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CASE

CASE #2853

1856

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

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-----X
T H E P E O P L E

-against-

JESSE INGRAM.
-----X

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:
: B e f o r e :
:
: HON. WILLIAM H. WADHAMS, J.
:
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: X

New York, August 11th, 1930.

Indicted for assault in the first degree.

Indictment filed August 25th, 1919.

A P P E A R A N C E S:

ASSISTANT DISTRICT ATTORNEY JOSEPH D. EDELSON:

FOR THE PEOPLE.

MORTIMER NEUMAN, ESQ., for the DEFENSE.

Transcript of Stenographer's Minutes.

Frank S. Beard,

Official Stenographer.

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New York, August 11th, 1930.

THE PEOPLE'S TESTIMONY.

JOSEPH VINCENT RADIGAN, a witness
called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. EDELSON:

Q What is your business? A Engineer in the Fire Department.

Q And how long have you been connected with the Fire Department of the City of New York? A 17 years and over.

Q Do you know this defendant? A Yes, sir, now I do.

Q Did you see him on the 13th of July, 1919? A Yes; about 3 A.M., in the morning, within 50 feet of the exit --

Q Raise your voice. I can't hear you. Well, I am in a bad condition, I am in a critical condition. I saw him at 103rd Street and Central Park West.

Q He was inside of the park? A Yes, sir, near the exit, when I first saw him.

Q In the County of New York? A Yes, sir.

Q And where were you at that time? A I was proceeding in a westerly direction through the park towards the exit.

Q And what attracted your attention to this defendant?

A A woman called me. She mistook me for a police officer, and she called me, "Officer, come over here."

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Q You wore the uniform of the Fire Department? A Yes, sir, I was in full uniform.

Q And you heard the lady say, "Officer, come over here?"

A Yes, sir. And I started to go across to see what the trouble was, and this colored man here intercepted me.

Q This defendant, you mean? A Yes. And he said, "You are not going to lock me up," and he started to use his hands to punch me, and I defended myself; and we were fighting there for about fifteen minutes, and I had knocked him down several times, and he runs into a clinch.

Q The defendant said, "You're not going to lock me up?"

A Yes, sir; he thought I was a policeman, too.

Q And where was the lady that called to you, as you say?

A Over on the bench, about seventy-five feet away from where I had the altercation with the defendant.

Q And when you first saw the defendant was he coming from the direction of this bench where this woman was? A Yes sir.

Q Now, continue, and tell us what happened. A And he said, "You're not going to lock me up," and he started an altercation with me, and I defended myself, and knocked him down several times; and, finally, he run into a clinch, and, while he was in this clinch, he stuck some sharp instrument in my back here, and pulled it all the way around (illustrating).

Q Did you have any weapon in your hands? A No, sir, I had nothing but my hands.

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Q Will you show to the jury the injury upon your back? Can you do it, without much difficulty? A Yes, sir, I will. Here it is, sir (indicating).

Q That horizontal scar there (indicating) ? A Yes, sir. It runs right around here, around my back, to the other side (indicating). My coat is upstairs, if you want to see it.

Q I have it here. Now put on your shirt and coat again, and return to the stand. I show you this coat, and ask you if you recognize it? A Yes, sir, that's the coat I wore.

Q That's the coat you wore, that night, when you say the defendant cut you? A Yes, sir.

Q Is this the cut (indicating) that was made by the defendant? A Yes, sir.

Q And the coat is in the same condition as when you wore it on that day? A It has been washed since?

Q It has been washed since? A Yes, sir.

MR. EDELSON: I offer it in evidence if your Honor please.

(It is admitted, without objection, and marked People's exhibit 1.)

BY MR. EDELSON:

Q What happened to you, after the defendant cut you with a sharp instrument? A Well, I had just enough strength to throw him away from me (illustrating). I had my hand over his mouth -- shutting off his wind -- and on his nose, to pre-

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vent him from biting me, and I had the heel of my hand under his chin. My right leg was behind his right leg, and I just caught him off his balance, and had strength enough left to throw him away from me, and I ran.

Q And what happened? Did the defendant stay there?

A No, sir, he chased me. And I happened to have a police whistle on my keys, and I blew that, and ran down Central Park West, with my hand on my side (illustrating), and the defendant after me, with whatever he had in his hand, and I blew the whistle, and a lot of people come running to me, and I told them to call an ambulance.

Q And what became of this defendant at that time? A And he ran out after me, but, when he seen the people coming, he went into the park again, and disappeared.

Q And what became of the young lady who called to you originally? A I don't know what became of her. I heard afterwards --

Q No, not what you heard afterwards. Did the ambulance come? A Yes, sir.

Q Was an officer there? A Yes, sir.

Q Where were you taken? A I was taken to the Knickerbocker Hospital.

Q And how long did you remain there? A I remained there about 16 days; somewhere around that.

Q And how many stitches were put in your back? A 58

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6
8
stitches.

Q Fifty-eight stitches? A Yes; a triple row. All the muscles and nerves were cut through.

Q And was there a light there, where you met the defendant?
A Yes, sir; there is three path ways coming together there, and there is a big electric arc light there.

Q And are you positive that this is the man who stabbed or cut you with some sharp instrument, that knife? A I am.

Q There is no question whatever in your mind about it?
A No, sir.

Q And you say there was light there? A Yes, sir, plenty of light.

Q The reflection from the electric lights? A Yes, sir, plenty of light, and I could see his face well.

MR. EDELSON: He is your witness.

CROSS EXAMINATION BY MR. NEUMAN:

Q Mr. Radigan, how far away from this woman were you when she first spoke to you? A Oh, I should judge about 100 or 125 feet. Well, I started to go across to see what the trouble was.

Q And what did the woman say? A I didn't see the woman until she just called, "Officer," to me.

Q Did you walk over or run over? A Why, I walked over, and this man started coming towards me.

Q What was the position of the man and the woman when you

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first saw them? A The woman was sitting down on the bench, and the man was like standing in front of her (illustrating).

Q And did the woman continue to sit on the bench when you approached? A Yes, sir, she continued to sit on the bench.

Q How long did she sit on the bench? A I couldn't tell you that.

Q And, while she was sitting on the bench a man was standing in front of her? A Yes, sir.

Q Was his back towards you as you walked up? A He was like sideways (illustrating).

Q Could you distinguish the color of his suit, when you arrived at the spot where he was? A The color of his suit was dark material. I couldn't tell you exactly what the color was.

Q And what did the man say, when you arrived at the spot? A He came up towards me, he met me, and I waited for him to come up, to see what the trouble was.

Q What dolor was the woman? A I didn't know, at the time. I found out afterwards.

Q Did you see the woman sitting on the bench? A Yes, sir.

Q Did you see her face? A No, sir, I could only see the shadow of the woman there.

Q And this man walked up to you? A Yes, he walked about 75 feet towards me, I should think.

Q And what did the man say to you? A He says, "You are

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not going to lock me up."

Q And then what did you say? A I said, "I'm not an officer. Why should I lock you up?"

Q Did he say anything then? A He started in to punch at me. I wanted to bring him over to get an officer, and bring him back to the woman, and find out what the trouble was.

Q How long did you say the encounter lasted? A I should judge about ten or fifteen minutes.

Q On the 13th day of July, 1919, what was your physical condition? Were you in good health? A Yes, sir.

Q Were you strong? A Yes, sir.

Q And, after about ten minutes, you ran out of the park, and the man followed you; is that right? A After I had thrown him away from me, I ran, and he ran after me, and I kept blowing the whistle as I ran out of the park.

Q And all this while, as far as you know, the woman was sitting on the bench? A Yes, sir.

Q How far did the man/^{chase}~~follow~~ you? A Well, he chased me as far as the entrance. I didn't look back only once, and I seen him coming, and I kept going ahead; and I ran across the street towards the buildings on Central Park West, between 102nd and 103rd, and I grabbed the railing there, and called up to a man in a window, if he had a telephone, to call an ambulance, that I was cut in the back, and bleeding very profusely.

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Q And what became of the man that attacked you, as you say? A He run back into the park.

MR. EDELSON: He said it was the defendant. Why not refer to the man as the defendant? He said it was the defendant.

BY MR. NEUMAN:

Q Have you seen the woman since the date of the encounter?

A No, sir, I haven't.

Q Werethere any other passers-by at the park at that time?

A There was nobody there.

Q When you say about three o'clock in the morning, do you mean three o'clock on the clock, or three o'clock sun time?

A Well, about three o'clock. That is the time --

Q Three o'clock on the clock? A Yes.

Q And that means it was two o'clock, according to the sun time? A Yes.

MR. EDELSON: I object to that, as immaterial, whether it was two or three o'clock.

THE COURT: Overruled.

BY MR. NEUMAN:

Q You never knew this defendant before July 13th? A No, sir, never met the man.

Q And you never knew the woman who was sitting on the bench? A No, sir.

Q You were taken into an ambulance, and taken to the

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Knickerbocker Hospital; is that right? A Yes, sir.

Q How long were you there? A I should judge around sixteen days -- sixteen or eighteen days -- I'm not positive.

