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CASE

CASE # 40

0429

#1814

Court of General Sessions.

Part I.

----- X
)
 THE PEOPLE : Before Recorder Smythe
)
 vs :
) ad a Jury.
)
 Cornelius Sullivan. :
)
 ----- X

New York, November 28, 1893.

Appearances:

Assistant District Attorney Osborne for the People
 Mr Chanler for Defendant.

Assistant District Attorney Osborne opens the case
 for the People.

FRANK E. TOWLE JR. sworn and examined by Mr Osborne.

Q. Mr Towle, you are a City Surveyor? A. Yes sir.

Q You have been engaged in that business for some years?

A Yes sir.

Q Did you make a diagram of the saloon at the corner of
 Monroe, Market and Hamilton Streets, called Quinlan's
 Saloon? A. Yes sir.

Q Does that represent that saloon? (Showing Diagram)

A. Yes sir.

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Q And the entrance of the Hamilton, Monroe and Market Streets

A It correctly represents the building.

Q Does it correctly represent the entrance on the Hamilton,
Market and Monroe Streets side? A. Yes sir.

Q Does that correctly represent the entrance on the Hamil-
ton, Market and Monroe Streets side? A. Yes sir.

Q Does that correctly represent the place where the bar
counter was? A. Those dotted lines represent spots on
the floor of the store of from a quarter to an eighth of an
inch of dust and dirt which has been hardened by the water
etc. into a formation that shows distinctly where something
stood. The bar is no longer there.

By the Court.

Q. That square there represents the basis of what was supposed
to be a liquor store of a bar, is that it? A. Yes sir.

The Court:- Mark that square "Bar".

The District Attorney:- I offer that in evidence, your
Honor.

The Court:- Any objection?

CROSS EXAMINATION by Mr. Chandler.

Q Were all the bar fixtures removed? A. Everything was
taken out of the room.

Q The room was entirely vacant when you --- A. Entirely
vacant; yes sir.

Q Did you see anything on the Hamilton Street side near the door between the door and the window, which would represent the remains of a lunch counter, did you see anything of that

A No, sir; I did not.

Mr Chandler:- No objection to the diagram.

The Court:- That diagram is People's Exhibit No.1.

JOSEPH MANNING sworn and examined by Mr Osborne.

Q Doctor, you are a practicing Physician in this city?

A Yes sir.

Q Where are you engaged in practice? A. 75 Madison Strt.

Q Do you know the defendant Joseph Reagan? A Yes sir.

Q How long have you known him? A. About a year, I guess.

Q How long have you been engaged in the practice of Medicine in this City? A. Three and a half years.

Q A college graduate? A. Yes sir.

Q And of what college? A. College of Physicians & Surgeons

Q Were you called in to attend him on the evening of the first of July, 1893? A. Yes sir.

By the Court.

Q. Where were you called to, Doctor?

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A I think it was 40 Catherine Street; I am not sure about the number.

By Mr Osborne.

Q It was his mother's place? A. Yes sir; where he resided.

Q You there saw him did you? A. Yes sir.

Q Where was he lying there? A. He was confined to his bed.

Q. And did you make an examination of him? A. Yes sir.

Q Now will you tell the Jury what you found? A. I was called, I think it was about quarter to Eleven, or somewhere around there at night, and I found a young man in the bed unconscious and delirious, and he had his hands on his head; to the best of my belief I believe he was suffering from what we call fracture of the skull, and also haemorrhage in the brain; that is, a little vessel in the brain had burst, and some blood had made its way out onto the surface of the brain.

Q Now, did you examine to see whether he was paralyzed or not? A. He was not paralyzed, because he was very restless; he was not paralyzed.

Q But in your opinion you say he had a fracture of the skull, and was suffering from haemorrhage of the brain? A. Yes sir.

By the Court.

Q. Your examination was entirely superficial? A. Yes, sir, superficial.

Q Did you examine any part of this man's body excepting the

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head? A. All over the entire body.

Q The entire body? A. Yes sir.

Q Did you find any marks on any part of his body?

A No, sir; I did not.

Q Were there any marks on the body that you could observe?

A No, sir; none at all.

Q No marks? A. No sir.

Q Was there any bleeding from the nose, ^{or} ears ~~or mouth~~?

A No, sir; no blood from the nose, ears or mouth.

Q This man was senseless, you say? A. Yes sir.

Q Unconscious? A. Yes sir.

Q And he was delirious? A. Yes sir.

Q Your diagnosis of the case was based on a superficial examination? A. Yes sir.

Q And the actions of this man during the time that you observed him? A. Yes sir.

Q In your opinion he was then suffering from fracture of the skull, and haemorrhage of the brain? A. Yes sir.

Mr Chandler:- No questions.

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EDWARD G. TUFFS, sworn and examined by Mr.

Osborn:-

Q Dr. are you engaged in the practice of medicine in this city? A. Yes, sir.

Q Whereabouts? A. 30 Oliver Street.

Q You are a graduate of some medical school? A. Yes, sir.

Q Which? A. The University of New York, 1879.

Q You have been engaged in practice for some years? A. Since 1880 in New York.

Q Were you called in to examine Joseph Reagan on the second of July, 1893? A. Yes, sir.

Q About what time in the morning did you get there? A. About four o'clock.

Q And at 40 Catharine Street? A. Yes, sir.

Q Where did you find him lying when you got there? A. He was in bed.

Q Did you make an examination of him? A. I did.

By the Court:-

Q Doctor, you describe the condition you found this man in?
A. He was unconscious. On examining the head I found swelling on the left side of the head.

By District Attorney Osborne:-

Q Did you cut his hair? A. I did, I done that.

By the Court:-

6 Q You examined the head and cut the hair? A. I cut the

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hair and found swelling on the left side of the head above the ear.

Q Just indicate with your hand, let the Jury see? A. Right there, (showing)

Q Above the ear? A. Yes, sir.

Q Well, go on? A. There was no mark -- no external marks except the swelling.

Q No other external marks? A. Except bruises. There were no external marks except swelling; there was no cut or anything like that.

By District Attorney:-

Q What else did you discover? A. The right side was almost completely paralyzed; I could not get any reflex motion upon examination.

By the Court:-

Q From that you determined he was almost totally paralyzed on that side, is that right? A. Yes, sir.

By District Attorney:-

Q Did you notice the pupils of his eye? A. Yes, sir.

Q What did you find them to be? A. They were unequal.

Q What did that indicate? A. That indicated cerebral pressure.

Q One was dilated, and the other was contracted? A. Yes, sir, one was normal and one was dilated.

By the Court:-

- Q That indicated what? A. I thought cerebral pressure.
- Q What was your opinion? A. Cerebral pressure.
- Q That means pressure of blood on the brain, does it not?
- A. It might be something else.
- Q Pressure of some sort on the brain.
- Q Go on, anything else, what did else did you find doctor, during your examination? A. There was not much else.

By District Attorney:-

- Q Did you feel his pulse? A. I believe I did at the time, but I have not got the notes of it now, with me; there was nothing particular about the pulse at the time.

By the Court:-

- Q Was there anything else? A. No, except the swelling.
- Q You noticed the pupils of the eyes? A. Yes, sir.
- Q One was in a normal condition and the other was dilated?
- A. Yes, sir, the left one was dilated.
- Q After removing the hair from the head is that right, you discovered swelling? A. Yes, sir.
- Q What else? A. I made up my mind there was some cerebral pressure there.
- Q What did you base that opinion on? A? On the paralysis and the dilated pupil. I could not tell the character of

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the hemorrhage -- any kind of pressure would cause it.

Q Could you tell from the nature of that swelling what would be the cause that brought it about? A. No, sir.

Q Could you determine whether it was produced by external violence or not, that outside pressure in your opinion?

A. I should think it was caused by external violence.

By the Court:-

Q Must it not have been caused by external violence?

A. Yes, sir.

Q The pressure was from the inside? A. Certainly; he might have an artery ruptured.

Q Did you observe any depression of the skull? A. No, sir, not particularly, I could not tell what it was.

Q You did not observe any depression upon the skull?

A. No, sir; there was too much swelling on the outside.

Q Well, now that bruise on the side of the head, was that caused by external violence of some kind? A. I think so, yes, sir; I believe so to the best of my ability.

By District Attorney:-

Q I understand you to say in your opinion that swelling was produced by external violence?

The Court: He said so.

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WILLIAM SMITH, sworn and examined by Mr. Osborne:-

Q William, where do you live? A. 98 Hamilton Street.

Q Hamilton Street? A. Yes, sir.

Q Now, you are engaged in business in this city? A. Yes, sir.

By the Court:-

Q What do you work at? A. Express.

Q An express driver or what, do you work on an express wagon?

A. Me and another young fellow owns it.

By District Attorney:-

Q John Smith and you own the express wagon, do you?

A. Yes, sir.

Q You are engaged in business as an expressman? A. Yes, sir.

Q Do you remember Saturday afternoon, the first of July, 1893? A. Yes, sir.

Q Did you see Cornelius Sullivan that night, the defendant?

A. Yes, sir.

Q And did you see Joseph Reagan that night? A. Yes, sir.

Q And did you see Charles Cosgrove that night? A. Yes, sir.

Q Now, what time did you see them? A. Se Reagan?

Q Yes? A. I saw him about eight o'clock.

Q That is the first time you saw him? A. Yes, sir.

Q Who was with him at that time? A. Cosgrove.

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Q What did you see those two boys do? A. I saw them standing on the market Street side first and I saw this man talking to the officer.

Q You saw Cornelius Sullivan talking to the officer?

A. Yes, sir, and the officer went across the way and they came around again.

Q Then after Cornelius Sullivan talked to the officer the officer did something, did he? A. Yes, sir.

Q What did you see Reagan and Cosgrove do, if anything?

A. I did not see them do anything.

Q Did they go away? A. Yes, sir.

Q Where did they go? A. They went down Hamilton Street.

Q Down Hamilton Street? A. Yes, sir.

Q Then did they come back after that again at any time?

A. Yes, sir.

Q About how long after that? A. About half an hour.

Q Did they come back together? A. Yes, sir.

Q And what did they do then? A. They went into Sullivans on the Hamilton Street side.

Q Into whose saloon, Quinlan's? A. Quinlan's.

Q Sullivan, the defendant was the bar keeper in that saloon, was he? A. Yes, sir.

Q They went in you say, on the Hamilton Street side, through that door right here? (Pointing to the diagram) A. Yes, sir.

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By the Court:-

Q Is there more than one door on the Hamilton Street side?

A. No, sir.

By District Attorney:-

Q What did you see Reagan do? A. I did not see him do any -
thing.

Q Did he walk? A. He walked right in.

Q How far did he walk? A. He walked to the bar.

Q Leaning on the bar? A. Yes, sir (Objected to.)

By the Court:-

Q Eight o'clock you first saw the deceased and Gosgrove?

A. Yes, sir.

Q On what ^{where} corner were they standing? A. They were standing
around Market Street.

Q On the same side of the saloon or what? A. On the same
side of the saloon.

Q Near the saloon? A. Yes, sir.

Q Where was the officer did you say? A. The officer, he was
on the other side of the street.

Q On the opposite side? A. Yes, sir.

Q Then you say Cosgrove as I understand it crossed over?

A. The two of them crossed over together.

Q The two of them crossed over to where the officer was
standing? A. No, sir; they crossed away from the officer

to this man's saloon.

Q I am talking about the first time you saw them, you saw the deceased about eight o'clock, didn't you? A. Yes, sir.

Q You saw Reagan and Cosgrove together? A. Yes, sir.

Q Where were they at that time, please tell me that first time? A. They were right at this man's saloon the first time.

Q They were inside of the saloon were they? A. No, sir, outside.

Q On what street were they?

A. On Market Street.

Q On market street? A. Yes, sir.

Q Then what was the next thing that you saw? A. I saw the officer chase Reagan away.

Q I understood you to say that you saw them talking to the officer? A. This here man I saw him talking.

Q You saw the defendant speak to the officer? A. Yes, sir.

Q Did you cross the street to where the officer was speaking to him? A. Yes, sir.

Q Then Reagan and the other man, what became of them?

A. When he came up the officer went down Market Street, they came out and went in the Hamilton Street side and they went in to ask this man ---

Q We will start again, you say you saw those two men Cosgrove and Reagan? A. Yes, sir.

