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COURT OF GENERAL SESSIONS,

Part III.

-----X
The People of the State of New York :

against :

M a r y D u n n e . :

Before

: Hon. Frederick Smyth
and a Jury.
: :
-----X

Indictment filed November 8th, 1893.

Indicted for Murder in the First Degree.

New York, March 14th, 1894.

APPEARANCES.

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

For the Defendant, Mr. Lewis S. Chanler.

The jurors were called, examined and sworn.

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

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

DIRECT EXAMINATION by Mr. Osborne:

Q Dr. Donlin, you are a Deputy coroner? A Yes, sir.

Q And a physician? A Yes, sir.

Q You made an autopsy upon the body of George Dunne? A Yes, sir.

Q On the fifteenth day of October, 1893? A. Yes, sir, I superintended the autopsy.

Q What date did you make the autopsy? A. The fifteenth of October.

Q 1893? A. Yes, sir.

Q Where? A At the New York Hospital.

Q Who assisted you or who made the autopsy? A. Dr. Briggs.

Q Dr. Briggs under your supervision? A. Yes, sir.

Q About what time in the afternoon did you get there, Doctor?
A Around about three o'clock.

Q Three o'clock? A. Around about that.

Q You made an examination of the body? A. Yes, sir.

Q Go on and state in your own way what you found? A. Let me have those papers. On an inspection of the body it appeared to be well nourished. There was about a dozen small wounds, about the left eye, the forehead, in the left temple parietal

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region.

Mr. Chanler: I object to his reading from the autopsy unless he states he cannot recollect without it.

By the Court:

Q Shut that up, Doctor, and see if we can start you off right.

I understood you to say that you superintended or assisted at this autopsy which was held on the body of a man at the New York Hospital? A Yes, sir.

Q The autopsy was really performed by Dr. Briggs? A Yes, sir.

Q In your presence? A Yes, sir.

Q About 3 o'clock that afternoon? A Yes, sir, about that time.

Q Can you state without reference to those minutes what the condition of the body was when you first observed it. You made a superficial examination of it? A Yes, sir, I made a superficial examination.

Q State what you found on the superficial examination? A I cannot recall the facts, I make so many autopsies.

Q Can you state the condition in which you found that body? A. The body was in a well nourished condition, as far as I can recall, about a dozen small wounds on the left temple

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parietal region. I found a depression or fracture of the skull beneath there, after removing the scalp.

Q Have you stated all the superficial appearances of that body?

A. I don't think I found any other marks on the body.

Q Go on, doctor, and tell the rest of it? A. As to the condition of the other organs, I think they were in a healthy condition.

Q After making a superficial examination of this body, what was the next thing you did? A. I removed the scalp.

Q After removing the scalp what did you find? A. I found a depressed fracture on the left temple, parietal region, a fracture of the frontal bone, the parietal bone and the temporal bone.

Q What was the next step? A. The next step was to remove the top of the skull, the calvarium.

Q On removing that what did you find? A. I found a hemorrhage beneath the fracture, a depression or pressure on the brain tissue as the result of the depressed fracture.

Q Anything else, doctor? A. That is about all I can remember of that.

Q Without reference to the notes? A. Yes, sir.

Q What did you find to be the cause of death? A. Fracture of the skull.

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By Mr. Osborne:

Q What did you find was the condition of the other vital organs?

A. I believe they were in normal condition.

Q How many wounds did you say you found on the head? A. About a dozen I should say.

Q Could those wounds have been produced by a hatchet or a hammer, might they have been so produced?

Mr. Chanler: I object to that as incompetent, irrelevant and immaterial.

Objection overruled; exception.

By the Court:

Q In your opinion, doctor, how were those wounds caused? A. By violence.

Q What kind of violence? A. I should say they were from blows struck with a hammer or the back of an ax, or anything of that kind.

Mr. Chanler: I object to that last question and I ask that the answer be stricken out.

Motion denied; exception.

Mr. Osborne: It is conceded by the defense that the body upon which this autopsy was performed was the body of George Dunne, the person mentioned in the indictment.

The Court: That may go upon the record.

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CROSS EXAMINATION by Mr. Chanler:

Q Doctor, do you remember what the condition of the stomach was as to ulceration? A. I think the stomach was congested, I think so, yes, sir.

Q I ask you if you recollect finding that the stomach was ulcerated, showing evidence of the deceased being a drinking man? A. Now that you recall it, yes, sir.

By Mr. Osborne:

Q That ulceration could have been caused by something other than drinking? A. Yes, sir, the ulceration could be from other causes.

Q Other causes? A. Yes, sir.

By the Court:

Q That ulceration which you observed was not the cause of this man's death, was it? A. No, sir.

FRANK E. TOWLE, JR., a witness called on behalf of the People, being duly sworn, testified as follows.

DIRECT EXAMINATION by Mr. Osborne:

Q Mr. Towle, you are a city surveyor? A. Yes, sir.

Q You have been engaged in that business several years? A. Yes, sir.

Q Did you make that survey (handing witness a map)? A. Yes, sir, I made this survey.

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Q What premises does that map represent? A. No. 106 West 26th Street.

Q What part of those premises? A The second floor.

Q Now, is that a correct diagram? A. Yes, sir.

Q What did you make it? A. March 7th, 1894.

Q Does this survey also contain a diagram representing the staircase leading from the second floor up to the third?

A. Yes, sir.

Q And of the platform or hall of the third floor? A. Yes, sir, it does.

Q Now, did you look to see or find out whether a person standing on the third floor and looking through the banisters could see into the kitchen if the door of the kitchen was open?

Mr. Chanler: I object to that as incompetent, irrelevant and improper.

The Court: Will you tell me why it is not proper?

Mr. Chanler: It was done in the absence of the defendant, and it has no bearing on the case.

The Court: I don't know about that. It is simply proving the fact that a person standing in a certain position indicated on that diagram, and looking in a certain direction could see to a certain point. I think that is perfectly proper, al-

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though I don't know what it may lead up to.

A. By leaning over the banisters on the third floor at the street end, of the opening which goes to the ----

Q Just indicate where you would stand? A. By standing at this point here (indicating) just up there and bending over the banisters so that my eye would be there about (indicating) and looking down through the well hole of the opening between the banisters as cut there in the staircase I could see from this point (indicating) to a point ten feet from the side of the wall into the kitchen.

Q You could see into the kitchen? A. Yes, sir -- to a point ten feet in, somewhere there; and also from a space from this wall about two feet in this direction, so that the eye standing at that point could see that much of the kitchen floor.

Mr. Chanler: I ask that all the evidence of this witness regarding what he saw or could be seen be stricken out.

The Court: I don't suppose there is any question about the correctness of this diagram.

Mr. Chanler: That is conceded.

The Court: Then I will allow the District Attorney to put it in evidence.

The diagram referred to was then put in evidence and marked People's Exhibit 1 of this date.

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The Court: You have already objected to what the witness said in reference to that kitchen.

Mr. Chanler: I ask that it be stricken out.
Motion denied; exception.

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

DIRECT EXAMINATION by Mr. Osborne:

Q You live at 106 West 26th Street, in this city? A. Yes, sir.

Q You and your son-in-law keep a restaurant there, do you?

A. Yes, sir.

Q Are you the housekeeper too? A. Yes, sir.

Q Now, you remember the 14th of October, 1893, do you not?

A. Yes, sir.

Q Did this defendant Mary Dunne and her husband occupy apartments in your house? A. Yes, sir.

Q What floor did they occupy? A. The second floor.

Q For how long did they occupy it? A. For about six months.

Q On the afternoon of the 14th of October, 1893, did you see

Mary Dunne, this woman? A. Yes, sir.

Q Where did you see her? A. In the window.

Q Of her apartments? A. Yes, sir.

Q Did you notice anything about her at the time? A. Yes, sir.

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Q You saw the defendant in the window of her own house?

A. Yes, sir, she was in the house where she lives.

Q Where is your restaurant, is it on the ground floor? A. No, sir, two steps.

Q Is there a basement underneath? A. Yes, sir.

Q Just above the basement is your restaurant? A. Yes, sir.

Q Is that right? A. Yes, sir.

Q Where were you when you saw this defendant on this day?

A. In the yard.

Q You were in the yard of those premises? A. Yes, sir.

Q You saw her in the window of her house? A. Yes, sir.

Q What time of the day was that? A. Near three or four o'clock,
I don't know for sure.

Q Three or four o'clock in the afternoon? A. Yes, sir.

Q Did she say anything to you when you saw her? A. She says,
she wanted to see me and she told me to go up.

Q To go upstairs? A. Yes, sir.

Q Did she raise the window? A. The window was open and I
looked up.

Q The window was open so that you could look into it? A. Yes, sir.

Q Did you observe anything about the woman at the time?

A. Well, I seen her in the window and she told me to go up.

Q Did you notice her? A. No, sir.

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Q You didn't see anything peculiar about her at the time?

A. No, sir.

Q This woman was at the window and the window was open?

A. Yes, sir.

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

Q What did she say to you? A. She says, "Mrs. Sommiel, come up."

Q She said come up? A. Yes, sir.

Q What next? A. "I want to tell you something."

By the Court:

Q What did she say? A. I looked in the window and she told me, "Come up, I want to tell you something."

Q Did she say anything else? A. No, sir.

Q What did you do? A. I came back in my room and I did not go up.

Q You did not go upstairs? A. No, sir, she called me to go up, that I should go, I don't say nothing and she don't do me nothing at all.

By Mr. Osborne:

Q Did Abrian go upstairs then? A. Yes, sir.

Q Then did he come down again? A. Yes, sir.

Q Did you go upstairs? A. Yes, sir, afterwards.

Q Did you go to the door of Mrs. Dunne's apartments? A. Yes, sir, I go to the door.

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Q Tell the jury whether you saw her or not when you got there?

A. I saw Mrs. Dunne in the hall.

Q Now, did you say anything to her, or she to you? A. She told me, "I kill my husband." That is all she told me.

Q What did you do or say? A. I came in the kitchen and I ran going in and I saw this man in the bed, I ran away.

By the Court:

Q You went into the kitchen of Mr^s. Dunne's rooms? A. Yes, sir.

Q When you got into the kitchen where else did you go then? A. In the room.

Q In the bedroom? A. No, sir, in the front room.

Q You went right to the front? A. Yes, sir.

Q When you got into the front room, what did you see? A. I saw one man in the bed, full of blood, that is all.

Q Who was the man, was that her husband? A. Mr. Dunne.

Q Mr. Dunne? A. Yes, sir.

Q You saw him full of blood, then what did you do? A. I ran back.

Q You ran out then into the hall, is that it? A. Yes, sir.

By Mr. Osborne:

Q Where was the room that you saw Mr. Dunne in, in this room here, the front room. Look at the diagram. There is the kitchen and there is the back room. Which room was it you saw

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Dunne in? A. That is the kitchen?

- Q Yes, and that is the hall you see there? A. Yes, sir.
- Q And there is the banisters right there? A. Yes, sir.
- Q This is a room with two windows in it? A. Yes, sir.
- Q Whereabouts was the bed? A. About there (indicating).
- Q There is the closet there? A. Yes, sir.
- Q How many rooms did they have there in that house? A. Three rooms.
- Q Mrs. Dunne had three rooms? A. Yes, sir.
- Q This room with the closet in it? A. Yes, sir.
- Q And that room there? A. Yes, sir.
- Q Was it in the room next to the kitchen that the body was found?
- A. Yes, sir.

Mr. Osborne: I will mark that room A.

- Q About where was the bed, do you remember? A. About there (indicating).
- Q Was the head of the bed in that direction, towards the wall, or was the head of the bed towards the kitchen? A. The head of the bed was this side (indicating).
- Q Was the head of the bed towards the kitchen? A. There (indicating).
- Q Is this the head of the bed? A. Yes, sir, and the man had his head here (indicating).
- Q The man was lying at the foot of the bed? A. Yes, sir.

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- Q Was he lying across the bed? A. No, sir, straight.
- Q Straight on the bed with his head towards the foot of the bed?
- A. Yes, sir.
- Q I understood you to say that Mr. Dunne was covered with blood?
- A. Yes, sir.

