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PART I.

against

Before
Hon. Frederick Smyth
and a Jury.

Indicted for Murder in the First Degree.

New York, November 10th, 1893.

APPEARANCES.

For the People, Assistant District Attorney
James W. Osborne.

For the Defendant, Mr. Hugh O. Pentecost.

The jurors were called, examined and sworn.

The Court admonished the jury, calling their attention to Section 415 of the Code of Criminal Procedure, and adjourned the case until Monday morning, November 13th, 1893, at 11 o'clock.

New York, November 13, 1893.

TRIAL RESUMED.

Mr. James W. Osborne opened the case on behalf of the People.

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

DIRECT EXAMINATION by Mr. Osborne:

Q Doctor, you are a deputy coroner? A. Yes, sir.

Q On the 16th of August, 1893, did you perform an autopsy upon the body of John A. Dozier? A. Yes, sir.

Q When was it made? A. August 16th, 1893.

Q Where was it made? A. At St. Vincent's Hospital.

Q From that autopsy what did you discover to be the cause of his death? A. The death was caused by a fracture of the base of the skull.

Q How far did the fracture extend? A. On opening the skull I found a clot of blood in the middle fossa. The skull was fractured at the base of the brain commencing about two inches above the right ear and extending across through the cellular-tursua to the temporal bone on the left side.

Q In other words, it extended from ear to ear? A. Yes, sir.

Q Around behind? A. Yes, sir.

Q Indicate just where it is? A. The fracture commenced about

two inches above the right ear, going directly across.

Q You mean from the back of the head? A. No, sir, right directly across the base of the skull, directly right through to the temporal bone on the left side.

Q That produced what? A. That produced death.

Q It extended from the right ear all around? A. No, sir, directly across the base of the skull.

By the Court:

Q Is not the base of the skull the back of the head? A. No, sir, we call the base the floor of the brain.

Q Be kind enough to show us, as the District Attorney cannot get clearly into his head whether this fracture went through the skull or around the skull? A. It went through or across the floor of the skull upon which the brain rests, not around, but directly right across and fractured the base of the skull, the part upon which the brain rests, directly right across. This is the position of the skull (indicating).

Q Can you give us any better description of how that fracture was? A. It commenced about two inches above the right ear, not going up this way but directly across.

Q Even? A. Yes, sir, to the temporal bone on the opposite side.

Q You made the autopsy on this body, did you? A. Yes, sir.

Q How did you find the other organs, were they in a normal condition? A. On opening the thorax I found the heart and lungs

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normal. In the abdomen the liver showed signs of fatty degeneration, the kidneys were normal, the rest is what I have read, "On opening the skull I found a clot of blood in the right middle fossa" and the skull was fractured.

Q And that was the cause of death? A. Yes, sir.

CROSS EXAMINATION by Mr. Pentecost:

Q You say the fracture began on the right side of the head?

A. Commencing about two inches above the right ear.

Q It began on the right side and passed through to the left side? A. Yes, sir.

Q Would that indicate that a blow had been struck on the right side of the head? A. That was my impression, that it was struck on the right side.

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

Q Could such a fracture as this, of the base of the skull, be produced by a fall on the sidewalk? A. I don't think so.

Q As I understand you, Doctor, what we call the skull, that is the outside bone that covers the brain, was not fractured at all? A. No, sir, the vault, no, sir.

Q The fracture was altogether inside the head? A. Yes, sir, in through.

Q Not even on the right or left side was there any fracture? A. It was directly from the right temporal bone, that was fractured clean to the temporal bone on the left side.

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Q Your impression is that that fracture must have come from a blow on the right side of the head? A. Yes, sir.

Q And it was not caused by a fall on the sidewalk? A. No, sir.

Q There was no contusion on the right side? A. I saw none.

Q Nor on the left side? A. No, sir, I saw none at all.

By the Court:

Q You had to open the skull, and remove the skull cap for the purpose of ascertaining what it was? A. In making the autopsy I received a punctured wound in the hand, and I requested the doctors in the hospital to finish the autopsy under my supervision while I was dressing the wound on my hand.

Q You saw no contusion on the right side? A. No, sir, nor on the left side either.

Q And that rendered it necessary to open the skull? A. Yes, sir.

Q And on opening the skull you discovered this internal fracture? A. Yes, sir.

Q Is that it? A. Yes, sir.

Q It went from the right to the left side of the skull?
A. Yes, sir.

By Mr. Pentecost:

Q The skin was not broken? A. I saw no signs of it.

Q No black or blue marks? A. No, sir, no ecchymosis.

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By Mr. Osborne:

Q Doctor, was the fracture of the temporal bone on either side external? A. Externally and internally the bone was fractured.

Q Was there an external fracture on the temporal bone? A. Yes, sir, that is external.

By a Juror:

Q Was there any mark on the left side of the skull? A. No, sir.

Q It originated on the right? A. Yes, sir.

Q And the skin was not broken on either side? A. No, sir.

The Court: I don't suppose there will be any question made but that the body upon which this witness made the autopsy is the body of the same person named in the indictment?

Mr. Pentecost: There will be no question made about that. That is conceded.

M A R I E L. D O Z I E R, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Osborne:

Q You are a daughter of John A. Dozier? A. Yes, sir.

Q Where do you live? A. No. 25 Minetta Lane.

Q Is that where you lived on the 15th of August this year?

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A. Yes, sir.

Q Did you see Stephen Hooker on the afternoon of the 15th of August? A. Yes, sir.

Q Where did you see him? A. I saw him out on the sidewalk in front of my door.

Q About what time? A. About four o'clock.

Q Did he break open your door? A. He did not break it open but he pushed a boy through the door.

Q What did your father do when he did that. Was your father in the house at that time? No answer.

By the Court:

Q On the 15th of August, about 4 o'clock P.M., you saw Stephen Hooker? A. Yes, sir.

Q On the sidewalk? A. Yes, sir.

Q In front of your premises? A. Yes, sir.

Q Was your father in at that time? A. Yes, sir.

Q Was your door closed at that time? A. Yes, sir.

By Mr. Osborne:

Q Your father was in the house at that time? A. Yes, sir.

Q Whereabouts? A. Sitting in the kitchen.

Q Now, at that time, what happened? A. Stephen Hooker pushed the boy through the door.

Q When the boy was pushed through what next happened? A. One of my sisters went out in the kitchen and told my father. He

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went outside.

Q Your father did? A. Yes, sir. All the boys ran but Stephen Hooker.

Q All the boys? A. Yes, sir.

Q Were there other boys there? A. Yes, sir, about a dozen boys.

Q With Stephen Hooker? A. Yes, sir.

Q They all ran except him? A. Yes, sir. My father told him to get away from the door and he jumps up ----

By the Court:

Q When your father told him, what did your father say to him?

A. What did my father say?

Q Yes. Your father told him to get away from the door?

A. Yes, sir.

Q What did he say when he told him that? A. He told him, "Mind your own business, you bald-headed

Q That is what Hooker said? A. Yes, sir.

Q What did your father say when he said, "Get away from the door"? A. He said, "Get away from my door".

Q Then what did the defendant say? A. He said, "Mind your business, you old bald-headed son of a bitch"

Q Go on. A. He did not go. My father took him and shoved him away two or three steps, and after he came back again and stood by the door; this time my father smacks him across the face and knocks his hat off. He went across the street, pick-

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ed up a brick and threw it at him.

Q Who did? A. This defendant. My father dodged, moved his head, and it didn't hit him. He ran across the street got a piece of watermelon rind and hit him right square in the face.

Q Who did? A. Stephen Hooker, the defendant.

Q He hit your father? A. Yes, sir, he hit my father, and my father chased him up 6th Avenue a little ways.

Q Your father ran after him? A. Yes, sir.

Q After his throwing the watermelon? A. Yes, sir.

Q He ran and got into 6th Avenue? A. Yes, sir.

Q And up 6th Avenue? A. Yes, sir, he ran up 6th Avenue.

Q Did you run too? A. Yes, sir.

By Mr. Osborne:

Q Go on and tell us how far he ran? A. He ran up to about 3rd Street, one block.

Q Third Street? A. Yes, sir.

Q What then happened? A. My father came in the house and did not think anything more about the affair.

Q What became of the defendant? A. He ran up 6th Avenue and came back in about an hour afterwards.

Q Was that the last you saw of that? A. Yes, sir.

Q Did your father come back to his house? A. Yes, sir.

Q Did you come back? A. Yes, sir.

Q Your father came back to the house, did he? A. Yes, sir.

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Q How long did your father stay in the house after he came back

A. He stayed in the house three hours.

Q Until about 7 or 8 o'clock? A. Yes, sir, until about 7 or 8 o'clock.

Q Did he then go out? A. Yes, sir, the oyster man sent for him.

Q He went out? A. Yes, sir.

Q And went to Mr. Green's stand? A. Yes, sir.

Q Did you remain in the house? A. Yes, sir.

Q When did you next see your father? A. When they brought him in the house.

Q Who brought him in? A. Mary Dorsey, Eddie Townsend and a policeman.

Q Between 7 and 8 he went out? A. Yes, sir, he went out about half-past seven o'clock.

By the Court:

Q About half-past seven? A. Yes, sir.

Q Did he go out with anybody? A. No, sir.

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

Q How long was he out before he was brought back? A. For about half an hour.

Q Did he come back alone? A. No, sir, this woman brought him in the house.

Q We don't know who this woman is? A. Mrs. Dorsey.

Q What is the name of the woman who brought him back? A. Mary Dorsey.

Q Anybody else? A. Edward Townsend.

Q Edward Townsend? A. Yes, sir, and Officer Perry.

Q They brought your father back? A. Yes, sir.

Q Did he walk back, was he supported or how? A. He walked back.

Q Was he supported by anybody? A. Yes, sir.

Q What time was it when he got back? A. It was about five or ten minutes after eight.

Q What was his condition then? A. He seemed to be all right.

By Mr. Osborne:

Q Who did you say brought him back? A. Mary Dorsey, Edward Townsend and Officer Perry.

Q Where did they put your father? A. Sitting down in a chair.

Q In one of the rooms in the house? A. Yes, sir.

Q How long after that did you see the defendant Hooker?

A. When Officer Perry brought him in I seen him.

Q How long after your father got there was it that Hooker was brought in? A. About five minutes afterwards.

Q They sat your father down in a chair after he came back?

A. Yes, sir.

Q Who brought Hooker in? A. One of the officers.

Q What did they do with Hooker? A. They stood him up before

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my father.

Q What did your father say? A. He said that man hit him in the head with a brick.

Q Did Hooker say anything then? A. No, sir.

Q Then what was done? A. They took Hooker out to the police station.

Q Who did? A. Officer Perry.

Q Did your father go along with them? A. Yes, sir.

Q Did you go? A. No, sir.

Q You saw them all leaving together? A. Yes, sir.

Q When did you see your father next after that? A. The next morning.

Q About what time? A. About seven o'clock or half-past six o'clock.

Q Where did you see him? A. In the hospital.

Q St. Vincent's? A. Yes, sir.

Q He was dead then, was he? A. Yes, sir.

Q How many sisters have you got? A. I have got three sisters.

Q How old is the youngest? A. Eight years old.

Q And you are the oldest? A. Yes, sir.

Q You and your mother and three sisters still live at 15 Minnetta Lane? A. 25 Minnetta Lane.

Q Your father was a clerk in the post office? A. Yes, sir.

Q How old was your father? A. He was 51 years old.

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CROSS EXAMINATION by Mr. Pentecost:

Q Where was the door situated that was broken open, in the front of the house or at the side of the house? A. In the front of the house.

Q There is one door to your house that goes in on the side from the Court? A. Yes, sir.

Q And one from the street? A. Yes, sir.

Q Does your family occupy the front room? A. We did at that time.

Q Were you living in it at that time? A. Yes, sir.

Q What was it used for, a parlor, a bedroom or what? A. We called that a sitting room.

Q A sitting room? A. Yes, sir.

Q Where were you when these boys were scuffling on the sidewalk, in that room? A. Yes, sir.

Q Did you see the boys yourself? A. Yes, sir.

Q How did you see them? A. I saw them out of the window.

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

Q You say there was about a dozen boys there? A. Yes, sir, a dozen boys.

Q Did you know any of them? A. Yes, sir.

Q Who were they? A. There was Henry Washington, Louis Jackson, and I don't know his name, but for a nick name they call him Snowball, Dave Martin, Willie Peterson, and quite a number of

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small boys that I did not take notice of.

Q Are Dave Martin and Willie Peterson small boys? A. Yes, sir.

Q Do you mean by that quite little boys? A. Not quite little.

Q About how old? A. About 12 or 13 years old.

Q Well, Henry Washington and the Jackson boy, are they little boys too? A. No, sir, they are young men.

Q They are grown men? A. Yes, sir.

Q Were all those dozen boys skylarking together there? A. No, sir, at that time they were shooting crap.

Q Shooting craps? A. Yes, sir.

Q All of them or some of them? A. Yes, sir.

Q All these boys were engaged in shooting craps? A. Yes, sir.

Q Were any of those boys on the steps of your house, Miss Dozier?

A. Yes, sir.

Q What kind of steps have you got there, at the front door how many steps are there? A. Three steps.

Q Is there a broad platform before the door or a narrow platform? A. A broad one.

Q How broad is the top step of the platform in front of the door? A. About as broad as it is across here.

Q You go down two steps to the street, is that right? A. Yes, sir.

Q Who did you see on the steps? A. Stephen Hooker and Willie Jackson.

