

put to you at the Coroner's Office: "How tall was Reagan" and your making this answer: "I should judge about 6 feet or 5 feet 7". A I guess I was muddled up that time.

Q That was six or seven days after you had seen Reagan that you went to the Coroner's Office? A I don't remember what date.

Q Well it was a few days after this occurrence? A Yes, sir.

Q Was your recollection then as good as it is now in regard to Reagan's appearance? A Yes, sir, it might have been better.

OFFICER JAMES HAGGERTY, a witness in behalf of the People, having been duly sworn, testified:

BY MR. OSBORNE:

Q Of what Precinct are you? A 7th Precinct.

Q One of the municipal force? A Yes, sir.

Q Did you arrest Cornelius Sullivan? A I did.

Q On what day did you arrest him? A On the 2nd of July, about half past five in the morning.

Q At the time you arrested him did you have a talk with him?
A Yes, we spoke together.

Q Tell all that you said to him and all that he said to you.

A I went to No. 35 Market Street, found that he lived there.

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there, got him up, he was lying in bed, he wanted to know what I wanted, I told him I was a police officer, and I had come to arrest him. I said there had been a man injured the night before, and that he was in the hospital. He wanted to know if I had a warrant for him. I told him no, I didn't think it was necessary, the man was dangerously injured, and he went with me. On the way to the station house, he told me, he acknowledged striking the man--
Objected to.

BY THE COURT:

Q Did he say "I acknowledge striking the man"? A Yes, sir. I acknowledge striking the man, I was compelled to do it, I had trouble with him before. He said some of the gang had thrown a lunch bowl at him some time previous, and that he had trouble with him that night before, and ordered him out of the place, these two men, Reagan and Cosgrove.

BY MR. OSBORNE:

Q Go on. AA That is about the substance of it. He made the same statement in court the following morning.
Q Did he say anything to you about the club or stick he hit him with? A He did in court.
Q What did he say? A He said that was the club he had used.
Q That this was the club he had used? A Yes, sir.
Q And where did you get it? A In the bar-room on the corner

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of Monroe and Market Streets.

Q In Quinlan's saloon? A Yes, sir.

Q The place where he worked? A Yes, sir.

Q Now, is that all he said that was done?

A That is all I remember.

NO CROSS EXAMINATION.

Mrs. MARGARET REAGAN, a witness in behalf of the
People, having been duly sworn, testified:

BY MR. OSBORNE:

Q Where do you live? A 40 Catharine Street.

Q Did you live there on the 1st of July, 1893, this year?

A Yes, sir.

Q About what time in the night of Saturday July 1st was Joe
brought home? A Between ten and half past ten.

Q And he staid there until what time? A He came in and he
laid on the lounge. He jumped up and put his arms around
my neck, and he said oh, mamma, I am killed.

Objected to.

BY THE COURT:

Q He was brought in about half past ten and laid on the
lounge? A Yes, sir.

Q And he remained there until he was removed in the ambulance

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A He was put in bed and we sent for a doctor.

Q And then an ambulance came and took him away? A Yes, sir

Q To the Chambers Street Hospital? A Yes, sir.

Q And that was early in the morning? A That was about five o'clock.

BY MR. OSBORNE:

Q You sent for Dr. Manning and Dr. Tuffs. A Yes, sir.

Q And then he was brought home on the 4th of July, was he?

A On the 4th of July, evening.

Q And Joe had been at work for four years for the gentleman who was here? A Four years past.

Q And how much did he make a week?

Objected to.

NO CROSS EXAMINATION.

Mr. Osborne: That is the case for the People.

Mr. Chanler: I ask your Honor to instruct the jury to acquit the defendant upon the ground that the People have failed to show that the deceased came to his death as a result of a wound inflicted at the hands of the defendants and on the ground that the People have failed to prove facts alleged in the indictment, sufficient to warrant the verdict of manslaughter in either of its degrees.

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Motion denied. Exception.

Mr. Chanler: I now ask your Honor to take
from the consideration of the jury the charge of
manslaughter in the first degree.

Motion denied. Exception.

Mr. Chanler opened for the defendant.

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AFTERNOON SESSION.

THOMAS COSGROVE, a witness called on the part of the defense, testified as follows:

By Mr. Chanler:

Q You remember seeing Officer Curry shortly after this occurrence, don't you? A. No sir.

Q Didn't you meet officer Curry while going home?

By the Court:

Q Do you know Officer Curry? A. Yes sir.

By Mr. Chanler:

Q Did you meet Officer Curry that night when you and Reagan were going out of the saloon and going home? A. Yes, met him.

Q I believe you testified you did not tell him anything about what occurred? A. Yes

Q I now ask you if you remember meeting Officer Curry on the following day? A. No sir, I do not.

Q Do you remember meeting Officer Curry corner of Pike and Monroe Streets at any time after this occurrence -- this fight -- and hearing Curry ask you "Why didn't you let me know he was hurt?" -- do you remember his asking that question? A. No sir, don't remember that.

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Q You remember your saying at any time to Curry "We did not want to let you know anything about it; we did not think he was hurt so bad" -- remember saying anything like that to Curry? A. No sir, don't remember.

Q Remember saying to him "We went home and had a pint of beer and half an hour afterwards he began to throw up" -- did you say that to Curry? A. No sir.

Q Had no such conversation with Curry at any time?
A. No sir.

Q Where did you say you had been working for the last six months since this thing occurred? A. Thomas Bonney.

Q Working for him now? A. Yes.

Q Working for him steadily all that time? A. No sir, have been off a couple of weeks.

Q Where have you been? A. Walking around; have not been doing anything.

By the Court:

Q What Bonney is that? A. The truckman.

By Mr. Chanler:

Q When did you leave Bonney? A. About three weeks ago.

Q Did not you leave him at all two months ago? A. No sir.

I was off and on -- working a day now and then.

Q Had you seen this defendant since that day of the Coroner's inquest ? A. Yes.

Q Whereabouts ? A. In the Tombs.

Q What were you doing there ? A. I got arrested.

Q How long were you in there ? A. Six weeks.

Q How long ago was that ? A. About two months ago.

Q You say you have been working steadily for Bonney, and you were not away for any length of time ? A. Yes sir.

By Mr. Osborne:

Q You were indicted, tried and acquitted ? A. Yes sir.

By Mr. Chanler:

Q What were you tried for ? A. Grand larceny.

Q Highway robbery, wasn't it ? A. Grand larceny in the first degree.

Q It was for a crime committed in the night time ?
A. Yes sir.

By the Court:

Q You were tried and acquitted, were you ? A. Yes sir.

A N D R E W C U R R Y, a witness called on the part of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q You are an officer attached to the municipal police force

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of this city ? A. Yes sir, the seventh precinct.

Q How long have you been on the force ? A. Five years next February.

Q Do you know Thomas Cosgrove, a witness in this case ?
A. Yes sir.

Q Do you remember seeing Cosgrove at any time after the trouble in Quinlan's saloon ? A. Yes.

Q When did you see him ? A. About 11 o'clock that night going home with Joe Reagan. They were walking, but Joe Reagan was leaning on him.

Q Did you see Cosgrove again ? A. On the next morning corner of Pike and Monroe Streets.

Q Did you have any conversation with him there ? A. Yes sir.

Q Did you ask him --

By the Court:

Q State the conversation. A. I asked him why he did not tell me about Joe Reagan being struck by the barkeeper that night. He said at the time he did not think he was hurt very bad, and they went home together -- sent out and had a pint of beer and drank it between them. He said shortly after that he began to throw up.

Q Is that all ? A. That is all.

By Mr. Chanler:

Q You were on duty on the night of the 1st of July ?

A. Yes sir.

Q Where were you ? A. Monroe and Hamilton Streets.

Q What kind of a neighborhood is that ?

Objected to. Sustained. Exception.

Q Are there many gangs of ruffians infesting that neighborhood ?

Objected to.

By the Court:

Q Do you know Reagan ? A. Yes sir.

Q If you know, you can state if he belonged to any gang ?

A. No sir, don't know of his belonging to a gang.

By Mr. Chanler:

Q You have testified at the Coroner's office ? A. Yes.

Mr. Chanler: I will now state that this witness is a hostile witness, and would ask leave to cross examine him.

The Court: Ask your questions direct or cross.

Q Do you remember being asked this question at the Coroner's inquest "Do you know the deceased very well, officer?"

A. Very well." You remember that ? A. Yes sir.

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Q You remember being asked this question "Did you ever have occasion to arrest him for drunkenness."

The Court: He need not answer that; that has nothing to do with the case; that would be no justification for striking him over the head.

Q "They had a growler there, I got hold of it and broke it up; and after that Joe was found by Officer Grimshaw lying on a stoop" -- do you remember testifying to that ?

Objected to.

A. That happened the Saturday night previous.

Q "And he was one that was known as the growler gang ?

A. Growler gang." A. I believe so.

Q Do you know anything about it of your own personal knowledge ?

Objected to.

A. There was only one crowd around there by the name of growler -- that was all the gang it was.

Q These gangs have no rules of membership, have they ?

A. No sir.

Q You judge these men belong to gangs by their going around with them ? A. Yes.

Q Did you ever know deceased Reagan being arrested and fined

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\$10 for drunkenness, disorderly conduct -- threatening a liquor man ?

Objected to.

By the Court:

Q Did you ever know him to be arrested and convicted for assault upon anybody ? A. No sir.

By Mr. Chanler:

Q I will ask you this question -- did you ever arrest him on a complaint, take him to the stationhouse and know of his thereupon being fined \$10 for attempting to fight a man ?

Objected to as entirely immaterial; that ~~he~~ it is improper unless he brings a record of conviction, and then he should be confined to what is his general reputation.

The Court: I will allow him to prove any act committed. If you know this man was arrested and fined, you can state it.

A. I don't know.

By Mr. Chanler:

Q I will change the form of the question -- for attempting to assault anybody ? A. Yes sir; he was arrested one Saturday night in Hamilton Street for threatening to assault a man named Cronan who lived at 37 Hamilton Street; he was

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fined \$10; it was a police court.

CROSS EXAMINATION by Mr. Osborne:

Q I understood you to say you didn't know anything about Reagan personally belonging to any gang at all. Did you say that -- that you didn't know anything about it? A. Not belonging to any gang, no.

Q What you mean by a man being a member of a growler gang is that a crowd of young men get together and one of them sends out for beer, is that it? A. Yes sir.

Q Were you around that saloon that night? A. I was there.

Q About what time? A. Several times.

Q State the times? A. I was there first on the post about ten minutes after six; then again I was there within three quarters of an hour, and then again up to about ten o'clock.

Q Did you see any disturbance in that saloon? A. No sir.

Q Any row around there? A. No sir.

Q Did you see any gangs hanging around? A. No sir.

RE-DIRECT EXAMINATION by Mr. Chanler:

Q ~~The Assistant District Attorney has asked you about gangs.~~
I understood Mr. Osborne to ask you whether all you knew about the growler gang was that it was a lot of young men going together and getting beer. Don't you know of young

men holding up the neighborhood for beer ?

Objected to. .Sustained.

Mr. Chanler: I would like to state that the
defendant --

The Court: You need not state it.

Mr. Chanler: I except to your Honor's refusal
to allow me to state at length upon the record
the grounds of the question.

By the Court:

- Q The neighborhood of the saloon is occupied by a very poor
class of people, is it not ? A. Yes sir.
- Q Workmen and laborers ? A. Yes sir.
- Q In summer weather do not a great many people, young people,
stand around the corners ? A. They do not bother them if
they are respectable; they let them hang around there.
- Q These growler gangs are a lot of people who drink beer there
who send out for beer and drink it ? A. Let me explain it.
What I understand by growler is a crowd of young fellows
who do not work at all, who do nothing else but go around
and get something to drink -- holding them up for it.
- Q Do you know this young man the deceased to do that ?
A. No sir.

