

0788

**BOX:**

465

**FOLDER:**

4272

**DESCRIPTION:**

Sanbog, Gustane

**DATE:**

01/05/92



4272

0789

Witnesses:

15

1538

J. B. W.

Counsel, *James J. Kelle*

Filed *3* day of *May* 189*2*

Pleads, *Alibi 6*

*47*  
*H. Brewster*

THE PEOPLE

vs.

*P*

*Gustave Sanbog*

CRIME AGAINST NATURE.  
[Sec. 303, Penal Code.]

*John R. Fellows*  
JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

*Chas. J. DeForest*  
Foreman.

*P 2 Jan 8 1892*

*Pleads A. 3 dg*

*Per one yr &*

*Timed \$500 day for*  
*each dollar*

0790

Police Court 1 District.

City and County } ss.  
of New York, }

James Swagerton  
of No. Battery Park Police Street, aged 34 years,  
occupation police officer being duly sworn, deposes and says,  
that on the 23d day of December 1891, at the City of New  
York, in the County of New York,

Deponent arrested Gustave  
Sandbog and George Wilson (now called  
who did commit the detestable  
and abominable crime against  
nature, and who did corruptly  
know a male person in a manner  
contrary to nature, and who did volun-  
tarily submit to such corrupt  
knowledge for the reasons following  
to wit, That about the hour of 5  
o'clock p.m. on the afternoon of the  
said day deponent found the said  
defendants in the Terminal at  
Battery Park, and he found said  
Sandbog in a standing position  
while said Wilson was standing  
up and said Sandbog had said  
Wilson's penis in his mouth, and  
deponent arrested them and charges  
them with violation of Sec 303 of  
the Penal Code

Sworn to before me 1891  
this 24th day of December } J. S. Livingston

J. J. O'Reilly  
Police Justice

0791

Sec. 198-200.

District Police Court

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Justare Aubag* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h<sup>e</sup> right to  
make a statement in relation to the charge against h<sup>m</sup>; that the statement is designed to  
enable h<sup>m</sup> if he see fit to answer the charge and explain the facts alleged against h<sup>m</sup>  
that he is at liberty to waive making a statement, and that h<sup>e</sup> waiver cannot be used  
against h<sup>m</sup> on the trial.

Question. What is your name?

Answer. *Justare Aubag*

Question. How old are you?

Answer. *44 years*

Question. Where were you born?

Answer. *Sweden*

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

Answer. *4 Greench Street, New York*

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 not guilty*  
*J. Aubag*

Taken before me this

*27*

*Mag. Deenburgh*

*J. J. Deenburgh*  
Police Justice

0792

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*George Wilson* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h<sup>is</sup> right to  
make a statement in relation to the charge against h<sup>im</sup>; that the statement is designed to  
enable h<sup>im</sup> if he see fit to answer the charge and explain the facts alleged against h<sup>im</sup>  
that he is at liberty to waive making a statement, and that h<sup>is</sup> waiver cannot be used  
against h<sup>im</sup> on the trial.

Question. What is your name?

Answer. *George Wilson*

Question. How old are you?

Answer. *48 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *Repused*

Question. What is your business or profession?

Answer. *Produce*

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*

*Geo. Wilson*

Taken before me this *24*  
*day of December 1888*

Police Justice

0793

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.....

*Seferants*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Fifty* 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 *Dec 24* 1891 *J. C. Bull* 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.

0794

1588

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James Livingston*  
*Gustave S. ...*  
*George ...*  
3. *Separate*  
4. *indictments*

*Office ...*  
*...*

BAILED,

No. 1, by .....  
Residence ..... Street.

No. 2, by .....  
Residence ..... Street.

No. 3, by .....  
Residence ..... Street.

No. 4, by .....  
Residence ..... Street.

Dated *Dec 21* 188*9*  
*O'Reilly* Magistrate.  
*Livingston* Officer.  
*Bailey* ...

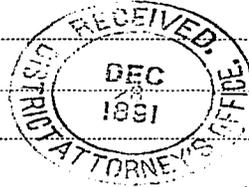
Witnesses .....

No. .... Street.

No. .... Street.

No. .... Street.

\$ *1500* to answer *...*



COMMITTED

0795

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Augustine Paulson*

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

indictment, accuse *Augustine Paulson* —

of the CRIME AGAINST NATURE, committed as follows :

The said *Augustine Paulson*,

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

*Twenty-third* day of *December*, in the year of our Lord one thousand

eight hundred and ninety — *one* , at the City and County aforesaid,

with force and arms, in and upon one *Figoras Wilson* , —

a male person, then and there being, feloniously did make an assault, and

*same* , the said *Figoras Wilson* , in a manner

contrary to nature, then and there feloniously did carnally know; 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 *Augustus Sandberg*  
of the same CRIME AGAINST NATURE, committed as follows:

The said *Augustus Sandberg*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year  
aforesaid, at the City and County aforesaid, feloniously did voluntarily submit to carnal  
knowledge of himself by one *George Wilson*, a — male  
person, in a manner contrary to nature; against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York, and  
their dignity.

*John R. Fellows*  
JOHN R. FELLOWS,

*District Attorney.*

0797

**BOX:**

465

**FOLDER:**

4272

**DESCRIPTION:**

Schmidt, Sanders

**DATE:**

01/20/92



4272

Witnesses:

Counsel, *[Signature]*  
Filed, *20* day of *January* 189*8*  
Plends, *[Signature]*

INJURY TO PROPERTY.  
[Section 654, Penal Code.]

THE PEOPLE

vs.

*P*

*Sanders Schmidt*

*[Signature]*

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

*[Signature]*  
Foreman.

*[Signature]*  
Pen 3 mis  
Fog 1/2 1898, 5-2-98

44/12  
The People  
v  
Sander Schmidt

Court of General Sessions. Part I  
Before Judge Martine - January 27, 1897  
Indictment for Injury to Property

Henry Wall, sworn and examined, testified I was employed at the Glen Island Hotel Nos 88 and 90 Cortland Street on the 13<sup>th</sup> of January I saw the prisoner at two o'clock in the morning in the office. I was coming down stairs and the defendant was sitting in the office asleep. He got up and wanted to fight everybody and was calling names and the cashier ordered him out. There were ladies in the hall, and there was a big party up stairs. When I was going down stairs again I stepped outside the door, and the prisoner was outside and the cashier was right behind him. He was out about twelve seconds, and he shoved his hand through the plate glass window. I saw him do it. The glass is valued at thirty dollars; it was broken all to pieces.

Cross Examined: I am a watchman in the hotel. The defendant was not drinking that night in the place, he was around there in the evening if I am not mistaken about ten or eleven o'clock at night, he was alone. He was quarreling with the cashier; he called names to three ladies in the hall. I was waiting on them. I was inside the door when I saw his hand go through the glass; he walked

went quietly until he was about twelve seconds or so and put his fist right through the door; he has got the mark on his hand. I saw his hand, and he shoved it right through the glass. I was about six or seven feet from there in the door; there was a curtain, it was about half way down. From where you stood you say it was this man that broke the glass? Yes. I could see it; the cashier was standing there at the time. There was nobody in front of the door. I saw him through the glass. There was nobody in front of the glass; they might have been on the inside. Was there any noise outside? No sir. I have not talked with the cashier as to what I should testify to in this case. I do not know that anybody robbed the defendant at the hotel. I never heard the defendant say at any time that he had been robbed in front of the hotel. I was in the station house when he was arrested. Were you present when the policeman put his hand upon him? No sir, I was not. I went to the station house with him. I walked behind them part of the way and part of the way alongside. Did you hear any part of the conversation that they may have had

in going to the station house to No. 210, he was talking about swearing and one thing or another. This man wanted to fight me because he thought I was the man that put him out. The man was cut. I only saw the man once. I had no difficulty with him that night. The Cashier was putting this man out. When I came down and saw this man first he was in the door. The Cashier was behind him and had his hand on his back. He did not have hold of him by the collar. I did not hear the Cashier or the defendant say anything. I was just about eight feet from them at the time. About eleven o'clock or so the defendant was taking a drink at the bar, but he was not drinking there at two o'clock.

William Lane, sworn and examined, testified I am the Cashier of the Glen Island Hotel and I have charge at night of the hotel. I was there the night of the 13<sup>th</sup> of January and saw the prisoner there on that occasion. He came into the hotel about two o'clock and sat down in the office and went to sleep. A young man had his birthday party and he had a little party of ladies. It was my business to get him out of the office. He sat down and was dozing. I caught him by his arm & put him on his feet.

I did not do it roughly. I said, "Get out of here; we don't want you in here." I shut the door. As soon as I shut the door the glass came right down on my head. I was standing at the door, it was a door window. I saw the defendant looking right at me at the time through the glass. He did it with his naked hand; he cut his hand across the palm of it with the glass. The watchman was standing behind me in the office. It was French plate glass. I do not know how thick. I told the porter to go out and catch him. He did and the officer got hold of him and arrested him. I told him to take him to the station house and I would make a charge against him for breaking the glass. I had charge of the hotel and I did not go to the station house that night, but I went to the Tomb the next morning and made a charge against him.

The glass was worth thirty dollars.

Cross Examined: I have been cashier since the 30th of July 1888. The party was up stairs in the sitting room. The defendant was the only man I saw around there. I did not hear the defendant say anything to the officer when he came to arrest him. I did not go in the street; they caught him at the

door. He wanted to make a fight there with the officer. The man's hand was bleeding from the breaking of the glass; the man was intoxicated. The defendant did not make a charge that he had been robbed in or about that hotel when the officer came up to him. I did not go to the station house with him. Our porter, Mr. Hall, went for the policeman. The glass was worth thirty dollars. It was about five feet long and about four feet wide; the name of the hotel was engraved on the glass; it was about a quarter of an inch thick.

Phillip Fitzsimmons, sworn and examined. I belong to the Second Precinct. I was in the neighborhood of No. 90 Cortland street on the 13<sup>th</sup> of January about two o'clock in the morning. I arrested the defendant on trial for breaking a window. Mr. Hall made the complaint; the defendant was going to the Cortland street ferry house, when I arrested him. How far was he from <sup>No. 90</sup> Cortland street? About fifty feet. I brought him back. Mr. Allen came out of the door as I arrived there. The prisoner was bleeding pretty bad from the wrist. I asked him, Did you break that window? He says he was struck in the head with a bottle and robbed. He could not point out the man. He seemed

to be under the influence of drink. So I took him to the station house. I think he said he was robbed of forty dollars, but he did not tell me where he had been robbed. Hall said, "you arrest that man, he broke the window, I will make a complaint, he was not robbed here. I took him to the station house and had an ambulance run up and dressed his wound; he was very badly hurt on the wrist and on the palm of his hand. That is all I know about it. He was cursing and swearing all the way to the station house. He did not say anything about breaking the glass.

Cross Examined: I heard no cries of "Police," "Watch." The defendant was about fifty feet away from the door in the middle of the street when I arrested him; he was going towards the ferry gate. I was standing on the opposite corner, I saw the door open and when it closed the glass fell and this man walked rapidly away. I ran after him and said, "Hold on a minute, and this Hall ran and met me. I did not take the prisoner inside after I got him. There was nobody passing at the time. I believe Mr. Lane ran up for the proprietor but I did not wait as long as Hall was willing to make the complaint.

Sanders Schmitt, sworn and examined in his own behalf testified. I live in Newark and am a married man and have seven children. I worked for the Pennsylvania Railroad three years and a half. I was in the machine shop for two years and then worked for my brother as a civil engineer. I worked in the machine shop of the Railroad in 1889. I worked for the Railroad about five weeks ago. I have been arrested two weeks. I worked on the Railroad at laboring work. I went up and down the Road putting down wooden sleepers. I came to New York about eleven o'clock in the forenoon. I came over the Cortland St. ferry. I had my ticket in my pocket. I got up to City Second Street; my brother lived in Boston, he was going to take his wife over to Sweden to stay till next Spring. I met a couple of men, I had drunk a good deal. I went from one saloon to another saloon. They asked me if I wanted to treat. I said, I will not treat you any more. I took the Sixth Avenue Elevated and went down to Cortland St. I got down in a saloon after one o'clock and two policemen were standing drinking in the saloon. About two o'clock a man came up to the desk and said, you have a good deal of money

the people working on the road have more money than people working in the city." I said, that is none of your business, that is my money." "How much have you got?" "I have five dollars, maybe." "Will you treat?" I said, "No, I don't know you."

The first man was up here said, "you son of a b— you have no business coming in here, you cannot get out from here." This was in the saloon, I was not in the hotel. Maybe they have a hotel in the house. I drank in the saloon. Then there comes another man, he was in light pants, he talked to the man. The first one that was up here said to me, "you go outside." I got a blow there (on the cheek). I fell down and I got my head in the window. I saw Mr. Hall, the first witness, there. He held me down and struck me. I had not said anything to anybody. Do you know who took your money? The youngest said, "it is all right, I have got it." I called "Police," and after a little while he came. I had \$45 which my brother gave me to go to a machine shop in Attorna.

The jury rendered a verdict of guilty. The defendant was remanded.

0807

Testimony in the  
case of  
Sanders Schmidt

filed  
Jan. 1892

0808

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 157- DISTRICT.

Henry Hall

of No. 90 Courtland Street, aged 27 years, occupation Watchman, being duly sworn deposes and says,

that on the 13 day of January 1892 at the City of New York, in the County of New York, ~~Barthel Schriener~~

(now present) did wilfully and maliciously break a plate glass ~~in~~ ~~the~~ ~~office~~ ~~door~~ of the Glenn Island Hotel situated Nos 88 and 90 Courtland Street in said City with his fist doing damage to the same to the amount and value of Twenty dollars the property of Peter Wilkins and Copartner deponents employees.

Wherefore this deponent prays that said defendant may be bound to answer and be dealt with according to law

Henry Hall

Sworn to before me, this

13 day

of

Jan 13 1892

W. M. ...

Police Justice.

0809

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877.

aged 34 years, occupation Cashier of No. 90 Courtland Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Henry Hall and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 13 day of July 1892

[Signature]  
Police Justice.

0810

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

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

Question. What is your name?

Answer.

*Dandus Schmidt*

Question. How old are you?

Answer.

*40 years*

Question. Where were you born?

Answer.

*Sweden*

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

Answer.

*Market St Newark N J 3 years*

Question. What is your business or profession?

Answer.

*Machinist*

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

Answer.

*Boy man pushed me against  
the glass and stole my  
money*

*Dandus Schmidt*  
made

Taken before me this

13

day of

*Admiral*

Police Justice

08 11

*In 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*  
*Ten* *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* *Jan 13* *1892* *W. W. ...* *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.*

0812

Police Court--- 1- District. <sup>47</sup>

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Henry Hall*  
*9 Campbell St*  
*Sander Schmidt*

*Officer*  
*Wabrows*  
*Substation of Precinct*

2  
3  
4

Dated *Jan 13* 189*2*

*D. F. McMahon* Magistrate.  
*Fitzsummers* Officer.

*2* Precinct.

Witnesses *Wm Lane*

No. *90 Courtland* Street.

*Phelps Fitzsummers*

*2nd Precinct Police* Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer

*F. Corn*



BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
AGAINST  
Sanders Schmidt

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

Sanders Schmidt

of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said *Samuel Schmidt,*

late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *January*, in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, with force and arms, *a certain*

*pane of glass.*

of the value of *thirty dollars,* of the goods, chattels and personal property of one *Peter Wilkins,* then and there being, then and there feloniously did unlawfully and wilfully *break and destroy,*

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

*Samuel Schmidt*

of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* REAL PROPERTY OF ANOTHER, committed as follows :

The said *Samuel Schmidt,*

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,

*a certain pane of glass.*

of the value of *thirty dollars.*

in, and forming part and parcel of the realty of a certain building of one *Peter Wilkins,* there situate, of the real property of the said

*Peter Wilkins,* then and there feloniously did unlawfully and wilfully *break and destroy;*

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.*

08 15

**BOX:**

465

**FOLDER:**

4272

**DESCRIPTION:**

Scribner, Daniel

**DATE:**

01/12/92



4272

0816

POOR QUALITY ORIGINAL

TORN PAGE

*The District Attorney's office is hereby advised that the application is made here July 29, 1897. What effect it has on the case is not known.*

Witnesses:

94 ✓

56

Counsel,  
Filed, ..... day of ..... 189  
Pléads, .....

THE PEOPLE

vs.

Daniel Scribner

KEEPING A HOUSE OF ILL-FAME, ETC.  
(Sections 322 and 385, Penal Code.)

DE LANCEY NICOLL,  
District Attorney.



A TRUE BILL.

*John C. ...*  
Foreman.

*I April 21/92*

*James McArthur*  
~~706 N. 33rd~~

*George Callaghan*  
16 Leonard St.

*There is no good reason to keep this indictment longer since the nuisance, if any is abated long since and as the people have no reason to prosecute the indictment should be dismissed.*

*July 27, 1897*

*L. L. Van Allen*  
*Esq.*

0817

TORN PAGE

Court of General Sessions of the Peace

470

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Daniel Scribner

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

Daniel Scribner

(Sec. 822, Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said Daniel Scribner

late of the 20th Ward of the City of New York, in the County of New York aforesaid, on the tenth day of January in the year of our Lord one thousand eight hundred and ninety-two, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in said house divers ill-disposed persons, as well as women, and common prostitutes, on the days and times aforesaid, as well as in the day, there unlawfully and wickedly did receive and entertain; and in which said house evil-disposed persons and common prostitutes, by the consent and procurement of the said

Daniel Scribner

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offenses on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Daniel Scribner

(Sec. 886, Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said Daniel Scribner

late of the Ward, City and County aforesaid, afterwards, to wit: on the tenth day of January in the year of our Lord one thousand eight hundred and

TORN PAGE

ninety-*two*, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *his* said house for *his* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said ~~days and times~~ *days and times* there to be and remain, tippling, drinking, gaming, cursing, swearing, quarrelling, ~~making~~ *making* great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

THIRD COUNT :

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

*Daniel Scribner*

(Sec. 322, Penal Code.)

of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows :

The said *Daniel Scribner*

late of the Ward, City and County aforesaid, afterwards, to wit : on the *teenth* day of *January* in the year of our Lord one thousand eight hundred and ninety-*two* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *his* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *his* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are habitually disturbed, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

~~DE~~ DE LANCEY NICOLL,  
District Attorney.

08 19

**BOX:**

465

**FOLDER:**

4272

**DESCRIPTION:**

Seddon, Albert

**DATE:**

01/19/92



4272

Ben V. Colson

Witnesses: 107

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

170

Counsel,

Filed 19

day of *July*

1882

Pleas,

THE PEOPLE

vs.

Albert Seddon

*Section 498, vs 6, 228 vs 1*  
Burglary in the Third Degree.

*Ben V. Colson*  
*Witness*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Alfred De Forest*

Foreman.

*James D. W. [unclear]*

*James D. W. [unclear]*

*James D. W. [unclear]*

0821

Police Court— 5th District.