- Q Stephen Hooker and Willie Jackson? A. Yes, sir.
- Q Did you see Henry Washington on the steps? A. He was standing up alongside of the steps, he wasn't sitting on the steps.
- Q Two or more of the boys were scuffling on the steps, did you see that? A. No, sir, I only seen Stephen Hooker and Willie Jackson.
- Q They were on the steps? A. Yes, sir, wrestling.
- Q You say that Hooker pushed a boy through the door? A. Yes, sir.
- Q Did you see Hooker push him through the door? A. No, sir, I did not see him at the time.
- Q How did you know that Hooker did it? A. There was plenty of people that saw him.

By the Court:

- Q Was the door forced open? A. Yes, sir, it was locked.
- Q When the door was forced open did anybody get in? A. No, sir, nobody got in.
- Q Did you see it forced open? A. Yes, sir.
- Q Who was by the door at that time? A. Willie Jackson.
- Q Where was Hooker? A. Hooker was on the sidewalk.
- Q Who was the boy that was pushed against the door? A. Willie Jackson.
- Q Did you see him when he was pushed against the door? A. I saw him when the door opened.

Q Was the door locked? A. Yes, sir, at the time.

Q Did he break the door when he pushed it in? A. No, sir, he did not break it.

Q Was there any breakage there at all? A. No, sir, just the lock was broken.

Q Did they break the lock? A. Yes, sir.

Q What part of the lock did he break? A. He broke the small side of the lock; there are two sides, a wide piece and a little piece on the other side, that little piece was broken.

Q Where the bolt of the lock shot in? A. Yes, sir.

Q That flew off? A. Yes, sir.

Q Did you see it fly off? A. Yes, sir.

Q Where was your father, was he in the back room behind that room? A. No, sir, my father was at the time in the room but he had gone out before I could go out into the other room to tell him.

Q Your father had been in the front room? A. No, sir, he had not been in the front room that afternoon.

Q Where was he at the time the door was forced open? A. He was in the back room, in the kitchen.

Q How many rooms was that away from where the door was? A. It is about three rooms; it has been three rooms but it is knocked into one now, and of course it is a big room and you have to walk to get to it.

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- Q At that time there was a kitchen? A. Yes, sir.
- Q That was a separate room partitioned off? A. Yes, sir.
- Q Next to the kitchen was what? A. A bedroom.
- Q And next to the bedroom was the room your father was sitting in? A. Yes, sir.
- Q That made three rooms what were there at that time? A. Yes, sir, three rooms.
- Q The door that was forced open went into the sitting room? A. Yes, sir.
- Q At the time the door was forced open your father was in either the bedroom or the kitchen? A. In the kitchen.
- Q Then your father did not see the door when it was broken open, of course? A. No, sir, he did not.
- Q When he went out to the door after the boys which way did he go out, the side door through the Court or did he go out the front way? A. No, sir, he went out the side door.
- Q Did you go with him? A. Yes, sir.
- Q Followed him right along? A. Yes, sir.
- Q All that you describe as having taken place after your father got out there you saw, did you? A. Yes, sir.
- Q And heard it all? A. Yes, sir.
- Q Then you followed your father when he ran after Stephen to 6th Avenue, is that right? A. Yes, sir.
- Q And you saw everything that occurred on 6th Avenue? A. Yes,

sir.

Q Did you see your father throw a brick at Stephen on 6th Avenue? A. I did not.

Q Are you sure he did not? A. Yes, sir, I am sure.

Q Did you see your father throw a brick at Stephen in Minetta Lane? A. No, sir.

Q He did not throw any brick? A. No, sir, I did not see him throw any brick.

Q If he had thrown a brick would you have seen him? A. Yes, sir.

Q Are you quite sure he did not throw any brick? A. Yes, sir, I am quite sure.

Q You saw him slap Stephen? A. Yes, sir, he did.

Q Had Stephen done anything to him or had Stephen struck him before he slapped him? A. No, sir.

Q Is that all your father did to him, just slapped him? A. Yes, sir.

Q Did he slap him with his open hand? A. Yes, sir.

Q Didn't he hit him with his fist? A. No, sir.

Q You did not see him hit him with his fist at any time? A. No, sir, I did not.

Q Did he slap him more than once? A. Yes, sir.

Q How many times did he slap him? A. I did not count the times.

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Q Did he slap him twice? A. About two or three times.

Q Is that as near as you recollect? A. Yes, sir.

Q He slapped him several times, you say about two or three times?
A. Yes, sir.

Q When he slapped him did he slap him hard enough to make him stagger? A. No, sir.

Q At no time? A. No, sir.

Q Did your father say anything to Stephen at all except to tell him to go away? A. No, sir.

Q Didn't he tell him what he would do to him if he caught him there again? A. Yes, sir.

Q What did he say to him about that? A. He told him to get away from the door, and if he caught him there again he was going to have him locked up.

Q ~~He~~ was going to have him locked up? A. Yes, sir.

Q Is that all he told him? A. That is all I heard him tell him.

Q Did you see your father try to kick Stephen? A. No, sir.

Q Did you see anybody take hold of your father and try to restrain him when he was slapping Stephen? A. Yes, sir.

Q Who was that? A. Henry Washington.

Q Are you quite sure your father did not kick at Stephen?
A. I am quite sure, yes, sir.

Q When you went back into the kitchen and told your father these

boys had broken the door open, did he say anything? A. No, sir, he did not.

Q Did he run out quickly? A. No, sir.

Q He just walked out? A. Yes, sir, he walked out.

Q Was he angry when you told him they had broken the door in?
A. No, sir.

Q He did not show any signs of anger at all? A. No, sir.

Q He just walked quietly out there? A. Yes, sir.

Q Now, Miss Dozier, did you see your father when Mary Dorsey and Ed Townsend and the policeman were bringing him home? A. Yes, sir.

Q You saw them on the street? A. Yes, sir.

Q You say your father walked home? A. Yes, sir.

Q Did he walk home by himself with these people? A. No, sir, they had hold of him.

Q Just explain now how it was they had hold of him? A. Both of them had hold of his arm.

Q You mean the policeman? A. No, sir, the woman and the man.

Q Mary Dorsey and Ed Townsend had hold of him? A. Yes, sir.

Q They were leading him along? A. Yes, sir.

Q But your father was walking right along? A. Yes, sir.

Q Standing up straight, walking right along straight? A. Yes, sir.

Q And when he came into the house he seemed to be all right?

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A. Yes, sir.

Q His mind was clear so that he recognized Stephen as soon as Stephen was brought in? A. Yes, sir.

Q Did you see him when he went to the police station? A. No, sir.

Q Were you in the house when he went out to go to the police station? A. Yes, sir.

Q You saw him leave to go there? A. Yes, sir.

Q You saw him start off? A. Yes, sir.

Q To go to the police station? A. Yes, sir.

Q You did not see him after he got out of the house? A. No, sir.

The Court: I understood her to say that she did not see him until the next morning.

Q You lost sight of him when he went out to go to the police station? A. Yes, sir.

Q When he started to go to the police station did he go out of the door and walk along with these people? A. Yes, sir.

Q He just walked out of the house himself? A. Yes, sir.

Q When your father chased Stephen into 6th Avenue, and you went along with him, did he turn right around and come straight home with you? A. No, sir, he did not come straight home with me.

Q What did he do? A. He went into a lager beer saloon on 6th

Avenue, and waited to wash his hands.

Q He went into the lager beer saloon? A. Yes, sir, but he came right back again.

Q Did you go into the lager beer saloon with him? A. No, sir.

Q Is that the saloon on the south side of Minetta Lane or the north side? Was it the saloon on the corner of Minetta Lane or 6th Avenue? A. Yes, sir.

Q On the south side or the north side, downtown or uptown side? A. The uptown side.

Q That is across the street from where you live? A. Yes, sir.

Q You did not go into the saloon with him? A. No, sir.

Q You went on home? A. Yes, sir.

Q And left him in the saloon? A. Yes, sir.

Q He came back right after you? A. Yes, sir.

Q Now, Miss Dozier, what was going on in the Court -- was anybody in the Court right there by your side door when that door was broken in? A. Yes, sir.

Q Who? A. I don't remember now the gentlemen that were there.

Q There were a number of people there? A. No, sir, not a number.

Q How many? A. About four.

Q Do you know what they were doing? A. No, sir, I do not.

Q Didn't you see them doing anything? A. No, sir, I did not see them doing anything.

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- Q You saw the people? A. Yes, sir, I saw the people.
- Q Didn't they have a table out there and weren't they playing cards? A. I didn't see them playing cards.
- Q Wasn't there a table out there? A. Yes, sir, they had a table out there and some chairs.
- Q And chairs? A. Yes, sir.
- Q They had a table and some chairs? A. Yes, sir.
- Q You didn't see them playing cards? A. No, sir, I did not.
- Q Wasn't your father out there at that time? A. No, sir.
- Q Didn't your father bring a brick back with him after he chased Stephen into 6th Avenue? A. No, sir, I did not see him bring a brick back.

By the Court:

- Q You would have seen it if he did? A. Yes, sir, I would have seen it.
- Q Did he have any brick? A. No, sir, he didn't have any brick with him.

By Mr. Pentecost:

- Q Did you see him when he came in the house? A. Yes, sir, I saw him.
- Q Why did he wash his hands in the beer saloon, do you know? A. I do not know.
- Q How do you know he did wash his hands? A. Because he told me so.

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Q Do you remember who was in your house the night before this and what was going on in your house the night before this?

A. Nothing going on as I remember.

Q Don't you remember that the children had a sort of an entertainment in there the night before? A. Yes, sir, that afternoon before.

Q The afternoon before? A. Yes, sir.

Q Do you remember who was there at the entertainment? A. Yes, sir.

Q Well please tell us who was there? A. There were a half dozen little children, myself and Toussaint Vogelsang.

Q Toussaint Vogelsang was there the afternoon before? A. Yes, sir.

By the Court:

Q Is that a man or a woman? A. A man.

By Mr. Pentecost:

Q What was Toussaint doing there? A. He was playing the guitar for the entertainment of the children.

Q How long did he stay there? A. He stayed about two hours.

Q When was the entertainment over? A. It was over about six o'clock.

Q What sort of an entertainment was it, were they dancing?

A. Yes, sir, singing and dancing.

Q And Toussaint Vogelsang was there playing the guitar to enter-

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tain the children? A. Yes, sir.

Q You mean your little sisters? A. Yes, sir, and some of their company.

Q Your sisters were giving a little party, wasn't that it?

A. Yes, sir.

Q And had some other little children there? A. Yes, sir.

Q And Toussaint was there? A. Yes, sir.

Q Wasn't Toussaint frequently in your house? A. No, sir.

Q Was he ever there before? A. Yes, sir.

Q How long before that was it when he was there? A. About a month.

Q About a month before that? A. Yes, sir.

Q Toussaint knew your father very well, didn't he? A. Yes, sir.

Q Your father liked to play cards pretty well, didn't he?

A. I don't know.

Q Didn't you ever see him playing cards? A. Yes, sir, I saw him playing pinochle.

Q Didn't you ever see Toussaint around when he was playing pinochle? A. No, sir.

Q You never saw Toussaint play with your father? A. No, sir.

Q Didn't Toussaint ever eat in your house with your father?

A. No, sir.

Q Didn't he get his dinner there almost every day? A. No, sir.

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- Q Was your mother home that day? A. No, sir.
- Q Where was your mother, do you know? A. Working on the Glen Island boat as stewardess.
- Q She was employed as a stewardess? A. Yes, sir.
- Q When did she come to your house after your father was there? A. That night.
- Q Did you speak with her? A. Yes, sir.
- Q Has she been back to the boat since? A. No, sir.

By Mr. Osborne:

- Q That Court on the side of your house is not connected with your house in any way, is it, it is not a part of your lot? A. No, sir.
- Q How long after your father went into the saloon was it that he came back to the house, immediately? A. Yes, sir.
- Q Where is that saloon, on what side of the street? A. On the north side, the uptown side.
- Q Isn't it on the south side, opposite to your house? A. Yes, sir.
- Q On the downtown side, I mean toward the Battery from your house? A. No, sir, it is on the other side.
- Q Like going to Central Park, that side? A. Yes, sir.
- Q On the corner of 6th Avenue and Minetta Lane? A. Yes, sir.

By Mr. Pentecost:

- Q Did you say that the Court had nothing to do with your house

was no part of your house -- as a matter of fact your side door opens right out into that Court? A. Yes, sir, it opens right into it.

Q Don't you use that side door more than you do the front door?

A. Yes, sir, whenever I want to go out to get water I use that side door.

Q You are constantly going in and out of that side door?

A. Yes, sir.

Q And other houses have doors that open into that Court or yard, it is a little yard right between the houses, isn't it?

A. Yes, sir.

By a Juror:

Q When your father went into the saloon did he tell you he was going into wash his hands or that he had gone in and had washed his hands? A. Yes, sir, I wanted him to come home.

By the Court:

Q Did you see his hands then or what was on his hands? A. No, sir.

Q What did he want to wash his hands for? A. He wanted to wash his hands and face because when Stephen Hooker threw this watermelon rind the seeds and the juice went all over his face.

Q And he went in there to wash that off? A. Yes, sir.

Q You saw the seeds of the watermelon on his face before he went in? A. Yes, sir.

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Q And when he came back those were all gone? A. Yes, sir.

B A R B A R A W I L K E S, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Osborne:

Q Where do you live? A. 127 West 3rd Street.

Q You work out? A. Yes, sir.

Q How long have you known John Dozier? A. I know him about eight years.

Q How long have you known Stephen Hooker? A. About two years now, I guess about two years.

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

Q Did you see Stephen Hooker on that day? A. Yes, sir, I seen him all day.

Q About what time in the day did you see him? A. He was hanging around there all day long, but in the evening about four o'clock he got there with a crowd engaged in playing craps.