Q Were you confined to bed during that entire period?

A Yes.

Q When you came out, were you confined to bed in your own house? A I was taken home in a taxicab, and was sitting at the window, now and then.

Q How long were you confined to your home? A I should judge about two months.

Q During the encounter, Mr. Radigan, what was your mental condition? Were you calm or excited? A I was calm.

Q perfectly calm? A Well, not what you would call perfectly calm. I was calm enough to know what I was doing. I was well able, physically, to take care of myself, and I had no trouble, no difficulty in ascertaining what the outcome would be, because I was in good physical condition, and I had taken boxing lessons, and I knew the art of self-defense, and was able to take care of myself physically.

Q You were a good boxer? A Yes.

Q Now, to whom did you describe the man who attacked you, while you were at the hospital? A Well, there were several detectives there, and policemen came there.

Q Did you describe the man who attacked you to the officer who came to Central Park West and 103rd Street, the officer that

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put you in the ambulance? A Yes. They asked me, and I told them the build of him, and the clothes he wore, as nearly as I could tell, and the soft hat he had on.

Q Who was the officer at that point? A I couldn't tell you. I don't know.

Q Was he the same officer who visited you in the Knickerbocker Hospital? A Well, several officers visited me there. I couldn't tell you.

Q Did you describe the man to all the officers who visited you? A Yes.

Q About how many officers visited you? A I couldn't tell you exactly how many. There were several of them. Detectives and officers and everything came there.

Q Do you know the detective who arrested the defendant? A Yes, I know him.

Q What is his name? A Frederick Ott.

Q How long do you know him? A I know him about a year and a half or two years.

Q Do you know him in connection with his home? A No, sir.

Q Do you know anybody in his family? A No, sir.

Q Does he know your family? A No, sir.

Q When was the first time you saw Mr. Ott after this alleged attack on you? A Why, he came up to the hospital to visit me.

Q When? A Oh, I should judge within twenty-four hours

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after it happened.

Q What time of the day did he come to see you? A I couldn't tell you that. I don't know whether it was day or night.

Q On what day was July 13, 1919? A That was on a Sunday.

Q And he came to see you on Sunday or Monday? A I couldn't say which, whether it was Sunday or Monday. I'm not positive.

Q How long did he stay with you when he visited you, the first time? A About half an hour.

Q Did he come alone? A No, he had another officer with him.

Q And the other officer came to your bedside? A Yes.

Q Did you describe the man who attacked you to officer Ott and the other officer? A Yes.

Q How many times did you describe the man to these two officers? A Well, it was only that one time that I know of.

Q How many times? A Only that once that I know of.

Q Did they take any notes at the time you described the man? A I couldn't say that.

Q Did you see them write anything down? A I couldn't say that, because I had to lay on my mouth and nose, with my face on the pillow (illustrating), on the bed, my face down, on account of the injury, and I couldn't see what they did.

Q Were you able to speak? A Yes, sir, I was able to speak.

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Q What did you tell Officer Ott and the other officer who visited you, in the Knickerbocker Hospital? A I told them about this colored fellow here. I said he was about five foot, six, and appeared to be around 25 years of age.

Q Yes. Anything else? A Well, he wasn't exactly jet black; that he was a dark brown; and was pretty well built, physically.

Q Is that all? A And that he had dark clothes on and a slouch hat.

Q And is that all Mr. Radigan? A Yes, sir.

Q Did you say that he had a hat on? A Yes, sir, a soft hat; either dark brown or black; I couldn't be sure of that.

Q Exclusive of your description of his clothing, will you please repeat your description of the man, without any clothing, as you told it to Officer Ott? A I said I judged him to be about five foot six, about twenty-five years of age, and, apparently, was well built, physically, and he had well developed arms, because I felt them when I was in his embrace.

Q That is all you said about the man? A Yes, sir; and that he had a kind of flattish nose, large nostrils, enlarged, dilated nostrils.

Q Anything about his color? A That he wasn't jet black, that he was a dark brown.

Q Did Officer Ott and the other officer say anything to you when you described the man? A Well, they then asked me where

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he was, and how I was going through the park, and all about it; asked me how he attacked me; asked all the particulars of the case.

Q And you told them all the particulars of the case?

A Yes.

Q And, when you finished giving the description of the particulars, did the officers say anything to you? A They said they were going over there, to try to get him -- Ott said that, in his time off, he would go around the park there, and see if he could locate him.

Q Was that all he said? A Yes, sir, that's all.

Q When did you next see Officer Ott? A The next time I seen Officer Ott was when he brought this defendant in to me, I think.

Q You didn't see him before that time? A No, sir.

Q Now, you didn't describe the man to Officer Ott, except upon this one occasion when he came to see you in the hospital, about twenty-four hours after you were attacked? A Yes, sir.

Q That is the only description you gave? A Yes, sir.

Q And you don't know whether the officer took any notes?

A No, I don't.

Q Now, on what day did you next see the officer? You said when he brought this defendant to you. Do you remember on what day that was? A I think it was about seven or eight days later; I'm not positive. It was around five o'clock in the

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morning.

Q Did any other officer see you first, come to see you, alone, first, at the hospital? A No, nobody come to see me. There were two officers brought this defendant into to me, and woke me up.

Q Did not one of the officers see you first, before bringing the defendant up? A No, nobody seen me.

Q The two officers brought the defendant up to you?
A Yes, sir.

Q And this was about seven or eight days after July 13th?
A Yes, sir.

Q When you say five o'clock in the morning, do you mean five o'clock on the clock, on the watch, or sun time? A It was daylight.

Q I ask you, when you say five o'clock, do you mean the hour on the watch, or sun time? A Watch time.

Q Five o'clock on watch time? A Yes, sir.

Q And that is four o'clock sun time? A Yes, sir.

Q How many people were in the ward with you? A I should judge there were ten or twelve there, patients, in the ward, besides me; and the orderly was there, too.

Q Now, at five o'clock on the watch, five o'clock in the morning, will you describe the ward in which you were lying? Were the shades drawn down? A No, the shades were up.

Q What? A The shades were up.

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Q Are you sure they were up, when this defendant was brought in to you? A Yes, sir.

Q Was the electric light burning? A No, sir.

Q Did you look at the defendant when he approached your bedside? A Yes, sir.

Q Did you say anything? A I kept looking at him, because they just woke me up from my sleep, and I wasn't quite awake, and I wanted to get my bearings, and get my full vision; and I ask him to bring him over close to me, and they brought him over, and I looked at him, and I said, "That's the man."

Q Who woke you up from your sleep? A I don't know whether it was the orderly or not.

Q How long after you were aroused, did the officers and the defendant come to your bedside? A They were right there when they woke me up.

Q When you were aroused, the officers and the defendant were standing at your bedside? A Yes, sir.

Q And you looked at the defendant when you were aroused? A The officer said, "Now make sure whether this is the right fellow or not. Now don't say this is the fellow, unless you are positive of it, because I don't want to take him, unless you say he is the right man. It's up to you, and you know whether he is the right man or not."

And I told him to bring him up closer to me, so that I could get a good look at him.

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Q And, while the officer was talking, were you looking at the defendant? A Yes, sir.

Q And you asked the officer to bring him closer to your bedside? A Yes, sir.

Q How far away was he standing from your bedside? A Originally, when he first came in?

Q Yes. A At the foot of the bed.

Q About how many feet from your head? A About five feet, I should say.

Q Now, when the defendant approached your head and eyes, did you say anything? A Yes, sir. I grabbed him by the arm.

Q You grabbed him by the arms? A No, not arms. By the arm nearest to me.

Q Did you stretch out your right or left arm? A Well, I couldn't say which one. I think it was --

Q How were you lying in the bed at the time? A I think he came in on the right side of the bed, and I grabbed him by the left arm.

Q I ask you to tell us your position in bed, at the time the defendant and the two officers were standing at your bedside? A I was lying -- I must have been lying on my right side.

Q And, as the defendant approached you, do you know which arm you extended? A I couldn't say which. It must have been my left arm, because I couldn't lie on my left side.

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Q Which arm did you feel going towards the defendant?

A I couldn't say whether it was the right or the left.

Q Did you feel both arms going towards him? A No, sir. And I was looking at him while I was holding his arm, and I said, "That's the man." I could tell by the physical development of his arm, as well as my knowledge of his face. He has a well developed arm.

Q When did you first notice anything peculiar about the defendant's arm? A When I had the scuffle in the park, I felt his whole arm, because he had his arms around me (illustrating).

Q He has his coat on at that time? A Yes, sir.

Q And when you saw him in the hospital, did you place your hand on the defendant's coat sleeve? A Yes, sir.

Q Please show in more detail what you did with your arm? A I felt him here on the arm (indicating).

Q How long did you feel it? A Just as long as I am doing now on my own arm, about two seconds.

Q And what did you say after that? A I said, "That's the man. He has a peculiar development of the arm, that I felt when we were struggling in the park, a very well developed arm."

Q Did you request the defendant to draw nearer to you? A No, I said that to the officer.