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ANDREW MCCARTHY, a witness called on behalf of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q You are attached to the municipal police force of this city?

A. Yes sir.

Q Detective officer ? A. Yes sir, special duty, plain cloths attached to the 7th precinct.

Q Do you remember where you were on duty on the 1st of July last, the night of this trouble in Quinlan's saloon ?

A. Yes sir.

Q Where were you ? A. I came through Monroe Street at the time before this trouble started.

Q You came through Monroe Street ? A. Yes sir.

By the Court:

Q At what time ? A. I think about 8 o'clock, as near as I could get to it. I came from the stationhouse through Monroe Street into Market Street, and I met Officer Grimshaw who said to me --

Objected to.

Q What did you do at the saloon ? A. I went in where Sullivan was tending bar.

Q You had a talk with Sullivan ? A. Yes sir.

Q In consequence of that what did you do ? A. I came outside; I told Reagan and Cosgrove that they must keep away from this man's place and not bother him; they said they were not bothering him. I told Sullivan if he would make a complaint against those young men --

Mr. Osborne: The Court told you not to state what was said.

By the Court:

Q You came out after having a talk with Sullivan. You cannot say what was said. You told Reagan and Cosgrove not to bother him ? A. They said they would not bother him.

Q What did you do then ? A. I went away, that was all.

By Mr. Chanler:

Q When you were talking to Sullivan was Reagan nearby ?

A. On the corner; he was out of earshot, couldn't hear what I was saying.

Q Do you know of any gangs of ruffians that infest the neighborhood of that saloon?

Objected to.

The Court: He need not answer unless you propose to connect it by this witness.

Q I do propose to connect it. Question repeated. A. I did

not at the saloon. I did around the corner.

Q Do you know if Reagan belonged to any of those gangs of ruffians inquired of ? A. I have seen him in company with some of them.

Q When you were talking to Cosgrove and Reagan, were there any other young men about ? A. Could not say whether there was or not -- couldn't be positive.

Q Do you know of your own knowledge whether you went to the saloon before or after Officer Grimshaw had been there that evening ? A. I think it was after.

Q You need not answer unless the Court permits you. I ask you if Reagan was a regular recognized member of the growler gang in that neighborhood ?

Excluded. Exception.

Q You need not answer unless the Court permits you. I ask you if you know those growler gangs or the growler gang of which Reagan was a member holding up citizens on the street and robbing them ?

The Court: Excluded on the ground that the question assumes facts which are not proved.

Exception.

Q Do not answer until ruled upon by His Honor. I ask you

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if the defendant Sullivan told you that night that those boys had threatened him? A. Don't remember that he did.

Q Do not answer until His Honor so rules. I ask you if that part of the precinct where you testified Reagan went was not the worst part of the whole precinct -- I ask you if you know of Reagan going about in company ~~xxx~~ with any gangs?

Objected to.

The Court: A man might very easily be mistaken in supposing another to belong to a gang by seeing him in that neighborhood, and a police officer might say that you belong to a gang if he happened to see you around there upon that assumption. I know frequently I have to walk in the midst of large numbers of people or gangs, who crowd about the court house, and yet I would not be suspected of belonging to any gang.

Q You need not answer unless the Court so rules. Do you know whether or not Reagan was considered in that neighborhood of being a member of one of the toughest growler gangs there?

Excluded. Exception.

Q You need not answer unless His Honor so rules. Do you

know if Reagan was a member or was continually in company with one of the toughest growler gangs in that neighborhood ?

Excluded. Exception.
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Q I do not ask if ~~xxxxxxx~~ passing through there, but was in company with it ?

Excluded. Exception.

Q How long have you known Reagan ? A. I have known him about a year.

Q Do you know other people who know him ? A. Yes sir.

Q Do you know what his general reputation is for peace or quiet ? A. Couldn't say anything about that.

CROSS EXAMINED BY Mr. Osborne:

Q ~~Ridn~~ You were about that precinct that night ? A. Yes sir.

Q Did you pass by Quinlan's saloon to and fro ? A. Yes sir.

Q See any row there that night ? A. I believe not.

Q No disturbance of any kind ? A. No sir.

Q And your best recollection is, as I understand it, you saw Reagan in company with Cosgrove only ? A. Yes sir.

Q He was not with any gang at that time ? A. No sir.

Q I understood you to say that if you had seen him in your life standing around a corner with a gang of ruffians you would not know whether he belonged to the gang or not ?

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A. Couldn't say.

By Mr. Chanler:

Q Do not answer unless ruled upon by the Court. I ask you if you remember this question being put to you at the Coroner's ~~inquest~~ inquest, and your making the following answer: "Will you state what you know about the occurrence ?

A. I saw Sullivan (then follows the conversation with Sullivan which His Honor excluded, and you go on to say) There was Cosgrove and Reagan and five or six others; some sat on the steps around the side," -- and somebody called out "What were you doing to this man." Do you remember testifying to that ?

A. Yes sir.

Q That was true to the best of your recollection ? A. Yes sir.

By the Court:

Q Were there any girls around there at that time ?

A. Couldn't say.

By Mr. Chanler:

Q This was some time before you heard of any fight in the saloon -- about what time of night was it ? A. About 8 o'clock.

By Mr. Osborne:

Q When you saw Reagan and Cosgrove, according to the best of

your recollection, they were together; is that what I understand you to say? A. Yes.

Q And these other people were around the neighborhood -- the people sitting around the saloon they were not with Cosgrove or Reagan? A. They didn't seem to be in their company. The others were away -- several feet from there. Couldn't say whether they were in company with them or not.

HENRY MICHAELS, a witness called on behalf of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q You are an officer attached to the municipal police force of this city? A. Yes sir.

Q Did you know the deceased boy Reagan? A. Yes sir.

Q Do you know whether in the neighborhood of Quinlan's saloon where Reagan received a blow that night there was a gang of toughs to which Reagan belonged?

Objected to. Excluded. Exception.

Q Did you know Reagan yourself? A. Yes sir.

Q Do you know whether Reagan belonged to a gang of men known as the growler gang in that neighborhood or not?

Objected to. Excluded. Exception.

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Q Did you know anybody that knew Reagan? A. Yes, a couple.

Q Did you know Reagan's general reputation for peace and quietness in that neighborhood? A. Yes.

Q Was it good or bad? A. It was rather bad in my estimation.

By the Court:

Q It is not your ~~xxxxxx~~ estimation that is enquired of. General reputation is what other people say. A. Well, he associated with a gang of young toughs.

Q You were asked if you knew his general reputation for peace and quietness in that neighborhood. If you do not know what general reputation is, I will tell you -- what people say about a man's character -- do you know? A. Yes sir.

Q Was it good or bad? A. It was bad while I was on the post in that neighborhood.

Q His general reputation for peace and quietness? A. Yes sir

By Mr. Chanler:

Q You left that post a year ago? A. About two years ago.

By Mr. Osborne:

Q You did not know him since he was sixteen years old?

A. Could not say how old he was.

Q It is two years ago since you left the post? A. Yes.

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Q He was a young boy about eighteen when he was killed ?

A. Don't know.

Q Did not Reagan make a charge against you for assaulting him once ? A. Yes, he did.

By Mr. Chanler:

Qv Tell the story -- what did you do ? A. He claimed that I assaulted him. I found him in company with a gang of young toughs and some of them I knew to be thieves, at a saloon they called the Ship. There is an entrance to it that goes from Monroe Street to Hamilton Street. I had the two streets on my post and I went through the place and dispersed them. He said I assaulted him. He appeared against me and I was sent for. Inspector Williams investigated it and after he heard both sides of the story --

Q What was done ? A. Nothing; the case was dismissed.

By Mr. Osborne:

Q Did Reagan testify before the Inspector ? A. Yes.

Q Are you sure ? A. Yes.

Q Were you there when he made the charge against you ?

A. I was there afterwards; I wasn't present at the time.

Q Do you know whether he was ever seen by Inspector Williams or not ? A. No sir.

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Q You don't know whether the Inspector ever examined into his side of the case or not, do you ? A. No sir.

Q I ask you if you know Cody, who owns 40 Carmine Street ?
Objected to. Overruled. Exception.
A. Not very much.

Q Do you know the owner of the place 40 Catharine Street where the Reagan's live ? A. No sir.

Q Did not you send somebody down there and ask Mrs. Reagan not to press the charge against you ? A. No sir.

Q And in consequence of that the charge was never pressed ?
A. No sir.

Q I ask you as matter of fact whether any witnesses were called before the Police Commissioners ? A. Only myself.

By Mr. Chanler:

Q You made a statement before the Inspector ? A. The Inspector asked me all about the case, and finally dismissed it.

Q How long have you been on the police force ? A. Four years and eight months.

Q You know something about the procedure in police cases ?
A. Yes sir.

Q Would the police commissioners call an officer before them for examination before specific charges were made against

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him ?

The Court: If the Inspector reports the charge then I understand a formal complaint is made. In this case such a complaint was made, and it was examined into and dismissed; that is, there was not sufficient proof to put the officer on trial.

RICHARD A. STERN S, a witness called on behalf of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q What is your business ? A. Hotel business, and been that for a number of years. I kept the Prospect House, Shelter Island; the Argyle Hotel, and Babylon, Long Island; the Long Beach Hotel; the Arverne Hotel, Long Island; the Hotel Breslin; the Magnolia Hotel in Florida.

Q Do you know the defendant ? A. I do.

Q How long have you known him ? A. About twelve years.

Q Has he ever been in your employ ? A. He has.

Q How many years ? A. He was with me about nine summers and one winter.

Q Your hotel business is summer resorts ? A. Yes sir, summer and winter.

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Q In what capacity was defendant employed by you ? A. Store-room man and yard man, and in the South had charge of my boats.

Q Do you know people who know him ? A. Yes sir.

Q Do you know his reputation for peace and quietness ?

A. I do.

Q Is it good or bad ? A. It is good.

CROSS EXAMINED BY Mr. OsBorne:

Q Do you know why he left Ireland ? A. No sir.

Q Did he ever tell you ? A. I never asked him.

Q During the time you knew him was he ever arrested for being drunk and disorderly ?

Objected to, also as to form.

Overruled. Exception.

A. Once in the South; I would like to amplify it by explanation.

Q He was arrested for being drunk and disorderly, was he ?

A. He was arrested for being drunk, yes.

Q Was he fined that time ? A. I think I paid the fine myself; I have almost forgotten it; I believe there was a small fine.

Q A dollar or two dollars ? A. Five or ten dollars.

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By Mr. Chanler:

Q You kept him in your employ for years after that, didn't you? A. Yes sir.

By the Court:

Q When was he in your employ? A. In 1888 and 1889. He was in my employ in 1890 -- I think that was the last.

By Mr. Osborne:

Q Was he fighting or drunk? A. I was not present.

ARTHUR EDWARD SILK, a witness called on behalf of the defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q Where do you live? A. I live in Kensico, Mount Pleasant.

Q Were you last July employed in this saloon where defendant was a barkeeper? A. Yes sir.

Q How long were you employed there? A. Two months after it was opened.

Q How long had you been there when this thing occurred? A. Don't know; don't remember.

Q About how long? A. About three or four months.

Q Do you remember seeing this trouble that occurred at the time Reagan was struck on the head with a club? A. Re-

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member being there.

Q Were you there that night ? A. Yes sir.

Q Did you know Reagan or Cosgrove by sight ? A. Did not know Cosgrove, but knew Reagan.

Q The boy that was struck ? A. Yes sir.

Q Did you see him there that night ? A. I saw him once that night.

By the Court:

Q What o'clock was it ? A. Don't remember.

By Mr. Chanler:

Q You don't carry a watch ? A. No sir.

Q Some time in the evening ? A. Yes sir.

Q Did he come in alone ? A. He came in with another fellow the first time. They went out.

Q Did they have any talk with Sullivan the first time they came in ? A. Don't remember.

Q Did you hear Sullivan order them out ?

Objected to. Excluded. Exception.