Q Who was he playing with? A. Why, a crowd of boys, a little crippled boy named Jackson.

Q Did you see a man named Washington there? A. Yes, sir.

Q He is a grown man, isn't he? A. Yes, sir, he is a grown man and a crowd of others I didn't know was there.

Q What did you see? A. Well, I saw them shooting crap and "Delly" Hooker threw down fifty cents and Jackson picked it

up, he took him by the two shoulders and shoved him in Mr. Dozier's door.

Q What is the name of the fellow that was shoved in? A. Jackson was shoved in.

Q Is he the crippled fellow? A. Yes, sir.

Q Go on. A. He shoved him in Mr. Dozier's door. Mr. Dozier came out and at the side of him his daughter came. When these boys seen Mr. Dozier they all broke away and ran but Hooker; he stood still, he would not run. Dozier told him to go away and he stood up to him and called him a bald-headed old son of a bitch.

Q He called Dozier that? A. Yes, sir, and said he wouldn't go one step, "You can't rule the lane" he said. Dozier said, "I am not trying to, only I want you to keep away from my door. I want no trouble with you boys. Dozier shoved him and with that he picked up a brick and fired it. He dodged the brick.

Q Who dodged? A. Dozier dodged the brick, and when he dodged the brick he gave him a slap and as he slapped him Hooker picked up a piece of watermelon and hit him in the face.

Q Who did that? A. Hooker hit Dozier in the face. Dozier pushed him away, slapped him again and he ran up the street to 6th Avenue and grabbed another brick. Dozier ran up to 6th Avenue after him. Then I saw Dozier coming back by himself, and when I seen him coming back, or shortly after he went into

the yard Hooker came back and sat up on the milk wagon. He sat there on the milk wagon until I forgot all about the fuss, and didn't think any more about it and turned away. Later on at seven o'clock he appeared again or half-past seven o'clock.

Q What happened then? A. Well, at half-past seven o'clock I was coming from 3rd Street with a slip for Mrs. Johnson and I seen "Delly" Hooker, Martha Pell and Toussaint Vogelsang ---

Q He came back? A. Yes, sir.

Q He came back again? A. Yes, sir; Hooker came back again by himself. I went around to 3rd Street to get a slip for Mrs. Johnson and when I came back I seen Martha Pell, Toussaint Vogelsang and "Delly" Hooker.

Q Where were they then? A. Standing right opposite No. 25.

Q Whose store is that? A. Right over across from No. 24, right opposite Mr. Dozier's house they were standing.

Q What did you see done or what did you hear? A. I did not see anything done but I heard them talking. I heard Martha Pell -- I would not have stopped only I heard her calling John a bald-headed old *son of a bitch*, he is too fresh around the neighborhood". Martha Pell said that to "Delly", and so "Delly" said he was going to lay in the yard. Hooker said he was going to lay in the yard and when Dozier came out of the door to go to his work he was going to give it to him in the ^{yard} ~~eye~~ and Martha Pell says, "No, don't you do it."

She says, "You wait until he comes into the yard to go to his work, and as he comes out of the yard to go to his work you can give it to him, and give it to him right."

If you do," she says, "and get into any trouble by it, any part of Bill Pell's money will take you out of the trouble I will get you into." Martha Pell says this to the boy, and Toussaint Vogelsang says, "Yes, give it to the son of a bitch; I am with you," and with that they vanished away.

Q When was the next time you saw Dozier after that ? A. Well I went up to 116 Minetta Lane, and then I stayed there about ten minutes--as long as that I guess--and when I came back I seen a big crowd on the Sixth Avenue side.

Q Corner of Sixth Avenue and Minetta Lane ? A Yes sir.

Q Minetta Lane runs between Sixth Avenue and MacDougal Street ? A. Yes sir, I seen a big crowd across Sixth Avenue and I walked to see what was the matter.

Q Don't tell what anybody said ? A Well, I seen a crowd, and I went down to the corner and I saw Dozier.

Q Where was he ? A Standing right at the corner of Sixth Avenue and Minetta Lane.

Q Where was the defendant--did you see him ? A No sir, he was running then, the officers were trying to catch

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him and he ran away.

Q Did you see him run ? A No sir, I didn't see him run at all.

Q You saw John Dozier ? A Yes sir.

Q At the corner of Sixth Avenue and Minetta Lane ? A Yes sir.

Q What time was that ? A It must have been about or near eight o'clock as near as I can get at it.

Q That was about half an hour after you saw the three of them together ? A Yes sir.

Q That was near Andrew Green's oyster place ? A Yes sir, when I seen him he was just right across from there.

Q That is when you first saw Dozier ? A Yes sir.

Q Go on and tell what you saw ? A We took him to his house.

Q That is, to Mr. Dozier's house ? A Yes sir.

Q You helped somebody else ? A Me and Laura Lee took him to the house. Some people followed on behind but we took him to Dozier's house. There was a crowd like there always is when there is a fuss.

Q you were there in the front ? A Yes sir, and so we waited there five minutes after that.

Q You took him into his house ? A Yes sir, and sat him down in a chair. We had hold of him and sat him right

down and he sat there until the boy came in five minutes after that.

Q What boy? A Hooker.

Q Who came with him? A Jimmy Thompson, the officer.

He came in and says, "This is the boy hit me in the head with a brick." He was arrested and Dozier says, "That is the boy hit me in the head with the brick." So with that Mr. Thompson asked me would I go with Mr. Dozier to the station house, and I went along with him to the station house and from the station house to the hospital.

Q The officer took the defendant? A Yes sir, the officer took the defendant.

Q You went with Dozier down to the station house, where the charge was made? A Yes sir.

Q Where is that station house? A The Charles Street, ain't it?

Q You went to St. Vincent's Hospital with Dozier? A Yes sir
By the Court:

Q When Dozier went to the station house you went with him, didn't you? A Yes sir.

Q Was there any doctor or an ambulance or anything sent for?
A No sir, the Sergeant asked me would I take Dozier to the Hospital.

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- Q Did Dozier make a complaint to the Sergeant ? A No sir, he was talking and the blood was coming out of his ear.
- Q When you got to the station house with the deceased, the Sergeant was there, was he ? A Yes sir.
- Q The officer, I suppose, took this man up to where the Sergeant was--the defendant ? A Yes sir.
- Q And told the Sergeant what he arrested him for ? A Yes sir.
- Q In the presence of this defendant ? A Yes sir.
- Q Where was the deceased; was he sitting down or standing up ? A He was standing up.
- Q At the time ? A His arm leaning on the desk like that.
- Q Did you observe his ear ? A Yes sir, the blood was dripping down from his ear all the time.
- Q The blood was dripping down from which ear ? A I don't know, I think from the right ear.
- Q You think from the right ear ? A Yes sir.
- Q Dripping all the time ? A Yes sir, he stood there. Stood there and said he felt something ringing in his head like music.
- Q Was that said in the presence of the defendant ? A Yes sir, the defendant was at the bar right alongside of Dozier.
- Q You saw this blood coming down ? A Yes sir.

Q And Dozier said he felt a ringing in his head ? A Yes sir

Q All the time ? A Yes sir.

Q What was the next thing that was done ? A He took the boy back.

Q Who did ? A The Sergeant.

Q He told him he would be locked up ? A Yes sir.

Q Is that right ? A Yes sir. He asked me who was all the crowd around, the boys, and I pointed out Toussaint Vogelsang followed us to the station house, and I said there is another fellow that don't work, and don't do nothing but loaf around; his partner got five years.

Q Did you say anything at that time ? A His partner was with him, and I says "There is another one don't work."

Q Who asked you to take this man to the hospital ? A Mr. Jimmy Thompson, or the Sergeant asked me to take this man to the hospital.

Q What did he say to you ? A He told me I had better take him to the hospital and see if his head was seriously hurt.

Q The Sergeant said you had better take him to the hospital and see if his head was seriously hurt ? A Yes sir.

Q Did you take him to the hospital ? A Yes sir.

Q Was he examined there ? A Yes sir.

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Q By the doctor ? A By two doctors; two doctors came at once.

Q They examined him ? A Yes sir.

Q And still the blood was dripping from his ear ? A Yes sir.

Q What was done after he was taken upstairs ? A The doctor said to me, "You can't take this man away to-night." I says "Why not ?" and he says "He is too badly hurt; you can't take him to-night.." Mr. Dozier spoke to me and says to me, "You go and tell your husband to come right down to the hospital." I could not take the man away that night. Then Dozier asked me would I send my husband to the post office and tell them that he couldn't come back.

Q You left, did you ? A Yes sir.

Q You left ? A Yes sir.

Q When did you next see him ? A I seen him at half past five o'clock the next morning.

Q Was he then alive or dead ? A He was unconscious; he wasn't dead. He didn't know anybody.

Q At half past five ? A Yes sir.

Q Did you remain there until the time he died ? A No sir, I went right away to get his brother.

Q Did you come back again ? A No sir, I didn't get back, because when I started to come back I met the people coming

down and they said he was dead.

Q You didn't go back ? A No sir.

By Mr. Osborn:

Q Now, at the time you were in the station house, you pointed to Toussaint Vogelsang, and you said that is a partner of Delly Hooker ? A Yes sir.

Q "And he don't work either " ? A Yes sir.

Q Is that what you said in the presence of the defendant ?

A Yes sir.

Q Do you know Martha Pell ? A Yes sir.

Q How old is she ? A I guess she is about forty-five years old, as near as I can guess.

Q Do you know what her relations are with Hooker ?

Objected to; question excluded.

CROSS EXAMINATION, BY MR. PENTECOST:

Q Now, Mrs. Wilkes, you took Mr. Dozier back to his house after he was hurt, did you ? A Yes sir.

Q You went into the house with him ? A I did.

Q And sat him down in a chair, or did he sit down by himself ?

A He sat down in a chair by himself; we had hold of his arms.

Q Who else was with you ? A Mrs. Laura Lee and several

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others followed on.

Q You and Mrs. Laura Lee took him onto the house ? A Yes sir.

Q And Officer Thompson took the defendant to the police station ? A Yes sir.

Q Is that it ? A. No sir, he did not; Officer Thompson brought him to the house and Officer Perry took him to the Police station.

Q Now, when you saw these boys playing craps in front of Mr. Dozier's house you say you saw Hooker throw down a fifty-cent piece ? A Yes sir.

Q Where were you at that time ? A Looking out of my window right down on Mr. Dozier's stoop; he throwed the fifty-cent piece on the top step.

Q Where is your house ? A I did live at 28 Minetta Lane.

Q At that time ? A Yes sir.

Q That is across the street from Dozier's ? A Yes sir.

Q How far away ? A About--it ain't half a block or anything like it.

Q About half a block ? A It isn't half a block.

Q You said a quarter of a block ? A Well, it was about as far as from here to over there where that gentleman is sitting, right there--that gentleman sitting in the chair.

About as far as from across the street, right across the street, just catecornered across the street.

- Q Catecornered across the street ? A Yes sir, you just have to go right across the street to go right to his house.
- Q Catecornered across the street ? A Yes sir, and No. 28-- right directly in the front of Dozier's house; you go from his house right like that, and right in front of his house I could see anything going on.
- Q You were in your house ? A Yes sir, looking out of the window.
- Q You saw Hooker throw down a fifty-cent piece ? A Yes sir.
- Q Now, just tell us again what Mr. Dozier said when he came out and found Hooker there ? A When Mr. Dozier came out the boys ran away, but Hooker stayed there, and Dozier said, "You boys must keep away from here." He says, "I want you to stop hanging around my door; I want you to get away from here," and Hooker says, "You old son of a bitch, I have as much right here as you have; I am not going to stop," and he would not go a step. Dozier pushed him away and when Dozier shoved him away then he fired a brick at Dozier. Dozier dodged it and Dozier slapped him.

Q Is that all that Mr. Dozier said to him at that time ?

A That is all Dozier said to him at that time.

Q What did Stephen say to Dozier ? A I told you he cursed him.

Q Tell me again ? A Well, I will tell you again. He called him a bald headed son of a bitch.

Q What else did he say ? A He told ~~xxxxxxx~~ him he had as much right standing there as he had, and he told him he would not get away from the door. Dozier then shoved him away.

Q That is all Stephen said to him ? A That is all he said at that time.

Q Did Dozier strike Stephen ? A After he fired a ~~xxxxx~~ piece of watermelon at him; he pushed him away first from his

door and then Hooker fired a brick at him. He dodged the brick like that, and when he dodged the brick he slapped him

Q Before you saw Stephen Hooker throw anything at Dozier at all ? A He pushed him away from the door.

Q Did Mr. Dozier strike Stephen Hooker ? A Before he threw anything after him, he just caught hold of him and pushed him away from the door. I saw that, and he didn't hit him at all; he just caught hold of him and pushed him; he pushed the boy away from the door. He didn't want to

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have no trouble with him, he told him that; he pushed the boy from the door, and he grabbed up a brick and fired it at his head; he dodged the brick, and when he dodged the brick he slapped him then and gave him another shove.

Q Did he give him a shove like that, using the same motion that you made there with your foot ? A Yes sir.

Q He kicked at him, you mean ? A Yes sir. He told him to get away; he didn't want him to bother him.

Q Where was Stephen when he threw the brick at Dozier that you tell about ? A Standing right in the middle of the street, of Minetta Lane, right in the middle of Minetta Lane.

Q About fifteen or twenty feet from Dozier ? A I didn't count the feet; I couldn't tell you.

Q Half way in the middle of the street, is that right ?

A Yes sir., right in the middle of the street he was, and Dozier on the sidewalk. You may guess from that how far he was away from him.

Q After Stephen threw the brick at Dozier then Dozier slapped him; is that so ? A Yes sir.