City and County } ss.:  
of New York,

of No. 338 East 107th Street, aged 52 years,  
occupation Oil Stone Manufacturer being duly sworn

deposes and says, that the premises No. 338 East 107th Street, 12th Ward  
in the City and County aforesaid the said being a Manufactory

and which was occupied by deponent as an Oil Stone Manufactory  
~~and in which there was at the time of the burglary, by name~~

were **BURGLARIOUSLY** entered by means of forcibly breaking a light  
of Glass on the roof of the 2<sup>d</sup> story of said manufactory  
and forcing open the window

on the 31<sup>st</sup> day of December 1891 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Clear Oil Stones of about the value of Seven  
dollars

the property of deponent's brother George Chase of said number and street  
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 Seddon (now here)

for the reasons following, to wit: That said premises was securely  
locked and fastened at about 5.30, P.M. on said  
day. That at about 9 o'clock P.M., said defendant  
was found in said premises with the window  
described aforesaid broken and open and  
said property prepared for removal. Deponent  
therefore charges the said defendant with  
feloniously entering said premises and  
attempting to steal said property and  
asks that he be held to answer.  
Benjamin S. Chase

*Summe to deponent was this 1<sup>st</sup>  
day of January 1892  
John S. Kelly Police Justice*

0822

(1885)

Sec. 198-200.

*jit*

District Police Court

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Albert Seddon*

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. *Albert Seddon*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *England*

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

Answer. *444 East 115th Street (about 4 years)*

Question. What is your business or profession?

Answer. *Ceil Store Worker*

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 was drunk and went in the premises to have a sleep, I was well acquainted in the premises *Albert Seddon**

Taken before me this

day of *January* 189*9*

*John S. Kelly*

Police Justice.

0823

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.....

*Albert Seddon*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Ten* 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 *January 1* 188*7* ..... *John E. Keeg* Police Justice.

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

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

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

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

0024

1619  
Police Court 5th District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Ben J. Chase

vs.  
1. Albert Seddon

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

Offence Burglary

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated January 1 1892

Rely Magistrate

Lawrence Seft Officer.

27 Precinct.

Witnesses Lawrence Seft

the 27th Precinct Street.

Francis Gallagher

No. 338 E 109 Street.

No. \_\_\_\_\_ Street.

\$ 1.000 to answer A.S.



Chase Seft

0825

**PART I.**

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.  
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

*To see Judge et al*  
SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

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

To *Wm J. Chaney*  
of No. *107 N. 1<sup>st</sup> Ave* Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of **JANUARY**, 1892, at 10:30 o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

*Albert Suddow*  
Dated at the City of New York, the first Monday of **JANUARY**,  
in the year of our Lord 1892.

DE LANCEY NICOLL, *District Attorney.*

0826

N. Y. Jan 18/92

Honorable Rochester Sheriff  
Dear Sir

Your favor will please  
excuse me to beg to you for  
money for the unfortunate man  
Wilhelm Langenknecht, whom you  
will pass sentence on to day, he  
has been in my employ as waiter  
about 2 1/2 years, and always has  
been a faithful and good servant,  
the terrible act he has done, and for  
what he has to suffer now, was a  
fatal accident, because I am sure  
the man never thought of killing  
anybody, or please have mercy with  
him, he has already been in the tomb  
for the last 11 months

I am most respectfully  
Your servant, J. H. Krich  
31 E. 20 St

**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 Seddon*

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

*Albert Seddon*

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

The said *Albert Seddon*

late of the *12th* Ward of the City of New York, in the County of New York aforesaid, on the *thirty-first* day of *December* in the year of our Lord one thousand eight hundred and ninety-*one* in the *night* time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the *factory* of one

*George Chase*

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 *George Chase* in the said *factory* 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.

0828

SECOND COUNT—

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

*Albert Seddon*

of the CRIME OF *Petit* LARCENY

committed as follows:

The said *Albert Seddon*

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,

*eleven oil stones of the value  
of sixty-five cents each*

of the goods, chattels and personal property of one

*George Chase*

in the

*factory*

of the said

*George Chase*

there situate, then and there being found, in the *factory* —  
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.

*DeLancey Nicoll,  
District Attorney*

0829

**BOX:**

465

**FOLDER:**

4272

**DESCRIPTION:**

Selling, Joseph

**DATE:**

01/06/92



4272

0830

POOR QUALITY ORIGINAL

Witnesses:

*Deacons*  
Bail on motion  
of Defts Counsel,  
by consent of  
District Attorney  
allowed at \$7.500

Jan 8/92  
Bailed by  
Joseph Hornthal  
158 E. 63rd St  
City

Jan 2 - Dec. 23<sup>rd</sup> 1892  
Tried and acquitted.

*John B. Mc...*

Counsel

Filed

Pleas

THE PEOPLE

vs.

Joseph Selling

B

Murder in the 2<sup>nd</sup> Degree  
(Section 104, Penal Code)

COURT OF  
COUNTY OF NEW YORK  
LANCEY NICOLE  
District Attorney  
TRUE BILL  
March 24<sup>th</sup> 1892  
Entered to the COURT  
Central Deacons  
COUNTY OF NEW YORK  
Entered in the  
June 28<sup>th</sup> 1892

Ordered to the COURT Foreman  
Order and Termination  
of the COUNTY of NEW YORK  
for trial Entered in the Minutes

Dec. 2<sup>nd</sup> 1892  
see back of indictment

(over)

0831

POOR QUALITY ORIGINAL

Witnesses:

Bail on motion of Defts Counsel, by consent of District Attorney allowed at \$7,500

Jan 8/92  
Bailed by Joseph Hornthal  
158 E. 6th St

Jan 2 - Dec. 23<sup>rd</sup> 1892  
Bred and acquitted.

Counsel,

Filed

day of

1892

Pleas,

THE PEOPLE

vs.

Joseph Selling

vs. LANCEY NICOLI,

District Attorney.

A TRUE BILL.

Wm J. DeForest

Foreman.

Over and Termmer

Dec. 2<sup>nd</sup> 92

see back of indictment

(over)

13<sup>th</sup> ... for trial June 21/92  
The People vs. ...

Murder in the Second Degree.  
(Section 184 Penal Code.)

Central Avenue

June 28

0832

1

Coroner's office, New York County.

-----x  
In the matter of the inquisition )  
into the death ) Before:  
of ) M. J. B. Messemer, and  
J O H N J O S E P H W O G A N, ) a jury.  
-----x

New York, December 29, 1891.

10 A.M.

A P P E A R A N C E S.

Charles Steckler, Esq., appears for Joseph Selling,  
the prisoner.

-----oOo-----

THE CORONER; This is the case of John Joseph  
Wogan, who was twenty-four years of age at the time  
of his death, a native of New York City, who re-  
sided at the corner of Twenty-sixth Street and Third  
Avenue, in Brooklyn, and is said to have been the  
proprietor of the saloon in the basement southeast  
of Sixth Avenue and Twenty-third Street; on Christ-  
mas day of this year, about half past seven o'clock.

0833

2

in the morning, he was shot in front of 372 Sixth Avenue, by Joseph Selling.

-----oOo-----

S A M U E L K O L L E R, called as a witness by the Coroner, was duly sworn, and testified as follows:

By the Coroner:

- Q. Where do you reside? A. 137 East 12th Street.
- Q. What is your occupation? A. Farrier, by trade.
- Q. You were with Joseph Selling on the morning in question. A. Yes; sir.
- Q. You roomed with him in the same house? A. Yes; sir.
- Q. Will you tell the jury what took place on that day?
- A. About eight o'clock, Christmas evening, I went home and laid down in bed, and about ten o'clock, Mr. Selling came in, and he has always suffered with bronchitis, and he coughed a great deal, and got out of bed and sat on the lounge for a while; that Christmas night he came in and he laid on the bed, and at two o'clock in the morning he took a fit of coughing, and he asked me if I would go out with him, and I said, "Joe, what is the matter with you?" and he laid down on the lounge, and he all choked up, and got flushed in the face,

and I laid down again for an hour or so, and at four o'clock he said to me, "Will you do me the favor to go out in the fresh air?" and I went down with him; I dressed myself; it was about a quarter of five when we left the house; we walked up to Fourteenth Street and Fourth Avenue, and took a green car, and we rode up to Broadway and Thirty-first Street, and we crossed over through Thirty-first Street to Sixth Avenue, and we went in and got a glass of seltzer water; I drank a glass of beer, and we stopped a few minutes; from there we walked down Sixth Avenue, and when we passed Mr. Gould's place, we went in and sat down at a table and drank two beers; we sat at a table, and another young lady sat this side of him--

Q. Who was the young lady? A. That young lady there (indicating Ida Adams); I don't know the lady's name; she sat here, and Selling sat here, and ~~she~~ I sat here, and behind Selling was Mr. Cadwallader H. Millspaugh, he stood behind him and we were getting ready to go out, when a gentleman stood alongside of this gentleman (the prisoner), and he had a pocket full of newspapers, and Mr. Selling was laughing and joking, and out of a joke he took the newspapers out of the man's pocket and they fell on the floor; this gentleman back there (Millspaugh), reprimanded him for it, and said, "It is not right; you ought not to do it", and Selling says,

"I know the man, it was a joke, and I didn't take them out, I merely knocked them out of his pocket by mistake or accident, as a joke," and that stopped it. Mr. Selling asked him to have a drink, and he did not have a drink; he said it was early, he had to go home, so Mr. Gould passed through the place, and this gentleman (the prisoner) asked Mr. Gould to have a drink and he said he had no time, he had to make up the bills with the gentleman. This man that got shot came in and said, "Time is up, we have to blow out the lights"; Mr. Selling walked out first; I went this side, there was another lady down stairs, and I stood this way across the bar to light a cigarette, and Mr. Selling was at the door down stairs, at the stairs, there is two entrances; he was at the first entrance; Mr. Selling was standing here (indicating) and this Wogan came to him, and I don't know what he said, he said it was not right to do this and that in his place; Mr. Selling said, "I have not done anything wrong"; Wogan said, "You have; that is no kind of business to do in my place, and I won't have it"; he said, "Mr. Gould don't own this place", and he took hold of Selling and choked him with his hand.

By. Mr. Steckler:

Q. Wogan was choking Selling? A. Yes, sir; right at the foot of the stairs; he was choking him at the foot of the

stairs; Selling says, "Why don't you let me go, I haven't done anything." He says, "Yes, you have, you have tried to do monkey business in my place, and I won't stand it." He took him up three or four steps, and Mr. Gould came out and holloed up to this man Wogan, "John, why don't you let the man alone and come down?" While Selling was walking up, Wogan came down and came up the second way, and came around the other way, and while Selling was standing at the head of the Stairs, he grabbed him, and choked him, and while he was choking him or trying to wrestle with him Selling pulled out the gun and shot him. I was down stairs at the time; after he had shot him, Mr. Gould holloed, "Get away from there;" I don't know whether he holloed it to Selling or not, and an officer came across from Twenty-third Street and arrested Selling.

By the Coroner:

Q. Did Mr. Gould tell Selling to run? A. He told him, "Get away"; I don't know whether he holloed to him, or not.

Q. How long do you know Joseph Selling? A. Well, I know him about two years, off and on, we have been acquainted.

By Mr. Steckler:

Q. Now, Mr. Koller, this place is at the corner of Twenty third Street and Sixth Avenue. A. Yes, sir.

Q. There are two entrances leading into this saloon, are

there not. A. Yes, sir.

Q. On Sixth Avenue? A. Yes, sir.

Q. The entrance that Selling started to go up, and that Wogan dragged him up was the entrance nearest Twenty-third Street? A. Yes, sir.

Q. This stairs running up is divided by a platform between the first section of stairs and the second section? A. I don't know what divides it.

Q. There is something that divides the first section from the <sup>second</sup> section of the stairs? A. Yes, sir.

Q. When Wogan was dragging Selling up the stairs, he dragged him up to the platform which separates the first section from the second section of stairs. A. No, sir; he dragged him up the stairs.

Q. But only got him up half way. A. Yes, sir; half way.

Q. Then when Gould cried out to let go, he went back down stairs. A. Gould came up with his high hat on, and a book; he didn't know what it was, and he hollered up to this man up-stairs, and said, "John, come down and let the man go," and then Wogan came down stairs----

Q. And Wogan went down stairs then? A. Yes, sir.

Q. And then he went over to the other entrance nearest to Twenty-second Street, and went up there. A. Yes, sir.

Q. And then when he got up stairs, he seized Selling by

the throat from behind? A. Yes, sir; Selling was standing up, looking down the stairs.

Q. And Selling while going up stairs had his face towards the saloon? A. Yes, sir.

Q. Is it a fact that in the saloon the deceased Wogan seized hold of this man by the throat and dragged him out of the chair in the saloon? A. No.

Q. Where did he first seize hold of him? A. When the man was ready to go out of the saloon at the foot of the stairs, while he had one foot on the steps.

Q. He was in the act of going out of the saloon? A. Yes, sir.

Q. And this man seized hold of him by the throat and began choking him? A. Yes, sir.

Q. Did he commence to assault and beat him down stairs?

A. He commenced to choke him; I didn't see whether he beat him; he commenced to choke him.

Q. Did you notice whether Wogan was punching him as well?

A. I didn't see.

Q. He got him up, you say, to the landing of the first stairs? A. Yes, sir.

Q. Did you see Wogan when he was up on the stairs, put his hand in his pocket and take out something? A. No; I couldn't see it if he had done it; there was too many people in front

of me.

Q. When he got downstairs, when he went downstairs nearest the 23rd Street side and went up the other way, he immediately seized hold of this man by the throat and began to choke him? A. Yes, sir with one hand.

Q. And it was after that you heard the shot? A. Yes, sir, after that.

Q. Mr. Selling has been a sick man for some time? A. He laid there one night, I jumped out of the house and I was going for a physician--

Q. He was at one time an inmate of the New York Hospital

A. That is what he told me; I just came back from Europe, I am only here five weeks.

Q. What is the size of Wogan? A. He was about half a head taller than Selling.

Q. He was a man that weighed about two hundred pounds?

A. Somewheres about that.

Q. He was a bouncer at this place? A. I couldn't tell you that; he claimed that place was his; he said "This place is mine."

Q. You saw Mr. Gould at the place there? A. Yes, sir.

(The witness prepared a diagram of the premises which he explained to the jury.)

By a Juror:-

Q. Where did you stand when Wogan--after he had the prisoner on the upper flight of stairs, where did you stand?

A. Here is the commencement of the steps (indicating), I was standing about here (about four feet away.)

Q. On the stairs or in the saloon? A. In the saloon.

Q. When Wogan came down these stairs what became of the prisoner? A. After the man was shot?

Q. No, when he came back. A. This prisoner started to go up the stairs further.

Q. When Wogan came down into the saloon where did he go?

A. He turned this way, whether he turned up the second stairs and run up, I did not watch ~~him~~; but he could not have come up any other way than by the other entrance.

Q. Where did you see him the next time? A. On the stairs, choking the man at the top of the stairs.

By Mr. Steckler:-

Q. He could not go up any other way? A. No.

Q. He did not go up the same way? A. No.

By the Coroner:-

Q. Was he choking him in front of the first entrance?

A. In front of the first entrance.

By a Juror:

Q. How wide were those stairs which you were talking about? A. About from here to there (indicating about six feet).

Q. While you were standing down there you could notice from the top of the stairs down the stairs, you could see people? A. You could see plain.

Q. How long have you known the prisoner? A. Three or four years.

Q. Did you know he carried a pistol? A. No, sir; I never knew he carried a pistol; I understood he inherited a good deal of money, and that he was living--

-----oOo-----

HOWARD J. REYNOLDS, called as a witness by the coroner, was duly sworn and testified as follows:

By the Coroner:

Q. What is your occupation? A. Coach driver.

Q. You reside where? A. 408 Sixth Avenue.

Q. Were you present at the shooting on Christmas day?

A. I was coming down from putting my rig away, and I see a

little skirmish on the top of the stairs; I did not know what it was, I just happened to stop for about two minutes, and a gentleman came out and told the gentleman there "This is Christmas morning and you better go home; I want to go home to my Christmas dinner", and he started to go away, and this man called him back; when I saw him he came back again, all I seen, this gentleman who was shot turned around and walked down stairs.

Q. Did you see the shooting done? A. I did not know what was the shooting, or what it was, they said he was shot.

Q. You did not see the man that shot him? A. No, sir; ~~he~~ went around the corner--

Q. When did you get to this place, what time *in the day*

A. Seven o'clock in the morning.

Q. You went into the place? A. No, sir, never a step inside the door.

Q. How was your attention attracted? A. Just by the few words passing on the sidewalk.

Q. Between whom? A. Between the gentleman shot, Mr. Wogan, and he turned around and walked down stairs.

Q. After he was shot? A. Yes, sir; all I seen, this man that done the crime he started and went around the corner, that is all I saw.

By a Juror:

Q. Did this man have hold of him when you saw him first?

A. No, sir I did not see him have hold of him in any shape or form.

Q. When he came back where did he come from? A. From around in 23rd street; he started right around by that umbrella store, five or six feet from the station.

Q. Who was the man that told this prisoner to go away, it was Christmas morning? A. The gentleman that was shot.

Q. When did you see him again? A. Not until I saw him in the coffin.

Q. Who are you speaking of that came the second time?

A. I did not see any body, only this man that shot this man, was down stairs and he was called upstairs again; he started to go down and came back again, and after the shot was fired--he put it up close to him so nobody could see, and he walked downstairs and I walked down the street, and shortly after there was a cry that the man was shot.

Q. You say the man walked down stairs after he was shot?

A. Yes, sir.

Q. You saw him go down stairs? A. Yes, sir.

Q. They were close together when the pistol was fired?

A. He was right close to him.

Q. How did you come to be there? A. Going home from

work.

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

Q. And you staid there on the corner just as you went by with your coach to see all this. A. I did not have any coach then; I just saw the argument between them.

Q. When you saw that argument did you stay there and notice that, or walk home? A. I walked home; I walked down past.

Q. And while walking home you noticed all these things so closely, and you saw that while you were walking past?

A. Yes, sir--no, sir; I did not; I did not say that at all.

Q. How did you see this happen? A. As I told you before I came along and saw the trouble between two gentlemen, I took no notice, nothing more, it is none of my business.

Q. You saw the snooting with the pistol? A. No, sir, I did not; no, he had nothing in his hand; I saw him put his hand behind him--

Q. Did you hear any noise at the time? A. Only a skirmish between the two gentlemen.

Q. You did not hear any report of the pistol? A. No, sir.

By the Coroner:

0045

Q. Did you see this man there (the prisoner)? A. No, sir, I did not see this gentleman there at all.

By Mr. Steckler:

Q. Did you ever see him before in your life? A. No, sir.

Q. Were you sober that morning? A. I was not drunk.

Q. Were you sober? A. Yes, sir.

Q. Had you been drinking? A. No, sir.

Q. Nothing at all? A. No, sir.

Q. Your cab stands around Mr. Gould's? A. No, sir.

Q. Do you ever stand around there with your cab? A. No, sir.

Q. Do you know this gentleman, Mr. McVeigh? A. No, sir.

Q. Did you see him as connected with The Sun of this city? A. I never saw him, but I saw this gentleman here (indicating).

Q. Is your recollection good of everything that has occurred within the past few days? A. I guess it is.

Q. And you tell us you never saw this gentleman (Mr. McVeigh) before? A. Only in Jefferson Market; he never had any conversation with me.