Q When you first saw the defendant, on being aroused from

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sleep, did you say, "Draw him nearer to me"? Did you say that? A Yes, I asked the detective to bring him over nearer to me, so that I could see him well.

Q And you didn't say anything outside of that? A No, sir.

Q And did you recognize the man when you first saw him?

A Well, I was kind of sleepy, and I wanted to get him nearer to me.

Q I say (question repeated) . A No, not when I first saw him. I wasn't positive of him then.

Q And when he approached your bedside, did you recognize him? A When I grabbed hold of him, I did.

Q As he approached your bedside did you recognize him?

A Yes

Q Didn't you say that it was when you felt his arm you recognized him; that you didn't recognize him when he was standing at your bedside? A I said I did recognize him. I recognized him in my head in my brain, but I wanted to be sure of him, so that I could have a closer view of him, and I only said to bring him nearer to me, so that I could make sure of my sight.

Q And, after feeling his arm, you said, "That's the man?"

A Yes, sir.

Q Where did you sign the complaint in this case? A I signed it down in the 54th Street Court.

Q You were in the court? A Yes, sir.

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Q You got out of the hospital about July 29th, sixteen days after the 13th? A About that time. I'm not positive of the date.

Q When did you first sign the complaint? A When I was taken to the Magistrates' Court, in 54th Street.

Q How did you go down there? A In the elevated train.

Q Did anybody go with you? A I believe Policeman Ott was with me.

Q Policeman Ott is a very good friend of yours? A Well, I just know him casually. I never palled with him, or anything like that.

Q How often have you seen him during the year and a half you have known him? A Once or twice a week.

Q And you only know him casually? A Yes; I never hung out with him. I see him at any time I'm getting off the elevated to go home.

Q And did you speak to him? A Yes, used to say hello, or good morning to him.

Q Did you say anything else? A No.

Q Do you know on what date you signed the complaint in this case? A No, sir, I couldn't tell you.

Q You signed this complaint on August 11, and you were taken out of the hospital on July 29th. Between July 29th and August 11th, were you confined to your home? A No, I was able to take a short walk, and come back again, and sit

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up at the window.

Q And you did go out? A Yes; took a short walk in the neighborhood. I was recommended by the doctors to do so.

Q Weren't you sufficiently interested in the case to make a complaint before the 11th of August?

(Objected to. Allowed.)

A I wasn't physically fit.

Q Why didn't you make the complaint before August 11th, Mr. Radgan? A Because I wasn't called down to the court.

Q You were not called down to the court? A No.

Q Well, who called you on August 11th? A Why, I believe some subpoena or something was served on me; I'm not positive.

Q You believe? Don't you know, Mr. Radigan? A I couldn't say exactly what it was, but I was told to come down to the 54th Street court.

MR. EDELSON: I object to this line of examination, as entirely immaterial. It makes no difference whether he was called or not. He made the complaint to the officer, on the first night, in the hospital, and he was taken to the hospital, and, when he signed the complaint, he doesn't know or recollect. I object to the question as not within the issues here.

THE COURT: Objection overruled.

BY MR. NEUMAN:

Q You say, Mr. Radigan, that you did not go to court,

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and did not make your complaint before August 11th because -- because you were not called to court at that time? That is what you said; isn't it? A Yes, sir.

Q But you were able to walk about the street, at that time? A I was just able to go about. I had to carry a cane with me.

Q Did you carry a cane on August 11th? A I'm not positive whether I did or not, that day.

Q Did you carry a cane after August 11th?

MR. EDELSON: Objected to, as immaterial.

THE COURT:-- Objection overruled.

A No.

Q Mr. Radigan, where were you born? A New York City.

Q How old are you? A Forty-four.

Q Mr. Radigan, in your forty-four years of experience, have you ever had any difficulty in distinguishing the features of the colored race? A Have I found difficulty?

Q Yes. Have you found difficulty at any time? A Well no, I have a good memory, and I have very good eyesight, and I am very good on remembering faces.

Q You were never confused in distinguishing the features of different colored men; were you? A Not if I seen them for any length of time, no, especially under the circumstances. I could never forget that man's face (indicating the defendant).

Q If you see a colored man for ten minutes, you are sure

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you could pick him out of a crowd? A Under the circumstances, yes.

Q During the fight, you were calm, you say? A I was perfectly calm. My business calls for that.

Q Your business is fighting?

MR. EDELSON: I object to that remark of counsel.

It is entirely uncalled for.

THE COURT: I will allow it.

A Yes, fighting fires. I'm a fireman.

BY MR. NEUMAN:

Q Your business is not fighting? A No, sir. I'm not looking for trouble. I try to avoid that.

Q Now, Mr. Radigan, at the time the defendant and the two detectives visited you at the Knickerbocker Hospital, and you were aroused from your sleep, you said that the shades were drawn up? A Yes; there was light.

Q Are you positive of that or is it not a fact that the shades were drawn down, and the electric light was burning in the ward? A Not when they woke me up, there wasn't.

Q When ever you see Detective Ott, do you always see him on the street? A Yes, on the street.

Q You have never seen him elsewhere? A No, only when I am passing him on the street, and when I met him in this court.

Q Now, Mr. Radigan, if you knew this defendant were innocent

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would you admit that you were wrong? A Yes.

Q You would? A Yes.

Q When did you first learn the defendant's name? A When did I first learn his name?

Q Yes. A It was down in the court.

Q You never knew his name before that time? A No.

MR. NEUMAN: That's all.

REDIRECT EXAMINATION BY MR. EDELSON:

Q You were not woke up suddenly from your sleep, when you took the stand here? A Oh no, sir.

Q And you are sure this is the man (indicating the defendant)? A Yes, sir.

FREDERICK A. OTT, of 89 West 103rd, Street?

a witness called on behalf of the People, being duly sworn testified as follows:

DIRECT EXAMINATION BY MR. EDELSON:

Q And what is your business? A Why, I have been a policeman. I am now a salesman.

Q Oh, you are a salesman now? A Yes, sir.

Q And were you ever connected with the Police Department of the City of New York? A Yes, sir.

Q On July 13, 1919, were you a member of the Police Department of the City of New York? A I was.

Q Did you have occasion, on the 13th of July, 1919, to

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visit Central Park and 103rd Street? A Not on the 13th, I visited on the 21st.

Q Well, did you arrest the defendant? A I did.

Q Prior to arresting him, had you had a talk with Mr. Radigan, the complaining witness? A Why yes, we were up there.

Q Well, when was that? A What was the 13th, I investigated

Q When did you have your talk with Mr. Radigan? Was it in the park or in the hospital? A At the hospital.

Q Oh, the next day? A Yes, sir.

Q And after you had a talk with Mr. Radigan, what did you do? A Why, for a few nights, I went over to the park, looking around, to see if I could locate anyone that answered the description that Mr. Radigan gave me.

Q Now, what night did you arrest the defendant? On the morning of July 21, 1919.

Q And where was he? A In Central Park West, at the entrance at 103rd Street.

Q At what time in the morning was it? A Why, it was two o'clock in the morning, when I first started in to tail him, so to speak. He wasn't arrested until after he was identified at the hospital.

Q I know that. But when you say you tailed him, you mean you followed him? A Yes, sir.

Q That is an expression used in the Police Department, tailing a man? A Yes, sir.

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Q Now, how long had you had him under observation when you first saw him, that morning? A Well, that was the first night I had him under observation.

Q And did you follow him? A Yes, for about an hour.

Q Did you observe his conduct? A I did.

Q Did you speak to him then? A No, I didn't.

Q Well, was there anything said by you to him, or by the defendant to you, at the time? A There was not.

Q Well, you placed him under arrest? A Yes, sir.

Q And took him to the hospital? A Yes, sir; I followed him to an apartment house in 119th Street and Morningside Avenue; and I went into the apartment, and asked him what he was doing in the park, and he said, "I wasn't in the park," and I said, "you were", and I said, "I saw you, and I have been following you for an hour."

He insisted that he wasn't the man that was in the park, and, therefore, I took it for granted that he was the man that committed the crime.

I then asked him to put on his coat, and come up to the hospital, to be identified.

And, at 121st Street, he broke away, and he ran to 124th Street and Eighth Avenue, where he ran into a restaurant.

Q This defendant did? A Yes, sir. We had a struggle there, and I subdued him there, and took him up to the hospital.

Q What time of the morning was it that you went to the

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hospital with him? A Well, that was close to three or four o'clock, between those hours.

Q And was the defendant identified in the hospital?

A yes, sir, he was.

Q By Radigan? A He was.

Q Did you know this defendant before that? A The defendant?

Q yes, before that time. A No, I didn't.

Q You never have had any trouble with him? A Never seen him before.

CROSS EXAMINATION BY MR. NEUMAN:

Q Mr. Ott, how long were you a detective? A Why, I was connected with the police department, three and a half years, all told, in uniform and plain clothes.

Q What ranks did you have? A Patrolman.

Q Was that the only rank you had? A That's all.

Q Were you a patrolman on July 21, 1919? A I was.

BY THE COURT:

Q Was it the 21st or 23rd that you followed him in the park, and arrested him? A The 21st.