Mr. Chanler: I object to the expression "covered with blood".

The Court: Leave out that expression.

- Q Did you see any blood? A. I saw blood all over.
- Q All over the bed was it? A. Yes, sir.
- Q Was there any on the floor? A. Yes, sir.
- Q Some on the floor also? A. Yes, sir.
- Q Did you see blood anywhere else but on the floor and on the bed? A. I seen some off the ceiling.
- Q On the ceiling? A. Yes, sir.
- Q On the wall you mean? A. Yes, sir.
- Q Did you see any on the ceiling? A. Yes, sir.
- Q You know what the ceiling is? A. Yes, sir, I mean on the wall, I made a mistake.
- Q When you got upstairs did you see the little boy? A. Yes, sir.
- Q You saw him when you got up there? A. Yes, sir, I seen him by the door downstairs.

- Q When he upstairs when you got upstairs? A. Yes, sir.
- Q Did he follow you up, or did he go upstairs before you?
- A. I went up with the boy.
- Q You went up with the boy? A. Yes, sir.
- Q Now, did Mrs. Dunne say anything to the boy when he got upstairs? A. Yes, sir, she told him, "I killed your father, Tody."
- Q She said, "Tody, I killed your father?" A. ~~Yes~~ Yes, sir.
- Q When you went into the room where Dunne was lying upon the bed, did you see anything else on the bed besides Dunne, anything else? A. No, sir.
- Q The little girl, was she on the bed? A. She sat down near the father.
- Q She was in the bed with her father? A. Yes, sir.
- Q Did you notice any blood on the little girl? A. Yes, sir, there was blood on the baby's face, all over.
- Q What did the little boy do when he got upstairs? A. He is going in the room to fetch the baby.
- Q At this time when he came up there? A. Yes, sir.
- Q After you got upstairs did you see the little boy do anything?
- A. I seen the boy get the girl by the arms and he came down with it.
- Q He got the little girl in his arms? A. Yes, sir.

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Q Was this defendant there? A. Yes, sir.

Q She was there? A. Yes, sir.

Q And she saw this thing take place? A. Yes, sir.

Q What did you do then? A. I was so surprised at myself I done nothing.

Q The little boy took the girl, do you recollect that? A. Yes, sir.

Q He took the baby, as you call her? A. Yes, sir.

Q What was the next thing that was done. What did you next see?
A. I commenced to wash the baby.

Q Did you commence to wash the baby in the room? A. No, sir, in my room.

Q Did the boy take the baby downstairs to your room? A. Yes, sir.

Q Did you go down to your room? A. No, sir, he came down to my room with a policeman.

Q You also went down? A. Yes, sir.

Q Did you leave this woman in her own room? A. Yes, sir.

Q Did you go up into the room the next day? A. Yes, sir.

By the Court:

Q Is that all you saw this day? A. Yes, sir.

By Mr. Osborne:

Q Did you notice this hammer lying by the bed or not? A. No, sir.

- Q You didn't touch anything in the room when you went into it, did you? A. No, sir.
- Q Did you or not examine the bed the next day when you went upstairs? A. No, sir.
- Q The next day when you went up to clean up the room did you see the bed -- when you got upstairs was this woman in the house, in her own house? A. No, sir, she is arrested that day.
- Q When you went up there the next day did you see the woman's bed? A. Yes, sir.
- Q The bed where you saw Dunne lying the day before? A. Yes, sir.
- Q Will you tell me what was the condition of the bed? A. I seen only ----

Mr. Chanler: I object to this.

The Witness: I seen only blood, that is all I saw.

The Court: Unless you show there was no change made in the room you cannot get that in evidence.

- Q When this woman was arrested where were you? A. Home.
- Q Downstairs? A. Yes, sir.

Mr. Osborne: Will you please remain in court when you leave the stand. I just want to shorten the time.

The Court: I don't want to shorten anything in a case of this kind. I want to get at the facts.

By the Court:

- Q I heard you say something about a little boy, whose boy was that? A. Mrs. Dunne's, I think.
- Q Mrs. Dunne's boy? A. Yes, sir.
- Q What was his name? A. She called him Tody.
- Q You spoke about a little girl you found in the bed? A. Yes, sir.
- Q How old was that little girl? A. About 17 or 18 months.
- Q A mere baby? A. Yes, sir.
- Q That was lying in the bed? A. Yes, sir.
- Q That was her baby too? A. Yes, sir.

Mr. Osborne: I offer to show that when the woman was arrested ----

The Court: I won't take any offers.

Mr. Osborne: I will prove it by another witness.

The Court: If you prove it it will be all right. I will take no offers.

Mr. Chanler: With your Honor's permission I will defer my cross examination of this witness until the direct examination is completed.

The Court: I should think that is the proper

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Officer Buchanan

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course. The District Attorney can withdraw this witness and call another.

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

DIRECT EXAMINATION by Mr. Osborne:

- Q Officer Buchanan, you are a police officer attached to the 19th Precinct in this city? A. Yes, sir.
- Q Do you remember the 14th day of October, 1893? A. Yes, sir.
- Q Did somebody come to you while you were on beat that afternoon, the 14th of October? A. Yes, sir, about half-past three or a quarter to four o'clock.
- Q Was it a man that came to you? A. Yes, sir, Adrian Forin.
- Q Is he a man? A. Yes, sir, he is a man.
- Q He had a talk with you, did he? A. Yes, sir, he told me ----
- Q Don't tell what he said, that is all I want to know, the fact that he did have a talk with you -- after he had the talk with you what did you do? A. I went down to No. 106 West 26th Street.
- Q Did you go upstairs? A. Yes, sir, I went upstairs.
- Q To whose apartments? A. To the Dunne apartments.
- Q Whom did you see there when you went there? A. Mrs. Dunne.
- Q Where did you see her? A. In the hall room, or kitchen.
- Q Was it a kitchen? A. Yes, sir.

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- Q You saw her in the kitchen? A. Yes, sir.
- Q Did you go into any other room than the kitchen? A. I did.
- Q What did you see in there? A. I saw a body.
- Q What room did you go into? A. The bedroom.
- Q You went into the bedroom? A. Yes, sir.
- Q When you went in there what did you see? A. The room was mussed, the furniture was overturned, there was a bed in this room and across the bed lay Mr. Dunne unconscious.
- Q What did you do? A. I asked the lady what was the matter.

By the Court:

- Q What lady do you mean? A. I asked Mrs. Dunne what was the matter.

By Mr. Osborne:

- Q Kindly tell me what else you saw there? A. A bed, bedding, and the walls and floor were covered with blood -- the side of the bed.

Mr. Chanler: I object to covered with blood.

The Witness: There was blood on them.

The Court: Change it to "there was blood on them.

The Witness: On the floor beside the bed lay a hammer.

- Q Is that the hammer (handing witness a hammer)? A. Yes, sir.
- Q Was there blood on the hammer? A. Yes, sir, that is the way

the hammer was when I found it.

Q Was there blood on the hammer? A. Yes, sir.

The hammer referred to was offered in evidence
and marked People's Exhibit 2 of this date.

Q What else did you do then? A. I rang up for an ambulance and
conveyed the patient to the New York Hospital.

Q Did an ambulance come from the New York Hospital? A. Yes,
sir.

Q What did you do then? A. I put Mrs. Dunne under arrest and
conveyed her to the hospital also.

Q You conveyed Mrs. Dunne and George Dunne to the hospital?

A. Yes, sir.

Q Did you lock the room door at the time when you left?

A. Yes, sir, I locked the room door and the keys were brought
to the station house by Officer Brown or Officer Scully. The
rooms were locked up and the keys brought to the station house.

CROSS EXAMINATION by Mr. Chanler:

Q When you went to the room, officer, who else was there besides
the defendant, if ~~any~~ anybody? A. There was a baby on
the bed.

Q Were there any more people there? A. No, sir, not at the
time.

Q What did Mrs. Dunne say to you when you went upstairs?

A. I asked her what was the matter.

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Objected to; objection overruled; exception.

Q What did she say? A. She told me that her husband came home and abused her, and kicked her and that she hit him with the hammer.

Q Anything else? A. That is all she said to me, sir.

Q Now, officer, from the kitchen you walked into the bedroom, did you not? A. Yes, sir.

Q Whereabouts did you see the blood on the walls? A. The walls were ----

Q I understand you to say that that is the bed (indicating) -- this is the big room in which the bed was? A. Yes, sir.

Q Now, I understand you came out of the hall into the kitchen and through this door here? A. Yes, sir.

Q And into the large room? A. Yes, sir.

Q And that is about where the bed was? A. Between the two doors, yes, sir.

Q You call that the bed? A. Yes, sir.

Q I understand that the man's head was towards here. When you came in was the man lying lengthwise on the bed or across the bed? A. Across the bed.

Q Which way was his head, in that direction or in this direction? A. In this direction (indicating).

Q That is where his head was, lying across the bed? A. Yes, sir.

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- Q Whereabouts was the blood that you saw? A. On this wall here
- Q On this partition wall here? A. Yes, sir.
- Q Between the kitchen and the room? A. Yes, sir.
- Q Did you see any blood on the floor? A. Yes, sir, on the floor along here (indicating).
- Q On the floor along here? A. Yes, sir.
- Q And about the bed? A. Yes, sir.
- Q Now, officer, did you notice any chairs upset or anything of that kind? A. Yes, sir.
- Q Now, will you describe a little more fully, if you can, what you mean by that -- did you see signs of disturbance?
- A. As you enter the kitchen here there was crockery, delf, broken on the floor, the sink was there, the things in there were all turned upside down, some of the furniture and kitchen utensils.
- Q Cooking utensils you mean? A. Yes, sir, the sink was here.
- Q Was there anything in the sink? A. There might be two or three pots and pans.
- Q Was there any furniture here at all? A. It was all overturned.
- Q It was overturned in the kitchen? A. Yes, sir.
- Q What did you find in the other rooms as far as the furniture was concerned? A. That was all turned over also, there were two or three chairs in there turned upside down.

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THE COURT: This officer says he came in there from the hall--you see the hall marked there--and entered the kitchen where you see "kitchen" there, and from the kitchen he entered, through that door, into the large room, and he said that the man was lying across the bed. Now, then, he says that on that partition wall, between the kitchen and the large room, that he saw marks of blood; he also saw blood at that mark there, in the large room. He says that, in that large room, there were some chairs over-turned, and he says that, in the kitchen, there was a chair or so over-turned, and some crockery. That is about the substance of what he says.

A JUROR: Does that bed stand entirely free in the room, or is it up against the partition?

THE COURT: Yes.

THE JUROR: You can walk around the bed, you can go around the bed?

THE WITNESS: The head of the bed was close against the partition.

THE COURT: This witness says it was close against the partition.

By Mr. Osborne:

Q I understood you to say you took this defendant and her hus-

band to the New York Hospital? A. Yes, sir.

Q What was the name of the ambulance surgeon? A. Dr. Judd.

Q Were you present when Dr. Judd examined her?

A. I was present; yes, sir.

Q Did you hear what he said to her -- please tell us what kind of an examination the doctor made of her?

A. At the hospital, the doctor examined her.

Q They were both taken in there? A. Yes, sir.

Q On the ambulance? A. Yes, sir.

Q What was the first thing that was done, while the defendant was present? A. Mrs. Dunn was taken in the side

room there, with one of the nurses of the hospital, to undress her, and see if there were any marks upon her.

Q Were you present at the time that performance was going on?

A. No, sir; I was not.

Q One of the nurses made an examination? A. Yes, sir.

Q Now, was the defendant present when you heard Dr. Judd say anything about her? A. I asked Dr. Judd a question.

Q In her presence? A. Yes, sir; was there any marks of any violence upon this woman, and he said there was a slight abrasion on the left arm.

BY A JUROR:

Q Was the child in bed with Mr. Dunn when you were in the room?

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A. Yes, sir.

Q Had the child been removed? A. I had taken the child off the bed, and given it to its mother.