Q. Did you ~~see~~ <sup>say to</sup> him on last Saturday that you saw

nothing, that you did not get in an appearance until after the report of the pistol? A. That is what I did.

Q. That is the truth? A. Yes, sir.

Q. And you did not see anything of this until after you heard the shot fired and turned around? A. That is all I know of it.

-----c0c-----

SAMUEL KOLLER, re-called by the Coroner testified as follows:

By the Coroner:

Q. Is this the man (indicating the prisoner) that did the shooting? A. Yes, sir.

-----c0c-----

JAMES COOKE, called as a witness by the Coroner was duly sworn and testified as follows:

By the Coroner:

Q. You reside where? A. 313 West 145th Street.

17.

Q. What is your occupation? A. Clerk and book-keeper.

Q. For whom? A. Mr. Moran the deceased.

Q. How long have you been in his employ?

A. Between eight and nine months; I don't exactly know.

Q. Were you present when this shooting occurred on Christmas morning? A. I was not present; I was behind the desk when it occurred.

Q. About what time was this? A. I could not tell you; I could not exactly tell you.

Q. Were you sober at the time? A. Yes, sir; I was just after getting out of bed.

Q. What time did you get out of bed? A. Five minutes after six in the morning.

Q. Did you notice this man Selling in the place at that time? A. No, sir I did not.

Q. Did you hear an argument there? A. No, sir.

Q. Or quarrel? A. No, sir.

Q. Do you know anything of this matter? A. No, sir, I do not; I heard the report of the pistol, and saw Mr. Moran drop in the chair after he came down stairs; that is all I know.

By a Juror:

Q. Where is the situation of your place? A. Right opposite the main entrance, the one nearest 23rd Street.

Q. Right opposite that entrance? A. Yes, sir.

Q. That is right opposite the entrance Mr. Moran walked down after he was shot? A. As I understand.

Q. Did you see Mr. Moran take the prisoner out?

A. No, sir.

Q. Did you see him come back any other time than after he was shot? A. No, sir; I did not see him come back; I saw him sitting in the chair.

Q. How long were you in the saloon before this occurred?

A. I got there about fifteen minutes of seven, or about daylight.

Q. When did this occur? A. I could not exactly say when it occurred.

Q. About what time were you there? A. About fifteen minutes of seven.

Q. About how long after you got there was he shot?

A. I could not tell the exact time; it might be twenty minutes or half an hour.

By Mr. Steckler:

Q. You don't know whether Mr. Moran went upstairs several times or not? A. I heard a man calling him up-

stairs.

Q. Do you know whether he went up several times or not?

A. I don't know whether several times, or once.

Q. You were attending to business? A. Yes, sir.

Q. Sitting behind the desk? A. Yes, sir.

Q. Did you see Mr. Koller in the place there?

A. No, sir; I don't remember seeing him.

Q. Did you see Mr. Selling in the place? A. No, sir.

Q. There are two entrances to this place? A. Yes, ~~is~~

sir.

Q. Both on Sixth Ave.? A. Yes, sir.

Q. What is the distance that separates these entrances from one another? A. I couldn't tell you; I never measured them.

Q. Describe it as near as you can; is it the width of this room? A. Yes, sir, about that; probably more or less; I could not exactly say.

I wish to state that it is my business when I go there to look after bills; at the time the shooting occurred I was doing so.

By a Juror:

Q. While down stairs you heard the report of the pistol?

A. Yes, sir.

0050

Q. Where were you down stairs? A. I was behind the desk.

Q. Is it possible that the report of the pistol upstairs going off, and you down stairs, you could hear the report of that pistol and not know anything about it? Could you hear it? A. Yes, sir; I certainly heard it, and it was a very muffled report, and it occurred to me it was a toy pistol.

Q. I want to know whether you could hear it, when you were down stairs, and you being away back at the desk, and him shooting the man upstairs at the top of the steps, is it possible to hear it? A. Yes, sir; I did hear it.

Q. After you heard that what was the result? Did Mr. Wogan run down stairs? A. I did not see him.

Q. Didn't you see anybody after you heard this report?

A. I did not see who was at the entrance, because there was a small refrigerator there--

Q. After hearing the report of a pistol, which would call your attention to it, you heard nobody say anything at all about it, and you sat there and attended to your business, and did not ask anything about it? A. A little while after the report of the pistol Mr. Wogan was sitting on the chair; I was counting the cash--

Q. He came down from upstairs? A. He must have.

- Q. You didn't see him come down? A. No, sir.
- Q. You paid no attention to the report of the pistol?
- A. No, sir; for the reason I have stated.
- Q. When you saw Mr. Wogan in the chair what did he say?
- A. I did not hear him say anything; I was too far away.
- Q. You heard the report of the pistol? A. Yes, sir.
- Q. And after a while you saw Mr. Wogan sitting down on stairs in the chair? A. Yes, sir.
- Q. And you did not go over there and watch the man or ask the man what was the trouble, or cause; is that what you did? A. That is certainly what I did.

By another Juror:

- Q. Did you hear Mr. Selling call Mr. Wogan upstairs?
- A. I heard a man called somebody upstairs.
- Q. Did you see Mr. Wogan go upstairs? A. No.

-----oO-----

J O S E P H O' G O H N O R, called as a witness by the  
Coroner, was duly sworn and testified as follows:

By the Coroner:

- Q. You reside where? A. 372 Sixth Ave.

Q. That is the place where the shooting occurred?

A. Yes, sir.

Q. What is your occupation? A. Variety performer.

Q. And you were assistant manager of this place?

A. Yes, sir.

Q. You were present when the shooting occurred on Christmas day? A. I was in Mr. Wogan's place at the time it occurred.

Q. What time was this? A. Around half past seven or fifteen minutes after.

Q. When did you get to the place? A. I was there probably at half past eight o'clock at night, the night before.

Q. And you remained there until morning? A. Yes, sir Christmas morning; I remained there all night.

Q. Did you see this man Selling there? A. I don't remember seeing him there.

Q. Did you see this man (Samuel Koller) there?

A. I don't remember seeing him.

Q. What do you know of this matter? A. All I know is, I was at the lower entrance of Mr. Wogan's place when I heard a pistol shot; there are two entrances; I was there reading a morning paper, and I heard a pistol shot, and I run

up the lower entrance, and I saw Mr. Gould at the other entrance, and this gentleman (Selling) run around 23rd street--

Q. Did you see a pistol in his hand? A. I saw a pistol in his hand when he was running and I saw him put it, as I thought, in his back pocket, but he put it in his overcoat pocket; I went after him to try to get him arrested, either to hold him for an officer or have him arrested; Mr. Gould was right after me.

Q. Did you get him arrested? A. I went and held him for a while, but I was afraid that I might get shot myself so I went about twenty yards away when Officer Hughes came across from the north side of 23rd street and arrested him.

(The district attorney appeared, by his representative Colonel Townsend, at this time, and stated, that he had only received word that this inquest was to be held at this time).

By Mr. Steckler:

You don't know anything about it until you heard the shot?

A. No, sir.

Q. You had not seen Selling before that? A. No, sir.

Q. The first you saw Selling was on the street when he was going away? A. Yes, sir.

Q. That was the very first? A. Yes, sir.

Q. You had not seen him before? A. No, sir.

Q. You are positive of that? A. Yes, sir; I am most positive, I will swear.

By a Juror:

Q. You say that the first time you noticed this Mr. Selling he was running around 23rd street? A. Yes, sir.

Q. How many were running after him? A. I think I was the first one, and I think Mr. Gould; I passed Mr. Gould; I went up to catch hold of him, and Mr. Gould was right behind me, and I took hold of him, and I noticed a revolver was in his coat pocket, but I know I am a bigger man than he is, and could take it away from him if it was in his back pocket, but I did not want to take any chances on a Christmas morning.

Q. When you caught him, did you take him by the arms?

A. I took him this way, around the body.

Q. You held him around the body? A. Yes, sir.

Q. While you were holding him was the other gentleman, Mr. Gould, present? A. He came up afterwards.

Q. You held him, did you not? A. I went away from him when I found he had the revolver in his coat pocket, and afterwards Officer Hughes came running down and arrested him.

Q. Did Mr. Gould have hold of him or call you at the time you caught up to him? A. He was about twenty yards

away, and he reached me when about the officer came.

Q. He did not make an attempt to strike you? A. Yes, sir; he did; but perhaps <sup>it was</sup> to frighten me; he said "Keep away from me, corners, or I will give it to you too."

Q. How many were running after him at the time?

A. Mr. Gould and myself was all I saw; that is all I noticed, on my oath.

Q. What did he say? A. I says "Officer, he shot <sup>a</sup> man", and Mr. Gould says, "Yes, sir, he has a pistol in his right hand."

By Mr. Steckler:

Q. He gave the pistol up and made no resistance?

A. Yes, sir.

By A Juror:

Q. You were there all the time? A. I attended to the waiters in the restaurant.

Q. How long have you been there? A. I have been there eight or nine days.

Q. What do you do there? A. I am assistant manager there.

Q. Were you upstairs or down stairs when you heard this pistol? A. I was down stairs, and run upstairs two steps at a time, up the lower entrance.

By another Juror:

Q. You said the prisoner said "Keep away from me, Connors"? A. He said that, Yes sir, "or I will give it to you too."

Q. You never saw him before? A. I saw him often before, but <sup>not</sup> that morning.

Q. Where have you frequently met him? A. I have seen him up and down, some times in saloons and restaurants; I never knew his name, but I knew his face.

Q. In what saloons or restaurants have you seen him?

A. I could not say, but he knows I met him myself.

By Mr. Steckler:

Q. You have no acquaintance with him? A. No.

Q. You never spoke to him in your life? A. Oh yes,

I think I have-

By a Juror:

Q. What was your occupation before that?

A. I entertained clubs, and give private parties and entertainments.

THOMAS E. GOULD, called as a witness by the Coroner, was duly sworn and testified as follows:

By the Coroner:

Q. What is your full name? A. Thomas Edmund Gould.

Q. And where do you reside? A. 318 West 32nd St.

Q. What is your occupation? A. At present nothing.

Q. What has it been? A. General manager and overseer of Mr. Wogan's business, at 372 Sixth Avenue, corner of 23rd St. and Sixth Avenue, New York City.

Q. Were you present there when the shooting took place on Christmas day? A. Yes, sir.

Q. At what hour? A. Twenty minutes past seven.

Q. Please tell the jury what you know of it.

A. It is my custom about seven o'clock in the morning to take an entry in a book, of all the chops, steaks, chops, birds and so forth sold, and they are all entered in a book, and in the morning I have to look over the ice-box to see if there was a balance to correspond; that is what I was doing; I was in the toilet and I came out and I heard Mr. Wogan speak to somebody upstairs; I called to him and he came down stairs and I went to the ice-box to take the amount of the birds and so forth, and this man here, Joe, called me out by my name and

says, "Tom, send John up here"; I saw no angry words; if there had been the people would call my attention to it; I paid no attention to what he called; Mr. Wogan was then at the further end of the counter, about twenty-five feet from the entrance getting his over-coat, hat and cane and a small box, which was a present to take home. I left that ice-box to go towards the kitchen, and I heard somebody talking on the stairway, and I heard somebody talking, and I looked up, and as I looked up he shot him in the belly.

Q. Is that the man (the prisoner) that shot him?

A. That is the man that shot him, and I chased him up 23rd Street, and Denvers caught hold of him and an officer came and I said "That man has a revolver, arrest him"; I came back and saw Wogan, and I said, "What were you doing, were you doing anything to him?" He said "No; he was a friend of mine."

By a Juror:

Q Did you hear any quarrel whatever? A. No, sir.

Q. Did you see any newspaper drop on the floor?

A. I did not; this place is 103 feet long, 55 feet wide, and 44 people are employed in the place; it is a restaurant, cafe, &c.

Q. You say you don't own that place? A. I do not, sir.

- Q. You simply work there? A. I receive a salary there; I went there with Mr. Wogan as manager.
- Q. How much salary do you receive? A. \$50 a week.
- Q. You never owned that place before? A. Never in my life.
- Q. It belonged to Mr. Wogan? A. It is on record.
- Q. You didn't see this gentleman (the prisoner) there at all that evening? A. Yes, sir.
- Q. You heard no angry words <sup>between</sup> them there? A. No, sir.
- Q. After the shooting then you ran after this man, in 23rd Street? A. Yes, sir.
- Q. Suppose you had caught him, what would you have done with him? A. Handed him over to an officer.
- Q. But unfortunately you did not catch him?
- A. No, sir.
- Q. Didn't you make any remark to the officer that if you had caught him you would have done something? A. No, sir; I ran back as hard as I could to see how much hurt he was.
- Q. You would simply if you would have caught him, have--
- A. I would have handed him over to an officer as any other respectable citizen should do.
- Q. I understand that you could not run fast enough, and that gentleman that caught him, did he tell him--

A. Mr. Connors got ahead of me running; my feet were tender; my foot was sore, and he run and caught him around the waist, and pinioned his elbows before the officer got there; I did not hear this man say that, but Connors jumped back as the officer came across, and by that time I says "Officer, he has a revolver; he just shot a man."

Q. You did not see this gentleman that was last on the stand (O'Connor) held him?

A. No, he could not hold him; it seems Connors was afraid, as he told me after he came back "He told me he would give it to me too".

Q. And by holding his arms that way Connors was afraid to let him go, is that what you mean? A. He sprung away from Connors, and I got there as the officer got there--

Q. He made no attempt to shoot either one of you?

A. He didn't make any attempt to shoot me, because Connors was there eight or ten seconds before I got there.

Q. He didn't show himself vicious? A. No, sir.

By Mr. Steckler:

Q. You just said, Mr. Gould, in answer to the question of the Juror that if you went up there and caught this man you would hand him over to an officer as any other respectable citizen would do; do you consider yourself a respectable

citizen? A. I do, sir; there is nothing to incriminate me.

Q. This place is known as "Tom Gould's" is it not?

A. I don't know sir.

Q. It has that reputation? A. Yes, sir; but you might say the Hoffman House was Tom Gould's too.

Q. But it is not? A. No, sir.

Q. This place is known as a dive, is it not?

A. No, sir.

Q. Have you ever been charged with keeping a dive?

A. No, sir; I say yes, sir, often.

Q. Have you ever been arrested for keeping a dive?

A. Yes, sir, as the reputed proprietor.

Q. You were not the proprietor of that place?

A. No, sir.

Q. But the Court, when you were arrested, differed with you and convicted you? A. No, sir.

Q. You have never been convicted? A. No, sir.

Q. Have you ever been in State's prison for keeping a dive? A. No, sir.

Q. Have you ever been in Ludlow Street jail for keeping a dive? A. No, sir.

Objected to by Mr. Townsend as  
irrelevant.

Mr. Gould: I defy anybody to say I was arrested for keeping a dive.

Q. What time of the night did you get there?

A. About half past seven to eight o'clock.

Q. And were there all night? A. Very near all night; I would go out and stay out until 11 or 12 o'clock.

Q. But you staid there from that time? A. Till the time of the shooting, yes, sir.

Q. You were attending to your business there all the while? A. Yes, sir.

Q. Did you see Selling there in the place? A. Yes, sir; I know him ten years.

Q. Did you see Mr. Keller there? A. Not to my knowledge.

Q. That is positive? A. Yes, sir.

Q. Did you see any papers fall on the floor?

A. I did not.

Q. Who is the bouncer of that place? A. Nobody sir.

Q. There is no bouncer? A. No, sir; there is no bouncer; they don't require them there.

Q. What is Millsbaugh's business there? A. General over-seeer, and manager of the floor; it requires a general

managers to look after them.

Q. Did you have any one to act as an officer?

A. No, sir.

Q. Did you have any one there in case of a row to put out people? A. No, sir; we throw a rascal out if there was one.

Q. How many rascals a week do you throw out? A. None.

Q. You saw no disturbance in the place that night?

A. Not heard of any.

Q. And if there had been any row you would have seen it?

A. Yes, sir.

Q. You were around all the while? A. Yes, sir.

Q. Did you call to Hogan and ~~Kilswater~~ Millsbaugh to let this man go? A. No, sir; I did not.

Q. Did you see the defendant Selling leave the place that night? A. No, sir; I did not.

Q. You saw him on the sidewalk? A. He called down to me "Tell John I want to see him."

Q. How long before that had you seen him in the place?

A. Perhaps a lapse of eight or ten minutes; in that neighborhood, I should judge; it might have been fifteen minutes; there was no disturbance there.

Q. Did you see him go away? A. Not till he run away.

Q. I am speaking of the time he left the place.

A. He was in the place--

Q. You staid on the place all the while? A. I did not leave the place.

Q. Did you see him leave the store? A. I did not, sir.

Q. Then the first you saw of him after you saw him in the place was about fifteen minutes afterwards on the top of the stairs? A. It must have been that long.

Q. Before that time you don't know how much he was down stairs or up stairs? A. I do not.

Q. Wogan was down in the saloon all this time?

A. It is a large place; I think he was there at the time Selling was there.

Q. When you last saw Selling in the place Wogan was in the place? A. He was.

Q. When you next saw him on the head of the stairs Wogan was also in the place? A. On the stairs.

Q. On the stairs? A. Yes, sir.

Q. Was he talking to him at the time? A. Selling was talking to Wogan at the time.

Q. At the head of the stairs on the sidewalk?

A. Yes, sir.

Q. Was that the time the shooting occurred?

A. Yes, sir; it all lapsed quicker than that. (indicating by snapping the finger and thumb).

Q. Had Wogan been up the stairs before that?

A. Not to my knowledge; before that I was in the toilet and came out there, and there is three desks on the floor--

Q. Had Wogan been up the stairs before that?

A. Not before that.

Q. You had been to the toilet room? A. Yes, sir.

Q. And when you came out of the toilet room you saw Wogan and Selling on the top of the stairs on the sidewalk.

A. I saw both of them on the sidewalk.

Q. That was the first time that you had seen Wogan on the stairs or on the street from the time you saw him in the place, was it not? A. Do you wish to know whether I saw him on the stairs or on the street?

Q. I want to know if that was the first time you saw Wogan on the street talking to Selling between the first time you saw Selling in the saloon and the time you saw him on the sidewalk. A. First? Yes.

Q. You hadn't seen either one of them together, talking together? A. No, sir.

Q. In the saloon? A. No, sir

Q. All the time Selling was in the place he hadn't said a word to Wogan or Wogan to him? A. No, sir.

Q. The first that you had seen of the two men together was when they were both standing together on the sidewalk at the head of the stairs? A. Yes, sir.

Q. There can be no mistake about that? A. No, sir.

Q. And when you saw them at the head of the stairs that was the time that you came out of the toilet room?

A. No, sir.

Q. Where were you? A. I came from the toilet, I took a book from the desk to go to the ice-box, and Joe called out and said "Tell John I want to see him", as near as I can recollect. I paid no attention to it, and I turned around again and I heard a conversation but did not distinctly hear the remarks, and I turned around and this man (Selling) placed a pistol to his (Wogan's) stomach and fired it off; I chased him--

Q. Where were you at that time? A. About ten feet from the foot of the stairs.

Q. When he cried down you paid no attention?

A. No, sir I didn't see him.

Q. The first you saw of Selling and Wogan was when they

were up on the stairs? A. The first I saw of them I saw them in the place, but not together.