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- Q You saw them on the Hamilton Street sidewalk near the saloon? A. Yes, sir.
- Q Did you see Sullivan at that time? A. I saw him outside the door.
- Q You did see him, didn't you? A. Yes, sir.
- Q Outside of what door? A. The market Street door.
- Q How near was he to Reagan and Cosgrove? A. About four feet down towards Hamilton Street.
- Q Now at that time there was an officer on the other side of the street, was there? A. Yes, sir.
- Q Then I understood you to say you saw Sullivan cross over and speak to the officer? A. He came out of this door.
- Q Who came out? A. This gentleman.
- Q Sullivan came outside of the door, did he? A. Yes, sir.
- Q On the Hamilton Street side? A. No, sir, on the Market Street side.
- Q And then what did he do? A. He told --
- Q Did he go and speak to the officer? A. Yes, sir.
- Q Did he have to cross the street to do that? A. No, sir.
- Q Did he talk to the officer on the same side of the street? A. Yes, sir.
- Q What became of Reagan and Cosgrove, where did they go? A. Down through Hamilton Street.
- Q (By District Attorney) After Sullivan spoke to the officer

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what did the officer do? A. He gave Reagan a slap in the face.

Q What did Reagan and this boy do then? A. They went down through Hamilton Street.

Q And how long were they gone? A. They were gone about fifteen or twenty minutes.

Q And then what did they do? A. They came in the saloon.

Q They two came back, did they? A. Yes, sir.

Q What did they do? A. They went in to ask Mr. Sullivan --

Q Where did they go? A. They went down Hamilton Street and then came up Hamilton Street again, and they crossed over into this man's saloon.

Q Into Sullivan's saloon? A. Into Sullivan's.

Q Which door did they go in by? A. On the Hamilton Street side.

Q Did they both go in? A. Yes, sir.

Q How far into the saloon did Cosgrove go?

Objected to; objection overruled.

A. Cosgrove went half way.

Q That is half way between the Hamilton Street side and the bar? A. Yes, sir.

Q What did Reagan do? A. Reagan went up to the bar.

Q Where were you standing at that time? A. On the Market street side about three and a half feet inside of the

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saloon.

Q On the Market Street side? A. Yes, sir.

Q Could you see everything that was going on? A. Yes, sir,

Q Did you hear Reagan say anything to Sullivan? A. No, sir.

Q Not a thing? A. No, sir.

Q What did you see then? (No answer.)

By the Court:-

Q What was said or done then when you got into the saloon?

A. Mr. Sullivan told Reagan to get out, and he (Reagan) had not time to get out, he picked up a club from behind the bar and struck Reagan on the head.

By District Attorney:-

Q When he picked up the club did he walk up from behind the bar? A. Yes, sir.

Q Point to the Jury how he walked? (Showing diagram)

Show me where Reagan was standing, mark out on that diagram this is the Hamilton Street door? A. Reagan was standing right there.

Q By the bar? A. Yes, sir.

Q Put your finger where Reagan was standing, is that right?

A. Yes, sir.

Mr. Osborne: I mark that with an X.

Q Where was Sullivan standing when Reagan came and leaned on the bar? A. Right around here about, showing.

16 Q Right opposite him, right in front of him? A. Yes, sir.

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Mr. Osborne: I mark where Sullivan was standing by Y.

Q Where was Cosgrove? A. He was right between the Hamilton Street door and the bar.

Q About half way? A. Yes, sir.

Q Does that show where Cosgrove was standing? A. Yes, sir,

Q What did you see Sullivan do? A. I saw Sullivan pick up a Club and strike Reagan.

Q Did he strike him across the bar or walk from behind the bar? A. He walked from behind the bar to the Hamilton Street side .

Q ~~Riaxmatx~~ Don't the bar run along with Monroe Street?

A. Yes, sir.

Q The bar pointed toward Market Street? A. Yes, sir.

Q Did he walk around to where Reagan was standing? A. Yes, sir.

Q What did he do when he got around there? A. He struck Reagan on the head with a club and Reagan fell on the floor and Reagan picked himself up and he got as far as the ---

Q He fell on the floor? A. Yes, sir.

Q What part of the head did you see him hit him on? A. On the side of the head.

Q On the side of the head? A. Yes, sir.

Q And how long did Reagan lie there on the floor? A. He laid on the floor about two minutes or three minutes.

Following Miss Heron

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Q What was Sullivan doing that time ? A Sullivan ran to the door.

Q Did he run to the door immediately after he hit him ?

A Yes, sir.

Q What did he do ? A When Reagan went out he shut the door .

BY THE COURT:-

Q Reagan fell, did he ? A Yes, sir.

Q You say he lay there for two or three minutes ?

A Yes, sir.

Q Now, as soon as this man Sullivan struck Reagan on the head with the club, what did Sullivan next do ?

A He went behind the bar.

Q Then what did he do behind the bar ? A Then when Reagan went out he shut the door.

Q What did he behind the bar ? A I couldn't tell you that .

Q You could not tell ? A No, sir.

Q Did he come out from behind the bar again ? A Yes, sir.

Q What did he do ? A He shut the door after Reagan went out.

Q Reagan got up in the meanwhile, did he ? A Yes, sir.

Q Reagan got up and went out ? A Yes, sir.

Q This man came from behind the bar, Sullivan, and shut the door ? A Yes, sir.

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Q What door ? A The Hamilton Street side door .

BY MR. OSBORNE;-

Q Did he lock it ? A Yes, sir, he locked the door.

Q Just answer this question yes or no. Did Sullivan stand over Reagan for any length of time with the club in his hand ? A He stood right over his feet about a minute.

Q About a minute after he hit him ? A Yes, sir.

Q After Reagan went out did you go into the saloon ? A Yes sir.

Q What did you go in there to get ? A Reagan's hat.

Q Did you get it ? A Yes, sir.

Q Did you have any talk with Sullivan at all ? A Yes, sir

Q What did he say, and what did you say ? A He showed me a pistol and said, "I will take no bluffs on any of them".

Q What did you do with the hat ? A I gave that to the officer outside, Grimshaw.

CROSS-EXAMINED, BY MR. CHANLER:-

Q How long have you been in the express business, Smith ?

A Two or three months.

Q What business were you in before that ? A I worked in a blacksmith shop.

Q Who is this man you speak of, is he your partner, John Smith ? A Yes, sir.

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Q Is he your partner now ? A Yes, sir.

Q Has he been that right along for the last three months ?

A Yes, sir.

Q Have you been working steadily for the last three months in your express business ? A Yes, sir.

Q Never lost a day ? A Never lost a day, only while here.

Q Only while you were here ? A Yes, sir.

Q Were you taken to the Tombs, where this defendant was ?

Objected to; objection overruled.

BY THE COURT:-

Q Were you taken to the Tombs where the defendant was,-- Sullivan ? A No, sir.

BY MR. CHANLER:-

Q When you went into the saloon that night for the first time, how far in the saloon did you go ? A About three and a half feet.

Q How many other boys were around there that night ?

A That I couldn't tell you.

Q About how many ? A About 6 or 7.

Q How many girls ? A Three girls.

Q Did you belong to -- A I didn't belong to the gang.

Q I did not ask you if you belonged to a gang. What gang did you refer to, that you say that you did not belong to, Smith ? A I belong to no gang.

Q What was the gang ? A The Hamilton Street gang.

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Q You do not belong to that gang ? A No, sir.

Q That gang was known as the growler gang ? A I couldn't tell you that.

Q You only knew it as the Hamilton Street gang ? A That is all.

Q Do you know of the ~~gang~~ young gentlemen composing that gang ? A No, sir.

Q Do you know any of their names ? A Yes, sir.

Q Did you know Reagan ? A Yes, sir.

Q Did not he belong to the gang ?

Objected to.

A I don't know.

BY THE COURT:-

Q Did you know whether he belonged to that gang ?

A He didn't belong to that gang.

Q Anything else you want to say; did Reagan belong to that gang ? A Reagan did not belong to that gang, as I know.

BY MR. CHANLER:-

Q Who did belong to the gang that you knew ? A I couldn't tell you who belonged to it; I know fellows, they work all day and hang around there in the night; that is all I know about them.

Q How often did you see that gang, every night ? A No, sir, only on Saturday night

Q That was their meeting night, was not it ? A No, sir,

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they hang out on the corner.

Q Did you see any of the gang about this Saturday night ?

A No, sir.

Q How long had you known Reagan ? A About six months.

Q How long had you known Cosgrove ? A About a year.

Q Did you know that Cosgrove belonged to the gang ? A No, sir.

Q Did not know that ? A No, sir.

Q Did not see him go around with the gang at all ? A No, sir.

Q Did not see him with the gang there that night, did you, Smith ? A No, sir.

Q All the young men that were there that night were on their own business, apparently ? A Yes, sir.

Q How long did you wait near the door of that saloon that night, were you two hours ? A No, sir.

Q How long ? A You mean after Reagan got hit ?

Q No, the whole evening; how long were you outside of that saloon ? A I was there since half past seven to half past nine o'clock.

Q Two hours you were outside of the saloon ? A Yes, sir.

Q Were you there for the purpose of warning the young boys in case a policeman arrived ? A No, sir.

Q What were you doing there ? A I was sitting there

talking to a friend of mine.

Q Who was he ? A John Smith.

Q Is he your partner ? A Yes, sir.

Q You were sitting on the steps of the saloon ? A Yes, sir.

Q What time did you get there that evening, about seven o'clock ? A Yes, sir.

Q What time did this trouble occur, to the best of your knowledge ? A I couldn't say; I left I guess about half past nine; I didn't look at any clock, only just what I guessed.

Q How far were you from the policeman, when he told Reagan to go away ? A I was on the Hamilton Street side, about four feet down .

Q About four feet away from him ? A Yes, sir.

Q Did you hear anything ~~xxx~~ that the policeman said to Reagan at the time ? A No, sir.

Q Did you hear anything that Sullivan said to the policeman ? A No, sir.

Q What was the first thing Reagan said when he walked into the saloon the second time, the time that he was struck ? A He did not have time to say anything ?

Q He did not ? A No, sir.

Q How long was in there before he was struck ? A He was in there about three minutes.

Q He did not have time to say anything? A No, sir.

Q And did not say a word? A Not as I heard.

Q Where was Reagan standing when he was struck? A At the end of the bar, a little ways up from the end.

Q He was standing, what was his position so far as his hands and arms? A His arms were on the bar.

BY THE COURT:-

Q He was facing the bar, with his arms on the bar?

A Yes, sir.

BY MR. CHANLER:-

Q Did you say that Sullivan came from behind the bar while he was leaning against the bar? A Reagan went to turn towards Sullivan, and when Reagan turned towards Sullivan Sullivan struck him on the head, and Reagan fell on his back.

Q Sullivan was behind the bar? A No, sir, he came out from behind the bar.

Q Sullivan was behind the bar while Reagan was leaning up against the bar? A Yes, sir.

Q Sullivan was facing Reagan while Reagan was leaning up against the bar? A Yes, sir.

Q Then Sullivan came up and struck Reagan? A The two faces was together, when Sullivan came from behind the bar Reagan's face was towards the Catharine Street side looking down like Catharine Street as you would.

Q Did you see where Sullivan got the club from ? A He got it from behind the bar some place, but I couldn't tell you where.

Q Did you see him do anything with the club ? A No, sir.

Q Did not you see him point the club towards the door ?

A No, sir.

Q You swear to that ? A Yes, sir.

Q You were watching all the time ? A I was watching while I saw him getting hit on the head.

Q Reagan was struck while he was right close to the bar, you are sure of that ? A Yes, sir.

Q Reagan made no pass at Sullivan ? A No, sir.

Q Reagan said nothing at all ? A No, sir.

Q Do you recollect testifying before the Coroner ?

A Yes, sir.

Q That was a very few days after this row, was not it ?

A Yes, sir.

Q Did you see them have any conversation ? A No, sir.

Q Sure of that ? A I am sure of that.

Q Did you see them have any talk before Reagan was struck ?

A No, sir.

Q Do you remember testifying before the Coroner in answer to a question put by the District Attorney, Mr. Martine:

"Q What did he, Reagan, do ?"

BY THE COURT:- Do you recollect that question being put to you by the Coroner ?

BY MR. CHANLER:-

Q Do you recollect this question being put to you ?

"Q What did he do ?" (That is, what did Reagan do)

"A The officer called the bartender and the bartender said something to the officer, and the officer chased Reagan away, and when the officer went through Market Street Reagan came out and wanted to know what was the reason he put the officer on him". Do you remember making that answer ? A Yes, sir. Reagan wanted to know what was the reason that Sullivan put the officer on him.