BY MR. NEUMAN:

Q Did you wear a uniform? A I did not.

Q On July 21, 1919, did you wear a badge? A I carried a badge, yes.

Q How long do you know Mr. Radigan? A Well that's some-

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thing I don't know, just how long; I won't say. Maybe it's two or three years, or five years. I know him some time.

Q Can you tell the time -- can you identify the length of time that you know Mr. Radigan, other than two or three or four or five years? Please refresh your memory, and tell us more definitely how long you know Mr. Radigan? A Well, I won't put it down to any special years. I know him for about four or five years.

Q Do you know him intimately? A I do.

Q How intimately? Do you go to visit him at his home?

A Why, once in a while. I haven't been there often, no.

Q Do you know his family? A I do. I didn't know his family until after this case.

Q But you went to his house once in a while, before this case? A I was there once, yes. His wife was out.

Q How frequently did you see Mr. Radigan before this case?

A Just casually passing him on the street, and saying hello, and talking to him.

Q How many times a week? A I couldn't say that.

Q But you were on friendly terms? A I was.

Q Did Mr. Radigan send for you when he was in the hospital, on July 13th? A We did not.

Q Who sent you there? A Myself.

Q How did you learn about this assault? A Read it in the newspapers. It was all over the neighborhood. I live a block away.

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Q And you went to Mr. Radigan of your own volition?

A I did.

Q What? A I did, I say.

Q What time of the day did you see M^r. Radigan? Did you see him on Sunday, or Monday, first, the first time? A Why, it was a Monday, I believe. Yes, Monday.

Q And that was July 14th? A Yes, sir.

Q What time of the day was it? A Why, I don't recollect the time.

Q But, as near as you can remember?

MR. EDELSON: He says he doesn't recollect.

THE WITNESS: I don't recollect the time.

BY MR. NEUMAN:

Q Was it in the morning? A No, it wasn't in the morning. I can't just recollect. I have so many cases and things that, unless you put a thing down like that, you don't remember everything that happened. It was some time in the forenoon, I think. I can't just remember when I went up there.

Q And you spoke to Mr. Radigan at the hospital, did you?

A Yes, I did.

Q Am what did he say to you? A Why, he explained the case to me as it was, and gave me a description of the man that assaulted him, and I left him.

Q And how long did you stay there? A Long enough to have a talk with him. I didn't take any notice of the time.

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Q About how many minutes? A I couldn't say.

Q You can't say? A No.

Q Did you take any notes? A A few notes, yes.

Q A few notes? A Yes.

Q What did you write? A I wrote his description?

A Q Did you write the word "description" or what words did you write? A Oh, the words.

Q yes. A I wrote his height and his weight.

Q What words did you write, in addition to height and weight? A Dark clothes, black hat, soft hat.

Q Black, soft hat? A yes, sir.

Q Anything else? A His weight and height.

Q Well, what else did you write? Did you write the word "weight"? A No.

Q Or the word "height"? A No.

Q What did you write? Please tell us. A I wrote, about 140 pounds. I just can't remember the height, or anything else that he was, at the time. I haven't been following up that case, you know. I have other things to attend to. I haven't the record now. I have to go down to some station house to get it.

MR. EDELSON: Just say that you don't remember, if you don't.

THE WITNESS: I don't remember.

BY MR. NEUMAN:

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Q How many times did Mr. Radigan describe this man to you? A Once.

Q Do you know what he said to you, what description he gave? A Well, I don't just remember now, no, just what the description was. That was some time ago.

Q Was there anything unusual about the description that you received? A Nothing unusual, no.

Q Where were born? A In the United States.

Q What city? A Right here in New York.

Q How old are you? A Twenty-seven.

Q Who do you work for now? A H. J. Heinze.

Q What did you do before you were a detective? A Why, I was in the moving picture business.

Q How long ago did you leave the police force? A Six months.

Q How long were you in the moving picture business? A Oh, a few years; three years.

Q What did you do before that? A Why, I was connected with the American Express Company.

Q How long were you with the American Express Company?
A Four years.

Q What did you do there? A I was in the accounting department.

Q Did you ever, in your twenty-seven years experience, find difficulty in distinguishing the features of a colored

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man? A Yes; some do, yes.

Q What? A Some do.

Q That is, negroes, at times, all look alike to you?

A Well, that's the saying, but it isn't a fact.

Q And do you think there is anything truth to that saying?

A Why no, not to me.

Q But you have difficulty, at times, to distinguish the features of negroes? A No, I don't.

Q But you just said you did? A I didn't say anything of the kind. I said it was a saying.

Q But, before I asked you if it was a saying, you said that you have difficulty; didn't you? A I did not.

Q Wasn't your answer intended to imply that you had some difficulty in distinguishing the negroes? A No, sir. I meant that some people have, but I didn't.

Q You say that you don't remember the description that Mr. Radigan gave you? A Not the particular weight, or anything like that. I know about the weight, but I don't know now just what he told me.

Q But you remember that you wrote down about 140 pounds?

A Yes, sir.

Q And what did you say about the height? A Well, I'll check that up. I'm not sure of that, and I'm not going to put myself down for anything I'm not sure of.

Q How did you check it up? A Anything that I told you

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about the weight and height, I cantstand by, because I don't remember exactly.

Q Is your memory good? A Very good.

Q You were interested in helping Mr. Radigan at that time; weren't you? A Somewhat, yes.

Q Now, on July 31st, where did you first see the defendant?
A At 103rd Street and Central Park West, at the entrance.

Q Speak up louder. I can't hear you. A (Answer repeated)

Q At what time? A About two o'clock.

Q Two o'clock what? A A.M.

Q That is, you saw a man at the entrance of 103rd Street and Central park West; is that right? A I saw that man (indicating the defendant).

BY MR. EDELSON:

Q The defendant? A The defendant.

BY MR. NEUMAN:

Q And what did you do then? A I just waited until he went back in the park again.

Q Where was he standing before you say he went back into the park? A He came out of the entrance, and looked around, and went back again.

Q On July 31st? A yes, sir.

Q And you waited at the entrance, and he went back into the park? A I didn't wait at the entrance?

Q What did you do? A I waited where I was standing.

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Q How long did you wait? A Until he went back, in about five minutes or so.

Q Well, what happened after you waited there, and he went back? A Why, he went through the park, and I followed him.

Q Which way did you follow him? A Why, I followed him all the way through the park, out to 110th Street and Fifth Avenue.

Q What else did you do? A He walked through 110th Street, and I followed him up to the apartment house where he was working, 119th street and Morningside Avenue.

BY THE COURT:

Q What time was it then, officer? A Why, it was getting on to three o'clock.

BY MR. NEUMAN:

Q Two or three o'clock in the morning? A Yes, close on it. I didn't look at my watch, or anything like that.

BY THE COURT:

Q You say he was working there? A Yes, sir.

Q As what? A As an elevator operator.

Q Elevator operator? A Yes, sir.

BY MR. NEUMAN:

Q What did you do when you saw a man enter that house at 110th Street? A I saw the defendant go in there, and I went in after him; I went into the lobby.

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Q Did he go into the lobby? , Why, he was in the lobby when I got in there. I don't know where he went to.

Q And where was he when you saw him in the lobby? , He was sitting in a chair. He just sat down as I came in.

Q Was there anybody with you when you entered the lobby?
A Yes, a man.

Q What is his name? A James Thompson.

Q What is his business? A Private detective.

Q Is he a private detective now? A I can't say. I haven't seen him in a year.

Q How long did you know him? A I know him about -- Well, I went to school with him. I can say fifteen years, anyway.

Q For what firm did he work on July 21st? A I can't say.

Q Where did you meet him, at 3 A.M. of the morning of July 21st? A He and I were out together, I had just finished work.

Q That is, he walked through the park and up to 110th Street with you? A He was with me, yes.

Q And what happened after you saw a man take a seat in the lobby of the house? A I approached ~~in~~ the defendant, and asked him what he was doing in the park, and he said, "I wasn't in the park."

And I said, "I saw you there."

And I then told him that there had been a fireman assaulted

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in Central Park West, and I believed him to be the man that committed the crime; that I had reasonable grounds to believe he was the man.

Q What were your reasonable grounds? A Well, for the first thing, he didn't tell the truth when he said he wasn't in the park, when he was.

Q Anything else? A The second reason is that he answered the description, at that time, of the man I was looking for.

Q Is that all? A That's all. He was prowling in the park, at an hour when nobody should be in the park, if he has any sort of business, ^{when he} and should have been at home, in bed, if he was where he ought to be.

Q How long did you stay in the lobby of the apartment house? A Just long enough to tell him what I had to say, and take him.

Q How many minutes, about? A Oh, I guess about six or seven minutes.

Q What did you say to him? A I asked him what he was doing in the park, and he said, "I wasn't in the park." I said, "You were, too, because I seen you."

Q And that was all? A No. I then told him about the fireman being stabbed in Central Park West, and that he was laying in the Knickerbocker Hospital, and I wanted him to come up there, to be indentified.

Q Is that all? A That's all.

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Q And you arrested him at that time? A I did not.