Q Did Dozier hit him ? A No sir, he only slapped him like that and shoved him away and kicked him like that; he didn't run after him at all, he catched at him like that,

kicked him and slapped him like that--Dozier shoved him so.

Q Stephen was out in the middle of the street ? A He didn't kick him from his door; I am talking about a matter of fact.

By the Court:

Q Where was the deceased man at the time he dodged the brick ?

A When he dodged the brick Delly was standing right in the middle of the street. Dozier went to him and kicked and slapped him, like that; he shoved him away and told him to go about his business. This was out in the street.

Q Where was the deceased man when the brick was thrown; was he in his doorway or on the sidewalk ? A He was on the sidewalk.

Q He dodged the brick ? A Yes sir.

By Mr. Pentecost:

Q Then he made for this man Hooker in the street ? A Yes sir. He came right out in the street. He didn't have to run, because the boy didn't run at all.

Q The boy stood there ? A Yes sir.

Q He came over and gave him a shove and kicked at him; is that it ? A Yes sir.

Q And told him to get away out of there ? A Yes sir, told him to get away out of there.

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Q What is the next thing that was done ? A He picked up a piece of watermelon and struck him in the face with the piece of watermelon. Then Dozier started to run after him around the avenue.

Q To run up to the avenue ? A Yes sir.

Q Now then, you understand when Hooker thrw the brick Dozier ran out in the middle of the street, gave him a slap and kicked him ? A Sure.

Q That is it ? A Yes sir.

Q That is what I wanted to get ? A Yes sir.

Q Now, Mrs. Wilkes, did you follow Mr. Dozier when he went into Sixth Avenue ? A No sir, I did not.

Q That is all you saw at that time ? A Yes sir, that is all I saw at that time.

Q What time was it in the afternoon that this happened ?

A When they started to run it was four o'clock.

Q In the afternoon--who was there when Dozier came out of the hall and began to talk to Hooker about being on the stoop--who else was there ? A Several people standing around, several of them, his daughter and several other people, standing around there.

Q Did you know any of the people that were there ? A I know some of them; I didn't pay much attention to the

people at all.

Q What was the names of some of the people you saw ? A I didn't pay much attention only to the boy; I seen him.

Q You commenced by stating his daughter was there ? A Yes sir.

Q Do you know the name of anybody else ? A I didn't notice anybody else, only the boys and some men in the company of Mr. Lewis. Mr. Lewis was in the company with him at that time, and this other man named--

Q There was a Mr. Lewis ? A Yes sir.

Q Do you recollect who else ? A Some one else; I cannot remember the names.

Q Some one else you can't remember the name of ? A Yes sir.

Q About how many altogether ? A I think I saw two or three standing around; I didn't pay any attention to the people; I didn't pay much attention to the boy.

Q Where was Toussaint Vogelsang, Mrs. Pell and Hooker standing when you heard this conversation ? A They were standing right opposite Dozier's house, right across from his house, on the other side of the street.

Q Do you remember the number of the house right opposite Mr. Dozier's house ? A Yes sir.

Q What is the number of it ? A 24.

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- Q They were standing right in front of No. 24 ? A Right on the edge of the sidewalk like this, they were standing the three of them.
- Q In front of No. 24 ? A Yes sir.
- Q Opposite Dozier's house ? A Yes sir.
- Q What time was that ? A That was about halfpast seven, as near as I can guess.
- Q How do you know it was half past seven ? A Because I went around the street and into No. 38 to get a slip and that is how I know it was half past seven.
- Q What do you mean by getting a slip ? A A policy slip.
- Q You had been to a policy shop is that it ? A Yes sir.
- Q You know by that it was half past seven ? A Yes sir, because I saw the clock.
- Q Where ? A In the policy shop.
- Q That is the way you locate the time ? A Yes sir, there are lots of people do the same thing; her husband writes policy.
- Q Now, Mrs. Wilkes, how did you come into Minetta Lane after you left the policy shop; did you come in from Sixth Avenue?
- A I came right in from Sixth Avenue, yes sir.
- Q Who else did you see in Minetta Lane at that time ? A I saw people passing up and down.

- Q Who else did you see in Minetta Lane at the time you saw those three talking together ? A I didn't see anybody.
- Q That you knew ? A I didn't see anybody that I know particularly; I only saw people passing up and down.
- Q Many people ? A No sir, just people passing up and down.
- Q They were standing on the curbstone ? A Yes sir.
- Q Do you remember how they were standing in relation to each other ? A They were all standing in a bunch together.
- Q Tell us how they ~~xxxxx~~ were bunched; where was Mrs. Pell standing ? Standing on the sidewalk, and these two were standing like that in front of her.
- Q Which way was Mrs. Pell looking ? A She was looking this way, right direct this way.
- Q Looking at whom ? A Looking over that way when I seen her.
- Q Was she looking towards the house or towards the street ? A She was looking towards Dozier's house.
- Q Her back was towards No. 24 ? A Yes sir.
- Q And her face towards Dozier's house ? A Yes sir.
- Q How was Toussaint standing ? A Right in front of them. The two boys were standing right side by side to each other.
- Q With their backs to Dozier's house ? A Yes sir, and she

had her face to Dozier's house.

Q What are the names of those two ? A Hooker and Toussaint Vogelsang.

Q Now, Mrs Wilkes, did you stop right by them ? A Right opposite to them, like that, with my back turned like that and I had my face like that.

Q Did any one of them see you ? A I didn't see them at all; I just turned like that and seen the faces and heard what they were saying.

Q Were you between them and the houses ? A I was like like that standing, and of course the house must have been there; the house didn't walk away. I stood there on the sidewalk.

Q You were between them and No. 24 ? A I was standing right alongside of them; I was standing just in this way.

Q Within hearing distance ? A Yes sir.

By the Court:

Q You heard this conversation ? A Yes sir.

Q Mrs. Pell had her back to No. 24 ? A Yes sir.

Q She was on the edge of the sidewalk or near the edge ?

A Yes sir.

Q The defendant and Vogelsang were standing in the street ?

A Yes sir.

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Q. Facing Mrs. Pell ? A Yes sir.

Q When you heard this conversation ? A Yes sir.

Q Were you near to 24 or were you at the edge of the sidewalk?

A. I was right on the edge of the sidewalk; I walked right over on the edge and heard her curse Mr. Dozier.

Q You were on the edge of this sidewalk ? A Yes sir.

Q Did you stand there ? A Yes sir, I stood there until I walked away.

Q About how close were you to Mrs. Pell ? A Well, I was about from here to this gentleman.

Q To that gentleman there, the stenographer ? A Yes sir, just as near as that gentleman sitting there.

Q Were you standing facing Mrs. Pell, or were you standing side face ? A Standing side face.

Q That is what you said ? A Yes sir.

Q Facing her side ? A Yes sir, I stood facing like that.

Q Her side would be towards you ? A Yes sir.

Q You stood in that way ? A Yes sir.

By Mr Pentecost:

Q How long did you stand there ? A I stood there about five or ten minutes.

Q You heard them talking all the time ? A Yes sir, I heard them talking all the time, what they were going to do.

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- Q What did you do after that ? A I went up to No. 16.
- Q 16 what ? A Minetta Lane.
- Q Who lived there ? A Mrs. Johnson.
- Q Now, Mrs. Wilkes, did you go and tell Mr. Dozier after you heard this conspiracy to injure him, did you go and tell him what you heard ? A No sir, I didn't have time; I didn't think the case was going to be as serious as it was.
- Q You didn't go and tell him ? A No sir, I went on to do my errand at No. 16, and before I got back to Mr. Dozier's the deed was done. I had no chance to go to Mr. Dozier and tell him anything.
- Q You could not step across the street ? A Yes sir, I could have if I thought the case was going to be serious, but there was never anything in my mind that that child would hurt him.
- Q It didn't impress you as though anything serious was going to happen ? A No sir, certainly if I thought I would have told, but I thought Mr. Dozier being a stout, ~~man~~ big man ~~xx~~ and an old man, I didn't think the boy could get away with him.
- Q You just passed on ? A Yes sir.
- Q Did you tell Mrs. Johnson what you heard them say ? A Mrs. Johnson wasn't home.

- Q Did you tell anybody ? A I did'nt tell anybody but the officer after it was done I told the officer.
- Q But before it was done did you tell anybody ? A No sir, I only said--I did not explain myself at all.
- Q Whom did you see after you heard this conversation before you saw Mr. Dozier ? A I saw a whole crowd of people.
- Q Did you see anybody to speak to ? A No sir.
- Q Any of your friends ? A No sir, I did not, only about seven o'clock, not many people ~~xxxx~~ around.
- Q Did you see anybody in that crowd that you knew ? A Oh, my Lord, yes, plenty of people.
- Q You knew pretty much everybody on the street there, didn't you ? A Around my neighborhood. I have been around there about thirteen years and ought to know everybody in the neighborhood.
- Q Where do you work, Mrs. Wilkes ? A No. 356 Broadway I have been working.
- Q What do you do down there ? A Scrub a music store.
- Q Do you work there every day in the week ? A Not now, I don't work at all; I don't do anything.
- Q When did you stop working there ? A About four weeks ago. My husband is supporting me and taking care of me, and I don't have to work unless I want to.

Q Is your husband in town ? A He is working down on the dock now.

Q When you did work in this music store did you work all the week ? A No sir, I only worked two days in the week there, and two days over in Brooklyn.

Q What days did you work in the music store ? A Thursday and Friday.

Q Were you working there last August ? A Yes sir, I guess I was.

Q You guess you were ? A I know I was.

Q Are you sure ? A Yes sir.

Q Did you work there the next day after this happened ?

A No sir, not the next day after that I worked there.

Q The next Friday ? A Yes sir.

Q What day was this that this happened, do you remember ?

A A Wednesday I think, Tuesday or Wednesday, I don't know which; I am not smart telling you numbers because I cannot read and you must excuse me.

Q Did you go to work the next day after this happened ? A I told you no sir, I didn't. You asked me if I went the next week.

Q Was your husband at home last August ? A Yes sir, my husband was.

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- Q Has he been home ever since ? A Yes sir.
- Q Has your husband been away from home lately at all ? A He was away from me once for four months, if that is what you are getting at. There is no disgrace about it; I worked for my living while he was away.
- Q Was he away all last winter ? A No sir.
- Q Was he home all last winter ? A Yes sir, he was.
- Q Now, Mrs. Wilkes, how long have you lived in New York City ?
A I lived in New York City twelve or thirteen years.
- Q Where did you live before you came here ? A In Philadelphia and in Maryland, where I was born.
- Q How long have you been married to this present husband ?
A Five years.
- Q What was your name before you were married to him ? A Barbara Hayes.
- Q What was your name before your name was Barabra Hayes ?
A Thomas.
- Q Were you ever known by the name of Barabra Miner ? A Yes sir, I was married three times, lawfully married.
- Q When did you marry a man by the name of Miner ? A In Philadelphia.
- Q How long ago was that ? A I don't know; about eight or nine years ago; longer than that, ten or twelve years ago.

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Q Was Miner your husband just before Wilkes ? A No sir, Miner wasn't my husband just before Wilkes; he was my husband next to Wilkes.

By the Court:

Q What was the name of your first husband ? A Hayes.

Q Mr. Hayes ? A Yes sir.

Q What was the name of the second ? A Miner.

Q What was the name of the third ? A Wilkes.

Q Is that right ? A Yes sir.

By Mr. Pentecost:

Q Now, when you lived in Philadelphia , Mrs. Wilkes, were you living with your husband Mr. Miner ? A I lived with him, yes sir, certainly.

Q Did you live with him right along ? A No sir, I did not.

Q Did he support you ? A Yes sir, he did when he was living with me.

Q You kept an establishment of your own in Philadelphia ? A. I did, yes sir. Before I was married.

Q What kind of an establishment was it ? A Well, I kept a place of that sort; you ought to know what kind of an establishment it was; you may guess at it.

Q How long did you keep that establishment ? A I could not tell you exactly how long. I didn't put it down the time

at all and I could not tell you.

Q You mean you kept a house of prostitution ? A Yes sir, I did, in my single days.

Q And a badger house ? A No sir, I didn't keep no badger house.

Q Was it in Lisbon Street, Philadelphia ? A I never lived in Lisbon Street in my life.

Q Was it Hurst Street ? A I never lived in Hurst Street in my life.

Q Was it in Middle Alley ? A Yes sir, Seventh Street and Middle Alley.

Q Were not men frequently robbed in your house that you kept in Philadelphia ? A No sir.

Q In Philadelphia on August 7th, 1883, weren't you convicted and sent to prison by Judge Biddle for thirty days for an assault and battery on a man and for robbing him ? A No sir, I never was sent to prison for robbery in my lifetime. No sir, I never was; I was arrested for assault and battery but no robbery at all.

Q Were you convicted ? A I got one month in Moyamensing Prison.

Q You were convicted ? A I don't know what you call that.

Q You couldn't very well be sent unless you were convicted ?

A No sir; Moyamensing Prison, one month.

Q You were arrested by Officer Carroll ? A I don't know who he was.

Q Didn't you assault a woman in Middle Alley in Philadelphia Named Black Maria and knock nearly all her teeth out of her head ? A No sir, she never had no teeth in her head as long as I know her.

Q You know Black Maria don't you ? A No sir, I know nobody in Philadelphia in my lifetime named Black Maria.

Q You know she didn't have any teeth in her head ? A I know the woman you refer to had no teeth in her head.

Q What was he name; tell us what her name was ? A Mary, Black Mary; that is what you are trying to get at; that is what she was called.

Q Is that what you were sent to Moyamensing Prison for ? A No sir.

Q That was another ? A No sir, I never was arrested at all.

