on that night the complainant came home. He had his supper. He asked me if I was in need of wood, as he was in the habit of doing, and I said yes. He went down stairs and out into his own yard to the stable for the purpose of getting me some wood. I heard some loud talking in the stable. I went out on the porch or platform at the back of the house, and looked down into the stable. I saw the complainant talking in the stable at a little distance from the door to this defendant James Gruney. Then I saw Gruney take an ax out of the complainant's hand, and strike him with it several times. The defendant Cashau was holding Mr. Cromie at that time. I ran out and entered the stable and those men ran away. I had seen them there around the stable several times be-

fore, and I am able to positively identify them as the two men who struck the complainant on that night. I saw James Gruney standing over the complainant; the complainant was lying on his stomach at this time, and Cashau was punching and kicking the complainant. The defendants were afterwards arrested by an officer in a little house across the street.

CROSS EXAMINATION:

I did not go out into the barn with the complainant to help him chop the wood; I did not leave the house until I heard lous talking out in the stable. The stable is on the corner, and there is an electric light on the opposite corner. I could see very clearly the faces of the two defendants, and I am positive in my identification of them. I have seen both the defendants hanging around this stable. I am a widow; my husband died some years ago. I am keeping house for Mr. Cromie, the complainant; I am not married to him.

W I L L I A M R O N K E Y, a witness for the People, sworn,
testified:

I am an officer of the municipal police force of this city, assigned to duty in the 33rd Precinct. I know the defendant Gruney. I arrested him on the morning of August 8th about 12.30 o'clock, in a one-story shanty opposite the house of the complainant. I was informed that these two men were in this shanty, and I went over there and demanded admission. Another officer and myself had to force our way into this house. When

we seized the defendant he fought and struggled with us, and we had to use force to take him to the stationhouse. I said to Gruney "You are in trouble again". He says "Yes; I have had a hundred fights, and I got licked a hundred times." Cashau the other defendant had nothing to say to me at all. I have stated all the conversation I had with the defendants.

D E F E N S E .

N I C H O L A S C A S H A U, one of the defendants, sworn, testified:

I am 27 years of age. I have previously been convicted of crime, and have served my term of imprisonment for it. I have known the complainant here for four or five years. I also know the defendant Gruney. On the night in question I was down on the corner of 148th Street. I took a walk and I met the defendant Gruney on the corner of 150th Street. I asked him if he would take a walk up as far as 153rd Street, as I wanted to see a party up there, and he says "Certainly." We went up there and I saw the party I wanted to see about some work; he told me to see him the next day. We stayed at that place drinking until around about ten o'clock; then we went to 150th Street into another saloon, and had two or three drinks there. The defendant Gruney was in my company all the time. We then went into a stable adjoining the one belonging to Mr. Cromie, the complainant. In a few minutes the complainant came in and says "What are you doing there?" and he ordered us

out. He said "If you don't get out, I will put you out pretty quick." He had a hatchet in his hand. He made a blow at Gruney, but Gruney jumped and took the hatchet away from him. Gruney threw the ax out in the yard, and he and I went across the street into a house and remained there all night. Gruney was struck several times by the complainant. The complainant struck me and knocked me down and got on top of me. When Gruney saw this, he came in and pulled the complainant off of me. I didn't see him strike the complainant in any way.

CROSS EXAMINATION:

It is not a fact that I held the complainant while Gruney assaulted him. Gruney and I have been companions for a great many years. The sentence that I served was for assault upon a Chinaman, and I spent two years in the penitentiary. I have been convicted three times altogether. I had several drinks on this night, and when Gruney and I got into the house across the street we both fell asleep. We had some trouble with the officers when they came to take us into custody; we did not know why we were being arrested. This was a vacant house in which we slept that night.

The jury returned a verdict convicting the defendant Gruney of Assault in the Second Degree.

(1)

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Rec'd from filed Aug 11/1993

Comm. of General Deacons

Jan 13

John Prople

is.

James Gruney

Abstract of

105 testimony Sep.

13th 1/1993

Office of:

Office Hours.
8 to 10 A.M.
12 to 4 P.M.
6 to 8 P.M.

Dr. James P. Daly.

563 East 150th Street.

New York.

1893

My dear Judge McIntee,

I have this last made a careful examination of Mr. Cronin, residing at 504 East 150th St. The result of which is as follows: The contusions of face are all improved. The region of spinal column known as the lumbar, is discolored, swollen and deeply painful to the touch. Such injuries are at times followed by disease of bones comprising the spinal column. The disease might not make itself manifest for some time after the injury was received.

