

bleeding.

Q What kind of a suit of clothes did Edward have on that night, light or dark? A Well, I couldn't say.

Q Did he get blood on his coat? A He got blood from his nose, --

Q Was there considerable blood on his coat?

A Not much, only on the sleeve.

Q Did you look at his hands? A No, sir; I did not.

Q I suppose Edward was in the habit of carrying a razor? A No, sir; I don't know if he carried a razor that night; he never carried a razor; he never shaved himself.

Q I am asking you if he was in the habit of carrying a razor? A No, sir.

Q Positive about that? A Yes, sir; positive.

Q You never knew him to carry a razor, did you? A No, sir; never knew him to carry a razor.

Q Did he shave himself? A No, sir; he didn't never shave himself.

Q Never shaved himself? A No, sir.

Q Did he go to some shop where he got shaved? A A barber shop.

Q About how many times a week did he get shaved?

A He didn't shave only once a week, every Saturday night.

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Q You didn't keep any razor in the house?

A No, sir.

Q As long as you live there you didn't have a razor in the house? A No, sir; we had no razor.

Q Sure?as to that? A yes, sir; sure as to that.

Q Edward never shaved himself? A No, sir; never shaved himself.

Q Now, did you see any other marks upon Edward except those you have told us about upon his clothes? A No, sir.

Q None at all? A No, sir.

Q Then you went right out, did you? A Yes, sir; I went with him.

Q With him? A Yes, sir; right out to get a policeman.

Q Did he leave the guitar in the house?

A Yes, sir.

Q Anything the matter with the guitar, was it broken at all? A One string broken off.

Q One string? A Yes, sir.

Q Aside from that it was all right?

A yes, sir.

Q Roberts went out too, did he, with you?

A yes, sir; three of us went out.

Q What was your purpose in going out?

A He told us.

Q What was your purpose in going out? A To get an

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officer to make an arrest of the bunch that held him up.

Q What did he tell you? A He told me a bunch of fellows held him up in the street and asked him for the price of a pint.

Q What else did he tell you? A He said, "Let us go and get the fellows and take them to an officer". When he went out he didn't see no officer.

Q What was the reason why Roberts took the stick with him when he started to go out? A I don't know what the reason was.

Q Did you see him take it? A Yes, sir.

Q Did you see him stick it up in his sleeve?

A No, sir; he held it in his hand.

Q Held it right in his hand? A Yes, sir.

Q All the time? A Yes, sir.

Q What else was it that Edward told you besides some fellows held him up for a pint? A He didn't tell me anything.

Q Did he tell you it was on his way back from getting the banjo or guitar he was held up?

A He told it to the officer, not me.

Q He didn't give you the particulars upstairs?

A No, sir.

Q Did he tell you upstairs he had to defend himself?

A No, sir; he did not.

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Q He didn't say a word about it?

A No, sir.

Q He didn't say, "I was set upon and had to use a razor"? A No, sir; he did not.

Q He didn't tell you a word about that?

A No, sir.

Q Now, are you sure about that? A Yes, sir.

Q Were you very much intoxicated when you started to go out? A No, sir; I was not.

Q Not a bit? A I had a couple of drinks, but I was not intoxicated.

Q Did you drink out of a jug or out of a bottle?

A I drank out of a glass, three or four glasses.

What

Q Was the contents of the glasses, did it come from the jug or from one of the twenty-four bottles?

A It came from the jug.

Q Now, you had taken two drinks of whiskey then, hadn't you? A Just about two or three.

Q They were pretty large drinks? A No, sir; about this much (indicating) in a glass.

Q About the ordinary size, I should say, for a drink, is that all you had before you started? A That is all I had before I went down in the street.

Q That didn't have much effect upon you at all?

A No, sir.

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Q Nobody could tell you had been drinking?

A No, sir; unless they smelled.

Q How about Edward, was he intoxicated?

A No, sir; he was not.

Q Had he had as much as you had? A I didn't notice how much he drank; I know when he gets intoxicated he is ready to go to bed.

Q He wasn't intoxicated at all then?

A No, sir.

Q How about Roberts, was he intoxicated?

A No, sir; he was not.

Q Then you finally went down onto the street?

A Yes, sir.

(The Court then admonished the jury and took a recess.)

After recess.

THE DEFENDANT CHARLES SAMUELS, resumes the stand:

CROSS EXAMINATION CONTINUED BY MR. MANLEY:

Q Now, Mr. Samuels, I suppose when Edward came upstairs he was pretty much excited from what had been done to him?

A Yes, sir.

Q Is that right? A Yes, sir.

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Q I suppose he wanted to go down and report the matter to the police? A Yes, sir.

Q He was the one who had suggested going down?
A yes, sir.

Q And reporting it to the police? A yes, sir.

Q You didn't do that? A No, sir.

Q Roberts didn't do that? A No, sir.

Q But Edward did? A Yes, sir.

Q Did you go down on the street right away?
A Right away, immediately.

Q You found Officer Kilgallen? A Found him on the street.

Q Did you walk all the way from 329 to the corner of West End avenue? A Up on the corner, on our way, we didn't see no policemen when we went first, and on the way back a woman on the ground floor --

Q Did you walk all the way to West End avenue?
A Yes, sir.

Q Did you find a policeman on that corner?
A No, sir.

Q Did you then walk back to 329? A Towards 329.

Q Did you find Kilgallen on the street? A No, sir; when we came back down to 329 a lady who lived in 329, says, "There was a policeman coming down", we came back and went

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back to the restaurant.

Q Was he coming from towards West End avenue?

A Yes, sir; from towards West End avenue.

Q Was he on the north or south side of the street?

A The downtown side.

Q You all three walked out to meet him?

A Yes, sir.

Q You met him right on the sidewalk? A Yes, sir.

Q How far from 329? A Pretty near the middle of the block.

Q Now, who spoke first, you or Roberts or Edward?

A Edward done all the talking.

Q Edward did every bit of it? A Yes, sir.

Q You didn't say anything? A No, sir.

Q Or Roberts? A No, sir.

Q What was it Edward said? A He said that he had gone out ~~xx~~ to get this guitar and a bunch of fellows asked him for the price of a pint; he came down the street and a bunch of white fellows held him up for the price of a pint of beer; he says he couldn't give them any money, they held him up and beat him.

Q Now, is that everything Edward said? A yes, sir.

Q Positive of that? A Yes, sir.

Q What did the policeman do? A He said to Edward,

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he says, "Come on and point me out one fellow", and he says, "The whole bunch is in the restaurant".

Q Did Edward say he could point them out?

A He pointed out the whole bunch that held him up, a bunch of them.

Q Before the policeman started towards the restaurant, did Edward tell the policeman that he could pick them out if he saw them? A He said, "The whole bunch is gone in the restaurant". That is what he told the officer.

Q You all went over to that restaurant? A yes, sir.

Q The policeman said he couldn't go in because it was private property? A Yes, sir.

Q Is that right? A yes, sir.

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Q What happened after that? A Myself, Roberts, my brother and the policeman went back down the street towards 329, on the south side of the street.

Q Who was it suggested or made the proposition to walk down towards 329? A I did; I said, "Come on, to Ed, to my brother, the policeman can't make an arrest, we will go back home.

Q You started towards the house? A Yes, sir.

Q Now did you go right up into 329.

Q What became of Edward? A I left him and the Policeman by the lamppost in the street.

Q That lamppost is how far from 329? A Right across the way.

Q What did Edward say when he left you? A He said "I am crazy, you go ahead Charlie, I am talking to the policeman all right", and Roberts and I went to the house.

Q Edward said you were crazy? A Yes, sir.

Q What made him say that? A I don't know; I told him, "Come one, let us go."

Q Did he say, "Come on Roberts?" A I said to Roberts "Let us go" because he wouldn't come --" I left him and the officer on the sidewalk; I saw he wouldn't come.

Q What did you say about going? A I said, "Let us go", so he was talking to the policeman.

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Q What was he saying to him? A I don't know after I left.

Q You haven't seen him since that time at all?

A No, sir.

Q Now how long was it after you left Edward before the Police officer came to your house? A Well, that was about an hour and a quarter or an hour and a half.

Q Now weren't you in the hallway when you saw Kilgallen?

A I was not.

Q And didn't he ask you what the trouble was? A No, sir; he did not ask me.

Q Did you say to him that there had been a little fuss, you had a little fuss with him on the street with some boys?

A No, sir, I did not.

Q Didn't you say that you had left your house to go out on an errand, and that you got into some muss with some boys in the neighborhood? A I did not.

Q Did Edward say that? A Edward told him -- Edward told him the boys held him up; he didn't tell him he was out on an errand.

Q You did not say what I have read? A No, sir.

Q Did Edward say it? A Yes, sir; he said that to him by the restaurant.

Q Did Edward say what I have read. I will read to you

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again.

MR. BROWN: I object to that.

Q Did Edward say this --

MR. BROWN: I object to that. If those are the minutes you are reading from, I would like to know it.

M. MANLEY: I am reading from page 163 of the minutes of this trial.

THE COURT: From the officer's testimony. He is merely reading the testimony to him and asking him if it was true.

Q Now did Edward speak up and say he left his house to go out on an errand, and got into a muss with some boys in the neighborhood? A He did not say exactly that to the officer.

Q He did not say that? A No, sir.

Q Now, did Roberts say anything to the officer of what took place? A Not a word.

Q Now, why was it you gave that false name in the Police Court? A I didn't give no false name, I gave my right name.

Q You gave your right name as Charles Samuels in the Police Court? A Not at the Police Court, but at the station house.

Q I am talking about the Police Court? A I refused

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to answer --

Q Did you give a false name in the Police Court?

A No, sir, I did not; I refused to answer to the name of Charles Brown.

Q Who was it first used the name Charles Brown?

A Officer Callanan.

Q Officer Kilgallen? A No, sir; Callanan.

Q Was it in the Police Court he first used that name? A Yes, sir, in the Police Court.

Q What did he say when he suggested the name of CharlesBrown? A He says, "You got to go under the name you are down on the station house." I said my name was Charles Samuels from the station house.

Q That is what you gave the station house Charles Samuels, and the officer told you when you got to the Police Court to say your name was Charles Brown? A Yes, sir; he told the man he set it down by that name-- "You got to go by that name".

Q You had given the name of Charles Samuels in the station house? A Yes, sir, I did.

Q No doubt about that? A No, sir.

Q Then when you got to the Police Court the officer told you to use the name of Charles Brown? A Yes, sir.

Q Did he tell you why he wanted you to use that name?

A No, sir; I didn't ask him why.

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Q What part of the station house were you in when the officer said to use the name of Charles Brown?

A Right in front of the desk.

Q Right where the clerk is? A Right where --

Q Right where the clerk is writing? A In the Police Court?

Q Where the clerk is writing? A Yes, sir; where the clerk is writing.

Q What did the Judge say when you came before him?

A At the examination I was called Charles Brown, and I refused to answer, and the Judge told me you have got to go under that name because that is the name you are down here by.

Q Did you tell the Judge that was not your name?

A Told the Judge my name was Charles Samuels.

Q Do you remember the name of that Judge? A No, sir.

Q Wasn't it Keyran J. O'Connor a former Deputy District Attorney? A I don't know his name.

Q Whoever it was you told him your name was Samuels? A Yes, sir.

Q He told you you had to go under the name of Brown?

A Yes, sir; that is the name I was under.

BY THE COURT:

Q Sure the Judge told you that too as well as the

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officer? A Yes, sir.

Q The Judge told you that you had to go under the name of Brown? A Yes, sir; because they had got me down by the name of Brown.

Q And said he could not change it? A Well, I never asked him that; he said I got to answer by that name.

BY MR. MANLEY:

Q Did you see Roberts out there on the street draw a stick from his sleeve? A No, sir, I didn't see him draw no stick from his sleeve.

Q Holding it in his hand? A Yes, sir.

Q All the time on the street? A Yes, sir.

Q Now did you hear an Italian up there in the house, 329, at the time that you were taken away, did you hear an Italian say that you were the man that had the razor and did some cutting? A No, sir, I did not hear him.

Q Did you hear an Italian over there at the station house say that you were the man that did the cutting?

A No, sir.

Q Were you put in line with a lot of colored men?

A Yes, sir in a line.

Q Did somebody pick you out? A Somebody did.

Q What did he say when he picked you out? A Well, the policeman, Mr. Callanan--

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Q What is that? A Mr. Callanan picked me out of the crowd.

Q Mr. Callanan picked you out? A Yes, sir.

Q Did anybody pick you out of the crowd besides Callanan? A No, sir; him alone.

Q No Italian picked you out at all in the station house? A No, sir.

Q Callanan picked you out as the man that done the cutting? A Yes, sir.

Q Did anybody pick you out Monday in the Police Court or Sunday rather in the Police Court? A He picked me out on Sunday.

Q Who did? A Callanan.

Q No Italian picked you out either on Sunday morning or Monday morning? A No, sir.

Q At any time? A No, sir.

Q It was always Callanan that picked you out? A Yes, sir; it was always Callanan that picked me out.

Q Now what did you think you were arrested for when placed under arrest that night in your house? A Well, I knew they had some fighting, according to what my brother told the officer on the street, and I thought maybe they came to arrest a whole bunch to get the right out of it.

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Q Did you tell him about your brother right away, that your brother had some trouble in the street? A My brother told him it was him.

Q When the officers came to arrest you, different officers from Kilgallen, Officer Callanan and Officer Leonard, did you tell either of them that it was your brother that had the trouble in the street? A Why, I didn't tell them that -- Sunday morning at the station house.

Q Why didn't you tell them that? A I told them that in the Police Court.

Q Waited until you got to the Police Court before you told them that? A Yes, sir.

Q When you got to the station house that night, why didn't you tell them it was your brother, not you? A I didn't know what I was held for.

Q Didn't know what you were held for? A No, sir.

Q Nothing said about you being charged with using a razor or a knife? A No, sir; never charged me until Sunday morning.

Q Nothing said about it at all? A No, sir; only the officer held me -- he said I done the cutting Sunday morning before I left the station house and I told him I didn't know anything about it.

Q That is the first time you knew anything about it?

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A Yes, sir.

Q Now did you or Robert say anything about the charge that night at the station house or tell what occurred?

A No, sir, I was apart.

Q What is that? A They put me apart from the rest of them.

Q You did not hear anything said by Roberts at all?

A No, sir.

Q Didn't you hear Roberts say when they got him to the station house that he had gone out to get some beer that night, and that you and he had some trouble with somebody ?

A No, sir; he did not.

Q Did he say anything about it? A No, sir. I didn't hear him say that.

Q At the same time you went out to get a guitar or some musical instrument, and somebody tried to hold you up for beer money? A I didn't say it to nobody because it wasn't me.

Q You did not say that at all in the station house?

A No, sir.

Q Didn't you see an Italian up there in the house at the time when they arrested everybody in the house?

A I seen an Italian there.

Q That is the man that they call Citrone, an Italian, wasn't it?

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(No answer.)

Q Well did not Citrone identify you, point you out as the man that had the razor and also the instrument either a banjo or a guitar? A If he did point to me I didn't see him; I didn't know him.

Q You didn't see him at all? A No, sir.

Q Didn't that same man pick you out at the station house? A The man that picked me out from the crowd was Callanan.

Q How could he pick you out if he hadn't seen the cutting? A Well, I don't know; I didn't see the Italian man.

Q Now you are positive you didnot know what charge was against you until next morning? A No, sir; I did not know what the charge was.

Q Didn't you hear Roberts say this in the station house-- didn't Officer Callanan say, "What do you know about this", say that to Roberts, and didn't Roberts say, "There was a little fuss up the street and some boys went to take a can of beer out of my hand"? A No, sir; I didn't hear him.

Q Nothing of thekind? A Nothing of the kind.

Q Didn't he also say, "Wasn't that ~~the~~ man cut with the razor, and didn't Roberts then say in your presence, "There was nobody cut with any razor at all, there was no razor

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around, I don,t know anything about anybody being out with a razor. We went out to get some beer, we had a can of beer, the boys went to take it from us", did you hear that?

A No, sir.

Q Didn't you then say "the boys held us up wanting the price of a can of beer"? A I didn't say a word like that because they did not hold me up.

Q Now, didn,t you say after they got you to the station house, to both Officers Leonard and Callanan, that the three of you went out together to get some beer? A No, sir; there was the three of us went out--

Q I am asking you if you said that to the officer?

A No, sir; I did not.

Q Did you tell him the name of the third man that went out to get the beer-- to the officer? A No, sir; I did not.

Q You did not give him any name at all? A No, sir.

Q You did not at any time in the station house tell the name of the third man to the officer? A No, sir, I did not.

Q Do you claim to this jury that you were locked up all night and didn't know at all what you were locked up for? A Well, I didn,t know what they arrested me for.

Q Now you say you were plaed in a line in the station

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house? A Yes, sir.

Q About how many colored people in the line? A About ten or eleven.

Q All lined up right side by side? A Yes, sir.

Q Did Officer Callanan walk right over and put his hand on you? A Yes, sir.

Q Now you are sure of that? A Yes, sir.

Q This line here about ten and he walks right over --
A Walks from one over to the other, and came back to me.

Q What did he say then? A He only took me in the back room, and wanted me to own up that I cut this man; I said I didn't cut anybody.