Q You didn't tell him that he was under arrest? A I did not.

Did

Q /You show him your badge? A I did.

Q What did you say about the fireman being in the hospital? Explain your statement again. A I told him that there was a fireman laying in the Knickerbocker Hospital, and --

Q Did you mention any name? A No, sir.

Q Did you handcuff the defendant? A I did not.

Q Did you -- what positions did you and your friend have-- what is his name? A Mr. Thompson.

Q What positions did you and your friend have towards the defendant, when you left the apartment house? A This man said he was willing to go to the hospital, and I didn't even take hold of him. Mr. Thompson was on my left, and he was on my right, and I had hold of him just by the sleeve, the defendant (illustrating).

Q And you kept on walking? A Yes.

Q And did you leave go of his sleeve? A I did.

Q And was he walking between you and your friend? A He was walking to the right of me.

Q Was your friend to the left of you? A Yes, sir. Mr. Thompson was to the left of me.

Q But the defendant was walking continuously alongside of you? A Yes, sir.

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Q How much of a space was there between you and the defendant? A Why, enough to walk.

Q Was it as much as five feet? A No.

Q Did you say that the defendant broke away from you?
A Why he didn't just break away. He ran away.

Q At what street? A 121st Street and Morning side Avenue.

Q How far did he run? A To 124th Street and Eighth Avenue.

Q How tall are you? A Six feet.

Q Did you run after him immediately, as soon as this defendant started to run? A I did.

Q And you say the defendant ran from 121st Street and Morningside Avenue to 124th Street and Eighth Avenue? A I do.

Q How many blocks is that? A Why, count them.

Q Well, that is three blocks from 121st to 124th, and it is one block, I think, from Morningside Avenue to Eight Avenue; is that right? A Yes, I think so.

Q Where did you catch the defendant again? A In a restaurant on Eighth Avenue, right off 124th Street.

Q Did he say anything to you when you arrested him?
A How do you mean, did he say anything?

BY MR. EDEISON:

Q Did he talk to you?

BY MR. NEUMAN:

Q Did he talk to you? A Well, we had a little fight; that's all.

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Q But he didn't say anything to you; did he? A He ^{had} said he was willing to go along now, after I/subdued him.

Q And how did you walk, after you arrested him at 124th Street and Eight Avenue; what were the relative positions of you, the defendant and Thompson? A Thompson had hold of him by one sleeve and I had hold of him by the other sleeve.

Q And, when you arrived at the Knickerbocker Hospital, when was it? A Close to four o'clock in the morning.

Q Were the lamp-pots in the street burning when you reached the hospital? A I believe they were.

Q By four o'clock in the morning, you mean four o'clock on the watch, and not sun time? A I said four o'clock by the watch. I don't know anything about sun time. Whichever way the time was, at that time, it was four o'clock.

Q What did you do when you three arrived at the hospital? A I left Thompson out in the hall, with the defendant, and one of the men of the hospital, in a room, and then I went in to Radigan; and I had the nurse put on the light, and I told Radigan I had a man outside that I thought answered to the description, and I asked him to repeat the description of the man, and he gave me the description of the man as the man is now, like the description he gave me before.

And I brought the man in, and --

Q What description did he give you of the man when you saw him in the hospital? A I don't remember now.

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Q Was there any difficulty of remembering the description that Radigan gave you? A There wasn't at that time, but it is quite some time since then, and I had a lot of things to think of since that time, and I couldn't just place myself down to the description he gave me.

Q Did you say you first went up to see Radigan, alone?
A Yes, sir.

Q Where did you leave the defendant? A Right outside of the door of the ward.

Q Where was the defendant? A Right outside the door of the ward.

Q With whom was he? A With Mr. Thompson and an attendant at the hospital.

Q And you told Mr. Radigan, at that time, that you thought you had the man that answered his description? A Yes; and then I asked him to repeat the description.

Q Was Mr. Radigan asleep when you entered the room?
A I don't remember. The nurse went in first, and then came out, and told me I may come into the ward.

Q You don't know whether he was asleep when you went to his bedside? A He might have been.

Q And how long were you standing at his bedside, before you talked to him? A I was/standing by his bedside. The nurse went in first. You have got to see the head nurse, and she admits you to that ward. You can't walk right into a hospital

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and see anybody you want to.

Q How long after you got in there did you speak to Mr. Radigan? A Why, immediately.

Q What was the description of that ward? Were the shades drawn down? A I can't remember.

Q Were the electric lights burning? A The small hand-lamp was burning, and the nurse turned it over, so that we could talk, turned the hand lamp over.

Q Where was the hand-lamp? A On the wall.

Q Was the room dark? A Well, it wasn't dark. You know what four o'clock in the morning is.

Q Was it three o'clock, daylight saving time? A I don't know anything about the saving time.

Q But, in any event, there were lights burning there?
A There were.

Q Now, then, you told Radigan that you thought you had the man that answered the description? A Yes.

Q And did you go out then? A Yes.

Q What did you do then? A Brought the man in with me.

Q Was Thompson with you? A Yes, sir, he was.

Q And how long were you standing at Radigan's bedside, when all three of you came in? A After we had all got in?

Q Yes. How long? A I can't say that. I should say about fifteen minutes.

Q When the three of you arrived at Radigan's bedside, did

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Radigan say anything? A Yes, sir.

Q What did he say? A "That's the man."

Q Did he say that as you arrived at his bedside? A He did.

Q And then what happened? What did you do? A I left him standing there a little while, and I told him to look at him carefully, because this is a serious offense, and not to identify the wrong man.

Q Did you tell the defendant to come up closer? A Yes, sir. Mr. Radigan asked to have him brought closer. But I'm not sure about that, but I believe he did.

Q And what did Radigan do when he went closer? A He felt the defendant's arms, and things like that.

Q Did you tell him to feel his arms? A No, sir.

Q And, when he felt his arms, what did he do? A He said, "I am positive that that is the man."

Q Are you sure that he used the word "positive"? A Well no. I don't quite think the man used that word, "positive"; I don't know whether he did or not, but it was in the same relation.

Q And do you remember the defendant saying anything?

A Yes, sir; he said, "It wasn't me."

Q Did he say anything else? A Not that I can remember.

Q When did you sign your affidavit in this case? A When?

Q Yes. A I don't remember when I signed it.

MR. EDELSON: How do you know that he signed any affida-

vit?

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MR. NEUMAN: Why, I have seen an affidavit or complaint signed by this man, and I think it was signed on July 31st.

THE WITNESS: What sort of an affidavit does he mean?

BY THE COURT:

Q Did you make a short affidavit in this case? A Yes, sir.

Q Is that the affidavit (indicating)? A Yes, sir.

BY MR. NEUMAN:

Q What is the date of it? A The 31st day of July.

BY MR. EDELSON:

Q Was that after you were at the hospital? A Yes, sir, everything was done after he was arrested.

BY MR. NEUMAN:

Q And where were you when you signed that affidavit?

A I don't remember; wherever it was made out for.

Q In the Seventh District Magistrates' Court? A Yes, it must be.

Q You were not sure that the defendant was the man that assaulted Radigan; were you? A I was not.

Q Then what did you mean by writing in your complaint that the records were incomplete in this case, at this time?

THE COURT:

MR. EDELSON: I object to that, /No, it is, "The evidence in this case is incomplete at this time."

MR. NEUMAN: Yes, sir, I accept the correct.

Q What did you mean when you wrote that? A I suppose

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I meant the razor that I hadn't found yet.

Q I didn't hear you? A I didn't have all the evidence.
The razor was missing.

BY THE COURT:

Q Well, you didn't have the complainant there; did you?

A No, sir, I didn't have the complainant there either.

BY MR. EDELSON:

Q Radigan was in the hospital, was he not? A Yes, sir.

BY MR. NEUMAN:

Q When you arrested the defendant in the apartment house
in 119th Street, did you search him? A I didn't arrest him
at that time, I arrested him after he was indentified.

Q Did you ever search him? A I did not.

Q You never searched him? A I did not.

Q Did you goup to the defendant's place of residence after
his arrest? A I did.

Q Did you say anything to his folke? A I did.

Q What did you say? A I questioned them as to when he was
home, if he was home, those nights; what he was doing, that night;
whether he was home, that night, or got home late.

Q Yes. Anything else? A That's about all.

Q Did you say that you searched the defendant, and found a
dangerous weapon on his person? A I did not.

MR. NEUMAN: That's all.

THE WITNESS: If I did, I would have it in court.

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REDIRECT EXAMINATION BY MR. EDELSON:

Q It wouldn't do much good to search him eight days afterwards, for a weapon, would it? A No, sir, it wouldn't. If I had searched him, and had it, I would have it here.

MR. EDELSON: That is all, if your Honor please. The People rest.

THE COURT: We will not go on any further, today, because we are already past the time of adjournment.

(The Court admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case to Thursday morning, August 13th, 1920, at 10:15 o'clock.)

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TRIAL RESUMED:

New York, August 12th, 1930.

JOSEPH VINCENT RADIGAN, being recalled
by the Court, testified as follows:

BY THE COURT:

Q After you were cut, you say you ran down Central Park
West? A Yes, sir.