Q. How long after Selling cried down to you to tell John to go upstairs, how soon after that was this shooting?

A. That I couldn't say; I paid no attention between the time he asked me to call him and the time he shot.

Q. Where was Wogan at that time? A. I don't know; I didn't see him, my back was turned to the street; there is a large ice-box there--

Q. Did you see Wogan at that time when Selling cried down to tell him to come up? A. Yes, sir; he was standing at the counter in the saloon.

Q. When was the next time you saw him, how long after that time when this Selling cried down to you? A. I didn't make any note.

Q. Ten minutes? A. I couldn't tell.

Q. Fifteen minutes? A. I couldn't tell.

Q. When he cried down to you to tell Wogan to come upstairs--

A. The first time or second time?

Q. How many times did he cry? A. Twice; he called down and said "Tell John to come up", and I turned around and said "Merry Christmas; every body has gone home".

0058

38

Q. To whom?      A. This man here (the prisoner).

Q. You didn't tell us that before.      A. Didn't I?

Q. Didn't you say that you paid no attention to his remark but went on with the business?      A. I don't believe I did; I didn't pay any attention to the remark so far as I heard it.

Q. If you made that remark you don't remember it? If you made it a few minutes ago you don't remember it?

A. No, sir; I only waved my hand and said "Merry Christmas".

Q. Did you say that before?      A. I don't know whether I did or not.

Q. Is your recollection good?      A. Pretty good.

Q. Do you recollect everything that occurred Christmas morning?      A. Pretty near.

Q. Your recollection of things that occurred a long time ago is better than of things that occurred a short time ago; is that right?      A. No, sir.

Q. Then why don't you remember whether you said it or not?      A. I do remember it distinctly.

Q. That you said it?      A. I did say it I think, if I am not mistaken.

Q. You say he cried down the second time?      A. He

called twice.

Q. Whom did he address the second time?

A. Me.

Q. He addressed you again? A. Yes, sir.

Q. Did you pay any attention to that the second time?

A. I did not; in this manner--

Q. Did you pay any attention by addressing any answer, yes or no? A. I did not on the second time.

Q. When you heard that remark the second time where was Wogan? A. I don't know where he was.

Q. Did you <sup>say</sup> anything to him? A. No, sir.

Q. Did you see him go up? A. No, sir.

Q. Did you think it strange that Sellings would call down to you for Wogan to go up? A. No; because they were well acquainted.

Q. You didn't think it was strange? A. No, sir; there was no difficulty in the place.

Q. You had seen Sellings down at the place, he had every opportunity to talk with him if he wanted to?

A. I guess he could.

Q. Didn't you think it was strange that he should call for Wogan when he was down stairs just before? and had an opportunity to talk with him there? A. No, sir I did not.

Q. It was nothing unusual? A. It is nothing unusual for men to stand at the head of the stairs and say "Good-night or good morning".

Q. But he did not do that? A. No, sir.

Q. Is that an unusual occurrence? A. No, sir it is not.

Q. Did you think it was polite when he called down twice not to pay any attention to his remark?

A. I was too busy.

Q. If you had not been busy you would have told Mr. Wogan to go upstairs? A. I don't know; I guess I would.

Q. Were you an employee of Mr. Wogan's? A. Yes, sir

Q. It was your duty to attend to your employer's business? A. Yes, sir.

Q. Why then didn't you notify Mr. Wogan when Mr. Selling said he wanted to see him? A. I didn't pay any attention to Mr. Selling.

Q. You did not say a word to Wogan, and did not see him at that time? A. The time he called down first?

Q. Or the second time? A. Mr. Wogan was standing at the counter.

Q. How long had Wogan been upstairs do you know?

A. That I couldn't tell.

Q. There had not been any row down stairs?

A. Not to my knowledge.

Q. If there was--

A. (Interrupting) I would have seen it.

Q. You did not see Wogan go upstairs? A. No, sir;

he could have gone upstairs without my seeing him.

Q. You made an affidavit before Judge Wogan, at Jefferson Market Police Court? A. Yes, sir.

Q. Did you make this statement? "The deceased, John J. Wogan, the proprietor of said place, was standing in said premises, and when the defendant had repeatedly remarked 'Tell John I want to see him', a second time, the said John J. Wogan went out of said premises and walked up the basement of said premises;" did you say that before the magistrate?

A. I did not.

Q. You signed your name to the statement? A. Yes, sir.

Q. That is the statement (exhibiting paper) A. That is the statement.

Q. Did you make that statement? A. He must have walked up the basement stairs to get up.

Q. Did you see him walk up? A. No, sir; I did not.

- Q. Where were you in the saloon when you heard the shooting?  
A. At the foot of the stairs.
- Q. What attracted your attention to that?  
A. I was making a statement from the ice-box.
- Q. Were you taking stock at that time?  
A. Yes, sir.
- Q. At the time you heard the shooting?  
A. Yes, sir.
- Q. Had you a book in your hand?  
A. I did, sir.
- Q. Did you have a lead pencil or pen?  
A. Lead pencil.
- Q. This ice-box is where?  
A. Right in front of the entrance; there are two ice-boxes--
- Q. In front of the entrance?  
A. Yes, sir; inside of the saloon.
- Q. There are doors there?  
A. Yes, sir; fourteen or fifteen feet wide.
- Q. Both open?  
A. Yes, sir.
- Q. But this ice-box was in the saloon?  
A. Yes, sir; about eight feet from the lower step.
- Q. And at the time you heard this shooting you were ~~standing~~ standing at the ice-box with your book and pencil taking an entry?  
A. No, sir; I turned and saw the shooting.
- Q. Why did you turn?  
A. I heard a conversation at the top of the stairs; I heard somebody talking there.
- Q. Was that unusual?  
A. No, sir.

Q. You turned--were you attending to your duties there that you neglected them to listen to what people say?

A. No, sir; I turned around to see who they were.

Q. There was nothing unfriendly about this conversation?

A. No, sir.

Q. How many steps are there from the ground floor to the top? A. I think there is twelve; first there are seven or eight, and a small platform, and three after that.

Q. That makes about ten? A. Including the platform there were eleven.

Q. Your ice-box was about eight feet away from the entrance? A. Before coming to the platform.

Q. It is about thirteen feet from the head of the stairs to the ice-box? A. I don't think it is.

Q. About ten or twelve feet? A. No.

Q. Whatever the distance is? A. I don't know what the distance is.

Q. And you were standing at the ice-box at the time?

A. Yes, sir.

Q. This was a very friendly talk according to your view upstairs? A. I did not hear distinctly what was said.

Q. There was nothing loud spoken? A. No.

Q. It was an ordinary conversation? A. Not as I

know of.

Q. Was it louder than ordinary conversation? Was it louder than what we are talking now? A. I can hear what you say, but I could not hear what they were saying.

Q. It was not so loud to your ears as we are talking now? A. No, sir.

Q. You could not understand a word that was said between them? A. I could not, sir; I overheard them talking.

Q. You heard people talking, and did not know what they were saying? A. Yes, sir.

Q. It was not a quarrel? A. Not at all.

Q. Were there any people in your place at that time?

A. I think there were; not in my place, Mr. Wogan's place; there must have been.

Q. About how many men about that time, as near as you can recollect, were there, twenty-five? A. No, sir, about nine people all together; the majority were attaches of the place.

Q. The number of people, what distance were they, the nearest to you in the saloon? A. I didn't pay any attention; I couldn't tell you.

Q. Did you hear anybody talking in the saloon?

A. I might have heard somebody talking around me; I did not pay any particular attention, they might have been talking there.

Q. How, if you paid no attention to the people in the saloon, and did not hear anybody in the saloon talking, how is it you heard Selling and Hogan upstairs talking?

A. Every morning I go to the ice-box, I generally look up the stairway, and sometimes people call me up the stairs and say "Tom I want to see you", and this icebox is about two and a half feet from the step; they were talking there and their voices were loud enough to have attracted my attention.

Q. Didn't you say a few moments ago that you couldn't hear what they said, that they were not speaking as loud as we are now? A. I couldn't hear the remarks.

Q. Couldn't you hear the people in the saloon talking?

A. I could if I paid attention to it; the <sup>bar</sup> ~~bar~~ is fifteen feet away from the entrance.

Q. Did half the people have to stand at the bar to talk?

A. There was few people in the place.

Q. How do you know there wasn't anybody in the saloon talking? A. Because the place was closed down; it was dark.

Q. Is it not a fact that around that neighborhood drunker people walk through the streets and make a noise?

A. I don't look after that; I do not hear them.

Q. You don't look after men that stop to talk at your stairs?

A. Hogan's voice was familiar to me and I turned around and looked and saw it was this man (indicating the prisoner).

Q. Every time you hear his voice you turn around?

A. No, sir.

Q. Was there anything in the world to attract your attention to the top of the stairs that morning?

A. Yes, sir; the two men talking together.

Q. On every occasion that two men are talking together do you look around and up the stairs?

A. If I am near the entrance.

Q. Every time you hear two men talking you look up?

A. If I'm near the entrance I look up.

Q. There was nothing about this to attract your attention, no row, no disturbance of any kind?

A. No, sir.

Q. You were very anxious to attend to your business, and very anxious to get through with your work; it was late?

A. Yes, sir.

Q. And you were attending to your work at the ice-box?

A. Yes, sir.

Q. And when you heard two men talking on the street and could not hear what they said you left your work--

A. No, sir; I could see from the ice-box in the saloon; it was near the entrance.

Q. Did you attend to your work at the time at the ice-box? A. I looked up, and in a minute the shot was fired.

Q. Had you seen them a second before? A. I might have seen them half a second before.

Q. And as soon as you got your eye on them you heard the shot? A. Yes, sir.

Q. And heard the explosion of the pistol? A. Yes, sir.

Q. That was the very second you looked up?

A. Just as the pistol was drawn I turned around.

Q. Had you seen anything before that? A. No; I did not see anything before that.

Q. All you knew about this is that when you looked up the pistol was flashed? A. Yes, sir; as near as I can recollect.

Q. Do you know whether before that Wogan had this man by the throat? A. I did not see it.

Q. You could not see it? A. If he had him by the throat on the sidewalk I could have seen it.

Q. How? A. They were both standing in this manner, this man (the prisoner) stood with his back towards 23rd St. and Wogan stood with his face towards 23rd St., and my attention was attracted with the words, and as I turned around and locked up the pistol was fired.

Q. How long did that take? A. I couldn't tell.

Q. Do you mean to tell me you could notice all this in a half second, the position of the men, how Selling stood, and how Wogan stood, in that half second? A. It might have been more than a second.

Q. You said a moment ago that you locked up and when you locked you saw the shot fired? A. Yes, sir.

Q. Before that you were attending to the work at the ice -box; how could you see that? A. Why couldn't I see it?

Q. Did you look? A. When I heard them talking.

Q. Then you did look before you heard the shot?

A. No; the time I locked the shot was fired.

Q. You heard them talking upstairs? A. Yes, sir.

Q. And when you heard them talking did you lock up?

A. Yes, sir; you know what the sound is calling down the basement.

Q. Before the shot was fired you heard them talking?

A. I did sir.

Q. And then you locked up? A. Yes, sir, and he was in the act of firing the pistol.

Q. Had you heard any talk before that? A. Yes, sir; and I turned and looked up and I saw this body (the prisoner) with his gun up against his (Wogan's) body.

Q. What do you mean by gun, is that your word for pistol? A. No, sir; we have a good many words for pistol.

Q. Where, in saloons where you go? A. Around saloons where you go.

Objected to by Mr. Townsend.

Q. Did you see Miss Adams in the place there that night? A. I did not.

Q. Was she there? A. I don't know, sir.

Q. Did you see Mr. Koller in the place there?

A. Not to my knowledge.

Q. Did you see Selling sitting at a table there?

A. I did, sir.

Q. Was he with anyone? A. I never saw that gentleman (Koller) before.

Q. Did you see Selling sitting with anyone?

A. I forget his name, a tall fellow that run away, Colton or Colman, I don't know his name.

Q. Is he here? A. Not to my knowledge.

Q. Who else was with him? A. I didn't see.

Q. If this man (Koller) was with him you would have known it? A. I may have.

Q. If he was at the table with this man you would have known it? A. He may have been there, but I have no recollection of seeing him.

Q. If he was at that table you would know it?

A. I might not.

Q. If Miss Adams was there you would know it?

A. Certainly; I have seen her there very often.

Q. If she had been sitting there at that time at the table you would have known it? A. The table is so many feet away--

Q. I ask you again if Miss Adams was sitting at this table would you have known it--at the same time you saw Selling? A. I might have known it; I did not recognize her; she may have been there.

By a Juror:-

Q. You were very friendly with Mr. Hogan? A. He was my first cousin.

Q. You have known him a long while? A. From infancy.

Q. You have also known the prisoner? A. Yes, sir.

Q. Before that have they had any cause for quarrelling that you know of? A. Not that I know of; I guess this man (the prisoner) had not been in the place for two years; he used to frequent the place at thirtieth <sup>street</sup> and sixth avenue, the Sans Souci.

Q. You had no idea what caused it? A. No, sir.

Q. There was no reason for it at all that you know of?

A. No, sir; it happened in the moment.

By another Juror:-

Q. You say that you heard words between the prisoner and the man that was killed, Hogan, you say you heard words as you were standing down stairs, at the bottom of the stairs, with your back turned? A. Yes, sir; I heard a mumbling talk.

Q. While you heard that what was you doing?

A. I was in the act of getting through with the entry of some birds and quail; I just got through finishing the entry.

Q. Then you still attended to your business around the place? A. No, sir; I heard the sound of words, and I locked up, and as I locked up this man (the prisoner) fired.

Q. You stood with your back to the stairs, and then you went to a desk-- A. No, sir I never left--

0002

51

Q. Didn't you go to the ice-box as you said before?

A. I make the entry on the ice-box.

Q. Is there a desk at the stairs? A. No, sir.

Q. How did you make the entry? A. On the hook in my hand, and I heard a mumbling of words, and I looked up, and I saw this man (the prisoner) shoot him.

Q. Where did Wogan go? A. He went down stairs and sat in the chair; I did not see him, I was on the top before he got down.

Q. You heard words, and right after you heard those words you looked around, and the moment you looked around you heard that pistol shot and went upstairs? A. Anybody can see from the entrance.

Q. How close were they standing together at the time?

A. As close as you are to the gentleman there (the next Juror).

Q. He held it in front of him when he fired?

A. He either fired it through the pocket or out of the pocket; I dropped the hook and went upstairs and Wogan walked down stairs and sat in the chair, as they told me, and I ran around the corner, and Mr. Cornors came after me and ran faster than I can, and got ahead of me and got hold of him, I don't know how many feet away from the elevated station it

was.

By Mr. Townsend:-

Q. I want to know if you can call the names of those who were in the saloon <sup>at</sup> that time other than the names you have given us? A. No, sir.

Q. How many names have you given? A. Mr. Millspaugh was one, Mr. Cooke another; that is all I can give the names of in the saloon; yes, I think there was a gentleman named Browning or Brown.

Q. Do you know where he lives? A. No, sir.

Q. Do you know where the others live? A. Yes, sir; they are employed in the place.

Q. Prior to the shooting, how long was it before that you had seen Wogan? A. I had seen him all the evening.

Q. When had you <sup>seen him prior to the</sup> last shooting? A. It might have been ten minutes or five minutes past seven o'clock when I retired to the gent's toilet.

Q. Where was he when you saw him? A. Standing against the bar in the saloon.

Q. About how long had he been in the saloon?

A. From seven o'clock in the evening till seven in the morning.

Q. A ll the while? A. Yes, sir.

Q. And you had been there all the time?

A. I went out about half past ten to attend to some business.

Q. Prior to the shooting how long was it that you saw the defendant? A. About five minutes.

Q. Where was that? A. Sitting at a table in the saloon.

Q. How long had he been in the saloon? A. That I don't know, sir; that was the first time I saw him.

Q. Then you didn't see him before that night?

A. No, sir.

Q. Did you hear, while these men were in the saloon, any conversation between them? A. I did not.

Q. Upon the report of the pistol do I understand you right that you went up <sup>to</sup> the top of the stairs?

A. I heard it from the bottom of the stairs.

Q. Upon hearing it did you go upstairs?

A. I ran upstairs; Wogan had his back to 22nd Street; he staggered against the rail and he went down the stairs; I, as I told you, started at once and got around in 23rd St., with Connors--

Q. I thought I understood you to say you had taken Wogan down stairs? A. No, sir.

0005

55

- Q. You did not stop to look at Moran? A. No, sir.
- Q. But pursued this man (the prisoner)? A. Yes, sir.
- Q. He never got out of sight of you? A. No, sir.
- Q. Was he running or walking? A. Running.
- Q. Fast? A. Faster than I was.
- Q. You caught him where? A. Connors and the officer caught him just as I got there; I said "Officer take that pistol; he shot a man."
- Q. What did you say to him or he to you? A. Not a word.
- Q. You are positive of that? A. Yes, sir; then I came running back to the place to see how bad Moran was hurt; he was laying on the floor where the parties there had put a coat under his head; I said "What did he do that for?" he said "I don't know."
- Q. Before you heard the report did you see the pistol in the hands of the defendant? A. I heard the report and saw the pistol at the same time.
- Q. You couldn't say you heard the report a moment before you saw the pistol? A. No, sir.
- Q. You are positive you did see the pistol in this man's hands? A. Yes, sir I saw the officer take it away from him.

Q. And you heard the report? A. Yes, sir.

By Mr. Steckler:-

Q. Wogan went down stairs by himself, and when you got back he was lying on the floor? A. Yes, sir.

Q. Who was around <sup>him</sup> at that time? A. I couldn't tell you, I was very excited; Mr. Millsbaugh was there; he didn't think he was hurt, and I think one of the day waiters was there.

Q. Where was Millsbaugh at the time of the shooting?

A. I couldn't tell you.

Q. What are his duties there? A. To see that the waiters attend to their duties proper, and if not to discharge them.

Q. After the shooting you say Millsbaugh was standing by Wogan? A. He was kneeling down.

Q. That was in the place? A. Yes, sir.

By a Juror:-

Q. How long have you known the prisoner? A. About eight years.

Q. What have you known of him? A. The only thing I know of him is by hearsay, that he is a gambler; I don't know anything about that. (Objected to.)

Q. Where have you been in the habit of seeing him?

A. He used to come in the Sans Souci, a place in 31 St.

CADWALLADER<sup>V</sup>HART WILLS PAUGH,  
called as a witness by the Coroner was duly sworn and testified  
as follows:

By the Coroner:-

Q. You reside where? A. 301 West 21st Street.

Q. What is your occupation? A. Manager for Mr.

Wogan's place, the deceased.

Q. How long have you been manager there? A. A year  
and two or three months, probably a year and a half.

Q. How many managers has this place got?

A. That I don't know.

Q. What salary do you get? A. I don't know as that--

Q. I want to know; what salary do you get?

A. Twenty five dollars a week.

Q. Were you there the day of the shooting, Christmas  
day? A. Yes, sir.

Q. At what hour did it take place? A. Anywhere from  
seven to half past seven.

Q. When did you get there that night?

A. Half past seven or eight o'clock.

Q. And you were there through the whole night?

A. Yes, sir.

Q. What are your duties there? A. To look after the  
waiters and see that they wait on people properly, and look

after then.