Q At the time he walked towards you he put his hand on you, did Callanan say anything to you? A No, sir; he said, "Just come back here";

Q That is all he said? A Yes, sir.

Q Did you finally go back there where he pointed?
A Yes, sir.

Q While still in that line did anybody else come over and put his hand on you and point at you? A No, sir; nobody else.

Q Do you know why they put all these people in a line with you? A No, sir, I don't know.

Q Have you any idea what they did? A I don't know.

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Q When was it you first knew anybody had been cut?

A When my brother told to the officer somebody cut him-- then he said, "Some cutting down on the street, down the vlock.

Q Your brother said that to the officer? A He told the officer he heard some cutting done down the street .

Q The officer said that? A He told the officer that he-- the officer said to him he heard of some cutting down the street.

Q The officer said that? A Yes, sir.

Q What did your brother say when he said that?

A He said he did not know anything about it.

Q Now did your brother tell you there was more than one man with him up there on the street? A He told me there was a bunch of about five or eight.

Q Any colored men with him? A No, sir, he didn't say anybody was with him, but him alone; he alone was in the street when this row started, he says to the officer.

Q Suppose you describe your brother to us what he looked like? A Well, I couldn't tell you what he looked like.

Q Yes, you can; he is your brother? A He is more thicker than I am.

Q How much more thicker? A Pretty near the size of Roberts.

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Q About the size of Roberts? A Yes, sir.

Q What size is that, how much would he weigh?

A He would weigh over 160.

Q How much do you weigh? A Well, I weigh around 148; around there.

Is he as tall as you are, not quite as tall as you are? A Not quite.

Q As black as you are? A Yes, sir.

Q The same color? A Yes, sir.

Q Smooth face? A Yes, sir, smooth face.

Q Part his hair just like you? A Yes, sir.

Q Wear the same clothes you do ordinarily, don't he?

A Well, we never wore the same suit.

Q What colored suit did you have on that night?

A Striped suit.

Q Was it black or light? A Black strip.

Q What was the rest of it that wasn't black, what color? A Well, something like, similar to what you have got on.

Q Similar to mine here? A But heavier stuff, cheaper stuff than that.

Q What colored suit did Edward have on? A He had a light gray suit, I ain't positive.

Q Well can't you tell us about it? A I couldn't tell you much about this suit.

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Q You think it is a light suit? A Yes, sir. 250

Q What kind of a hat did he wear? A I could not tell you what kind of a hat he went out with.

Q Can't you give us some idea what kind of a hat?

A Maybe he got two or three hats, I don't know if he wore a soft hat or which hat he wore.

Q When you went on the street did you wear the same hat you wore to the station house? A Yes, sir. the same hat I wore.

Q You have not heard of Edward from that day to this?

A No, sir, I have not.

RE DIRECT EXAMINATION BY MR. BROWN:

Q Now, when you got to the hospital in company with Edward, who, if anybody, did the talking while this McCarthy was identifying you as the man that cut him?

A Which one of the officers did the talking?

Q Which one of you? A Roberts done the talking.

Q Did he attempt to say anything? A Yes, sir; he attempted to ask "Boy did I hit you?" But he didn't get out the words and the officer stopped him.

Q Didn't allow him to answer? A No, sir; didn't allow him to answer.

Q You didn't say anything? A No, sir; I didn't say a word; I didn't try to.

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Q Do you know whether or not any officer went to Brooklyn while you were in prison up in 54th Street to look for your brother? A I heard so when I got out, but I didn't know until I got out on bail.

Q The officer went over there? A I heard so.

Q To where he worked? A Yes, sir.

Q To look for him? A Yes, sir.

Q He did work in Brooklyn at the time? A Yes, sir; he did work in Brooklyn at the time.

Q Did he come home every night? A Came home every night.

Q What time did he leave home in the morning to go to work? A He left home at 6 o'clock or a quarter past 6, supposed to be over there at 7 o'clock.

Q But he was at the house that night when you returned to the house that night when they were having the party at 11 o'clock as you say,-- where did you come from? A Well down to my cousins that is 223 West 61st street.

Q You say they were having a surprise party there? A Yes, sir.

Q They had refreshments there? A Yes, sir, refreshments yes, sir.

Q There was no occasion for any of you to go out to get refreshments? A No, sir.

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Q Was your brother there when you got there? A Yes, sir, he was.

Q You asked him to go out and get what? A To get a guitar.

Q And he went? A Yes, sir.

Q Now as to intoxication, were you intoxicated that night? A I had a couple of drinks, but I had my senses with me.

Q I ask you if you were intoxicated? A I was not.

Q Were the other persons in the house intoxicated?

A No, sir.

Q But all of you had been taking -- A Some stimulants, yes, sir.

Q Of the refreshments that you had there? A Yes, sir.

Q Did they arrest all of the parties in that house?

A Some had gone before and they arrested some.

Q Did they arrest all of the parties? A All of the parties in the house.

THE COURT: We have had all that. You cannot make it any better, probably than the admission of the officers that they arrested everybody within reach.

BY A JUROR:

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Q You admit you heard Roberts say that he sent out for a pint of beer? A He didn't say he went out; I didn't send out for no pint.

Q You heard Roberts testify, that is make that remark at the Police station? A No, sir; he didn't say that; I didn't hear him say that.

Q Sure your brother didn't go out for beer? A No, sir; he went out to get the guitar, not a pint of beer.

Q You didn't send out for beer that night at all? A No, sir; we had a case of beer in the house.

Q Will you tell me of that party that you had upthere that night, where they lived, did they live in the house, in your room? A No, sir; some lived uptown and some downtown, the party we had.

Q It was your room? A Yes, sir., my own room.

Q They were all in your room? A Yes, sir.

Q Did you have a party there at any time before that? A We had a party before, but there was no fighting.

Q How long ago before that did you have a party? A Well about 1908.

BY MR. BROWN:

Q You had been living in that house for three months? A Yes, sir; three months.

Q This was the first party you had in that house?

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A Yes, sir, since I lived there.

Q There didn't any of these persons except ou three live in your rooms, did they? A Nobody but my brother, myself and Joseph Jackson.

Q Some of these people lived all over the city?

A Yes, sir.

Q They were there when you came there? A Yes, sir, they were there when I got there.

Q That night? A Yes, sir, that night.

Q Did you ever have any trouble with the police before?

A No, sir; never at all.

Q Ever been convicted of a crime? A No, sir, never.

Q Did you have any fight with anybody? A Never.

Q Here or anywhere else? A Well, when I was going to school maybe but since I've grown to manhood I never had any fight.

Q Never had any serious fight? A No, sir.

Q You never went to school in this country?

A No, sir.

Q I am talking about this country? A No, sir:
I never went to school here.

BY A JUROR:

Q Do you shaveyourself? A No, sir, I don't.

Q Where do you get shaved? A Sixty-second street,
No. 7.

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Q No razors in your house at all? A No, sir.

Q Any of your friends have razors that night? A I couldn't tell you.

Q When the officer came down at the time you claim that the woman on the ground floor told you-- was that a woman in 209? A Yes, sir; 329.

Q You said the officer came down the south side of the street? A He came from the--

Q West End avenue? A Yes, sir; the south side of the street.

Q Did you cross over to him or did he come over?

A We crossed over to him.

Q You gathered under a lamppost on the other side?

A Yes, sir.

Q Not on your side? A No, sir.

Q On the other side? A Yes, sir.

BY MR. BROWN:

Q Now, do you know whether your brother had a razor or a knife? A Well, I don't know what he carried; I know he didn't carry a razor, maybe he had a knife that night, I don't know; I know for sure he don't carry no razor.

Q Well if he had a knife are you sure whether or not he had a knife? A I ain't sure.

Q Did you ever see him with a knife? A Yes, sir, well

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he had a knife sometimes he carries it with him and sometimes he don't, I don't know whether he had it that night; he may have had it because he done the cutting.

Q Where did you come from? A District of Frederick St. Croix, Danish West Indies.

Q That was when you came here? A Arrived here September, 1904, landed on the 19th.

Q Born there? A Yes, sir.

Q You came to this country in 1903? A Yes, sir.

Q And ever since you have been here? A Yes, sir.

Q In occupation? A Yes, sir.

Q Earning your living? A Yes, sir.

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C H A R L E S H A R R I S O N R O B E R T S ; a witness
called on behalf of the defendant being duly sworn testifies
as follows:

DIRECT EXAMINATION BY MR. BROWN:

Q Where do you live? A 203 West 63rd Street.

Q Now, will you speak loud? A Yes sir.

Q What is your name? A Charles Harrison Roberts.

Q Charles Harrison Roberts? A Yes sir.

Q What name did you give when you were arrested on the
night of May 15th? A Charles Harrison.

COUNSEL FOR ROBERTS: I object to anything that is
not wholly material to this issue. I am his counsel and
I object to this as not material to this issue. I will
consent to anything that is material to the issue.

THE COURT: No, I think you object to it though.
You can advise with your counsel and he can decline to
answer any question on the ground that it would tend to
incriminate him.

COUNSEL FOR ROBERTS: I don't want to make any ob-
jection except this one, that he should not be asked any-
thing that will come up on his own trial except it is
absolutely pertinent to the issue here. What name he
gave at the police station is wholly immaterial to the

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guilt or innocence of the defendant Brown.

THE COURT: That is true. He can raise that objection if he wishes but strictly speaking this witness is not entitled to counsel. He may decline to answer any question on the ground that it may incriminate him.

MR. BROWN: I withdraw the question.

Q You were arrested on the 15th of May? A Yes sir.

Q In the night time? A In the morning time.

Q In the morning time? A Yes sir.

Q About what hour was it? A About four o'clock or a little after that.

Q Where? A 329 West 69th Street, upstairs.

Q How many other persons were there? A Fourteen persons besides myself.

Q Who if you know rented this apartment? A Well, two brothers rented it. Ed. Samuels was the one who rented the apartment, and Charley Brown, his brother.

Q This defendant? A Yes sir.

Q What name had you known Brown by at the time? A Charley Samuels.

Q Charley Samuels? A Yes sir.

Q Had you known him under the name of Brown before that night? A No sir.

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Q Did you hear what name he gave in the station when he was taken to the station house that night? A I didn't hear what name he gave.

Q You didn't hear what name he gave? A No sir.

Q Were you there when Ed Samuels, the brother of Charles Samuels was there that night? A If I was there? Yes sir, I was there.

Q Were you there? A Yes sir.

Q Did Ed Samuels at any time leave that apartment that night? A Yes sir, he left the apartment about one o'clock I think.

Q About one o'clock? A Yes sir.

Q Do you know for what reason he left the apartment?

A He went to get some instrument to play for us music.

Q He went where? A He went to get some music for us.

Q What is that? A He went to get some music for us.

Q Did anybody accompany him when he left? A No sir.

Q Didn't anybody? A No sir.

Q He went alone? A Yes sir, all alone.

Q Did he return that night? A Yes sir, he returned in the morning.

Q He came back in the morning? A Yes sir.

Q About what time was it when he returned? A It was

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about two o'clock or a little after two.

Q When he returned? A Yes sir.

Q Did he have anything with him when he returned? A He came back with a guitar.

Q Did you see the guitar? A Yes sir, I seen the guitar.

Q Where was he with the guitar when you saw him? A He brought the guitar into the kitchen.

Q Where was it you saw Ed Samuels with the guitar?

A When I saw him with the guitar? In the kitchen, in his apartment.

Q When he brought the guitar did he go in the kitchen with it? A Yes sir, he came into the kitchen with. He just came to the door and laid it on the table in the kitchen. Came in by the open door and laid it on the table and went out into the hall and stood up in the hall.

Q Went back out in the hall? A Yes sir.

Q Did anybody go out in the hall where he was? A No sir, nobody -- just him alone.

Q Did anybody go into the hall where he was at any time?

A No sir, his brother was speaking to him at the doorway.

Q Which brother? A Brown.

Q Was speaking with him? A Yes sir, at the doorway.

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Q Well, did you go in the hallway? A Yes sir.

Q I am asking if any one was in the hallway where he was?

A Yes sir, he went to talk to this brother at the doorway and I went afterwards myself.

Q After he came into the hallway, where if anywhere did any of you go? A We went out in the street, the three of us.

Q The three of you went out into the street? A Yes sir.

Q Did you take anything with you? A I had a stick in my hand.

Q Where did you get the stick? A In Samuels's apartment.

Q What kind of a stick was it? A A broom stick.

Q Where did you get it from in the apartment? A In the kitchen.

Q In the kitchen? A Yes sir.

Q You went out into the street? A Yes sir, I went out into the street.

Q While Brown was talking with his brother did you notice the appearance of Ed Samuels? A If I noticed his appearance?

Q Yes? A Sure.

Q Well, what was his appearance -- what was his condition, what was the condition of his face? A His lip was all cut up and his eyes were all banged up -- over his eye was cut.

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Q What is that? A Over his eye was a cut. The back of his hand was bruised.

Q Was there any blood on his face? A Yes sir.

Q Where was the blood? A Running down the side of his clothes.

Q Now, did you and Charles Samuels and Ed Samuels go out in the street? A Yes sir, we went out to the street together, the three of us.

Q Did you meet anybody in the street? A No sir, but the officer we seen up the block.

Q What is that? A Nobody was in the street but the officer. We seen him up the block.

Q Did you see the officer up the block? A Yes sir. I told you I saw nobody in the street but the officer in the block.

Q Did you have anything to say to the officer? A I didn't say anything to the officer. Ed Samuels talked to the officer.

Q Were you present when he was talking? A Yes sir, I was present.

Q Was this blood on his face? A Yes sir.

Q And his clothes? A Yes sir.

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Q While talking to the officer? A Yes sir.

Q Did you have a stick in your hand? A Yes sir.

Q While you were talking with the officer? A Yes sir, I did.

Q While he was talking to the officer? A Yes sir, I did.

Q Did Charles Samuels say anything to the officer?

A No sir.

Q Who did the talking? A Ed Samuels.

Q What did Ed Samuels say to the officer? A He told the officer he was going down the street and met a gang of fellows and they asked him for a dime and he told them he had no money and the fellows said, "I don't see why you ain't got some money. Some other colored fellow went up and he gave us a dime," and he told them he said, "They may have money to give you but I have no money," and he says they jumped on him and knocked his teeth out. That is what he said to the officer -- when he told them he had no money.

Q Where was the officer -- at the time you went in the street was the officer there at that time? A The officer was standing on the sidewalk facing the restaurant down in the basement.

Q Where if anywhere did Samuels say that this man assaulted him? A He pointed to the officer, he says, "There is the two

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men that knocked me down when I was going down the street."

Q Pointed where? A Down in the restaurant.

Q What did the officer say to them? A He said he didn't know anything about this man being assaulted but he learned there was some fighting down the street, and Samuels didn't say anything to him, that he knew of any fight.

Q Did the officer go down in the restaurant after these men? A No sir.

Q Did any of you go down there? A No sir.

Q Did he say to Samuels, "Point out the man that assaulted you and I will arrest him"? A No sir.

Q What was his answer? A His answer was that he couldn't arrest them because they were not out on the street.

Q Because they were not on the street? A Yes sir.

Q He couldn't arrest them? A No sir.

Q Now, did you and Samuels and his brother go anywhere else? A We didn't go any place else.

Q On that street that night? A No sir.

Q Did you enter into a fight with anybody? A No sir.

Q Where did you go after you told your story to the officer? A We went down the block together, the four of us.

Q Down the block where? A Into Samuels apartment again.

Q Where did you separate? A I separates from him and Brown went down to his apartment. We left his brother, the one

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who was assaulted out in the street with the officer talking at the lamp post, right facing his house on the other side of the street.

Q In front of the house? A Yes sir, facing the house right across the street.

Q Do you know Ed Samuels well? A I do.

Q Do you know him as well as you know his brother? A Yes sir.

Q Have you seen him since that night? A Yes sir.

Q You think it impossible for the officer to have seen the blood and the condition of this man's face with the blood on his clothing? A No sir, it couldn't have been impossible.

Q You say you were talking right under the lamp post?

A We went then under the lamp post. We walked down the block and I went upstairs again.

Q Now, Peter Gentile testified here that you struck him with a stick, that you hit him with a stick that you had in your hand. Did you have a baseball bat in your hand that night?

A Never held a baseball bat in my life.

Q What did you have? A A broom handle.

Q Where did you get that? A In the house.

Q You took it out? A Yes sir.

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Q You didn't have any occasion to use it? A No sir, no occasion whatsoever.

Q The officer was the only person that you saw there on the street? A The only person I seen on the street at the time, facing the men in the restaurant.

Q When you and Brown returned to that place that night, to this room, were all of these people there? A Yes sir, all were there.

Q How long were you away from the place? A I didn't count. About ten or fifteen minutes, not more than that.

Q You were on the street about ten or fifteen minutes?
A Yes sir, about that time.

Q You went back to the apartment? A Yes sir.

Q Did you leave that apartment again that night? A No sir, not until I came to the Sixty-Eighth Street police station.

Q Not until you were arrested? A Yes sir.

Q How long after that were you arrested? A I don't know how long after that. It was about four o'clock when they made the arrest.

Q You had been back to the apartment some time? A We went back after we left the officer and Ed in the street at the lamp post, and I didn't leave there again until I was arrested.

Q Did Brown leave the building? A No sir.