Q And was this question put to you: "Q Reagan went in and wanted to know that and this man said, 'Get out'", do you remember that you testified to that ? A Yes, sir.

Q What was Cosgrove doing while this was going on ? A Nothing as I know of.

Q Where was he ? A He was inside.

Q Whereabouts inside ? A Half way in.

Q Half way in ? A Yes, sir.

Q Sure about that ? A Three and a half feet, about.

Q Did you have any conversation about where Cosgrove was

standing with anybody before you testified in this case ?

A No, sir.

Q Do you remember this question being put to you: "Q What
"was Cosgrove doing ? A He was standing at the bar".

BY THE COURT:-

Q Did you say that before that the Coroner ? A No, sir
as I know of.

BY MR. CHANLER:-

Q Which door was the gang at this time ? A Which gang ?

Q The Hamilton Street gang ? A I didn't see no Hamilton
Street gang at the door.

Q Well, any gang ? A Only the witnesses that is outside.

Q Do you call that ^a gang ? A No, sir.

Q Do you recollect this question being put to you at the
Coroner's inquest : "Q Which door was the gang at ?
"A The Hamilton Street side". The gang was at the
Hamilton Street side ? A Not the gang;- these witnesses

BY THE COURT:-

Q Did you say at the Coroner's office that the gang was at
the Hamilton Street side ? A Not as I can remember
now, sir.

BY MR. CHANLER:-

Q I will ask you was this question put to you : "Q How
"many of the gang did you see ? A About four; the
"girls they were not doing anything" Do you recollect

that answer ? A I seen these seven fellows there
and three girls.

Q The seven fellows who were witnesses here today ?

A Yes, sir.

Q You have just testified, have you not, that Reagan was
leaning up against the bar when Sullivan struck him ?

A No, sir, Reagan was like this when Sullivan struck
him. (Illustrating.)

Q Up by the bar ? A Yes, sir.

Q He was not by the door ? A No, sir.

Q Do you recollect this question being put to you at the
Coroner's inquest: "Q You say that they had some
"conversation? A Yes, sir, between themselves"; do
you remember that question and answer being put to you ?

A No, sir.

Q You do not ? A No, sir.

Q Do you remember this question being put to you ? "Q Did
Reagan turn to him go away ? A Yes, sir, he had his
hand on the door, and that man struck him on the head,
and he fell on his back and got up in a minute and stagger-
ed to the door, and Cosgrove grabbed him"; -- do you
remember that ? A Yes, sir.

Q Where was Reagan then ? A Reagan was right up at the
bar.

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Q. He did not have his hand on the door ? A No, sir.

Q What name are you known by among the gang, Smith ?

A The officer christened me "Dutchie".

Q Was that the officer that arrested you for burglary gave you that name ?

Objected to; objection sustained; exception.

A No, sir.

Q Do you know many of the police officers in that precinct ?

A No, sir.

Q Did you see any of them around that night excepting the officer that Sullivan spoke to ? A No, sir.

Q Have you ever seen any of the relatives of Reagan since that night, Smith ? A Relatives ?

Q Yes; Reagan's mother, or sister, or his brother ?

A I have seen his mother and brother.

Q Have you seen Con Reagan ? A Yes, sir, the fellow died lately .

Q Con Reagan, the one that is living now, did you ever see him? A No, sir, I saw Jimmie Reagan and his mother.

BY THE COURT:-

Q Is Jimmie Reagan dead or alive now ? A Alive.

Q What has become of Con; is he dead or alive -- how many brothers did Reagan have. A As I know, he had three.

BY MR. CHANLER:-

Q Did you have any conversation with Reagan about this case ?

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A No, sir.

Q When were you first called to testify in this case since the Coroner's inquest ? (No answer).

BY THE COURT:-

Q Did you go to the District Attorney's office ?

A Upstairs.

Q Were you sent for then ? A Yes, sir.

Q You went ? A Yes, sir.

Q You made a statement to somebody, didn't you ? A No, sir.

Q Did not you tell the District Attorney what you knew about this ? A Yes, sir.

BY MR. CHANLER:-

Q Well, before that did you have any conversation with anybody about this case, have any talk with anybody ?

A No, sir.

Q And that is as true as anything you have testified to here today ?

Objected to; objection sustained; exception.

RE-DIRECT EXAMINATION:- BY MR. OSBORN:-

Q Do you belong to any gang of any kind ? A No, sir.

Q Do you make a living working at the express business ?

A Yes, sir.

Q You live home with your people ? A Yes, sir.

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Q How much do you weigh ?

Objected to as immaterial.

Q About how tall was the man who was killed, Reagan ?

About your size ? A No, sir; a little bigger.

Q Just a little bigger than you are ? A Yes, sir.

Q How old was he ? A About 19 or so. 18 or so.

Q Now, these girls that^{they} were talking to, were they in the saloon ? A No, sir.

Q They were standing outside ? A Outside.

Q Which entrance ? A On the Hamilton Street side.

Q And who was out there with him ? A McSweeney and Thomas Dunn.

Q Anybody else that you know of ? A No, sir.

Q Was anybody in the saloon at the time this blow was struck ? A Not as I noticed.

Q You did not see anybody inside there at all ? A No, sir.

Q Now, there was some conversation here about where Reagan was standing when the blow was struck ? Was he standing near the door, or near the counter ? A Near the counter.

BY MR. CHANLER:-

Q Who were these boys you say were standing by the Hamilton Street side ? (No answer.)

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BY THE COURT:-

Q Give the names of the girls, if you know them, do you know the names of the two girls ? A I only know one.

Q What was her name ? A I am not much acquainted with them, your Honor.

Q What were the names of the two boys ? A John Smith and McSweeney .

Q Anybody else ? A Thomas Cosgrove.

Q Anyone else ? A And Dunn.

Q Is that all now ? A Yes, sir.

JOHN SMITH, called and sworn, testified as follows:

BY MR. OSBORN:-

Q Where do you live ? A No 7 Hamilton Street.

Q You are engaged in business in this town ? A Yes, sir.

Q What is the nature of your business ? A Express.

BY THE COURT:-

Q You are in partnership with the last witness ?

A Yes, sir.

BY MR. OSBORN:-

Q You remember Saturday evening, July 1st, 1893 ? A Yes, sir.

Q Did you see the defendant here, Cornelius Sullivan, that evening ? A Yes, sir.

- Q Did you see Cosgrove ? A Yes, sir.
- Q Did you see Joe Reagan ? A Yes, sir.
- Q Now, tell us what time it was that you first saw Reagan and Cosgrove ? A Saturday, July 1st, at 7 o'clock.
- Q Where were they standing at that time ? A They went into the side door of Hamilton Street for a glass of beer, Cosgrove and Reagan.
- Q Into the side door of Quinlan's saloon ? A Yes, sir.
- Q And did they get their beer ? A Yes, sir.
- Q What did they do ? A They went out.
- Q Where did they go ? A They went down Market Street.
- Q Did they come back ? A Yes, sir.
- Q About what time ? A About 9 o'clock.
- Q What did you see them do then ? A I saw Reagan go in for a glass of beer.
- Q You saw Reagan go into the saloon ? A Yes, sir.
- Q Did he get the glass of beer ? A Yes, sir.
- Q What did he do ? A He stayed a little while on the corner of Market and Hamilton Streets, and the policeman on the Market Street beat came up and he nudged the bartender and called him out. The policeman came up on Market Street with a detective, I don't know his name; he came up with detective McCarthy.
- Q What did the policeman do, did he have a talk with anybody ? A He called out the bartender.

Q He had a talk with Sullivan ? With this defendant here ?

A Yes, sir.

Q What did he do ? A He went over to Reagan and said
"Keep away from here", and he slapped Reagan in the jaw.

BY THE COURT:-

Q The policeman did ? A Yes, sir.

BY MR. OSBORN: -

Q And what did Reagan do then ? A Reagan went down
Hamilton Street.

Q What did the barkeeper do then ? A The barkeeper went
inside.

Q Did he go back again ? A The policeman went down
Market Street and Reagan came up. A

Q Who came with him ? A Cosgrove.

Q Reagan and Cosgrove came back ? A Yes, sir.

Q Which street did they come back by ? A Up Hamilton
Street.

Q And then what did they do ? A Reagan went inside and
wanted to know --

Q He went inside the saloon ? A Yes, sir.

Q What did Cosgrove do ? A He went in too.

Q How far in did Reagan go ? A Reagan got in as far
as he could go, to the bar.

Q To the bar ? A Yes, sir.

Q How far in did Cosgrove go ? A Half way.

- Q What did Reagan say to the defendant ? A He said why was it you sent the officer around to me.
- Q "Why was it you put the officer onto me" ? A Yes, sir.
- Q What did Sullivan the barkeeper say ? A He said he should get out of here, and he got a club from the bar and hit him.
- Q Did he hit him across the bar, or walk out from behind ? A He walked out from behind the bar .
- Q Where Reagan was standing ? A Yes, sir.
- Q Which way had Reagan turned ? A He was standing this way against the bar (illustrating) and he went to turn; he did not have time to turn, he got hit with the club and he fell down on his back.
- Q What did the officer do ? A The officer wasn't there then.
- Q I mean, what did Sullivan do ? A He said, "You get out of here."
- Q Did he stand over him any length of time after hitting him ? A He stood about a minute; he said, "you get out of here."
- Q What did Reagan do ? A He went out
- Q Did he get up ? A Cosgrove helped him up .
- Q Cosgrove helped him up ? A Yes, sir.
- Q And what did he do ? A He went down Hamilton Street.
- Q Where did he have his hand; did you notice his hands ?

A No, sir.

Q Now, then, what did Sullivan do or say after that ?

A He said "I will take bluffs off no one."

Q Did you see your partner John Smith go in at that time ?

A Yes, sir.

Q What did Sullivan say to him? A He said, "I will take no bluffs off anyone".

Q Did he have anything in his hand ? A The pistol.

Q Did he say anything about shooting anybody ? A He said, the next one I catch in here, I will kill him dead.

Q Where were you standing during this time ? A Corner of Hamilton and Market Streets.

Q How was it you could see in there ? A There is a door there on the Market Street side.

Q You were looking right through the door ? A Yes, sir.

Q Was the door open at the time -- this was in July, was it ?

A Yes, sir.

Q There is the door, is it ? (Pointing to the diagram)

A Yes, sir.

BY THE COURT:-

Q What became of Reagan's hat, do you know ? A In about five minutes after he got hit William Smith walked in for the hat.

Q When Cosgrove picked him up off the floor, you recollect

that, do not you ? A Yes, sir.

Q Did he have his hat on then ? A No, sir.

Q Then Cosgrove helped him up and they went out together, and they went down Hamilton Street ? A Yes, sir.

Q What became of Reagan's hat, do you know ? A When he went down Hamilton Street William Smith went in for the hat; he picked up the hat and the bartender had his pistol in his hand and he said "the next one I catch in here I will kill him dead."

Q What did Smith do with the hat ? A He had it in his hand for about five minutes and Reagan's brother came up and took down the hat.

Q He gave him the hat, is that right ? A Yes, sir.

BY MR. OSBORN:-

Q Was anybody in the saloon at that time ? A I couldn't say.

Q Except Reagan, Cosgrove and Sullivan ? A I saw one or two men in there I know.

Q Do you know their names ? A I saw Mr Flanagan in there.

Q Anybody else ? A No, sir, not as I know of.

BY THE COURT:-

Q Did you see more than one man in the saloon ? A Yes, sir, I saw two or three.

Q Beside those people ? A Yes, sir.

Q And one of them you know ? A Yes, sir.

Q His name is Flanagan ? A Yes, sir.

Q You do not know the name of the other ? A No, sir.

BY MR. OSBORN:-

Q Did you see these people at the door out there; these girls and boys ? A Yes, sir.

Q Do you know them, what are their names ? A Daniel Sweeney, Thomas Dunn, Louisa Ryan, Mary Ann Riordan, and Josephine Keefe.

Q Which door were they at ? A The Hamilton Street door.

Q They were not in the saloon ? A No, sir.

CROSS-EXAMINED,

Q How many people do you say were by the entrance of the saloon ? A On the Hamilton Street side, five people.

Q Had you been talking with them before that ? A No, sir.

Q How long had they been there ? A I couldn't tell exactly how long they were there.

Q Had you known them all for a long time ? A Yes, sir.