By the Court:

Q Tell us all you saw and heard when Reagan was in the saloon?

Mr. Chanler: I would like to have the same privilege, in examining witnesses for the defense

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that Mr. Osborne was allowed to have when he asked as many questions as he chose.

The Court: No -- he was not permitted to do so.

Q Go on and tell us what you saw? A. The second time they came in and asked for drinks and got cross and Sullivan ordered them out. They would not go; Sullivan called the officer. The thrd time they came in Sullivan ordered them out, and Reagan had some words with Sullivan and Sullivan came from behind the bar. As he came from behind the bar Reagan struck at him and Sullivan struck back.

CROSS EXAMINED by Mr. Osborne:

Q When Sullivan came from behind the bar, he came with this club, didn't he (indicating club)? A. Yes sir.

Q Where was Cosgrove standing when Sullivan came from behind the bar? A. Didn't know Cosgrove.

Q Didn't know him at all? A. Don't know whether he was there or not; Reagan had some more fellows with him.

Q Who were they? A. Don't know them.

Q Was there more than one? A. It was not more than one in the saloon. He had one with him there in the saloon.

Q Would you know that man if you saw him? A. Don't think I would know him if I saw him.

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Q You never saw Cosgrove in the saloon in your life ? A. I don't say I never saw him in my life before. I might know him now, but did not know him then.

Q You had been in the saloon three months ? A. Yes -- not all the time, but off and on.

Q Is that the man that was with Reagan that night (Cosgrove stands up) ? A. Don't know; did not take particular notice of the man's features.

Q You saw this man that was here before -- Cosgrove ?
A. I did not know what his name was until yesterday.

Q But for three months before you had not seen him in the saloon ? A. Don't remember seeing him.

Q How many times did you see Reagan in the saloon ? A. About three times.

Q The first time Reagan came in there he got a drink, didn't he ? A. Yes sir.

Q And went out -- is that right ? A. Yes sir.

Q Then he came in a second time -- is that right ?
A. Yes sir.

Q Then he had some words and Sullivan would not sell him a drink -- is that right ? A. Yes sir.

Q Then he told the officer to drive them away -- is that right ? A. Yes sir.

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- Q Then Reagan came back with another man -- is that right ?
A. Yes sir.
- Q Then Reagan went up to the bar -- is that right ?
A. Yes sir.
- Q Did he ask why he put the officer on him ? A. Yes, he said
"What made you put that officer on me?"
- Q Then Sullivan said "Get out of here" ? A. Yes, he said
"Get out."
- Q Then Sullivan walked from behind the bar with this club
(Indicating club) ? A. Yes sir.
- Q As he came from behind the bar with the club, Reagan hit
him -- is that right ? A. Yes sir.
- Q Then Sullivan hit him in the head with the stick -- is that
right ? A. Yes sir.
- Q You did not see the people on the outside of the saloon,
did you ? A. I saw some people out there.
- Q You don't know who they were ? A. No sir; I knew there
was not any crowd there before Reagan ~~xxxxx~~ came up.
- Q You did not see the crowd come up there with Reagan ?
A. No sir.

RE-DIRECT EXAMINATION by Mr. Chanler:

- Q Were you in the open part of the saloon ? A. I was on the
Monroe Street side of the bar.

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Q You see this plan of the saloon (showing diagram to witness)

A. Yes.

Q This is the bar (indicating) -- where were you ? A. There is an icebox there. (indicating) -- I was in the passageway there.

By the Court:

Q There was a passageway between the front of the icebox and the bar ? A. Yes sir, and I was in that passageway.

By Mr. Chanler:

Q Mr. Osborne asked you if you had ever seen Reagan in the saloon before. When had you seen him there before ?

A. I see him one Sunday night before.

Q Were you in the saloon every night ? A. Not every night.

Q Did you do any other kind of work besides being in the saloon ? A. Running errands for Quinlan's wife.

Q Where did she live ? A. 86 Madison Street.

Q Were you in this saloon -- not outside of the room all the time that evening ? A. Not all the time.

Q Where were you part of the time ? A. Inside of the room off the barroom.

Q What time of the evening were you there ? A. When they first came in I thought there would be trouble. When Reagan and Cosgrove first came in I thought there would be trouble

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and went in.

Q Had Reagan ever done anything in that saloon that you saw before that Saturday night ? A. This was Sunday night, sir.

Q Did he do anything there Sunday night ? A. Yes.

Q Was Sullivan there ? A. Yes.

Q What did Reagan do in Sullivan's presence ? A. They had a quarrel and Reagan hit me.

Q Then what happened after he struck you ? A. Sullivan came from behind the bar and took my part. The two fellows went out and said they would fetch a crowd in. They fetched a crowd in and one of the crowd threw a cracker bowl at Sullivan. He sent me out twice that night for a policeman.

Q That was a week before this occurrence ? A. Yes sir.

By the Court:

Q Could you find a policeman ? A. No sir.

By Mr. Chaneler:

Q Did they do anything else to you besides striking you in the head -- did Reagan do anything ? A. They caught me in front of the bar and --

Q Was Reagan there that time he struck you ? A. Yes sir.

Q Who else was there ? A. I was not in the saloon; I did not see.

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Q I am speaking of the time they struck you? A. One knocked me down and bent his forefingers around my throat.

By the Court:

Q Did Reagan pull you down? A. I don't know whether it was Reagan or the other fellows.

Q You spoke about a cracker bowl -- I understood you to say you didn't see that? A. The crackerbowl was laying on the floor.

Q Did you see the cracker-bowl thrown? A. No sir.

By Mr. Chanler:

Q You were sent out for a policeman? A. Yes sir.

RE-CROSS EXAMINATION by Mr. Osborne:

Q At the time that Sullivan hit Reagan ~~was~~ with this club, how many people were there in the saloon? A. Don't remember how many.

Q Do you remember anybody that was there? A. A fellow named Edward Skelly was there.

Q At the time he was hit with the club -- this stick here (indicating) -- on Saturday night, was Skelly there that night? A. Yes sir.

Q Was anybody else there? A. A fellow named Sullivan.

Q A man named Flannigan was there? A. Yes sir.

Q Anybody else there that you know? A. No sir, only the

man Sullivan.

Q The man Skelly and the man Flannigan -- is that right ?

A. Yes sir.

Q Did you see the crowd outside ? A. Yes sir.

Q Did you see any girls in the crowd ? A. Don't remember.

Q Did you see Tom Dunn in the crowd there ? A. Don't know him.

Q Did you know any of the crowd outside there ? A. No sir.

Q Didn't know the fellows ? A. No sir, only some children that played around in Monroe Street.

Q Those were the only ones you knew outside at the time this man was hit with the stick ? A. Yes sir.

Q On the Sunday night who was with Reagan at the time you got hit ? A. Don't know the man's name.

Q Two of them together ? A. Two the first time.

Q Who hit you ? A. Reagan hit me the first time -- hit me with his open hand -- slapped me.

Q Then you and he had some talk together ? A. Yes sir.

Q Then Sullivan came out and ordered them out -- is that right ? A. Yes sir.

Q Did you go back there any more that night ? A. I did not go out of the saloon -- not then.

Q How long before you went out of the saloon ? A. Right after Sullivan put the fellows out. When the crowd came in-

Q Were you there when the crowd came in ? A. No sir.

Q You were not there when the crowd came in at all ?

A. No sir.

Q As soon as these two men you talk of had the fight on Sunday night were put out, you went out ? A. No sir.

Q You stayed in the saloon ? A. For a while I did; then I was sent out for the policeman.

Q Did you go out before Reagan came back or not ? A. Yes sir.

Q You went out before Reagan came back ? A. Yes sir.

Q And by the time you got back there there was not anybody in the saloon ? A. Yes sir -- Sullivan was just chasing them through the door, and chasing them away.

Q There was no policeman there ? A. No sir.

By Mr. Chanler:

Q Before you went for the policeman did you hear Reagan say anything to Sullivan ? A. Don't remember.

Q On the night that Reagan was struck did you hear anything said in the street ? A. I heard someone shout out they were going to open somebody's head.

Q Shout out ? A. Yes sir.

By Mr. Osborne:

Q Where was that ? A. On the outside.

By Mr. Chanler:

Q Through which door was that you heard it ? A. Hamilton St. door.

By Mr. Osborne:

Q Do you know whether they said they had opened somebody's head or were going to do it ? A. They were going to do it.

C OMR N E L I U S S U L L I V A N, the defendant, called in his own behalf, being duly sworn, testified as follows:

By Mr. Chanler:

Q Where were you born ? A. Ireland.

Q How old a man are you ? A. Thirty-four.

Q What was your occupation before you came to this country ?
A. Well, I have been five years in the city of London on the Metropolitan Police force.

Q What was your position in the police force ? A. Superintendent's clerk.

Q When did you leave Dublin, Ireland ? A. About twelve years ago.

Q And came to this country ? A. Yes sir.

- Q Whom did you work for ? A. Richard H. Stearns -- the gentleman who went from here.
- Q How long did you work for him ? A. Seven summers and one winter.
- Q After you left him, whom did you work for ? A. I went to work for a man named Timothy Sullivan down Pearl Street, saloon keeper.
- Q You were the bar-tender ? A. Yes sir.
- Q How long did you work for him ? A. About two years.
- Q From there where did you go ? A. To my present employer, Quinlan, and worked for Quinlan up to this occurrence.
- Q Will you tell us in your own words what occurred in that saloon that night between you and Reagan ? A. Well, the conversation really used I cannot express in court --

By the Court:

- Q Go on and express it ? A. Reagan was a member of a desperate gang --

Objected to.

- Q Tell us what was said and done that night ? A. I beg your pardon, I would like to explain.

- Q I cannot allow you to explain anything that is not legal.

A. Reagan came into the saloon that night. I was as busy

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as I could possibly be at the moment. It is a horse-shoe bar, they call it. I have the bar drawn out complete, icebox and all (referring to paper). This man came in in the height of my business. He came in the Saturday night previous to that, he and a member of his gang. They ordered two glasses of beer, two schooners of lager beer. I gave them the two schooners of lager beer, and they drank it down readily. I did not get paid for it, and I demanded payment when I saw it drunk. But Reagan did pay me -- he paid me for the two glasses, and directly he had a row with his partner or chum. I ordered them out. They used filthy language of the worst kind. A crowd collected, and I wanted them to leave the place. I knew they wanted to pick up a fight so as to get behind the bar.

The Court: That is not proper; you can go on and state what was said and done.

By Mr. Chanler:

Q You are to tell what happened a week before this occurrence?

A. The Saturday night previous to this occurrence I ordered them out under threat of arrest, at the same time I sent a man for a policeman. The man did not find an officer on the post wherever he looked for him. He did go out under

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threat of arrest. Before he did go another customer came in the store. He said to him "Hadn't you better leave the saloon -- why do you ast in this way, getting into a fight?"

Objected to.

By the Court:

Q Did you say "Why do you raise a row, why don't you go out"?

A. I said "You had better get out; if you don't, I will place you under arrest. I will leave the place or store under somebody's charge and have you arrested." He said "I will go out, you son of a bitch, and I will come back and get level with you." He did go out. I did not see him afterwards until the following Saturday night, which was the night of the 1st of July. On the night of the 1st of July about nine o'clock -- it may be a few minutes, perhaps ten minutes before nine, he entered the store with one of his gang again.