Q And how far did you run? A I should judge about 150
feet.

Q And what happened then? A I grabbed the railing on
the west side of Central Park West, between 102nd and 103rd, and
a man was leaning out of a window, and heard me blowing the
whistle. And I asked him if he had a telephone, and he said
yes, and I told him to call an ambulance forthwith, because I
had been cut, and was bleeding very badly.

Q Did you go back to the entrance, at 103rd or 104th Street?
A Yes, sir.

Q Did you see the woman there? A No, sir.

Q Have you ever seen her since? A No, sir.

Q Well, have you done anything to try to find her? A Yes.

Q What have you done? A I went to where the residence
was given in the newspapers, and she had moved away. They gave
the residence at 10 West 103rd Street.

Q You mean the story in the newspapers about this case?

A Yes sir. I didn't know go there myself, but my wife went there

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and found out that she had moved away. And she found out that the woman was about fifty years of age, and had a son around twenty-four years of age. And the woman that she went in the room from told my wife that. She lived at 10 West 103rd Street, but she had moved away since, and she didn't know where she had gone to.

THE COURT: Mr. District Attorney, that woman should be found, or you should lay before this jury every evidence showing that a reasonable effort was made to find her. She is a very important witness in this case, and I have no doubt that her testimony would aid this jury very much in coming to a conclusion in this case. I don't think that you should have rested the People's case, yesterday, until you had produced satisfactory evidence of an effort to find this woman. This is a very important case, in the opinion of the court, not only to the defendant at the bar, but to the community.

I am not at all satisfied with the way in which the People's case has been presented. There is, to my mind, a very evident lack of proper preparation before going to trial. As I have said, this woman should have been produced, or satisfactory evidence of why she could not be produced should have been offered, before the People closed their case.

MR. EDELSON: But the complainant didn't tell me that

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her name was known to him, or her address. He told me just what he testified to, yesterday, that he only saw the figure of a woman sitting on the bench, and he couldn't tell whether it was a white woman or a negress, and I supposed that was all that he knew about that. If he had told me that her name was published in the newspapers, and her address, and that he made an effort to find her, or his wife had, I certainly would have followed that up at once, and have subpoena servers try to find the woman. I prepared the case as carefully as I could, in view of the information that I had. I had none of the information that the complainant brings out, this morning, on being recalled.

THE COURT: Proceed with the case.

BY MR. EDELSON:

Q Now, did you find out her name? A I think the name is Wilson, or something like that. I have the cutting from the newspaper at hand in the house, the clipping out of the newspaper.

Q But you say you went to 103rd Street to look for her?

A My wife went to that house, and the lady there, the landlady told her the other lady had moved away.

Q Do you know whether she was black or white? A She was a white woman.

Q Well, you said, yesterday, on the stand that you

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couldn't tell whether she was white or black? A Well, I couldn't tell at the time, myself.

Q You couldn't see her face, in the dark? A No, sir, I could see the sideface of the defendant, his profile.

Q And that was three o'clock in the morning? A Yes, sir.

Q And you didn't see him again, then for eight days?

A That was when I first saw him, but I had his full face before me in the fight.

BY THE COURT:

Q And you are positive that the defendant is the man?

A Yes, sir.

BY MR. EDELSON:

Q And wherewas the man that you spoke about, Thompson, the private detedtive, who was with you? A No, sir; he was with Officer Ott, not with me.

THE COURT: No; he never said that Thompson was with him.

MR. EDELSON: That is all.

MR. NEUMAN: May I ask a question.

THE COURT: Yes.

RECROSS EXAMINATION BY MR. NEUMAN:

Q In your encounter with the man in Central Park, were you stationary, or did you walk about? A Why, we were fighting at around there for about ten or fifteen feet, at the intersection of the three roads there.

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Q That is, within a radius of ten or fifteen feet?

A Yes, sir, we were scuffling around there. I had knocked him down several times in protecting myself. He had attacked me, and I was acting on the defensive, and I was getting the better of him with my hands.

Q Did you inflict any wounds upon the man? A Well, I couldn't say that. I never seen him after that, to find out whether I did or not.

BY THE COURT:

Q You mean that you did not see him at that time, afterwards? A No, sir, that's what I mean. After he ran away, I didn't see him, and I couldn't tell whether he had any wounds on him, and I didn't see him again until the officers brought him to my bedside.

BY MR. EDELSON:

Q Where do you live? A 155 West 102nd Street.

Q Why were you going through the park? A I always go through from 106th Street, through the park, when I go on the elevated.

Q Were you with this white woman in the park? A No, sir, I was all alone in the park.

Q And did you see the defendant with this white woman in the park? A Well, I seen someone sitting down there, in female apparel. I couldn't tell what she was from where I was. She was sitting down, and he was standing up.

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BY MR. NEUMAN:

Q Mr. Radigan, you don't know whether the woman was black or white? A I haven't seen her personally, no, but only through what my wife learned.

Q When you were walking through the park, did you hear the woman saying anything? A Why she called to me. That's what attracted my attention. She called, "Officer, come here."

Q How many times? A She only said it once.

Q Could you tell from her voice whether she was colored or white? A No, you couldn't tell from that distance.

BY THE SECOND JUROR:

Q The witness said after the colored man stabbed him, he walked to Central Park West. A No, I said I ran.

Q And the colored man ran after you? A Yes, sir.

Q The colored man ran after you, after he cut you? A Yes; I ran out of the exit, and he followed me.

BY THE COURT

Q And, when the whistle blew, he turned back, and ran into the park? A When he seen people coming to my assistance, he ran back to the park.

FREDERICK A. OTT, being recalled by the District Attorney, testified as follows:

DIRECT EXAMINATION BY MR. EDLSON:

Q You mentioned a private detective, Thompson, in your

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testimony yesterday. Where is Thompson? A Why, I haven't seen Thompson for about a year.

Q Do you know where he lived or where he was employed at that time? A No. I believe he is travelling for some detective agency, but which one I don't know.

BY THE COURT:

Q There are not many detective agencies; are there?

A Yes, there is quite a few of them. There are some better known than others, I suppose, but there a lot of small ones.

THE COURT: I think this man Thompson should be produced. He has got to be found. This is a very important case. I want this case tried so that the jury will have no doubt about it before they get through with it. I insist upon this case being properly prepared and presented. Now, that man has got to be found, Mr. District Attorney.

BY MR. EDELSON:

Q Have you attempted to locate this woman who was sitting on the bench? A Yes, sir.

Q Do you know her name? A Why, I remember the name that was in the newspaper article and the address, but I went over there, and there was no such person living there.

Q That is, you went over there, and found no such person?

A Yes, sir.

BY THE COURT:

Q Had she ever lived there? A I don't know sir.

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Q Who wrote the newspaper article? A I don't know.

Q What was the source of his information, the person
or wrote the article? A Well, it only said --

THE COURT: Well, at any rate, somebody thought they
had the name of this woman and put it in the newspaper,
and I think it would be very pertinent and important
to find out how that person got the information which was
printed in the newspaper.

BY MR. EDELSON:

Q Did you cut out the article? A I have one article,
but it hasn't anything about her. All the papers had it in,
pretty near.

Q Did you give any information to the reporter who wrote
the article? A No, sir. Yes, the Telegram man was to see me
in the court. I have a Telegram clipping, but there is nothing
in it about her name.

Q And sometimes they give a fictitious name to make up
a story too, don't they? A Yes, sir; that is the case very
often. A woman gives a wrong name, to keep out of the case.

CROSS EXAMINATION BY MR. NEUMAN:

Q You say that you were employed by the Police Department
of New York City for three and a half years? A Yes, about that.

THE COURT: Now, are you going into something else?

He was recalled but for one question.

BY MR. NEUMAN:

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Q Why did you leave the Police Department? A To better myself.

Q You were ambitious to better yourself? A Yes, sir.

Q You were not discharged; were you? A No, sir; the records show that.

BY THE TWELFTH JUROR:

Q When you tailed the defendant to the apartment house, was there anybody present there, besides the defendant? A Mr. Thompson was, yes sir.

Q I mean anybody in the apartment house? A No one else, except Thompson and the defendant and myself. I walked right into the lobby and picked him off the chair where he was sitting.

Q Is there a janitor of that apartment? A Why, there is a superintendent. I don't know anything about a janitor.

THE COURT: There is no controversy, Mr. Juror, that he was arrested where he worked.

MR. NEUMAN: Yes, sir, that is so. Now may I ask the detective a question?

THE COURT: Yes.

BY MR. NEUMAN:

Q Now, Mr. Ott, you say that you yanked the defendant out of the chair where he was sitting? A Yes, sir.

Q And is it not a fact that you roused him out of his sleep when he was lying on a cot? A No, sir, there was no cot.

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He was sitting in a large size chair.

Q Was he asleep? A Yes, sir; at least, he was in the dark there, and I gave him five or ten minutes before I went in.

Q Did you say anything to him before he stood up? A Well yes. I went over to him, and I said, "What are you doing here?" And he said, "I work here."