Q. You are not what is called a bouncer? A. No, sir.

Q. Tell the Jury what you know of the matter.

A. I don't know anything about it at all, only that I was in the toilet at the time I heard the shot, and as I came out Mr. Wogan came down stairs and sat down on a chair, and beckoned to me, and I went over, and as I went over he fell off the chair, and I stooped down alongside of him, and somebody put a coat--I don't know whether I took my coat off or not--

Q. Did you see the shooting? A. I did not.

Q. Did you see Wogan choke this man the prisoner?

A. I did not.

Q. Did you see this man the prisoner take a newspaper from another man's pocket? A. Yes, sir.

Q. What time was that? A. About seven o'clock, I guess.

Q. Who was this other man? A. I don't know.

Q. He took it out of what pocket? A. The over-coat pocket; some papers I don't know what they were.

Q. After that you went over and reconstituted with him?

A. I went over and said that was not a nice thing to do.

Q. Is this the man who knocked the papers out (the prisoner.) A. Yes, sir.

Q. After that did you strike this man? A. No, sir.

Q. You said it was not the proper thing to do?

A. Yes, sir; he apologized to me and said to me, "I was only joking;" after that I went into the toilet.

Q. You don't know what occurred after that?

A. I don't know.

By Mr. Steckler:-

Q. You are manager there? A. Yes, sir.

Q. And Mr. Gould is also a manager? A. Yes, sir.

Q. Who else? A. I don't know.

Q. O'Gorman? A. I believe in some way.

Q. Wogan was his boss? A. Yes, sir.

Q. Do you know any other managers there? A. Not that I know of.

Q. You did know something of these papers that were thrown out of this man's pocket? A. I just happened to be passing by.

Q. Do you have to report to anyone what you notice?

A. Not particular.

Q. Is there any particular way there in case of a row occurring specially detailed to the work as a bouncer?

A. No, sir.

Q. Have you ever been known as a bouncer? A. Only what the papers say.

Q. Has Wogan? A. Only what we read in the papers.

Q. Is there any truth in what the papers say about that?

A. No, sir; not on my part.

Q. Is there on the part of Wogan? A. No, sir; not that I know of; I never knew it.

Q. You reconstituted with Selling about it?

A. I said it was not a nice thing to do.

Q. Did you tell Wogan about it? A. I did not.

Q. Did you seize this man (the prisoner)?

A. No, sir.

Q. Did you put your hand on him? A. In no way.

Q. Did Wogan touch him? A. I did not see him at all; I don't know whether he did or not.

Q. You saw Koller there? A. I think I did.

Q. You saw Mrs. Adams there? A. I think she was; I am not positive about it.

Q. You saw Mr. Jenkins there? A. I just went in to speak to the gentleman about pulling these papers out of the man's pocket; that is all I know.

By Mr. Townsend:-

Q. You have been employed there how long? A. I

should think a little over a year.

Q. What time did you go on the night before?

A. About half past seven.

Q. Were you there from that time until the shooting?

A. Yes sir.

Q. And do you recollect whether Wogan was there during the whole night? A. I know that he was.

Q. You had no occasion to leave the saloon through the night? A. No, sir.

Q. You saw Wogan there? A. Yes, sir.

Q. What was the gentleman employed at? A. Walking around.

Q. Do you know the defendant? A. I do not.

Q. When did you first see him? A. That morning.

Q. Can you fix the time? A. I should <sup>say</sup> anywhere about seven o'clock.

Q. Where? A. Sitting at the table.

Q. In this saloon? A. Yes, sir.

Q. Do you recollect the names of any who were sitting there with him? A. I don't know the names of any one there.

Q. Were there some people there with him? A. Two or three gentleman and a lady.

Q. Do you know the lady's name? A. I do not.

Q. You know Miss Adams? A. All I know is what the papers say.

Q. Is she the lady? A. I think she was, but I would not positively swear, because I was just there a moment.

Q. Did you see that lady (indicating Ida Adams) there?

A. I am not positive.

Q. What was Selling doing at this time you first saw him? A. I turned around and saw him put his hand in a gentleman's pocket and pull the papers out.

Q. You don't know the gentleman? A. No, sir.

Q. Was he one of the parties at the table?

A. He was not.

Q. Was that the first time your attention was directed to Selling? A. Yes, sir.

Q. Immediately upon his doing that what did the gentleman do? A. I don't think the gentleman noticed him.

Q. What did you do? A. I went over and said "That is not a nice thing to do, put your hand in a gentleman's pocket; we don't allow that kind of thing here;" he said he was just joking.

Q. What became of the gentleman? A. I don't know.

Q. Do you know whether he went out or not?

A. I wouldn't swear positively.

Q. You had no conversation with him? A. No, sir.

Q. What became of Selling? A. I don't know;

he was sitting there when I went to the toilet; he did not get up.

Q. You immediately left and went to the toilet?

A. Yes, sir.

Q. How long were you there? A. Fifteen or twenty minutes.

Q. When you came out did you see Selling there?

A. No, sir.

Q. Where was Moran at that time? A. He just came down stairs and sat down in the chair, and he came around as though he was coming around here, and sat down.

Q. That is the time you saw him coming down the stairs?

A. I didn't see him coming down; there are two stairs; he was just off the stairs walking around the end of the stairs.

Q. Had you then heard the report of the pistol?

A. Yes, sir.

Q. You had heard the report then? A. Yes, sir when I was washing my hands in the toilet room.

Q. Prior to that had you heard any noise? A. No, sir.

Q. You heard the report of the pistol? A. Yes, sir.

Q. Immediately before or upon the report of the pistol did you hear any words? A. No, sir.

Q. Where <sup>did</sup> the report of the pistol sound as if it came from? A. That I couldn't tell.

Q. I mean with reference to the point where you were?

A. I couldn't tell that.

Q. You saw Wogan coming down, and saw him take a seat?

A. He sat down and beckoned to me, and as he did so he fell over, and I went over and said "What is the matter?" and he tried to tell me something, and just at that moment Mr. Gould came down and said "What is the matter?"

Objeced to by Mr. Speckler.

Q. You saw nothing of the shooting? A. I did not.

Q. You didn't see this man have the pistol? A. No, sir.

Q. When did you next see this man (the prisoner)?

A. I saw him at Jefferson Market.

I D A A D A M S, called as a witness by the Coroner, was duly sworn and testified as follows:-

By the Coroner:-

- Q. Where do you live? A. 227 West 47th Street.
- Q. Are you<sup>a</sup> married lady? A. I have been.
- Q. You are a widow now? A. Yes, sir.
- Q. How long is your husband dead? A. Two and a half years.
- Q. Have you children? A. Yes, sir two.
- Q. Aged respectively? A. 13 and five years.
- Q. What is your occupation? A. Not anything particular.
- Q. Were you in this saloon on Christmas morning?
- A. Yes, sir.
- Q. What time did you get there? A. Around five o'clock, half past five.
- Q. Who was with you when you went there?
- A. I was in company with Mr. Selling and two or three other gentlemen and one lady.
- Q. Where did you meet Selling? A. Kelly's.
- Q. Where is that? A. Thirty-first Street and Sixth Avenue.

Q. Who were the other parties? A. One gentleman sitting over there (indicating), and Mr. Keller and I don't know who the other gentleman is.

Q. What time did you meet them at Kelly's?

A. Around five o'clock.

Q. How long did you stay there? A. Just a little while.

Q. How long? A. I couldn't tell exactly.

Q. About how many minutes? A. Twenty or twenty-five minutes.

Q. And from there you went to the place in question?

A. Yes, sir.

Q. What time did you reach there? A. About six o'clock, about a quarter of six.

Q. Tell the jury what you know of the matter?

A. I was sitting at a table with Mr. Selling, and these other gentlemen, and also a lady--

Q. Who was the lady? A. I don't know who she is.

Q. Where did you meet her? A. I met her there; and there was a man dancing around and singing, and he walked behind us, I was sitting next to Mr. Selling, and this man had two or three newspapers in his pocket, and Mr.

Selling knocked them out of his pocket on the floor, and this man named Gad (Hillsbaugh) reprimanded him for it, and he picked up the papers and put them back in the man's pocket and apologized, and also asked this man to have a drink, which he did not accept, but it seems this Gad went forward and got Wogan and brought him in, and he then commenced at Mr. Selling and spoke to him, and took him by the collar, I remember him distinctly taking him through the saloon by the throat, I also seen him have him by the throat and saw him strike him on the stairs; the shooting I did not see, nor did not hear; I know nothing about it.

By Mr. Steckler:-

Q. How long after Hillsbaugh had talked to Selling did Wogan come up? A. Just a few minutes.

Q. Hillsbaugh went and told Wogan? A. Yes, sir.

Q. Wogan was the bouncer of the place? A. Supposed to be, to my knowledge.

Q. Then he came over and seized Selling by the throat?

A. Yes, sir, and dragged him through the bar-room to the first stairs.

Q. Did Wogan come back to the saloon again? A. Not that I know of; I did not see anything after I saw him on the stairs with him, it was getting too hot for me and I went

home.

Q. Did you go away then? A. Yes, sir; I went out and took a Sixth Avenue car and went home.

Q. While he was in the act of dragging him up the stairs?

A. While he had him by the throat.

Q. Did you hear Selling cry "let go". A. I heard him say "John, don't do that".

Q. Did he keep punching him upstairs? A. Yes, sir.

Q. Downstairs and upstairs? A. About the middle of the stairway.

Q. Was Gould in the place at the time? A. Yes, sir; he came to the stairs.

Q. Did he see the assault? A. He seen Wogan have him by the throat.

Q. Did Hillspatch see the same? A. That I couldn't tell you.

Q. Hillspatch came over with Wogan, didn't he, when Wogan got hold of him? A. That I couldn't say.

Q. When Wogan came over did Hillspatch come with him?

A. Yes, sir; he was standing alongside of him.

Q. He saw the assault? A. He was right there.

Q. Did you hear Gould make any remark at the time?

A. I heard him say "Don't do that, John, let him go."

Q. That was to Wogan? A. Yes, sir.

By Mr. Townsend:-

Q. You say you met the defendant in Kelly's place?

A. Yes, sir.

Q. Where is that? A. Corner of thirty-first St. and Sixth Avenue.

Q. It was five o'clock in the morning? A. Around five o'clock.

Q. Was that the first time that you had ever seen the defendant? A. Oh no; I have seen him before.

Q. Many times before? A. Several times.

Q. You and he are friendly? A. Yes, sir; ~~an~~ acquaintances, that is all.

Q. When was the first time you ever met him?

A. Two or three years ago.

Q. And during that time you have seen him how often through the year? A. That I could not tell; very seldom; once in a while.

Q. Once a month? A. Not exactly.

Q. How many times a year? A. About four or five times during the year.

Q. When had you seen him prior to this morning?

A. Not in a couple of months.

Q. And then you happened accidentally to meet him?

A. Yes, sir.

Q. Was he under the influence of liquor?

A. He did not appear to be.

Q. Did he drink anything while he was with you.

A. He ordered a couple of small glasses of beer but did not drink them; he left them on the table.

Q. From this thirty-first Street place where did you go.

A. Down Sixth Avenue to Gould's; there was a party together; Mr. Keller and another gentleman, one I know and another I don't know.

Q. You all went in together? A. Yes, sir.

Q. And sat down at this table? A. Yes, sir.

Q. Had you been in Gould's before? A. That night?

Q. Any time? A. Oh yes; I have been there before.

Q. When were you there before? A. Not in two or three weeks.

Q. Oftentimes had you been there before? A. Not oftentimes, but seven or eight times all together.

Q. Did you know Mr. Gould? A. I know him, yes, sir.

Q. He knew you? A. Exactly.

Q. Did you know Mr. Wogan the dead man? A. Yes, sir.

Q. And he knew you? A. Yes, sir.

Q. Who ordered the drinks, if any were ordered when you first got in there? A. The defendant, Sebling.

Q. And you all drank? A. Yes, sir.

Q. You had been drinking throughout the night? ~~A. Yes, sir.~~

A. Nothing to speak of.

Q. You had been drinking several times? A. Not anything intoxicating.

Q. What had you drunk? A. Twice or three times port wine, but I drank something between in the way of lemonade or soda each time.

Q. Of beer you didn't drink anything that night?

A. No, sir; I can't drink it.

Q. Or anything stronger? A. No, sir.

Q. Do you recollect what took place? A. Yes, sir.

Q. What was Moran doing when you went in the saloon?

A. He was by the bar-room, I believe.

Q. Where you were sitting was in the dining room?

A. In the back room of the place where they have an oyster and cigar house.

Q. How long after you sat down did this matter take place between Sebling-- A. Not more than twenty or twenty-five minutes; just after we had one or two rounds of drink.

Q. Did you see Sebling take a paper out of this man's

pocket? A. I saw him knock it out; I was standing along-  
side of him.

Q. Who was the other man? A. The man was a stranger.

Q. What did he do it for? A. In a joke.

Q. It was a newspaper? A. Yes, sir.

Q. Where was he standing or sitting at the time?

A. He was dancing around where we were sitting.

Q. When you saw Martin come up did you? A. No, this  
Gad came up.

Q. What did he do? A. He picked up Seiling and  
reprimanded him for it, and said he shouldn't do that, and  
Seiling apologized and put the papers back in the man's  
pocket.

Q. And sat down, or he had not left his seat?

A. No, he just moved over that way (indicates) and put  
them in the man's pocket.

Q. Then what happened? A. Gad went out by the other  
room.

Q. You mean the gentleman who just testified before?

A. Yes, sir; he is supposed to be manager.

Q. Then what happened? A. He brought Hogan in with  
him.

Q. Are you positive of that? A. I am; he came <sup>right</sup> in behind ~~him~~; when he came to the table he was with Wogan.

Q. What then? A. Wogan said some insulting remark, I don't know what it was--

Q. (Interrupting) You don't know whether it was insulting or not if you don't know what it was? A. He said some profane language and said he would not have him in there.

Q. What did he say? A. I don't know; I know it was an oath.

Q. You can't recollect what it was? A. No, sir; I have not two days to remember it.

Q. He said something, and the words you can't recollect?

A. No, sir.

Q. That is true, is it? A. Yes, sir.

Q. And then what happened? A. He took hold of Solling by the collar--

Q. What did Solling say? A. He said what was he doing for, he said--

Q. (Interrupting) He had taken hold of Solling?

A. Yes, sir; Solling said "I haven't done any harm, and what is the matter?"

Q. What did Wogan say? A. He said "I don't want you to have any more of this."

hanging around here."

Q. You are sure about that? A. I am sure of what I am saying.

Q. Who sat by you? A. I sat by Selling; these gentlemen sat on the opposite side of the table, and this lady sat on the opposite end.

Q. Her name you don't know? A. No, sir.

Q. Would you know her by sight? A. I would know her by sight.

Q. You don't know her first name? A. No, sir; I don't know her at all.

Q. Had you ever seen her before? A. Yes, sir, in Gould's.

Q. And only there? A. That was all.

Q. She is a frequenter there? A. A frequenter.

Q. What took place after that? A. He took him by the collar--

Q. Who did? A. Wogan took Selling by the collar--

Q. In front or behind? A. Took him by the back the first time, and when he got half way through the saloon--

Q. At the time he took him by the collar what did he say? A. That I couldn't tell.

Q. Did he say anything? A. The words I said before,

Q. I am speaking of the time he took him by the collar?

A. I heard him say he didn't want him in there.

Q. They commenced to walk out together? A. Yes, sir.

Q. Did Selling say anything? A. Said he was going out.

Q. And this man walked him along with his hand behind his neck? A. By the throat here; he caught him by the back of the collar--

Q. And pulled him along? A. Yes, sir.

Q. Take hold of me in the same way that he took hold of Selling.

(The witness illustrated by taking Counsel by the collar on the side of the neck.)

Q. He didn't object to going did he? A. No, sir.

Q. Where was the last you saw of these two men?

A. On the stairs.

Q. He had hold of him in the same position?

A. He had him by the throat and had him up against the side of the stairway.

Q. He had Selling there? A. Yes, sir; he was in front of him, and had him by the throat, and struck him with

the other hand?

A. Yes, sir.

Q. Were they up the steps there then? A. Half way

up the steps.

Q. You could plainly see from where you were?

A. I was standing at the bottom of the stairs.

Q. You followed along with them? A. Yes, sir.

Q. Who else followed? A. This Koller went towards the counter to get a light for a cigarette and to wait for the other lady to get her coat.

Q. But you were the only one with Wogan and the defendant? A. That is all, I believe.

Q. While they were on the stairs was this man up several steps? A. He was a few steps up.

Q. What did you hear Wogan say just while he was on the stairs? A. I couldn't say.

Q. Did you hear him say anything? A. I did not.

Q. How near were you to him? A. I was right down off the steps.

Q. How far were you from the defendant and Wogan at the time you say that Wogan had the defendant by the throat? Please describe in feet? A. I did not have a measure with me, but I should say about that far (indicating about ~~the~~ six

feet).

Q. You know how much a yard is? A. Yes, sir.

Q. Would you think a yard, or two--six feet?

A. When you are down the steps you can't tell exactly.

Q. You were near enough to hear anything said?

A. That I could not positively say.

Q. Did you hear anything said? A. I did not hear anything said on the steps.

Q. Did you hear the defendant say anything to Wogan?

A. He said "John, let go of me; what do you mean? I am not doing any harm."

Q. That was all? A. Yes, sir.

Q. Then what? A. I did not see him let go, and I heard Gould holler from the bottom of the steps to let go, for John to let go of Selling.

Q. What happened then? A. I went up the stairs, and that was the last I saw of it.

Q. You passed on up the stairs and left them?

A. Yes, sir.

Q. And you went where? A. Home; took a Sixth Ave. car and went home.

Q. When did you next hear of this shooting? A. My servant bought an extra, I believe--

Q. That is all that took place, as near as you can recollect? A. Yes, sir.

By Mr. Steckler:-

Q. The next thing the detective came to your house?

A. Three of them.

Q. And took you to the House of Detention, where you have been confined ever since? A. Yes, sir.

Q. When Wogan seized Seiling down stairs he seized hold of him this was (indicating)? A. Yes sir.

Q. Did he strike him? A. When he got on the steps.

Q. Did he drag him out of the place? A. Yes, sir.

Q. Mr. Townsend wants you to make it appear he walked him out; he was dragging him, wasn't he? A. Yes, sir.

Q. And when they got on this platform of the stairs which divides the first and second step he had him against the sides of the stairs choking him with one hand and punching him with the other? A. Yes, sir.