Q You gave it to the mother? A. Yes, sir.

Q Where was the child lying, what part of the bed?

A. The child was sitting on the bed there, and its father-----

Q It was not asleep? A. No, sir.

BY MR. CHANLER:

Q Now, Officer, did anybody come up stairs, any of the other inmates of the house come up stairs, while you were there?

A. I brought this Adrian up stairs, to show me where the place was.

Q Was Mrs. Sonmeia in there while you were there?

A. No, sir; nobody was in there.

Q Did you take Mrs. Dunn away with you? A. I took her and Mr. Dunn to the hospital.

Q Took her away yourself? A. Yes, sir.

Q In the ambulance? A. Yes, sir.

Q You are quite sure that no one came into the room, while you were there, excepting Mr. Adrian? A. Yes, sir;

there were other officers came in the room, because I sent for them.

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Q Another officer was there? A. Other officers.

Q How many officers came? A. Two officers besides myself.

Q What were their names? A. Officer Brown and Officer Scully.

Q You sent for them? A. Yes, sir.

BY THE COURT:

Q Was he dressed in his full clothes when he was on the bed, or did he have his coat off, or any portion of his clothes?

A. He had nothing on but an under-shirt.

Q He had nothing on but an under-shirt? A. That is all.

BY MR. CHANLER:

Q Will you describe a little more fully, if you can, Officer, the position of the deceased on the bed; was he on his back or on his side? A. Lying on his back, when I entered the room.

BY THE COURT:

Q Was he conscious or unconscious? A. Unconscious.

By Mr. Osborne:

Q Officer, when you went up stairs, and found the defendant on the bed, did you go down yourself and ring for the hospital ambulance surgeon? A. Yes, sir.

Q And, when you got back up there, did you see the little boy,

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when you got back?

A. The boy came there about five minutes after I was there.

Q After you were there the second time?

A. Yes, sir; he came up stairs.

Q Was the child gone down stairs? A. No, sir; I took the boy, when he came in, and brought him inside, took the child off the bed, and brought it down stairs to the restaurant myself.

Q Did the boy take the child down stairs? A. No, sir.

Mr. Chanler: I object to that, as leading.

Q When you got into that room there was no one in that room excepting the defendant, the deceased, and this little baby; is that right? A. Yes, sir; that is right.

Q The deceased lay on the bed, across the bed; is that right?

A. Yes, sir; that is right.

Q Where was the woman at that time, how near the bed was she, or was she in the kitchen? A. She was in the kitchen when I went up stairs.

Q Was she sitting or standing? A. Standing.

Q You went right into this room? A. I went into the room; yes, sir.

Q What was the first thing you did? I understood you to say you took up the baby? A. I took the baby off the bed

and gave it to the mother.

Q You gave it to the mother, in the kitchen?

A. She came right in after me, in the room.

Q You gave it to her in the room where the deceased was?

A. Yes, sir.

Q Now, then, after looking around the room, as you have already told us, and seeing what you did see, did you go down stairs to summon the ambulance?

A. Yes, sir.

Q Did you leave any one in the room other than this-defendant and that baby?

A. Adrian Forian.

Q You left him in charge of the room?

A. Yes, sir.

Q At the time you went down stairs there was the woman, there was the deceased person, the baby, and this man Adrian?

A. Yes, sir.

Q How far did you go for the purpose of ringing up the ambulance?

A. Around 6th avenue, between 25th and 26th streets.

Q You went quickly, I suppose?

A. I was gone about three

to five minutes, about.

Q And then you returned; did you?

A. Yes, sir.

Q When you returned again to this room, whom did you find in the room then?

A. Only the parties I left there.

Q Was the baby there then?

A. Yes, sir, the baby was in

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the mother 's arms.

Q Still in the mother's arms? A. Yes, sir.

Q What was the next thing done, in reference to the baby?

A. This boy came up stairs.

Q What boy, the little boy, the son? A. Her son came up stairs.

Q And then what? A. I took the baby off the mother, and gave it to the boy.

Q Gave it to the boy? A. Yes, sir.

Q What did the boy do with this baby? A. Brought it down stairs, into Mrs. Sommeia's restaurant.

The Court admonished the Jury, and took a recess.

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AFTER RECESS.

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

Direct Examination, By Mr. Osborne:

- Q What is your business? A. I am a nurse.
- Q At the New York Hospital? A. Yes, sir.
- Q Were you a nurse in the New York Hospital on the 14th day of October, 1893? A. Yes, sir.
- Q Did you nurse George Dunn? A. Yes, sir.
- Q Who was brought into that hospital? A. Yes, sir.
- Q What time did he die? A. Between 3 and 4 in the morning.
- Q Of the 15th of October, 1893? A. Yes, sir.
- Q Did you notice the size of the man? A. I did; he was a very large man.
- Q About how much do you think he would weigh? A. About two hundred pounds or over.
- Q About two hundred pounds or over? A. Yes, sir.

CHARLES McGOVERN, a witness called on behalf of the
People:

Mr. Chaler: I object to the boy being
sworn until your Honor examines him as to his qualifica-

tions and as to whether or not he understands the nature of an oath.

By the Court:

- Q How old are you? A. Ten.
- Q Where do you live? A. 106 West 26th street.
- Q What is your name? A. Charles McGovern.
- Q What is your father's name? A. George Dunn.
- Q Is your mother alive? A. Yes, sir.
- Q What is her name? A. Mary Dunn.
- Q Do you go to school? A. Yes, sir.
- Q Do you go to the public school?
- A. I went to the public-school; yes, sir.
- Q What street is it on? A. Twentieth street.
- Q How long have you been going to school; about how long?
- (No answer)
- Q Can you read? A. Yes, sir.
- Q Can you write any? A. Yes, sir.
- Q Do you go to church anywhere? A. Yes, sir.
- Q What church do you go to? A. 23rd street.
- Q 23rd street; a catholic church? A. Yes, sir.
- Q Do you go to Sunday-school? A. Yes, sir.
- Q Do you know what happens to people who tell lies, who swear to what is not true? A. Yes, sir.

Q What happens a boy who tells a lie and swears to it; what will be done to him? A. He will be punished.

Q What happens to a boy who tells a lie; when he dies, what will become of him? A. He will go to hell.

(The witness is sworn.)

D i r e c t E x a m i n a t i o n, By Mr. Osborne:

Q Where are you now living?

Mr. Chanler: One moment, if your Honor please. If it is possible that the defense, being ignorant of what this boy testifies to, if it is possible for the defense, by offering to admit what the prosecution expect to prove by this boy, to prevent this boy going on the stand, we will be very glad to do so.

The Court: This boy is a bright, intelligent little fellow; tells me his name and his father's and mother's names.

Mr. Chanler: That is not my ground, sir. It is that he is the son of the defendant, and in order to prevent his having, in future years, to look back to this trial, we will admit, if we can, what the prosecution expect to prove by him.

The Court: That ought to have been agreed

upon long since. Have you got his statement in writing?

Mr. Osborne: Yes, sir; and I have submitted it to Mr. Chanler, in full.

Mr. Chanler: At the time I read this stipulation over, that, on other grounds, I might be able to prevent the boy going on the stand, or I would not have made this offer.

Mr. Osborne: I am perfectly willing to read his statement.

The Court: Unless the other side agree to it, it cannot be read. All this thing could have been settled before we got to this trial.

Mr. Osborne: I think it will save time to let Mr. Chanler read that again.

The Court: Well, let him read it. I am in no great hurry in a case of this kind.

Mr. Osborne: I expect to prove by this---

The Court: Have you agreed upon a statement?

Mr. Osborne: It is conceded that this boy will testify that his father came home in the morning-----

Mr. Chanler: We had better have him exam-

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ined.

By Mr. Osborne:

Q Do you remember the day your father was killed?

A. Yes, sir.

Q What time in the morning did he come home?

A. 7 o'clock.

Q 7 o'clock?

A. Yes, sir.

Q Did he come in the room immediately, just as soon as he got up stairs, or did he knock at the door first?

A. He knocked at the door.

Q About how many times did he knock at the door?

A. Ten times.

Q Would your mother let him in?

A. No, sir.

Q About how long was it after he came there that your mother did let him in?

A. An hour.

Q About an hour?

A. Yes, sir.

Q And, after he came in, what did he do?

A. He went and sat up until he had a glass of beer.

Q Before that did your mother send you out for the beer?

A. She sent me out for the beer.

Q Did you go out and get the beer?

A. Yes, sir; he

Q took a glass of beer.

Q And then what did he do?

A. He went to sleep.

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Q Did he take his clothes off before he went to bed?

A. Yes, sir.

Q What did your mother then do with the beer?

A. She drank the rest of it.

Q She drank the rest of it; did she?

A. Yes, sir.

Q And then what did your mother do?

A. She sent out

for another pint of beer.

Q Sent out for more beer?

A. Yes, sir.

Q Did you go out?

A. Yes, sir.

Q Did you get the beer?

A. Yes, sir.

Q Did you bring it back?

A. Yes, sir.

Q What did your mother do with the beer?

A. She drank it all.

Q Did your mother send you out again that night?

A. Yes, sir; for stockings.

Q Did you get the stockings?

A. Yes, sir.

Q How long were you gone? A. Ten minutes.

Q Did you go back as soon as you got the stockings? A. Yes;

Q And when you came back, did you see your father?

A. Yes, sir.

Q Was he hit at that time?

(Objected to)

By the Court:

Q When you came back with the stockings -- you were out about

ten minutes; that is what you think? A. Yes, sir.

Q Where was your father when you came back? A. In bed.

Q Did you speak to your father? A. No, sir.

Q Did you see anything the matter with him? A. Yes, sir.

Q What was it? A. He was bleeding.

Q He was bleeding? A. Yes, sir.

Q What else did you see? A. I saw blood on my mother.

Q You saw blood on your mother? A. Yes, sir.

Q What did you say to her -- did you say anything to your mother then? A. I asked my mother if he was dead.

Q What did she say? A. She said, "Yes."

Q What else did you say? A. I didn't say nothing more then.

Q You did not say anything more then? A. No, sir.

Q When your mother sent you out for the beer that your father had a glass of -- do you recollect that? A. Yes, sir.

Q That is the first time you went out for beer? A. Yes, sir.

Q Did she give you any money to pay for it? A. Yes, sir.

Q How much money? A. Ten cents.

Q What did she say to you about the beer? Did she say where you were to get it? A. Yes, sir.

Q What did she say? A. She said I should get it down there near seventh avenue.

- Q In Seventh avenue? A. Near Seventh avenue.
- Q In whose place? A. I don't know.
- Q Did you go there? AL Yes, sir.
- Q How much did you pay for the beer? A. Ten cents.
- Q What did you bring the beer in? A. I brought it up in the house.
- Q Did you have a pitcher or what? A. A can.
- Q Who gave you the can? A. My mother.
- Q She told you to get ten cents' worth of beer? A. Yes, sir.
- Q And you did? A. Yes, sir.
- Q And, when you came back, you gave her the beer?
- A. Yes, sir.
- Q What did she do with the beer? I am talking about the first time. A. My father asked for a glass, and she gave him a glass.
- Q Of the beer? A. Yes, sir.
- Q And then he drank it? A. Yes, sir.
- Q And then, you say, he took off his clothes and lay down?
- A. Yes, sir.
- Q And you say that your mother drank all the rest of the beer that was in the can? A. Yes, sir.
- Q And then she sent you out again for beer? A. Yes, sir.
- Q Did she give you any money to pay for the beer the second

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time? A. Yes, sir.

Q How much? A. Ten cents.

Q What did she say about the beer? A. She said I should get it in the same place.

Q And you should get ten cents' worth of beer? A. Yes, sir.

Q Is that it? A. Yes, sir.

Q What did you have to carry the beer in the second time?

A. A can.

Q A can? A. Yes, sir.

Q When you came back with the beer, to whom did you give it?

A. My mother.

Q Where was she at the time you gave it to her?

A. She was in the room.

Q In the room where your father was lying? A. Yes, sir.

Q What did she do with the beer? A. She drank it all.