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Q Now, when you went with Brown to the hospital, what officers were with you there? A Well, the officer I seen in the street that morning -- the officer who is supposed to have the name of Leonard. I don't know what name he may go under now. He was supposed to be named Leonard at that time.

Q They took you to this place? A Yes sir, the Flower Hospital.

Q The Flower Hospital? A Yes sir.

Q Who went to the sick room first? A The two officers.

Q Now, when they entered before you, you came in about two or three minutes? You and Brown were manacled together?

A Handcuffed together.

Q What was said by the officer when you were taken over to the bed of these sick men? A They asked the boys to identify us. He said, "I brought the two men here to be identified by you for that fighting being done up in the street," and one of the boys raised his head and as he raised his head he pointed to Brown and he said, "This is the fellow that cut me," and the officer said to ^{identify} the other man and he says, "Well, he he haven't done anything to me."

Q This was McCarthy? A Yes sir, that was his name McCarthy. We went down to the bed of the other man and he was lying there and the officer says, "I brought these men here to

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be identified," and the boy raised his head again and looked at Brown and said, "That is the fellow, that is the fellow that cut me," and he says, "This fellow cut me with a club." I asked the officer, I asked him, I says, "Where did it strike you." The officer says, "Roberts, you are not supposed to ask him any questions." I said, "Pardon me, I didn't know it," and we were ushered back again to the Fifty-fourth Street Police Court.

Q That is all the conversation that took place? A Yes sir, all I had.

Q They took you back to the prison? A Yes sir.

Q Did you strike Peter Gentile with a stick? A No sir, I had never seen him until I went into the hospital that night.

Q Did you strike anybody? A No sir, I never raised a club, never did what they claim.

Q Did you carry that stick that night back to the apartment? A Yes sir, I carried that stick back to the apartment.

Q When you were arrested with Brown that night did you have your hat on? A Yes sir, I had my hat on.

Q Did Brown have his hat? A Yes sir.

Q Wore his hat that night he was arrested? A Yes sir.

Q Did you hear Brown say to the officer that he had come out of the house in the street and lost his hat? A No sir.

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Q Were you present when Brown's hat was taken from him in the station house? A Yes sir, I was present.

Q Was it taken from him? A Yes sir, it was while he was lined up. The same as these men are lined up there, and the officer took one boy from the crowd and led him to the side and back again and he went to Brown and took his hat off his head and says, "What size hat do you wear?" I suppose he didn't remember at the time and he didn't speak up and he took the hat away from him and then told him to stand up before the crowd.

Q Did he wear a hat? A Yes sir, he wore a derby hat.

Q They took it from him in the station house? A Yes sir.

Q Have you ever seen that hat since? A No sir.

Q Do you know whether the officer searched Brown? A I don't know but I heard so.

Q You didn't see that? A No sir.

Q Did they search you? A No sir.

CROSS EXAMINATION BY MR. MANLEY:

Q Did you see anybody picked out of the line in the station house? A The officer picked him out.

Q The officer is the only one that picked him out? A Yes sir, the only one.

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Q Nobody else? A Nobody else in the station house.

Q Somebody else picked him out somewhere else? A No sir.

Q What did you mean when you said, "Not in the station house"? A Didn't pick him out in the station house -- the officer picked him out in the station house and lined him up there.

Q Did they have a line there? A Yes sir.

Q Three, four, eight or ten colored men? A Yes sir, all in a line.

Q What happened? A The officer picked him out and stood him up in the floor and took his hat off his head.

Q Did you hear the officer say anything when he passed the line up? A No sir.

Q Did you know what was going on? A We didn't know what was going on.

Q Had no idea what was going on? A No sir.

Q Nobody did at all? A No sir.

Q After they got you all in a line what happened then?

A We were all in the cell after the line was broken up.

Q Did anything happen before you were taken from the line up in the cell? A Nothing else happened.

Q Didn't anybody go in the front and look at anybody in the line and then walk over and pick somebody out? A No sir.

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Q You said the officer ^{picked} out Brown? A Nobody else, he is the only man. I told you they picked Brown out in the station house.

Q Now, Peter picked him out? A The officer started right out and put his hand on Brown. He called him out and he said, "You come out here."

Q Was there anybody with the officer at the time the officer did that? A They had some witnesses there that I seen.

Q How many witnesses did you see there? A I don't know how many people, about three of them.

Q Did you see some Italians there? A Yes sir.

Q How many? A About three I seen that morning.

Q How soon after you came to the station house did you see those three Italians? A We were in the station house about twenty-five minutes before I seen the Italians.

Q After the officer motioned Brown to get out of the line, did anyone of these Italians say anything to the officer?

A No sir.

Q Were you standing close to him? A No sir, standing at the doorway.

Q How far from the officer were you standing? A No sir, standing at the doorway.

Q How far from the officer were you standing? A About

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the distance from over there back of that officer (indicating).

Q. You didn't say anything at all before the officer motioned Brown out? A. No sir.

Q. Do you know any colored man that looks like you exactly? A. Perhaps I do.

Q. Do you? A. Perhaps I do.

Q. You say "Perhaps I do"? A. I do.

Q. Do you know any colored man who looks just like you?
A. Not now, but perhaps I do.

Q. Did you know any on the 15th of May that looked just like you? A. No sir.

Q. Have you known any since? A. No sir.

Q. Now, you answer pretty quick. You better think. What do you mean? A. I am answering you all right.

Q. What do you mean by saying "Perhaps I do"? A. Well --

Q. You said "Perhaps I do." Now, what did you mean by that?
A. I didn't know any man on the 15th of May.

Q. You don't know any since? A. That looked like me?

Q. Have you known any man that looked liked you? A. He is dead now.

Q. Who is that? A. My brother.

Q. You had a brother? A. Yes sir.

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Q When did he die? A He died about five years ago.

Q Not since the 15th of May? A No sir, before the 15th of May.

Q Is he the only one that looked like you? A Yes sir.

Q Did you know any colored man at all in his block that has any resemblance to you? A No sir.

Q The remotest resemblance to you? A No sir.

Q How much do you weigh? A 162 or 165.

Q Don't you weigh more than that? A No sir.

Q Stand up. I don't intend to weigh you. Don't you weigh more than one hundred and sixty or one hundred and sixty-five, not more than that? A No sir.

Q Now, do you know what you were taken to the station house for that night, what charge was against you?

MR. BROWN: I object to that.

THE COURT: I don't think it is material. This witness is not on trial.

MR. MANLEY: All right I am overruled.

Q What is your right name? A Charles Harrison Roberts.

Q Did you give that name that night in the station house?

MR. BROWN: I object to that as immaterial, incompetent and irrelevant.

COUNSEL FOR ROBERTS: This man is going to be placed on

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trial on Wednesday and then the District Attorney will have an opportunity to cross examine him. I don't want anything said here that may be used on that trial. I don't want the District Attorney to get answers here from this stenographer's minutes and use them on Roberts's trial, and mislead him.

MR. MANLEY: I am not trying to mislead this man at all.

THE COURT: He is here as a witness and he must submit to cross examination as to material matters. The question which the District Attorney is now propounding to him is material.

MR. MANLEY: He says he does not know what occurred that night and I want to see if this man is telling the truth here and if he gave his right name.

MR. BROWN: That is not necessary. A man may give a fictitious name. He may not want his family^{or} employer to know about it.

THE COURT: This is relevant to the issue.

Objection overruled. Exception.

BY MR. MANLEY:

Q Did you give the name of Charles Roberts at the station house that night? A Charles Harrison.

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Q Charles Harrison? A Yes sir.

Q Did you know what you were arrested for when you were brought in the station house? A I didn't know what we were arrested for.

Q Had no idea at all? A No sir.

Q Did you see anybody else that night go from that apartment in 329 West 69th Street, and carry a club? A No sir.

Q Besides you? A No sir.

Q You had the club on the street, you don't deny that?
A I had a stick.

Q Well, you had the stick or something made out of wood?

A Yes sir.

Q You had a fight, didn't you? A Yes sir, I had a fight.

Q Did you see anybody else, any other colored man on the street that night with something made out of wood, a stick?

A No other colored man.

Q You had it in your sleeve? A No sir, I had it in my hand.

Q Did you take it out of your sleeve in the presence of the officer? A No sir.

Q A pretty cold day? A Yes sir, pretty cold.

Q You carried it in your hand all the time? A Yes sir.

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Q Did you have that with you when you went out? A I took it out with me because I was going out in the street. There was a gang of men and I didn't know what might happen and I was going to have the protection if I was hurt.

Q When was the first time you saw Gentile? A In the hospital.

Q Are you positive as to that? A Yes sir.

Q You didn't chase him into 308 or any other house that night? A No sir.

Q He didn't go by Brown? A No sir.

Q Or Samuels? A No sir.

Q Did you chase the man Messo that night into the house?
A No sir.

Q On the north side of the street? A No sir.

Q Did you chase a man named Ruffo that night in the restaurant, 304? A No sir.

Q Pretty positive as to that? A Yes sir, positive as to that.

Q There couldn't be any mistake about that? A No sir, no mistake whatsoever.

Q Is there a street lamp post at 316 West 69th Street?

A I don't know as there is a street lamp there. I know there is a lamp pretty near 329.

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Q You at no time staid in the hallway of 329 with your head sticking out? A No sir.

Q Out of the door? A No sir.

Q You didn't see this defendant Brown stick his head out of the doorway of 329? A His brother^{was} in the hallway talking.

Q What is that? A Talking with his brother in the hall.

Q When was it when he was talking with his brother in the hall? A This was after two o'clock.

Q That is before you started downstairs at all? A Yes sir, that is before we went out in the street.

Q If you saw this defendant Brown down there on the street at the street door did you come down there and see him stick his head out of the door? A No sir.

Q You didn't see Ed? A I seen Ed. I seen him in the street with the officer, that is all I know of it.

Q Did you see him stick his head out of the doorway of 329, the street door on the level with the street? A Stick his head out in the street?

Q Stick his head from the door inside, outside? A No sir.

Q The detective went away? A No sir.

Q The three men met Officer Kilgallen on the south side of the street and walked deliberately over to him? A Yes sir, over to him.

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Q Now, what did Ed say to Officer Kilgallen? A He was walking up and was pointing out the restaurant to the officer and he said, "Those are the men that jumped on me and knocked me down, and when I was going down the block they asked me for a dime."

Q At that time you could see the men in that restaurant?
A Yes sir, we could see the men in that restaurant.

Q How many of them were there? A There were six of them.

Q The officer wouldn't even go in? A He wouldn't make a step in there.

Q Now, what did Edward say when the officer wouldn't go in? A I came on down the street again.

Q "Here is a man with a cut over his eye?" A Yes sir.

Q His face battered up? A Yes sir.

Q His lips swollen up? A Yes sir.

Q The blood running down on to his coat? A Yes sir.

Q He points out the man that did it and the officer wouldn't go where they were? A He didn't point out the man. He pointed in the restaurant and said, "Those are the men."

Q There were the men right there that you could see? A Yes sir.

Q The officer wouldn't go inside? A No sir, the officer wouldn't take a step in there.

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Q Weren't you pretty indignant when he wouldn't do that?

A I didn't have any indignation. I only wanted the men to make a complaint. The officer didn't want to perform his duty and I told him I was going back to the house.

Q Did Ed get pretty indignant because he wouldn't go in?

A Not that I know of.

Q All I ask is was he indignant? A No sir.

Q Didn't you and he get offended because the officer wouldn't go in and get this man?

MR. BROWN: I object to that as calling for a conclusion. You are asking him questions that are not necessary to this issue.

THE COURT: You can advise him not to answer any questions that would tend to incriminate him.

COUNSEL FOR ROBERTS: I don't so advise him. I am looking to your Honor's discretion as a matter of right or to your Honor's sense of right not to permit this witness to be cross questioned unless it is on matters material to the issues here.

THE COURT: I don't see why it should affect him at all. All he is to do is to tell the truth and then tell the truth when his trial comes up.

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COUNSEL FOR ROBERTS: I don't want on the record a lot of immaterial matters that only tend to confuse.

THE COURT: I don't see that these immaterial matters have any affect upon him. This it seems to me is material.

BY MR. MANLEY:

Q Did he? A He didn't act in any way offended. We went down the block together.

Q Didn't take offense, did he? A No sir.

Q Right after the officer refused to go in and arrest the men who had assaulted him, you started right back again towards 329 with the officer? A The four of us started down the block, the officer and us.

Q The four of you? A Yes sir, the four of us.

Q Was this defendant one, Charles? A Yes sir, and there were others.

Q Roberts was there? A And the officer was there.

BY THE COURT:

Q Did Ed tell you he cut this man with a razor? A No sir.

Q Did he say anything at all about being cut? A No sir.

Q What did he say at the time when he got these marks on his face? A He said a man knocked him down.

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Q He had done it to protect himself? A No sir.

Q Nothing at all? A No sir.

Q Did Ed have any blood on him? A Yes sir.

Q Where was it? A On the side of his coat.

Q Any blood on his hand? A His hand was cut in the back.

BY MR. MANLEY:

Q Now, was Officer Kilgallen the officer that you talked to? A On the corner.

Q You, this defendant and Ed? A Yes sir.

Q No mistake about that? A No sir, no mistake about that.

Q This house was 329? A Yes sir.

Q You mean that you three men walked from the door from 329 over to the restaurant before you got the officer? A Yes sir, that is what we did, and then he refused to attend us.

Q Now, are you positive that the officer and you were in front of that restaurant, the officer you were talking with at that time, and the officer that started to go back towards 329 -- I ask you if that is Officer Kilgallen? A Yes sir, Kilgallen.

Q He is the same officer that you met on the south side of the street and the same officer who went with the three of you to the restaurant? A Yes sir.

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- Q He had done it to protect himself? A No sir.
- Q Nothing at all? A No sir.
- Q Did Ed have any blood on him? A Yes sir.
- Q Where was it? A On the side of his coat.
- Q Any blood on his hand? A His hand was cut in the back.

BY MR. MANLEY:

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Q He is the same officer that you met on the south side of the street and the same officer who went with the three of you to the restaurant? A Yes sir.

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Q The same officer? A Yes sir to the restaurant. We met him at the restaurant.

Q What was that? A He didn't go with us to the restaurant. We met him at the restaurant on the sidewalk, opposite the restaurant in the restaurant.

Q Isn't that restaurant at 304? A I don't know where it is.

Q Isn't it about 304? A About that.

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

Q You didn't see Mr. Gentile? A Yes sir on the street, but I didn't say anything to him.

Q This defendant Brown or Samuels, which ever name he has got said something to him? A No sir.

Q It was Ed who did the talking? A Well, this was the man that was hurt and he was the man did the talking.

Q It was Ed who did all the talking? A Ed did the talking.

Q Did all the talking? A Yes sir.

Q Now, how much does Ed look like this defendant? A Looks everything like him.

Q Just exactly like him? A He is about my size or a little heavier than myself.

Q (Repeating the answer) A Yes sir.

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Q A little heavier? A Yes sir.

Q A little stockier than you are? A Yes sir, around the shoulders.

Q A little broader shoulders? A Yes sir.

Q Weighing a little more than you do? A I reckon he does.

Q It is your best judgment that he does? A Well, yes he weighs more than I do.

Q If you weigh one hundred and sixty-five, he would weigh about one hundred and ninety? A Perhaps two hundred.

Q You think about two hundred? A Yes sir.

Q That is your best judgment about two hundred? A Yes sir from one hundred and ninety to two hundred.

Q He was taller or shorter than you? A Yes sir, about my height.

Q What about the shade of his color, was it darker than yourself? A No sir, on the same order as his brother.

Q On the same order as his brother? A Yes sir.

Q What kind of a hat was Ed wearing that night? A What kind of a hat was he wearing that night?

Q Yes? A I can't remember what kind of a hat he wore.

Q He wore a hat? A Yes sir.

Q Was it a soft or a stiff hat? A I can't remember what

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kind of a hat he wore that night.

Q Can't you give some idea? A If I can't remember how
can I give you any idea about it.

Q What did the officer do after he went into the restaurant?
A To whom?

Q To anybody? A He didn't say anything. We started down
the block together.

Q Who suggested starting to go ^{down} the block? A Nobody
suggested it.

Q Who started off first? A We all just started off to-
gether.

Q You walked from 304 or wherever the restaurant is --
I think it is 329? A Yes sir, 329.

Q Now, did you stay on the south side of the street all
the way until you got opposite the house and then walk over?
A Yes sir.

Q Or did you walk over at an angle? A No sir. We
walked all the way down and as soon as we got opposite the house
we went over.

Q All four of you walked over? A Two of us alone.

Q Which two alone? A That boy, that Brown.

Q Which one? A The one arrested here.

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Q What did you or Brown say to the officer or what did you say before you crossed over to the north side of the street?

A All of us was going upstairs.

Q What did Ed say? A He didn't say anything to us.

Q Did he say anything at all? A Not to us.

Q What did he say to the officer at that time? A I can't tell you, I wasn't there,

Q What did he say before you separated? A I couldn't say. We walked down the block together. We got by the lamp post and we said we will go upstairs.

Q I suppose Ed was walking with the officer, he being the injured man? A Yes sir, he being the injured man.

Q You heard nothing that he said on the way down? A No sir, nothing at all, no sir. I didn't hear a word they said.

Q Now, how long was it after you and this defendant came upstairs before the police came there? A About four o'clock I think. I am not positive.

Q How many hours is that afterward? A How many hours? I can't say how long.