By Mr. Osborne:

Q Tell us who it was? A. Don't know who it was; don't know the people; know the greater part by looking at them, but their names I don't know. He came into the store. I was quite busy at the time -- as busy as I could be, in fact. I did not notice him come in at the time. I did not notice

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he came in the Market Street door, he and his partner; if I had noticed him coming in, wouldn't have waited on him. But I heard the order given for two glasses of beer close to the Market Street door. I took two schooners and filled them with lager beer, and went towards the direction I heard the order come from. When I saw who was there I hesitated for a moment; I paused, was not satisfied to serve the beer to them. But as I had filled up the beer glasses, I thought they might go out quietly, and placed the beer before them on the bar. I stood there. Reagan paid for the beer; they drank it immediately. One called the other a son of a bitch; there were some other expressions that he got back in return that was yet worse. I interfered again. I said "Now, you have enough of cursing last Saturday night; you have been here one night before and been with a party that made an attempt to take my life by throwing a large cracker-bowl at me, and if I had not dodged it would have knocked my brains out." I said "You will go out or I will make it hot for you and have you arrested." I sent for the police and Cosgrove came in and another of the gang came in with Cosgrove. Reagan said "No, I will not go out for you, you son of a bitch; I want

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four schooners of beer." I said "You can't have any beer; you can go out quietly; there is lots of liquor stores around the corner; you cannot get any more from me; I won't serve you; you cannot behave yourself, you are such a character I cannot have anything to do with you. I warn you to go quietly out of the store; you break up my business." So a customer inside gave Cosgrove ten cents; he said "Go into The Ship and have a pint of beer in The Ship." That was a reckless, dilapidated frame building, two buildings in the rear of the store; they kept nine or ten women there; don't know who they were whether married or not; they gambled there and ran three or four growlers night and day. Well, he left, but he said to me "I will be back and fix you" I didn't take notice of him because I knew he belonged to a bad gang -- which the Coroner's record will show. There are three of them now in State's Prison, and Cosgrove got discharged. He made the fourth member of the gang that were arrested and indicted for highway robbery, committed since I came here. There is three in the State's Prison, and Cosgrove makes the fourth charged with highway robbery.

Q. Go on? A. When Cosgrove got ten cents from the customer he left -- whether they drank or not, they came back. He

entered again and Cosgrove after him. It was about fifteen minutes afterwards. He came in again and demanded drinks. I said "No, you can't have anything here; you may as well be quiet as noisy, or else besociable; I don't want to have trouble with you." I didn't know the man's name; I knew him to be a member of a gang, but didn't know his name until after this thing happened. "No", he said, "you son of a bitch, I have come in and will not get out until you serve me with a drink." I said "If you don't you will know what you will get; you had better be quiet, for you may be sorry." At the same time I sent for a policeman. I knew he came for a bad intention, and sent for a policeman again -- that was the second time. The members of the whole gang collected around the Market Street door. They got a signal from the outside that the policeman was coming.

Q Did you hear it? A. Yes sir.

Q What was the signal? A. A shake of the head by a man in State's Prison named Sullivan. He shook his head at him. Cosgrove ran out, but Reagan said "No, I will not run for this son of a bitch, or any son of a bitch cop in this town." The rest of the gang ran through Hamilton Street; Reagan went outside and stood there. The officer came. It was

was said I went outside of the store as soon as the officer came because I was alone in the store. The officer beckoned at Reagan as much as to say "Was that the man?" I said "Yes, that is the man that causes the disturbance." The officer said "Get out of here you and your gang." He took no notice. The officer went up and gave him a bad smash in the face -- "Will you go now?" He said "I will." He went out of Market through Hamilton Street and passing out there there is three or four steps of the stoop leading out of the side door. He said jumping on the steps "If it takes me till morning I will take your life." I did not answer. That was to me. He went off and the police remained there about fifteen minutes. One officer was in plain clothes and the other was in uniform. He returned after the police left. Young Smith in his evidence against me --

By the Court:

Q. Tell what happened there? A. When the police were far enough so that they could make a raid on me and they found out that the police were that far, they came the third time and jumped through the side door of Hamilton Street. Reagan said "Will you give us the beer now?" I said "No,

you can't have that; I warned you before you would have trouble." He said "I will take it out of the son of a bitch," at the same time he had his right hand under the skirt of his coat. Having had trouble with the cracker-bowl, I made up my mind that the man was desperate; and I took this stick (indicating) knowing in my heart and soul, and taking it for granted he did have a murderous weapon in his right hand. I said "What is the matter with your other hand?" in a jolly way; I didn't make out to be afraid, but I was afraid. I took the stick.

Q What did you do ? A. He called me everything that I possibly could be called.

Q What did he call you ? A. Everything -- fucked up son of a bitch -- that is the first words. I said "Thank you, that is right." I approached him; it made me very mad. I said "Thank you; but you see that door you came through, young man"; he said "yes". I said "You get through." Cosgrove did run through when he saw me have a stick.

Reagan let out with his left hand and caught me on the point of the jaw and neck (indicating) and the moment he did that I did not want to give him a chance of drawing his right hand, not knowing whether he had a knife or gun.

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Somebody yelled out "Why don't you strike the son of a bitch?" I did strike him.

Q Where did he strike you? A. In the point of the jaw, here (indicating) with his left hand, and his right hand was under the skirt of his coat. He fell after I struck him; he staggered and fell on his back -- on his left side -- fell against the iron foot-rail of the bar. It was sworn here that Cosgrove --

Q You struck him and he fell? A. Yes; he directly jumped to his feet and at the same time the gang around the Hamilton Street door they jumped on the steps to raid me -- to get hold of me. So I drew the revolver, a seven chambered loaded revolver, and covered them, and demanded them in the name of the law to stand and clear or I would fire. At the same time they did stand, clear and left. I did not want to do any shooting; I did not think the other man was hurt, because I did not strike him a hard stroke. I did not think there was harm done, and did not do any more than was necessary. The moment Reagan did go out one man shouted "Blow his brains out." I ran to the door and bolted the one on Monroe Street and locked the other on Hamilton Street -- closed up -- took the day and night's

receipts -- went to the other store my employer kept corner of Houston and Elizabeth Streets -- went up there to get receipts also. I was managing both places. I did not happen to meet him there, and came back and went to bed; did not know the man was hurt until the officer arrested me the next morning.

By Mr. Chanler:

Q What was that about the cracker-bowl? A. That was about five weeks previous to this occurrence.

Q How many? A. About five weeks. This gang --

Q Was Reagan there? A. He was; let me explain. I have been asked that question at the Coroner's jury, but this thing all came on me of a sudden.

By the Court:

Q Please go on and tell about the crockery bowl business?

A. Five weeks before one of these fellows came in for a pint of beer, one of the gang. I did not care about having any dealings with the crowd because I knew what they were. I went to fill the pint of beer for them, and while so doing Reagan came in. The fellow that came in with Reagan assaulted that young boy Silk. He struck him -- got hold of him by the neck and slung him around the floor.

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I put both out ~~approximately~~ forcibly, but did not use violence. He said "I will come back in short order and give you the same."

By Mr. Osborne:

Q Who said that? A. The man I gave the beer to said that; don't know his name.

By Mr. Chanler:

Q What happened then? A. They went out and he came back in ten minutes -- the whole crowd came together -- Reagan and this man that took the pint of beer and several more -- the three that are in State's Prison now were there. Reagan stood next the door -- next to the man that threw the crockery bowl. They came in and struck at me right away; they had brickbats and pieces of board. I stood ~~here~~ ^{clear}. They tried to strike me over the bar, and then they spread to get at me; at the same time I saw Sullivan that stood by Reagan, he picked up the large crockery bowl made of heavy delft, about three feet in circumference, and he threw it with all his might at my head. I just ducked it by a hair's breadth and it went over my head -- went on the other side of the bar, cut a deep gash in the bar and broke into a hundred bits. At the same time I jumped for the re-

volver, presented it and they all jumped through the door and got away. That is what caused me to be so much on the lookout -- was the fear of that crockery bowl.

Q You have told us all you recollect about what actually occurred ? A. Yes sir.

Q Did you say Flannigan was in the bar-room ? A. Yes.

Q Had he been there ? A. He used to stand the greater part of every day in the bar-room; he is an old man and don't work. He had been drinking that day; and yet he is a nice old man; every man seems to treat him. He has lived there for years, people all know him.

Q He does not happen to have much money ? A. Sometimes he has; he is an old man and his memory is gone.

Q Was Flannigan in liquor that night ? A. Yes, he was muddled.

Q Was he muddled ? A. A man is muddled in sobriety when he has got no memory.

CROSS EXAMINATION by Mr. Osborne:

Q What were you doing when you left Ireland ? A. I was doing nothing; I was living with my father.

Q How long since you have been on the metropolitan police force ? A. Not thirteen years ago.

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Q What made you leave there ? A. Because I got reduced from the position I held; I was reduced for allowing ten prisoners to go into a liquor store to have a drink.

Q What made you leave Ireland ? A. What made us both? What made you come here?

By the Court:

Q It is better for you to answer the question ? A. I cannot answer. I came to better myself; I thought he meant I had to leave Ireland for some crime.

By Mr. Osborne:

Q Did not you leave Ireland because you hit a man with a stick ? A. No sir.

Q You did not leave on that account ? A. No sir. I left the old country for no reason only to better myself.

Mr. Chanler: I desire to ask Your Honor to instruct Mr. Osborne he has no right to ask those last questions. The only question is whether he was convicted of crime.

The Court: He has a right to ask those questions.

Q You were reduced for letting ten prisoners go and take a drink ? A. Yes.

- Q Were you dismissed from the force ? A. No sir.
- Q Were you on the force when you left ? A. No sir.
- Q Wasn't you in Ireland ? A. No sir, in London; I was reduced in the ranks.
- Q Where were you when you left ? A. Portsmouth.
- Q Whom did you live with for a year ? A. I lived with my father and mother for a year -- I didn't say a year.
- Q For how long ? A. Half a year -- perhaps eight months, or half of that.
- Q Then you came to America? A. Yes.
- Q During the eight months prior to leaving America what did you do ? A. I had no occasion to work; I lived with my parents.
- Q Then you came here and worked for whom ? A. Stearns was the first man who was on the stand.
- Q While working for Stearns you were arrested and fined for being drunk ?

Objected to.

A. No sir.

The Court: You must stop when there is an objection.

- Q What for ? A. I wasn't fined anything.

By the Court:

- Q I want to tell you something -- you will not answer when I tell you to stop? A. Yes sir; I did not hear you, and I beg your pardon.

The Court: Answer the questions, and when I tell you to stop, you must do so.

Mr. Chanler: I objected to the question and I except to Your Honor's remark. When I say stop you must stop, witness.

By Mr. Osborne:

- Q Whom did you work for first in this country? A. Richard H. Stearns, the gentleman on the stand.
- Q How long? A. Seven summers and one winter, then I worked for Timothy Sullivan in Pearl Street, and then worked for Quinlan.
- Q You were held on \$300 bonds for good behavior? A. Yes -- how long ago?
- Q On the 30th of August, 1890? A. Yes sir, that is right.
- Q You were held on \$300 bond for good behavior because you were fighting and using indecent, insulting and threatening language, making a noise and disturbing the peace -- is that right?

Objected to.

A. I know I was held on bail; don't know what the charge was.

Q Arrested by Officer Ring ? A. Yes sir.

Q Whom were you working for when you were held in \$300 bail to keep the peace ? A. For Timothy Sullivan.

Q Keeping bar-room ? A. Yes sir.

Q The same business that you had at Quinlan's ? A. No sir, I was off duty at the time.

Q Had a fight with a man ?

Objected to. Sustained.

Q I understand you to say that on the evening in question, that is when you hit Reagan with a stick, that he was in your saloon -- is that right ? A. Yes sir.

Q Did he come in first by himself or with somebody ? A. With another, I don't know his name.

Q Was it Cosgrove ? A. No sir, not then; it was afterwards he came in.

Q The two men had a drink ? A. Yes.

Q Did you sell them the drink ? A. I sold them a drink and took the money.

Q Then they went out ? A. They did not --

Q You drove them out ? A. They went out under a threat of

arrest.

Q Told them you would arrest them if they didn't go ?

A. Yes.

Q Then they came back ? A. Yes, Cosgrove and Reagan.

Q They came back alone ? A. They came into the store alone.

Q Do you know who was on the outside ? A. I know them by eyesight, but can't tell their names.