Very truly yours,
James P. Daly M.D.

To whom it may concern

This is to certify that the complainant
in the within case Robert Veronice
appeared in the 6th District Police
court this 15th August 1893 for
the first time since he was
arrested and made his complaint
in writing which is hereto annexed
Dated -

New York

August 15th 1893

Charles N. Laintor

Police Justice

The People of the State of New York.

To, *George S. Rogers - Sheriff of the Dist. Court - 15-8th St + 3rd Ave N.Y. City.*
and to all and every person and persons, officer and officers having in his or their custody or control any complaint, affidavit, indictment, charge, or written or printed paper or document of any kind touching the imprisonment and detention of the prisoner hereinafter named;

GREETING:

We command you that you certify fully and at large to the Supreme Court of The State of New York, at a Special Term thereof to be held at Chambers in the Court House of the City and County of New York on *Thurs* day, the *15th* day of *August* A. D. 18*92* at *10 1/2* o'clock in the *fore* noon, the time and cause of the imprisonment of

James Francis and Nicholas Cashin
by you detained, as it is said, by whatsoever name the said *Francis and Cashin* shall be called or charged, and that you then and there return to the said Supreme Court fully and at large all and every complaint, charge, affidavit, indictment, commitment, written or printed document or paper, and the orders, proceedings, evidence, conviction and judgment in the premises, together with all things touching or in any manner concerning the same. And have you then there this writ.

But if, at the time when this writ is returnable, a Court of Oyer and Terminer in and for the City and County of New York, shall be actually sitting at the Court House of the City and County of New York, then you shall make return to this writ, according to the precept thereof, at the time and in the manner hereinbefore specified and commanded, before the said Court of Oyer and Terminer.

Witness the honorable CHARLES H. VAN BRUNT, Presiding Justice of our said Supreme Court in and for the First Judicial Department, at the Court House of the City and County of New York. the *14th* day of *August* in the year of our Lord one thousand eight hundred and eighty *nineteen*.

By the Court.

Henry D. Perry

COUNTY CLERK.

Purdy & Melatiglis
~~PURDY & MELATIGLIS~~

Attorneys for Relators,

No. 280 Broadway,

New York City.

New York Supreme Court

The People, &c.

Ex rel.

Henry H. Phelps
Phelps, vs.

Wm. H. Phelps
Respondent.

Writ of Certiorari.

James H. McLaughlin
McLAUGHLIN
ATTORNEYS FOR RELATOR,

No. 280 Broadway, New York City.

The within writ is allowed this 14
day of Aug 1893

Wm. H. Phelps

Justice of the Supreme Court of the
State of New York.

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

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Dated the _____ day of _____ 18____

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

The within writ is adjourned to the _____ day of _____ 18____, at the same time and place, and the relator is remanded to the custody of the respondent in the mean time.
Dated the _____ day of _____ 18____

**POOR QUALITY
ORIGINAL**

0998

OFFICE HOURS: **DR. P. J. BYRNE,**
8 TO 10 A.M. 362 WILLIS AVE.
12 TO 2 P.M. BET. 142ND & 143RD STS., NEW YORK.
6 TO 8 P.M.

R_x

Aug 8th 1893

This is to certify that
Robert J. Cromie is
suffering from severe
contusions of the face
and body, scalp wound &c
There is also evidence of
severe internal injuries
inflicted with some blunt

AL GOLDWATER WHOLESALE & RETAIL
PHARMACIST
2671 - 3RD Ave. near 142ND St., and 230 Willis Ave. near 138TH St.,

OFFICE HOURS: **DR. P. J. BYRNE,**
8 TO 10 A.M. 362 WILLIS AVE.
12 TO 2 P.M. BET. 142ND & 143RD STS., NEW YORK.
6 TO 8 P.M.

R_x

instrument. His injuries
are quite serious and
his condition at
present is rather
precarious.

P. J. Byrne M.D.
362 Willis Ave

AL GOLDWATER WHOLESALE & RETAIL
PHARMACIST
2671 - 3RD Ave. near 142ND St., and 230 Willis Ave. near 138TH St.,

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 6th DISTRICT.

Sworn to before me, this

of August

1893

day

Charles W. Schmitt, Police Justice.

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 6th DISTRICT.