Q Is it an hour or two or three hours afterwards? A I guess about two, I think.

Q Did you hear anything take place up there at the time you were all up there? A In the house?

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Q Yes? A I didn't hear anything except the officer came up there and said he was on some inspection for somebody had been fighting in the street.

Q That is Callanan and Leonard? A Yes sir, Leonard was there but not Callanan.

Q Callanan wasn't there at all? A No sir.

Q Was he there at any time? A He was there Monday morning.

Q Do you know who I mean by Callanan? A Yes sir, I know.

Q Well, was Callanan up there in the house at all at 329 that night? A I may have got the name wrong. I can show you the man as far as that goes but the name I am not sure of.

THE COURT: Call him in.

THE WITNESS: I know the man but I can't remember his name. I know the officer if I seen him but his name I can't guarantee.

Q If I recollect I asked you if you knew? A I mean Officer Callanan.

Q Will you finish it? I ask you if you knew a man named Callanan and I understood you to say "Yes." Did you or not?

A The reason I said it was because the officer was in 69th Street that night and arrested me and he was under the name of Leonard. That is what I learned his name to be.

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Q Did you see that officer that night? A Yes sir.

Q (Indicating Callanan) A Yes sir.

Q You saw both Callanan and Leonard that night at the house, did you? A I know him by the name of Leonard in the Fifty-fourth Street Court. I don't know what name he gave as far as that goes, he is under the name of Leonard. That is in 54th Street. When I was locked up there and every time I went to the trial I saw Officer Leonard with him.

Q Did anybody want you to use the name of Harrison and not your right name? A No, not that I know of.

Q Did you see any Italian come up there that night with these officers to 329? A There was three of them in the hall as I remember.

Q Did you see him point out anybody in the court there? A No sir, I don't think they pointed out anybody in the court there. There was about three in the hall.

Q Did you see anybody point out Brown in the house? A No sir.

Q None at all? A No sir.

Q Did you see them try to point out anybody? A No sir.

Q Did things get very noisy that night? A No sir.

Q Everybody submitted quietly and was willing to answer all questions? A Yes sir.

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Q Everything was perfectly quiet there in the house?

A Yes sir, when the officers came.

Q No resistance made of any kind? A No sir, no resistance whatever.

Q You didn't see one officer try to stick his foot in the door to prevent its being closed? A No sir.

Q Positive as to that, are you? A Yes sir, positive because there were more than these two officers there.

Q Do you know why it was that the officer sent for the reserves? A I didn't know until we came in the street, until we were put in the patrol wagon.

Q They took you to the station house, did they? A Yes sir.

Q Now, when you got to the station house the officers asked you that night what you knew about it? A The officers didn't ask anything.

Q Didn't ask you anything? A No sir.

Q Did you say anything to either of the officers that night at the station house? A No sir, I didn't say anything to the officers.

Q Didn't you say anything to them? A No sir.

Q Didn't you say that we, meaning you and the defendant, went out in order to get a banjo or some kind of a musical

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instrument? A No sir.

Q Now, are you positive about that? A Positive on that, yes sir.

Q You didn't say anything like that in substance? A No sir.

Q Anything of the kind? A No sir.

Q Did you say anything to the officers in the station house about going out for any purpose on to the street? A No sir, the officer didn't ask me one question in the station house.

Q Did he ask questions of Brown? A He didn't ask any questions of Brown.

Q Of any kind? A No kind.

Q You say on the following morning you went to the hospital? A Not on Monday.

Q When was it? A Well --

Q When was it I want to know? A On Tuesday.

Q It was on Tuesday? A Yes sir.

Q Now, you are positive it was on Tuesday? A Yes sir, it was on Tuesday.

Q Whom did you go there with? A One of these officers who came in a while ago.

Q This defendant too? A Yes sir.

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Q You were right with Brown all the time? A We were handcuffed together, why wouldn't I be right together with him.

Q You were right together all the time? A No sir, not all the time.

Q When he did the identifying were you together or apart from Brown? A No sir, we were handcuffed together by the bedside.

Q You were at the bedside of Gentile, with him and at the same time at the bedside of McCarthy? A Yes sir.

Q You heard everything that was said then, didn't you?
A Yes sir, I heard what the boy said to Brown.

Q Now, I suppose that either McCarthy or Gentile said, "All coons look alike to me," didn't he? A I didn't hear the boy say that but he said it in 59th Street.

Q Positive he didn't say that in the hospital? A I didn't hear him say that.

Q But you heard him say it in 59th Street? A Well, that was what he said.

Q In court? A Yes sir.

Q On what day? A I don't remember what day.

Q Which boy was it that said that? A This boy that they called Gentile -- the other fellow.

Q McCarthy? A Yes sir.

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Q Did he say that when testifying? A Yes sir.

Q Did he say that to the judge? A Yes sir, the judge heard what he said.

Q Did he say it to the judge? A Yes sir, and he said it to the lawyer.

Q Was he being asked questions by the lawyer? A Yes sir.

Q What was it he said? A He told the lawyer "All coons look alike to me."

Q Did he say also that he couldn't tell whether it was Brown or Samuels, rather, that cut him or not, did he say that at that time? A He said when Brown was asking him -- they were asking him about this Samuels boy. Did he know me at this time and he said that --

Q Right there in the police court did McCarthy say that this man or Brown or Smauels was the man that cut him with the razor? A He said that in the police court.

Q Can you tell us how he happened to say "All coons looked alike to him?" A I don't remember all the words he did say. Those were his words to Mr. Brown when he was questioning him. He said, "All coons look alike to me."

Q Did any other witness say that in the police court? A He was the only one that said that.

Q Why didn't some other witness say that? A He is the only one that said that.

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Q When was the last time you had seen Ed? A The last time I saw him was on the 15th of May.

Q That is the last time? A Yes sir.

Q How long had you known him before the 15th? A Two years previous.

Q Haven't seen him since that time? A No sir.

Q Have no idea where he is? A I was trying to get him when I was locked up.

Q Have you any idea where he is? A I don't have any idea.

Q None whatever? A No sir.

Q Whereabouts are you living now? A I live at 203 West 63rd Street.

Q Where did he live on the 15th of May? A The same place.

Q Do you know where this defendant lives, Brown? A 69th Street.

Q What number? A 329.

Q He lives there now, does he? A No sir.

Q Where does he live now? A I don't know now where he is living.

Q Haven't you called at his home at any time since the 15th of May? A No sir.

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Q Not at all? A No sir.

Q I don't suppose you said a word to Brown about what you are going to testify to? A I have seen him down in the street but not in his house.

Q I say, I don't suppose you have talked it over with Brown, what you were going to testify to? A This Brown here?

Q This defendant Samuels? A I didn't hardly see Brown at all.

Q The question is, I don't suppose you have talked over with this defendant Brown, the man sitting right there, what you were going to testify to, with him? Haven't had a solitary conversation? A No sir.

Q With him? A No sir.

Q Is that right? A That is right.

Q Haven't you at any time told this defendant Brown what you knew about it? A What I knew about it?

Q About this case? A No sir, I didn't have to tell him what I knew.

Q Hasn't Brown or Samuels at any time told you what he knew about it? A No sir.

Q You are positive as to that? A Yes sir, I am positive.

Q When was the last time you saw Ed before the 15th?

A The 15th of May?

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Q When was the last time you saw Ed before the 15th of May? A I haven't seen him, I guess in a week or two.

Q But you have before that? A Yes sir.

Q Where did he live at that time? A Where did I live?

Q No, he? A He worked in Brooklyn some place, I don't know because I am telling you I was trying to get him. I didn't know he worked for the Inter-City Company at that time.

Q Where did he work before that? A For a church.

Q Do you know where it is? A 73rd Street and Broadway.

Q Do you know what the name of it is? A The Rutger's Church.

Q What is the name of the man that hired him? A I don't know his name.

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

Q Do you know how many days after this happened, the defendant Brown moved away from 329 West 69th Street? A When he moved? I don't know, I was locked up for thirteen days. I don't know when he moved.

Q You don't know, that is the answer? A Yes sir, that is the answer, I don't know.

RE-DIRECT EXAMINATION BY MR. BROWN:

Q Just one question. Are you sure that the first time

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you met Officer Callanan that night was when you were in company with Brown and Ed in the street? A Who was there? Who caught me?

Q The officer you made the complaint to? A

THE COURT: Callanan is the name of this officer that was here a few minutes ago.

THE WITNESS: This officer who came in a while ago was the officer that came upstairs.

BY MR. BROWN:

Q I mean the officer that Brown and yourself and Ed were on the street with. With whom were you in the street, was it Kilgallen? A Yes sir.

Q At what point was it that you met him on the street?

A Well, on the south side of the street.

Q How far from 32nd Street? A It was pretty near up the block only about three doors from West End Avenue.

Q About 304 was it? A Yes sir but I am not sure.

Q Where the restaurant is? A Yes sir.

Q Now, what officer came down to that place to 329 where you and Brown and Ed were in the hallway looking or peeping out -- was that the same officer? A No sir.

Q When was the first time that he went down, as far as

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you know? A I don't know. We left the restaurant together, the four of us and walked down the block. We walked on the south side of the street. We then crossed over the street and I think he went upstairs.

Q Was that the officer that you met on that side of the street at 329 that night? A No sir, he wasn't on that side of the street at all. He was on the south side of the street and we went across the street to the other side.

DAVID MALCOM; a witness called on behalf of the defendant being duly sworn testifies as follows:

DIRECT EXAMINATION BY MR. BROWN:

Q Where do you live? A 218 West 63rd Street.

Q Now, will you please speak loud so that this gentleman can hear you? A Yes sir.

Q Don't let me ask you again? A Yes sir.

Q Have you anything in your mouth? A No sir.

Q If you have, please take it out. Your name is David Malcom? A Yes sir.

Q Do you remember the 15th of last May? A Yes sir.

Q Where did you live on the 15th of last May? A 208 West 61st Street.

Q Do you remember the night of that day? A Yes sir.

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Q Did any one call at your house that night? A Ed Samuels.

Q Ed did? A Ed Samuels.

Q Ed Samuels? A Yes sir.

Q How long have you known Ed Samuels? A About five years, him and me used to work together.

Q Before that night? A Yes sir.

Q For what purpose did he come to your house that night?

A Well, when he came to my house he said --

MR. MANLEY: I object to anything that was said. It is hearsay.

MR. BROWN: I asked him for what purpose he came there.

THE WITNESS: To get a guitar.

Q What time of night was it? A I think about half past one.

Q Half past one? A Yes sir. He asked me the time and I went and looked at the time and I said it was half past one.

Q Did he get the guitar? A Yes sir.

Q From you? A Yes sir.

Q Did he leave the house? A Yes sir.

Q About how long was he there? A Oh, about fifteen minutes.

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Q. Then he left with the guitar? A Yes sir.

Q Have you seen Ed Samuels since? A No sir. I have not see him since.

Q Did you give him the guitar? A Yes sir, I gave him the guitar.

Q Where did you get it from? A A little fellow named Jones brought the guitar to me.

Q Do you know where he got it? A He said he got it from a house where they had parties.

Q Do you know what particular house it was? A No sir. I have never been up to 69th Street where he was living.

Q You were not there? A No sir.

Q That was your guitar? A Yes sir.

CROSS EXAMINATION BY MR. MANLEY:

Q Now, what was the last name of this man Ed? A Well, he borrowed the guitar, Ed Samuels.

Q Sure it was Samuels? A Yes sir.

Q What did he look like anyway? A He was a man about the build of me, a little heavier, I don't think any taller.

Q You don't think any taller? A Yes sir.

Q About how much would he weigh? A I think he weighed about five pounds more than me. I weigh one hundred and seventy-two now.

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Q He would ^{weigh} one hundred and seventy-seven? A Yes sir.

Q Was he about your color? A Yes sir. I think he is about my color.

Q Did he have a mustache? A No sir, I don't think he got a mustache. He ain't got no mustache.

Q Are you positive about that? A I am positive. I know him about five years.

Q Positive of the 15th? A Yes sir, me and him used to work together.

Q Positive he didn't have any mustache on the 15th?
A No sir, he didn't have any mustache.

Q For sure? A Yes sir, for sure he had none.

Q What time was it when he came to 208 West 61st street?
A He came about half past one.

Q About half past one? A Yes sir.

Q Wasn't it nearer two o'clock? A Half past one.

Q Positive it was half past one? A Yes sir, half past one, I looked at the clock.

Q That ought to settle it. You looked at the clock, did you? A Yes sir.

Q A clock right there, I suppose? A Yes sir.

Q Were you up when he came there? A No sir, I was not.

Q You were in bed? (No answer).

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Q You went to see what time it was when he woke you up? A He asked me what time.

Q Positive he asked you that? A Yes sir, I am positive he asked what time it was.

Q And it was half past one? A Yes sir.

Q What did he tell you, what was going on up there at 329? A He told me he had a birthday party.

Q Was he alone at the time? A Yes sir, he was alone.

BY THE COURT:

Q Do you play the guitar? A If I saw it?

Q Do you play the guitar? A Yes sir, I play the guitar.

Q You do? A Yes sir.

Q How long have you played the guitar? A I play the guitar about twelve years, before I left home, and I have been here about eight years,

Q Where did you come from? A The West Indies, the British West Indies.

Q Where does the defendant come from? A I think he comes from San Croix.

Q San Croix? A Yes sir.

Q That is the West Indies? A Yes sir.

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Q Roberts also comes from the West Indies, does he not?

A Yes sir.

Q Does Roberts come from the West Indies too? A Yes sir.

Q Ed comes from there too, doesn't he? A Yes sir.

Q What were you doing about one o'clock or half past one o'clock in the morning? A I wasn't up when he called me.

Q You were in bed? A Yes sir.

Q He went upstairs and woke you up at 1:30 in the morning? A Yes sir.

Q To get the guitar? A Yes sir.

Q What did you do? A I loaned him the guitar.

PHILIP THOMPSON, a witness called on behalf of the defendant being duly sworn testifies as follows:

DIRECT EXAMINATION BY MR. BROWN:

Q Where do you live? A 42 West 136th Street.

Q Now, will you please talk up Mr. Thompson, so that this gentleman in the corner can hear you? A Yes sir.

Q Please do so and not let me have to call your attention to it again? A Yes sir.

Q Your name is Philip Thompson? A Yes sir.

Q You live at 42 West 136th Street? A Yes sir.

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Q I can hardly hear you? A 42 West 136th Street.

Q How long have you lived there? A About two years
now.

Q Did you live there on the 15th of last May? A Yes sir.

Q Were you at the premises 329 West 69th Street on the
15th of last May? A Yes sir.

Q Do you know what day of the week that was? A That
was on the 14th of May, I think.

Q Will you please raise your voice? A The 14th of
May, I think it was.

Q What day of the week? A Saturday night.

Q Were there any more there besides yourself? A Yes
sir, there was Charles Brown.

Q How many other persons? A Well, there was fifteen
of us there.

Q Fifteen? A Yes sir.

Q Men and women? A Yes sir.

Q Did you see Charles Brown and Roberts there? A Yes
sir.

Q Did you see Ed Samuels there? A Yes sir.

Q Do you know Ed Samuels? A Yes sir.

Q How long have you known Ed Samuels? I know Ed Samuels
now about ten years.

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Q Did you know him before you came to this country?

A Yes sir.

Q How long have you known Charles Brown or Charles Samuels? A About the same time, sir.

Q How long have you known Charles Roberts? A About the same time, sir.

Q Now, why were you at 329 West 69th Street that night?

A We were invited there to a party.

Q By whom were you invited? A By Ed Samuels.

Q Ed Samuels? A Yes sir.

Q Ed Samuels and his brother lived at that apartment?

A Yes sir.

Q Now, what if anything happened that night, that caused the officers to come there as you know of? A There was no row at all in the house that night.

Q Wasn't there any? A No sir.

Q Was Ed Samuels there when you first got there? A Yes sir.

Q About what time did you get there? A I got there about eight o'clock that night.

Q About eight o'clock that night? A Yes sir.

Q What time was it when Ed Samuels left that house that night as you know of? A Well, he didn't leave -- he

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left but went out for a guitar.

Q About what time did he leave? A He left the house about one o'clock that night.

Q About one o'clock? A Yes sir.

Q Sure about that? A Yes sir.

Q Did anybody leave the house with him? A No sir.

Q Were you there when he returned to the house? A Yes sir.

Q About what time did he return to the house? A About half past one or two o'clock.

Q About half past one or two o'clock? A Yes sir.

Q Did he have anything with him when he returned?

A He had a guitar.

Q Did you see the guitar? A Yes sir.

Q Did you see Samuels? A Yes sir, I seen him when he returned.

Q Where did you see him? A (No answer).

Q Where did you see Samuels when he returned? A In the house.

Q What part of the house? A Well, we all was sitting down in the house amusing ourselves. It was in the house, I seen him in the front room.

Q With a guitar? A Yes sir.

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Q What was his condition? A He was battered up.
His face was well battered up.

Q His what? A His face was well battered up.

Q Battered up? A Yes sir.

Q Did you see anything issuing from the wound that he had in his face? A His face was swollen up. I said that he seemed as if he were fighting with somebody in the street.

Q Did you notice any blood? A His face had blood on it.

Q Did you notice anything on his clothing? A No sir.

Q How long did he stay in the house before he left?