Q Did you know those people that were standing outside of this saloon well ? A Yes, sir.

Q Were they friends of yours and friends of your partner's ?
A Well, some of them were friends of mine.

Q Which gang do you belong to, Smith ? A I do not belong to no gang.

Q What gangs are there that hang around the corners near

the saloon ? A I don't know gangs.

Q Don't know any at all ? A No, sir.

Q Did you ever hear of a gang called the Hamilton Street gang ? A No, sir.

Q How long have you lived in the neighborhood ? A I was born there.

Q Lived there all your life ? A Yes, sir.

Q And never heard of the growler gang ? A No, sir.

Q Did you ever hear of a company of young men and women in the habit of working the growler in that neighborhood; did you ever hear tell of them ? A No, sir.

Q Do you know a place there called "The Ship" ? A Yes, sir.

BY THE COURT:-

Q What is "The Ship", another saloon ? A No, sir.

BY MR. CHANLER:-

Q How far is that from the saloon ? A About six doors from the saloon.

Q Did any of those ladies stand^{ing} outside of the saloon reside in The Ship, that you know of ? A No, sir.

Q What were you and your partner doing sitting on that stoop for two hours, that evening ? A Sat there taking the air and resting ourselves.

BY THE COURT:-

Q It was hot weather, was it not, in July ? A Yes, sir.

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BY MR. CHANLER:-

Q Did you hear the bartender come out and order Reagan away in the evening ? A No, sir, I saw the officer order him away.

Q How many times did Reagan go into that saloon, do you recollect ? A I recollect two or three times.

Q Wasn't sent out both times ? A No, sir.

Q What happened the first time ? A I didn't see anything happen.

Q You were sitting in the same place, were you there the third time ? A Yes, sir.

Q What happened the second time ? A Nothing; I didn't see anything happen, only the policeman hit him.

Q Did you see him take the drink of beer the second time he went in ? A Yes, sir.

Q Sure of that ? A Yes, sir.

Q And the first time, too ? A Yes, sir.

Q Let us be clear about this, after the officer slapped Reagan's face did he come back to that saloon again ?

A No, sir, he got the beer before the officer hit him.

Q How many times had he been in the saloon before the officer struck him ? A Twice.

Q Who went in with him the first time ? A Cosgrove.

Q And the second ? A Cosgrove.

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Q Do you know a young man of the name of Sullivan who used to belong to a party of young men known as the gang ?

A No, sir.

Q Do you know a young man of the name of Sullivan who ~~travel~~ left the city a short time ago ? A No, sir.

Q Do you know a young man of the name of Brady ? A No, sir.

Q never heard of him ? A No, sir.

Q Do you know another boy named Smith who use ~~to~~ travel with Cosgrove and Reagan ? A No, sir.

Q Did you know anybody that traveled with Cosgrove and Reagan ? A No, sir.

Q You did not travel with him ? A No, sir.

Q Did you know these people well ? A Yes, sir.

Q Had they traveled with you ? A Who?

Q Cosgrove and Reagan ? A I never saw them go with anyone .

Q Always went alone by themselves ? A Yes, sir.

Q Had you seen Cosgrove often before this occurrence ?

A Yes, sir.

Q How often, about ? A I know him for about six months.

Q You were a pretty good friend of his were not you ?

A No, sir.

Q You called him by his first name and he called you by

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your first name, did not he . . . A Yes, sir.

Q Would you not take a glass of beer together ? A No, sir.

Q Did not he ever treat you to a glass of beer all the time you knew him ? A No, sir.

Q You never knew him to work the growler ? A No, sir.

Q Never heard of his doing anything of that kind all the time you knew him ? A No, sir.

Q Have you seen Cosgrove around there lately ? A I seen him about a week ago .

Q Have you had any conversation with Cosgrove about this case ? A No, sir.

Q When was the last time you saw Cosgrove before you saw him a week ago, what time before that ? A I couldn't tell you.

Q Have you ever had any talk with Cosgrove about this case ? A No, sir.

Q Did you know these three girls and the two young men; did you know them well ? A I know one of them well.

Q Who was that ? A Josephine Keefe.

Q Do you know the other girls well ? A I know them, but not as well as her, though.

Q Did you say anything about these girls and boys; mention their names before the Coroner ? A No, sir.

Q Do you remember being asked this question ? "Q How

"many more of the gang did you know ? A I don't know.

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sir, I know a good deal of them" -- do you remember being asked that question, and making that answer before the Coroner ? A No, sir.

Q Do you remember being asked this question : "Q Who are the people that you know; the only two people that you know is the dead man, Reagan, and another? A I know more. Q How many ? A John Wilson, William Smith, William Bristol, and Andrew MacDonald." Do you remember making those answers ? A Yes, sir.

Q Did you at that time say anything about these three girls and the names you mentioned just now ?

Objected to.

A I cannot remember.

BY THE COURT:-

Q When you were before the Coroner, did you state that you knew the names of those girls or mention them at all ?

A That I can't remember.

BY MR. CHANLER:-

Q Of course you have had no conversation with anybody, you say, about this case excepting the District Attorney ?

A No, sir, no one at all.

Q Did anyone tell you the names of the people that were standing outside of that saloon that night? A No, sir.

Q Sure about that ? A Yes, sir.

- Q You remember that all ? A Yes, sir.
- Q You were at the Coroner's Office six days after this thing occurred;-you did not hear Reagan say anything to Sullivan about blowing his head off, did you ? A No, sir.
- Q While Sullivan and Reagan were having a talk together as you testified, just before Sullivan struck Reagan with the club, did you hear any of the young ladies and gentlemen standing out there say: "why don't you cut his heart out?" A .No, sir.

BY THE COURT:-

- Q Was anything of that sort said ? A No, sir.

BY MR. CHANLER:-

- Q None of the people outside, so far as you could hear or see, took any part between Reagan and Sullivan ? A No, sir.
- Q They stood there quietly and saw Sullivan strike Reagan ? A Yes, sir.
- Q None of them rushed into the room ? A No, sir.
- Q Neither you nor Smith ran into the room the same time after Reagan had been struck ? A No, sir.
- Q When was it that Sullivan closed the side door and locked it ? A When Reagan walked out .
- Q When your partner went in for the hat, he had to go in by the front door ? A On the Market Street side.

Q Was the Monroe Street door locked ? A I couldn't say.

Q But the Hamilton Street side door was locked after Sullivan struck Reagan ? A Yes, sir.

BY THE COURT:-

Q And after Cosgrove and Reagan went out ? A Yes, sir.

BY MR. CHANLER:-

Q You swear positively that Reagan was standing by the bar when Sullivan struck him, and Cosgrove some distance off; you are sure about that ? A Yes, sir.

RE-DIRECT EXAMINATION, BY MR. OSBORN:-

Q Do you belong to any gang ? A No, sir.

Q Do you make your living by working at the express ? A Yes, sir.

Q Live home with your parents ? A Yes, sir.

BY THE COURT:-

Q How long have you worked at the express business ?

A Three months.

Q What did you do before that ? A I used to work in a rubber factory.

Q Where was the rubber factory ? A 228 South Street.

BY MR. OSBORN:-

Q How old are you ? A 18 Years old.

Q Your partner is about 17 ? A I don't know how old he is; about 17 or 18.

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Q Was Joe Reagan about your size ?

Objected to.

A Just a little bigger; I think; not much bigger.

Q Just a little bigger than you ? A Yes, sir.

Q Were you asked at the Coroner's office anything about these girls that you remember of ? A No, sir.

Q You knew when you were there that they were on the outside did you ? A Yes, sir.

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THOMAS COSGROVE, sworn and examined by Mr. Osborne:-

Q Where do you live Cosgrove? A. No. 53 Monroe Street.

Q In this city? A. Yes, sir.

Q Do you remember the evening of the First of July, 1893, Saturday evening? A. Yes, sir.

Q Did you see the defendant that evening? A. Yes, sir.

Q Did you see Joe Reagan that evening? A. Yes, sir.

Q Now, where did you meet Joe that night? A. I met him corner of Hamilton and Catharine Streets.

By the Court:-

Q What time? A. Around seven o'clock.

By Mr. Osborne:-

Q About seven o'clock? A. Seven or half past seven I think.

Q And you and he were together for some time that evening?
A. Yes, sir.

Q Just state what you and he did together? A. Me and this Joseph Reagan walked up through Hamilton Street and we walked around as far as Market and we went in; me and this young man Joseph Reagan we walked up through Hamilton Street and walked around as far as Market, and went into the front door of the saloon.

Q About what time was that? A. Around seven or half past seven o'clock.

Q Did you have a drink in there? A. Yes, sir.

By the Court:-

Q You got into the saloon, what did you do? A. We went into the saloon and we had a drink; the bar tender here told us to go out; we went out, we were standing by the door and then the officer came along; I don't know his name; he asked Joe Reagan what was he doing in there; I could not say what Joe said, but anyhow he slapped Joe and put him away.

Q The policeman did? A. Yes, sir.

Q Go on, what did he do then? A. Me and Joe walked down Market Street, we came down about ten o'clock, we came back and we went in the saloon and Joseph Reagan asked this bartender why he should put the officer on him.

Q Joseph Reagan asked the bar keeper why the bar-keeper put the officer on him? A. Yes, sir.

Q Go on and tell the Jury what the bar keeper said and what Reagan said and did? A. The bar keeper said I don't want you in my store, and he walked around and he had a stick in his hand and he struck Joseph Reagan.

Q He walked around what? A. The bar.

Q Got outside of the bar, is that what you mean?

A. No, it is a round bar, and he walked around and he struck Joe Reagan and Joe Reagan laid on the floor.

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- Q Where did he strike him? A. On the head, he laid on the floor about three minutes.
- Q Did Joe Reagan fall down? A. Yes, sir, he fell down and he laid on the floor for about three minutes and he got up and was standing by the door, I had hold of him and I led him home.
- Q Did you help to get him out? A. I did not lift him up, but I leaded him home.
- Q Did you help to get him off the floor? A. Yes, sir.
- Q What did you do with Reagan? A. I brought him out of that side door.
- Q What side door? A. Hamilton Street.
- Q You went down where? A. Down through Hamilton to his house, he lives in Catharine Street.
- Q To Reagan's house in Catharine Street? A. Yes, sir.
- Q What number in Catharine Street? A. I could not tell you the number.
- Q You took him to his house? A. Yes, sir.
- Q What did you do with him? A. I took him up stairs right in his mother's room, and I laid him down.
- Q What did you lay him on, lay him on the bed or on the floor or what? A. On a lounge.
- Q Then what did you do? A. Then I told his mother how it happened, and I came down.
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Q You came down into the street, is that it? A. Yes, sir, and went home.

Q What became of Reagan's hat, do you know, did he pick it up when you were leading him home? A. No, sir.

Q Was it in the saloon? A. Yes, sir, I guess it was.

Q He had no hat when you were leading him home? A. No, sir.

By Mr. Osborne:-

Q How far did you go into the saloon when you wet in with him? A. I was half ways from the door to the bar.

Q You say Reagan went on out of the saloon without his hat? A. Yes, sir, the last time he did.

Q Did anybody bring him his hat? A. His brother, I think.

Q You think it was his brother brought him his hat? A. Yes, sir.

Q While he was going home? A. No, sir. After I leaving him in his house his brother was in and he went down for his hat.

Q Now, did you do anything to Sullivan that night, did you hit him? A. No, sir.

Q Did you make a pass to hit him or anything? A. No, sir.

Q Did Reagan hit him at all? A. No, sir.

CROSS EXAMINED BY MR. CHANLER:-

Q You did not hear Reagan make any threats to Sullivan at all that night did you? A. No, sir, I did not.

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Q Did you hear him use any bad language to Sullivan at all?

A. No, sir.

Q You were standing quite close to him at the time that Sullivan struck him with the Club? A. No, sir, I was in the middle of the floor.

Q You were as near as I am to you now? A. I was nearer the door.

Q You were as near Reagan as you are to me at the time he was struck? A. No, sir, I was a little further in.

Q You were going out? A. I had my hand on the knob.

Q Going out? A. No, sir, I was standing there.

Q Standing there? A. Yes, sir.

Q Where was William Smith? A. He was outside and that other young fellow by the name of Smith.

Q What side were they at? A. On the Hamilton Street side.

Q You were coming out of the Hamilton Street side door?

A. Yes, sir.

Q At the time Sullivan struck Reagan you had your hand on the knob of the door opening it? A. Yes, sir, with my face towards the bar.