Q She drank it all? A. Yes, sir.

By Mr. Osborne:

Now, when you went out to get the stockings-----

By the Court:

Q You said you went out to get some stockings?

A. Yes, sir.

Q To buy stockings or not? A. To buy stockings.

Q What did your mother say about stockings? A. She told me

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to go down Seventh avenue and get them.

Q What kind of stockings? A. Black stockings.

Q Black stockings? A. Yes, sir.

Q Did she give you any money to pay for them? A. Yes, sir.

Q How much? A. Ten cents.

Q Ten cents for the stockings? A. Yes, sir.

Q What else did she say about the stockings?

A? She didn't say nothing.

Q Did she tell you where to get them? A. No, sir; I knew where to get them.

Q You knew where to go to get them? A. It was on Seventh avenue, near 27th street.

Q It was on Seventh avenue, near 27th street? A. Yes, sir.

Q Had you been there before? A. Yes, sir.

Q Had your mother ever sent you there before? A. Yes, sir.

Q Had you been there more than once before that? A. Yes, sir.

Q How many times, as near as you can recollect?

A. Four times.

Q Did you go every time for stockings? A. Yes, sir.

Q How much were you to pay for the stockings? A. Sometimes five cents and sometimes ten cents.

Q Sometimes five cents and sometimes ten cents? A. Yes, sir.

Q Were those stockings for herself or for you? A. For me.

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Q For you? A. Yes, sir.

Q And the black stockings that you went out to buy the last time, were they for you? A. Yes, sir.

Q And she gave you ten cents to pay for them? A. Yes, sir.

Q When you bought the stockings, what did you do then?

A. I came home again.

Q You came home again? A. Yes, sir.

Q Did you show them to your mother? A. Yes, sir.

Q Did she say anything about them? A. No, sir.

Q Did she say anything at all about them? A. No, sir.

Q What did you do with the stockings when you got home?

A. I put them on.

Q Did you have stockings on, on your way down?

A. Yes, sir; but they had holes in them.

Q They had holes in them? A. Yes, sir.

Q You took off your old stockings and put on the new ones?

A. Yes, sir.

Q Did your mother see you do that? A. No, sir.

Q Where were you when you did that? A. I took them off down stairs.

Q You took them off down stairs? A. Yes, sir.

Q You took the old stockings off? A. Yes, sir.

Q What did you do with the old stockings? A. Threw them away.

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Q You threw them away? A. Yes, sir.

Q Did she look at them at all? A. No, sir.

Q She did not? A. No, sir.

By Mr. Osborne:

Q When you went out to get the stockings, where was your father? A. In bed.

Q Was he asleep? A. Yes, sir.

Q And when you came back you say you asked your mother what was the matter with your father? A. Yes, sir.

Q What did she say?

The court: You have got all that.

Q What did she say? A. I asked my mother if he was dead.

Q You did? A. Yes, sir.

Q What did she say? A. She said, "Yes."

Q Did she say anything about a hammer?

A. No, sir -- yes, sir.

Q What did she say? A. She told me she fired a hammer at him.

Q Did you see the hammer when you came back? A. Yes, sir.

Q Where was the hammer when you came back?

A. By the side of the bed.

Q By the side of the bed? A. Yes, sir.

Q What did your mother do after you got back? A. She told

the people down stairs, before I came back.

Q Did you see her go to the window? A. No, sir.

Q Now, what did you do with your little sister?

A. I took her down stairs, in the kitchen.

Q Where was she when you came back there? A. In the corner of the bed.

Q On the bed with your father? A. Yes, sir.

Q Did she have blood on her? A. Yes, sir.

Q Did you pick her up? A. Yes, sir.

Q And you carried her down stairs? A. Yes, sir.

Q And whom did you give her to? A. I kept her myself.

Q Did you go up stairs with anybody when you got back?

A. Yes, sir.

Q Whom did you go up stairs with? A. With the little girl -- the girl down stairs.

Q Mrs. Sommeia? A. No, sir; the daughter, Julia.

Mrs. Sommeia's daughter? A. Yes, sir.

Q Did you carry the baby up with you? What did you do with the baby?
A. I brought it down in the kitchen, in the restaurant.

Q Mrs. Sommeia's kitchen? A. Yes, sir.

Q Did you leave her with Mrs. Sommeia? A. No, sir.

Q What did you do with her? A. No, sir; I stayed there.

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Q Do you know whether your mother had ever locked your father out before this time? A. Yes, sir.

Q How many times?

(Objected to).

A. Three times.

Mr. Chanler: I object to the words "your father." It appears from the evidence, as I understand it, that he was a step-father.

Q Three times before? A. Yes, sir.

Q Was it that week that she locked him out? A. Yes, sir.

Cross Examination, By Mr. Chanler:

Q How long have you been living in that house on 26th street; do you remember? A. No, sir.

Q You do not remember? A. No, sir.

Q About how long, do you think? A. Since last Winter I was living there.

Q Do you remember where you lived before that? A. No, sir.

Q Do you know where it was? A. Yes, sir.

Q You are ten years old now? A. Yes, sir.

Q Were you ten years old last October, or were you nine? Do you remember when your birthday is? A. Yes, sir.

Q When is your birthday? A. The 4th of November.

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Q You were nine years old last November? A. Yes, sir.

Q Do you remember when you lived in Seventh avenue?

A. Yes, sir.

Q Over Mr. Feldheim's? A. Yes, sir.

Q Now, Charlie, you know you have got to speak the truth;
don't you? A. Yes, sir.

Q Did your father always treat you well when you lived over
Mr. Feldheim's? A. Yes, sir; only once he
didn't treat me well.

Q Was that when you lived over Mr. Feldheim's? A. Yes, sir.

Q You had a little sister when you were in Mr. Feldheim's, too,
didn't you? A. Yes, sir.

Q Do you remember the people who lived in Mr. Feldheim's, the
neighbors, do you remember them, or was it too long ago?

By the Court:

Q Do you know anybody who lived on the same floor with you
when you lived in Feldheim's house?

A. No, sir.

By Mr. Chanler:

Q You do not remember? A. No, sir.

Q Do you remember very well what you used to do when you lived
in Seventh avenue, or was it too long ago? A. Yes, sir.

Q Do you remember what time your father used to come in when

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you lived in Seventh avenue?

A.. No, sir.

Q Do you remember what time your father used to come in in the morning when you lived in 26th street?

A. Yes, sir.

Q What time was it then?

A. 7 o'clock.

Q What room did you sleep in?

A. In the bed-room.

By the Court:

Q How many rooms were there in your house? A. Three rooms.

Q A big room; wasn't there? A. Yes, sir, a big room, and a kitchen, and a little bed-room.

Q Which room did you sleep in? A. The little room.

Q The little bed-room? A. Yes, sir.

By Mr. Chanler:

Q Did you use to have the door open or shut?

A. The door was broke off.

Q Then you could hear what went on in the room where your father and mother slept?

A. Yes, sir.

Q You remember two or three nights before your father died?

A. Yes, sir.

Q Do you remember your father being carried up stairs?

A. Yes, sir.

Q Do you remember who the boys were who carried him up stairs?

A. No, sir; I forget.

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Q Do you remember what time of day or night it was when he came up stairs; about? A. No, sir.

By the Court:

Q Were you in bed when he was brought up? A. No, sir.

Q Did you see him brought up? A. I only saw them coming up on the stairs.

Q Were any boys with him, or anybody with him?

A. There was a man up with him.

Q In the night-time or in the day-time? A. About dark.

Q In the evening? A. Yes, sir.

Q Did you have your supper? A. Yes, sir.

Q Was it after your supper or before? A. After.

By Mr. Chanler:

Q What time did you use to get up in the morning, when you lived in 26th street? A. Half-past 7.

Q About what time did your father use to come into the house? A. About 7 o'clock; I usedn't to get up at 7 o'clock; he used to come in at 7 o'clock.

Q What time did you used to get up? A. Half-past 7.

Q You used to get up after your father came in?

A. Yes, sir.

Q What kind of stockings did you use to buy when you lived in 27th street; were they black stockings, like you have on now?

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A. Yes, sir.

Q You are sure you paid ten cents for them, and sometimes
five?

A. Yes, sir.

Q Have you talked with anybody about this case at all since
last October?

A. No, sir.

Q Where have you been living since that time? A. In the
Mission of the Immaculate Virgin.

Q And that is where? A. On Staten Island.

Q You knew that your mother was arrested; didn't you?

A. Yes, sir.

Q And you knew what she was arrested for? A. Yes, sir.

Q Did you know she was in prison? A. Yes, sir.

Q When did you go to the Society?

The Court: Where is he? In Staten Island?

Mr. Chanler: Yes, sir.

Q First of all, you went to another society?

A. Yes, sir.

Q When did you go to Mr. Gerry's society? A. On the 18th.

Q The same day that your father died? A. Yes, sir.

Q Where were you when you heard that your mother was in prison?

A. In Gerry's Society.

Q Who told you? A. A lot of people -- little boys.

Q Did you talk to anybody, excepting little boys, about what

happened?

A. No, sir.

Q Did you speak to anybody about what happened the day your father died on that day?

A. I only told them that my mother killed my father.

Q Whom did you tell that to?

A. To a lady that washed me.

Q To the lady where?

A. Down in Gerry's Society.

Q Well, now, since that time -- I want to find out if you have talked to anybody about this case since you left Gerry's society?

A. No, sir.

By the Court:

Q Did you talk to any policeman about it?

A. No, sir.

Q Did you talk to the District Attorney, this gentleman here?

A. Yes, sir; to him.

Q Did you tell him what you knew about it?

A. Yes, sir.

By Mr. Chanler:

Q When was that?

A. Last Thursday.

Q Then have you talked to anybody at all about it, excepting Mr. Osborne, this gentleman here, since you went down to the Mission?

A. That is all.

Q You have not talked to anybody else about it?

A. No, sir.

Q Now, Charlie, don't answer this question yet: Did your father use to come home drunk, often?

(Objected to)

The Court: What is your defence?

Mr. Chanler: My defence is self-defence.

Q Did you ever see your father drunk? AA. No, sir.

Q Did you use to see him drunk often? A. Twice.

Q Only saw him drunk twice? A. Yes, sir.

Q Are you sure of that? A Yes, sir.

Q Do you remember, in Seventh avenue?seeing him drunk?

A. Yes, sir.

Q Do you remember when your little baby sister was sick in Seventh avenue? A. No, sir.

Q You don't remember that? A. No, sir.

Q It was too long ago? A. Yes, sir.

Q You don't remember much that happened before you came to 26th street; do you? A. No, sir.

By a Juror:

Q When you returned with the stockings from the store, was your mother excited or was she calm?

The Court: Have you finished with this witness? I intend to have this boy's testimony read to to the jury by the stenographer, and they may then ask any questions they desire to.

By Mr. Chanler:

Q Charley, when you came up stairs, after getting your stock-

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ings, you say you saw your mother and got the baby; did you?

A. Yes, sir.

Q Do you know if anybody was in the room when you got the baby?

A. I think Mrs. Sommeia was there.

Q Can you remember distinctly? A. No, sir.

Q Can you remember clearly who it was? A. No, sir.

By the Court:

Q Are you sure that Mrs. Sommeia was there?

A. No, sir; I am not sure.

By Mr. Chanler:

Q Do you remember clearly seeing anybody else there beside your mother? A. Only my father.

Q Do you remember seeing a police officer there?

A. No, sir.

By the Court:

Q Did you see a police officer there at any time after your father was killed? A. I saw two of them, after I went down stairs and came up again.

Q You saw two of them, after you went down stairs and came up again; is that right? A. Yes, sir.

Q Was that after your taking the baby down stairs?

A. Yes, sir.

By Mr. Osborne:

Q After your father went to sleep that morning, did you ever see him awake again? A. No, sir.

Q About how long before that Saturday was at that you father came home drunk; about how long? A. I ain't sure.

Q You ain't sure? A. No, sir.

Q Was it a month or two weeks?

By the Court:

Q Was it a long time or a short time? A. A short time.