Q How many did you see outside ? A. There must be over 100 people there in the crowd. When they came back the second time their gang hung around on the outside of the door.

Q Did you see people on the outside at the time that Cosgrove and Reagan came back the second time ? A. Yes.

Q Did you know anybody there ? A. Yes, Sullivan.

Q You looked outside and saw the crowd of people ? A. Yes, I knew them all by eyesight.

Q But don't know their names ? A. Yes, knew them to be members of the gang.

Q How did you know it -- did you see them together ? A. Yes, they tried to kill me when they were together.

Q When ? A. When they threw the crockery bowl at me.

Q They were all the crowd you saw there on the night of the row with the crockery bowl -- is that right ? A. Yes sir.

Q How long before 'was the trouble with the crockery bowl ?

A. Five weeks.

Q You didn't try to find out the names of the parties after that ? A. No sir.

Q You don't know their names ? A. No sir.

Q You say you don't know the names of the men that tried to kill you with the crockery bowl ? A. I told you Sullivan was there; he was the man that fired it at me.

Objected to.

The Court: You must stop this (to witness).

Answer the questions put to you.

Mr. Chanler: Can I state my objection?

The Court: No.

Mr. Chanler: I object to Your Honor not allowing me time to place my objection on the records.

Q Question repeated. A. Yes, Sullivan.

By the Court:

Q You don't know the names of any of the others; you know them by sight ? A. I know Cosgrove and Reagan now.

Q But at that time you did not know the names of the others? A. No sir.

Q Now you know that one was Cosgrove and the other was Reagan?

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A. Yes.

By Mr. Osborne:

Q Did you ever make a complaint at the police station to arrest them for assaulting you with a crockery bowl ?

A. No sir.

Q Though you know that one was Sullivan you never made the complaint at the police court or station for trying to kill you with a crockery bowl ? A. I didn't make any complaint because I didn't know where the man lived.

By the Court:

Q Is that the reason ? A. Yes sir.

By Mr. Osborne:

Q You say you don't know where he lives ? A. No sir.

Q And didn't know where to make the complaint ? A. Didn't know where he lived.

Q Yet you say you saw them constantly in that gang around your place -- is that true ? A. When I was on duty at night.

Q And for five weeks you saw that gang hanging around there that tried to kill you with a crockery bowl, you did not try to arrest them ? A. Not constantly; I saw them when they came from Hamilton Street and passed around the place.

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Q Never tried to have them arrested ? A. Couldn't leave the store to have them arrested; I was alone in the store; there was no assistant.

Q Did you see Officer Grimshaw on the night of the assault ?
A. Yes sir.

Q Did you see Officer McCarthy on the night of the assault ?
A. I did.

Q Did you tell McCarthy that you wanted to have him arrested for trying to kill you with a crockery bowl five weeks before ? A. No sir.

Q When you were in the Coroner's office and asked about these things, did you state that Reagan was there when the crockery bowl was fired ? A. I was asked that question, and I said I couldn't remember; I paused. I know that.

Q Before the Coroner and his jury you swore you couldn't recollect that Reagan was there ? A. It was all mixed up, because the whole thing happened of a sudden.

Q You were examined in the Coroner's office how many days after the man was assaulted ? A. About eight days.

Q You couldn't recollect at that time that Reagan was there when Sullivan tried to kill you with a crockery bowl ?

A. Yes.

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Q You swear positively that he was among the gang that tried to kill you with a crockery bowl ? A. I am willing to swear it and do swear it.

Q That night when the assault took place Reagan and Cosgrove came in together the third time ? A. Yes.

Q Did they both come up to the bar ? A. Both.

Q Cosgrove did not stay by the door ? A. Not at all.

Q You swear to that ? A. I will.

Q You are quite sure that when you were in the Coroner's court you said Cosgrove did not stay by the door ?

A. I will explain that.

By the Court:

Q Did you swear to any such statement at the Coroner's office?

A. Yes, I will swear to what I said in the Coroner's office.

Mr. Chanler: The proper way is to read the question put at the Coroner's office to the witness, and then the answer.

The Court: That is so.

By Mr. Osborne:

Q When Reagan and Cosgrove came in they both came up to the bar ? A. Yes.

Q Was Cosgrove standing at the bar when you hit Reagan ?

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A. No sir.

Q Then Reagan was at the bar and Cosgrove went to the door ?

A. He ran through the door altogether.

Q Did he run out before you hit Reagan ? A. He was on the way going out.

Q When you came around with the club Cosgrove ran out ?

A. He ran to the door and opened it; he went out then; he was exactly going down the steps in the act of Reagan striking me. I struck Reagan directly he struck me.

The Court: We will stop here now.

The Court gave the usual admonition to the jury under the code on adjourning, and hoped they would enjoy Thanksgiving day.

The Court adjourned until December 1st, 1893,
at 11 A. M.

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TRIAL RESUMED.

December 1st, 1893.

CORNELIUS SULLIVAN, being recalled for further cross-examination, testified as follows:

By Mr. Osborne:

Q Mr. Sullivan, how old were you when you went on the Metropolitan police? A. A few months over seventeen.

Q And how long did you work for Quinlan? A. About two years.

Q How long did you work for him at Market street and Hamilton? A. About eight months.

Q And, during the time that you were there, you had occasion to observe the various people around the neighborhood that came in your place to drink; did you? A. Yes, sir.

Q How long had you known Reagan before this fight? A. I know Reagan previous to that altogether; previous to my going to work there.

Q Did you know his name? A. I didn't know his name; I knew him, personally.

Q And you knew him for eight months? A. Yes, sir.

Q And you say he was in there the night the cracker bowl was thrown in there? A. Yes, sir.

Q You never took the trouble to inquire his name?

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A. I didn't ask him.

Q How long had you known Cosgrove? A. I knew Cosgrove since I went to work there, about eight months; I didn't know his name.

Q And during that time you didn't know his name?

A. No, sir.

Q You knew he belonged to a desperate gang?

A. Well, I saw him with the gang.

Q And did he belong to the gang?

A. He belonged to that same gang.

Q And you knew he belonged to that gang? A. Yes, sir.

Q You are sure he belonged to it? A. Certain.

Q Certain? A. Yes, sir.

Q Did this little O'Keefe girl belong to it?

A. I don't know anything about her.

Q Did she or did she not? A. I don't know.

Q Did this little Margaret Reagan belong to the gang, that testified here yesterday? A. I don't know her.

Q You don't know her at all? A. No, sir.

Q And don't you know whether she belongs to the gang or not?

A. I don't know, sir.

Q Didn't you say that all the gang was outside of that place that night? A. I don't remember; I don't know

the girls.; I don't know anything about them.

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- Q Does that little Thomas Dunn belong to it, that was on the stand? A. I don't know; the gang was out in front of the place; I don't know anything about him.
- Q How could you swear that all the gang was outside?
- A. That man is not a member of the gang.
- Q Is McSweeney? A. I don't know his name.
- Q The witness that testified here the other day?
- A. I don't know that man, sir.
- Q Does he belong to the gang? A. I don't know him; I don't know the man. I can't answer you that question.
- Q Does Flannigan belong to the gang? A. No, sir; he does not.
- Q Do the two Smith boys belong to the gang?
- A. Yes, sir, they do.
- Q They do? A. Yes, sir.
- Q Now, the Saturday night previous to this row, did you send for a policeman? A. Yes, sir; I sent for a policeman.
- Q Whom did you send? A. The man's name was Frank Sullivan; I don't know where he is.
- Q A man named Frank Sullivan? A. I think so.
- Q Frank, and not Stephen? A. I don't know.
- Q Where does he live? A. I couldn't tell you, sir;

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his name is Sullivan.

Q You don't know whether his name is Frank or Stephen; do you?

A. No, sir.

Q I understood you to say, the other day, that all the members of that gang that you knew was a man named Sullivan; is that right?

A. That man is in State Prison.

By the Court:

Q Will you answer the question?

A. Yes, sir; that is right.

By Mr. Osborne:

Q The only member of that gang that you know is a man of the name of Sullivan; is that right?

A. Well, at that time.

Q Since that time, you know Reagan's name, and you know Cosgrove's name; is that right?

A. Yes, sir.

Q Cosgrove is one of the leaders of the gang; is he not?

A. Yes, sir.

Q And you have ordered Cosgrove out of your place many times?

A. Several times.

Q How many?

A. I can't answer you that question -- how many.

Q Thirty times?

A. He didn't come in there thirty times.

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Q How many times had he been in your place before that night?

A. I refused him over fifteen times.

By the Court:

Q How many times did you order him out of the place?

A. To the best of my belief, fifteen times.

By Mr. Osborne:

Q You ordered a man out of your place about fifteen times, and you didn't know his name? A. No; I knew him to be a member. I never bothered to ask him his name.

Q One of the customers on that Saturday night previous that you spoke about, said to Reagan, "Don't you think you had better get out of here, without having any fight?"

A. I testified to that.

Q What is the name of that customer? A. Brady.

Q Brady? A. Brady.

Q Where does he live? A I don't know, sir.

Q You don't know where he lives? A. No, sir, I don't.

Q Never thought to ask where he lives, one of your customers?

A. I never thought anything like this would occur.

Q And you never thought to look him up since the trial?

A. No, sir; I have been in prison.

Q Have you got any witness at all to prove that quarrel on that Saturday night previous? A. I had one here on

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the stand, and he has left.

Q But you didn't bring Mr. Brady?

A. I didn't bring him; no, sir.

Q Now, how many times did those boys come in there that night?

A. Three times.

Q How many times did you send for a policeman?

A. I sent three times, but the man only found him once.

Q And when Grimshaw came up there, it was in consequence of the fact that you had sent for him; is that right?

A. Yes, sir; that is correct.

Q What was the name of the man you sent the first time?

A. Sullivan also.

Q Then this man you sent out the second time?

A. The same one each time, on each occasion.

Q The same Sullivan?

A. Yes, sir.

Q And you don't know whether his name is Frank or Stephen?

A. No, sir.

Q And you don't know where he lives?

A. No, sir.

Q And you didn't bring him down here?

A. No, sir.

Q Didn't tell your lawyer about him?

A. The officer was right here on the stand.

Q Did you tell your lawyer about the man named Sullivan?

A. No; I didn't tell him about the man.

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Q Nor did you ask your lawyer to look him up?

A. No; I didn't need him -- I thought so.

Q Now, the night that cracker bowl was thrown -- do you remember the little man named Silk who was on the stand?

A. Yes, sir.

Q Do you remember that Silk swore that it was on the Sunday night previous to the 1st of July?

A. Yes, sir; I remember that.

Q Did you keep the saloon open on the Sunday night previous to the first of July?

A. It was not Sunday night.

Q Silk was mistaken when he said it was Sunday night?

A. He was mistaken.

Q And it wasn't the Sunday night just previous to the 1st of July?

A. No, sir; five weeks before.

Q And you didn't keep your saloon open on Sunday night?

(Objected to)

A. I won't answer that question.

Q Do you decline to answer that question?

A. I do.

(Objected to)

Q On what ground?

(Objected to)

The Court: You can decline to answer that question if you put it upon the ground that it would

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either ten to criminate or degrade you.

Mr. Chanler: I object to the question.

The Court: I will overrule the objection, and give you an exception; and instruct the witness that he has a right to decline if he chooses to put his declination on the ground that his answer would either tend to criminate or degrade him.

Mr. Chanler: I take an exception.

By the Court:

Q Do you decline to answer on that ground?

A. It would tend to criminate me; I decline to answer.

By Mr. Osborne:

Q On the ground that it would tend to criminate you?

A. Yes, sir.

Q Now, you say that Sullivan and Cosgrove came in there three times that night; is that right?

A. Which night do you mean?

Q Saturday the 1st of July? A. Three times; yes, sir.

Q Now, the second time that they came in there, a customer of yours gave Cosgrove ten cents? A. Yes, sir.