Q Were you opening the door? A. No, sir, I had my hand on the door; I was waiting for Mr. Reagan to see if he would get up while he was laying there to lead him home.

Q Did not you have your hand on the knob when Sullivan struck

him? A. No, sir, I did not, I was in the middle of the floor and I walked backwards to the door.

Q At the time Sullivan struck him you were walking towards the door, were you? A. I was walking backwards towards the door when he was coming out from behind the bar.

Q When you saw your friend fall you turned your back on him? A. No, sir, I was the same way, I was backing this way (illustrating) with my hand on the knob.

Q When did you put your hand on the knob? A. When Sullivan was coming from behind the bar.

Q When did you start for the door? A. Just as that man was coming out from behind the bar.

Q Just as Sullivan was coming out of the bar? A. Yes, sir.

Q It took you some seconds to walk to the door? A. The door of the bar was quite near.

Q How much nearer was it? A. I could not tell you very well how near it was.

By the Court:-

Q Was it as near as you to the stove? A. It was about as near to this gentleman.

By Mr. Chanler:-

Q Near to me? A. Yes, sir.

Q The door is that far from the bar? A. Yes, sir.

Q Reagan was standing between the bar and the door?

A. Yes, sir, I was in the middle of the floor, he was leaning on the bar toward the door.

Q Reagan turned to leave the bar? A. No, sir, he was right at the bar all the time till he fell.

Q Was Reagan at the bar when he was struck? A. Yes, sir, standing with his elbow on the bar.

Q You are sure he was not walking out? A. No, sir, he was not.

Q Tell us again how Sullivan came round the bar to hit him, you say Sullivan did not strike when he was behind the bar?
A. No, sir.

Q Did he come round the bar and strike him? A. He walked around the bar and he came out and he struck him, he was out from behind the bar when he did strike him.

Q Did you see him have a club in his hand? A. Yes, sir.

Q Did you get a good look at the club? A. No, sir, I could not tell what kind of a Club it was.

Q When did you first see the Club? A. When he came out and struck him with it.

Q Before he struck him with it? A. No, sir, I did not see it, he had it behind his back.

Q Did you hear him say anything when he came out from behind the bar? A. No, sir, I did not hear him say anything.

Q Didn't it strike you as strange that the bar tender was

coming out from behind the bar having no purpose apparently?

A. I saw the bar tender coming from behind the bar, I , h
he did not say anything but when he had the Club up in the
air he said, "I want you to get out of here", and he struck
him; "You get out of here," and he struck him on the
head.

Q He did not point with the club to the door and say, "Get
out of here?" A. No, sir.

Q Sure about that? A. Yes, sir.

Q Positive? A. Yes, sir, I am sure he did not say that.

Q Did you have your eye on Sullivan all the time? A. Yes,
sir.

Q How many young men and women in that neighborhood were
standing outside of the saloon at the time?

A. I could not tell you how many young ladies; there was
two young men.

Q Who are those two young men? A. Witnesses in this case.

By the Court:-

Q What are their names? A. Smith.

Q The two Smiths? A. Yes, sir.

By Mr. Chanler:-

Q You had been there two times before that night? A. I
had been there once before.

Q How long was it before the policeman sent you away?

A. That was the second time; I had been there other nights, but I had not been there that night only twice.

By the Court:-

Q How many times did Sullivan order you out of the saloon before this? A. Twice before that.

Q (By Mr. Chanler:-

Q He refused to give you a drink? A. Yes, sir.

Q He told you not to come back there again, didn't he?

A. Yes, sir.

Q How long before that was the last time you had been in the saloon before that night? A. About a week before that.

Q A Saturday night, wasn't it? A. Yes, sir.

Q Was it you used the cracker bowl on Sullivan's head?

(No answer.)

By the Court:-

Q Did you ever throw a cracker bowl at this man's head?

A. No, sir, I never did.

By Mr. Chanler:-

Q You never did? A. No, sir.

Q Was there a cracker bowl in the saloon? A. Yes, sir, there was, I could not tell you what kind it was but I often saw it there for lunch.

Q Did you see it the Saturday night before this occurrence?

A. Yes, sir, I seen it there.

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Q Did you see Reagan take that in his hand?

Objected to.

A. No, sir.

Q Who were with you the Saturday night before you went in with Reagan?

By the Court:-

Q The Saturday night before this trouble took place he wants to know who was with you in that saloon? A. A young man named Billy Driscoll and Robert Gum.

By Mr. Chanler:-

Q This was not the night the cracker bowl was thrown?

Objected to.

Q Were you there the night the cracker bowl was thrown?

Objected to.

Q Did you ever see a cracker bowl thrown there? A. No, sir.

Q You never did? A. No, sir.

Q Did you ever hear of a cracker bowl being thrown?

Objected to; objection sustained.

A. No, sir.

Mr. Chanler: I would like to state my reasons.

The defense in this case is self defense and also that there was a conspiracy against this defendant in which a

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number of witnesses for the prosecution were engaged, among them the deceased and that on several previous occasions they had endeavored to assault this defendant and had threatened to assault him, and that especially on one previous occasion these same people with Reagan had assaulted him with a cracker bowl.

The Court: I will allow you to prove it if there was any act of violence done; if Reagan was there. I will allow you to show if you can that acts of violence were perpetrated in the saloon when the defendant was present, and when Reagan the deceased man, was present; I certainly won't ~~you~~ allow you to show acts of violence perpetrated in the saloon when the dead man was not

present. Keep within that.

Q. By the Court: Were you ever present in the saloon when Reagan was present, and when there was any act of violence committed, such as throwing a cracker bowl, striking anybody or making any threat against this defendant?

A. No, sir, I was not.

Mr. Chanler:- I would like to show this conspiracy if I can -- show the act of the conspirators, ~~xxxxxxx~~ and declarations given in the absence of deceased by Reagan.

The Court: You must show the conspiracy first and

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then you can show the act of each one, although they were not present, but you have not shown the conspiracy yet.

Mr. Chanler: Can I not ask the question to show the conspiracy and strike out the testimony, if I cannot establish it?

The Court: No.

Q (By Mr. Chanler) How many times have you been with Reagan in the saloon of Sullivan before that night? A. I never had been in with this Reagan before in that saloon at all, only that one night.

Q Only that one night? A. Yes, sir.

Q Do you know a boy of the name of Silk? A. No, sir, I do not.

Q Do you know a boy who worked in the saloon where Sullivan was bar tender? A. No, sir, I do not.

Q Never saw him to your knowledge? A. No, sir.

Q How many men were in the saloon drinking at the time this trouble occurred? A. I could not tell you that.

Q Did you see anybody? A. No, sir, I did not see anybody.

By the Court:-

Q He asked you did you see anybody drink in the saloon, did you see anybody at all in the saloon except the defendant and yourself, was there anybody else in the saloon at that time? A. No, sir, I did not see anybody else.

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- Q. When you went into the saloon the second time after having been warned out by Sullivan, who was the first one asked for a drink?-- Reagan? A. Yes sir.
- Q Sullivan said he would not give it to him? A. Yes sir.
- Q You did not go into the bar, did you? A. I was on the middle of the floor at that time.
- Q Did you at any time lean upon the bar? A. No, sir; I did not.
- Q The second time you were in there? A. No, sir; I did not.
- Q Reagan said nothing when Sullivan refused to give him a drink? A. No, sir.
- Q Quietly stood there? A. Yes, sir.
- Q Sullivan came around without saying a word you say and struck him? A. He came around, and said, I want you to get out of here, and struck him.
- Q Reagan did not refuse to go out? A. He hadn't time to go out.
- Q How did he fall, with his head towards the ~~bar~~ bar or towards the door? A. He fell towards Monroe Street.

By the Court:-

- Q Did he fall on his back? A. He fell on his back straight, he lay there about two or three minutes.
- Q How long did he lie there? A. Two or three minutes.

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Q You stood there watching him? A. Yes.

Q With your hands still on the door? A. Yes sir.

Q Did you see either of the Smiths during all this time?

A They were outside the door looking in.

Q Not in the saloon then? A. No.

Q And you are sure William Smith was not standing within three feet of the door when you were standing with your hand on the knob? A. When I was standing at the Hamilton Street side of the door we were looking in through the glass in the door.

QQ After you and Reagan got out where did you go first?

A We walked out of the Hamilton Street side, and went down Hamilton Street.

Q Did you meet a policeman that night? A. We met a policeman corner of Catherine and Monroe Streets.

Q Did you tell the policeman anything about the trouble?

A Not a word.

Q That was how long after Reagan was struck by Sullivan?

A That was just as I was fetching him out of the store.

Q Just a few minutes after? A. Yes.

Q And after Reagan was struck you went and took a drink with Reagan, and had a glass of beer with Reagan? A. No, sir; I went right home with him.

Q Didn't you have a glass of beer? A. No, sir I went

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straight up home with him.

Q Didn't you have a pint of beer?

By The Court.

Q. Did you drink any beer with Reagan after he was struck?

A No, sir.

Q Between that time and the time you laid him on the lounge

in his mother's house? A. No, sir; I just left him there.
By Mr Chandler.

Q You say the door was not shut: the door of the saloon as
you went out was not shut? A. It was shut when Reagan
was on the floor, but open when we went out.

Q But it was shut while Sullivan was assaulting Reagan?

A Yes sir.

Q The door was shut? A. Yes sir.

Q You were opening the door while Reagan was being assaulted?

A No, sir; I had my hand on the knob.

Q I ask you-- I am now reading the question and answer that
were put to you and answered by you at the Coroner's inquest
if you recollect. "Q. You did not see him hit him? A. I had
my hand on the knob, and I looked around, and he was just
coming down on his head, and hit him, and I turned around when
he came to the door, and I helped him to the house." Do you
recollect that?

Mr Osborne:- That is what he has sworn to.

Q Do you recollect saying that? A. No, sir; I do not.

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Q Do you recollect this question and answer: 'Q. How could you see what was going on behind your back? A. When I opened the door and was going out Reagan was just getting the blow.' Do you recollect that?

By the Court:

Q Did you say that? A. No sir.

By Mr Chanler:

Q You say Reagan was on the floor for three minutes after he was struck? A. Yes sir.

By a Juror:

Q What occurred during the three minutes? A. I stood there and that man walked around the bar again; I do not know what he did; but Joseph Reagan got up, I helped him up, and I got hold of him by the arm and led him down Hamilton S Street.

Q Did Sullivan strike him a second time, or threaten him with a club or anything of that kind? A. No sir; he only struck him once.

By Mr Osborne:

Q Did you notice the club at all that he hit him with?

A All I could tell, it was a long club.

Q Some thing like that? (Showing witness club)? A. Yes sir; it was long like that.

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By Mr. Chanler:

Q "Q. Which of you two was nearest the bar?" I am asking you if you recollect this question being put to you at the Coroner's office: "Q. Which of you two was nearest the bar? A. We were both leaning on the bar. Q. Both leaning on the bar? A. Yes sir."

By the Court:

Q Was that question put to you, and did you make that answer to the Coroner? A. No sir; I told you I was in the middle of the floor.

By Mr. Osborne:

Q Do you belong to any gang? A. No sir.

Q What? A. No sir; I do not.

By Mr Chanler:

Q I will ask you this one question. This question was put to you: "Q. Where were you standing when Sullivan was back of the bar and about to come out? A. I was standing there when he struck Reagan. Q. Didn't you say you were standing between the bar and the Market Street entrance. A. No sir; I was standing near the bar. Q. Did not Sullivan have to pass you before he got to Reagan? A. Yes sir." Do you remember saying that?

A No sir; I do not.

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Q "Q. What did you do? A. I started to walk out." Do you remember saying that? A. No.

Q "Q. Backwards? A. No sir; forwards." Do you remember that? A. No sir.

Q You do not remember that question and answer being given?

A No sir.

Q "Q. When did you turn your face to the door? A. When I put my hand on the knob." You are sure you walked out backwards, are you? A. Yes sir; I walked towards the door backwards.

Q And Sullivan did not pass you when he came around from the bar? A. I was walking towards the door backwards, and he passed me, and Reagan on the end nearest to him?

Q Nearer to who? A. Nearer to Mr Sullivan.

Q You did not see Reagan make a pass at Sullivan? A. No sir

Q Sure he did not make a pass? A. Sure.

Q Positive about that? A. Yes sir.

Q He could not have made a pass while your back was turned?

A. No sir.

Q Any time when your back was turned? A. No sir.