Q How long do you think it was? A. About four days.

Q About four days? A. Yes, sir.

Q Did you ever see any trouble between your mother and father? A. Yes, sir.

Q What kind of trouble was it? A. Quarreling.

Q What did they quarrel about? A. I don't know.

Q What did they do to each other when you saw them quarreling? A. My mother would want to hit my father, and my father would hold her.

Q Did you see anything else? A. No, sir.

Q Did you ever see your father hit your mother at all? A. No, sir.

By Mr. Chanler:

Q You don't remember your mother asking the neighbors to come in and stay with her, telling them, before you, that she was

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afraid your father would kill her; do you?

A. No, sir.

Q In Seventh avenue; do you?

A. No, sir.

The Court: He says, substantially, that

he never recollects the neighbors coming in when there was any disturbance between his father and mother. He does not remember his mother asking the neighbors to come in to save her from the father.

Q Did you see any blood running down from your father's nose when he was in the bed?

A. I only saw the blood

coming from here (indicating)

Q It was running down over his face?

A. Yes, sir.

Q What time did your father come in that morning; do you remember?

By the Court:

Q Do you remember what time it was he came into the room?

A. Yes, sir.

Q What time was that?

A. About 8 o'clock.

By Mr. Chandler:

Q Do you remember what time it was, about, when you came back with the stockings? It was in the afternoon; wasn't it?

A. I think so.

Q It was about 4 o'clock?

By the Court:

Q Did you have your dinner that day? A. No, sir.

Q No dinner that day? A. No, sir.

By Mr. Chanler:

Q What was your mother doing when your father knocked on the door -- where were you, what room were you in?

A. I was in the kitchen.

Q And she was in the kitchen? A. No, sir; she was in the other room.

Q Which door was your father at? A. The bed-room door.

Q Was there a key inside the kitchen door? A. Yes, sir.

Q You didn't unlock the kitchen door?

A. My mother wouldn't let me.

Q Your mother was in the room; wasn't she? A. Yes, sir.

Q Is that all you remember? A. Yes, sir.

Q Do you remember when your mother opened the door?

A. Yes, sir.

Q How long after your mother opened the door and let your father in did you go out -- how long after that?

A. Five minutes.

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Officer Brown

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

Direct Examination, by Mr. Osborne:

Q Officer Brown, are you connected with the Municipal force in this city? A. Yes, sir.

Q Do you remember the 14th of October, 1893?

A. Yes, sir.

Q In the afternoon? A. Yes, sir.

Q You had a talk with the Sergeant, at the precinct station house? A. Yes, sir.

Q After that where did you go? A. He sent me to 106 West 26th street.

Q Did you go up stairs? A. Yes, sir.

Q On the second floor? A. Yes, sir.

Q What time was it, Officer? A. I expect it was about ten minutes to four.

Q Did any other officer go with you? A. No, sir.

Q You went alone? A. Yes, sir.

Q After you were there what officers came? A. No officers came after myself.

Q What officers did you find there, when you got there?

A. Officer Scully and Officer Buchanan.

Q This last witness who testified on the stand, and Officer

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Scully? A. Yes, sir.

Q Was Officer Scully a large man? A Yes, sir.

Q Did you have a talk with this defendant at any time?

The Court: Suppose you start off right.

Don't you propose to show, by this man, what he saw when he got there?

By the Court:

Q You got there to the premises about ten minutes to four o'clock? A. Yes, sir.

Q And then you say you were called up stairs, and Officers Scully and Buchana were there; is that right?

A. Yes, sir.

Q Who elsedid you see? A. This lady here.

Q The defendant? A. The defend ant; and also the man who was assaulted.

Q Dunn? A. Yes, sir.

Q You mean the deceased? A. Yes, sir.

Q Where was he? A. He was lying on a bed.

Q Tell what happened? A. I went in there and asked Officer Scully what had occurred.

Q This was in the presence, of course, of this woman?

A. Yes, sir, this woman stood over at the window.

Q She was in the room? A. Yes, sir. I went in there

and asked Officer Scully what had occurred. He said that this woman had assaulted her husband with the hammer, and he held the hammer in his hand, and I asked the woman what she assaulted her husband for, and she didn't answer me.

Q Go on? A. I then remained with Officer Scully a few minutes, and, in the meantime, the ambulance surgeon came, and came up stairs into the room. He looked at the man, and he says, "It is a very bad case."

Q Was Mrs. Dunn there? A. Mrs. Dunn was still there. He said, "It is a very bad case; you want to remove this man as quick as possible;" he says, "Who assaulted him?" Officer Scully says, "This woman." The surgeon says, "What did you assault your husband for?" "Well," she says, "He called me a whore, and I wanted him to take it back, and he wouldn't do it, and I struck him." She said nothing more after that; but, with the assistance of Officer Scully, I removed the body, on the stretcher, which Officer Buchanan had brought up, and we carried the body down stairs and put it in the ambulance.

By Mr. Osborne:

Q Now, I want you to tell me what her exact words were, if you remember them?

By the Court: Q. Have you given the woman's exact words?

A. Well, that is the best of my knowledge and belief.

Q That is your best recollection? A. Yes, sir.

By Mr. Osborne:

Q Did she apply any epithet to her husband; what was it she said? A. Well, I can't remember, exactly. I think she used some profanity, but I can't say positively. She muttered something, and I understood her to say, "The son of a bitch called me a whore;" I couldn't understand that distinctly.

(Stricken out)

Q But you do recollect that she said that he called her a whore

A. Yes, sir; and she wanted him to take it back, and he refused to take it back.

Q And she struck him? A. Yes, sir; she struck him; and she said, "He had no right to call me a whore." The surgeon says, "No, it ain't a very nice thing to call anybody." We removed the body and took it down stairs.

Q Was the deceased sensible or insensible at the time?

A. Insensible.

Q Was there much blood? A. Yes, sir; the entire room was covered with blood.

Q You mean that there was blood on the floor, on the articles of furniture, and on the bed? A. Yes, sir.

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By Mr. Osborne:

Q Is Officer Scully alive or dead? A. He is dead.

Mr. Chanler: I ask that that remark that he said he could not understand distinctly be stricken out.

The Court: Don't you think it is a great deal better to leave it in? He says she muttered something; he is clear about the other.

Cross Examination, By Mr. Chanler:

Q Officer, this is a diagram of the rooms. This is the hall when you enter, and there is a bed-room. How did you come into the room? A. Through this door (indicating).

Q Did you go into the kitchen at all? A. Yes, sir.

Q Well, then, you did not go in there?

By the Court:

Q There is the hall. You had to come up the stairs and go into that hall? A. Yes, sir.

Q Did you enter that door, and go through the kitchen?

A. No, sir.

Q Is there a door here? A. Yes, sir.

Q Is that a door? A. Yes, sir.

Q That is the door leading into the big room? A. Yes, sir.

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Q And it was through that door that you entered?

A. Yes, sir.

Q That is the door leading from the hall into the mainroom?

A. Yes, sir.

THE COURT: As you clearly understand,
there is a door from the hall into the kitchen, and there
is a door from the kitchen into the big room.

By Mr. Chanler:

Q This is the bed here. Will you describe how he was?

A. The head was right about where this mark is.

Q Was he lying across the bed? A. Yes, sir, about the
middle of the bed, and his feet were on the floor.

Q Do you recollect how he was dressed? A. He only had an
undershirt on.

Q Now, could you see that distinctly? A. Yes, sir.

Q While he was lying there? A. Yes, sir.

Q His limbs were bare, of course? A. Yes, sir.

Q Where did you notice blood on the furniture?

A. It was spattered on nearly every article in the
place, right around the floor, here, right around this
place (indicating), and I also walked into the kitchen and
there was some blood at the sink; there was something in
the sink that had blood.

By the Court:

Q What do you call "something in the sink?" Was it a cloth?

A. Some dishes in the sink.

Q Dishes? A. Yes, sir.

Q The dishes in the sink had blood on them also?

A. Yes, sir.

By Mr. Chanler:

Q Did she seem excited, Officer, when you asked her why she killed her husband, or why she struck him; was she calm or excited? A. She was quite calm; she looked like a woman that was intoxicated.

By the Court:

Q Did she talk rationally? A. No, sir; what she did say, the few words that she did say, was plain, though.

Q Easily understood? A. Yes, sir.

Q When you asked her the question, didn't she answer it?

A. No, sir; she didn't answer it. She stood in a dazed state.

Q Didn't she answer the doctor? A. Yes, sir.

Q Didn't she answer his questions rationally?

A. Yes, sir; very clear.

By Mr. Chanler:

Q When you asked her a question, she stood in a kind of dazed state? A. Well, in a kind of dazed state, but you could

Mrs Chatillon

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understand her.

By a Juror:

Q Were the chairs up-set and the things in disorder?

A. No, sir; I didn't notice that the chairs were up-set.

Q The man was lying on his back? A. Yes, sir.

By Mr Osborne:

Q You say the woman didn't answer your question, and she seemed to be dazed; you mean, by that, you thought she was intoxicated?

A. Yes, sir; she seemed to be intoxicated.

C E L L A C H A T I L L O N, a witness called on behalf of the

People, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Osborne:

Q Where do you live? A. 126 West 26th street

Q You live on the top floor? A. Yes, sir.

Q You are the wife of the baker? A. Yes, sir.

Q Who lives up stairs? A. Yes, sir.

Q Were you living there in October, 1893? A. Yes, sir.

Q You remember the week before the 14th of October, 1893? Do you recollect the day that this man was killed in the house?

A. Yes, sir.

Q You recollect that? A. Yes, sir.

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Q Now, I want to know if you recollect about a week before that?

A. Yes, sir.

Q What time in the morning, if you know, did the deceased, George Dunn, come home, at the time a week before that, I speak of?

A. Well, it was about -- I think it

was about 7 o'clock in the morning.

Q 7 o'clock in the morning?

A. Yes, sir.

Q Will you tell the Court and Jury what occurred -- where were you?

A. When the man came home, I was in the kitchen, and the kitchen door was open, and I was standing in the hall.

Q You were in your own kitchen?

A. Yes, sir.

Q With the kitchen door open?

A. Yes, sir.

Q And you were standing in the hall; is that it?

A. I was standing in the hall.

Q With your kitchen door open?

A. Yes, sir.

Q Did you see the deceased man, Dunn?

A. Yes, sir.

Q He came home about 7 o'clock?

A. Yes, sir.

Q What I want you to tell is what took place that morning, a week before the homicide. Now, will you state?

Mr. Chanler: I will object, after I hear the question.

Q You say that you saw Dunn on that morning. Tell what you

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say him do and heard him say?

Mr. Chanler: I object to that, sir, as too remote.

Q. When you saw him first, where was he?

A. He was coming up stairs -- he was up stairs.

Q. He was up stairs in his own room; near where was he, near the Kitchen door?

A. No, sir; in the sitting room.

Q. In the sitting room?

A. Yes, sir.

Q. Did you see the defendant that morning, the woman?

A. Yes, sir.

Q. At the same time?

A. No, sir, not at the same time; may be half an hour after.

Q. Did anything occur or take place between the dead man and his wife that morning, that you saw?

A. Well, you mean the week before?

Q. The week before?

A. The week before -- well, when he came home, in the morning, he knocked at the door; he says, in a very polite way, he says, "Open the door."

Mr. Chanler: I object to that.

Q. Leave out the polite. He said, "Open the door?"

A. Yes, sir; then she says, "I will not open the door. Now, if you come in, I will kill you."

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Q She said, "I will not open the door. Now, if you come in, I will kill you?"

Mr. Chanler: I object now to this testimony, as being too remote, incompetent, irrelevant, and immaterial.

(Objection over-ruled)

(Exception)

Q Is that all you heard? She said, "I won't let you in. If you come in, I will kill you?"

A. Yes, sir; he said, "Oh, you will not, you will do no such a thing," he says that to his wife, and then she came in the hall and she gave him a good beating.

Q She gave him a good beating?

A. Yes, sir.

Q Well, what next?

A. He called for some help.

Q He called for some help?