Q Yes. A And I asked him why he was over in the park.

Q But what I am driving at is, are you sure that the defendant was sitting in a chair or lying on a cot? A He was sitting in a chair, a large sized chair.

Q Was he asleep at the time? A As far as I know, he was not.

Q Are you sure of that? A I'm pretty sure, yes, that the man couldn't get to sleep in ten minutes, unless he was very tired.

BY THE COURT:

Q Well, was he asleep or not, when you entered the lobby? A Well, it was pretty dark there at that time of the morning, and you couldn't see very well. As soon as I got in, I asked him what he was doing there, and he answered me.

BY MR. NEUMAN:

Q Why don't you bring Mr. Thompson here to prove that you tailed the defendant from the park? A I haven't had time to locate Mr. Thompson. I am connected in business now,

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and I have no time to tail Mr. Thompson.

Q And you don't even remember the description that you wrote down; do you?

(Objected to. Objection sustained. Exception.)

BY THE COURT:

Q When did you last see Mr. Thompson, or hear from him?

A I haven't seen him for a year. I run into him once in a while.

Q Do you know where he lived? A Somewheres uptown, in Harlem.

Q Well, Harlem is a big place. A Well that's all I know about it, that he lives somewhere in Harlem.

MR. EDELSON: The People rest.

THE COURT: The People rest. Proceed.

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THE DEFENSE.

JESSE INGRAM, of 204 West 143rd Street, the defendant, being duly sworn and examined, testified as follows:

DIRECT EXAMINATION BY MR. NEUMAN:

Q Mr. Ingram, how old are you? A Twenty-two, July 20th.

Q That is, on July 20th, 1919, you became 20 years of age? A Yes, sir.

Q On what day were you arrested by Officer Ott? A On Monday morning, July 13th.

Q No, I asked you when were you arrested? A July 21st.

Q Where were you born? A Charlott, North Carolina.

Q How long have you lived in New York City? A Four years.

Q With whom do you reside? A My aunt.

Q Anyone else? A My uncle.

Q How many uncles have you? A There is two of them.

Q No one besides your two uncles and your aunt? A That's all.

Q How long have you resided with them? A Four years.

Q Where do you work? A At 141 West 127th Street.

Q As what? A As elevator operator.

Q How long have you been employed there? A Well, four years altogether, with regard to the time I went away and came back.

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Q Were were you on the evening of July 12th, 1919?

A I was here in New York City, at my residence, 204 West 143rd Street.

Q Now, on the evening of July 12th, which was a Saturday, where did you go? A Well, I got some money from my aunt, and I went to the Lafayette show, 132nd Street and Seventh Avenue.

Q How long did you stay at the Lafayette Theatre? A Well, from eight to eleven o'clock.

Q What did you do after the play was over? A Directly back to Seventh Avenue and 143rd Street.

Q And where did you go then? A To 204, to my home.

Q About what time did you arrive at your home? A 11:15.

Q Was anybody home when you arrived there? A Yes, my aunt and my uncle.

Q How many uncles? One uncle? A Yes, only one uncle. was there then.

Q You stayed at home the whole night of July 12th, 1919?

A I did.

Q What was the next time, after you entered your home, that you went out? A Oh, nine o'clock the next morning.

Q Of July 13th? A Yes, of July 13th.

Q When you arrived home on the evening of July 12th, 1919, what did you do? A Well, I sit there for half an hour, I guess, sitting up with the people, talking, as I usually do, every night.

MR. EDELSON: I move to strike out that the witness

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guesses.

THE WITNESS: Yes, strike it out.

BY MR. NEUMAN:

Q And then what did you do? A I went in my room, and lied down, took off my clothes and went to bed.

Q Mr. Ingram, at about July 12, 1919, what was your physical condition? A I had bad health.

Q Were you strong or weak? A Bad health.

Q What were you suffering from at that time?

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

THE COURT: At the time of his arrest?

MR. NEUMAN: No, sir, about July 13th.

THE COURT: Well, I will allow it as to July 13th.

BY THE COURT:

Q Were you ill on July 13th? A Yes, sir.

Q Counsel wants to know what was the matter with you?

A Suffering with hemorrhage.

BY MR. NEUMAN:

Q Did you suffer from hemorrhage prior to July 13th?

A Well, I had been sick, I guess, and I had just come back from my home in Charlotte, around July 12th. I had just come back. Dr. Kerr, of 116th Street, was my doctor.

BY THE COURT:

Q What do you mean by hemorrhage? A Why, bleeding from the nose.

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BY MR. NEUMAN:

Q And how long did you have that sickness? A I guess about three weeks.

Q And how long did that sickness continue? A Well, I commenced to get well around about my birth day. I was feeling pretty good then, and I had taken a job.

Q And, after you got a job, what was your physical condition? Were you strong or were you feeling good? A I felt pretty good.

Q Were you in the neighborhood of Central Park West and 103rd Street, on Saturday night, July 12th, 1919? A No, sir, I wasn't.

Q Do you know who the woman was who was sitting in the park on that evening on that night? A No, sir, I don't.

Q Did you see Mr. Radigan on that night? A No, sir, I didn't.

Q When did you first see him? A When I was taken to his bed in the hospital.

Q About what date? A On July 21st.

Q On the evening of July 21, 1919, Mr. Ingram, did you walk through Central Park West? A No, I didn't. The owner of the house said that I had to stay all night in the house, that it was an all night house, and had to be right there to carry people up and down.

Q Where were you on the night of the 20th of July, the
and

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night of the 19th? A I was at 50 Morningside Avenue, where I worked.

Q When were you employed there, when did you get that employment? A On the 18th of July.

Q Now, you remember when Detective Ott arrested you in the house on Morningside Avenue? A I do that.

Q Do you recall what time that was? A I guess it was around three o'clock in the morning.

Q Where were you when Detective Ott arrested you? A I was in the long chair, made like a couch, big enough for anybody to lay down almost.

Q What was your position? A Oh, my head leaning on one side, and my legs out, so that I could go to sleep (indicating).

Q Were you asleep when Detective Ott was at your bedside, or arrested you? A Yes, that's where I was. I was asleep.

THE COURT: Not bedside. He said it was not a bed, but a long chair.

MR. NEUMAN: I beg pardon.

BY MR. NEUMAN:

Q Did Detective Ott arouse you from your sleep? A He did.

Q What did he say to you? A Well, the first thing he said to me was, "What's your name?" And I wasn't accustomed to New York, ~~nothing~~, and I said, "My name is Jesse Ingram."

And he said, "Where do you live?" And I said, 304 West 143rd

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Street."

And he said, "There is a colored fellow, by the name of Roberts, up at the Knickerbocker Hospital, that wants to see you," and I said, "I don't know nobody by that name."

Q Raise your voice. I didn't hear you. What did he say to you? A He said there was a colored fellow up at the Knickerbocker Hospital that wanted to see me, and I told him I didn't have no friends up at no hospital.

And he said, "Come on, come up with me, and we'll see," and I said, "Well,"-- to my mind I said that -- "I won't attempt to get away, because --"

Q No. Don't tell us what you thought in your own mind.

BY THE COURT:

Q No. This is what you said to the detective; was it not?

A No, sir, I said that to myself.

Q No, don't tell us what you said to yourself. Did you say that to the officer? A No, sir.

BY MR. NEUMAN:

Q Was anybody with the detective? A Yes, sir, a little fellow. I didn't know his name.

Q Did you ever see him or Detective Ott before in your life? A No, sir, I never did.

Q Did Detective Ott or Thompson display any badge? A No, sir.

Q Did they tell you they were detectives? A They did not.

Q And what did the three of you do, after you were told by

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Detective Ott to come along; what did you do then? A Well, I'll tell you what they did. They walked in front, about half a block. They are short blocks up there.

Q Now speak slowly and loud. I can't hear you at all.

A We walked along, and they give me a kind of handicap. I was away behind them. And they walked along the avenue hollering to me to come along. I was behind them.

Q And you kept on walking along? A Yes, sir.

Q Were you walking on the right side of Detective Ott?

A Neither side. I was away behind, behind the two of them.

Q Well then, what did they say? A Only, "Come on, come on."

Q And did they handcuff you? A No.

Q Well, tell us what happened? A Well, I walked on until I got to 121st Street, and that's where I ran.

Q Where were you when they arrived at 121st Street; in front or back of them? A I guess they were near 122nd Street, about a block ahead of me.

Q Now, Mr. Ingram, you are quite certain that these two detectives walked ahead of you about half a block? A Yes, sir.

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

Q And when you arrived at 121st Street, which way did you run? A Over towards Eighth Avenue.

Q Did Detective Ott immediately chase you? A Yes, sir, and they shot about seven times, I suppose, somewhere, up in the

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air, I suppose.

Q You kept on running? A Yes, sir.

Q Where did you run to? A I ran in a restaurant near 124th Street and Eighth Avenue.

Q Why did you run into the restaurant? A I asked the owner of the place if he would assist me to get a cop; I asked me if he would get me an officer, and he said he had no time.