Q He did not strike Sullivan either? A. No sir;

Q He did not use any bad language, you say? A. No sir.

Q Did you, early in the evening, threaten to knock his brains

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out? A. No sir; I do not recollect that.

Q You did not hear either of the young Smiths, or either of the young ladies or gentlemen outside of the door call out "Why don't you cut his heart out"? A. I did not hear that.

Q Did you see where Reagan cut his hand? A. I saw one hand at his side, and one off the bar that way.

Q One hand at his side? A. Yes sir.

Q Did you make any threats against Sullivan in the presence of Reagan himself that night? A. No sir; I did not make any threats?

Q You did not say you would hurt him, or kill him, or beat him when he ordered you out of the saloon? A. No sir.

Q You went out peaceably both times? A. Yes sir.

Q The first time too? A. Yes sir.

Q And went back peaceably the second time? A. Yes sir, and asked whether I should put the officer on him.

Q You did not go back the third time; you were not there three time altogether? A. No sir; only twice.

Q You were not looking for a fight after the Officer had x struck you in the face, were you? A. No sir; he did not strike me.

By Mr Osborne:

Q He did not strike you? A. No sir.

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By Mr. Chanler:

Q He told you to go away? A. Yes sir; but he did not strike me.

Q Do you recollect what Sullivan said to the Officer before he told you to go away? A. No sir; I do not.

By Mr. Osborne:

Q Reagan was a smaller man than you?

Objected to. Objection overruled, exception taken.

A No sir.

Q Do you see those young Smiths in here? A. No sir.

Q Those Smiths, about what size were they?

Objected to as immaterial. Objection overruled.

Q I asked him about Reagan's size, compared with one of those Smith boys. Now was Reagan --- you remember that William Smith that was here? A. Yes sir.

Q Was he about his size.

Objected to.

A I cannot tell you what size he was.

Q About how much did Reagan weigh?

Question objected to by Mr Chanler and excluded.

The Court:- Gentlemen, you will bear in mind the Statutory admonition to which I called the attention of

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some of the Jurors at the time we took the recess, and for the benefit of those who were not here at that time I will repeat that Statutory admonition, that is, that the law requires the Court to admonish the Jury on every occasion when the Jury separates before they agree upon a verdict, that they must not talk even among themselves about the case; they must not permit any person to approach them, or speak to them in reference to it; and they must not make up their minds on questions of fact until all the evidence is in. Now, in addition to that, gentlemen, I would suggest and request that if there is anything published in any newspaper in reference to this particular case that you are now trying, that the Jurors will not read that portion of the newspaper. Of course it does not prevent your reading anything else, but that portion of the newspaper that may refer to this case, I think it is always better that the Jury should not read. Gentlemen, you will bear the Statutory admonition in mind, and be here to-morrow morning at eleven o'clock; and I will also add, gentlemen, that it would not be proper to go near the place where it is alleged this homicide took place.

Adjourned.

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Reagan
Afternoon Session
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PEOPLE vs. CORNELIUS SULLIVAN.

(November 29 , 1893.)

DOCTOR WILLIAM A. CONWAY, a witness in
behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q You are a practicing physician, are you? A I am.

Q And deputy coroner? A Yes, sir.

Q Did you perform an autopsy on the body of Joseph Reagan?

A I did.

Q On what date? A On the 6th of July, 1893.

Q At 40 Carmine Street? A 40 Catharine Street.

Q And about what size man was Joe Reagan? A I should say
about 5 feet 5.

Objected to by Mr. Chanler, as incompetent,
irrelevant and immaterial.

Objection overruled. Exception.

Q About what weight? A I don't think he weighed much over
a hundred, probably 105, or 110.

Same objection, ruling and exception, and Mr
Chanler objects to the form of the question as the
witness is not shown competent to testify to the
weight of the deceased.

BY THE COURT:

Q You made this autopsy on the 6th of July, 1893, at 40
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Catherine Street in this City? A Yes, sir.

Q Did you observe the body of the deceased? A I did.

Q Sufficiently to enable you to testify about what his height and weight was? A I did.

Q You state that his height was about five feet five inches?

A Yes, sir.

Q And his weight was about how much? A A little over a hundred, I should say, 105 to 110 pounds.

Q And about what was his age? A I don't think he was more than eighteen.

Mr. Chanler moves to strike out the testimony.

Motion denied. Exception.

BY MR. OSBORNE:

Q What did you observe as to the cause of his death when you made that autopsy?

BY THE COURT:

Q You made an examination of the remains of this man. Was he dead then? A Yes.

Q And in his house at 40 Catherine Street? A Yes, sir.

Q Now, will you please state what examination you made of the body of that man? A I made an external examination.

There was a circular wound on the head about, say two and a half inches above and a little in front of the left ear on the left side of the head in about this position, and

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that evidently had been done by surgeons.

Q By a surgical operation? A By a surgical operation.

On opening the scalp, there was no sign of any fracture.

On opening the skull there was no fracture discovered, but there was an immense intracranial hemorrhage causing compression of the brain and death. The other organs of the body did not show anything special. There was a slight pleurific adhesion of the lungs, of the pleura or membrane covering the lungs. That is all. The cause of death was intracranial hemorrhage, causing compression of the brain.

Q Which resulted in the death of the deceased? A Yes, sir.

BY MR. OSBORNE:

Q What was the cause, in your opinion, of that intracranial hemorrhage? A External violence of some kind.

Q On the head? A On the head.

NO CROSS EXAMINATION.

DOCTOR WILLIAM B. BRIMSMADE, a witness
in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q Are you now the House Surgeon at Chambers Street Hospital?

A I am.

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Q On the 4th of July, 1893, you were the ambulance surgeon, were you? A Yes, sir.

Q And on the 2nd of July, 1893? A Yes, sir.

Q On the 2nd of July, 1893, did you bring Joe Reagan to the Chambers Street Hospital? A I did.

Q About what time in the morning did you go there for him; about four o'clock? A It was early morning, I don't know the exact hour.

BY THE COURT:

Q Where did you find him? A I found him in #40 Catherine Street lying in bed on the second or third floor, I don't recall which. Called at 4:33 in the morning.

Q Now, will you tell the Jury what his condition was at the time that you found him at 40 Catherine Street? A He was lying in bed unconscious with the signs of compression of the brain.

Q That you discovered in making an external examination of him at that time? A Yes, sir.

Q Then you took him to the ambulance? A Yes, sir, I took him in the ambulance to Chambers Street Hospital.

Q Did you make any examination when you got to the Hospital?

A I reported the case to the house surgeon and he made an examination.

Q In your presence? A Yes, sir.

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Q What was the result of that examination? A The diagnosis of compression of the brain was confirmed. The man was then taken to the operating room and an exploratory incision made in search of fracture.

Q That is the circular incision which Dr. Conway has spoken of? A Yes, sir. No fracture was found. It was decided that the man had no fracture in the walls of the skull, and it was decided best not to interfere further, and he was sent to the ward where he lived until July 4th, at 5:30 in the evening, when he died.

NO CROSS EXAMINATION.

DOCTOR WILLIAM A. CONWAY, recalled:

CROSS EXAMINATION BY MR. CHANLER:

Q You testified there was no fracture of the skull, I believe but that the hemorrhage was caused by external violence?

A On the head, yes.

Q That external violence might have been caused by a fall, the man falling on his head? A Possibly, yes.

Q It would not require a very severe blow to have caused that hemorrhage, would it? A I think a severe blow would have fractured the skull.

BY MR. OSBORNE:

Q A blow with a stick would produce that result, would it?

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A Yes.

The Court: Is there any question of the identity of the body on which Dr. Conway made the autopsy?

Mr. Chanler: No.

The Court: Or that Dr. Brinsmade took him from 40 Catherine Street, this man who died, to the Chambers Street Hospital, and that he died there on the 4th of July at 5:30?

Mr. Chanler: That is conceded.

FRANK FLANNIGAN a witness in behalf of the people,
having been duly sworn, testified.

BY MR. OSBORNE:

Q Where do you live? A 36 Hamilton Street; 46.

BY THE COURT:

Q Is it 36 or 46? A It is all the same. 36.

BY MR. OSBORNE:

Q Where do you work? A In a stable.

Q Whereabouts? A Water Street.

Q What number? A I forget the number.

Q What is the name of the stableman? A He is an Italian.

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- Q Were you on the Saturday, the first of July, 1893, in Quinlan's saloon? A Yes, sir.
- Q Did you see this defendant there at that time? A Yes, sir.
- Q Did you see Cosgrove and Reagan there? A I seen Reagan, I didn't see Cosgrove.
- Q You saw Reagan there? A Yes, sir.
- Q And when you saw Reagan, where was he standing?
- A He came in first for a drink.
- Q Did he get his drink? A Mr Sullivan told him he wouldn't sell him no drink.
- Q Then what did he do? A He went out and was away a little while and came back again.
- Q Then what did he do? A Mr Sullivan wouldn't give him no drink.
- Q Did you hear what he said when he came in? A No, sir, I did not.
- Q Did you hear what Sullivan said? A He told him to get out, he would give him no drink.
- Q Then what happened? A Mr Sullivan got around and when he wouldn't go out, he struck him with a stick.
- Q Was the stick about that size? A I don't know, about near that size, I don't know, I didn't take no dimensions of the

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stick.

Q And when Mr. Sullivan struck him what happened to Reagan?

A He fell down and in a little while got up and walked to the door.

BY THE COURT:

Q Where did he strike him; on the head? A I don't know whether on the back or head or where.

Q He fell down? A Yes, sir.

BY MR. OSBORNE:

Q Did Mr. Sullivan say anything when he struck Reagan?

A No, sir, he said nothing.

BY THE COURT:

Q When he went out, Reagan, did he have his hat on or off after he got up? A No, he had not his hat on. The hat fell off.

BY MR. OSBORNE:

Q Where was Reagan standing when he was hit by Sullivan?

A At the end of the bar.

Q By the bar? A Yes, up agin the bar.

Q And about how far off were you? A I was up at the far side next to Monroe Street, at the far side of the bar.

Q Did Reagan hit Sullivan at all? A No, sir.

Q Didn't hit him at all? A No.

Q Didn't make any pass at him? A No, sir, not to my know-

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ing.

Q You didn't see it? A No, sir.

Q And you didn't see Cosgrove at all? A No, sir, I did not.

CROSS EXAMINATION BY MR. CHANLER:

Q Who else was in the saloon with you? A I don't know, that is all I have got to say about anything more, I didn't see nothing more.

Q Didn't you see anybody else in the saloon that night?
A Yes, sir.

Q How many? A I couldn't tell you.

Q About how many; some within a dozen of it? A There was over a dozen, I think, and more.

Q In the saloon? A Yes, sir.

Q And around the saloon? A Not around, only on one side. It wasn't full both sides around.

Q What were they doing, do you remember; drinking?
A What else would they be doing?

Q ~~What~~ That is what you were doing? A I hadn't great means to drink that night, I hadn't much money, you won't get much to drink without you have money.

Q Well, there were a great many people in the saloon at the time Reagan came in the last time? A There were a good many.

Q And were they very near? A They were on the far side next

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to Monroe.

Q Were they all sitting together, do you remember? A No, sir.

BY THE COURT:

Q Were they sitting or standing? A They were standing.

BY MR. CHANLER:

Q Standing by the bar? A Yes, sir.

Q Did you know the name of anybody there? A No, sir.

Q Have you since learned the name of anybody who was there that night? A No, sir, I did not. I was sorry I was in at all to know anyone.

Q Didn't you see Mr. Flynn or Mr. Finn there? A No, sir.

Q Do you remember testifying at the Coroner's Inquest? A I do.

Q And do you remember seeing a Mr. Finn testify there or a Mr. Flynn at the Inquest? A A lawyer?

Q No, he was a witness for the people. A No, sir, I don't remember it.

Q How long had you been in that saloon that night? A About half an hour or so.

Q Had you been in there in the afternoon? A No, sir, not until that happened, I was in that time.

Q Hadn't you been in there in the afternoon before that?

A Yes, I was in before that.

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Q I mean that same afternoon. Hadn't you been in there drinking that same afternoon? A No, sir, I was drinking only one time in it, the time this happened.

Q You had only been there about half an hour, you are sure about that, I don't want you to make any mistake? A I know that, I don't want to make any mistake either.

BY THE COURT:

Q How many times were you in the saloon that day before this happened, do you recall?

A I was, I believe, once or twice.