Q And that is the time they raised the row and had the fight; is that right? A. Yes, sir; that is right.

Q And they called each other all kinds of names; is that

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true?

A. Yes, sir.

Q Now, what is the name of that customer that gave Cosgrove ten cents?

A. Brady, I told you.

Q Oh, no. Brady is the one that told Reagan to go home on the Saturday night previous?

(Objected to)

A. That was the same man.

Q You never told your lawyer about that? A. No, sir.

Q Never thought to bring him down?

A. No, sir. I don't know the rules of law.

The Court: It would be a great deal better for you not to talk so much.

Mr. Chanler: Your Honor will give me an exception to your Honor's last remark to the witness, not to talk so much?

The Court: Yes.

By Mr. Osborne:

Q Now, when the officer came up there and told Reagan to go away -- did you hear him tell Reagan to go away?

A. Yes, sir.

Q You were standing outside at that time?

A. No, sir; I was not.

By the Court: Q. Were you standing in the doorway?

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A. Yes, sir; I was standing inside the door.

By Mr. Osborne:

Q And did you speak to the officer and tell him who Reagan was, or did you beckon to him?

A. I beckoned to him.

Q "The officer beckoned at Reagan, as much as to say was that the man"X

A. Yes, sir.

Q And then you told him he was the man? A. Yes, sir.

Q And then the officer slapped Reagan, or, as you said the other day, "gave him a bad smash in the face,"-- which did he give him?

A. He gave him a clout with his open hand; I don't know the weight of it; he gave him a pretty hard slap with his open hand.

Q You said, did you, that Reagan then jumped on the steps and says, "If it takes me till morning, I will take your life"?

A. Yes, sir.

Q The officer was there? A. The officer wasn't there.

Q Didn't you say, the day before yesterday, that the officer stood there for fifteen minutes after Reagan left?

A. On the Market street side, but he went through Hamilton street.

(Objected to)

By the Court: Q. Answer that question.

A. I said so.

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By Mr. Osborne:

Q Did you stay in the door fifteen minutes? A. No, sir.

Q You went right back, just as soon as the officer drove Reagan back?
A. Yes, sir, immediately; behind the bar.

Q Just as soon as Reagan was driven back by the officer, you went right behind the bar?
A. Yes, sir; right behind the bar.

Q Now, when Reagan came in, did he lean on the bar?
A. No, sir.

Q Didn't put his arm on the bar at all? A. No, sir.

Q What were the first words he said to you when he came in?
A. He ordered two drinks.

Q What did you say? A. I refused.

Q And then what did he say? A. He asked me what I put the cop on him for.

Q Why didn't you tell that to the jury the other day when you were sworn?
A. I don't know whether I was asked the question.

Q He said, "What made you put the cop on me;" is that right?
A. Yes, sir; I ordered him out, politely.

Q Did you say, "Get out of here"? A. I ordered him out of here; I says, "You go through that door out again."

Q Then what did he say to you? A. He says, "I will, you son of a bitch; I will blow your brains through that side wall there," at the same time holding his right hand.

Q You didn't say anything about that the other day, did you, about blowing our brains out through the side wall?

A. I did; yes, sir.

Q Isn't this what you said the other day: "Having had trouble with the cracker bowl, I made up my mind that the man was desperate, and I took this stick (indicating), knowing in my heart and soul, and taking it for granted he had a murderous weapon in his right hand; I said, 'What is the matter with your other hand?' in a jolly way; I didn't make out to be afraid, but I was afraid. I took the stick."

A. He used those words also.

By the Court:

Q Did you so state the other day? A. I said that; but he used those words also.

By Mr. Osborne:

Q Now, when was the time he called you a son of a bitch; while you were behind the bar? A. Yes, sir.

Q And then you got the club and came outside?

A. I got the club when I saw his hand concealed behind his back.

Q You were behind the bar when you saw his hand concealed behind the back; is that right? A. Yes, sir; that is right.

Q Was he facing you at the bar? A. He was up at the end of the bar; facing, yes, sir.

Q You mean by the entrance to the bar opposite Market street? A. No, sir; I don't.

Q Where was the entrance to the bar? A. The entrance on the bar is on the rear, next to the ice-box.

Q Over here (pointing to the diagram)? A. No, sir.

Q Just mark it for me, please, on this diagram?

A. Here is the entrance to the bar, it is a horse-show bar, there is the other entrance, and here is the ice-box.

The Court: Put a cross where the entrance is.

Q Now, where was Regan standing?

A. Regan stood here (indicating).

Q Right where those witnesses placed him? A. Yes, sir.

Q Right at the end of the bar? A. Yes, sir.

Q Now, Regan was standing facing you; was he? A. He was.

Q Now, then, you got your club and came out from behind the bar? A. I didn't come out at all.

Q Did you hit him from behind the bar? A. No, I didn't.

Q Were you behind the bar when you hit him?

A. No; I was standing on the entrance.

Q You were standing on the entrance

A. Yes, sir; because the till was right between us; I was afraid---

By the Court:

Q You stood at the entrance of the bar?

A. Yes, sir.

The Q The place where you put the mark?

A. Yes, sir.

By Mr. Osborne:

Q Did you stand there when you hit him?

A. I stood there.

Q Then you were behind the bar?

A. I wasn't either behind or before; at the end of the bar.

Q And you never came out on the floor at all?

A. No, I didn't.

Q Did you come out with your pistol?

A. No, sir; I didn't.

Q You didn't have a pistol when you came out?

A. No, sir; I had no pistol at that time.

Q You did not come out with a pistol in your pocket?

A. No, sir.

Q And Reagan was facing you?

A. He was, sir.

Q And he was facing you across the corner of the bar?

A. No, sir; right on the entrance.

Q You said that you were neither behind the bar nor outside?

A. I was standing at the entrance; he was at the corner of the bar, in front of me, standing opposite the entrance.

Q He was right in front? A. Right in front of me, standing on the floor.

By the Court:

Q Standing on the floor; was he? A. Yes, sir.

Q The other side of the bar? A. Yes, sir; facing each other.

By Mr. Osborne:

Q Now, was Reagan away from the counter, at the end of the bar, standing on the floor? A. He was standing about a half a foot or a foot opposite me.

Q Was he a foot and a half away from the end of the bar? A. He was, sir.

Q And you were right at the entrance to the bar? A. Exactly.

Q And then he wasn't standing at the corner of the bar? A. He was standing opposite the entrance, right by the corner.

Q And faced you? A. And faced me.

Q And then you drew back and hit him -- did you carry the club in your right hand? A. I didn't draw back.

Q Did you carry the club in your right hand? A. Yes, sir.

- Q You are a right handed man? A. Yes, sir.
- Q And then you hit him? A. I did.
- Q You hit him on the left side of the head?
- A. I did, when he hit me.
- Q You knew that he had a murderous weapon in his hand?
- A. I took it for granted that he had, by the threats he used.
- Q And you didn't know whether it was a knife or a gun?
- A. I didn't know.
- Q You saw that there was a desperate gang of ruffians on the outside, on the Hamilton street entrance?
- A. I did, sir.
- Q You saw them at the time you hit Reagan? A. I did, sir.
- Q From the place where you stood? A. Certainly.
- Q You could look from the place where you stood and see that desperate gang of ruffians out there? A. Yes, sir.
- QQ And you didn't know the names of any of them but Sullivan?
- A. Yes, sir.
- Q Then you hit Reagan? A. When he hit me, I hit him.
- Q Where did he hit you? A. Right here (parallel to the jaw and neck) with his left hand.
- Q And did he hurt you? A. Yes, sir.
- Q Were you afraid when you went up there? A. Yes, sir; cer-

tainly.

Q Were you afraid of Reagan? A. I wasn't afraid of Reagan exactly; I was afraid of the gang.

Q That the reason why you hit Reagan? A. When he hit me, I was afraid of the gang; I had to defend myself.

Q Were you afraid of him or afraid of the gang?

A. I was afraid of him also.

Q Afraid of him also? A. Certainly; he had his hand concealed.

Q After you hit Reagan you waited for him to go out, before you closed the door; did you? A. No; after I

hit him, he fell. He jumped up directly and ran through the door.

Q Then he got up and ran out? A. Yes, sir.

Q Ran through the door? A. Ran through the door.

Q Then you locked the doors? A. I locked the doors; I had two side doors.

Q Did you close up your saloon right away?

A. No, I didn't; I left the front door open.

Q And did business until what time? A. Until 12 o'clock.

Q Didn't you say, the other day when you were on the stand, that you closed up right away? A. No.

Q Did you swear to this the other day: "The moment Reagan did

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go out, one man shouted, 'Blow his brains out.' I ran to the door, and bolted the one on Monroe street and locked the entry on Hamilton street, closed up, took the day's and night's receipts"-----

(Objected to)

Q I ask if you didn't swear to this the other day: "The moment Reagan did go out, one man shouted, 'Blow his brains out.' I ran to the door and bolted the one on Monroe street and locked the entry on Hamilton street, closed up, took the day's and night's receipts, and went to the other store that my employer kept, corner of Houston and Elizabeth street."

A. I never said so -- I never said that I left immediately, your Honor. If you will let me explain.

By the Court:

Q Go on and answer the question?

A. I said part of that. I said I locked the Hamilton street side door, and bolted the Monroe street side door. I worked in the store until it came 12 o'clock, and then I took the day's and night's receipts, and then went up to the corner of Elizabeth and Houston street, to the other store, to meet my employer. I didn't meet him, and came back and went to bed.

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By Mr. Osborne:

Q Did you swear to this language?

The Court: He says what he did swear to.

Q Then you locked that door. When was it that you faced that murderous gang of ruffians that you had to pull that revolver on to keep them out of your place?

A. The moment that I struck Reagan.

Q They rushed right in? A. They didn't rush in.

Q That was before or after Reagan went out?

A. Yes, sir; right as he was down; I wasn't outside of the bar at all.

Q Reagan was knocked down while you were standing over him?

A. No, sir.

Q You had to go outside when you met that band of ferocious ruffians; didn't you?

A. No, sir; they tried to break in.

Q Did you point a pistol at the Hamilton street entrance?

A. No, sir.

Q You never did go from behind the bar at all? A. Never.

By the Court:

Q Didn't you go from behind the bar when you went to close those doors? A. Yes, sir.

Q Didn't you go from behind the bar when Reagan hit you?

A. I did not, sir.

Q Reagan then hit you over the bar?

A. He hit me at the entrance of the bar.

Q He was at the entrance and hit you; is that right?

A. That is right.

By Mr. Osborne:

Q Now, Smith came back for Reagan's hat; didn't he?

A. He did, sir.

Q Which side did he come through?

A. He came through the Market street door.

Q Wasn't it to Smith that you showed the pistol?

A. No, sir.

Q You did not show any pistol to Smith at all?

A. No, sir -- I don't remember -- I might.

Q See if you cannot refresh your memory; "he said he didn't take no bluff."

A. I said I took no bluffs; I made that expression.

Q To Smith?

A. I said it to somebody; I don't know to who.

By the Court:

Q Didn't you show the pistol to Smith, and say, "I am not going to take any more bluff"?

A. I didn't speak to Smith, any more than to give him the hat.

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Q Did you or not say that? A. No.

By Mr. Osborne:

Q Now, in the Coroner's court, did you tell the Coroner anything at all about that occurrence that happened on the Saturday night previous to the 1st of July?

A. Yes, sir.

Q You swore to that in the Coroner's court? A. I remember swearing, I remember being asked about it.

Q What? A. I remember being asked about it.

By the Court:

Q By the Coroner, is that it; was it the Coroner or the Coroner's clerk asked you? A. Yes, sir -- some of

them; I don't know which.

By Mr. Osborne:

Q I am not speaking about the cracker bowl. I am talking about the row you had on the Saturday previous to the 1st of July? A. Yes, sir, I testified to that before the Coroner.

Q Now, at the time you hit Reagan, are you sure he wasn't by the door? A. I am certain of it.