Q Why did you run away from Detective Ott and Thompson? A Well, I didn't know what they were, whether they was detectives or burglars or what they were.

Q Were you afraid of them? A I certainly was.

Q Were you ever arrested before in your life? A Never was before.

Q And they caught you in the restaurant of Eighth Avenue and 124th Street? A Yes, sir.

Q You then proceeded to the Knickerbocker Hospital?

MR. EDELSON: I object to the counsel testifying.

Let him ask the witness questions, not suggest answers.

BY MR. NEUMAN:

Q Well, did you then proceed to the Knickerbocker Hospital?

(Objected to. Allowed.)

A Yes.

Q Now, when you were rearrested in the restaurant at Eighth Avenue and 124th Street, what did you do?

MR. EDELSON: That is objected to. He wasn't re-

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arrested. There is no such testimony:

THE COURT: Objection sustained.

BY MR. NEUMAN:

Q Well, what did you do? A Well, when they came in, Mr. Ott said, "Come on," and the little fellow punched me with his revolver, he hit me with the revolver he had in his hand. And then they taken me out by the coat, one on each side (illustrating), and they taken me up to the Knickerbocker Hospital.

Q And what time was that? A That was around four o'clock in the morning.

Q And what happened at the hospital? A Well, after we got to the hospital, Mr. Ott, he went upstairs, and I guess I was downstairs about ten minutes with the other fellow, Mr. Thompson, I guess, and then after that we went upstairs to his bedside. Well, when I got up there, they said, "Stand over near the bed."

Q I can't hear you. Will you kindly talk up? We lose all that you say. A They said, "Stand over near the bed," and I got over near the bed.

Q Just a second, did the three of you arrive at the bedside of Mr. Radigan? A At what time? When I first got to the hospital, I was left downstairs.

Q No, I mean when you got upstairs? A Well, the three of us got up about the same time.

Q Well, did Mr. Radigan look at you? A Well yes.

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Q Did he say anything? A Not right away. And the detective said, "Stand over close."

Q Did you go over close? A Yes; and he felt my arm (illustrating). That's what he said here.

Q How many arms did he extend? A I remember him extending both arms, both of them.

Q And he felt both your arms? A Yes.

Q Did he say anything then? A He said I was the man.

Q What did you say? A I said, "No, you've got me wrong. I don't know nothing about his coat."

Q Now, will you roll up your sleeves and let the jury look at your arms. A Yes, sir. (The witness rolls up his sleeves, and exhibits his arms.)

Q What part of your arm did he feel? A Up here (indicating the biceps).

Q Between July 13th and July 21st, what were you doing?

A Between July 12th and 13th?

Q Between July 12th and 21st, where did you live, first?

A 204 West 143rd Street. I was out of work then.

Q You lived there during that time? A Yes, sir.

Q Mr. Ingram, were you ever convicted of a crime? A Never was.

Q Do you contribute to the support of your parents?

MR. EDELSON: I object to that, as immaterial.

THE COURT: Objection sustained.

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MR. NEUMAN: Exception.

Q Where do your parents live? A Charlotte, North Carolina.

MR. EDELSON: objected to.

THE COURT: It is answered.

CROSS EXAMINATION BY MR. EDELSON:

Q Now, on the 13th of July, you were not working? A No, sir.

Q And how long prior to that were you not working; how long were you out of work? A I had been south all the time.

Q How long were you south? A Three months.

Q And you were not working then for three months? A Not down there. I was with my people.

Q And were you working when you left New York for the south? A Yes, sir.

Q Where? A 141 West 127th Street.

Q And you quit your job when you went south? A Yes, sir.

Q And why did you say you were living at 141 West 127th Street, on the night of the 13th of July? A I said I was working at 119th Street, the 21st of July.

Q I am talking up to the 13th. For three months prior to the 13th of July, 1919, you were not working; is that right?

THE COURT: He says he was down south for three months, and was not working, that he was visiting his people.

BY MR. EDELSON:

Q But you said you were working at 141 West 27th Street, on the night of the 13th of July, or thereabouts. Now were

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you or were you not working there, that night? A I left New York City about May, I suppose, and got back there around --

MR. EDELSON: I move to strike that out, as not responsive.

THE COURT: Strike it out.

BY MR. EDELSON:

Q Were you or were you not working at the address in 127th Street on the night of the 13th? A No, sir.

Q And during that time you lived at 204 West 143rd Street?

A Yes, sir.

Q With whom? A My aunt and my uncle.

Q Are they here in court, or outside? A They are outside.

Q Do you know the vicinity of Central Park West and 103rd Street? A I do not.

Q Have you ever been at that park entrance? A No, sir, never in my life.

Q And you work at 141 West 127th Street? A Yes, sir.

Q You say you didn't do anything wrong on the night of July 13th; don't you? A I never did anything wrong.

Q I'm talking of that night. You answer my questions, now.

A No, sir, I never did nothing.

Q And you didn't know that the two women that came in to see you were officers? A No, sir.

Q And, when you went along with them to the hospital, why did you run away from them? A I was afraid of them.

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They always told me in New York that they may be burglars or crooks.

Q You said you were walking half a block behind these men when you went to the hospital? A Yes.

Q Did it appear to you then that they were going to do you any harm, when they let you walk behind them? A To my mind, it did, because I thought one of them had a revolver in his pocket.

Q You say you were working at 119th Street, that night?
A Yes, sir.

Q What were your hours? A From eight in the evening until eight o'clock next morning.

Q You were night man? A Yes, sir.

Q Who was the superintendent? A They had a porter there; no superintendent.

Q What kind of a house is this? A Two houses together.

Q How many stories? A Six stories.

Q And there is no superintendent or janitor of the building? A Well, I didn't get acquainted yet.

Q Who engaged you? A The owner of the house.

Q What's his name? A I don't know his name.

Q Is he here in court? A I think not, no.

Q And two strangers came to you on the night of July 21st, after you say you had worked there for three days — by the way, you don't know who employed you; do you? A Yes I do.

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Q Who? A The owner of the house.

Q You know his name? A I think his name is Mr. Houston. He lives in the next house.

Q And when those two men came to take you to the hospital, you didn't know they were officers? A No, sir.

Q Then why did you leave your work, and go with them?
A Because I was afraid, They had the Jew on me. There was two of them.

Q What do you mean they had the Jew on you? A Well, they could have beat me up. There was two of them together. They could have beaten me up. They asked me awful rough to come on, and get up and all that.

Q And all that they said was that there was a colored man by the name of the Roberts at the hospital, and they wanted you to go along with them and have a look at him?
A Yes.

Q Did you know a man by the name of Robertson? A yes.

Q Why didn't you tell them that you didn't know such a man, a man by that name? A Well, I couldn't resist those men.

Q And there were forty or fifty tenants in the house; weren't there? A But that was three or four o'clock in the morning. I couldn't get no help from anybody in the house.

Q Well, did you call to anybody for help? A Well, in that case, I didn't know what to do.

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Q Did you or did you not? A No, I didn't.

Q Did you scream or shout for help? A No, sir.

Q Did you look for an officer? A Yes, sir.

Q When? A On my way, when I was running, on my way to Eighth Avenue.

Q How many blocks did you walk with them while you were half a block behind them? A Two blocks.

Q Did you go up to see the owner of the building, your employer? A I went down after that and got my money.

Q When did you go to get your money? A My aunt went and got it.

Q No. I am talking of that night, when you say these two strangers forced you to go along with them? A No, I didn't.

Q In fact, none of the tenants in the building knew that you were going away? A No, sir.

Q Wasn't it your duty to inform the owner of the building that you were leaving the place? A I guess so, but it was too late in the morning. It was three o'clock in the morning.

Q And did you ever see Radigan before? A No, sir.

Q And never had any trouble with him? A No, sir.

Q And you never had any trouble with Officer Ott before he arrested you; did you? A No, sir, I've never seen him before.

MR. EDELSON: That's all.

REDIRECT EXAMINATION BY MR. NEUMAN:

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Q Mr. Ingram, excluding your three months trip down to North Carolina, how long did you work in the 137th Street place? A I had been there ever since I have been in New York.

BY MR. EDELSON:

Q How long is that? A Well, up until I went south, in May:

BY MR. NEUMAN:

Q How many years? A Three.

Q And why did you go down south? A I was sick.

MR. NEUMAN: That's all.

THE COURT: In the case on trial, gentlemen, I think that this case ought to be submitted to the jury with all the evidence that can be obtained, and I think that it is important that an investigation should be made, and that this woman should be produced, if she can be found.

MR. NEUMAN: The defendant says he wants the woman here also, that she would settle the matter.

THE COURT: This case is a very important case, important for the defendant, and important for the People of this State; and my suggestion, and counsel for the defendant consenting -- I understand you do consent, counsel?

MR. NEUMAN: yes, sir.

THE COURT: My suggestion is that a juror be withdrawn, with the consent of the District Attorney and the counsel for the defendant.

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MR. NEUMAN: yes, sir, I consent.

MR. EDELSON: Yes, sir, I consent.

THE COURT: Then a juror may be withdrawn, and this case declared a mistrial.

(A juror was withdrawn).

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