A He staid in the house about a quarter of an hour.

Q A quarter of an hour before he left? A Yes sir.

Q Sure about that? A Yes sir.

Q Who left the house with him when he left? A Well, I didn't see anybody leave the house with him.

Q You didn't see anybody? A No sir, I was sitting down at the table amusing myself. I didn't even know what had happened downstairs.

Q Do you know what time Samuels came back and left that house? A He came back about half past one or two o'clock.

Q Well, do you know when he left? A He left the house about one o'clock.

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Q I mean after he came back with the guitar, do you know when he left it? A No sir, I don't know just when he left it.

Q Do you know who left with him? A No sir, I don't know.

Q If anybody? A No sir.

Q What part of the house were you in? A I was in the front room I told you.

Q What were you doing in the front room? A I was playing cards.

Q Playing cards? A Yes sir.

Q At that time? A Yes sir.

Q How soon after that was it that the officers came to the house? A Well, the officers came to the house -- nobody came to the house until about around four o'clock.

Q About four o'clock? A Yes sir.

Q Who was in the house at the time the officers came?

A The whole of us was in the house.

Q Was Brown and Roberts there? A Yes sir.

Q Was Ed Samuels there? A Yes sir.

Q Ed Samuels? A Yes sir.

Q Ed Samuels was in there when the officers came? A Yes sir.

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Q About four o'clock? A Yes sir.

Q Sure about that? A Yes sir.

Q What did the officers do? A The officers brought a light in with them and they looked around the house and said, nobody at all was in the house that done the fighting downstairs, and the officers went back outside and they came back in the house again.

Q What was done? A Then they said they will take and arrest the whole bunch of us calling us names. The officers said we will arrest the bunch of us. We said, we couldn't go, but then he said he would leave the women go home and the women came in the street and then he took the women in the patrol wagon and went down to the station house with them.

Q Did the men go down to the station house before the women? A The women went to the station house before us.

Q The women? A Yes sir.

Q Do you know what you were charged with at the station house? A I do not know what happened to us at the station house, no more than I am sitting here.

Q Did Ed Samuels go to the station house? A No sir.

Q Did you see him that night after he got the guitar there? A Yes sir, he was in the house.

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Q Did you see him after you were arrested? A No sir.

Q You didn't see him? A No sir.

Q Now, you were one of those that were arrested? A Yes sir, I was one that was arrested.

Q You were discharged in the magistrate's court the next day? A Yes sir, the next day.

Q The next day? A Yes sir.

Q You and the women? A Yes sir.

Q How many were discharged? A There was all of us that was arrested and discharged except Charlie Brown and Charlie Roberts.

Q All of the rest was discharged? A Yes sir.

Q Do you any of the ladies that were there? A Yes sir.

Q Were you intoxicated that night? A No sir.

Q In that house? A No sir.

Q Were any of these ladies intoxicated? A No sir.

Q Were any of the men intoxicated? A No sir.

Q Do you know of any one leaving that place or that house that night except Samuels to get this guitar? A No sir.

Q Do you know of any one leaving there to get beer or any refreshments? A No sir.

Q You were there from eight o'clock until four o'clock?
A Yes sir.

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Q The time you were arrested? A Yes sir, when I was arrested.

CROSS EXAMINATION BY MR. MANLEY:

Q Did you spend much time, Mr. Thompson, playing cards that night? A Most of the time I was playing.

Q Cards? A Yes sir.

Q Nearly all the time? A Yes sir, all the time.

Q Who were you playing with? A I was playing with another lady and another gentleman, those two ladies, but couldn't tell who they were.

Q But they were in the court? A Yes sir.

Q You were one of two gentlemen and there were two ladies? A Yes sir.

Q Did you two gentlemen and the two ladies play at that table most of the evening? A Yes sir.

Q Most of the evening? A Yes sir.

Q Any beer in there that night? A No sir, not that I know of.

Q You wouldn't go where there was a beer jollification, would you? A Not if I know it.

Q Was there whiskey or anything of that sort? A I didn't see it.

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Q You don't intend to be a carouser, do you? A No sir.

Q Well, was there any whiskey there that night? A No sir.

Q Did you see any at all? A No sir.

Q Did you see any beer there? A No sir.

Q You saw beer? A No sir.

Q Now, let us see, do I understand you to say that you saw Ed Samuels that night about four o'clock, is that right?

A I saw Ed about four o'clock. He was in the house when the officers got there.

Q When all these officers stormed in on you? A Yes sir.

Q You didn't know at all what they came there for?
A No sir.

Q Didn't find out until you got to the station house?
A No sir.

Q You were discharged afterwards? A I was discharged the next day.

Q Nothing against you at all was there? A No sir.

Q Now, Ed was there when the officers came? A Yes sir.

Q About how many officers came, Mr. Thompson? A There

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was one officer came in the house first. There was a man in civil clothes came in the house first.

Q One of these ordinary plain clothes policemen?

A Yes sir. They refused to let him in.

Q Who was it refused to let him in? A Well --

Q That was Brown here, it was his house and he was probably the man? A I think it was Brown, either Brown or Samuels refused to let him in because --

Q This defendant's name is Samuels, of course? A Yes sir.

Q It was Samuels refused to let him in? A Yes sir.

Q It was his house there? A Yes sir.

Q Now, what did Samuels say when he refused to let him in? A He said, there was not any row here.

Q Nobody in there that was wanted, is that what he said?

A Yes sir.

Q What did the officer say? A The officer said, he wanted to come in. There was some fighting done downstairs and to let him in.

Q Didn't he out there at the door say he was an officer?

A Yes sir.

Q Then, what did Samuels say when the man said he was an officer? (No answer).

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Q What did Samuels say, the owner of the house? A He didn't say anything but let him in.

Q Did anybody else come but the plain clothes man besides that one at the door? A The cop I think was there, one cop.

Q At the start out, Mr. Thompson, right at the beginning? A Yes sir, there was.

Q About how many were there at the beginning? A I didn't see anybody who was there at the beginning because I was sitting down at a table in the room. I was playing.

Q About how many were there there afterwards? A I couldn't say.

Q How many officers came there after a while? A About two, I think.

Q About two? A Yes sir.

Q Did you see any more at any time? A Well, we was taken out of the house after. Then, I seen about three or four of them.

Q Were they upstairs there on the same landing, some of them? A Yes sir.

Q Did you hear the officers say anything to this defendant? A If I heard the officer say anything to this defendant?

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Q To this man here, Samuels? A No sir. I heard the officer say when he came downstairs, he said, "Let us arrest the bunch" he said, calling us names.

Q Did you hear the officers say anything to Samuels?
A No sir.

Q You didn't hear him say anything to him? A No sir.

Q Did you see any Italians up there that night in the apartment? A No sir.

Q None whatever? A No sir.

Q Positive as to that, are you? A Yes sir.

Q Did you see any Italians over there in the station house, that is at the time you went to the station house?
A Yes sir.

Q That is the first time you saw them in the station house? A Yes sir.

Q When they got you over there they probably put you in a line with the rest of them? A Yes sir.

Q Were you all standing up there in a line, eight or ten? A Yes sir.

Q Did you see any Italians at that time at the station house? A Yes sir.

Q They didn't identify you, did they? A No sir.

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Q Now, what did you see these Italians do, Mr. Thompson at the station house? A I didn't see them do anything at all.

Q They didn't do anything at all? A No sir.

Q Was nobody picked out; didn't they ask anybody to step out of the line or anything? A The Italians?

Q The Italians or the officers? A No sir.

Q Nobody at all? A No sir.

Q Did you see anybody ask Samuels to step out of the line? A Yes sir.

Q He stepped out, did he? A Yes sir.

Q Who was it asked him to step out? A The officer.

Q Did you see anybody besides the officer or had anybody been talking to the officer just before the officer asked Samuels to step out? A A Yes sir, but I don't know them if I seen them.

Q I don't expect you to, but you can tell their nationality. Did they look like Italians? A Well, I can't say. I didn't rightly take any notice.

Q It was somebody? A Yes sir.

Q They talked with the officer before Samuels was picked out? A Yes sir.

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Q Now, let us see. You were interested in this game of cards? A Yes sir.

Q With these two ladies? A Yes sir.

Q By the way, who were these two ladies, did you know their names? A Yes sir, I know the names of all.

Q Friends of yours? A No sir, they ain't friends. They are friends of all of us.

Q Had you seen them before that night? A Yes sir.

Q You were playing cards with them? A Yes sir.

Q All this time? A Yes sir.

Q Now, did you see Ed Samuels go out? A Yes sir, I seen him go out.

Q How did you happen to see him go out when you were interested in the ladies you were playing cards with? A Well, he said, there wasn't any music at all in the house and he said, "Boys, you can all enjoy yourselves playing cards. I will go out and get some music," and that is how I came to know that he went out for the guitar.

Q How did you let him go alone on the street? Who was it that went out with him? A Nobody went out with him.

Q Did you see him when he went out? A Well, I know he went out.

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Q How do you know he went out? A I know he went out at that time but I didn't miss anybody else out of the house but him.

Q You were busy playing cards and you say you didn't notice it? A No sir, I didn't miss anybody else out of the house there.

Q Now, did you see this man here, Charlie Samuels or didn't you in the house there? A Yes sir.

Q He didn't go out at all? A No sir, not at the time.

Q I don't suppose he went out until the officers took him out? A He and Roberts, Charlie Roberts was up the street and they spoke to the officer.

Q Did you see them do that? A No sir.

Q You heard that? A Yes sir.

Q Did they tell you that? A Yes sir.

Q Didn't you just say that you saw this defendant Charlie Samuels go up on the street before the officers came?
A No sir.

Q You didn't miss him at any time? A No sir.

Q Did you see Roberts go out on the street? A No sir.

Q You didn't miss him at any time? A No sir.

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RE-DIRECT EXAMINATION BY MR. BROWN:

Q You were engaged in this card game all the time?

A Yes sir.

Q How? A Yes sir.

Q Where were you engaged in the card game? A I was in the house playing cards.

Q Well, I say you were engaged in playing cards? A Yes sir.

Q Did you miss Samuels? A No sir, I didn't miss Samuels.

Q Or Roberts out of that house? A No sir.

Q Were they in there? A I didn't miss them at all.

Q Were they in the house when Ed Samuels had gone off for the guitar? A Yes sir, I was in the house.

Q Are you positive of that? A Yes sir.

BY A JUROR:

Q Was Ed taken to the station house? A No sir.

Q He was there when the officers came? A Yes sir.

HENRY DON PIERRE; a witness called on behalf of the defendant being duly sworn testifies as follows:

DIRECT EXAMINATION BY MR. BROWN:

Q Where do you live? A 213 West 63rd Street.

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Q Your name is Henry DonPierre? A Henry DonPierre.

Q Where do you live? A 213 West 63rd Street.

Q Where did you live on the 15th of last May? A The same place.

Q Do you remember the 15th of last May? A Yes sir.

Q Do you remember the evening of that day? A Yes sir.

Q Where were you on the evening of that day? A The evening of that day I left my house and I went up to Charlie Samuels's place. He had a little party.

Q Where is that? A Up in 69th Street. I don't know the correct address just now.

Q Were you arrested that night at that place? A Yes sir.

Q Do you remember Edward Samuels there? A At the beginning of the party?

Q Yes? A Yes sir.

Q About what time was it that you met Ed Samuels at the party? A I came up there about eleven o'clock and he was there and we were all amusing ourselves and he left after a little while around one o'clock. We all felt like having a little dance and he went down to some boy's place to borrow a guitar so that we could have some music.

Q That was Ed Samuels? A Yes sir.

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Q He left the apartment about what hour? A About one o'clock.

Q About one o'clock? A Yes sir.

Q Did anybody leave with him? A No sir, not that I know of.

Q Did you see him when he left the apartment? A No sir, I don't know what time he did leave at that time -- I am going to tell you Mr. Brown, Ed Samuels left and we staid there. It was about one o'clock.

Q I ask you one question. Do You know the time when Ed Samuels left that apartment that night? A About one o'clock.

Q About one o'clock? A Yes sir.

Q For what purpose did he leave? A To get an instrument which was a guitar.

Q Did anybody leave with him? A No sir. I didn't see any one with him.

Q How long was he gone from the apartment before he returned? A He came back there about two o'clock, somewhere around that with the guitar.

Q Will you please speak a little louder? A He came there about two o'clock with the guitar.

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Q Did you see ^{him} when he returned with the guitar? A No sir, I didn't see him when he came back.

Q Did you see the guitar? A Yes sir, we were having music played.

Q Were Charlie Roberts and Charlie Samuels there when he returned? A Yes sir, they were there.

Q Did you see them there? A I saw them in the house when he brought the guitar.

Q When he brought the guitar? A Yes sir, but I didn't see Samuels.

Q You didn't see Samuels? A No sir, but the guitar was there and these two boys was there,

Q Did you miss these two boys after the guitar got there? A Yes sir.

Q Do you know where they went if anywhere? A I don't know where they did go.

Q Have you seen Ed Samuels since? A No sir.

Q Since that night? A No sir.

Q Was Charlie Brown and Charlie Roberts out of the house when the guitar was brought there, before they returned?

A About half an hour.

Q About half an hour? A Yes sir, fifteen minutes to half an hour.

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Q Did Ed Samuels come back with them? A No sir, I didn't see him.

Q You didn't see him? A No sir, I didn't see him either after that guitar came in the house.

Q Were you in the apartment all the time? A I was.

Q How soon after Charlie Brown came back and Charlie Roberts came back was it before you all were arrested?

A Well about two hours after that, somewhere around that.

Q About two hours? A Yes sir.

Q Did you see Ed Samuels enter that house during those two hours? A No sir.

Q Did Charlie Brown and Charlie Roberts leave the house, either? A Yes sir, on two occasions.

Q Before the arrest had been made, did they come back? A No sir.

Q Did they come back? A We didn't leave the house until the policeman came in and took us all out.

Q Took you all out? A Yes sir.

Q Brown and Roberts were in the house? A Yes sir, we were all arrested.

Q Had you been drinking that night anything? A Well, yes sir, we drank a little before but we didn't drink to such

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excess as to be nuisance to any one.

Q You all had something to drink there? A Yes sir.

Q What was the drink? A We had beer and whiskey, and you may call it that way other stimulants.

Q Were you intoxicated? A No sir.

Q Was anybody in that house intoxicated that night?

A Not that I know of.

Q Were you ever? A No sir, never.

Q Were you disorderly in that house? A We were not.

Q When the officers came there to make this arrest were they in uniform? A No sir.

Q Did they have their shields on? A No sir.

Q Did they make the arrest of all of you without shields?

A Yes sir, they made the arrest. I if you will let me explain, Mr. Brown --

Q You answer the question? A Without shields. If they did have shields we didn't see them and so naturally in my estimation the arrest was made without a shield.

Q I am asking you if they had their shields when they arrested you? A They did not.

Q That is an answer to my question. Now, you can make your explanation? A Two men came to the door and rapped.

We were amusing ourselves. We didn't let them in. One fellow

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went to the door to see who it was and the fellow came through and wanted to know what we were doing and we wouldn't let him in.

Q What did they do when you wouldn't let them in?

A Then, a uniformed man came, one policeman in uniform and they wouldn't let him in and he had a bunch of men behind him and they said "Come up, every one in the house," and he said, we had a disorderly house, and one of the men said, we hadn't a disorderly house and we refused to let these men in because he didn't have any shield on. Then, they ran downstairs and brought up an officer with a uniform and we let them in.

Q Each one of that party was arrested that night?

A Yes sir.

Q And taken to the station house? A Yes sir.

Q And from the station house taken to the magistrate's court? A Yes sir.

Q When were you discharged from the magistrate's court?

A Monday morning.

Q Monday morning? A Yes sir.

CROSS EXAMINATION BY MR. MANLEY:

Q Did they identify you as being one of the men on the street? A No sir.

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Q You gave your right name at the station house?

A Yes sir.

Q You say you didn't see Ed after the guitar came into the house? (No answer).

Q You didn't see anybody bring the guitar in the house?

A I didn't see him.

Q You finally saw there was a guitar there? A Yes sir, we had guitar because he left to get a guitar.

Q You didn't see Ed bring it up into the house? A No sir.

Q You finally saw the guitar in the house? A Yes sir, we had music in there.

Q I didn't ask you that. Did you finally see the guitar in the house? A Yes sir because there was none before that.

Q Now, is your answer that you finally saw the guitar in the house? A Brought back by Ed Samuels.

Q Do you mean to answer the question? A Did I see the guitar in the house?

Q Wont you just answer the questions? Did you finally see the guitar in the house? A Yes sir, I saw the guitar.

Q Was there any other music there at that time besides the guitar? A No sir.

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Q Was that the only piece of music in the house?

A Yes sir, this was the only piece of music in the house.

Q There was no banjo there in the house? A No sir.

Q No mandolin? A No sir.

Q No Jew's Harp or anything like that? A A guitar only.

Q What time was it that Ed left the house? A About one o'clock.

Q Sure it was about one o'clock? A It was after twelve.

Q What makes you think it was after twelve? A I left my house at eleven o'clock and I walked up there and I met a fellow on the street and we went down there and it was twelve o'clock when we got there. Then, Samuels staid around and we were amusing ourselves and we said, we need a little music and he left there about one o'clock. It was about one o'clock then.

Q Who suggested the music, or having some music --

A The whole crowd of us.