Q. And it was at that time that you got through--

A. Yes, sir and got upstairs and went away.

JOHN JOSEPH FETTERICH, called as a witness by the Coroner, was duly sworn, and testified as follows:

By the Coroner:-

Q. Where do you live? A. Washington Hotel.

Q. Where is the Washington Hotel? A. Twenty-third Street near Third Avenue.

Q. Between Third and what other Avenue?

A. Between Third and Lexington.

Q. What is your occupation? A. Cab-man.

Q. What do you know of this matter? A. I was coming along about twenty minutes past seven and I heard a report of a revolver, and I didn't see anything else till I saw Mr. Connors run around and grab this man and pull out a revolver, and I seen Mr. Connors go away, and saw a lady come, and she said--

Q. Did you see that man (the prisoner)? A. Yes, sir; I seen Mr. Connors grab him and that is all I seen.

SAMUEL JENCKINS, called as a witness, by the Coroner, was duly sworn, and testified as follows:-

Q. Where do you live? A. 45 West 28th Street.

Q. What is your occupation? A. Horse trainer.

Q. Tell the jury what you know of this matter?

A. I don't know anything.

Q. Weren't you there at the shooting? A. I was there at the time, but I don't remember anything.

Q. You were there Christmas morning? A. Yes sir.

Q. What time did you go there? A. I don't know.

Q. Were you sober? A. No, sir.

By Mr. Steckler:-

Q. You do know that Mr. Wogan struck this man (the prisoner) and seized him by the throat? A. No, sir I don't know anything.

Q. Couldn't you tell when you got into the place?

A. I could not tell that, I was very intoxicated.

Q. You don't care to be locked up in the House of Detention as a witness? A. That don't make any difference; I was surprised to hear it.

Q. You didn't hear any row in the place? A. No, sir.

By Mr. Townsend:-

Q. Where had you been that night? A. I was in a

great many places.

Q. Take seven o'clock the night before, what time did you leave your home? A. Early that morning.

Q. What morning? A. The day before Christmas.

Q. What is your business? A. Horse trainer.

Q. Where did you go through the day? A. Pretty nearly every place; I was drinking very heavily.

Q. All through the day? A. Yes, sir.

Q. You can't give us any one place that you visited that day? A. No, sir.

Q. You are under oath? A. I know that.

Q. And you can't tell us one place you were in that day? A. I think I was in Gensidine's place, in 26th Street, 19 26th Street.

Q. When was that? A. Some time during the day?

Q. Do you recollect going to any dinner that night?

A. No, sir.

Q. Don't you recollect what time you got into Gould's?

A. No, sir.

Q. How do you know you were in Gould's? A. They say I was there.

Q. Who says so? A. Mr. Selling and all ~~the~~ witnesses,

Q. That is the only way you can say you were there?

Q. Yes, sir.

-----oOo-----

SAMUEL POLLEK, re-called by the Coroner,  
testified as follows:

By the Coroner:-

Q. Who was the woman with Ida Adams that morning in  
the saloon? A. I don't know; I never met her before.

Q. Who was there? A. Only a couple; this man  
(Jenkins), and Ida Adams; that is all I saw.

Q. Was this man (Jenkins) intoxicated that morning?

A. He was drinking, but I couldn't tell whether he was  
intoxicated or not.

Q. Did you go home with him? A. We got out on the  
street together.

Q. Whom did you go home with from there?

A. We turned around 23rd Street, and some man spoke to

us, and we walked around the street together.

Q. Did you go with any woman? A. No, sir.

Q. Was you with Mrs. Adams or the other woman?

A. I was not with anybody.

Q. Did this man seem very drunk to you (the witness Jenkins)? A. He did not appear so very drunk, but you couldn't tell, he might have been drinking.

Q. Do you think he was so drunk he didn't know what was going on? A. I didn't speak over ten words to him; I didn't speak to him about the affair, I wanted to go home.

Q. What did he say to you? A. Nothing about the case.

Q. What was his conversation with you? A. Nothing particular; I couldn't remember what he said; he was not alone with me, there was another man.

Q. What did he say? I want to know whether he was intelligent enough to know what was going on?

A. I couldn't remember what was said.

Q. Did you go home alone? A. Yes, sir.

Q. You didn't go home with any girl? A. No, sir.

By a Juror:-

Q. Were you sober yourself? A. Yes, sir; I was as

sober as I am now.

Q. And you don't remember anything he said to you at the time? A. He did not address me particularly; there were about ten or twelve there waiting for the man to be brought up.

Q. You were drinking with the man? A. No, sir; but he was at the table.

Q. Did you treat him? A. Mr. Selling treated once, and I treated once.

Q. You don't remember anything that was said between you? A. No, sir.

Q. Did he stagger? A. No, sir; I didn't notice.

Q. Could he walk without being helped upstairs?

A. Yes, sir.

-----oOo-----

SAMUEL JENKINS, re-called by the Coroner, testified as follows:

By the Coroner:-

Q. Who went home with you that night? How did you get home? A. I did not get home for two days; I have not been to my house yet.

Q. For whom are you horse-trainer? A. Not for anybody at present; I have been with William B. Astor, D. ~~D.~~ Withers, and a man named Cockrell of Mobile, Alabama.

Q. Are you in the habit of visiting that place, Wogan's place? A. Very seldom; that is the first time in three or four months.

By Mr. Steckler:-

Q. Do you know Mr. Selling? A. Yes, sir.

Q. Did you call at Jefferson Market Prison to see him?

A. Yes, sir.

Q. Did you tell him you would stand by him, and that you saw how these people treated him, and beat him, and choked him, and tried to kill him? A. No, sir.

Q. Were you drunk when you went to the Jail?

A. Yes, sir.

Q. Do you mean to tell me that they admitted you to Prison when you were drunk? A. Well I guess they did.

(Adjourned until Tuesday December 29th, 1891,  
at 11 A. M.)

0916

86

New York, December 29, 1891, 11 A. M.

Second day of inquest into the death of John  
Joseph Wogan, deceased.

Met pursuant to adjournment.

-----0000000-----

ANTONIO MONTRUCHIO, called as a  
witness by the Coroner, was duly sworn, and examined through  
a sworn interpreter, testified as follows:

By the Coroner.

Q. Where do you reside? A. 158 Bleecker street.

Q. What is your occupation? A. News dealer.

Q. Where is your news stand? A. At 23rd street and  
Sixth Avenue.

Q. Do you know the saloon known as Tom Gould's, situated  
at that corner? A. Yes, sir; it is below my stand, on the  
same corner.

Q. On Christmas morning, December 25th of this year, did  
you notice anything remarkable going on there, anything ex-  
traordinary? A. In two or three steps I saw a short gen-

tleman, and he was then followed by another gentleman on the walk, and he turned around, and he grabbed him by the throat-

By Mr. Steckler.

Q. Who grabbed him by the throat? A. The gentleman following the previous one.

Q. Did you see this man (the prisoner)? A. Yes, sir.

Q. Was he the one who was grabbed by the throat?

A. Yes; that is the man who fired the shot.

Q. Was he the man who was being grabbed by the throat?

A. Yes, sir; this man was grabbed by the gentleman following him; the man that was grabbed by the throat was struggling to be released, and the gentleman went one step behind and pulled out the revolver and fired; after the man fired I saw another gentleman fall behind, and the one that fired turned the corner; then woman went downstairs; I didn't see whether he was injured seriously, and the gentleman with the pistol turned the corner and went up 23rd street; the prisoner went along quietly; then I saw Gould come with two more gentlemen; the youngest gentleman of the three ran on his tip-toes behind the prisoner; a crowd gathered, and as soon as the shot was fired they all disappeared. I saw the officer with this gentleman, the prisoner, cross my corner; he

put the handcuffs on him, and he walked north with the policeman. Afterwards I stood by the stand and didn't see any more. Quite a good many people came and inquired from me, and I said I didn't know, and that was the end of it.

By Mr. Townsend,

Q. How near did you stand to this man (the prisoner)?

A. About nine yards away, nine or ten.

Q. Do you mean yards or feet? A. Yards.

Q. How many feet is that? A. nine metres.

Q. How many feet is that? A. There are about three or four feet in a yard.

Q. Do you know a man by the name of Wogan? A. I know him by sight.

Q. For how long a time had you known him? A. I don't quite remember; quite a time.

Q. How long have you had your news stand at this place?

A. Nine years on that corner; I was on the other side for two or three years during the nine years.

Q. How near did you stand to the stairs that came up from Mr. Wogan's saloon? A. Nine yards from the door.

Q. And then were you right at your news stand? A. Yes, sir.

Q. Was Wogan as tall as this man (the prisoner)?

A. About two or three inches taller than he is.

Q. Did you see the defendant, this man, have a pistol?

A. After the shot I saw a pistol, not before.

Q. Did you hear the report of the pistol? A. Yes.

Q. Were you looking at this man (the prisoner) when you heard the report of the pistol? A. I saw him behind; while he was coming away I saw the pistol, not before.

Q. When you heard the report of the pistol were you looking at this man (the prisoner)? A. From behind I saw him fire; I saw his back from behind.

Q. Did you see this man's (the prisoner's) back?

A. Yes, sir; I saw this gentleman from behind, and then he turned around and I saw the pistol.

Q. When you heard the report of the pistol where was Wogan, the dead man? A. About one foot away from the door, the head of the stairs.

Q. How near to this man (the prisoner)? A. About one step away; after he was released he fired.

Q. Were any other persons there at that time? A. They were all gone while the struggling was going on.

Q. Were any other persons there when you heard the report

of the pistol, except Wogan and the defendant? A. Just the two; nobody else.

Q. Whom did you next see after these two men? A. I saw Wogan go downstairs, and then saw this gentleman (the prisoner) turn towards 23rd street with the pistol in his hand.

Q. Did you tell the jury at whom you were looking when you heard the report of the pistol? A. I was looking at the two; they were coming up from downstairs; I saw this gentleman (the prisoner) from behind and saw the other one facing me.

Q. Did Wogan have hold of the defendant when the pistol was fired? A. Yes, sir, he had hold of him. In a half a minute this gentleman pulled the pistol out.

Q. In half a minute after Wogan let go of the defendant?

A. In a moment I saw that, while he had hold of him.

Q. Did Wogan have anything in his hands? A. No.

Q. Any knife? A. No.

Q. Any pistol? A. No.

Q. And you could see, could you? A. No, he didn't have anything; I could see.

Q. What time of the morning was it? A. Half-past seven; around half-past seven.

Q. How do you fix the time? A. I don't know exactly;

it was about half past-seven.

Q. What did the defendant do immediately after he fired the pistol? A. He turned around the corner, and the gentleman injured went downstairs.

Q. Did he walk or run around the corner? A. He walked around.

Q. Did you see him do anything with the pistol? A. After he turned the corner I don't know what he did with the pistol.

Q. After he passed you did you see him have the pistol?

A. Yes, sir, he had it in his hand.

Q. Did you see the defendant take the pistol out of his pocket before the shooting? A. No, no, no.

Q. How long after the man disappeared around the corner did you see Gould? A. A few minutes.

Q. Was Gould running or walking? A. Gould stopped at the corner with two gentlemen.

Q. Do you know the names of the other two gentlemen?

A. No.

Q. Did you see any of them have anything in their hands, Gould or the other two gentlemen? A. Nothing.

By Mr. Steckler.

Q. Your news stand is at the corner of 23rd street and Sixth Avenue, southeast corner? A. Yes.

Q. Is it right at the curbstone on the corner of 23rd street, or is it against the building? A. Right on the curbstone on the corner.

Q. At the extreme end of the corner? A. Right on the corner.

Q. Is it on that part below the building or above the building? A. I had my table right on the corner like all the rest.

Q. Did you have it right on the corner? A. Yes.

Q. Which way were you looking, up towards 24th street, or towards 22nd street? A. Towards 22nd street.

Q. What entrance did you see these two men stand in front of? A. The nearest to me.

Q. The entrance nearest to 23rd street? A. The one nearest to me.

Q. That is the entrance nearest to 23rd street? A.

A. Yes, sir, nearest 23rd street.

Q. Did you see Wogan come up out of the stairs? A. Yes.

Q. Which stairs did he come up from, the stairs nearest 23rd street or nearer 22nd street? A. The one nearest 23rd

street.

Q. At the time Wogan came up the stairs this man (the prisoner) had reached the sidewalk? A. The prisoner was first.

Q. And he was getting ready to walk away? A. Wogan followed him (the prisoner) two or three steps behind; he was walking away; he was on the top of the stairs when Wogan was about three steps behind him.

Q. The prisoner was on the sidewalk, was he not?

A. Yes, sir.

Q. And Wogan, the deceased, he came up the stairway and immediately seized him (the prisoner) by the throat, did he not? A. Yes.

Q. Is that right? A. Yes.

Q. When Wogan seized this man by the throat he also struck him, did he not?

Mr. Townsend: That is objected to as leading; it is putting words in the witness' mouth; let him tell what he saw and what he did.

Objection overruled. Exception.

A. No; he had hold of him by the throat; he did not strike him.

Q. Was he choking him? A. Yes, sir.

Q. What else did he do? A. This man (the prisoner) got one step behind, was released, and pulled out the pistol and fired.

Q. At the time this shot was fired you did not see a pistol in the defendant's hand? A. After the shot I saw the pistol.

Q. This man's (the prisoner's) back was to you? A. I saw him from behind.

Q. And Wogan's face was turned towards you? A. Yes, sir, I saw his face.

Q. You could not see-- Wogan stood directly in front of this man (the prisoner), did he not? A. Yes, right in front of him.

Q. How many feet were you away at that time? A. About nine yards.

Q. Is it not a fact that you could not see what Wogan did with his hands? A. I saw him have him by the throat.

Q. One hand, or two hands? A. Two hands.

Q. Did he have both of his hands, did he have the defendant by the throat with both of his hands at the time you heard the shot fired? A. Both hands.

Q. At the time the shot was fired? A. After he was shot Wogan released his hold and fell.

By a Juror.

Q. Did you hear any words between the two men? A. I couldn't say; I couldn't hear what was said.

By Mr. Steckler.

Q. Which stairway did you say Wogan came up? A. Near 23rd street.

Q. Are you positive of that? A. Yes, sir, I am positive.

Q. There can be no mistake but that you saw Wogan come up the stairs nearer 23rd street? A. The staircase nearest 23rd street.

Q. Is it a fact that you first saw Wogan on the sidewalk on the 23rd street side, and because of that you believed he came up the 23rd street staircase? A. I saw him come up the 23rd street staircase.

Q. Didn't you see Wogan run towards this man on the street? A. He did not run at all, because the prisoner turned around when he got to the---

Q. And then Wogan went after him and grabbed him by the throat? A. Yes, sir.

Q. And he was walking away at the time before Wogan caught hold of him? A. He was walking away and Wogan followed.

By Mr. Townsend.

Q. Did he catch him by the coat or by the throat?

A. I don't know; I couldn't say.

By Mr. Steckler.

Q. You can't say whether Wogan put his hand behind and attempted to take anything out, can you? A. I could not say.

Q. You could not see? A. He didn't have his hand in his pocket.

Q. Did he attempt to put his hand in his pocket-- could you see from where you stood? A. No, he did not.

Q. This man (the prisoner) stood in front of you with his back towards you, did he not? A. I saw Wogan facing me.

Q. You could not see everything Wogan did, with this man (the prisoner) in front of Wogan, could you?

Objected to by Mr. Townsend.

A. When Wogan grabbed him Wogan was from behind.

By a Juror.

Q. Are you positive Wogan had the prisoner by the throat when the shot was fired? A. Yes, sir.

F R A N K W A L L , called as a witness, was duly sworn by the Coroner and testified as follows:

By the Coroner.

Q. What is your full name? A. Frank Joseph Wall.

Q. Where do you reside? A. 2574 Eighth Avenue.

Q. What is your occupation? A. Hack driver.

Q. Do you know anything about this occurrence? Do you know anything about this occurrence on Christmas day?

A. I was on the bank corner across the way from the saloon.

Q. The Garfield National Bank? A. Yes, sir.

Q. The northeast corner? A. Yes, sir.

Q. And this saloon is situated on the southeast corner?

A. Yes, sir.

Q. What did you see? A. All I saw was the man get shot and fall down; that is all.

Q. Did you see the man that shot him? A. Yes, sir.

Q. Would you recognize him again? A. Yes, sir.

Q. Is that (the prisoner) the man? A. Yes, sir.

Q. What was the beginning of it? A. I don't know.

I don't know what the beginning of it was.

Q. Was the other man choking this man (the prisoner) at

the time? A. No, sir; I did not see him choking him.

Q. Do you know the other man who was shot? A. No, sir.

Q. Was it bright daylight at the time? A. It was about half past seven.

Q. Were you on your cab? A. No, sir. I was standing on the corner talking to a man.

By Mr. Townsend.

Q. You were standing on the corner talking with a man?

A. Yes, sir.

Q. What is his name? A. John Fattretch.

Q. Is there a street lamp on that corner? A. On which corner?

Q. Where you were standing? A. I didn't notice.

Q. Do you know? A. No, sir.

Q. How near were you standing to the gutter, on the inside of the sidewalk or on the outside? A. On the inside.

Q. The sidewalk is a little raised there over a part of the Garfield building? A. There is a kind of iron step about as high as that (indicating).

Q. Were you on that raised portion? A. Yes, sir.

Q. And your friend was with you? A. Yes, sir.

Q. What first attracted your attention? A. The shot.

Q. The report of a pistol? A. Yes, sir.

Q. Coming in the direction- in what direction? A. The sound came from towards 32nd street.

Q. Then you immediately looked across, did you?

A. Yes, sir.

Q. And you saw this man, the defendant? A. Yes, sir.

Q. What was he doing at the time you first saw him?

A. Just started to walk away.

Q. Was he walking, did he appear to be walking towards you? A. Yes, sir.

Q. Facing you? A. Yes, sir.

Q. Did you see any other person near him as soon as you looked? A. No, sir.

Q. As soon as you heard the report of a pistol and looked you saw this man (the prisoner) walking towards you?

A. Yes, sir.

Q. And did you see any other person there? A. Not right away; no, sir.

Q. When did you first see the prisoner there? A. I should judge it would be about three or four minutes.

Q. Whom did you see then? A. I saw a man come out of the basement.

Q. When you first looked you only saw this one man?

A. Yes, sir.

Q. Are you positive of that? A. Yes, sir.

Q. How near was that to the stairway that went down into Wogan's saloon that this man was standing? A. About three feet.

Q. Did you see a smoke from this man from the report of the pistol? A. No, sir.

Q. Did you see this man have the pistol in his right hand? A. Yes, sir.

Q. And he walked towards you? A. Yes, sir.

Q. There was nobody near him at that time? A. No, sir.

Q. But several moments afterwards a man came up out of the saloon? A. Yes, sir.

Q. Do you know the man? A. Yes, sir.

Q. What is his name? A. I don't know his name.

Q. Is he here? A. Yes, sir; there he is there (indicating O'Connor).

Q. What did he do? A. This man (the prisoner) started to walk up the street and walked five or six doors, and this man (O'Connor) made three or four attempts to run up, and he went up at the last--

Q. You mean on the south side of 23rd street? A. Yes, sir.

Q. And this man (O'Connor) did he walk or run after him?

A. He run after him and grabbed hold of him from behind.

Q. And then the officer came, did he? A. Yes, sir.

Q. Do you know a man by the name of Gould? A. No, sir.

Q. Did you notice any other person come up out of this saloon? A. No, sir; not out of the saloon.

Q. When you heard the report of this pistol did you see anybody go down into the saloon? A. No, sir.

Q. Do you recollect whether you saw this Italian news-dealer?

Objected to by Mr. Steckler.