Q You left Philadelphia on account of that assault on Black Mary ? A Yes sir.

Q You heard that a warrant was out and in the hands of Officer Butler and you left Philadelphia, didn't you ? A I didn't hear a warrant was out at all. I went away from Philadelphia because I was going to come away anyhow. She struck

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me and I struck her back.

Q Then you left Philadelphia ? A Yes sir, I came away.

I gave her a good beating and I came away sure.

Q You did give her a good beating ? A Yes sir, I did indeed I tell you the truth. You asked me for the truth and I am going to tell you the truth; no matter how serious it is it makes no difference.

Q You used to keep the same kind of a house in Greene Street four or five years ago ? A I kept a house in Greene Street before I was married, but since I got married nobody can't say anything against me.

Q How long did you keep that house ~~xxxx~~ in Greene Street ? A Seven or eight years ago.

Q In Greene Street your house got to be so bad that they put an officer at the front door ? A I don't say that, no sir. My house was no different from any other; there was nothing but fast houses there. I didn't keep only but one room in Greene Street, that is all. Other women had whole houses. You asked me the truth and I will answer it. I didn't have any house, I had but one room, and there were women doing business right up and down and the officer was there. There was no policeman in front of my house no more than the rest of them.

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Q Will you let me finish my question and you can answer it.
Didn't they have to put an officer in front of your house
for the purpose of warning all men from entering there ?

A No sir.

Q And for that reason didn't you give up your house and
move away ? A No sir, I never had a house in Greene
Street, in my life.

By the Court:

Q You did live in Greene Street ? A Yes sir.

Q What number in Greene Street ? A No. 178.

Q You had one room in that house ? A Yes sir.

Q The whole house was occupied as a bed house ? A Yes sir.

Q There was an officer in front of that house ? A Yes sir,
in front of every house along there.

Q To warn people not to go in ? A Yes sir. There was an
officer stationed there.

By Mr. Pentecost:

Q Have you ever been convicted in this town ~~xxxx~~ of any
offense at all ? A No sir.

Q Have you ever been fined ? A Certainly.

Q What were you fined for and how many times ? A I was fined
for drinking and I was fined they say for soliciting,
which I never did in my lifetime; I never solicited in New

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York.

Q You have been fined for it ? A Yes sir.

Q For anything else ? A That is all I remember; that is all I know of.

Q Let me try to refresh your memory. Do you remember when Officer Thomas Dolan arrested you and you resisted arrest, and he called Officer O'Hara to take you in and you were fined for resisting arrest on the part of those two officers ? A No sir, I don't remember that at all; that I could not tell you; I don't remember it.

Q You kept a place at 172 Thompson Street, didn't you ?

A I kept a basement there; I lived in a basement there.

Q And up at 174 Thompson Street ? A I was taking care of the basement at 182; I was taking care of that for a woman called Jule Taylor; I was taking care of it for her.

Q At 174 Thompson Street ? A I had a room in that house.

Q And at 176 Thompson Street ? A I don't know anything about that; I had no place in 176.

Q No place in 176 ? A A No sir.

Q How long did you live in Thompson Street ? A About eight or nine years ago.

Q You know Jule Taylor; you said you lived with her ? A I did not say she lived with me; I said I kept a basement for

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Jule Taylor at 172 Thompson Street.

Q At that time, as I understand it, you were living at 174 Thompson Street ? A Yes sir.

Q And you had charge of Jule Taylor's place ? A Yes sir.

Q You kept her furniture, didn't you, and when Jule Taylor wanted her furniture you wouldn't give it to her ? A No sir, you don't know nothing about it.

Q Didn't Jule Taylor have to go to law with you ? A Don't you think I am so green as that. When Jule got cut and got convicted in this court for cutting a woman for four years, and Mrs. Hamilton was her prosecutor, and after she got cut in that basement she gave me the basement and everything that was in it and said she wouldn't be bothered with the basement any more and had no housekeeper to take care of it. She let me take care of the basement for her and as Mrs. Hamilton found out I was getting along so nicely in the basement she entered a suit against me or a claim against me up in the civil court, and said she wanted the furniture I had. She claimed all her furniture back which she had given me. Mr. Berlinger was my lawyer and he skint me out of thirty dollars; that is all I know about it. He used to come to Frank Carroll's and get my money.

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Q Now, Mrs. Wilkes, the upshot of the matter was that Jule Taylor got her furniture away from you? A. Yes, sir, she got it back.

Q She got it back? A. Yes, sir.

Q As a result of that suit? A. Yes, sir.

Q She got it back by going to law about it? A. Yes, sir. When you get a thing ---- if I take this coat off and give it to you have I a right to come back and take it away from you again?

Q When you left Thompson Street you moved to Minetta Lane?

A. Yes, sir.

Q You kept the same kind of a house there? A. No, sir, I did not. I never kept any place in Minetta Lane.

Q Did you live in such a place? A. No, sir.

Q What kind of a house did you live in at No. 2 Minetta Lane?

A. That was a decent house.

Q Then you moved to No. 23 Minetta Lane, didn't you? A. Yes, sir.

Q What did you do there? A. I kept a restaurant there.

Q At No. 23 Minetta Lane? A. Yes, sir; I started to keep a house there, but I broke it up, I would not have it, and I opened a restaurant. I will tell you all so that nobody will have to tell it for me.

Q Didn't Capt. Brogan break it up? A. No, sir, Capt. Brogan

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don't know me.

The Court: You have got the fact that you started a place there?

The Witness: I changed my mind and turned it into a restaurant; that is the truth.

Q Weren't you the janitress of some house there? A. Right there at No. 25 and No. 23 Minetta Lane.

Q They dispossessed you there, didn't you? A. No, sir.

Q They did not? A. No, sir, I never was dispossessed but once in my lifetime.

Q Didn't the agent turn you out of that place because you collected money and didn't turn it over to him for rents? A. No, sir, he did not; he wanted me to stay there; he pleaded with me to stay there, but the crowd in the yard was so rough that I could not stay there; the boys came in, drank beer, played music, danced, caroused and I could not sleep, so I got out of the yard.

Q The crowd was too rough for you? A. Yes, sir, too rough for me.

Q Didn't they have a gambling room in No. 23 Minetta Lane when you kept that place? A. No, sir.

The Court: Unless she kept the gambling room she is not responsible for it.

Q Did you keep a room at No. 23 Minetta Lane for gambling pur-

3 poses? A. No, sir. 12

Q You moved back then to No. 2 Minette Lane, didn't you?

A. Yes, sir.

Q Weren't you turned out of that house in about a month?

A. No, sir. Live in the house a second time and then be turned out?

Q Then you moved from there to the corner of 6th Avenue?

A. Yes, sir.

Q About where you live now? A. No, sir, I moved from there. I suppose I was turned out of there too, I moved out of there and now I am around at No. 27 in the rear, in 3rd Street.

Q At the corner of 6th Avenue you rented rooms to prostitutes, did you? A. No, sir, not in my lifetime, never. I never rented a room to a prostitute there in my life, no, sir.

Q Do you know a woman by the name of Rebecca Isaacs, a woman called "Butts" Isaacs? A. Yes, sir.

Q Is she a decent woman? A. I don't know what she is.

Q She is living with you now, isn't she? A. No, sir.

Q When did she leave you? A. That is my business. No, sir, I wouldn't tell you that, it ain't your business. I wouldn't do such business in my house, if I rented a room to her I don't know that she is a prostitute.

Q When did Mrs. Isaacs leave? A. She left about two or three weeks ago, she didn't do any business in my house; she rented a room for \$2.00 a week.

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Q She hired a room from you? A. Yes, sir.

Q You don't permit any prostitution to go on? A. No, sir.

Q She left you two weeks ago? A. Yes, sir, I put her out because she could not pay the rent.

Q How long did she live with you, Mrs. Wilkes? A. About two months I guess.

Q Were you and your husband fined for an assault you made on an old man about 80 years old named James King? A. He was no 80 years old; the old man committed an assault on my husband and I beat him; the Judge fined the whole three of us, he fined the old man, he fined my husband and he fined me; the old man beat my husband and was pounding him and I helped my husband and I pounded him good, I got him off my husband.

Q All three of you were fined? A. Yes, sir; one was as bad as the other and the whole three were fined.

Q You had your own head cracked once, didn't you, Mrs. Wilkes? A. I might have had it cracked ten times for all you know.

Q Did you ever receive any injury on your head? A. Yes, sir, by old Charles Fletcher, when I first came here to New York city. A woman took me in to a "free and easy" as a stranger, she took me in there and said it was a ball; she dressed me up and said she was going to take me to a ball; she took me in this rough place and I was standing on the floor when a man came up to me and asked me for a drink; I refused to give it

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te him and he struck me on the head with a loaded cane and broke my skull bone; he never served a day for it.

Q That was a very serious injury, wasn't it? A. Yes, sir, it was.

Q Were you laid up? A. Yes, sir.

Q In the hospital? A. No, sir, I never was in the hospital.

Q How long ago is that? A. Ten years ago, I guess.

Q Since that time you have been attending to your business and have been all right? A. Yes, sir.

Q That took place in a place called the "Black and Tan", didn't it? A. I will tell you where it took place.

Q The place was called the "Black and Tan", wasn't it? A. I don't know what you call it.

Q In Bleecker Street? A. I could not tell you.

Q Was a portion of your skull removed at that time? A. No, sir.

Q Don't you wear a plate? A. No, sir, I don't wear no plate.

Q At that spot? A. No, sir, I don't wear any plate at all.

Q You know what I mean by a plate in your head? A. Yes, sir, I understand very well, I am not ignorant.

Q Now, Mrs. Wilkes, you had some dealings with Toussaint Vogel-sang about a year and a half ago, didn't he move you from one place to another? A. He didn't move me; he helped me from 23 over to No. 2; he helped move my things around.

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Q Did you pay him for it? A. I did.

Q Didn't you have some words with Toussaint Vogelsang in regard to that moving business? A. No, sir, never in my lifetime did I ever have a cross word with that boy, not in my natural life, no, sir.

Q You have no bad feelings towards him? A. No, sir, not any more than, nor not half as much, as I have got against you.

Q Now, Mrs. Wilkes, have your relations with Mrs. Pell always been pleasant and agreeable? A. Always been very agreeable, we never had any words.

The Court admonished the jury, calling their attention to Section 415 of the Code of Criminal Procedure, and took a recess until 2.15 o'clock.

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AFTERNOON SESSION.

BARBARA WILKES, recalled for cross examination:

By Mr. Pentecost:

Q I want to call your attention to the facts in the case about the time that Julia Taylor was stabbed.

The Court: You are assuming something which is not proved; what facts ?

Q About five years ago Julia Taylor was stabbed by a woman named Sarah Bennett ? A. Don't know who she was stabbed by; I wasn't there and didn't see it.

Q Do you know whether or not Sarah Bennett was convicted for stabbing Julia Taylor ?

Objected to as immaterial and irrelevant.

The Court: It is utterly immaterial.

Q You remember the circumstance to which I refer about the stabbing of Julia Taylor ? A. I was not there when she was stabbed; I was in my bed when that happened and asleep.

Q Do you know that it happened ? A. Heard so; don't know anything about it.

Q Did not you at that time go to Martha Pell and try to get her to be a witness against Sarah Bennett ? A. No sir, I did not.

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Q Did you at or about that time have any conversation with Martha Pell about the stabbing of Julia Taylor? A. No sir, I did not.

Q And about the trial that followed? A. No sir.

Q Do I understand you to say that you never had any quarrel of any kind with Martha Pell? A. Never.

AM B R O S E J. D A V I S, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Osborne:

Q What is your business? A I am a carpet layer, and work for Mr. Jordan -- the New York Steam Carpet Cleaning Company; place of business 45th Street, 435, 437.

Q Do you remember the afternoon or evening of the 15th of August when a man named DoSer was hit? A. Yes sir.

Q Did you ever see the defendant? A. Never saw him until that time; I did see him that day.

Q Where was it you saw him? A. Arch's, No. 5 Sixth Avenue. I was in Arches No. 3; had just come along from towards Bleecker Street, and had started at No. 3. I had a carpet bag of my tools, a leather bag.

Q What time of day? A. I judge between 7 and 8.

Q A little nearer eight than seven? A. Somewhere in that

neighborhood; couldn't say positively.

- Q Did you see the man Doezer at that time ? A. I did.
- Q Where was he standing ? A. I can show you the position.
- Q About on Sixth Avenue ? A. He was leaning against Green's oyster stand, talking to Green.
- Q Where was Green standing ? A. Opposite 5 Sixth Avenue -- right opposite Minetta Lane -- across Sixth Avenue from Minetta Lane.
- Q He was leaning at the end of the stand ? A. Yes, talking to Mr. Green.
- Q Does that stand run north and south parallel to Sixth Avenue ? A. It runs with the avenue.
- Q Towards which end was he standing ? A. The end nearest to Bleecker Street, the down town end.
- Q ~~Was~~ On which side was he standing -- on the pavement or on the street ? A. What are you alluding to -- Mr. Doezer ?
- Q Yes ? A. He was standing towards the building line.
- Q He was talking to Green ? A. Yes sir.
- Q What did you see then ? A. My attention was drawn through Green's glass. They were talking there together and he is a man that laughs very loud. My attention was drawn on that account, I stood there looking on.
- Q How close ? A. I judge I was about four or five feet from

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from the stand-- may be more.

Q What did you see ? A. I saw a young man coming across the street.

Q The defendant, the young man ? A. Yes; I saw him come across the street with his arms hanging by him, alongside of him, down carelessly. I did not see him with anything until I saw him approach the stand. He was within from three to five feet of Doeser, and he had this brick in his hand and he struck this man on the side of the head. The blow was very great because it made a great sound, and the man gave a kind of turn, like that (indicating), to see what happened, and he got another brick in quick succession.