Q Nobody in particular but everybody in general?

A Everybody said, "Let us have some music."

Q You intended to have a little dance? A Yes sir, a little song and a little dance.

Q About how long was Ed gone? A About half an hour

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from the time he left.

Q Pretty positive it wasn't any longer than half an hour, from one o'clock until about -- about an hour isn't it?

A Yes sir.

Q Ed came in with whom? A He brought the guitar, I didn't see him when he came in.

Q Did you see him finally after he got inside? A No sir, I didn't see him in the house.

Q You didn't see him except at the time he left for the guitar? A No sir, I didn't see him.

Q Did you see this defendant Charlie Samuels go out that night? A I saw him when he left the house -- no sir, I didn't see him leave the house.

Q You didn't see him leave the house at all? A No sir.

Q I don't suppose you saw Roberts leave the house? A No sir.

Q Why was it that you all refused to let in the plain clothes man? A I made my explanation to you.

Q Let me ask you a question, if you were among yourselves having a little run and somebody came and rapped on the door in a manner to disturb you, you would inquire at the door, "What do you want," and you would refuse to let them in?

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I suppose you being so wise asked them what they wanted?

A Yes sir.

Q You didn't see the plain clothes man? A I didn't see him.

Q You didn't see the police officers? A No sir, there was a crowd behind the man that came to the door and we didn't know who they were.

Q How large a crowd was it? A Four or five Italian men.

Q Four or five? A Yes sir.

Q Sure it was as many as that? A Yes sir.

Q One plain clothes man stuck his foot in the door?
Q I wasn't at the door to see that.

Q Where were you, in what part of the premises? A I was about two feet from the door.

Q Now, was this defendant Samuels in there at the time?
A If he was in there at the time? Yes sir, he was.

Q Roberts staid there at that time? A Yes sir.

Q Now, before the men with the uniforms came there, did each of the two police officers go inside of the house?

A Before the uniformed men arrived?

Q Yes? A If any of the officers were there? There was one fellow came in.

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Q Which fellow was that? A I don't know. If you bring him here I will tell you. I can't call his name.

Q Let us have the two plain clothes men in here, Officers Callanan and Leonard. Now, did you see one of these men in there before the men in uniform came there? A Yes sir.

Q Which one? A The one on the right (indicating).

Q That is Officer Leonard? A Yes sir.

Q Did Officer Leonard come in there? A Yes sir, he came in alone, not with anybody. I think there was an Italian behind him.

Q Did you see any Italian point out Charlie Samuels? A No sir.

Q Didn't see that done at all? A No sir, I wasn't there.

Q Did you hear any talk in the station house? A No sir.

Q Did you hear Brown say anything in the station house or Roberts? A I will tell you what I heard him say.

Q Did you hear them say anything, yes or no? A I heard them tell his name is Brown. He refused to give any name. Brown said his name was Samuels. So the officer said, "Your name is Charlie Brown?"

Q That is in the station House? A Yes sir in the

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station house in 68th Street.

Q In the station house? A Yes sir.

Q Sure it was in the station house? A Yes sir.

Q Not in the police court but at the station house?

A Yes sir, at the station house.

Q That same morning about four o'clock? A Yes sir, when we all came up there.

Q Now, when you came over there, I suppose this man at the bar, this defendant gave his name as what? A Charles Brown.

Q What did the officer say as to that? A He gave the name as Charles Brown.

Q Right there in the station house? A Yes sir.

Q Positive as to that, are you? A I am positive.

Q Do you come from the West Indies? A Yes sir.

RE-DIRECT EXAMINATION BY MR. BROWN:

Q Now, where were you employed at that time, on the 15th of May last year? A 129 West 47th Street, the hotel San Margaret.

Q How long had you been employed there? A About four years.

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Q There is where Roberts works? A Yes sir, Roberts works there.

Q Employed there still? A Yes sir.

Q You were at this party this night? A Yes sir.

Q How long have you known Samuels? A About five or six years.

Q How long have you known his brother? A About the same time.

Q About the same time? A Yes sir.

Q You knew him to be his brother? A Yes sir, I knew that was his brother.

RE-CROSS EXAMINATION BY MR. MANLEY:

Q That is the San Margaret right across the way from the King Edward? A No sir, above the King Edward. The north side of that block, the first hotel from Sixth Avenue.

Q The first hotel on the west? A On the south side, the west side of Sixth Avenue.

Q How far from it? A It is two doors.

Q You work there? A Yes sir. Is that necessary?

Q I think it is necessary. How far is it from the University? A How far from the University?

Q Yes? A It is just across from the University.

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Q Well, is it on the same side as the University?

A No sir, not on the same side.

Q On the north side? A Yes sir, on the north side.

Q How far from the corner of Sixth Avenue? A I am not a great surveyor; I don't know how many feet.

Q You don't have to be a surveyor to tell me that?

A It is pretty near the middle of the block.

Q What hotel is on the other side? A The other side? the Saint Francis.

Q On the other side there is a new building and then the Somerset. I am trying to get the hotels on each side of the Margaret which I understand is on the north side of the street? A San Margaret is on the north side, the first hotel on the north side and then you come to the Flanders.

Q That is on the other side? A No sir, it is on the north side of the street, the San Margaret and then the Hotel Flanders.

Q How far from the Hotel Flanders is it? A Next door to the Flanders.

Q How long have you worked there? A About four or five years.

Q How long has Roberts worked there? A About four years. He was there ahead of me.

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Q What is the number of that hotel you worked at?

A 129 and 131 West 47th Street.

Q On West 47th Street? A Yes sir.

Q Is that on the uptown side or downtown side? A The uptown side.

Q The uptown side? A Yes sir, the north side of the street.

(The Court then admonished the jury calling their attention to Section 415 of the Code of Criminal Procedure and adjourned the further trial of the case until to-morrow morning, May 2nd, 1911).

TRIAL RESUMED

New York, May 2nd, 1911.

LIZZIE WILLIAMS; a witness called on behalf of the defendant being duly sworn testifies as follows:

DIRECT EXAMINATION BY MR. BROWN:

Q Where do you live? A 218 West 134th Street.

Q Are you a married woman? A I am.

Q Do you remember the 15th of May last? A I do.

Q Do you remember the evening or morning of that day?

A I do.

Q Do you remember where you were? A I do.

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Q Where? A 329 West 69th Street.

Q Now, keep your voice up please. Why were you there?

A Why? We came to a surprise party of Charlie Brown.

Q The defendant here? A Yes sir.

Q What name did you know him under before that?

A Charlie Samuels.

Q Do you know what other person kept that house there?

A His brother.

Q What is his name? A Ed Samuels.

Q Was Ed Samuels there that night? A He was.

Q When did you get there? A I got there about around half past eight.

Q How long did you stay there? A I staid there until around four o'clock.

Q About four o'clock? A Yes sir.

Q Now, do you remember seeing Ed Samuels there? A I do.

Q Up until what time? A Around one o'clock.

Q And he went out for a guitar and came back? A Yes sir.

Q Do you know when he went out? A I do.

Q About what hour? A Around one o'clock.

Q Did he go out alone? A He did.

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Q Did he return? A He did.

Q At about what time? A He returned, well, it was between one and two o'clock. I couldn't tell you just exactly.

Q He left there at one, you say? A Yes sir.

Q How long did you say he was gone? A Around about an hour.

Q Did he return? A Yes sir, he did.

Q What if anything did he have? A He had a guitar.

Q Did you see the guitar? A Yes sir, I did.

Q Did you see him? A I did.

Q What was his appearance when he returned? A Well -- he had been attacked. He was all over blood, his coat was bloody.

Q You say he had been attacked? A He said he had been attacked; he had been struck. When he came I was at the door. He rapped on the door. He had a cut on his face and he was bleeding.

Q Where was he cut? A He was cut on his chin here (indicating), and he was cut on the side and back of his hand.

Q Back of his hand? A Yes sir.

Q Was there any blood on his face or clothing? A Yes sir, his face was cut because I offered to wash his face after that.

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Q You offered to wash it off? A Yes sir.

Q When he came back with the guitar did he sit down?

A He did not.

Q Did he allow you to wash it off? A He did not.

Q Did he go out of the room? A He did.

Q Did anybody go with him? A Yes sir.

Q Who went with him if you know? A Charlie Brown and Charlie Roberts.

Q Did anybody else go with him? A No sir.

Q Do you know where they went? A They went in the street. He told them he had been attacked.

Q They went in the street? A Yes sir.

Q Do you know how long the three remained in the street?

A No sir, I do not know just exactly how long.

Q Did they return? A Yes sir, they did.

Q The three of them? A Two of them.

Q Which two returned? A Charles Samuels and Charles Roberts.

Q How long do you suppose after they went into the street did the two return? A Well, it was about fifteen or twenty minutes.

Q Now, when they returned, when the two returned in fifteen or twenty minutes, did they leave the apartment that

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night? A Not until they were carried out.

Q After the officers came and made the arrest? A Yes sir.

Q Were you arrested? A I was.

Q How many others? A It was fifteen of us all together.

Q How many women? A It was six women.

Q Six women? A Yes sir.

Q Can you call the names? A Yes sir. There was Missouri Briggs and Missouri Page, Rose Legar, Elizabeth Smith and myself, Lizzie Williams.

Q That makes five women? A Five women and ten men, that was fifteen.

Q Now, when you were arrested with the others how long had that been, if you know, after Brown and Roberts returned? A Well, about around a couple of hours or more.

Q You were there then with Brown and Roberts and all of the party? A Yes sir, I was there.

Q What occurred when the officers came? A Well, when the officers came, the detectives came to the door and they said they wanted to search the house. We asked him to show his shield and he said, "It isn't necessary."

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Q Were those officers dressed in uniform? A Plain clothes and he was very offensive.

Q Who was? A The detective.

Q The detective? A Yes sir. They said someone had been cut in the street and they came into the house and when they asked him to show his shield he said, it wasn't necessary. So at that time the officer said, he was an officer of the law, and they let him come in. The man with them, an Italian said, there was no one in there that had done the cutting.

Q The Italian did? A Yes sir.

Q Would you know that Italian if you saw him again?

A I think I would.

Q Have you seen him down here in the corridor? A Yes sir.

Q You saw him down here? A Yes sir.

Q As a witness? A Yes sir.

Q For the People? A Yes sir.

Q What was the condition of the people in that place, were they drunk or sober? A They were sober, respectable people.

Q There was something to drink, wasn't there? A Yes sir.

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Q Everybody there, more or less, partook of what they had to drink? A Some of them.

Q Some of them? A Yes sir.

Q You say that no person was intoxicated? A They weren't.

Q Now, you were made a prisoner? A Yes sir.

Q And carried to the station house -- did they tell you what charge was made against you? A No sir. They gave us no satisfaction whatever.

Q Were you carried to court the next morning? A We were.

Q What became of you? A Well, they discharged us Monday morning.

Q Did they discharge all of the whole party? A All except Charlie Samuels and Charlie Brown -- Charles Brown and Charles Roberts.

Q Were you locked up then all day Sunday? A Yes sir.

Q Discharged Monday morning? A Yes sir.

Q Discharged Monday morning? A Yes sir.

Q Do you remember what bail each of you was put under?

A One thousand dollars. They gave us no satisfaction of what we were in there for.

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Q Each of that party was under one thousand dollars bail? A Yes sir.

Q Now, is there anything else that you think of now that occurred that night that I haven't asked you about?

A Well, I know the detective told the policeman to undress his night stick. This other policeman told him it wasn't necessary as we weren't doing anything.

Q "Undress" his night stick? A To the whole bunch in the house.

Q Did they call the reserves there? A Yes sir.

Q It wasn't the two gentlemen in citizens' clothes?

A Yes sir. They didn't attempt to use any night stick, but they told the policeman to do so after the reserves came there and they told the policeman to undress his night stick.

Q Did these two gentlemen dressed in citizen's clothes remain there till the reserves came? A They did.

Q Did they draw any weapon? A No sir.

Q You didn't see any weapon drawn by either of them?

A No sir.

Q Did they say that you are under arrest? A They said they would pull the place.

Q Would pull the place? A Yes sir and then just at

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that time they went down and got an officer.

Q Now, was there any swearing or cursing or offensive language used by any persons who were in that party? A No sir.

Q Were you there under invitation to that party? A I am the wife of a friend of his and my friend is the one to get up the party.

Q Where were you living at that time? A I was living where I worked. 67 Riverside Drive, Mrs. Miller, Charles E. Miller.

Q How late did that party keep up that night? A It was around two o'clock. We were getting ready to go away. Every one had on their hats and coats ready to go.

Q When this disturbance took place? A Yes sir.

Q Were all these persons acquaintances of yours?

A Yes sir.

Q And acquaintances of the defendant? A Yes sir.

Q As you know of? A Yes sir.

Q You knew Ed Samuels? A Yes sir.

Q How long had you known him before this night?

A About twelve years.

Q He was there that night? A Yes sir, he was.

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Q Have you seen Ed Samuels that night? A I have not.

Q Have you any idea where Ed Samuels is? A I have not.

CROSS EXAMINATION BY MR. MANLEY:

Q You say everybody was ready to go? A Yes sir.

Q That was about two o'clock? A Around two o'clock.

Q About the time when Ed came back, everybody had their hats on ready to go? A Not when he came back but right after that.

Q Now, how long after he came back was it that everybody was ready to go? A Around about half an hour.

Q Everybody was ready to go about half past two?

A Between two and half past two.

Q What time was it when the police came up there and knocked on the door? A Well, I should say about half past two or a quarter of three, something like that.

Q Couldn't have been any later than that? A No sir.

Q Couldn't have been as late as four o'clock? A That was when the detectives came in at four o'clock when we were arrested.

Q Did everybody stay there until the hour of four o'clock?

A We were ready and they held us in there.

Q Anybody held you in there? A They held us in there until they arrested us.

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Q Was it a full hour you were held in there? A Yes sir.

Q A full hour before the reserves came there? A Around about that time.

Q Where did you ever hear that phrase "undressing a night stick"? A That is a remark that that young man made to the detective.

Q That is the first time you ever heard it? A Yes sir.

Q Did you come from the West Indies? A No sir.

Q Where do you come from? A Washington, D.C.

Q You stated this was a surprise party to Charlie Brown? A It was.

Q Why do you call him Cahrlie Brown? A The name they gave him at the station house.

Q Is that the first time you heard him called Charlie Brown, at the station house? A No sir, I don't know about that.

Q In the station house he gave the name of Charlie Brown? A I don't know.

Q Was it somebody in the station house that called him that? A I couldn't say. I had known him as Charlie Brown, when he was called up Sunday morning.

Q How did you happen to know him Sunday morning as

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Charlie Brown? A Wasn't we all there?

Q Well, I suppose you were trying to get some information? A When they called his name they addressed him as Charles Brown.

Q Who addressed him as Charles Brown? A Some officer at the station.

Q That is before you got to the police court, was it the police court or the station house? A In the 54th Street Station.

Q You mean where there is a judge on the bench? A Yes sir.

Q A magistrate on the bench? A Yes sir.

Q That is the first time you heard the name Charles Brown? A Yes sir.

Q Who was it used the name Charles Brown? A Some officer, I don't know who.

Q The accusing officer? A Yes sir.

Q Did they shout it out, Charles Brown? A That is what they did.

Q What part of the place was the officer in when he shouted out Charles Brown, was that down in the pen? A No sir, in front of the magistrate.

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Q Right in front of the magistrate? A Yes sir.

Q They said "Is this Charles Brown" before the magistrate? A I don't know about that.

Q Did he answer to the name of Charles Brown? A He was there but I don't know whether he answered or not.

Q Now, I suppose you were there with your husband that night? A No sir, I was not. I am a widow.

Q You came up to the party? A Yes sir. Me and other friends because he has always been helpful to us in our church work.

Q Do you know a man of the name of Dan Kelsey? A Yes sir.

Q Was he there that night? A Yes sir, he was there.

Q You knew his right name? A Yes sir.

Q Do you know Joseph Jackson? A Yes sir, I know him.

Q Do you know him? A Yes sir, I do.

Q Do you or don't you? A Yes sir.

Q Is that his right name? A Yes sir.

Q You know him? A Yes sir.

Q Was he there that night? A Yes sir, he was.

Q Do you know James Smith? A Yes sir.

Q Now, who is James Smith? A Well, he is James Smith.

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Q Was James there that night? A One James Smith was there.

Q I have not got it on my list? A There was a Smith there.

Q Will you look at that and see if you can find it on there?

THE COURT: What is that you show her?

MR. BROWN: If your Honor please, I object to it.

THE COURT: I sustain the objection on that.

MR. BROWN: That is not in evidence here.

MR. MANLEY: I have not introduced it but simply refer to it.

Q Now, there was a James Smith there that night?

A Smith. I don't know his first name.

MR. BROWN: I would like this District Attorney to be fair and not lead people into snares.

THE COURT: I have ruled with you.

MR. MANLEY: Counsel ought to know that if there is any power in cross examination it ought to arrive at a result, and that I ought to exercise a little here and I feel I have a right to do so.

Q You said you knew James Smith, did you? A Yes sir.

Q Do you know James Smith? A There was a Smith there

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I don't know his first name.

Q I didn't ask you that, for the Smith family is quite large. I asked you about James Smith, and you said you knew James Smith and he was there. A I know Smith and he was there.