Q. Did you see him? A. I saw a man on the corner by the news stand.

Q. You saw this man that just testified? A. No, sir.

Q. How long have you been here? A. About half an hour.

Q. You didn't see this man that took the stand and testified when you were sitting back there? A. Yes, sir; I did not get up.

Q. You couldn't see from where you sat? A. No, sir.

Q. You have told us all you know about it? A. Yes, sir.

By Mr. Steckler.

Q. You don't know Gould? A. No, sir.

Q. Did you ever see him? A. No, sir.

Q. Do you know such a place as Gould's? A. I have heard of it.

Q. Where is it? A. On the corner.

Q. How long have you been standing around that corner?

A. Between five and six years.

Q. And never saw him? A. No, sir.

Q. You were never in his place? A. Yes, sir.

Q. You never saw him in your life? A. No, sir.

Q. You have been in his place often? A. Not more than twice.

Q. Who did you hear kept the place? A. I heard it was Gould's.

Q. What is it a resort for, do you know?

Objected to by Mr. Townsend.

Q. What kind of women go there.

Objected to as irrelevant by Mr. Townsend, as the place is not on trial.

Q. Mr. Wall, you say you stood at the northeast corner of 23rd street and Sixth Avenue talking to a man named Fettretch?

A. Yes, sir.

Q. And you were talking about what at the time? A. I don't recollect.

Mr. Fettretch: Christmas dinner.

- Q. Was that what it was about? A. I don't remember.
- Q. You were very much interested in your conversation?
- A. Well, no, I don't know as I was.
- Q. You were paying attention? A. Yes, sir.
- Q. You were looking at him at the time you were talking, and he at you? A. Yes, sir.
- Q. Facing one another? A. Yes, sir.
- Q. Which way were you facing, towards the North River or towards the East River? A. I was facing towards the East.
- Q. Towards Broadway? A. Yes, sir.
- Q. At the time you were talking to Pettretch? A. Yes, sir.
- Q. And then you heard the report of a pistol? A. Yes, sir.
- Q. And that attracted your attention? A. Yes, sir.
- Q. And then you looked to the other corner? A. Yes, sir.
- Q. And that was the first time you looked over to that corner? Is that right? A. Yes, sir.
- Q. That is true, is it? A. Yes, sir.
- Q. The first time you looked over was after you heard the report of a pistol, which attracted your attention to that direction? A. I might have looked over there earlier.

- Q. How long before? A. About five minutes before.
- Q. Had you seen anybody then over there? A. No, sir.
- Q. You saw the man after he was shot? A. No, sir.
- Q. Did you go over at all? A. No, sir; I stood on the corner.
- Q. Do you know who the man was that was shot? A. No, sir.
- Q. Did you know at that time who it was? A. No, sir.
- Q. Did you know at that time? A. No, sir.
- Q. Did you see his face? A. No, sir.
- Q. You couldn't tell who was shot? A. No, sir.
- Q. You were not curious to go over and find out?
- A. No, sir.
- Q. The first that you saw of these two men was after you heard the shot fired, when you saw two men standing there, and this man (the prisoner) turned around and walked away?
- A. I didn't see anybody standing there then.
- Q. Where did you first see the prisoner? A. He is the first man I saw?
- Q. He is the only man you saw? A. Yes, sir.
- Q. You don't know any one was shot there except what you have heard? A. No, sir.
- Q. You simply heard the report of the pistol, and after

that you looked across the corner and saw this man (the prisoner), and nobody else; is that right? A. Yes, sir.

Q. Is that true? A. Yes, sir.

Q. That is as true as anything else you have said here today? A. Yes, sir.

-----0000000-----

J O H N J. H A R D Y , called as a witness by the Coroner, was duly sworn, and testified as follows:  
By the Coroner.

Q. Where do you reside? A. 45 West 26th street.

Q. What is your occupation? A. Salesman.

Q. For whom? A. Well, I am out of employment at present.

Q. For whom were you a salesman? A. I was a salesman for the stove Company.

Q. What stove company? A. National.

Q. Where is that? A. 239 Water street.

Q. How long have you been out of employment? A. I have been quite sick for six or seven months.

Q. With what? A. Bronchial trouble.

Q. Were you in this place on the morning in question?

A. Yes, sir.

Q. What time did you get there? A. I don't remember.

Q. Were you intoxicated? A. Yes, sir.

Q. Had you been to many places that day? A. As many as I could get into, I guess.

Q. And you drank spirituous liquors in each one of them?

A. I drank whiskey in most of them.

Q. And you went to many of them, did you? A. Yes, sir.

Q. Have you any idea, approximately, when you got into this place, Sixth Avenue and 23rd street? A. I don't quite understand the question.

Q. Have you any idea what time it was? A. I know it was daylight when I got out.

Q. It was night when you got in? A. I couldn't say.

Q. What did you see of this occurrence? A. All I remember is sitting down at a table, and I heard somebody say "All hands out; turn out that light", and then I got up to go out, and I heard a shot; that is all I remember.

Q. You didn't see the shooting? A. No, sir.

Q. Did you see this man Selling in the place? A. Yes,

sir.

Q. Do you remember anybody else that was in the place that you see here now? A. What do you mean, in attendance here?

Q. Yes. A. Well, I don't know; no, I can't say that I do.

Q. Were there any words before the shooting took place?

A. I don't remember hearing any.

Q. When the shooting took place where were you?

A. I don't remember; I don't exactly remember where I was. I know I was in the place; I was downstairs; I heard a shot; I don't remember.

Q. Where did you go from that place? A. Then I went out; the crowd collected.

Q. You went out unassisted? A. I don't know whether I was assisted or unassisted.

Q. What time did you reach your home? A. I couldn't exactly say what time I got home.

Q. Did you go home without assistance? A. I couldn't say that even; I went home; I know I woke up in bed; that is all I remember.

By Mr. Townsend.

Q. What was this man, the defendant, doing when you first

saw him in the saloon, so far as you recollect? A. I don't remember; we were all drinking.

Q. Whom do you mean by "we"? A. I presume the people sitting around the table where I was at.

Q. Was this man (the defendant) sitting at the table where you were? A. He was sitting at the same table.

Q. Who else besides him? A. Well, there was a man named Jenkins there.

Q. Is he the man that was here yesterday? A. Yes, sir.

Q. Who besides him? A. Well, there was Ida Brown, I believe that is her name.

Q. Has she testified here? A. I think she has.

Q. Is she (indicating Ida Adams) the same one you mean that you call Ida Brown? A. Yes, sir.

By the Coroner.

Q. There was another woman with her? A. I couldn't say there was; there was lots of women there and men.

By Mr. Townsend.

Q. Ida Adams was there; who besides her? A. As I said before, Mr. Jenkins.

Q. Can you think of any other? A. And Mr. Koller.

Q. And who besides him? A. Well, I think there was two other women there.

- Q. Can you tell us their names? A. I don't know their names.
- Q. Can you give us any way by which we can ascertain?
- A. Positively I don't think I could.
- Q. You are interested as much as anybody to ferret out this matter? A. Yes, sir, as a citizen.
- Q. You can't recollect the names of these others?
- A. Only those I have told you.
- Q. Was this a round table or square table?
- A. I couldn't answer that question.
- Q. But you recollect distinctly being at a table that morning, and this man (the prisoner) was sitting there, and yourself, and Mrs. Adams, and Keller, and two other women?
- A. Yes, sir.
- Q. Do you recollect this man doing anything with reference to a newspaper in the pocket of another man?
- A. No, sir.
- Q. You had several drinks there together? A. I presume we must have; I should judge so.
- Q. Do you recollect this man, the prisoner, leaving your company there? A. I do not, sir; I recollect what I have told; that is all.

- Q. You knew Logan, the dead man? A. Yes, sir I knew him.
- Q. Did you see him there? A. No, I did not.
- Q. You don't recollect seeing him? A. No.
- Q. You did not see Logan take hold of this man (the prisoner)? A. No; I could not say I did.
- Q. Do you recollect when Ida Adams left there?
- A. No, sir; I could not tell you.
- Q. Did you go in there with any woman? A. No, sir.
- Q. You say you heard the report of a pistol?
- A. I presume I heard something like a report.
- Q. Were you sitting at this table at that time?
- A. No, sir; I was on my way out.
- Q. Do you know whether you started to go out before that?
- A. Yes, sir; because this man hollered "All hands out; turn out the lights."
- Q. That was before the report of the pistol, was it?
- A. I think it was; yes, sir.
- Q. You think before you heard the report of the pistol some one shouted; do you <sup>know</sup> the name of that person?
- A. I could not say.
- Q. Do you know Gould? A. Yes, sir.

- Q. Was it his voice? A. I couldn't say.
- Q. You couldn't tell who this was? A. No, sir.
- Q. That was the occasion of your going? A. Yes, sir.
- Q. Did you see anybody put any lights out? A. No, sir; I couldn't say.
- Q. Then you say you were about where, when you heard the report of the pistol, near the stairs going out?
- A. I don't know where the stairs was, I don't think, that morning; I was going out.
- Q. Did you see Morgan coming down the stairs, or did you see him just at that time when you heard the report of the pistol? A. I told you I did not see him at all; I don't remember seeing him at all.
- Q. You don't recollect what stairs you went out of?
- A. No, sir I could not tell.
- Q. Do you recollect anything that was said after the report of the pistol in the saloon or near by there?
- A. No, sir.
- Q. Do you recollect going up the stairs? A. No, sir, I do not.
- Q. Do you recollect when you got out on the sidewalk?
- A. I think I remember a crowd collected about; that is all.

Q. And who was in the crowd you could not say?

A. No, sir.

Q. When did you first learn that some one had been shot?

A. Well, after a while somebody told me somebody had been shot.

Q. Where were you then? A. I don't remember.

Q. You couldn't say whether you were in the saloon or on the sidewalk? A. No, sir.

Q. You couldn't remember whether you were in bed or not? A. I was not in bed.

Q. Were you on the sidewalk? or on a horse-car, or in the saloon, or where were you at the time you heard someone had been shot? A. I presume some one had been shot.

Q. Hear this crowd? A. Yes, sir.

Q. And some one in the crowd informed you that a man had been shot? A. Yes, sir.

Q. Did you see any one running away? A. No, sir.

Q. Did you see any crowd running away? A. I don't remember all these questions you are asking me; I was in an intoxicated condition; what is the use of asking these questions? I don't see the use of them.

The Coroner: This is the representative of the district attorney.

Witness: Oh is he?

Q. I am representing the people, and I want you to tell me what you know? A. I tell you I was intoxicated, and I don't remember anything that transpired.

Q. You say you found yourself in bed; do you recollect what time that was? A. Well, no; I got up, and I think it was Christmas, I think I slept for a day or two anyhow.

By Mr. Steckler:-

Q. Do you remember anything that occurred that night?

A. Only what I have stated.

Q. Did you know what took place in the saloon there, were you sober enough to remember what took place in the saloon? A. I couldn't tell what was going on.

Q. If there was a row or fight you would not know it?

A. I was dead to the world, you might say.

Q. Do you remember seeing Wogan there that night?

A. No, sir.

Q. Do you remember seeing Gould in the saloon that night? A. I think I did; I could not say positively.

Q. Were you sober enough to know it if you saw Mr.

Gould? A. I think I was; I might have been; I could not say.

Q. Do you remember anything that took place in the

saloon that night? A: No, sir.

Q. Did you see Hillsbaugh or Wogan seize this man (the prisoner) and strike him? A. No, sir.

Q. Were you sober enough to remember anything about that?

A. I don't think I was; I told you I was drunk at the time; that was all I know about it.

Q. You are a friend of Mr. Jenkins? A. I know him.

Q. Was he in the same condition that you were?

A. He was drunk too, I believe; I could not say; we had been drinking all night.

Q. Were you sober enough to know whether Mr. Jenkins was sober or not? Do you know? A. I know that he was drunk.

Q. Then you can't say what occurred in that saloon on that night, on account of your condition? A. That is what I say.

Q. And a man may have been beaten there, for all you know, that night without your seeing it; is that right?

A. Yes, sir.

Q. You say you are employed in the National Stove Co.

A. Previously I was employed there.

Q. How long ago? A. Oh, it was six or seven or eight months ago.

Q. What were you doing there? A. I was a sales-man.

Q. Where were you employed before that time?

A. I was employed in different ways.

Q. Where? Give me the name of a single firm in New York that you ever worked for? A. Well, I worked for the Empire Furnace Company.

Q. Where was that? A. They had an office in Water Street, I cannot remember the number.

Q. How long ago did you work for them? A. Three or four years ago.

Q. Did you ever work for any stove concern outside of the City of New York? A. No, sir.

Q. Did you ever live in any town outside of the City of New York? A. No, sir.

Q. Did you ever live in any town on the Hudson River?

A. No, sir.

Q. Never in your life? A. No, sir.

Q. Have you ever been arrested in your life?

Objected to by Mr. Townsend.

By a Juror:-

Q. Who paid for your drinks that night? A. I paid for some myself, and I was treated.

Q. How much did you pay? A. I spent five or six dollars of my own money.

Q. And Mr. Selling treated you? A. Yes, sir.

Q. You know that? A. Yes, sir.

Q. Are you positive about who treated that morning?

A. I know we all treated.

Q. Are you positive that Mr. Selling treated?

A. Well, I couldn't say positively.

Q. Are you a frequent visitor of that place?

A. No, sir.

Q. How often have you been there? A. Only once or

twice.

Q. Every week? A. No, sir.

Q. Do you often get drunk? A. Well, I do, certainly.

By another Juror:-

Q. Were you sober enough at that time to know the prisoner, Mr. Selling? A. At the time?

Q. Yes. A. Yes.

Q. You were sober enough to know the other gentleman Mr. Koller? A. Yes.

Q. And after that you did not know anything about what was going on, you only know it is these two gentlemen, you were only sober enough to know these two gentlemen and nobody else; you did not know anybody else, you said positively that you remembered these two men? A. Yes, sir.

Q. After that you was not sober enough to know anybody else? A. At what particular time?

Q. How long was you down there? A. I know that I was sitting with this gentleman and another gentleman--

Q. You remember it? A. Yes, sir.

Q. And you remember only that another lady was there?

A. Yes, sir.

Q. And anybody else you did not remember? A. No, sir.

By another Juror:-

Q. Have you ever seen this prisoner before?

A. Oh yes, sir.

Q. Where did you meet him before? A. I have known him on and off for a good many years.

Q. Do you know him as a friend, or one of these men you simply meet in drinking? Do you know him as a friend, or meeting him occasionally? A. I presume he is a friend of mine, an acquaintance.

Q. Do you know anything that was said that night, when you were sitting together that night? A. No, sir.

Q. What is the name of that place? A. Tom Gould's.

Q. Is that right? A. That is what I understood it to be.

Q. You remember sitting at the table with Mr. Selling?

A. Yes, sir.

Q. You don't remember when he parted from you?

A. No, sir, I do not.

Q. You don't know anything at all about it, only you remember being in his company is that all? A. Yes, sir.

By Mr. Steckler:-

Q. You don't know whether a row took place that night or not? A. No, sir.

Q. A man might have been killed there without your knowing it, you were so drunk? A. Yes, sir.

Q. Did you call at Jefferson Market Prison to see this man (the prisoner)? A. Yes, sir.

Q. Did you tell him that you remembered how they beat him, and that you would be a witness for him when the time came? A. No, sir.

Q. Were you drunk or sober when you went there?

A. I must have been drunk, or I would never have gone there.

Q. Whom did you go with? A. Mr. Jenkins.

Q. Was he sober? A. No, sir.

Q. And you were both allowed in there when you were drunk? A. I don't remember.

- Q. Do you remember what was said?     A. No, sir.
- Q. Do you remember seeing him (the prisoner)?
- A. Yes, sir.
- Q. But don't remember the words you said?
- A. No, sir.

-----oO-----

JOHN HUGHES, an officer from the 19th Precinct called as a witness by the Coroner was duly sworn and testified as follows:

By the Coroner:-

- Q. You are a patrolman of the 19th precinct?
- A. Yes, sir.
- Q. Your attention was drawn to this case on Christmas morning?
- A. Yes, sir.
- Q. By whom?     A. I heard a smothered report like a pistol shot, and looked in the direction--
- Q. What time was that?     A: About half past seven.
- Q. Where were you?     A. About three-fourths of the way from Fifth Avenue towards Sixth Avenue, on the north side of the street; I was about in front of the Eder Musee, on

the same side; I saw a crowd, after hearing the report, I did not have long to wait till I saw a crowd around Gould's corner, as it is generally known there.

Q. It is known as Gould's corner? A. The officers know it as that; there was a crowd around that corner and the trunk store, and I looked and saw this man, Mr. Selling coming in the lead of a crowd, and this man here, Mr. O'Connor was right behind him, and I run across the street, and a policeman got off the car at the time, and I took this man by the right hand and took the pistol from him; he says "Don't handle me rough, it is all right, I will hand you up the pistol", and he handed it to me.

Q. Have you the pistol here? A. Yes, sir. (The witness produces a pistol.) Here is the pistol, and here are the cartridges from it. It is known as the Excel pistol, 38 calibre, center fire.

Q. And he said I will hand you the pistol? A. Yes, sir. I said "What is the matter; have you been doing somebody up?" He said "Yes, I had to do him up or they would have done me up;" so I put the nippers on him and took him to the station house, and in the meantime Mr. Gould came up and said "That man shot a man, take the pistol from him"; I said "That is all right I have the pistol, now"; I met a brother officer and

told him to get an ambulance from the elevated station, that is where we generally go to send for an ambulance, and he started to do what I told him, and I started to the station house with the prisoner, Mr. Selling

Q. It (the pistol) is a self cocker? A. Yes, sir; a double action.

Q. Did Selling make any statement to you about this shooting on the way to the station house? A. I asked him the question--I says "This is nice work for Christmas morning; he says "Yes "; I said "You had no right to carry a pistol", and he said "Well, if I did not have that pistol they would have killed me, I guess;" it is in my affidavit that I made at the Court, I remembered it better than; there didn't any more conversation pass between us.

Q. What became of Wogan? A. The officer went down to look at him, Officer Logan, and call an ambulance, but by the time it arrived he was dead.

By Mr. Steckler:-

Q. The moment you got up to the prisoner he immediately handed you the revolver and asked you not to handle him roughly, and said he would go with you? A. Yes, sir.

Q. When you asked him about doing somebody up didn't he

0952

122

say "Well, they attempted to kill me, and I had to protect <sup>myself</sup>"  
is that right? A. He did not say "Kill me", he said

"If I didn't do them they would do me," I am positive of that

Q. He told you about them going at him? A. Yes, sir.

Q. Did you notice his collar at the time? A. Yes,  
sir.

Q. Did you notice the dents of fingers in the collar?

A. Yes, sir it looked as if he had been handled roughly.

Q. Did you see his eye blackened? A. Yes, sir; I  
noticed a slight discoloration in the eye.

Q. You can see it yet? A. Yes, sir.

Q. Did you see a scratch in his head, too? A. Yes,  
sir; he took off his hat to rub the dust off, and I noticed  
the scar.