Q Two bricks ? A. Yes.

By the Court:

Q You mean two blows ? A. Yes sir; then I hollered "Oh, my God". I saw him running to make his escape and nobody went after him. I called myself and hollered "Catch him, catch him, murder, murder," and I ran across Sixth Avenue.

Q When Doeser was hit did he fall ? A. Yes sir.

Q Fell on the pavement ? A. Could not see the position, but he fell and I ran right after the young man.

By a Juryman:

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Q Did he fall ~~xxx~~ after the first brick hit him? A. No, he received the second brick before he fell. I chased this young man across Sixth Avenue through Third Street and up McDougal Street.

By the Court:

Q The defendant ran across Sixth Avenue to where? A. To Third Street.

Q What direction did he take then? A. Up Third to McDougal, that is running east. When he got to McDougal, up McDougal to Fourth and down Fourth Street to Sixth Avenue.

Q What happened there? A. There he was caught by the officer

By Mr. Osborne:

Q Officer Thompson? A. Couldn't say.

Q You saw the officer since you have been here? A. I saw him in the hands of the officer, couldn't say which one, and I hollered "That is the man" to the officer.

Q What was done with him then? A. He was taken over to Doeser's; any more I couldn't say.

By the Court:

Q Where do you live? A. 19 Sixth Avenue, at that time and now.

By Mr. Osborne:

Q Did you notice what he had in his hands when he came across

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the street ? A. No sir.

Q Did he stoop ? A. No sir.

Q He had the bricks in his hand ? A. Yes sir.

CROSS EXAMINATION by Mr. Pentecost:

Q Did you see the bricks in his hand ? A. No sir, I saw him fire them.

Q As he was crossing the street you did not see bricks in his hand ? A. No sir.

By the Court:

Q But you saw him throw the bricks ? A. Yes sir.

By Mr. Pentecost:

Q Did you see him all the time up to the time he threw the brick ? A. I did not see him until he got up on the curb, just when he stepped up on the curb.

Q Did you see him as he came across the street, or did you see him only as he stepped up on the curb ? A. I must tell the truth, I did see him crossing the street from the direction of Silverstein's, which is in the middle of the block on the avenue.

Q He did not come out of Minetta Lane ? A. No sir, not to my knowledge.

Q From the time you first saw him coming across the street did you watch him until he threw the brick -- all the time ?

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A. I happened to be looking that way and could not help but see him.

Q You said he did not stoop down ? A. I did not see him stoop no sir.

Q Did he pass out of your sight at any time so that he might have stooped down and you not see him ? A. No sir, not to my knowledge.

Q You watched him all the time ? A. Yes sir.

Q You know he did not stoop down ? A. To my knowledge I do, yes sir.

Q That stand was on the curbstone, wasn't it ? A. It was on the sidewalk near the curb; couldn't say exactly whether resting on the curb or not; but it was on the pavement.

Q Doeser the man who was struck was standing with his face towards the street ? A. No sir, he was standing with his face partly facing Bleecker Street, with his back partly up the avenue, with his side face.

Q With his back towards Green ? A. No sir, facing Green; he was at the end nearest Bleecker Street.

Q That is the south end of the stand ? A. I don't know what end it is, but that is the end he was standing by.

Q He was looking towards Bleecker Street --

The Court: It might be the north side of

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Bleecker Street, and south end of the stand.

Q Doeser was standing at the end towards Bleecker Street ?

A. Yes, partly facing Bleecker Street with his side face.

Q Where was Green, the keeper of the stand ? A. He was sitting behind the stand on the curb and the sidewalk in a chair I suppose.

Q In the middle of the stand or the other end of the stand ?

A. Couldn't positively say, sir.

Q Was Doeser talking to Green ? A. Yes sir.

Q You want us to understand that Doeser was talking to Green and that his face was more towards Bleecker Street than towards Green ? A. Yes, partly -- side face, up Sixth Avenue.

Q He was not looking at Green when he was talking ?

A. Could not swear to that.

Q Where did the boy come on the sidewalk ? A. On the upper end, the uptown end.

Q In the opposite direction from which Doeser was looking ?

A. Exactly.

Q How was Doeser standing in regard to this boy ? A. Do you wish me to show you?

Q You can say ? A. I could show you better than I could explain it.

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Q Was the side face towards him, the same as it was towards Green ? A. It was a side face; he could not see the man approaching him, I don't think.

Q This boy threw the brick at Doeser ? A. Yes.

Q How far was the distance he threw the brick ? A. I suppose from three to five feet.

Q How long was the stand ? A. I don't know, sir.

Q About ? A. Couldn't tell, never measured; it may be five feet long, but I cannot say positively.

Q He was above the stand when he threw the brick ? A. On the upper end of the stand three to five feet I judge.

Q You mean he was exactly at the upper end of the stand ? A. Yes, a little above the stand -- not at the end of the stand -- up the avenue.

Q The first brick hit Doeser but did not knock him down ? A. It hit him and didn't knock him down.

Q Did you see the effect on Doeser ? A. No sir; I saw him turn his head to see where it came from, and in quick succession he got the other brick.

Q And that brick hit him where ? A. Didn't see exactly where it hit him; but the first hit him here (indicating).

Q Where did the second hit him ? A. Couldn't say.

Q I understood you to say he hit him in the back of the head?

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A. No sir, nothing of the kind.

Q Did not you say that at the police court? A. No sir, I said the side of the head, not the back of the head.

Q Is this a correct report of what you said at the police court: "Q. Tell what you saw. A. I was standing at the end of the oyster stand a couple of feet from the defendant. He raised his hand and hit the old man with a brick in the back of the head first and then he repeated it in quick succession with another brick and then the old man fell."

A. I said the side of the head or back, I was not positive; but it was here (indicating) he was hit, couldn't say whether back here (indicating) or there (indicating), but I know he was hit here (indicating), whatever way you choose to call it; that is the way I said to the justice.

Q Do you remember whether there was a telegraph pole or, anything of that sort near the stand? A. No sir, there is no telegraph but a barber's pole.

Q You remember there is a big barber's pole? A. Yes sir.

Q That was right against the stand? A. Couldn't say, but it is somewhere in that location.

Q Might not this young man have stooped down after he got in a position where the stand was between you and him and you not see him? A. No sir, because the barber's pole was the

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opposite direction altogether from the stand.

Q The barber's pole was at the other end of the stand from where you were ? A. It was on the end of the stand towards Bleecker Street.

Q And the stand being between you and him, did not obstruct your vision at all ? A. Why, no, certainly not.

By Mr. Osborne:

Q As this boy was approaching did you hear anybody cry out anything ? A. No sir, couldn't say I did.

By a Juryman:

Q Does he live at the same place ?

The Court: I asked him where he lived and he said at 19 Sixth Avenue then and now.

Witness: Yes, half a block about -- not quite.

By Mr. Pentecost:

Q Was the stand in front of 5 or 7 Sixth Avenue ? A. In front of No. 5.

Q Are you sure ? A. Yes; Green was renting the basement of No. 5 at the time; rented the basement from Theodore Roesch; Roesch is a real estate man.

Q When you ran after this boy up the street did you have your bag of tools with you all the time ? A. No sir.

Q What did you do with them ? A. Left them in No. 3 Sixth

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Avenue.

- Q Did you go into No. 3 and leave your tools before you ran after the boy? A. I did; I didn't think it was necessary to report it to the court and I didn't do so. I always go in there and leave my tools. I came right out and was not in the place five or three minutes.

By the Court:

- Q You had left your tools inside of next door? A. Yes sir.

By Mr. Pentecost:

- Q I wanted to find out whether you had tools in your hand when you ran? A. No sir, did not.
- Q You cannot be mistaken that the stand is in front of No. 5? A. No sir.

W I N F I E L D S. G R E E N, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Osborne:

- Q You live at 25 MxDowning Street? A. I do.
- Q You keep an oyster stand on Sixth Avenue? A. I did keep one there, but not now.
- Q On the 15th of August last? A. Yes sir.

By the Court:

- Q Where was the stand? A. No. 5 Sixth Avenue, on the side-

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walk near Minetta Lane.

By Mr. Osborne:

Q About how long was the stand ? A. About five feet.

Q Do you remember the evening of the 15th of August John Doeser having a talk with you there ? A. Yes sir, a conversation.

By the Court:

Q You saw John Doeser on the 15th of August ? A. I did.

Q About what time ? A. About 7 o'clock he was there for quite a while.

Q How long was he there before anything happened ? A. About forty minutes -- thirty or forty minutes about.

By Mr. Osborne:

Q After he had been there as you say about forty minutes, what next happened ? A. During the time he was there him and I were in conversation.

By the Court:

Q You need not tell what was said; what was the first thing that happened ? A. The first thing that happened Rebecca Washington hollers that the boy was picking up a brick across the street. He said "He is not going to come over here" and I kept on preparing a supper for a gentleman and somebody hollered "Look out." When she hollered "Look out"

I jumped out into the street. When I jumped out into the street, I heard something get struck and thought a man or somebody said so. At that time I looked and saw Hooker running across the street. I holloed to Bris Bright "Run and catch him." At that time I said to Dave Talbot "For God's sake pick that man up." They picked up Doeser and then I didn't see anybody around only the women on the steps Mrs. Talbot was on the step until they brought the boy back. Somebody said to me "There is the brick," and I picked it up and held it in my hand. When Officer Perry brought the boy back I said "Here is the brick", and gave it to Barbara Wilkes.

Q Is that the brick (showing brick to witness) A. Yes, that is the brick.

Q Is that all you know? A. Yes sir.

Q How close did you see Hooker come to the stand? A I did not see him come.

Q About how far from the south end of the stand was Doeser?

A. He was within two feet of me, only he was in front of the stand, and I ran and took a can of peaches up preparing for supper.

Q How near to the south end? A. Within a foot or two of the end of the stand, and I was on the opposite end, on the

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side of the stand.

Q You were about the middle of the stand? A. No sir, near the end of the stand; Doeser was near the Bleecker Street end, and I was up at the other end.

Q You were standing? A. Yes; I was facing the house.

Q Facing No. 5 Sixth Avenue? A. Yes sir.

Q Your back about towards the avenue? A. Yes sir.

Q That would account for your not seeing anybody crossing?

A. Yes sir.

Q Did you see Ambrose Davis? A. He may have been at No. 3 stoop, but did not see him.

Q You saw Hooker running? A. I saw him running across the street.

Q When you say street you mean avenue? A. Yes, towards Third Street.

Q Did you see him after he got into Third Street? A. No sir, I lost sight of him, but the crowd followed him.

Q Did you hear anybody hollo out murder? A. No sir, not on the avenue; didn't hear anything; I lost sight of the whole thing.

Q How soon after this thing occurred did you pick up the brick? A. Right at the time the boy was running somebody halloed at me "Pat, there is the brick."

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Q Where did you find it ? A. Somebody had thrown it into the street, and as they said it, it caught my attention; it was thrown off the sidewalk out into the street and I picked it up myself. Nobody picked it up in the street.

Q Is that the only one you saw ? A. Yes sir.

By Mr. Osborne:

Q What people did you see present at your stand at the time of the casualty ? A. I saw Bristo Bright; Dave Talbot, Elizabeth Talbot and Rebecca Washington on the stoop.

CROSS EXAMINATION by Mr. Pentecost:

Q Were you in conversation with Doeser at the time ?
A. Yes sir.

Q Do you remember what his position was in regard to you ?
A. He was not looking at me exactly, but looking towards the avenue.

Q Did I understand you to say that Doeser had a warning that Stephen was coming across the avenue ? A. No sir; not a warning that he was coming across the avenue; that Hooker had gone down the avenue and picked up some brick. He had a warning twenty minutes before.

By the Court

Q Was there something said about Doeser saying "He is not coming over here" ? A. Doeser said that himself.

Q How long is that before this happened ? A. About twenty

minutes.

Q You didn't see the brick fired ? A. No sir.

Q You did not see the brick hit Dooser ? A. No sir.

By Mr. Pentecost:

Q You testified at the police court, didn't you, before Judge Hogan ? A. Yes.

Q When you testified at the police court you did not say anything about Rebecca Washington or anybody else saying that Stephen was picking up bricks down the street twenty minutes before ? A. The reason is the other examination was short and the justice heard part of my statement; it was supposed we were all to be called again to have a thorough examination, which I never had until I am here to-day.

Q All that part of the testimony is new. You never testified about that part of this story before to-day ? A. Not regarding Rebecca Washington, only about the ladies holloing I did that.

Q But the rest of it is new to-day ? A. No sir, it is not new to-day.

Q I mean the first time you testified to it ? A. Because I was never needed until to-day.

By the Court:

Q You were not asked to state anything more at that time ?

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A. No sir.

Q Did you ever tell anybody else what you saw that day ?

A. Any citizens?

Q Yes ? A. No sir.

By Mr. Pentecost:

Q This is the first time you ever told about Rebecca Washington ? A. I told the State's attorney, of course, when I made my statement to him.

By the Court:

Q You mean the District Attorney ? A. Yes sir.

By Mr. Pentecost:

Q You knew Doesser very well ? A. Yes, a personal friend.

By Mr. Osborne:

Qb I understood you to say that you had your back to the avenue

A. My back to Sixth Avenue.

Q And your stand is on the west side of the avenue ? A. Yes sir.

Q And that Doesser was on the opposite side of the stand from you ? A. Yes sir.

By the Court:

Q Do you know who picked up the brick ? A. Talbot was one of the gentlemen.

Q Were you nearby when he picked it up ? A. I was coming

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to my stand and I saw him.