Q Did you say you knew James Smith, did you mean it?

A Yes sir, I meant it.

Q You thought that probably that that James Smith was at this party and that he was the last man of those who were there? A I did.

Q Do you know Joseph Sprague? A No sir.

Q What is that? A Yes sir.

Q Was Joseph Sprague there that night? A I don't know.

Q Did you hear anybody answer in the name of Joseph Sprague? A No sir, I did not.

Q Do you know John Lapry? A No sir.

Q You know John Lapry? A Yes sir.

Q The John who was there that night? A Yes sir, he was there.

Q Do you know William Godfrey? A Yes sir.

Q Was William there that night? A Yes sir.

Q Is that his right name? A Yes sir.

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Q You know Edward Thompson? A Yes sir.

Q Edward was there that night? A Yes sir.

Q Now, let me see. I want you to repeat the names so as to see if I have got down the names of the five women.

You gave me the name of Missouri Briggs? A Missouri Page.

Q And the other three were who? A Rose Legar and Lizzie Williams.

Q Now, was Ada Jones there that night? A Yes sir.

Q That is Addie Jones? A Yes sir and Lizzie Smith.

Q Then Ada gave two names? A She took a fictitious name that night.

Q How can you remember one whole year? A I got that memory, thats all.

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

A I have always calculated it that way.

Q Now, was Katie Smith there that night? A Yes sir, she was.

Q You haven't given me Katie Smith's name? A Well, I couldn't tell you the right name.

Q What is the right name? A Missouri Page.

Q Smith is Missouri Page? A Yes sir.

Q What is the right name, Smith or Missouri Page?

A Missouri Page.

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Q How could you tell she used the name of Smith that night? A I remember it, yes sir.

Q One year ago? A Yes sir.

Q Rosie Brown, was she there that night? A She was not.

Q Who is Rosie Brown? A Rose Legar.

Q What is her right name? A Legar.

Q Before that name did you know her as Brown? A Yes sir.

Q Can you remember all this time that on that night that she gave the name of Rosie Brown? A Yes sir.

Q There is no doubt about it? A No sir, no doubt about that.

Q How about Mary James? A That is Missouri Briggs.

Q Missouri Briggs and Mary James were the same person, were they? A Yes sir.

Q What is her right name? A Missouri Briggs.

Q Missouri Briggs real name? A Yes sir.

Q How long did you know her before that night, under the name of Mary James? A No sir, I did not.

Q Can you remember all this time that she gave the name of Mary James? A Yes sir.

Q In other words you recall the assumed names that you

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never heard before that night and you mean to tell this jury that you remember which one gave that assumed name? A Yes sir.

Q And separate them? A Yes sir.

Q You say Ed went out about one o'clock? A Yes sir.

Q What is that? A About one o'clock.

Q How can you tell it was one o'clock? A Well, I should judge from that time on account of my cousin coming up about twelve o'clock and he was in there quite a little while before he went out.

Q Where did your cousin go? A She was up there until half past ten.

Q Who was your cousin? A Missouri Page and they met her at the subway.

Q Did you see them? A They met her but I didn't see them in the subway. I was in the house.

Q You weren't at the subway? A No sir, they went to the subway.

Q When Ed came back he was pretty badly cut up? A He didn't go to the subway.

Q He went out and came back? A Yes sir.

Q When he came back he was pretty badly cut up? A Yes sir, I believe he was.

Q Anybody could look at him and see it? A Yes sir.

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they certainly could.

Q If they had any eyes in their heads? A Yes sir, they certainly could, but he didn't go in the place.

Q Just wait a minute, we will get to that in a minute. I didn't ask you anything about the place. Where were these marks upon Ed? A He had one here (indicating) and one on the side of his face and one here (indicating) and one at the back of his hand.

Q You pointed to the left side of his cheek? A Yes sir.

Q One on the left cheek? A Yes sir.

Q Are you positive? A Yes sir, I am positive the left.

Q No doubt about that? A No sir.

Q What is that? A I went away.

Q Positively? A Yes sir.

Q You pointed to the lower side of his face on his left jaw? A Yes sir, I know it was on his chin and one side of his face up here (indicating).

Q Three different spots? A Yes sir, I believe it went all over his face. I didn't want to see him in that condition.

Q What sort of a mark did he have on his hand? A Blood on his hand.

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Q Did he say why he didn't want to be seen in that condition? A He didn't want no excitement. Everybody was having a good time, enjoying themselves.

Q But he thought it would cause excitement if anybody saw him? A He didn't like that in that neighborhood.

Q What is that? A We didn't like that neighborhood and there had been none of us down there before.

Q Ed didn't want to come in and wash his ^{face} himself? A No sir, he did not.

Q You saw Brown here or Samuels go right out after that? A Yes sir.

Q You saw Roberts go out after that? A Yes sir because I was serving refreshments.

Q You say there was something to drink there that night? A Yes sir.

Q What was it? A They had beer and they had punch.

Q Have any whiskey? A Yes sir, and they had whiskey, and we had chicken salad and sandwiches.

Q Now, nobody was intoxicated in the entire party? A No sir, there were not.

Q Not intoxicated at all, none of them? A No sir.

Q No doubt about that? A No doubt about that.

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Q Will you describe Ed to us? A He was a heavy set fellow, shorter than his brother, well built.

Q Pretty broad shouldered? A Yes sir.

Q Pretty compact and solid? A Yes sir.

Q Well set together? A Yes sir.

Q What you think, Mrs. Williams, was the weight of Ed? A Well I am no judge.

Q Give us your idea? A Well, I couldn't say.

Q Was he about one hundred and ninety or two hundred?

A About one hundred and eighty or one hundred and ninety.

Q Pretty solid was he? A Yes sir, pretty solid and broad shouldered.

Q Quite a little bigger than his brother? A Yes sir.

Q Considerably bigger? A Yes sir.

Q He had a mustache, didn't he? A Yes sir.

Q After Edward didn't come back after two o'clock and after this defendant Brown came back and after Roberts came back, didn't somebody in the house begin to worry about him at the birthday party? A Begin to worry about him?

Q To see where Edward was? A Someone asked where he was and we said he went out.

Q Didn't anybody go out, voluntarily to try and find Edward? A No sir.

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Q Now, it was about two o'clock when this defendant Brown and Roberts came back after they had gone out with Ed about two o'clock, was it? A I wouldn't say exactly what time. I couldn't tell.

Q You were in the house a considerable time after Brown and Roberts came back before you were taken to the station house? A Around two or half past two, I should judge. I wouldn't say positively.

Q Did anybody volunteer or ask what became of Edward? A Yes sir, they asked me and as I said we were all getting ready to go and I told him and he said he wouldn't bother because he didn't want anybody to see him.

Q You were taken to the station house, weren't you? A What is that?

Q (Question repeated)? A Yes sir.

Q All the women were taken to the station house? A Yes sir.

Q None of the women were acting disorderly at all? A No sir.

Q Not a bit? A No sir.

Q There was no disorder when the policemen came there? A No sir.

Q At the time of the arrest? A No sir. We all said

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we were all perfectly willing to go and they said they would look the women up.

Q You all volunteered to go to the station house without the reserves? A Yes sir, we were put in the wagon.

Q Will you tell me why they brought the reserves?

A That is what we want to know up until now.

Q You haven't found out? A No sir, we got no satisfaction whatever. He wouldn't give my boss any satisfaction either.

Q Can you tell me what name this defendant gave when he was taken to the station house? A I do not know when he was taken to the station house.

Q Now, you know Dan Kelsey, didn't you? A Yes sir.

Q Is Dan in court? A No sir.

Q Where is Dan? A I couldn't tell you.

Q When did you see Dan Kelsey? A I haven't seen him in quite a while.

Q How about Joe Henry? A Well, I saw him yesterday morning or yesterday afternoon.

Q Is he in court? A No sir.

Q How about Thompson? A I don't know.

Q Is he in court? A No sir.

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Q Have you see him? A I haven't seen him. I don't know him.

Q Don't you know Joseph Sprague? A No sir, I do not.

Q Never saw him? A No sir, not to my knowledge.

Q Do you know Joseph Sprauer? A Yes sir.

BY MR. BROWN:

Q Did Edward Samuels have a mustache? A Yes sir, a slight little mustache, just a little.

Q How did it compare with the mustache of his brother?
A Just a little.

Q Was it as small as that? A I don't think quite as small as that.

Q Which is the older of the two? A I don't know.

Q You don't know which is the older of the two? A No sir.

Q One is bigger than the other? A Yes sir.

Q Your boss understood about your arrest in this case?
A Yes sir, he certainly did and they gave him no more satisfaction than he did.

Q Didn't he get any satisfaction? (No answer).

(Question withdrawn).

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JOSEPH N. BIDDLECOME; a witness called on behalf of the defendant being duly sworn testifies as follows:

DIRECT EXAMINATION BY MR. BROWN:

Q Where do you live? A Hotel Colonial, 81st Street and Columbus Avenue.

Q You hold a position at the Colonial Hotel? A Yes sir.

Q 81st Street and Columbus? A Yes sir.

Q Who was the manager at that place? A Claude R. Nott.

Q How long have you been employed there? A Five years this July.

Q As clerk? A Yes sir.

Q You know the defendant here, Samuels? A Yes sir.

Q Is he employed at that hotel? A Yes sir.

Q How long has he been employed as you know of? A Well, when I started in I think he had been there a year before. I have been there five years.

Q Has he worked there steadily ever since? A Yes sir.

Q What position does he hold in that hotel? A When I first came there he was an elevator boy then he was transferred to the laundry as washing boy.

Q Down in the laundry how many years? A Since the laundry opened about two or three years as near as I can remember.

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Q Do you know his reputation for peace and quiteness?

A I do.

Q What is that reputation? A The best that I can say.

Q Has he ever been in any trouble as you know of?

MR. MANLEY: I object to that as incompetent and immaterial.

BY MR. BROWN:

Q As you know of? A As I know of him in the hotel, as far as I know.

Q Has he fulfilled his duties there in the hotel every day? A Yes sir, every day, always there. I always saw him.

Q You know him there now? A Yes sir, we know him there.

Q Would you take him back there now? A Yes sir.

MR. MANLEY: I object to that as incompetent. That is the only reason I object.

CROSS EXAMINATION: BY MR. MANLEY:

Q When you testify as to his reputation as to peace and quiteness, I suppose you simply testify to what took place in the Colonial Hotel? A Yes sir.

Q You don't know what his reputation for peace and quiteness is when holding a party^{at} night or at four o'clock in the morning? A No sir.

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Q You don't pretend to? A No sir.

Q You simply know him as working at the hotel? A What I meant was he was always there and we have always been able to depend upon him.

Q You know him by his work at the hotel? A Yes sir.

BY A JUROR:

Q Have you ever seen him under the influence of liquor at any time of the night or early morning? A No sir, never.

Q Never saw any signs of liquor on him? A No sir, never.

BY MR. BROWN:

Q Did the manager ask you to come down here?

Objected to.

J O S E P H S P R O V E; a witness called on behalf of the defendant being duly sworn testifies as follows:

DIRECT EXAMINATION BY MR. BROWN:

Q Where do you live? A I live at 16 West 134th Street.

Q Do you remember the 15th of last May? A Yes sir, I do.

Q Do you recall where you were on the evening of the 15th of last May? A I do.

Q Where were you? A At a party, 62nd or 63rd Street --

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the first time I have ever been there.

Q What street was it? You remember what street it was? (No answer).

Q Were you arrested that night? A That morning I was.

Q With fifteen others? A Yes sir, I was arrested with the others that was in the party.

Q About fifteen others? A Yes sir, or there abouts.

Q All were arrested? A Yes sir.

Q Do you remember what street that was? A I think it is 62nd Street.

Q 62nd Street? A Yes sir, I don't know that is the first time I had been there that night.

Q Was it the home of this boy Samuels? A Yes sir of Brown.

Q Ever been there before? A No sir.

Q Was Samuels there? A Yes sir, he was.

Q Was it 69th Street? A Yes sir. This residence was on 69th Street -- I don't know. I was just taken there being a stranger in that neighborhood completely.

Q You were a stranger there? A Yes sir.

Q Did you go there with anyone? A A friend took me there.

Q With a friend? A Yes sir.

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Q Now, do you remember seeing Samuels there? A Oh, sure he was there.

Q Do you know his brother? A Well, I met him that night for the first time.

Q What was his name? A Samuels, that is the name was given to him.

Q Do you remember the first name? A Well, I don't remember his first name.

Q You only met him as you said that night? A Yes sir, for the first.

Q Do you know Charlie Roberts? A Sure I do. I met him for the second time.

Q What time did you get to that party that night? A I got there about eleven or a little later.

Q Eleven or a little later? A Yes sir.

Q What friend was it that you went there with? A Mr. Legar called at my home and took me down there.

Q Mr. Legar? A That is to the surprise party I went with him.

Q He called at your home? A Yes sir.

Q How long have you been in New York? A It is in the third year now.

Q The third year? A Yes sir.

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Q Do you live at the same address now as you did then?

A I live at 173 West 126th Street.

Q West 126th Street? A Yes sir.

Q You went from there to this place? A Yes sir.

Q Got there at eleven o'clock? A Yes sir.

Q Do you remember Charles and Edward Samuels going out at any time that night? A We were all sitting down and talking that it was too cold for a storm and just then this boy said, he would get a guitar and that fellow met some friend whom he knew and then he left.

Q Who left? A Samuels.

Q Left for the guitar? A Yes sir.

Q What time was that? A It was around one o'clock or so. I didn't know the correct time.

Q Did anyone leave with him? A No sir, he is alone. He left the balance of the company in the house.

Q Do you remember how long it was before he returned?
A Well, I didn't take any notice of the time but he was a long time gone.

Q Did he finally return? A Yes sir, with a guitar; he returned with a guitar.

Q Did he have a guitar? A Yes sir, in his hand.

Q Did you see a guitar? A I saw the guitar.

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Q Did you see Ed Samuels? A I seen Edward Samuels.

Q When he returned? A Yes sir.

Q What did you observe about his appearance? A That there was blood somewhere about his person.

Q What part of his person? A His face.

Q His face? A Yes sir.

Q Was there any blood on his clothing? A Well, I didn't minutely look at his clothes because he only presented his head from the distance where he was. I saw his face and on his face there was blood.

Q Did he sit down in that place? A No sir, he didn't sit there. Just spoke to his brother. There was some dispute and his brother left with him and he left the guitar and went right out.

Q Who else went out with his brother? A His brother and Charlie Roberts.

Q Did anybody else leave besides those three? A No sir, only those three.

Q Where was the guitar in that room? A They put the guitar down. It was left in the same house.

Q How long after Roberts and the two Samuels left there -- how long were they gone before they returned? A What was that question?

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Q How long after Roberts and the two Samuels went out -- how long were they out before they returned? A I don't know how long they were out before they returned. When they did come back only Roberts and that Brown came back. I have seen the other Brown whom I met for the first time that night until now.

Q The third man, Ed Samuels? A I haven't seen him until now.

Q But this Samuels and Charles Roberts returned?
A Yes sir.

Q Can you give this jury any idea how long Charles Samuels and Charles Roberts were out of that house with Ed Samuels? A Well, it wasn't any considerable time. We all got together quite soon again.

Q Can you give me any idea if he was out an hour or half an hour or fifteen minutes? A Well, I can't accurately say what time it was till they came back, but I know they came back again. I didn't see what time they came back.

Q I ask you if you could tell me how long they were out of the house, Charles Samuels and Charles Roberts? A I don't remember the time.

Q You can't remember that? A No sir.

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Q When they both returned, got back into the house, did Charles Samuels and Charles Roberts go out again?

A They didn't go out again until we was arrested.

Q How long after they came back into the house was it that they were arrested? Can you give us any idea how long that was -- was that an hour or half an hour or within an hour? A Within half an hour.

Q Before you were arrested? A Yes sir, before they were arrested.

Q How long was it do you think before he came to the house or the time that Charles returned until you all got to the station house? A What time it was?

Q Yes? How much time elapsed from the time that Charles Roberts and Charles Samuels returned to the house? Do you understand? A Yes sir.

Q And you were all arrested, was it before you got to the station house? A It was around about the morning positively but I do not know the time. I didn't keep any tract of the time on that night. I don't know when Samuels returned with the guitar. He was gone -- these two fellows; but as to the time I kept no tab of it.

Q That is your best recollection as to the time? A Yes sir.

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Q When you were arrested? A Yes sir.

Q How many women were there? A Well, as I said I was a stranger to the entire folks nearly, and I can hardly can memorize how many women.

Q How many? A Well about four or five women.

Q Were those women and men carried to the station house that night? A Yes sir.

Q Were you arraigned before the magistrate next morning? A Before the magistrate?

Q Before the magistrate in court the next morning?

A Yes sir.

Q How long did you remain in the magistrate's court locked up there? A Locked up?

Q When were you discharged, were you discharged Monday morning? A (No answer).

THE COURT: Haven't we been all through that part of it? There seems to be no dispute that they were all locked up and they were discharged later, or most of them discharged. Do you think it is necessary to go over that again? Go right ahead.

MR. BROWN: I want to get this clear.