Q Didn't you swear, in the Coroner's court, that Reagan was by the door when you hit him?

(Objected to)

(Objection overruled)

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A. I did not.

Q Was this question asked you in the coroner's court, and did you give this answer: "Will you describe to the jury in your own way what took place on that said evening of July 1st?

A. The deceased came in, the deceased and another tough, one of his gang, came in; I wouldn't have served him with anything, but I was busy at the time."

A. I did.

Q "What time was that? A. About 8 o'clock. I was busy waiting on everybody, because only being busy I would have noticed them; they called for two glasses of beer, and I didn't find the mistake in serving them till it was filled out; I thought they might go out quietly, and I let it go. But directly after getting the beer they commenced to fight with each other, and I knew what it meant, and knew them to be members of the gang."

A. I did answer that.

Q "Q. Who were those two? A. The deceased was one, and the other man I don't know his name but I know him by sight."

A. No, I couldn't say that.

Q "Q. Who were those two? A. The deceased was one, and the other man I don't know his name, but I know him by sight."

You say you didn't say that? A. I can't say; I am

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am not positive.

Q "Q. It was not Cosgrove? A. No, sir; but he came in right behind their backs; and there was a gang scattered about that laid for the police." Did you say that?

A. Yes, sir.

Q "They does their work in threes and fours. They lay for the officer, and they shoot out through the side door and get away from them." Did you say that? A. Yes, sir.

Q "They commenced an argument and wanted to strike, and the decent people at the bar shoved away"? A. Yes, sir.

Q "I told them quietly, 'Drink your beer; this is no place for fighting; and get out of here altogether'"? A. I said that.

Q "I told them several times before never to come in here again, but I didn't know who was there until I had the beer filled in. 'We will go out when we are ready,' says Reagan; 'And we will go out when it suits us.' 'All right,' I says." Did you say that? A. I did.

Q "I wanted them to go peaceably and quietly, I was afraid of the rest of the gang outside, and I had the store all alone." Did you say that? A. Yes, sir.

Q "He took the beer and they were not going out; Cosgrove stood in their company, and he ordered a drink." Did you

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swear to that?

A. No; I didn't swear that Cos-

grove ordered a drink.

Q "I says, 'No; I put you out of here about thirty times, and you torment me, and you know I won't sell you anything?'"

A. I said that.

By the Court:

Q Whom did you say that to?

A. I said that to Reagan.

By Mr. Osborne:

Q "And the two of them then says, 'You son of a bitch, we will carry your nut off you before you close up to-night.'" Did

you swear to that?

A Yes, sir; that is right.

Q "They told me that several times. Cosgrove was the leader of the business, he is one of the head leaders. I says, 'All right; perhaps you will, but don't come in again.' They went away from the door and came back and they were walking around the door and I sent a man named Stephen Sullivan after the officer." Is that right?

A. No.

Q Didn't you swear to that?

A. Not that they were

walking around the door.

Q "The officer came up and Mr. McCarthy was in plain clothes, and Reagan was there, and he ordered Reagan out; he says,

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'Is that one of the gang that is annoying you?' I says, 'Yes.' He gave him a slap and says, 'Get away from here and keep away from here.' Is that right?

A. That is right.

Q "They went down Market street and they watched the officer as usual till he went on his post again towards the river. When they saw they had a good advantage and he had gone far enough, they made a raid on the side door, and says, 'Give us a drink.' I says, 'No, sir; I will give you nothing.'" Is that right?

A. Yes, sir.

Q "And Cosgrove went to the door, and he held the door open and I could see the gang outside; they wanted to give each other the tip." Did you so swear?

A. That is right; I said that.

Q "I was afraid I would get collared and pulled out on the Hamilton street side, and they would have the store to themselves?"

A. I said that.

Q "I told Stephen Sullivan, who is in court, 'You had better run up the Monroe street side and get an officer; they will do me sure, because they promised they would before I closed up, to carry my nut off.'" Is that right?

A. Yes, sir -- some of that I don't know anything about.

By the Court: Q. You heard him read. Did you so testify at the

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Coroner's office?
the police, but-----

A. Well, I sent the man for

By Mr. Osborne:

Q Can you answer the question?

By the Court:

Q "But" what?

A. But I didn't say I was sure
they would do me up, as that states.

By Mr. Osborne:

Q "They said, 'You won't give us a drink?' I said, 'No,
sir.' He said, 'You son of a bitch, we will make you give
us one.' And suddenly Reagan stood -- this was on the
Hamilton street side, by the door, he stood this way, and
held his hand in his coat, this way." Did you say that?

A. Yes, sir.

Q "I kept my eye on him, because he warned me before that he
will carry my head off; I didn't know but what he had or
didn't have; I found out that way that he had a weapon, as
he held his hand on his coat." Did you say that?

A. I did, sir.

Q "I went out and I says, 'Get out of this store, or there
will be trouble.'"

A. I said that.

Q "He said, 'You don't put us out, you old son of a bitch.'
Did you say that?

A. I said that.

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Q "I says, 'I don't suppose I put you out, but I will have to do something to put you out.' Is that right?

A. Yes, sir.

Q "And he said, 'Let me see you come and do it.' Is that right?

A. Yes, sir.

Q "As I went out, he made a lunge with his left hand, and he lunged and caught me here (indicating It didn't hurt me, if he had anything in it I don't know; he held his hand under the coat -- I struck him -- that is the whole amount there is to it. I struck him -- I didn't do it with the intention --" Is that right?

A. That is correct; I swore to that.

Q And yet you swear that Reagan was not standing by the door?

A. No, sir; he was not.

Q "Did you strike him more than once? A. No, sir. He fell and he picked himself up immediately and was through the door with great force." Is that right?

A. Yes, sir.

Q " There are four steps leading out, and I believe by the force he went through I don't believe he could keep his legs underneath him; I suppose he was afraid he would get hit again. But that is all I did. I stepped back, knowing the gang was on the outside. I had to lock up both side doors

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and do business through the front door. At 12 o'clock I closed up and took the receipts and went up and saw my employer and I came back and went to bed." Did you swear to that?

A. Yes, sir.

Q Did you swear, in the Coroner's court, anything about the occurrence which happened previous to July, previous to Saturday, July 1st?

A. Yes, sir; I swore about the cracker bowl.

Q No; I didn't say anything about the cracker bowl. I say, did you swear anything about these two fellows coming in your place on the Saturday previous to the 1st of July, and raising a disturbance?

A. I cannot remember.

Q How far is the Hamilton street door from the bar?

A. I should think it is about ten feet.

Q About ten feet?

A. Yes, sir.

Q What sort of a door is there on the Hamilton street side?

Q What do you mean; is it a double door?

A. A single door.

Q Has it got a glass in it?
the top.

A. Four panes of glass on

Q Four panes of glass on the top?

A. Yes, sir.

By Mr. Osborne: You say when Reagan fell, he fell on the iron rail-

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ing?

A. Yes, sir.

Q You didn't tell the Coroner anything about that; did you?

A. I think I did.

Q You won't swear that you did? A. I am not positive,
but I think I did.

Q Now, in that question that I read, and that answer that you
gave, you told all there was in the fight; didn't you?

(Objected to)

The Court: That won't do.

By Mr. Osborne:

Q I will read you the next question. The end of that ques-
tion was, "At 12 o'clock I took the receipts and went up and
saw my employer." You swore to that. The next question
put to you was this: "Q. How long were you keeping bar
there for Mr. Quinlan? A? Two years."

A. I didn't swear that.

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

Q Did you work for him two years? A. Yes, sir; but
not there.

Q And was this question put to you: "Q. Have you had any
other unpleasant experiences with that gang? A. Yes, sir."

Did you swear to that? A. Yes, sir.

Q "Q. Describe them? A. I was somewhere around five weeks

before that, one night --" Is that right?

A. Yes, sir; that is right.

Mr. Chanler: We will admit that there is nothing in the minutes of his testimony before the Coroner, which we presume to be correct, in regard to this occurrence of the week before.

By Mr. Osborne:

Q You closed the Hamilton street door first, and then the Monroe street door?

A. Yes, sir.

Q You said you didn't strike Reagan hard?

A. I said so.

Q And yet you were afraid that he was going to kill you?

A. Sir?

Q And yet you were afraid that he was going to kill you?

A. I couldn't trust him, when he had his hand concealed; I didn't want to use any unnecessary violence with him; I was watching his right hand, afraid he might try to use it.

Mr. Osborne: I offer in evidence the questions and answers which I read from the minutes of the defendant's testimony before the Coroner.

Mr. Chanler: Under stipulation that Mr. Osborne agrees to do the same for me.

The Court: You need not put them in evi-

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By Mr. Chanler:

Q There was some talk about giving me the names of witnesses. You had employed another lawyer before I came to you; had you not?

A. Yes, sir.

Q You were entirely without money?

(Objected to)

By the Court:

Q Why didn't you give the names of those witnesses to Mr. Chanler or to the gentleman that represented you before Mr. Chanler? Did you give him the names of of the witnesses?

A. I gave all the names of the witnesses to the lawyer I had previous.

Q Who is that man? A. Doctor O'Sullivan.

BY MR. OSBORNE:

Q Is Brady out of town? A. I don't know, sir.

By the Court:

Q When did you see Brady last?

A. I saw him last on the night of the 1st of July.

Q Do you know where he lived then? A. No, sir; I do not.

Q And you said that you didn't give his name to Dr. O'Sulli-

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van?

A. I can't swear to that.

By Mr. Chanler:

Q I will ask you, why didn't you want to go behind the bar?

The Court: I don't think it is necessary.

By the Court:

Q If there is anything that you desire to explain in reference to standing in the position that you say you stood in, at the end of the bar, when you struck this man, explain it?

A. Yes, sir; I was afraid, and I knew that if I went from behind the bar that a part of this gang would jump through the other door and get at the till.

By Mr. Osborne:

Q And then there was a desperate gang of ruffians at the Market street door?

A. Well, you couldn't tell.

Q It was Officer McCarthy that hit Reagan; wasn't it?

A. No, sir.

Q It wasn't?

A. Officer Grimshaw.

Q You are sure of that?

A. Certainly.

Q Are you sure that you saw any officer hit Reagan at all?

A. Yes, sir; Officer Grimshaw.

TIMOTHY SULLIVAN, called by the Defense, being duly sworn, testified as follows:

By Mr. Chanler:

Q You employed this defendant for some time, — A. Yes, sir.

Q How long? A? About two years.

Q Do you know people that know him?

A. Yes, sir, lots.

Q Do you know what his general reputation for peace and quiet is?
A. Yes, sir.

Q Is it good or bad? A. Good.

BY MR. OSBORNE:

Q Was he in your employ when he was held under bonds to keep the peace?

(Objected to) (Objection overruled) (Exception)

A. Yes, sir.

Q And doesn't that affect your own idea about his general reputation for peace and quietness?

A. Not particularly; he didn't do it in my store.

By Mr. Chanler:

Q That is the only instance you ever knew against him?

A Yes, sir, that is the only instance I ever knew.

Mr. Chanler: That is the case for the

for the defendant.

Mr. Osborne: I want to ask the defendant
one more question.

CORNELIUS SULLIVAN, recalled:

By Mr. Osborne;

Q Is there a door or entrance to that bar? A. No, sir.

Q No door there at all? A. No, sir.

Q It is a perfectly open way? A An open way from
street to street.

By the Court:

Q Now, there is the bar and here is where you were standing
(pointing to the diagram)? A. Yes, sir.

Q What he wants to know is whether there is a door here?
A. No, sir, no door.

Q Take that blue pencil and mark just where you were standing,
according to your mind?

A. That is the width of the bar; that is the slab on the
top of the bar. I stood right about there (showing).

Q And the man that is dead was right there (pointing)?

A. Yes, sir.

Q He was just at the end of the bar. We have got all that.
That is the extreme end of the bar? A. Yes, sir.