Doeser

Q Did you notice him? A. Yes, saw a little blood coming from his mouth and nose in streams -- not much.

Q He was not bleeding while talking to you? A. No sir, he was perfectly healthy.

By Mr. Pentecost:

Q Do you know whether Doeser was hit with one or two bricks?

A. From the sound, it sounded as if it was two.

Q Did you hear two distinct sounds? A. Yes.

Q Did you see two bricks? A. No sir.

Q There were not two bricks picked up? A. I only found one.

Q How far apart were these two sounds? A. One rapidly after the other.

Q Could you imitate it with your hands, how quick they came?

A. I think I could, just like that (clapping his hands), and then again like that, with an oath. (Witness again claps his hands).

By the Court:

Q What kind of an oath? A. Couldn't say, it was something vulgar. I jumped out in the street and holloed.

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B R I S T O W B R I G H T, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Osborne:

- Q Where do you live ? A. No. 5 Sixth Avenue; am a long-shoreman.
- Q You remember the afternoon of the 15th of August when Doerer got hit ? A. Yes.
- Q Where were you standing ? A. Leaning up against the stand.
- Q What stand ? A. Green's stand.
- Q Were you on the side of the stand nearest the houses, on the side nearest the avenue ? A. On the side nearest the avenue.
- Q Did you see Doerer there ? A. I saw him when he came up, yes.
- Q Did you see him as he was standing there ? A. Yes.
- Q Hear him talking to Green -- laughing and talking to Green? A. Yes.
- Q Did you see this defendant over there ? A. No sir.
- Q Did not see him at all ? A. I saw him after he ran.
- Q Did you see him until he ran ? A. No sir.
- Q What did you hear before you saw him run ?

By the Court:

- Q You were at Green's stand ? A. Yes.

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Q What time was it when you got to Green's stand? A. About seven o'clock in the evening.

Q Was Doeser there when you came to the stand? A. No sir.

Q He came there afterwards? A. Yes sir.

Q He stood there talking to Green? A. Yes.

Q And you stood there also? A. Yes, I was leaning on the end of the stand.

Q Which end -- the end nearest Bleecker Street? A. The end nearest Bleecker Street.

Q Where was Doeser, which end was he on? A. On the other end, on the uptown end.

Q Where did Green stand? A. He was fixing up a supper for Bob Gray.

Q How long were you at the stand before you noticed there was any trouble? A. I guess I was standing at the stand for half an hour before I noticed anything.

Q What was the first thing you heard? A. I heard a woman hallo.

By Mr. Osborne:

Q What did you hear her hallo? A. She halloed "Look out, John, look out, John; I want you men catch that man; I want you men catch him."

Q After you heard her hallo there what did you ^{see} think? A. I

saw him run.

Q Did you hear anything like a hit ? A. No sir.

Q You saw Hooker run ? A. Yes.

Q What did the woman holler out ? A. She halloed "Catch him, catch him."

Q What did you do ? A. I ran towards Third Street after ~~Andrew~~ Ambrose Davis.

Q After the white man ? A. Yes.

Q There was a white man running too ? A. Yes, Ambrose Davis.

By the Court:

Q I want to go back again ~~to~~ with your permission. You heard a woman shout out "Look out, John"; is that all you heard her say then ? A. I heard her say "Look out John," and then heard her say "Catch him", and then I saw Hooker run.

Q In which direction did he run ? A. Towards Third Street across the avenue.

Q Did you follow him ? A. No sir; I guess it was two minutes before I ran.

Q You remained there about two minutes before you ran ?
A. Yes.

Q Then you ran ? A. Yes sir.

Q Did you come up with Hooker; did you catch him ? A. No sir

Q How far did you run ? A. I ran to Third Street and down

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to McDaugal and up Fourth Street. I saw Hooker until he got to Sixth Avenue and turned Fourth Street.

Q Did you see anybody else run then? A. No more than the white man who is Ambrose Davis; he kept up the chase.

Q You stopped and saw the defendant turn around Fourth Street?
A. No sir, I ran as far as Fourth Street and Sixth Avenue, and when I got there the policeman had him.

By Mr. Osborne:

Q Did you hear Davis hollo anything while running after him?

A. I heard him hollo murder while he was running after him.

Q That is all you know about it? A. Yes sir.

CROSS EXAMINATION by Mr. Pentecost:

Q Where did you say Doeser was standing? A. Uptown side of the stand.

Q Was not he standing at the south end, the same end as you were? A. No sir.

Q Were you leaning on the end of the stand as you stood there?
A. Yes.

Q And Doeser was five feet away from you? A. I guess the stand was as long as this desk; I was at the corner towards Bleecker Street.

Q Suppose that desk there is the stand and the end where you are now was the Bleecker Street end -- stand at the end of

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the desk and show us how you were standing ? A. I was standing in front like this, facing towards Bleecker Street (indicating).

Q Where was Doeser ? A. Up ^{at} that end of the stand, and I saw him talking with Green.

By a Jurymen:

Q You say you were at the stand facing Bleecker Street and Doeser was at the other end? A. Yes sir.

Q Did you see Doeser move from that end and go towards Bleecker Street at the time you were there ? A. No sir.

By Mr. Osborne:

Q You were facing Bleecker Street with your back turned to the upper end of the stand ? A. Yes.

L I Z Z I E T A L B O T, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Osborne:

Q Mrs. Talbot, you are a married woman ? A. Yes sir.

Q Living with your husband ? A. Yes, at 7 Sixth Avenue.

Q Do you remember the evening of the 15th of August when Doeser was hit ? A. Yes.

Q Where were you sitting at that time ? A. On my stoop at 7 Sixth Avenue.

- Q That was about what time ? A. About half past seven or eight o'clock.
- Q Did you see Stephen Hooker that day or afternoon ? A. That evening yes, at the time I mentioned.
- Q Did you see Doeser there? A. Yes.
- Q Where was Doeser ? A. Down in front of Green's stand.
- Q Which side of the stand did you notice Doeser on ? A. He was standing on the --

By the Court:

- Q Where is that stand ? A. No. 5, and my house is No. 7; that is the next house, and I was sitting on the stoop. The stand faced towards Minetta Lane.
- Q The end of ~~ix~~ the stand is where ? A. Near Bleecker Street.
- Q You were then on the end of the stand ? A. Nearest to Third Street.
- Q The stand was between Bleecker and Third Street ? A. Yes sir.

By Mr. Osborne:

- Q Doeser was on which end ? A. Nearest Bleecker Street.
- Q Did you see Stephen Hooker ? A. Yes sir.
- Q What did he do ? A. Saw him coming from Third Street.
- Q What did you hear ? A. Mrs. Washington holloed "Look out, John."

Q What did you see ? A. Stephen Hooker came across the street and threw bricks like that (indicating) with his hand; and when Mrs. Washington holloed "Look out, John" --

By the Court:

Q When you talk about street you mean avenue ? A. Yes sir.

By Mr. Osborne:

Q How near did Hooker get to John Doeser ? A. About three feet.

Q Did you see Hooker do anything ? A. Throw the brick.

Q Did you see where the brick hit ? A. It struck him on the side of the head.

Q What else did Hooker do after he threw one brick ?

A. He threw the other brick, but don't know whether it struck him or not.

Q What did John Doeser do ? A. Well, he fell on the ground.

By the Court:

Q Did he fall when struck with the first brick ? A. Yes sir, fell at the first blow.

By Mr. Osborne:

Q What did Hooker do ? A. He ran towards Third Street; heard Green and Washington cry out "There he goes, catch him."

Q Did you see Ambrose run after him ? A. I don't know who

it was but saw people running after him.

Q Did you hear people who ran after him say anything ?

A. No sir.

Q Did you see Doeser after that at any time ? A. No sir,
only when they took him home.

Q Did you see him at any time after that ? A. No more than
when they brought his body home the next night at his house.

Q Did you see in what direction Hooker ran ? A. Towards
Third Street.

Q Did you see where he ran ? A. No sir, couldn't see, re-
mained on my stoop.

By the Court:

Q How quick was the blow struck ? A. One right after the
other.

Q Indicate by clapping your hands ? A. (Witness claps her
hands twice in succession.)

Q Did you see Doeser afterwards ? A. No sir.

Q When the brick was thrown or either of them was thrown,
did you hear anything said by Hooker ? A. No sir.

CROSS EXAMINATION by Mr. Pentecost:

Q When you are sitting in your door No. 7 Sixth Avenue you
can see right up Minetta Lane, wan't you ? A. Yes sir.

Q You can see up as far as Doeser's house ? A. Yes sir.

Q Quite a little bit farther ? A. Yes sir.

Q You can see up where Mrs. Wilks lives, can't you ? A. No sir, Mrs. Wilks lives on the opposite side; I can see that far up looking up into Minetta Lane.

Q How long had you been sitting at your door that evening ?
A. I came outside about ten minutes.

Q Were you sitting down on the doorstep ? A. I was sitting down with a baby in my arms.

Q Did you sit down as soon as you got out ? A. Yes sir.

By the Court:

Q It was warm weather, wasn't it ? A. Yes sir.

By Mr. Pentecost:

Q Did you pay any attention to Minetta Lane ? A. No sir, I was looking at Green and Doeser talking.

Q Your attention was not drawn up to Minetta Lane at all ?
A. No sir.

Q Did you see anybody else standing at the stand but Doeser ?
A. Nobody but Doeser and Green was there at the stand.

Q Do you know Bristow Bright ? A. I am acquainted with him.

Q Was he there ? A. Couldn't say.

Q You didn't see him standing at the stand ? A. No sir.

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

DIRECT EXAMINATION by Mr. Osborne:

Q You are the daughter of John Doeser ? A. Yes sir.

Q And you live at 25 Minetta Lane ? A. Yes sir.

Q You lived there on the 15th of August ? A. Yes sir.

Q Do you remember the afternoon of the 15th of August ?
A. Yes sir.

Q About 4.30 or 4 ? A. Yes sir.

Q Did you see the defendant at that time ? A. Yes.

Q What was he doing ? A. He was shooting craps.

Q Who was with him ? A. Jackson and a number of other boys.

Q Did you see Stephen Hooker do anything ? A. Yes -- shoot craps.

Q What else did he do ? A. He kept rolling and pushing his head through my door.
you

Q Did ~~he~~ say something to your father then ? A. Yes.

Q Where was your father ? A. In the kitchen.

Q After you said something to your father did he do anything?
A. Yes, he went out on the street.

Q Did you see Hooker any other time that day ? A. Yes

Q About what time ? A. In the morning.

Q In the afternoon after that ? A. Yes, I saw him about

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6 o'clock.

Q Who was with him? A. Toussaint Boglestein at that time.

Q Any other person at that time? A. I saw him talking to Martha Pell; he was sitting on the milk wagon and Toussaint was standing down there and Martha Pell was there.

Q Did you hear him say anything? A. Martha Pell asked him why he allowed that man to hit him; he said because he couldn't ^{fight} help him.

Q Did you hear Martha Pell say anything else after that?

A. Yes, she told him, "Why didn't you take a knife"; he said he did not know how to use one; she told him to take a brickbat.

Q What else was said? A. She told him he knew how to use that.

By the Court;

Q What did he say to that? A. He didn't say nothing.

By Mr. Osborne:

Q Did you hear any other talk at that time? A. No sir.

Q That is all you heard? A. Yes sir.

By the Court:

Q What became of Boglestein, Martha Pell and this defendant after you heard them talking? A. Toussaint Boglestein went around the corner and Martha Pell went on the other

side of the walk, sitting on 26 stoop.

Q That is all the talk you heard at that time ? A. Yes sir.

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

By Mr. Osborne:

Q Did you see your father after that at any time ? A. Yes sir.

Q About how long after that ? A. I saw him when he came home; he said he saw Hooker around the corner.

Q I mean after you heard the talk ? A. My father was in the house laying down.

Q Did you see your father that afternoon ? A. Yes.

Q About what time ? A. About six o'clock.

By the Court:

Q After you heard the talk with Boglestein, Martha Pell and the defendant, when did you next see your father ? A. Did not see him after that; a gentleman came over and said Mr. Green wanted to see him.

Q What time was that ? A. I guess it was half past six o'clock. He got right up and went out.

Q You did not see him after that until they brought him back, did you ? A. No sir.

Q Were you in the house when he was brought back ? A. Yes sir.

Q You saw Hooker brought in ? A. Yes, and my father said he hit him with a brick. They locked him up that night.

By the Court:

Q What became of your father ? A. He went to the station-house; Mrs. Wilks helped him to the stationhouse.

By Mr. Osborne:

Q Mrs. Wilks was there too when the crowd came in with your father ? A. Yes sir, and Mary Dawson and Ned Thompson.

CROSS EXAMINATION by Mr. Pentecost:

Q Where were you when you saw the boys playing craps ?

A. Looking out of the window.

Q Who was with you ? A. In the window by myself.

Q Who was in the room with you ? A. Nobody.

Q What time was that about ? A. Four o'clock.

Q Was that the time the door was burst open at four o'clock in the afternoon ? A. Yes.

Q Did you see Della Hooker take hold of Jackson and push him through the door ? A. Yes.

Q Did Jackson fall in the room when he pushed him ?

A. No sir.

Q But you saw Jackson ? A. Yes sir.

Q Then you went out and told your father in the kitchen ?

A. Yes sir.

Q Did anybody go with you when you told your father ?

A. No sir.

Q When did you see Della and Toussaint and Martha Pell talking together ? A. About half-past six.

Q Where were you at that time ? A. I was looking out of the window.

Q Where were they ? A. Della was sitting on the milk wagon and Toussaint was standing by the milk wagon and Martha Pell.

Q Della was on the milk wagon and the other two were standing on the side of the wagon ? A. Yes sir.