A. Yes, sir; he says, "Baker, baker, help!" And at that time, my husband was in bed, asleep, because he works at night.

Q Was that a week before?

A. Yes, sir, about a week before. Then, of course, I was in the kitchen, and standing in the hall, and I was frightened. I didn't wake up my husband.

Q Your husband works at night?

A. Yes, sir. He called for help, and then he came and sat down there. She entered the room, and locked the door.

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- Q What did she do? A. She ran in the room. She says, "Wait a minute; I am going to run for a hammer, and I will fix you A." Then he went on to the door.
- Q He went what? A. He went down to the door, in the street.
- Q What else? A. Then by and by my husband waked up and went down and saw the man at the door.
- Q You did not go down with your husband? A. No, sir.
- Q You saw this dead man go down the stairs? A. Yes, sir.
- Q Down towards the front door, leading into the street?
- A. Yes, sir.
- Q Did you see him again that day, if you know?
- A. Yes, sir, I did.
- Q How much later, after that? A. Well, it was about 4 o'clock in the evening.
- Q It was about 4 o'clock in the evening? A. Yes, sir.
- Q What time did your husband get up? A. I think it was about 11 o'clock.
- Q Then he went out, I suppose, to his work?
- A. No, sir; then my husband came up and he says, "My! if you could"-----
- Q Your husband went down, and came up afterwards?
- A. Yes, sir.

Q Now, Mrs. Chatillon, at the time this disturbance took place, will you tell me whether you heard Mrs. Dunn say anything to her husband, whether she applied any epithets to him or called him any names, like that?

A. Do you mean the week before?

Q The week before?

A. Yes, sir, she did call

him bad names.

(Same objection)

(Same ruling)

(Exception)

A. All kinds of names.

Q Just tell us -- it isn't a very pleasant thing to ask you to do?

A. She called him an old son of a bitch, a son of a gun, a whore-master, and all kinds of names.

Q Now, do you know whether, between that time and the day of the homicide, whether or not the husband was locked out, between those times?

A. You mean the week before?

Q Between the week before and the day of the homicide?

A. Oh, every day, for a week; she kept on for a week like that; and he was every morning -- it was just the same, the same thing, she kept that man out.

Q Did you have a talk with your husband? Do not tell us what it was.

A. Yes, sir.

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Q What time -- some two or three days before the homicide?

A. Yes, sir.

Q After you did have that talk with your husband, did you go down and have a talk with Mrs. Dunn?

A. Yes, sir, I went down and had a talk -- no, sir, I didn't talk with Mrs. Dunn; I just passed, and I says, "Mrs. Dunn, don't you be so foolish."

Q You did say something to her? A. Yes, sir.

Q What did you say? A. I says, "Mrs. Dunn, don't you be so foolish for yourself; why don't you leave your husband come in? He is a nice, quiet man." That is all I said. At the same time she called me all the big names she could think of. I didn't give her no answer, because I was afraid of her; I just came up stairs, and there was no more.

Q What did she say about her husband that day?

A. She says the old son of a bitch, and all those names.

Q What else did she say? A. This is a whole week before.

Q This is the day you had the talk with her? A. Yes, sir.

Q What did she then say about him?

(No answer)

By the Court:

Q You went down stairs one morning? A. Yes, sir.

Q Two or three days before this killing took place?

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A. Yes, sir.

Q You saw Mrs. Dunn?
before.

A. No, sir; this was a week

Q A week before?
morning.

A. Yes, sir; it was on a Sunday-

Q Now, what was it you said to her? A. I said, "Mrs. Dunn,
why don't you open the door for your husband? You have got
a nice quiet man. Don't be so foolish and make such
trouble for yourself." At the same time then she commenced
to schld and call me all the big names and everything like
that.

Q Did she call her husband any names?

A. Yes, sir.

Q Have you told us what the names were?

A. Yes, sir, it was the same thing all the time -- son
of a bitch, son of a gun, whore-master, and all that.

Q Now, then, what did she say about him? Did she use any
threats or anything like that about him? Did she say any-
thing else except calling him names?

A. I didn't hear. She said she would run in the rooms and
she will go for a hammer, to smash his brain. This was a
week before.

Q During that conversation?

A She says, "You don't
know me. Clear out. Mind your own business; you don't know

me. I will go for a hammer, and I will smash his brain."

Then I ran up.

Q That is what she said to you? A. Yes, sir, what she said to me. "When I am mad, I will go for a hammer, and I will smash his brain;" and she meant to do something to me, just because I told her not to be so foolish and to open the door.

Q This was a week before? A. Yes, sir, a week before; Sunday morning.

Q On the day of the homicide, or on the morning of the homicide, did you see Mr. Dunn that morning?

A. Yes, sir; I saw Mr. Dunn that morning.

Q Where were you at that time? A. I was in the kitchen and in the hall; it was a Saturday morning; in my own place.

Q Now, just tell the Jury everything you saw on that morning?

A. Well, in the morning, it was about 9 o'clock, Saturday morning, that I was standing in the hall. Then it seems he was out. He came home. Then he stood about half an hour in the house, standing in the hall.

Q What is the first thing he did when he came up stairs?

A. He knocked at the door.

Q Did you hear her say anything? A. He knocked at the

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door; he says, "Open the door, madam." She says, "You will not come in now; I will kill you." It was the same thing all the time.

Q Tell what she said? A. He said the same, "You will not do any such thing; don't you be so foolish; open the door," in a very polite way.

Mr. Chanler: I object to that.

The Court: Strike out the words, "in a very polite way."

THE WITNESS: And then, by and by, of course, he had a great deal of patience, as far as I could see, and he was standing in the hall may be about half an hour. Then the boy came out and went down--I don't know for what; then, at the same time the boy opened the door, Mr. Dunn went in, and from that time, from 9 o'clock in the morning, I didn't hear anything any more -- no fight, no nothing at all --until 12 o'clock. Then I heard the baby scream -- I heard the baby scream.

Q About what time? A. It was about 12 o'clock. I didn't hear any fall; I didn't hear nothing.

Q You heard the baby scream? A. Yes, sir.

Q About 4 o'clock in the afternoon did you see the defendant, Mrs. Dunn? A. About four o'clock -- oh, it

was before that. This was about 12 o'clock I heard the baby screaming, for an hour or so. A couple of days before she let it fall down stairs.

Q I want to know whether you saw Mrs. Dunn at the window, in the afternoon? A. In the afternoon -- yes, sir, I did; in the kitchen window.

Q Where were you? A. I was in the hall.

Q Did you hear her call out to somebody?

A. Yes, sir; she called Mrs. Sommeiaout of the window.

CROSS-EXAMINED BY MR. CHANLER:

- Q How long have you been living in 26th. Street ? A Well, I think it is six years; I don't remember.
- Q Where did you live before that ? A I have lived in 26th Street, six years before that; I don't remember.---No. 117, across the way.
- Q Now, do you do anything beside keep house yourself ? A No, sir; I don't do anything.
- Q You keep house? A Yes, sir.
- Q You are at home all day long ? A Yes, sir.
- Q Your husband works out at night or day-time ? A At night.
- Q Did you know Mr. and Mrs. Dunne before they came to that house in 26th. Street ? A No, sir.
- Q When did you first see Mr. Dunne? A I never saw the man from the day he came to the house till a couple of days before he was killed.
- Q You never saw him until then ? A No, sir.
- Q About how many days before he was killed did you first see him ? A About two weeks before he was killed.
- Q Where did you see him then ? A Well, when I was going down for groceries, & etc.
- Q You saw him in the house ? A No, sir; I had met him many

a time; but I didn't know it was him, because he was so quiet.

Q A very quiet man? A Yes, sir.

Q Never used to get drunk so far as you saw? A That I cannot say; I don't know.

Q As far as you saw? A I don't know.

Q Did he used to be a friend of your husband? A No, sir; not at all. I don't suppose they were bad friends: how could they be bad friends, I don't see why.

Q I ask you if they were friends? A Well, I understand you.

Q Were they friends? A No, sir.

Q They were not friends? A No, sir.

Q Did Mr. Dunne ever sleep in your apartments? A No, sir.

Q When your husband was there? A No, sir; only that Sunday morning when he was there, he said, "Let me come in for a few moments in the hall, or else she will kill me."

Q He used to say that? A One Sunday morning he said it.

Q That was the only time he was in your rooms? A He was not in the rooms; he was standing in the hall-- in my hall.

Q You are sure he never was in your rooms? A No, sir.

Q Didn't you see Mr. Dunne being carried upstairs about three nights before his unfortunate death? A No, sir.

Q Do you know if your husband and Mr. Dunne were out together on that night? A No, sir; he was not out with

my husband.

Q You do not know whether he was or not ? A I know very well.

Q You know he was not ? A I know he was not out with my husband; I know that very well.

Q Do you know a saloon known as Boyle's Saloon on the corner of 27th. or 28th. Street and 6th. Avenue ? A No, sir; I don't know that place at all. No, sir; I don't.

Q You did not visit there ? A No, sir.

Q You could see the sign out on the saloon ? A Yes, sir.

Q A gold sign on the saloon; did you ever see it ? A No, Sir; I didn't take any notice.

Q You have lived there six years ? A Yes, sir.

Q The first that you ever heard Mrs. Dunne threaten to kill her husband was about how long before his death ? A A week before, on Sunday morning.

Q After that you heard her threaten to kill him nearly every day that week ? A Nearly every day that week. Yes, sir.

Q And always with a hammer ? A Always.

Q Were you ever in Mrs. Dunne's rooms ? A Only but once when she was sick; when she was taken to the hospital.

Q Did you see any tools in the room, a box of tools ?

A No, sir; I didn't see the tools.

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- Q You did not ? A No, sir; she said it though.
- Q You never saw them ? A No, sir; I never saw the tools.
- Q The first time you heard Mrs. Dunne threaten to kill her husband with the hammer you were in your kitchen ? A Yes, sir.
- Q What were you doing ? A Well, that I can't tell.
- Q You cannot tell ? A No, sir/
- Q Were you in your kitchen all the time, or were you in other rooms part of the time ? A Yes, sir; I was surely in my kitchen all the time.
- Q Could you see from your kitchen ? A Yes, sir; I could see very well.
- Q Into her kitchen ? A Yes, sir.
- Q When the door was open ? A Yes, sir.
- Q You could see what was going on in Mr. Dunne's kitchen ? A Yes, sir.
- Q Tell us about how much of the inside of the kitchen you could see from your kitchen door ? A Well, that you can find out.
- Q How much in her room ? A Well, I don't know.
- Q Please look at me and tell me about how much of that kitchen you could see from you kitchen door ? A Well, I cannot give you any idea about that.

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- Q Could you see the kitchen window ? A Yes, sir; I could see the kitchen window.
- Q Could you see on the far side of the kitchen window; could you see the sink ? A No, sir; that I cannot see.
- Q That you cannot see ? A No, sir.
- Q What did you see going on in that kitchen on that day as you were looking from your kitchen ? A Well, I didn't see anything.
- Q I mean of Mr. Dunne ? A Do you mean the day he was killed ?
- Q No. The week before ? A Well, the week before, I didn't see anything in the kitchen, because she beat that man in the hall.
- Q In the hall ? A Yes, sir.
- Q Did you see him in the hall ? A Then he was afraid, and he was down there.
- Q Did you see her beat him in the hall ? A Yes, sir.
- Q Did she come out of the kitchen ? A No, sir; she didn't come out; she came from the sitting-room door-- she came out of the sitting-room door.
- Q Did she have a weapon in her hand ? A Did she have what ?
- Q A hammer ? A No, sir; she didn't; she went like that with her hand. (Indicating)
- Q You say she threatened to kill him ? A Yes, sir; she said

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so.

Q And he cried, "Help! help! she is going to kill me"?

A Yes, sir.

Q He was a pretty big man; wasn't he? A Yes, sir; he was.

Q And she had her bare fists shaking them at him? A Yes, sir.

Q He ran away crying, "She is going to kill me"? A Yes, sir.

Q You quite sure about that? A Yes, sir.