Q You work in a stable? A Yes, sir.

Q Is the stable near the saloon? A No, sir, in Water Street.

Q Do you live near the saloon? A I live in Hamilton Street.

Q How far is that from the saloon? A About half a block.

Q And you think you were there two or three times that morning and afternoon? A Yes, that night.

Q And what time was it when this blow was struck? A To the best of my knowing, I think it was 10 o'clock.

BY MR. CHANLER:

Q You were sitting down at a table when Reagan came in, were you not? A No, sir, I was standing up.

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Q Sure about that? A Yes, sir, sure about that.

Q About where were you standing; on the Monroe Street side?

A Yes, sir.

Q Were you standing at the bar? A Yes, sir.

Q In the center of the bar there is a place where they have glasses, a sort of sideboard with glasses and bottles arranged on it, going up high, isn't there? A Yes, there is.

Q Do you see that bar there (on the diagram)? A Yes, sir.

Q You were somewhere on the Monroe Street side? A Yes, sir.

Q Do you think you understand the situation of that bar now?

A Yes, sir, it runs all around like a horse shoe.

Q Wasn't there something here with glasses on running along the center? A Yes, sir, bottles and glasses.

Q About how high was that? A Up near to your breast.

Q It is decorated along the top? A Yes.

Q There is woodwork there? A Yes, sir.

Q Altogether about how high should you say this place is?

A It is on the middle of the bar, it runs from the ice-box up near the front.

Q The ice-box is here? A No, at the lower end of the bar.

Q About how high on it should you say it was from the ground?

BY THE COURT:

Q Five or six feet high? A No, sir, about three feet above

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the bar?

BY MR. CHANLER:

Q Whereabouts were you standing alongside the bar? A I was on the corner of Monroe next to Market.

Q You were down here? A Around that corner, next to Market.

Q About there? A Yes, sir.

Q Whereabouts did you see Reagan; was Reagan standing about here? A He was standing at the lower end of the bar, down next to Hamilton Street.

BY THE COURT:

Q Here is where you were? A Yes, sir.

Q Where was Reagan; was Reagan there? A He was down at this side, next to Hamilton.

Q And you were nearer to Market Street? A Yes, sir.

BY MR. CHANLER:

Q Had you been talking to anybody while you were in the saloon? A No, sir, I was alone there myself.

Q Had you been standing up at that bar alone for twenty minutes? A Yes, sir.

Q How many drinks do you think you took in that twenty minutes? A I had one glass of beer, that is all I had.

Q What first attracted your attention, what did you notice first about Reagan and Sullivan? A I knew nothing about it.

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Q What did you notice first, what was the first thing you saw? A When he came in for a drink first Mr. Sullivan wouldn't give him none, Mr. Sullivan told him to go out, not to be troubling, he was busy now.

Q Did they have any other words besides that? A No, sir.

Q Did he go out quietly? A Yes, sir.

Q Did you see Sullivan go and speak to a policeman? A No, sir, I did not.

Q Did you see Sullivan leave the bar at all? A No, sir, I did not to my knowing.

Q You were not looking at Sullivan all the time were you?

A Yes, sir.

Q Were you watching him all the time? A I was not watching him.

Q You did not see him all the time? A No, sir.

Q You would not say he did not go out in the street?

A No, sir, he did not to my knowing.

Q What was the next thing you noticed about Reagan?

A Nothing more ~~than~~ that I know.

Q Reagan came in again? A I know he did.

Q And what happened then that you saw? A Well, I told you.

Q Well, I want you to tell me the first thing you saw?

A He came in again and Mr Sullivan told him he wouldn't give him no drink.

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BY THE COURT:

- Q Then what next? A Mr Sullivan went down and struck him with a stick.
- Q Sullivan came to the bar where he was? A To that end of the bar.
- Q He was standing at the end of the bar? A He was standing at the end of the bar, Reagan.
- Q And Sullivan came behind the bar? A He came around to the corner, to the end of the bar.
- Q And went up where Reagan was standing? A Reagan was standing at the very corner of the bar.
- Q And he then struck him with a stick? A Yes, sir.
- Q And Reagan fell? A Yes, sir.

BY MR. CHANLER:

- Q You could not see where Reagan had his hand? A No, sir.
- Q Didn't notice particularly? A No, sir, I did not.
- Q You did not notice particularly what was going on until Reagan was struck? A No, sir, I did not.
- Q That was the first thing really made you notice anything much, was when Sullivan struck him with the stick?
- A I saw Mr Sullivan order him out twice, told him he would give him no drink.
- Q Are you sure that you did not go into that saloon at 8 o'clock that night and stay there until ten? A I was in

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before 8 o'clock.

Q And you staid there until 10? A Yes, sir.

Q Hadn't you been in there a little earlier that same afternoon? A I was in there, yes.

Q You were in there that afternoon? A Yes, sir.

Q How many drinks did you have in there that afternoon that you can remember now? A I hadn't many, I had no means to have many.

Q You did not go into that bar-room and stay there without spending any money?

BY THE COURT:

Q How many drinks do you recollect you had all that day, as near as you can give it? A Some days I would have none at all, and other days I would have too much.

Q But that day, how many? A Well, I might have had one or two.

Q That is, as near now as you can recollect? A Yes, sir as near as I can recollect.

M E I N H A R D A L S B E R G, a witness in behalf of the

People, having been duly sworn, testified.

BY MR. OSBORNE

Q What is your business?

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A Manufacturer of collars.

Q Whereabouts? A Factory in Brooklyn, our present office at 176 Fulton Street, New York.

Q Did you know Joe Reagan? A I did.

Q How many years did you know him? A I think it must have been pretty nearly four years.

Q During that time, was he in your employ? A Yes, sir.

Q Was he in your employ on the first of July, 1893? A He was.

Q And regularly in your employ for four years? A As near as I recollect about four years.

Q Do you know his reputation?

Objected to.

Objection withdrawn.

Q What was his general character for peace and quiet?

A Very good, indeed.

CROSS EXAMINATION BY MR. CHANLER:

Q You never heard of his being arrested, and fined \$10, did you? A I did not.

Q If you had heard that, would that affect your opinion as to his good qualities? A Undoubtedly.

DANIEL M c S W E E N Y, a witness in behalf of the People

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having been duly sworn, testified:

BY MR. OSBORNE:

Q Where do you live? A 74 Oliver Street.

Q Where do you work? A Stern Brothers.

Q Sixth Avenue and what Street? A 23rd Street.

Q Do you remember Saturday night the first of July, 1893?

A Yes, sir.

Q Did you see this man Sullivan that night, the defendant?

A Yes, sir.

Q Did you see Joe Reagan that night? A Yes, sir.

Q Did you see Cosgrove that night? A Yes, sir.

Q Where were you standing at the time you saw them?

A About 20 or 30 feet away from the door.

Q What door? A The saloon.

Q Quinlan's saloon? A Yes, sir.

Q At Market Street and Hamilton? A Yes, sir.

Q Which door? A The side-door on Hamilton Street.

Q Who were with you? A Thomas Dunn and three girls.

Q What are the names of the girls? A Josephine O'Keefe,
Mary Ann Reagan, Louisa Ryan.

Q About what time of the night is that you are speaking of?

A About 10 o'clock at night, Saturday night.

Q Tell us what you saw or heard? A We were standing talking to these girls and Reagan and Cosgrove walked past us,

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and they went into the saloon.

Q Which door? A On the side-door, on Hamilton Street.
We were standing, and we heard like some one was struck.
So we ran up to the door, and I saw Reagan laying on the
floor. By the time we got up there, Cosgrove was just
helping him up.

Q Did you see Mr Sullivan? A Seen him walking about, walk-
ing behind the bar.

BY THE COURT:

Q Did he have anything in his hand then? A I couldn't see
his hand, he was half way behind the bar.

Q Did you see him when he came out, Reagan? A Yes, sir.

Q Was he helped along? A Yes, sir, he was leaning on Cos-
grove.

Q Did he have his hat on? A No, sir.

CROSS EXAMINATION BY MR. CHANLER:

Q You say you were there, with these three young girls, and
Thomas Dunn? A Yes, sir.

MARY ANN REAGAN, a witness in behalf of the People,
having been duly sworn, testified:

BY MR. OSBORNE:

Q Where do you live? A 140 Cherry Street.

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- Q Do you work in the city? A Yes, sir.
- Q Whereabouts? A 151 Chambers Street.
- Q What is the nature of the business where you work? A Paper boxes.
- Q Paper box factory? A Yes, sir.
- Q Do you remember Saturday night the 1st of July, 1893?
- A Yes, sir.
- Q About ten o'clock? A Yes, sir.
- Q That night did you see this defendant, Cornelius Sullivan?
- A Yes, sir.
- Q Did you see Cosgrove? A Yes, sir.
- Q And did you see Joe Reagan, the boy that is dead? A Yes, sir.
- Q Where were you standing? A In Hamilton Street.
- Q On the Hamilton Street side of what; of the saloon, Quinlan's saloon? A Yes, sir.
- Q How far were you from the door? A About three doors away, standing at the next house.
- Q Who was with you? A Miss Louisa Ryan, Miss Josephine O'Keefe.
- Q What young boys were with you? A Thomas Dunn and Daniel McSweeney.
- Q This young man who was just here before you? A Yes, sir.
- Q Anybody else with you? A No, sir.

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Q Was there anybody standing in front of the Hamilton Street side-door? A No, sir.

Q Nobody there at all? A No, sir.

Q Now, tell us what you saw? A I was standing there, I saw Joseph Reagan and Thomas Cosgrove coming up the street and they went in the side-entrance of the liquor store, Mr Quinlan's liquor store. They were in there about five minutes and we seen a crowd come through from the other side, and we went up and I saw Joseph Reagan lying on the floor, and Mr Sullivan over him with a club.

Q Is that the club? A I couldn't exactly identify the club but it looked like a policeman's night-stick.

Q Then what did you see after that? A Then Joseph Reagan got up with his hand over his left ear and he staggered out the door and went down Hamilton Street. Any further I don't know.

CROSS EXAMINATION BY MR. CHANLER:

Q Did I understand you to say that you did not see anybody around the Hamilton Street side? A No, sir.

Q Sure about that? A Yes, sir.

J O S E P H I N E O ' K E E F E, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q Where do you live? A No. 11 Hamilton Street.

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- Q Do you work in the city? A I don't work at all.
- Q Do you live at home? A Yes, sir.
- Q With your people? A Yes, sir.
- Q Do you remember the 1st of July, 1893? A Yes, sir.
- Q Saturday night? A Yes, sir.
- Q Where were you that evening about ten o'clock? A I was about three doors away from the saloon.
- Q From what saloon? A Quinlan's saloon on the Hamilton Street side.
- Q Did you see the defendant Sullivan that night? A Yes, sir.
- Q And did you see Joe Reagan, the boy that is dead? A Yes, sir.
- Q And did you see Cosgrove? A Yes, sir.
- Q Now tell, the Jury just what you saw?

BY THE COURT:

- Q I suppose you were with Miss Reagan? A Yes, sir.
- Q And with Dunn? A Yes, sir.
- Q And with McSweeney? A Yes, sir.
- Q You were all together? A Yes, sir, we were all standing together, and Joe Reagan and Tom Cosgrove passed us and they went in the saloon, and a few minutes after we seen a crowd running over and we went up to see what was the matter and Joe Reagan was lying on the floor and Sullivan over

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him with a club. He walked away, and we seen Cosgrove running out and then Joe Reagan came out a little while after, with his hand to his head and went down the street and we walked away. That is all I know about it.

Q You saw no row in the saloon or fight of any kind? A No, sir.

BY MR. OSBORNE:

Q Was there anybody standing in front of the Hamilton Street side? A There were a few people, outside of the witnesses, a few people.

Q Near the Hamilton Street side? A Yes, sir.

Q When did you notice them; when they ran across the street?

A Yes, sir.

Objected to.

Q Will you tell me when you noticed these people you say were in front of the Hamilton Street entrance? A After it happened.

Q Before you all ran up there; or before it happened, did you notice them in front of the Hamilton Street entrance?

Objected to.

A No, sir.

CROSS EXAMINATION BY MR. CHANLER:

Q Do you know the name of the place where you were sitting down at? A We were not sitting at all, we were standing.