THE COURT: I don't think it is necessary, we have all that here. I do not think it necessary to ask

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of this witness. It is not necessary to have him testify to something that is not disputed. All of them were arrested and you may put that in the record that they were taken to the police station and were taken before the City Magistrate next day. It seems to me that if you put fifteen witnesses on the stand it wouldn't be of any greater importance than if you called one. For my part I do not see the good of it.

MR. MANLEY: I admit that all those that were in the house at 329 were taken to the station house.

CROSS EXAMINATION BY MR. MANLEY:

Q Your name is Joseph Sprove? A It is.

Q Sprove? A Yes sir.

Q You say you were a stranger to everybody there that night, Mr. Sprove? A Yes sir.

Q You simply got an invitation from Mr. Legar? A Yes sir.

Q A little appointment? A Yes sir.

Q You met this man, this defendant here for the first time, didn't you? A No sir, I met him about the second time.

Q It was Roberts that you met the second time? A That was the first time and his brother for the first time.

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Q His brother for the first time? A Yes sir.

Q You got there at what time? A Well, I actually don't remember what time.

Q About? A About eleven o'clock.

Q About eleven o'clock? A Yes sir.

Q You enjoyed yourself during the time you were there?
A Yes sir.

Q Playing cards a little bit? A I didn't indulge there. I simply looked at the game they were playing.

Q You don't look like a drinking man? I suppose you didn't drink that night? A Nothing intoxicating.

Q Did they offer you anything that night? A Yes sir, they did.

Q How much did you take of that which was offered to you? A I drank a little beer.

Q You didn't take much beer? A No sir, not very much.

Q Not enough to affect you? A No sir.

Q Who was it suggested that you have a little whiskey that night? A Samuels's brother.

Q Samuels suggested it? A Yes sir.

Q Did Roberts have anything to say about whiskey?
A No sir, nothing at all.

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Q I understand Mr. Fred Thompson had something to say about the whiskey, didn't he? He suggested that they have a little whiskey? A If he did I didn't hear it.

Q You don't know who I mean by Fred Thompson? A I knew him a long time.

Q What time was the suggestion made about the music?
A Well, it was a long time after we were there.

Q It was spoken of about one o'clock? A About one o'clock, before Samuels and Roberts left, they were talking about it.

Q I don't expect Mr. Sprover that you can tell me exactly but I want your best judgment, you understand that? A Yes sir, that is right.

Q I think the brother Edward had gone for some time for this guitar, I understand you to say it was an hour? A Yes sir, around about that time.

Q Didn't somebody say that he was away so long? A Yes sir.

Q No one said anything to you about it? A No sir.

Q What is that? A Not to me.

Q Didn't you hear Mr. Roberts or Brown here or Samuels wonder why Edward had gone so long for the guitar? A No sir, I didn't hear it.

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Q Nobody wondered why he had gone so long for the guitar? A Nobody has done that in my hearing.

Q What were you doing all that time? You seemed to be busily engaged? A Just looking on.

Q Was that all you were doing, looking on? A Of course, there were other folks looking on and I would keep back.

Q What was it you were looking on at? A I said, we were having a little game.

Q What was the game, a little poker? A I can't tell the game.

Q Was it bridge whist? A Yes sir, bridge whist.

Q You were looking on at the game? A Yes sir.

Q Did you understand it? A I don't play because I don't practically understand and that is why I didn't play.

Q You did see Ed come in? A Yes sir.

Q Now, was that after Roberts went out, before Ed came in? A Roberts and this Samuels returned together.

Q Roberts and this man Samuels? A Yes sir.

Q Returned together? A Yes sir.

Q Hadn't they gone out a little bit before Edward came in? A We haven't seen Ed until now. That is the last night I had seen him.

Q Did you pay much attention to what was going on in

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this room? A No sir, the only thing interested me was this game.

Q That is the only thing that interested you at that time? A Yes sir.

Q Why do you call him Brown and then Samuels? A Why, I got a subpoena to testify in the name of Brown but I met him as Samuels. I am guided by what I saw in the subpoena.

Q Did you hear anybody calling him Brown in the police court? A The officer that arrested us, he told the officer he was Charles Samuels but they put that name Brown on him.

Q When was it they gave him that name? A In the morning in the station house they questioned him concerning the hat. He says, "What size do you wear," and this Samuels answered, "The size seven" and it differed from the size that was on his head at the time and he says, "What is your name?" He said, "My name is Charles Samuels." He said, "No, you are Brown, you are Brown." I had never heard the name of Brown before.

Q That was in the station house? A Yes sir, that was that morning.

Q The name of Brown was in the hat? A I don't know what he signed in the hat. I can't figure up the size.

Q It was a different size from the size hat that

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Samuels wore? A A different size to the hat he gave, and then he said, "This hat isn't your hat. What's your name?" He said, "Charles Samuels." The officer said, "No, you are Brown."

Q That is before he was taken to the police court?

A That is in the station house this took place. He said, "Now, you are here by the name of Brown."

BY MR. BROWN:

Q That was at the station house about this hat? A Yes sir.

Q Do you know what became of the hat? A No sir, I don't know about the hat.

Q Did they take that hat from Brown? A He held it in his hand. What they done with it, I don't know.

Q Did Brown have any hat when he came to court the next morning? A He came with the hat. That is the hat I am talking about.

Q What did the officer do with the hat he wore to the magistrate's court the next morning? A I don't know if he carried it with him. I know he held it in his hand that morning or on his head. I doubtless saw it.

Q Did he have a hat when he was arrested? A Yes sir,

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he had the hat and he held it in his left hand and it wasn't the correct size.

Q Are you positive that you heard this conversation about Charles Brown at the station house discussed that the officer gave his name as Charles Brown? A I am positive about that.

Q Did you know this man Charles Samuels? A Yes sir.

Q Charles Samuels gave his name as Charles Samuels?
A He denied he was Brown.

Q Now, do you remember the expedition being held up there a little bit at the house because Samuels couldn't find his hat? A No sir, I don't remember that matter.

Q Did you see them search through the place for the hat? A No sir.

Q They found the hat in the house that morning? A No sir, I said that there was trouble -- we decided we would go. There was no trouble and hurry about the house or anything else that I recall.

BY A JUROR:

Q Do you remember what they called out was the size of that hat? A No sir, I don't remember.

Q They called out the same size? A Exactly.

Q You don't remember any size? A No sir.

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J O S E P H H E N R Y; a witness called on behalf of the defendant being duly sworn testifies as follows:

DIRECT EXAMINATION BY MR. BROWN:

Q Where do you live? A 329 West 69th Street.

Q Your name is Joseph Henry? A Yes sir.

Q Do you remember the 15th of last May? A Yes sir.

Q Do you remember the evening or morning of that day?

A Yes sir, it was the morning time.

Q Where were you? A At Samuels house.

Q Where was that? A 329 West 69th Street.

Q What time did you get to that house? A I guess I got there at a quarter of eleven o'clock. I was living in the same house on the ground floor but I live on the top floor now.

Q Were you arrested in that house that night? A Yes sir.

Q Were you in Samuels house? A Yes sir.

Q From what time were you in there? A From about a quarter after one.

Q A quarter after one? A Yes sir.

Q Were you there in that room -- do you know Ed Samuels?

A Yes sir, I do.

Q How long have you known him? A Well, I have known him quite a while.

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Q Do you know him one day or one week or one year or what? A Well, about twelve years, twelve or thirteen years.

Q Do you know Charles Samuels? A Yes sir.

Q How long have you known him? A Just about the same time.

Q Do you remember seeing Ed Samuels in that house that night? A Yes sir, he was there.

Q What time was it when you saw him there? A A quarter before one like that.

Q Do you remember when he left that house that night? A Yes sir, he went out to get a guitar.

Q What time was it when he left that house? A Well, it was about a quarter after one.

Q Did anybody leave the house with him? A No sir, nobody left the house but himself alone.

Q How many other persons were in that house? A There was fifteen of us. There was some ladies. There was five ladies there.

Q When he left the house did he return? A He did, sir.

Q How long was it before he returned? A Well, it was about an hour till he returned.

Q What if anything did he have with him when he returned? A He had a guitar in his hand and his mouth was all swollen

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up and a cut over his eye.

Q What did he have in his hand? A A guitar.

Q Were you at the house when Samuels returned? A Yes sir, he had a guitar in his hand.

Q Did you see the guitar? A Yes sir.

Q Did you see Samuels? A I seen Samuels.

Q Did you notice the condition of Samuels face? A Yes sir, I noticed the condition of his face.

Q What was the condition of Samuels's face? A His lip was all swollen and he had a cut over his eye.

Q Did you see any blood? A Yes sir, I saw it on his clothes, on his coat.

Q Did you see any blood on his face? A Yes sir, over his eye one cut was.

Q Did you observe that yourself? A Yes sir.

Q How far away were you when you saw it? A About as far as I am standing or sitting here to you.

Q Did Samuels sit down in that house at all if you remember? A No sir, he didn't sit down there.

Q Did he go out? A He went out.

Q Did anybody leave with him? A Yes sir, his brother left with him and Charles Roberts.

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Q Who? A His brother.

Q His brother? A Yes sir, his brother Charles left with him.

Q The three left the house? A Yes sir, the three left the house.

Q Do you know how long the three were out of the house or out of that apartment before they returned? A Well, I don't know exactly what time it was.

Q How long were they out of that apartment? How long were they away from the house before they returned? A They were out about four minutes or longer than that.

Q Were you in the house when they returned? A Yes sir.

Q Who returned? A Well, that man returned and Roberts too.

Q Did Ed Samuels return to? A I didn't see him. I haven't seen him from that time until now.

Q Have you seen him since? A No sir.

Q Do you know where he is? A No sir.

Q You say you knew Ed Samuels before that, twelve years ago? A Yes sir.

Q Have you seen Ed Samuels frequently before this night?
A Yes sir.

Q Do you know where he worked? A He used to work at the church on 73rd Street, the Rutgers Church.

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Q Do you know where he worked at that time? A No sir.

Q When you had seen him before this night? A I had seen him --

Q Immediately before this night? A I seen him that night because he came to me just about the same time I got home from work.

Q He lived in the same house that you lived in? A Yes sir, he lived two flights above me..

Q Well, Mr. Henry, if Charles Roberts and Charles Samuels came back to that house, how long were you there before the officers came in? A For an hour before the officers came in.

Q Before the arrest was made? A Yes sir.

Q That was about how long? A About half an hour.

Q What time was it when you got to the station house?

Q I don't know the time. It was morning when I got to the station house, it was daylight.

Q When you got to the station house? A Yes sir.

Q You say Samuels left there about a quarter past one for that guitar? A Yes sir.

Q And he returned it about what time? A He was gone fully an hour.

Q What is that? A He was gone fully an hour.

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Q That would be twenty-five minutes after two when he returned? A Something about that time. There wasn't any clock in the house. I am just guessing at the time, twenty-five minutes after two.

Q You say after that Charles Samuels and Charles Roberts went out with Ed Samuels? A Yes sir.

Q How long was it before they returned? A About half an hour.

Q They returned in half an hour's time? A Yes sir.

Q Now, the question I am asking you is: How long was Charles Samuels and Charles Roberts in the house before the officer came and arrested all of you? A I don't know how long they were in the house, before they were arrested because they came there ahead of me. I came in at a quarter of one as I said before.

Q Well, I am asking you about when Charles Samuels came back when you were arrested in the morning? A Yes sir.

Q How long had Charles Roberts and Charles Samuels got back from the street before you were all arrested? A Well, they got back about half an hour,

Q About half an hour? A Yes sir.

Q That is the best of your judgment? A Yes sir.

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Q Now, was there anything to drink in that house?

A Yes sir.

Q Was anybody intoxicated? A No sir, nobody at all -- not that I know of.

Q Did you partake of any drinks? A I did.

Q What did you drink, whiskey, beer or what? A I had some beer.

Q You say that the people were not intoxicated? A No sir, nobody sir.

Q Were they disorderly in any way? A No sir.

Q Do you know what happened when the officers came to the door and demanded admission there? Did you see the officers? A I seen them when they came in.

Q Were they dressed in uniform? A Well, two of them were not.

Q Did anybody prohibit them from coming into the place? A Well, somebody said -- he said he was an officer and they said, "Show me your badge," and he said, it wasn't necessary.

Q Did you see his badge? A No sir.

Q Did you the badge on these two officers at any time that evening? A No sir.

CROSS EXAMINATION BY MR. MANLEY:

Q Can you tell us about what time it was when they seen^{sent}

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to get out a little beer? A They didn't send out for any beer at all.

Q Pretty positive as to that? A Everything was in the house.

Q How much beer was in the house? A They had a couple of crates of beer, about two and a half crates of beer.

Q Positive there was two and a half crates there?
A Yes sir.

Q One crate and a little more? A No sir, one crate wasn't there.

Q I don't suppose you said a word to Samuels here about this case since as it happened? A No sir, I haven't said anything to him about it.

Q Haven't said anything to his friend? A No sir.

Q Haven't said anything to any witness? A No sir.

Q Haven't talked to anybody about it? A No sir,
I have not.

Q Had Edward lived there for some time before the 15th of May? A Yes sir.

Q About how long? A He lived there about two months or three months.

Q Don't you talk to him? A Yes sir, I lived up the street then, and then I moved a little lower down.

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Q Then, there was no disturbance of any kind in the house that night? A No sir, no disturbance at all.

Q Nobody made any resistance when the officers came in there? A No sir, nobody made any resistance.

Q Neither man nor woman? A No sir.

Q Did you see Roberts take a stick or a club when he went out? A No sir, I didn't observe anything.

Q Didn't take anything at all? A No sir, didn't hit him with anything.

Q You saw him when he went out? A Yes sir, but I didn't see him have any stick.

Q When you got to the station house did they have you in a line there? A Yes sir, sitting down.

Q Weren't you picked out? A No sir.

Q You were discharged? A Yes sir.

Q Did they pick them out of the line? A They were all sitting there.

Q How far away were you when the officer did that? A I was sitting down in the line.

Q About seven or eight feet away? A Yes sir.

Q Nothing took place when the officer picked somebody out? A There was some foreign -- there were three other fellows there.

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Q Italian fellows, weren't they? A Yes sir, I think they were.

Q They spoke right up to the officer? A Yes sir, he was looking at the fellows for quite a while. He was looking at them and he pulled that fellow out.

Q That is after the Italian fellow had said something to the officer? A I didn't hear them speaking to him.

Q I wont ask you what he said? A They said something to him.

Q They were talking to the officer? A Yes sir.

R E B U T T A L

JOSEPH A. LEONARD; a witness for the people being called in rebuttal testifies as follows:

DIRECT EXAMINATION BY MR. MANLEY:

Q I show you this paper and ask you what it is? A It is a record of the police blotter in the station house, giving the record of this arrest, May 15th, 1911.

Q Also the names of those arrested? A Yes sir.

Q The names they gave? A Yes sir.

Q Does the name of James A. Smith appear upon that list?

Objected to. Objection overruled. Exception.

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THE WITNESS: No sir, it does not.

MR. BROWN: I object to this. It is not in evidence and I haven't seen it.

MR. MANLEY: I am not offering it in evidence.

THE COURT: The officer can state whether or not he can refresh his memory, whether or not James Smith was one of the persons arrested.

MR. BROWN: I accept your Honor's suggestion.

BY MR. MANLEY:

Q Use it to refresh your memory. When the man was arrested he gave the name of James Smith? A There was no man gave the name of James Smith.

Q You are Officer Leonard? A Yes sir.

Q You were in citizens' clothes? A Yes sir.

Q You were one of the officers that went there and arrested these people? A Yes sir.

Q Did you show your badge? A Yes sir.

Q That night? A Yes sir.

Q Sure about that? A Yes sir, positive of it.

Q Weren't you in uniform? A No sir, citizens' clothes, your Honor.

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JOHN MESSO; a witness for the people being called in rebuttal testifies as follows:

DIRECT EXAMINATION BY MR. MANLEY:

Q Now, you are John Messo. At the time when you were being chased by this defendant Brown and at the time when you saw Roberts running up the street while going into this house or stable you staid on the other side of the block? How many colored people did you see there on the street?

A About six.

BY MR. BROWN:

Q You are the man who went into the water closet and staid in there one hour? A Yes sir.

Q Is that why you went into the water closet and staid an hour? A Yes sir.

Q It wasn't because you attempted to hold up the defendant and his brother and you were trying to keep away from the police? A No sir, I didn't have anything to do with the police.

Q Why did you go over the roof?

MR. MANLEY: I object to that as not being proper rebuttal.

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CHARLES KOSTER; a witness called for the people in rebuttal testifies as follows:

DIRECT EXAMINATION BY MR. MANLEY:

Q Mr. Koster, at the time when you were running down the street towards 316 on the corner of 69th Street, did you see a man named Citrone? A Citrone? I did not.

Q When was it you did see Citrone?

Objected to as not being in rebuttal.

THE COURT: I don't know what the object is. I can't guess at it.

Q When was it you saw Mr. Citrone? A I seen Citrone there, Sunday night.

Q On that same night? A Sunday night. Well, that was the same night.

Q What time was it when you saw Citrone? A About eight o'clock.

Q In the evening? A Yes sir.

Q Did you see him on the street as you went down where this thing took place? A Yes sir.

Q Now, let us see. You were right after the man?
A Well, into that house.

Q What house? A 310 West 69th Street.

Q That is your house? A Yes sir.

Q You lived at that time where? A 311 West 69th Street.

(TESTIMONY CLOSED)

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