Q You were afraid to call your husband for help? A Yes, sir I was afraid.

Q When was the next time^{that} you remember seeing Mrs. Dunne attack her husband; you say she did it nearly every day. When was the next time?

MR. OSBORNE: She has not said she attacked him every day.

A Every day he used to come home from his work in the morning--every time-- every morning it was the same thing for a week or so.

Q Tell us the next time? A She called him the same names always.

Q She always called him the same names, and always threatened to get the hammer? A Yes, sir; always.

Q When was the next time she called him those names and threatened to get the hammer-- the next day wasn't it? A Well,

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it was the same all along until the day he was killed.

Q I want to know a little more details of this. You said it was every day. What happened the next day. A Well, the next day it was the same thing: he wants the door opened, and she says, "You will not come in, if you come in I will kill you." He knocked at the door and says, "Open the door, madam, will you please." She doesn't do so; and that is the way it was.

Q He said that? A Yes; and she came to the door ^{and,} some times, She says, "Now if you come in I will kill you, you are an old son of a bitch and whore-master" and all kinds of names like that.

Q What happened the next day? A Yes, sir.

Q And the next day? A The next day just the same.

Q I am speaking of the second time you saw this man Dunne come into the room. A She just opened the door on a little crack.

Q Did you see her shoving her hand out at him? A I saw him three or four times.

Q I am speaking of the second morning? A Yes, sir.

Q I understood you to say--- try and keep your eyes on me--- I understood you to say that you saw her put her fist out at him, and say she was going to kill him. She came out

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of the room, didn't she ? A Yes, sir; she did more than that.

Q She opened the door entirely and came out ? A Yes, sir.

Q Did her husband go into the room ? A No, sir; he didn't go into the room.

Q Did he cry out for help ? A No, sir; not that morning.

Q Did she threaten to kill him with a hammer ? A No, sir; she didn't say that.

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

Q Not that time ? A No, sir.

Q Did he scream and run away ? A No, sir; he didn't scream.

Q Did he run away ? A He ran away.

Q He didn't go into the rooms ? A No, sir; he didn't go into the rooms.

Q When did you see him ^{again} the second day ? A Well, sometimes he used to come---

Q I am speaking of the second day; try and think ? A The second day, I don't remember, I know it was the same thing for a week, every morning. I can't tell you any more that I know.

Q She did the very same thing always ? A Yes, sir.

Q Always at the same door ? A Yes, sir; always the same.

Q Was this after you had been to see Mrs. Dunne and had spoken

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to her ? Oh no; she done it before.

Q I asked you if this was after you ^{had} been to see Mrs. Dunne;
after or before ? A Not at all; no, sir:

Q Was this trouble after or before ? A For a week it was
the same.

BY THE COURT:

Q You recollect on one occasion you went downstairs, and you
said to Mrs. Dunne, "Don't you be so foolish; let your
husband in"? A Yes, sir.

Q Do you recollect that ? A Yes, sir.

Q How long was it after ^{time} that [^] that you saw Mrs. Dunne beating
her husband in the hall ? A She done it a week before.

Q A week before ? A Yes, sir; a week before she done it.

BY MR. CHANLER:

Q I understood you to say this thing had been going on for a
week or for several weeks ? A Yes, sir.

Q They had been quarrelling for two or three weeks since they
had been in the house ? A No, sir.

Q She had been quarrelling for two or three weeks ? A Well,
she didn't quarrel; I cannot say that they were quarrelling
very much; those people; things were very quiet.

Q I am speaking of her ? A Well, she didn't quarrel very
much.

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Q Did she quarrel much two weeks before this? A I don't know. That man was so quiet that when he came home and every thing like that, I never could see them fight or quarrel, or everything like that, because they didn't fight or quarrel.

BY THE COURT:

Q How long had they been living in the house-- ever since they came in the house-- you knew they lived there?

A Yes, sir.

Q How long had they been living in the house before you observed them quarrelling? A It was just the same all the time.

Q How long had they been living in the house before you noticed the quarrelling? A About two months.

Q They had been living in the house about two months before the quarrelling commenced as you noticed? A I don't know if they quarrelled or not; I didn't hear anything.

BY MR. CHANLER:

Q Did you know a Mrs. McMannus, a lady who had the rooms Mrs. Durme occupied? A Mrs. McMannus had nothing to do with this business at all,; that is all. You just find out yourself. You can go and find out.

BY THE COURT:

Q Do you know Mrs. McMannus? A She has nothing to do with

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this case. He can find out if he wants to.

Q Do you know Mrs. McMennus ? A Yes, sir. But that has got nothing to do with this case.

BY MR. CHANLER:

Q When did you last see Mrs. McMannus ? I have got nothing to say about Mrs. McMannus; she is a nice respectable lady.

BY THE COURT:

Q When did you last see Mrs. McMannus ? A When did I last see Mrs. McMannus ?

Q Yes, the last time ? A About a year ago.

BY MR. CHANLER:

Q When did Mrs. McMannus leave that house ? A I don't know; I cannot tell you. I don't remember.

Q Do you know where Mrs. McMannus is now ? Yes, sir.

Q Next door isn't she ? A Yes, sir.

Q When did you see her last then ? A I didn't see her since she left from the house.

Q How long have you known her ? A I never saw that lady before till she came in the house.

Q That was about how long ago ? A Nearly two years ago.

Q That is the truth that you have just answered ? A That is the truth. Of course it is the truth.

Q Just as true as anything you have told to-day.

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Objected to.

Objection sustained. Exception.

Q Have you testified to everything you recollect that occurred the day of Mr. Dunne's death ? A Yes, sir; I have testified.

Q You have testified. A Yes, sir.

Q Tell us again so as not to get it confused with other days, if there was any quarrelling between Mr. and Mrs. Dunne, the day Mr. Dunne died ? A No, sir; not at all.

Q There was nothing said ? A No, sir; nothing said. No quarrelling, I didn't hear anything at all; everything was perfectly quiet.

Q Did you hear Mr. Dunne come upstairs when he came into the house ? A Yes, sir; and I saw him too.

Q Where were you at the time ? A In the hall. Standing in the hall.

Q In your own hall ? A Yes; in my own hall.

Q Did you see him knock at the door ? A Yes, sir.

Q What door was he knocking at ? A At the sitting-room door.

Q Could you see the sitting room door from where you were in the hall ? A Yes, sir.

Q Whereabouts in your hall were you ? (No answer.)

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Q How many rooms do you occupy? A I occupy the whole floor

Q Where is your kitchen: in the back or in the middle .

A In the back.

Q Your kitchen is right off Mrs. Dunne's kitchen, isn't it?

A Yes, sir.

Q And your bed-room is next to the kitchen? A Yes, the bed-room is next to the kitchen.

Q You had been in your kitchen on the morning's of Mr. Dunne's death; had you not? A I was in my kitchen nearly every morning, till night; except at night.

Q Where were you when you saw Mr. Dunne come upstairs the morning he died? A I was in my own hall; standing in the hall.

Q Whereabouts in the hall? A I was standing in the hall so that I could see the kitchen.

Q I want to know what part of the hall you were standing in: near the bed-room door, the kitchen door or the front door door? A Well, I was standing in the hall; that is all I can tell you. I heard a knock at the door; I looked
-----I didn't know if it was ^{anybody} for us so I came to the door--
and I saw it was Mr. Dunne.

Q You saw it was Mr. Dunne? A Yes; he stood in the hall.

Q Did you stand there looking at him? A Yes; I stood

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there looking at him, but he didn't see me.

Q Were you looking over the bannisters, or how did you look at him? A You could see everything if you looked over the bannisters.

Q Did you look over the bannisters? A Yes, sir.

Q Mr. Dunne knocked at the door? A Yes.

Q Did you see him knock at the kitchen door? A Yes, he knocked at the kitchen door; he tried both doors.

Q He tried both doors? A Yes, sir.

Q Did you see him go into the room? A Yes, sir; I did see him.

Q Which door did he go in? A The sitting room door.

Q Did you see him when he got into the sitting-room?
A Yes.

Q Did you look into the kitchen at all on that day before Mr. Dunne was hurt? A Did I look in the kitchen? No, sir, Right away after he went in the room then her door was closed until twelve o'clock.

Q Then at twelve o'clock, you were again standing in the hall?

A No, sir; I heard the baby scream for an hour or so; then when the baby cried, that is the time she came and opened the kitchen door.

Q I will ask you this again, so as to be clear about it: On

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the day that Mr. Dunne died, or left those rooms to die at the hospital, there was nothing of an unpleasant nature at the door before Mr. Dunne went into the room? A No, sir; no talking everything was perfectly quiet.

Q When he knocked at the door he didn't say anything? A No, sir; he only asked her to open the door in a very polite way. He says, "Come and open the door please; don't you be so cruel" She says, "You will not come in", and what she says, of course, I didn't hear.

Q You didn't hear what she said that day? A No, sir; I didn't hear.

Q Did you hear what she said that day? A No, sir; I didn't hear.

Q You didn't hear Mrs. Dunne threaten to kill her husband that day? (No answer.)

Q Were you on good terms with Mrs. Dunne? A How could I?

Q Did you understand the question? A How could I; we never were intimate together; how could I?

Q Did you visit her at all? A No, sir.

Q Did she visit your house? A No, sir.

Q Did you ever have any quarrels with her? A No, sir; I didn't. She never made any trouble for us.

Q Were you unfriendly with Mrs. Dunne? A No, sir; why

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would I be bad friends with her.

Q That is your answer ? A That is my answer; yes, sir.

Q Do you recollect being examined as a witness before the coroner last October ? A Yes.

Q Do you know what the coroner is ? A Yes, sir.

Q Do you recollect that ? A Yes.

Q That was in October and shortly after Mr. Dunne's death ?

A Yes, sir.

Q Do you remember testifying as follows at the coroner's inquest, "She was in there about an hour, and all at once, the boy went out for something, and he had a chance to go in and from that time until he was hurt he didn't quessell at all"?

Do you remember that ? A I remember that.

Q Did you say that at the coroner's ? A Yes, sir.

Q "Until about one o'clock and then they"-- A Well, one o'clock I didn't see the clock.

Q "And they they screamed like everything" ? A The baby.

Q Then the coroner asked you, "Were you and Mrs. Dunne friendly"? No, sir. When she came into the house, I saw she was not respectable. Were you unfriendly ? Yes, sir." Do you remember that ? A No, sir, no such thing; we were not unfriendly, because we never associated together.

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BY THE COURT:

Q That is you mean to say that when she first came into the house you made up your mind she was not the kind of a woman you wanted to associate with? A Yes, sir; that is what I mean.

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McHatillon

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By MR. OSBORNE:

Q Mrs. Chatillon, I want to know whether it was the morning of the homicide that the door was locked when Dunne came home--the morning of the homicide?

The COURT: She has testified to that.

Mr. OSBORNE: I have become a little unsettled on that point. I will only take a minute to ask a few questions.

The COURT: This lady has gone on and told everything that occurred the morning of the homicide, and something that occurred a week before, and she has stated generally in reference to noise and quarrels between these people. There is no use of going over the same thing again.

Q Was Mr. Dunne locked out the morning of the homicide? A. Yes, sir.

Q Did you hear Mrs. Dunne say anything to Mr. Dunne the morning of the homicide?

The COURT: She has told all that.

Q Do you remember when the officers came? A. Yes, sir.

Q Did you hear any talk between the policeman who is dead and Mrs. Dunne, the defendant? A. Yes, sir.

Q Where were you at that time? A. I was standing in the hall.

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Ellen O'Brien

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- Q In the hall above ? A. Yes, sir .
- Q In your own hall ? A. Yes, sir, in my own hall.
- Q What did you hear the policeman say to Mrs. Dunne, if anything ? A. That big fat policeman?
- Q The one who is not here ? A. The two officers who are here I did not hear what they said.
- Q The big one ? A. Yes, sir .
- Q What did you hear him say ? A. He says "Did you done it, the what beastly woman that you are, ~~did~~ you done such a thing for" /
- She says "I did not kill him enough yet". That is the answer she gave to the officer.
- Q She said she had not killed him enough yet ? A. She had not beat him enough yet.