William Romkey -
of the 33rd Precinct Police Street, aged 30 years,
occupation Police Officer being duly sworn deposes and says
that on the 7th day of August 1893
at the City of New York, in the County of New York James Brancey

Nicholas Lasham (both true names) did
feloniously assault & beat one Robert
Lernie - that the same Robert Lernie in
deponents presence identified the said
defendants as the persons who did assault &
beat him - that said defendants were in each
others company at same time - that said
Nicholas Lasham held said Lernie while the said
James Brancey hit said Lernie in the head with
an axe which axe he the said Brancey had in his
home - that said Robert Lernie is unable to appear in court
from the result of said injuries William Romkey

Page 41

Police Court-- 6th District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Roukey

vs.

1 James Bracey

2 Nicholas Kashan

AFFIDAVIT.

Arrested on
Robbery Charge

Committed without bail
to await result of inquest
C. J. P.

Dated Aug 8th 1893

Simon Magistrate.

Wm. Roukey Officer.

33. Prison

Witness,

Disposition,

Police Court 6th District.

CITY AND COUNTY
OF NEW YORK, } ss.

of No. 504 East 15th St. Street,

aged 24 years occupation Scavenger being duly sworn, deposes and says, that
on Monday the 7th day of August,
in the year 1893 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by James Graney

and Nicholas Leashman who are each of

whom deie to-gather strike and

beat deponents - that the said

James Graney did strike deponents

several times upon the body with

an axe which axe he said James Graney

held in his hand - and the said

Nicholas Leashman - did jump upon

deponents head with his feet

and did thereby cut deponents

head - that deponents was violently

and feloniously assaulted and beaten

as aforesaid

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

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

Sworn to before me, this 15th day
of August 1893.

Robert J. Cronie

Charles N. Trinton POLICE JUSTICE.

Sec. 198-200.

Cott

1893
District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

James Grancy -

Question. How old are you?

Answer.

32 years -

Question. Where were you born?

Answer.

New York

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

Answer.

587 Morris Ave. 3 months

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty of the charge

James Grancy

Taken before me this

16th

day of *August* 1893

Charles W. Smith

Police Justice.

Sec. 198—200.

6th

1883

District Police Court.

City and County of New York, ss:

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

Question. What is your name?

Answer.

Nicholas Cashan

Question. How old are you?

Answer.

26 years -

Question. Where were you born?

Answer.

New York

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

Answer.

Shenandoah Ave + 169th St 15 years

Question. What is your business or profession?

Answer.

Plasterer

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

Answer.

*I am not guilty of the charge
Nicholas Cashan*

Taken before me this

16th

day of *August* 1883

Charles W. Swinton Police Justice.

POOR QUALITY
ORIGINAL

10004

4000. Each for 8 months
August 16th 1893. 9000

City

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

Police Court--- 6th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Robert M. Munnice
No. 504 E. 15th

William H. Munnice
No. 504 E. 15th

Offence Assault

Dated August 15th 1893

Seaton Magistrate.

William R. Munnice Officer.

33rd Precinct.

Witnesses Catherine Munnice

No. 504 E. 15th Street.

Charles Cronie

No. 504 E. 15th Street.

Officer William R. Munnice

No. 38th Precinct Street.

No. 504 E. 15th Street.

No. 503 E. 15th Street.

No. 504 E. 15th 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 defendants

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

Dated August 16th 1893 Charles N. Tunita Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

James Gruney and Nicholas Castan

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

James Gruney and Nicholas Castan

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *James Gruney and Nicholas Castan*

late of the City of New York, in the County of New York aforesaid, on the *seventh*
day of *August* in the year of our Lord one thousand eight hundred and
ninety- *three* —, with force and arms, at the City and County aforesaid, in and upon
the body of one *Robert J. Cronie* in the peace of the said People
then and there being, feloniously did make an assault, and *with* the said
Robert J. Cronie with a certain *axe*

which the said *James Gruney and Nicholas Castan*
in *their* right hands then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent *him* the said *Robert J. Cronie*
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

SECOND COUNT—

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

James Gruney and Nicholas Castan

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

The said

James Gruney and Nicholas Castan

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
Robert J. Cronie ~~*James Gruney and Nicholas Castan*~~ in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *Robert J. Cronie*

with a certain *axe*—

which the said *James Gruney and Nicholas Castan*
in *their* right hands then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, stab and wound, 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

James Bruney and Nicholas Cashan

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

The said

James Bruney and Nicholas Cashan

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Robert J. Cronie* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *axe*

Robert J. Cronie

which *they* the said *James Bruney and Nicholas Cashan*

in *their* right hands then and there had and held, in and upon the *body* —
of *him* the said *Robert J. Cronie*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~and~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

Robert J. Cronie

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.

DE LANCEY NICOLL,

District Attorney.

1000

**END OF
BOX**