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Q Were you outside or inside of that line? A. Here is the ice-box, here; I was right the end of the bar(pointing).

Q You were a little outside of that line? A. Yes, sir.

Q About how wide is that passage? A. About four feet.

By Mr. Osborne:

Q You were about a foot from the end of the bar. What was the name of that desperate gang of ruffians that was outside the Hamilton street entrance at the time you hit Reagan? A. The names I have learned since; Sullivan was one.

Q What was the name of the gang? I don't want to know the names of the men? A. The "Growler Gang."

REBUTTAL.

DANIEL McSWEENEY, being recalled by the District Attorney, testified:

By Mr. Osborne:

Q You were on the stand the other day. I didn't ask you you whether or not you noticed, when Cosgrove and Reagan went into the saloon, whether there was anybody standing at the Hamilton street side? A. No, sir.

Q Was there anybody? A. No, sir.

Q There was not? A. No, sir.

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Q I understood you to say that your and your party went up to that door?

A. Yes, sir.

Q Now, did the crowd come from across the street, as was testified to, before or after your crowd went up there?

A. After.

Q After your crowd went up?

A. Yes, sir.

Q When you and your crowd went there, there was nobody at the Hamilton street side door?

A. No, sir.

Q Is that right?

A. Yes, sir.

BY MR. CHANLER:

Q If Miss O'Keefe swears that when she got to the Hamilton street side she found several people and witnesses there---

The Court: No, you need not answer that.

You have got her statement.

By Mr. Osborne:

Q McSweeney, is there a lamp out in front of that Hamilton street door?

A. No, sir.

Q And, when you got up there, I understood you to say that Reagan was lying on the floor; is that right?

A. Yes, sir.

Q How far from the end of the bar were his feet?

A. Well, about five or six feet.

Q And where was he lying?

A. On the floor.

Q With reference to Hamilton street and the bar, where was he lying; was it between the two?

A. He was between the door and the bar.

Q About how many feet? A. From the end of the bar?

Q From the side of the bar? A. Well, just about two feet.

Q Which way were his feet pointing? A. I think it is to Catherine street.

Q And his head toward Market street? A. Yes, sir.

Q And he was lying about four or five feet from the end of the bar? A. Yes, sir.

M A R Y R E A G A N, being recalled by the District Attorney, testified as follows:

Q Where have you been sitting? A. Over there.

Q When were you here? A. I just came in.

Q Just came in the door? A. Yes, sir.

Q You have been in the District Attorney's office all day?

A. Yes, sir.

Q And haven't been in the court-room at all?

A. I have been here this morning; not long.

Q Before this case began to be tried? A. Yes, sir.

Q Miss Reagan, at the time you came up, you testified, you saw Reagan lying on the floor. I want to ask you about how

far his feet were from the end of the bar? can you tell?

A. About five feet.

Q About five feet from that end of the bar? A. Yes, sir.

Q And his head was pointing up that way? A. Yes, sir.

L O U I S A R Y A N, being sworn and examined, testified as follows:

By Mr. Osborne:

Q Now, Miss Ryan, were you with Miss O'Keefe and Miss Reagan and Tom Dunn and McSweeney on the 1st of July, on Saturday night?

A. Yes, sir.

Q And did anything attract your attention that night?

A. Yes, sir.

Q What was it? A. I seen a couple of people from the other side run over.

Q That is, from the other side of Hamilton street, or what street?

A. Hamilton street.

Mr. Chanler: I object to this, as not being in rebuttal.

The Court: It may be in rebuttal. I cannot tell just yet.

By Mr. Osborne:

Q When you saw these people running over there, what did you

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do?

A. I ran up.

Q Up to where?

A. To the liquor store.

Q To Quinlan's?

A. Yes, sir.

Q To the Hamilton street entrance?

A. Yes, sir.

Q And, when you got there, what did you do?

A. I saw Joseph Reagan lying on the floor, and Sullivan standing beside him.

Q Was Sullivan outside the bar?

A. Yes, sir.

Q About where was Sullivan standing when you saw him, about how near?

A. He was right beside him.

Q Right beside him?

A. Yes, sir.

Q And about how far were Reagan's feet from the end of the bar?

A. About five or six feet from the end of the bar.

Q And was his head pointing towards the Market street side or which way?

A. His head was toward Market street and his feet was towards Catherine.

Q And at the time -- did you see Reagan and Cosgrove go into the bar-room?

A. Yes, sir.

Q Now, at the time that Reagan and Cosgrove went into the bar-room, was there anybody standing in front of the Hamilton street door?

A. No, sir.

Q Where do you work?

A. In Chambers street.

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Q In what kind of a business?

A. Paper box factory.

BY MR. CHANLER:

Q The same factory that Miss Reagan works in?

A. Yes, sir.

Mr. Osborne: It is conceded that Thomas Dunn will testify in the same manner that the last witness testified.

The Court: That is, about the location of the deceased and the defendant.

Mr. Osborne: Yes, sir; and to the fact that there was nobody in front of the Hamilton street entrance.

ELIZABETH OUCKENFALL, being duly sworn and examined, testified as follows:

By Mr. Osborne:

Q Is your name Reed?

A. They all called me

Reed; I am married the second time.

Q Where do you live?

A. 42 Monroe street.

Q How far from Quinlan's saloon corner of Market and Hamilton

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streets?

A. I am the next door; I couldn't tell you how many feet, right next door to it.

Q Do you know any gang around there of any sort?

A. No, sir.

By the Court:

Q How long have you lived there? A. I lived there fifteen years very near.

Q You are familiar with the people of the neighborhood; are you? A. Yes, sir.

By Mr. Osborne:

Q You keep a store there; don't you? A. Yes, sir.

Q What is the nature of the store?

A. I sell candies, toys, everything - a general store.

Q You say you do not know of any gang at all?

A. No, sir, I don't.

Q Did you know Joseph Reagan? A. Yes, sir; since he was born.

Q What is his reputation for peace and quietness, if you know it? A. I never knew anything wrong of him.

Q Do you know his reputation for peace and quiet?

A. Yes, sir.

Q Is it good or bad? A. Good, as far as my knowledge goes.

Q You know nothing against him?

A. No, sir.

CROSS EXAMINATION.

By Mr. Chanler:

Q Did you ever hear of his being arrested for fights?

A. No, sir; I never did.

Q If you had, would that have affected your opinion as to his good character?

A. I don't know as it would --because some boys --he was only a boy --they get into trouble. I don't know that it would have taken his reputation away from him.

Q Did you ever hear of Officer Curry having to go into Mrs. Reagan's house and taking Reagan out of the house because Reagan was drunk and disorderly and fighting his family?

A. No, sir.

Q Never heard of that?

A. No, sir.

Q Do you know Mrs. Reagan?

A. Yes, sir; I know her for the last twenty years.

Q A friend of hers?

A. No, I am no particular friend; I know the woman. Sometimes, I don't speak to the woman once in six months; I have seen the son occasionally; I lost sight of him since he was twelve years of age.

Q Your business is keeping a candy store?

A. I sell everything; a general Yankee notion store.

By the Court:

Q You do not sell liquors? A. No, sir, I don't sell liquor; a Yankee notion store, I keep.

Mr. Chanler: I ask your Honor to strike out all the testimony of the last witness, on the ground that it is incompetent, irrelevant and immaterial in this case.

(Motion denied) (Exception)

OFFICER GRIMSHAW, being recalled by the District Attorney, testified as follows:

Q Officer Grimshaw, were you sent for at any time on Saturday, July 1st, before Reagan was hit?

(Objected to)

By the Court:

Q Did you receive any message from the defendant, purporting to come from the defendant, on Saturday, July 1st, prior to the time that you heard of Reagan's being hit; did you or not?
A. Yes, sir.

By Mr. Osborne:

Q Before Reagan was hit? A. No, sir; it was after he was hit.

Q About what time did you receive the message?

A. It was about 11:40.

Q And when you drove Reagan away that night, what time was it?

A. It was about 11:45.

Q About the time you drove Reagan away? A. It was about 10:30.

Q About 10:30? A. Yes, sir.

Q Now, were you on your beat when Sullivan called you across the street? A. Yes, sir.

Q You did not come over because you had been sent for; did you -- at that time? A. Sullivan beckoned for me to come over.

By the Court:

Q Nobody else came to you? A. No, sir.

By Mr. Osborne:

Q Did Sullivan tell you at 11:45, when you saw him, or at at 11:40, that he had sent for you? A. No, sir.

Q Did Smith give you Reagan's hat? A. Yes, sir.

OFFICER HAGGERTY, being recalled by the District Attorney testified as follows:

By Mr. Osborne:

Q Officer, you are the ward man of that precinct? A. I am.

Q How long have you been the ward man?

A. About two and a half years.

Q And how long have you lived in that precinct and been an officer in it?

A. I have been an officer in the precinct, off and on, for sixteen years.

Q Do you know of any gang of ruffians that hang out on Hamilton and Market streets?

(Objected to, as immaterial.)

A. No, sir.

Q You do not?

A. No, sir.

Q Do you know of any such gang of ruffians called the "Growler gang?"

(Objected to, on the same ground.)

(Objection overruled)

(Exception)

A. I do not.

BY MR. CHANLER:

Q You have charge of this case, have you not; you are the man that made the arrest of the defendant?

A. I am.

(The case is closed)

(Counsel on both sides summed up to the Jury.)

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EDWARD LONGTON, a proposed juror, was duly sworn
and examined,:

By Mr. Osborne:

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

Q What is the nature of it? A. Grocery.

Q Groceries? A. Yes, sir.

Q Whereabouts? A. Between 50th and 51st streets,
on Third avenue.

Q Have you ever known this defendant? A. No, sir.

Q Nor the defendant's lawyer, Mr. Chanler?

A. No, sir.

Q Have you ever heard of this case before? A. No, sir.

Q Do you know any reason why you could not try it impartially
on the facts? A. No, sir.

MR. OSBORNE: Challenge withdrawn.

BY MR. CHANLER:

Q Have you ever served in a homicide case before?

A. No, sir.

Q Have you ever served in a criminal court before this term?

A. In this term only.

Q Have you served in many cases in this term?

A. About four.

Q Do you believe you understand the duties of a juror?

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A. I do.

Q The jury are the sole judges of the facts? A. Yes, sir.

Q You take the law from the Court, as he lays it down, without question? A. I would; yes, sir.

Q You have no prejudice against this defendant because he is a bartender? A. Yes, sir.

By the Court:

Q Do you mean you have a prejudice against bartenders?

A. Yes, sir; I have a prejudice against the liquor business.

Q Do you mean to say you could not give a bartender just as fair a trial as you could anybody else?

A. Yes, sir, I would.

Q You would give him a fair trial? A. I would.

Q You would not permit your prejudice in any way -- your objection really is against the liquor business; is that so?

A. Yes, sir.

Q You do not mean to say that you would permit your dislike of the liquor business to prevent you from giving a man who was arraigned at the bar, engaged in that business, a fair and impartial trial? A. No, sir.

Q You would try a bar-keeper just the same as you would try a clergyman, and give him as fair a trial; wouldn't you?

A. Yes, sir; certainly.

By Mr. Chanler:

Q You say that you have a prejudice of some nature against a bartender? A. Well, I have against the liquor business, generally speaking.

Q And in a case where a bartender was on trial, and where the defense set up was self-defense, wouldn't the fact that you had a prejudice in your mind against a person engaged in the liquor business affect your judgment, in giving to the defense, and to the story of the defense, your full credence and support?

A. As far as I was able to justly, I should go by the evidence as it was submitted on the trial.

Q Do you not think that your prejudice against the employment in which the defendant was engaged would have some effect on your mind on weighing the evidence?

A. I believe I would be as just as I could; I can't tell how far that prejudice might go. I can't tell something I don't know.

Mr. Chanler: I submit the challenge.

The Court: I will overrule it.

Mr. Chanler: Note my exception.

The Court: What this man means to say is