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- Q Do you know what it was? A It was between Miss Reeves and Quinlan's place.
- Q Was it a boarding-house? A No, sir.
- Q You were just standing out there? A Yes, sir.
- Q Talking among yourselves? A Yes, sir.
- Q And the first thing you noticed was Reagan and Cosgrove going in? A Yes, sir.
- Q And after that, you saw a crowd? A After they went in a crowd commenced to come around, so we went up to see what was the matter, and Joe Reagan was lying on the floor and some one was standing over him with a club.
- Q When you got there you say you saw some witnesses standing near the door? A I saw some people with the witnesses.
- Q What witnesses? A The witnesses here, Mary Ann Reagan, Miss Ryan and the others.
- Q Did you all go to the door? A Two of them.
- Q And the others? A They went up after us.
- Q And there were some other people besides those witnesses at the door, when you got there? A Yes, sir.
- Q That is all you know about it? A That is all I know.

REDIRECT BY MR. OSBORNE:

- Q At the time you saw Cosgrove and Joe Reagan go into the Hamilton Street side, was there anybody standing by the Hamilton Street side?

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Objected to by Mr. Chanler,

Question allowed. Exception.

A No, there were no people there.

Q Is Louisa Ryan here? A No, she is home sick.

THOMAS DUNN, a witness in behalf of the People, having
been duly sworn, testified:

BY MR. OSBORNE:

Q Where do you live? A 128 Cherry Street.

Q What is your business? A I work in a warehouse as a
clerk.

Q And do you remember Saturday night the first of July,
1893? A Yes, sir.

Q About ten o'clock at night? A Yes, sir, about 10 o'clock
at night.

Q Did you on that night see Joe Reagan, the man who is de-
ceased? A Yes, sir.

Q And Cosgrove? A Yes, sir.

Q Did you see this defendant here, Cornelius Sullivan?

A Yes, sir, I saw him in the barroom.

BY THE COURT:

Q Did you see Miss Reagan? A Yes, sir.

Q And Miss O'Keefe? A Yes, sir.

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Q And you are the Thomas Dunn they speak of? A Yes, sir.

Q Did you see McSweeny also? A Yes, sir.

BY MR. OSBORNE:

Q Now, tell us where you were standing when you saw Cosgrove and Reagan? A I was standing about 30 or 40 feet from the entrance on Hamilton Street.

Q The entrance of what? A Of the saloon.

Q Quinlan's saloon? A Yes, sir.

Q What was the next thing you saw? A I heard a sound which I thought was a blow.

Q What did you do then? A We ran up, the five of us, I was the last one to get up to the door, and I happened to look in there and I saw Joe Reagan on the floor.

Q And where was Cornelius Sullivan? ~~xxxxxxxxxxxxxxxxxxxx~~
Standing over him? A I seen him stand, not exactly over him, but he was coming out to close the door.

Q Did he have anything in his hand? A I didn't notice anything.

Q Did you see Reagan after that? A I seen him coming out, leaning on Thomas Cosgrove's arm.

Q Did he have his hat on? A That I couldnt recollect.

BY THE COURT:

Q You say you are a clerk in a warehouse? A Yes, sir.

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Q What warehouse? A Robinson's Storage Warehouse.

Q Is that in New York? A Yes, sir, 52 and 54 Greenwich Street. But I am not working now, I was laid off about two ~~six~~ months ago.

Q How long were you working there before that? A Two years.

Q And you were laid off in consequence of the slack business? A Yes, sir.

BY MR. OSBORNE:

Q Did you see any row or disturbance in the saloon at all?

A No, sir.

Q At the time you saw Cosgrove and Reagan go in the saloon, was there anybody standing in front of the Hamilton Street entrance?

Objected to by Mr Chanler as leading.

Question allowed.

A No, sir, I didn't notice any one there at all.

CROSS EXAMINATION BY MR. CHANLER:

Q Your name is Dunn? A Yes, sir.

Q You say all you saw was Sulliyen walking over to close the door? A I saw him lying on the floor.

Q And saw Sullivan walking over to close the door?

A Yes, sir.

Q Who suggested to you to say anything about Sullivan stand-

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ing over him? A No one at all.

Q How did you happen to say you didn't see him standing exactly over him, you saw him walking over to close the door?

The Court: The District Attorney suggested that. He did not say he saw him standing over him.

Witness: I was the last one up there, and I did not see him standing over him.

Q Did anybody ask you if you saw anybody standing over him? A Only the attorney here: He asked me did I see him. I said I didn't see him exactly standing over him.

BY MR. OSBORNE:

Q Did anybody ever tell you to say you saw him standing over him? A No, sir.

OFFICER GEORGE B. GRIMSHAW, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q Are you a member of the municipal force of this city?

A Yes, sir.

Q Do you remember July 1st, Saturday evening? A Yes, sir.

Q Did you have a talk with Sullivan that evening about 11:45? A Yes, sir.

Q Will you tell the jury what the talk was that happened after the row?

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BY THE COURT:

Q Did you have any talk with Sullivan? A Yes, sir.

Q Now, tell the jury what you said to Sullivan, and what Sullivan said to you, as near as you can recollect?

A Sullivan came out to me and called me over.

BY MR. OSBORNE:

Q I asked you about the conversation about 11:45.

BY THE COURT:

Q Did you have any talk at 11:45? A Yes, sir.

Q Now, go on and state? A Sullivan came out to me and told me Cosgrove and Reagan were in there making a disturbance.

Q What else? A So I stood around there.

Q Did you say anything to that? A I told him I would -- no, that ain't it either. At that time there was an alarm of fire come in and I went down to the fire in Hamilton Street.

Q Is that the end of it? A Yes, sir.

Q What was the first time that you saw Sullivan on July 1st?

A He called me over across the street.

Q What time was that; was that in the morning or the afternoon? A It was in the evening.

Q And when you crossed --- A He called me across and told me Cosgrove and Reagan were in the store making a disturb-

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ance. So I waited around there for about 15 minutes, and during that time Reagan came up.

Q Then Reagan was not in there at that time? A No, sir.

He came up and I ordered him away, and wanted to know what

he wanted to do around making a disturbance in the saloon.

BY MR. OSBORNE:

Q Well, you slapped his face and drove him away? A "He didn't want you in there and didn't want to sell you anything, the best thing is to stay out".

Q What did Reagan say to that? A Reagan didn't make any remarks at all. I shoved him away, told him to go away and keep away, if he came back again I would lock him up.

Q Did you see Sullivan after that? A Yes, sir.

Q Now, will you say what he said to you and what you said to him? A Sullivan came out and told me that they had been back there and he had struck one of them.

Q Did he tell what Reagan and Cosgrove were doing that made him hit him? A They came in there making threats.

BY THE COURT:

Q Did he tell you the threats? A No, sir.

Q He told you that Cosgrove and Reagan had come in. Now, just tell this jury what he said. A That was the time I went to the fire, when the alarm of fire was sent out.

Q Did you come ~~mfk~~ there after Reagan had been struck?

A Yes, sir.

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Q Did you see Sullivan after that? A When he was struck I had gone down Market Street.

Q But you came back again? A I came back again about 15 or 20 minutes afterwards.

Q And you saw Sullivan again? A Yes, sir, I saw Sullivan again after that.

Q After what? A After I came back.

Q What time was that? A About 11:45.

Q Was that after Reagan had been hit? A Yes, sir.

Q Now, will you tell the jury what Sullivan said to you and you said to Sullivan? A Sullivan told me they had been back again and he had struck one of them.

Q Which one of them did he say he struck? A He didn't tell me which one.

Q Did you ask him? A No, I didn't ask him.

Q Did he tell you with what he struck him? A No, sir.

Q And you didn't ask him? A No, sir, that was the time the alarm came in.

Q Is that all? A That was all.

Q At that time did you know that Reagan had been struck?

A I don't understand.

Q At the time that he told you he struck Reagan, had any one else told you Reagan had been struck in the saloon?

A Yes, sir, there was a party came down the street and

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told me they had been in the saloon and some one had been struck.

BY MR. OSBORNE:

Q Now will you tell me whether Sullivan told you what Reagan and Cosgrove did to him, that made him hit him? A They made threats.

BY THE COURT:

Q Did he say what the threats were? A No, sir.

CROSS EXAMINATION BY MR. CHANLER:

Q Did you know the dead man, Reagan? A No, sir, I didn't know him until that evening.

Q Is there such a gang in the neighborhood known as the "Growler Gang"? A They rush the growler there occasionally.

Q There is a gang there known as the Growler Gang? A Yes, sir.

Q It is a pretty tough neighborhood? A At times, it is.

Q Saturday nights, generally? A Saturday and Sunday nights.

Q Was this young fellow that is dead, recognized as a member of these gangs?

Objected to.

Q Was he one of those gangs?

BY THE COURT:

Q Do you know whether he was or not of his own knowledge?

A I don't know whether he was a member of it or not.

BY MR. CHANLER:

Q What time of the evening was it that Sullivan first called you into the saloon? A I didn't go into the saloon.

Q He called you over to the saloon from the street? A Yes, sir.

Q And then he spoke to you? A Yes, sir.

Q Went out to the door and spoke to you? A Yes, sir.

Q And that was about half past nine, was it? A I think it was a little later than that.

Q He told you then that Cosgrove and Reagan were there making trouble? A Yes, sir.

Q In the saloon? A Yes, sir.

Q And what did he ask you to do, what did Sullivan ask you to do that time? A He didn't ask me to do anything. I asked him if he wanted him locked up. He said he couldn't leave the saloon on account of it being Saturday night and there was no one to leave in charge of the saloon.

Q Didn't he also say he didn't want to have any trouble with him at all? A Yes, sir.

Q And then did you tell him if they came around again making more disturbance you would see if you could get them?

A Yes, sir.

Q And didn't you then wait around there for a while? A Yes, sir.

Q And then it was ~~then~~ Reagan came up? A Yes, sir.

Q And then it was you ordered him away from the saloon, and told him not to come back to it again? A Yes, sir.

Q And told him you would lock him up if he came back again? A Yes, sir.

Q You went down to Water Street after you had ordered Reagan away from the saloon? A Between Cherry and Water.

BY THE COURT:

Q You went down Hamilton Street? A This was before the fire

BY MR. CHANLER:

Q You went down as far as Water Street? A Yes, sir.

Q And then it was that Smith or some one had a talk with you A Some one told me they had been in the saloon and one of them had got struck.

Q Who was it told you, do you remember? A I didn't know the party.

Q And then you went back again, and everything was all quiet? A Yes, sir.

Q Was there any one in the saloon when you went back the second time as far as you could see by looking in the door?

A There was no one but the bar-keeper that I saw.

Q You didn't pay much attention, did you? A No, sir.

Q You didn't know at that time that anything serious had happened? A No, sir, I didn't know that anything serious had happened.

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Q You didn't pay any particular attention to what you said to Sullivan or what Sullivan said to you when you went back the second time? A No more than I have stated.

Q Now, I will ask you whether you remember this question being put to you, and you making this answer which I now read you at the Coroner's inquest held on July 6th: "Q Was this young fellow that is dead recognized as a member of these gangs? A A He was". Do you remember that?

Objected to by Mr Osborne.

Question allowed.

BY THE COURT:

Q Did you state that before the Coroner? A No, sir, I don't remember making any such statement.

BY MR. CHANLER:.

Q Do you remember this question and answer: "There are some pretty tough fellas around there? A Yes, sir" A Yes, sir.

Q Do you remember the following question and answer: "And he was recognized as one of the Growler Gang? A Yes, sir" Do you remember that question and answer being put at the Coroner's Office? A No, sir, I do not.

Q Did you say anything at the Coroner's Office about this conversation with Sullivan that night? A Yes, sir.

Q Sure about that? A Yes, sir.

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Q I mean the second time, after Smith or some boy told you there had been a muss in the saloon, I mean when you went back the second time, you didn't say anything about that in the Coroner's Office? A No, sir.

BY MR. OSBORNE:

Q Were you asked about that last talk you had with him at the Coroner's Office? A No, sir.

BY MR. CHANLER:

Q You were asked whether you had gone back to the saloon after you had heard of this trouble, weren't you? A I don't remember that.

BY THE COURT:

Q Now, how many times were you in the neighborhood of that saloon that day before this blow was struck, do you know?

A About eight times.

Q That was up to 11 o'clock that night? A Yes, sir.

Q Did you see any row in that saloon that day, as you passed it? A No, sir.

Q Or any disturbance of any sort? A No, sir.

BY MR. CHANLER:

Q About how tall was Reagan? A I should say about 5 feet 4 or 5.

Q I will now ask you if you recollect this question being

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