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

Direct Examination By Mr. OSBORNE:

- Q Mrs. O'Brien, what is your business ? A. Police matron.
- Q At what Station ? A. The 19th precinct, 30th street.
- Q Do you remember the 14th day of October 1893 when the defendant was brought to the station house ? A. Yes, sir .
- Q Did you search her ? A. Yes, sir .
- Q What did you find ? A. Twenty dollars in money.

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Q Did you have any talk with her after she was brought to the station house ? A. Well, as far as I can recollect to the best of my knowledge and belief when---

Q Did you speak to her ? A. Yes, sir .

Q Then you did have a conversation with her ? A. Yes, sir .

Q I want to know what the substance of the conversation was between the defendant and yourself?

Mr. Chanler: I object to that .

By the COURT:

Q Say what you said to her and what she said to you ?

A I simply asked her what did she do it for, and she said that her husband called her names, and she wanted him to take it back, he would not do so and she struck him with the hammer.

Q Did she tell you anything more than that that you recollect?

A No, sir .

Q Do you recollect whether or not she told you that her husband was standing or lying or what ? A. No, sir .

Q At the time ? A. No, sir .

Q Did she state what names her husband had called her ?

A No, sir .

Q You asked her what she did it for ? A. Yes, sir .

Q She said her husband called her names ? A Yes, sir .

Q And what ? A. She wanted him to take it back and he would not do so .

Q He would not do so ? A. Yes, sir .

Q And she struck him with the hammer ? A. Yes, sir .

Q Did she say anything to you about the baby ? A. I asked her how the baby came to get blood on it and she said it was in the bed with the father .

Q Since I have recalled that to your mind, do you recollect whether or not she told you where her husband was when she struck him? A. No, sir .

Q Do you remember or not any conversation which took place between Mrs. Dunne and the officers there ? A. No, sir .

Q About whether her husband was drunk or not ? A. No, sir .

Stricken out .

Q Do you remember anything else the defendant said that day .

A No, sir .

By the COURT:

Q You have told us, as near as you recollect, what you said to her and what she said to you ? A. Yes, sir, to the best of my recollection .

Q Were you present at any conversation between her and any police officer at the station house ? A. No, sir . I was not .

Q You were not ? A. No, sir .

Q Is there anything else you recollect this woman said other than you have already told us ? A. No, sir .

By Mr. Chanler:

Q The defendant was intoxicated at the time, was she not?

A Yes, sir.

By The COURT:

Q She understood you when you spoke to her? A. Yes, sir.

Mr. OSBORNE: I wish to refresh the witnesses recollection.

The COURT: This is an intelligent woman who is in the habit of having dealings with people. She tells you that when the woman was brought there, she searched her and found twenty dollars in her possession; that she asked her what she did it for, and she gives you the answer the defendant made. In answer to questions put to her by myself she stated that there was no conversation between any officers and this defendant in her presence. She has stated all she recollects.

Mr. OSBORNE: I would like to refresh her recollection by referring to a statement she made.

The COURT: Show me the statement.

By The COURT:

Q Were you present, Mrs. O'Brien, at any conversation between this woman and the Captain of Police in the Station house?

A To the best of my knowledge, yes, sir.

Q Was that the same day she was taken in ? A. Yes, sir .

Q Do you recollect what that conversation was not; what the Captain said to her and what she said to the Captain ?

A Just about the same thing .

Q Do you recollect it ? A. Yes, sir, to the best of my knowledge, yes sir .

Q You can state to the jury what the captain said to her, and what she said to the Captain as near as you can recollect?

Mr. CHANLER: I will object to it on the ground that it is not the best evidence of that conversation, and also that it is incompetent, irrelevant and immaterial .

Objection overruled . Exception .

A He asked her what she did it for and she said that her husband called her names, she wanted him to take it back, he would not do it and she struck him with the hammer . The very same thing she said to my self.

By Mr. OSBORNE:

Q Was there anything said in that conversation in reference to whether her husband was intoxicated or not, at the time he did it ? A. The Captain asked her was he drunk, and she said she would tell the truth, she would have to tell the truth he was not.

By Mr. Chanler:

Q Mrs. O'Brien, your recollection of the words used by Mrs.

Dunne on the occasion of her being at the station house is not absolutely distinct and clear, is it? A. Yes, sir, it is.

Q Do you recollect the exact words? A. Yes/ sir, Exactly.

Q Did you remember the exact words she used when you went upon the stand? A. Yes, sir, I do remember exactly what I

have said. I said that Mrs. Dunne made use of the words

Q that her husband called her names, and because he would not take them back she struck him with the hammer.

Q When did you first make that statement to any one, Mrs. O'Brien

A Last Tuesday, a week ago.

Q To whom did you make the statement? A. To this gentleman here.

Q To the Assistant District Attorney? A. Yes, sir.

Q Did you in that statement say anything, as far as you recollect, about the conversation with Captain O'Connor? A. No, sir.

Q Did you say anything about the conversation with Captain O'Connor in the statement you made to Mr. Osborne Tuesday?

A Yes, sir.

Q When you made the statement to the Assistant District Attorney did you tell him then of the conversation between Captain O'Connor and this woman? A. Yes, sir.

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Joseph P Dunne

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- Q In which you say the Captain asked her if her husband was drunk ? A . Yes, sir .
- Q You did state that to the District Attorney ? A. Yes, sir.
- Q You have a number of prisoners Mrs. O'Brien, I presume ?
- A Yes, sir .
- Q In your charge constantly ? A. Yes, sir .
- Q And it is a very frequent thing for you to listen to the statements of prisoners ? A. Yes, sir .
- Q Did you make a note of the exact words used by the defendant upon this occasion .

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

Direct Examination by Mr. Osborne:

- Q Mr. Dunne, where do you live ? A. In Brooklyn .
- Q What is your business ? A. Awnings.
- Q You are a manufacturer of awnings ? A. Yes, sir .
- Q Do you know this defendant ? A. Yes, sir .
- Q She is the wife of your brother ? A. Yes, sir .
- Q How long had they been married ? A. I cannot say for the exact time .
- Q About ? A . Something over three years, I think.

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Q Your brother's name was George ? A. Yes, sir, George H.

Q What was his business ? A. Engineer .

Q Will you go back about ten years and tell the jury what his business has been during that time ? A. He has been an engineer all that time . --for over twenty years.

Q He was an engineer at the Bartholdi hotel was he . A. Yes, sir .

Q How long did he work there .

Objected to .

The COURT: This is merely descriptive.

Q Where was he engaged at the time of his death ? A. In the Hotel Marlborough.

Q You say he was an engineer at the Bartholdi hotel ?

A Yes, sir .

Q For how many years ? A. I think about nine years .

Q Where did he go to work then ? A. He left there and went to the Oriental.--I think it was the Oriental .

Q How long did he stay at the Oriental ? A. Two months.

Q Then where did he go to ? A. Then he was out of work for three or four weeks and then he came over to me and told me---

Q After he had been out of work for three or four weeks where did he go to work ? A. He went to the Marlborough .

Q In the Hotel Marlborough ? A. Yes, sir .

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- Q And remained there until his death ? A. Yes, sir .
- Q Was your brother a large or small man ? A. He was a good strong man .
- Q Was he a muscular man ? A. Yes, sir .
- Q A muscular man ? A. Yes, sir, a very powerful man .
- Q How old was he at the time of his death ? A. He was pretty near forty five .
- Q By Mr. Chanler:
- Q Do you know why he left the Oriental Hotel . A. Yes, sir.
- Q Was it because of drunkenness ? A. No, sir .
- Q (By MR. Osborne) Tell the gentlemen why ? A. He told me that he left .
- Q Never mind what he told you ? A. I only know from what he told me .
- Q He told you it was not for drunkenness ? S. He did not tell me it was not for drunkenness .
- Q You gathered from what he said that it was not from drunkenness ? A. He told me he could not get his wages .
- Q At the Oriental hotel A. Yes, sir, he said he had been there two months.
- Q Did he tell you why they would not give him his wages ?
- A No, sir .
- Q You did not know your brother very well the last few years of his life ? A. I saw him every month or two .

Peter Brady

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- Q It is your best recollection that he was married three years to this defendant? A. As near as I can recollect, I don't know the exact time, it might have been longer than that; he did not tell me much of his private life.

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

Direct Examination by Mr. Osborne:

- Q You are an engineer in the Marlborough Hotel? A. Yes, sir.
- Q On the night shift? A. On the day shift now.
- Q But in October 1893 you were on the night shift? A. Yes, sir.
- Q In October 1893 did the deceased George Dunne work at the Hotel Marlborough? A. Yes, sir.
- Q Was he on the shift with you? A. Yes, sir.
- Q What time did you and he go to work together? A. Seven o'clock in the evening.
- Q When did you and he leave work? A. Seven in the morning.
- Q Did you see him on the morning of the 14th of October 1893, the day of the homicide? A. Yes, sir.
- Q On Saturday? A. Yes, sir.
- Q When he left you was he sober? A. Yes, sir.
- Q During the time that you knew Mr. George Dunne, the deceased, was he a sober and industrious man? A. Yes, sir, always.

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attending to his work.

Q During all the time did you ever know him to miss a single nights work ? A. No, sir .

CROSS EXAMINATION by Mr. Chanler:

Q You are quite sure of that ? A. Yes, sir .

Q Pause and think a moment. Think of the last week of his life and see if you can recollect one night on which he did not go to work ? A. No, sir .

Q Did he go to work two, three or four nights before and work from seven until seven ? A. Yes, sir .

Q Were you working there four days before his death ?

A Yes, sir .

Q And three days before his death ? A. Yes, sir .

Q And five days before his death ? A. Yes, sir .

Q You are positive that he went to work at seven o'clock on each of those three nights ? A. Yes, sir .

Q And he was sober ? A. Yes sir .

Q You are not the man who has charge of the engine--you were not Dunne's superior, there is a boss engineer there ? S. Yes, sir .

Q What was his name ? A. John J. O'Neill, the head chief.

Q Now, I will ask you this question Mr. Brady, don't you know as a fact from conversations between Mr. Dunne and Mr. O'Neil

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that Mr. O'Neil stood up for Dunne when he was married, and he told Dunne on account of that he would allow him to keep his job at the Marlborough although he was so drunk that he could not come to work there for the last few days of his life. A. No, sir I don't know anything of the business.

Q. You were not present at any such statement? A. No, sir.

By Mr. OSBORNE:

Q. Did you ever hear any such conversation as that at all?

A. No, sir.

Q. You two were the night engineers there, were you?

A. Yes, sir.

Q. It required the services of both? A. Yes, sir.

Q. You would know whether the other engineer was there or not would you not? A. Yes, sir.

Q. Do you work every day of the week? A. Yes, sir.

Q. During the whole time that you knew this deceased how many drinks did you know him to take.

The COURT: He need not answer that.

The Court admonished the jury and adjourned the case until tomorrow morning March 15th 1894.

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Robert Henderson

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TRIAL RESUMED.

March 15th, 1894.

Mr. Chanler opened the case on behalf of the Defense.
ROBERT HENDERSON, a witness called on behalf of the
Defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION by Mr. Chanler:

- Q Where do you live? A. 228 Seventh Avenue.
- Q Do you know the defendant, Mrs. Dunne? A. Yes, sir.
- Q How long have you known her? A. Four years.
- Q You own the house near to where she lived, did you not?
A. Yes, sir.
- Q And you know her for four years? A. Yes, sir.
- Q Do you know other people who know her? A. Oh, yes.
- Q Do you know her character for peace and quietness? A. Yes,
sir.
- Q Is it good or bad? A. I have always seen it good; heard of
it being good.

By the Court:

- Q Always heard of it being good? A. Yes, sir.

By Mr. Chanler:

- Q Did you know her husband, George Dunne? A. Yes, sir.
- Q How long did you know him? A. About four years.
- Q Do you know other people who knew him? A. Yes, sir.
- Q Do you know his character for peace and quietness? A. I have

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