Q Were they on the same side of the street you were on ? A. Yes sir.

Q You were sitting in your window ? A. Yes sir.

Q The window was open, of course, 'it being August ? A. Yes sir.

Q How far were they from you -- across the sidewalk ? A. Yes sir.

Q Was anybody else there ? A. No sir.

Q No one else around ? A. No sir.

Q What was it you heard them say ? A. Martha Pell asked Hooker why he let the other man hit him; he said because he could not fight him. She told him "Why didn't you take

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a knife?" He said he didn't know how to use a knife; she told him to take a brick, he knew how to use that.

Q That was all? A. Yes sir.

Q You did not see anyone else you know around them at the time? A. No sir.

By a Jurymen:

Q Did the defendant deny that he threw the brick? A. No sir, he didn't say anything.

By the Court:

Q When the policeman took him in your father asked you for a chair? A. Yes sir.

Q Was there anyone else there? A. Yes sir.

Q Who? A. I don't know who all was in the room, a great many. He said "That man hit me in the head with a brick; I want you to lock him up." The defendant did not say anything; I am sure of that.

By Mr. Pentecost:

Q Have you had any talk with Barbara Wilks about what you heard Foglestein -- A. No sir, not at all.

Q Have you been to the police court where the examination was made before Judge Hogan? A. Yes sir.

Q Who did you go there with? A. My uncle; Mrs. Wilks and Mrs. Washington.

Q How many times did you attend the police court ? A. I was there every day.

By the Court:

Q About how many days ? A. Three days.

By Mr. Pentecost:

Q Each time you went with your uncle, Mrs. Wilks and Miss Washington ? A. Yes sir.

Q Were you at the Coroner's office when the inquest was taken ? A. Yes sir.

Q Whom did you go with ? A. My mother, ~~Miss Brooks~~ Mrs. Wilks and Mrs. Washington.

Q You all went to the police court together and to the Coroner's office together ? A. Yes sir.

Q You have not had any conversation with Barbara Wilks at all upon that subject ? A. No sir.

Q Any words ? A. No sir.

Q Did you ever hear Barbara Wilks say she hear Touissant, Miss Pell and Della talking together ? A. No sir.

Re-Direct EXAMINATION by Mr. Osborne:

Q Did you hear the testimony in the police court, all of it ? A. Yes sir.

Q Did you hear what Mrs. Wilks said ? A. Yes sir.

By the Court:

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Q Could you hear everything that was said ? A. No sir.

By Mr. Osborne:

Q And you could not hear what was sworn to in the Coroner's court, could you ? A. Yes sir.

Q Were you close up in front ? A. No sir.

Q Did you hear all that Mrs. Wilkes swore to in the Coroner's court ? A. No sir.

By Mr. Pentecost:

Q Were you examined in the court ? A. No sir.

Q Were you examined in the Coroner's office ? A. No sir.

Q Was the room in which the Coroner's examination took place as large as this room ? A I don't think it was.

Q Was it half as large as you remember ? A. Yes sir.

Q How far back in the room did you sit ? A. I was in the back seat.

Q You heard Mrs. Wilkes testify before the Coroner ? A. Yes, sir.

Q Can you remember what you heard her testify to ? A. No sir.

Q Not a bit ? A. No sir.

Q You heard it ? A. Yes, but could not hear it plain; I was in the back of the room.

Q Don't remember anything she testified to at all ? A. No sir.

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

DIRECT EXAMINATION by Mr. Osborne:

- Q You are a married woman ? A. Yes sir, and I live at 7 Sixth Avenue.
- Q The same place as Mrs. Talbot does ? A. Yes sir.
- Q You live there with your husband ? A. Yes sir.
- Q You remember the afternoon of the 15th of August ?
- A. Yes sir.
- Q On that afternoon did you see John Doeser ? A. In the afternoon about four o'clock.
- Q Did you see Della Hooker at that time in the afternoon ?
- A. Yes sir.
- Q Where ? A. In Minetta Lane; they were on the street at that time in front of 25 Minetta Lane.
- Q Tell us what you saw ? A. I saw in the afternoon when Della Hooker had thrown the piece of watermelon in Doeser's face; I saw that in the afternoon, that is all I saw.
- Q Later than that did you see Della Hooker ? A. About half past seven or a quarter of eight I was sitting in the door with my child in my lap, and I saw Della Hooker come across the street -- Sixth Avenue.
- Q Before that did you see him ? A. About half an hour before

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that I saw him at the brick pile picking up two bricks.

By the Court:

Q Where was the brick pile? A. I live at No. 7; I guess it was a new building kind of around the corner about four doors from where I live -- the new building.

Q About what time was it you saw him pick up the bricks?

A. About quarter past seven.

Q Was there a pile of bricks on the same side of the street you were on? A. Yes sir, only off the sidewalk -- on the avenue.

Q After he picked up the two bricks what did he do?

A. He went up Minetta Lane.

Q When did you next see him? A. About half an hour afterwards.

By Mr. Osborne:

Q What did you see him doing? A. As I was sitting in the door with my child I happened to look up and saw him come across Sixth Avenue; he came this way (indicating); as he got about three feet from where Doerer was standing talking to Green, at the oyster stand --

Q On which side was Green? A. Mr. Green was on the street side and Doerer was on the sidewalk. Della got about three feet off, just stepped on the curb. I said, "Look out,

John". As I said that he threw the brick and struck him alongside the head. He reeled and fell, Doeser did. He threw another brick, and that caught him about the side here (indicating).

Q Then what? A. Then I went over to Doeser, and I said "John, can you get up?" He did not answer.

Q What did you see the defendant do? A. Ran -- after he threw the brick. After I said "Why don't you go and catch that man?" then I saw this Ambrose Davis.

By the Court:

Q You saw him throw the brick after you said "John, look out"? Is that right? A. Yes. As I said "John, look out", he threw the brick.

Q Then you saw Doeser -- what did he do? A. He threw his hands up in his face.

Q Turned around? A. No sir, only his hat blew off his head, and he fell. Then Doeser was down on the ground when the other brick was thrown, and then the defendant ran. He ran across the avenue towards Third Street and then I lost sight of him.

Q Did you then speak to Doeser? A. I went over to him and spoke.

Q When you went over where was Doeser? A. Laying on the

ground.

Q Did you speak to him? A. I said "John, can you get up?"
He never answered me.

Q What next did you see? A. I saw nothing only they helped
him across the street. I saw somebody lift him up.

Q Who was it lifted him up? A. I think Mr. Talbot was one
person and the other couldn't tell, there was such a crowd--
couldn't tell exactly.

Q When you went over and stooped down to speak to him you
said "John, get up"; did you notice anything about his face?
A. I noticed his jaw was turned kind of sideways and his
hat was off; didn't notice blood.

Q And the last you saw of defendant was when he got in Third
Street? A. Yes sir; they took the dead man across to
his house. I did not follow him.

By Mr. Osborne:

Q Did you notice the men run after Hooker? A. After Hooker
I saw Ambrose Davis and Bristow Bright; that is all I am
acquainted with.

Q Did you notice Doeser's head -- notice any blood about it?
A. No sir, only as he lay there before they picked him up
there was about three drops of blood came out of his ear.

Q After Doeser was taken home did you see him at any time?

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A. No sir.

Q Did you see him in the hospital? A. No sir.

Q You saw him after he was dead? A. After he was dead, that was the next day, after they brought him home.

Q Did you see Hooker after they started to run after him at all? A. No sir. I saw him when they were chasing him on the other side of the street; they said "There he goes" with the officer."

CROSS EXAMINATION by Mr. Pentecost:

Q What direction did Hooker come from when you saw him come across the street with his arms like that (indicating)?

A. As I said before, I had the child in my arms, and I saw him coming across -- as he stepped on the curb. It looked as though he came across Sixth Avenue.

Q Did he come out of Minetta Lane? A. I did not notice whether he came out of Minetta Lane when he struck the man. He could not have come directly across from Minetta Lane, because he came on this side from Dooser, and Minetta Lane is this side (indicating).

Q Minetta Lane is directly opposite? A. Yes sir, opposite No. 5.

By the Court:

Q And the oyster stand was where? A. In front of No. 7,

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and that is where I live.

By Mr. Pentecost:

Q Mr. Green kept some of his stock in the cellar? A. Yes, I believe he did; the cellar is under No. 5, and the stand is more in front of No. 7. There is a barber's pole in front of the cellar where Green kept his stuff.

Q You testified in the police court before Judge Hogan at the time the examinations were had? A. Yes sir.

Q You did not say anything about seeing Hooker pick up two bricks from a brick pile then, did you? A. No sir.

Q Did you ever see Hooker pick up two bricks from a brick pile? A. Yes, that evening, as he went up the lane. That was before he struck Dooser; I saw him pick up two bricks.

Q You did not tell that in the police court? A. No sir.

Q Did you tell that in your examination before the Coroner? A. Yes sir.

By the Court:

Q You were examined before the Coroner? A. Yes sir.

Mr. Pentecost: We have the stenographic notes of the Coroner's inquest.

Mr. Osborne: She never told me about it until this day.

Q Are you sure that you testified about seeing Della pick up those two bricks when you testified before the Coroner ?

A. I am positive I did.

By the Court:

Q Do you know where the Coroner's office is ? A. I know -- over there (indicating).

Q Where is it ? A. The Coroner's office is opposite the Court House.

Q You saw the bricks ? A. Yes sir.

Q Sure about that ? A. Yes sir.

By Mr. Pentecost:

Q ~~You~~ testified at the police court or before the Coroner that you saw Della throw two bricks at Doeser ? A. Yes sir.

Q Is not this what you testified to before the Coroner "Q. Were you in the neighborhood when this affray took place?

A. I was sitting in the door nursing my child and Doeser was standing in front of the stand talking to Green. I saw this Hooker come across the street and when he got on the curbstone he fired this brick, and it struck young Doeser on the left side of the head. He fell; before I could say "Look out, John" he had fallen." -- Is that right ?

A. Yes sir.

Q "Q. You saw Hooker throw the bricks ? A. Yes." That is

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correct, is it ? A. Yes sir.

Q Did you say anything about two bricks when you testified before the Coroner ?

Objected to as ~~unfair~~. improper.

By the Court:

Q Did you say before the Coroner that you saw him with two bricks ? A. I said the first brick struck him in the head, and when the second brick was fired it struck him in the side.

By Mr. Pentecost:

Q You said that before the Coroner ? A. I am positive I did. But whether I said to the Coroner he took the two bricks out of the pile, I am not positive I told him that.

Q Tell us how long you were sitting in your door that evening with your child ? A. Couldn't say exactly how long I was sitting there; it was warm weather.

Q Was it ten minutes or an hour ? A. I guess it was more than half an hour.

Q Before this thing took place, did you see anyone else at Green's stand ? A. I did not.

Q You saw Doeser talking to Green and nobody else ? A. That is all I saw at the time; I didn't see any other person.

Q Who was with you on the stoop ? A. Mrs. Talbot.

Q Standing in your doorway you can look up Minetta Lane quite a distance ? A. No sir.

Q Can't you see up Minetta Lane from your door ? A. No sir. I say if you go in front of No. 5 you can look up there quite a distance.

Q You can see some distance up there ? A. Yes sir.

Q You can see John Doerer's door from your house? A. No sir; cannot see his door but can see his house.

Q That blue door, you can see that from No. 7 ? A. Yes.

Q You can look up Minetta Lane as far as 25, can't you ? A. Yes.

Q Did you pay any attention to Minetta Lane during the time you were sitting there with your child ? A. No sir; I was not looking for nothing like that at all. It did not occur to my mind at all.

Q Was your attention attracted up Minetta Lane ten or fifteen minutes before that ? A. No sir.

By a Juryman:

Q You say you saw him pick up the bricks and fire ? A. Yes.

Q Where did he go after he fired that ? A. Up the lane, Minetta Lane.

By the Court:

Q This was half an hour before it happened ? A. Yes sir.

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

DIRECT EXAMINATION by Mr. Osborne:

- Q You are connected with what precinct? A. Fifteenth Precinct, Municipal force of this city.
- Q Do you know Stephen A. Hooker the defendant? A. Yes sir.
- Q How long have you known him? A. About five years, I guess.
- Q Did you have some talk with him some time before the 15th of August? A. About three weeks previous, I believe.
- Q Just state it?

Objected to.

The Court: If it is something immaterial to this case, it can be stricken out.

Mr. Osborne: It is something in relation to the deceased, and something to do with this matter.

The Court: Mr. Pentecost, suppose this man made a threat three weeks before the 15th of August to do some act of violence, that would be admissible wouldn't it? All I can say is this, that I cannot determine whether the conversation is material until I hear it, and then I will entertain a motion to strike it out if it is immaterial.

- Q State the conversation you had with defendant? A. He met

me in Bleecker Street, and he said "John Doeser is going to put you on to me". I said "What for?" he said "We have had some words." I was in a hurry to go to the barber's shop, and I said "I will see you again."

Mr. Pentecost: I move to strike out the conversation.

By the Court:

Q Is that all he said? A. Yes sir.

The Court: Strike it out. The jury will disregard what the officer stated.

By Mr. Osborne:

Q On the night in question, the 15th of August, state what you saw and what was done? A. I was on the post of McDougal Street, Minetta Lane and Minetta Street. I was coming down McDougal Street, and I saw the prisoner Hooker run through from Third Street and up McDougal Street -- running.

Q Was anybody running after him? A. There was a crowd some distance behind him running and he was running. He ran down through Fourth Street.

Q Where did he run? A. He ran up McDougal Street and then through Fourth Street. I ran after him.

Q Where did you start in on the chase? A. Ran to Sixth