Q. You saw a handkerchief in his hand? A. Yes, sir;  
there was blood on it; I paid but little attention to it;  
but there was enough to attract my attention.

Q. (Producing handkerchief). This is the handkerchief?

A. Yes, sir; he picked his nose with it a couple of  
times and there was blood on it.

Q. Did you notice his neck was a little red?

A. Yes, sir; there was a red mark as though a hand had

been rubbed down and caused the blood to circulate more lively.

Q. And he said he had to use the pistol to protect himself from these people? A. Yes, sir.

Q. That was immediately after you arrested him?

A. Yes, sir.

Q. That was how far away from this place?

A. It was about No. 68, or somewhere about the sixties, along there.

Q. He handed the pistol to you before you asked him for it? A. Yes, sir; he turned and saw me coming, and as soon as he saw me he handed me the pistol.

Q. Didn't he also say he felt very sorry, "but I was compelled to do it?"

A. He said "I hope he is not badly wounded, but it is not my fault."

Q. He expressed sorrow, did he not?

A. In those words he did; he said he was sorry for what he had done, but he could not help it.

By a Juror:-

Q. Was the prisoner sober or drunk? A. He was perfectly sober, cool and collected at the time.

0954

THOMAS F. HAYES, called as a witness by the  
Coroner, was duly sworn and testified as follows:

By the Coroner:-

Q. You are Ward Detective of the 19th Police Precinct,  
are you not? A. Yes, sir.

Q. What do you know of this case, officer?

A. Nothing.

Q. That was Christmas morning this occurred?

A. Yes, sir; and under orders from you I hunted up  
several witnesses and had them subpoenaed.

Q. Couldn't you find out who this woman was that was  
with Ida Adams? A. Her name was Russell; we went to see  
two Russells, but they were not the right parties.

Q. You did not see the shooting? A. No, sir.

-----oOo-----

The Coroner then asked if Mrs. Wogan, James E. Casy,  
Brown or Browning, or any of the waiters who serve drinks  
in this place on this morning were present in the Court-room,  
but it was found that none of them were present.

At the request of one of the Jurors the witness Antonio Montruchio was re-called and testified as follows:

By a Juror:-

Q. I believe you testified you saw the prisoner coming up out of the basement? A. Yes, sir.

Q. Did you see the prisoner's hands, or notice anything in his hands at the time? A. Nothing.

Q. What did you see after you saw the prisoner coming up from the basement? A. He was coming towards me.

Q. Then you saw his hands at the time? A. Yes, sir.

Q. Did you notice anything in his hands when he was coming towards you? A. He had nothing in his hands.

Q. When did you first see Mr. Wogan then?

A. I saw Mr. Wogan come up out of the cellar towards the prisoner.

Q. Then what did Mr. Wogan do? A. Wogan grabbed the prisoner by the throat from behind; I saw him come up and the prisoner turned around and fronted him and he grabbed him by the throat.

0956

126

The result of the autopsy was read to the Jury.

The Coroner: Gentleman of the Jury you will find in your verdict how when and where the deceased came to his death, and who, if you can is responsible therefor. You are intelligent men, the testimony is fresh in your memories, and I don't think it is necessary to review it at length. You may retire and bring in a written verdict.

-----oOo-----

V E R D I C T.

We, the Jury in the case of John J. Wogan, find that the deceased came to his death on December 25th, 1891, at about 7:30 A. M., in the basement of No. 372 Sixth Avenue, corner of 23rd Street, New York City, known as Tom Gould's place, from a pistol shot wound of the abdomen inflicted at the hands of one Joseph Selling; and we further find that the said Selling was severely provoked to the act by the said

0957

127

Wogan, and it is our opinion that the provocation was almost beyond the endurance of man; and we recommend to the city authorities the closing, at an early hour in the evening at least, of all places of this character habitually visited by men and women.

-----oO-----

0958

Police Court 2 District.

City and County } ss.  
of New York.

of No. 19th Street John Huffer  
Occupation Police Officer Street, aged 30 years,  
that on the 25th day of December 1891, being duly sworn, deposes and says,  
York, in the County of New York,

Deponent was patrolling his post on West Twenty third street about the hour of 7.30 O'clock AM on betwixt 5th and 6th Avenue. Deponent heard a shot and on going in the direction of the report Deponent met a crowd of men chasing a man who had a revolver in his hand. The man or arrested was the defendant Joseph Seltzer (now dead) Deponent took the revolver away from the defendant, and found that it was a .38 caliber revolver with five chambers loaded with ball cartridges, one chamber had been discharged, or was empty. Deponent said to defendant "Have you been doing somebody up?" Defendant said "Yes they tried to do me up and I done them." Defendant said "I hope he ain't badly wounded." Deponent said "This is nice work for Christmas." Defendant said "I suppose I will spend the rest of my days in jail." Deponent said "If you did not carry a pistol you would not be in this trouble." Defendant said "It is better to have a pistol than to get done up." Deponent took defendant to the

0959

Juliet station. Then defendant went  
to the same saloon 372 North  
avenue and there saw the dead  
body of John J. Wozan who, as  
defendant was informed by Thomas  
E. Eouck, was the man who  
was shot by the defendant. Defendant  
said to defendant "Do you know  
the man you shot?" Defendant  
said "No. I guess he was a  
bouncer. He wanted to do me  
up and put me out. That is  
the way a man is treated when  
stealing his money in such places."  
John Hughes

sworn to before me this  
25th day of December  
1891  
} John Hughes  
Officer Justice

Police Court, District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

1.  
2.  
3.  
4.

Offense.

Dated

189

Magistrate.

Officer.

Clerk.

Witnesses

No.

Street.

No.

Street.

No.

Street.

Sessions.

to answer.

0960

Coroner's Office.

TESTIMONY.

John Fittatch residing at  
 23 St and 8<sup>th</sup> Ave being sworn  
 says On Dec 25<sup>th</sup> 1891 about  
 7<sup>th</sup> A. M. I was passing 23  
 St & 6<sup>th</sup> Ave I heard a pistol  
 shot. Then I saw a man come  
 up without hat and run up  
 through 23 St towards 5<sup>th</sup> Ave  
 and caught hold of a man  
 then clucked by Joseph Bellini  
 said to the man let go of me  
 an officer jumped off a car  
 and shot Bellini in the arrest  
 I did not see the shooting

John Fittatch

Taken before me

this 28 day of Dec 1891

W. J. Messer

CORONER.

0961

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of Bowlers Office No. 174 Second Avenue Street, in the 17th Ward of the City of New York, in the County of New York, this 29th day of December 1891, before M. J. B. Messerer Coroner, of the City and County aforesaid, on view of the Body of John Joseph Hogan lying dead at

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 John Joseph Hogan came to his death, do upon their Oaths and Affirmations, say: That the said John Joseph Hogan came to his death by on December 25th 1891, at about 7:30 AM in the basement of No. 372 Sixth Avenue, corner of Twenty Third Street, New York City, known as Tom Gould's place, from a pistol shot wound of the abdomen inflicted at the hands of one Joseph Selling; and we further find that the said Selling was severely provoked to the act by the said Hogan, and it is our opinion that the provocation was almost beyond the endurance of man; and we recommend to the City authorities the closing at an early hour in the evening at least, of all places of this character, habitually visited by men and women.

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

JURORS.

- Louis Spero 1193 Broadway
Fred Smith 240 W. 47th
Ad Fischer 1518 Broadway
J. B. Smith 1475 Broadway
Wm. Heyman 993 8th Ave
Wm. J. Costa 925 9th Ave
Frederick B. Bantman 1014 3rd Ave
Jacob Leubach 777 8th Ave
David Bantman 269 W 98th St
H. Marcus 857 Broadway
Emanuel Strasburger 1363 Broadway
J. M. A. ... 1036-3 Ave

M. J. B. Messerer

CORONER, E. S.

0962

Coroners' Office.

TESTIMONY.

940

I, Ida Adams residing at  
 227 West 40<sup>th</sup> St being sworn  
 July 25/91 about 5:30  
 A. M. a man name Cuff  
 came up and spoke to  
 selling what he said I  
 don't know. Wagon grabbed  
 Pelling and dragged him  
 out of the room, and half  
 way up the stairs. I can't  
 Wagon have Pelling up  
 against the wall striking him  
 I did not see the shooting

Mrs Ida Adams

Taken before me

this 26 day of Aug 1891

Thos W. Mesermer CORONER.

0963

Coroner's Office.

TESTIMONY.

Samuel Jenkins residing at  
245 West 26<sup>th</sup> Street being sworn  
says. On Friday morning about 7.30  
O'clock while sitting in the saloon  
of <sup>23<sup>rd</sup> St. 6<sup>th</sup> floor</sup> Tom Gold, I heard no quarrel by  
anybody, but suddenly I heard  
a pistol fired off. I looked up  
and saw a crowd collected, and  
I then left the saloon.

Samuel Jenkins  
27<sup>th</sup> day of December 1891.

Taken before me

this day of

1891

*M. J. Messer*

CORONER.

0964

## TESTIMONY.

An autopsy made on the body of John J. Tojan on Dec 26<sup>th</sup> 1891, reflected as follows. An external examination of the body revealed a pistol shot wound of the abdomen about 4 inches above the navel & two inches from the middle line of the body. There were no other marks of violence upon the body. On opening the abdomen the course of the bullet was found to have been through the peritoneum, intestines, and omentum almost directly backwards & inwards, having lodged in the back bone. The pistol must have been discharged close to the body, as the skin was blackened & powder marked. There was a quantity of clotting blood in abdominal cavity, the liver was enormously enlarged and fatty and there was an immense accumulation of fat in the omentum. The spleen, kidneys and other organs were in fair condition, the enlarged liver seemed to have encroached upon the thoracic cavity, the lungs were both bound down by old pleuritic adhesions and were edematous. The heart was large and the wall of left ventricle thickened in muscular tissue, otherwise normal, valves being perfect. Brain was normal. In my opinion death was due to shock from hemorrhage following penetrating pistol shot wound of the abdomen.

Wm A Conway  
M.D.

Sworn to before me,

this

26<sup>th</sup>

day of

Dec

1891.

Thos J Messer

CORONER.

POOR QUALITY ORIGINAL

0965

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK.

AN INQUISITION

Taken at the

No. Street, in the Ward of the City of New York, in the County of New York, this day of in the year of our Lord one thousand eight hundred and ninety-

MICHAEL J. B. MESSEMER, Coroner,

of the City and County aforesaid, on view of the body of

now lying dead at

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

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

JURORS.

Autograph  
Mr. John J. Hogan

Coroner. L. S.

0966

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK. } ss.

*Joseph Selling* being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question—What is your name?

Answer—

*Joseph Selling*

Question—How old are you?

Answer—

*37 years old*

Question—Where were you born?

Answer—

*Hartford Conn*

Question—Where do you live?

Answer—

*137 E. 12th St*

Question—What is your occupation?

Answer—

*I am a speculator*

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

*By advice of counsel I will reserve my defense till the proper time. I have a perfect and complete defense against the charge made against me.*

*Joseph Selling*

Taken before me, this *24th* day of *December*, 18*87*

*R. J. Messinger*

CORONER.

0967

**MEMORANDA.**

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
<i>24</i> Years	Months	Days	<i>New York City</i>	<i>1269 Broadway</i>	<i>Dec 25. 1911</i>

0968

1606

4<sup>15</sup>/<sub>2</sub> Quar. 1045 - 1891

HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of  
*John Joseph Wogan*

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

*Joseph Selling*

Inquest taken on the 29<sup>th</sup> day  
of December 1891  
before

*W. A. Messinger* Coroner.

Committed

Bailed

Discharged

Date of death

0969

Police Court 2 District.City and County } ss.  
of New York.

Thomas E Gould

of No. 318 West 32nd Street, aged 44 years,  
 occupation Manager being duly sworn, deposes and says,  
 that on the 25 day of December 1891, at the City of New  
 York, in the County of New York,

Joseph Selling (now  
 here was guilty of the crime of murder  
 under the following circumstances: - The defendant  
 was on the sidewalk in front of No  
 372 Fifth Avenue about the hour  
 of twenty minute past seven o'clock  
 a.m. Deponent was in said premises  
 in the basement and near the door.  
 The defendant said to deponent  
 "Tell John I want to see him" The  
 defendant repeated that twice, at  
 that time John J. Wogan, the  
 proprietor of the said place was  
 standing in said premises and  
 when defendant had repeated the  
 remark "Tell John I want to see  
 him" the second time the said  
 John J. Wogan went out of the  
 said premises and walked up the  
 basement stairs of the said premises.  
 Then deponent saw the said  
 Selling on the sidewalk talking with  
 the said Wogan a moment and up  
 to that time deponent had heard  
 no dispute or quarrel or angry  
 words between them or anybody  
 and the first that deponent heard  
 of any shooting deponent heard a  
 pistol go off and deponent saw  
 the defendant with a pistol in  
 his hand and saw him shoot the said  
 Wogan once in the body about  
 the fifth rib on the left side.  
 Up to that time the defendant  
 and the said Wogan had been

0970

friendly and Deponent knew of no  
 hostile feelings then. As soon as Deponent  
 saw the shooting Deponent ran up the  
 stairs and Defendant ran off with the  
 pistol in his hand. Deponent chased  
 the Defendant through 23rd Street  
 until the Defendant was arrested  
 by Policeman Hefner now here.  
 Deponent charges that the said  
 shooting was without cause or  
 provocation and was a deliberate  
 act by the Defendant. The said  
 Wagon has since died as the  
 result of said shooting, and  
 Deponent charges the  
 Defendant with the crime of  
 murder.

*H. G. Gould*

Present before me this  
 25 day of September 1891  
*C. J. Hogan*  
*Justice of the Peace*

Police Court, District

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_

Offense.

Dated 1891 \_\_\_\_\_  
 Magistrate. \_\_\_\_\_  
 Officer. \_\_\_\_\_  
 Clerk. \_\_\_\_\_  
 Witnesses. \_\_\_\_\_  
 No. \_\_\_\_\_ Street. \_\_\_\_\_  
 No. \_\_\_\_\_ Street. \_\_\_\_\_  
 No. \_\_\_\_\_ Street. \_\_\_\_\_  
 \$ \_\_\_\_\_ to answer. Sessions. \_\_\_\_\_

0971

Police Court 2 District.

City and County of New York } ss.

of No. 372 6th Avenue Street, aged 29 years, occupation Constant Manager being duly sworn, deposes and says, that on the 25 day of December 1891, at the City of New York, in the County of New York,

Deponent was in the saloon No 372 6th Avenue about the hour of 7:30 P.M. and deponent heard the report of a pistol and ran up the steps and saw the defendant run up West 29th Street and deponent joined in the chase and was present when defendant was arrested with the pistol in his possession and deponent saw Thomas Hughes take the said pistol away from the defendant. Deponent saw Wogan and Selling together that evening morning just before the shooting, and they were friendly to all appearances, and deponent heard no quarrell between them.

sworn & depose in the 25th day of December 1891 } Joseph O Connor  
John P. [unclear] }  
Joseph O Connor

0972

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Joseph Selling* 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. *Joseph Selling*

Question. How old are you?

Answer. *37 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *137 East 12th St - One August*

Question. What is your business or profession?

Answer. *None*

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

Answer. *I have nothing to say at present*

*Joseph Selling*

Taken before me this  
day of *June* 188*9*

*25*

Police Justice.

0973

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.....

*Joseph Selling*

guilty thereof, I order that he be held to answer the same and ~~be committed to jail in the sum of~~  
~~Hundred Dollars,~~ *without* and be committed to the Warden and Keeper of  
the City Prison, of the City of New York, ~~with~~ *without* ~~the~~ ~~sum of~~ bail.

Dated *Dec 27<sup>th</sup>* 18 *91*

*[Signature]*  
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.

0974

Ex Dec 29<sup>th</sup> 2 P.M.

Police Court--- 2

1606 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas E. Gould  
318 W. 32<sup>nd</sup> St

Joseph Selling

Offence  
Murder

BAILED.

No. 1, by Joseph Hornthal  
Residence 158 E 63<sup>rd</sup> Street

No. 2, by  
Residence Street

No. 3, by  
Residence Street

No. 4, by  
Residence Street

Dated Dec 25 1881

Hogan Magistrate.  
John Hoyer Officer.

19 Precinct.

Witnesses Joseph O Connor

No. 372 64 Avenue Street.

H J Reynolds

No. 403 64 Avenue Street.

Samuel Koller 137 East 12<sup>th</sup> St

No. Ida Adams 227 W 47 Street.

Committed without

Bail

and



0979

Ex Dec 29<sup>th</sup> 2 P.M.

Police Court --- 2

1606 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas E. Gould  
318 N. 37<sup>th</sup>  
Joseph Selling

Offence Murder

2  
3  
4

BAILED

No. 1, by Joseph Hornthal  
Residence 158 E 63<sup>rd</sup> Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated Dec 25 1881

Hogan Magistrate  
John Hupler Officer  
19 Precinct.

Witnesses Joseph O Connor

No. 372 6<sup>th</sup> Avenue Street.

H J Reynolds

No. 403 6<sup>th</sup> Avenue Street.

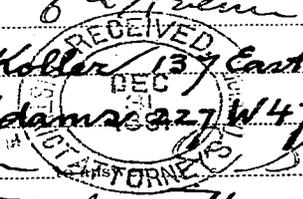
Samuel Keller 137 East 12<sup>th</sup> St

No. Ida Adams 227 W 47 Street.

\$

Committed without Bail

Bill and  
much more



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph Bellamy

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

Joseph Bellamy

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

The said Joseph Bellamy,

late of the City of New York, in County of New York aforesaid, on the twenty-first day of December, in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, with force and arms, in and upon one John Wagon, in the peace of the said People then and there being, wilfully, feloniously and of his malice aforethought did make an assault; and the said Joseph Bellamy a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Joseph Bellamy in his right hand then and there had and held, to, at, against, and upon the said John Wagon, then and there feloniously, wilfully and of his malice aforethought, did shoot off and discharge, and the said Joseph Bellamy with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, him the said John Wagon in and upon the abdomen of him the said John Wagon then and there feloniously, wilfully and of his malice aforethought, did strike, penetrate and wound, giving to him the said John Wagon, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

said *Joseph Bellamy* in and upon the *abdomen* of  
 the said *John J. Wogan* one mortal wound of the breadth of  
 one inch, and of the depth of six inches, of which said mortal wound *was* the  
 said *John J. Wogan*, at the City and County aforesaid,  
~~from the said~~ *day of* ~~in the~~  
~~year aforesaid, until the~~ ~~day of~~ ~~in the same year~~  
~~aforesaid did languish, and languishing did live, on which said~~  
~~day of~~ ~~in the year aforesaid, the said~~  
~~at the City and County aforesaid, of the said mortal~~  
~~wound did die.~~

*then and there died.*

AND SO THE GRAND JURY AFORESAID do say: That the said  
*Joseph Bellamy, Junior*  
 the said *John J. Wogan*, in the manner and form, and by  
 the means aforesaid, wilfully, feloniously and of *his* malice aforethought, did kill  
 and murder against the form of the statute in such case made and provided, and against the  
 peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*

0978

END OF  
BOX