

Q How long did you remain in church? A Till eleven o'clock.

Q After that where did you go with your husband and the children? A Then we went home.

Q To the same home in which you lived? A Yes, sir, to the floor where we lived.

Q When you went to the top floor what did you do with your husband? A Then we had something to eat.

Q What time did you get through eating? A Half-past twelve.

Q After that where did you husband go and what did he do? A He went out and came back about six o'clock in the evening.

Q When he came back, what did you do? A Well, he played with the children and then we had something to eat.

Q What time did you retire, that is what time did you go to bed with your husband? A About nine or half-past nine

Q After you went to bed did you hear any pistol shots?
A No, sir.

Q Did you hear any knocking at the door by anybody?
A No, sir.

Q When did you first hear of any shooting having occurred in that house? A In about two days.

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Q Was that the time that the brother of the complainant-- did you see the brother of this complainant in your rooms two days after this alleged shooting, and if so what he said to you-- you can answer that by yes or no?

BY THE COURT:

Q Yes, he can. Did he talk to you; yes or no? A Yes, sir, he talked to me and wanted to see my husband.

BY MR. PALMIERI:

Q I wish you to state all the conversation you had with this complainant's brother on the morning that he called, two days after this alleged shooting.

Objected to. Objection sustained. Exception.

Q After this talk, what time did your husband come home?

A About two or three o'clock-- on the evening the brother came to see me my husband came home about half-past four or five o'clock.

Q Did you talk with your husband as to what had been said to you by the complainant's brother? A Yes, sir, but only a few words.

Q You can't state the conversation had with him. A No conversation; I only said that he was here.

Q Then your husband had supper? A Yes, sir.

Q Then, what time did you go to bed, two nights after

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this alleged occurrence? A Half-past eight we went to bed.

Q What time did the police come to your door? A About half-past nine or ten o'clock when the police came.

Q Where was your husband then? A He was in bed with me.

Q What did the police say to you when they came to the door? A Well, they knocked on the door and my husband opened the door.

Q What did the police say? A They told him to dress and come with them.

Q What did your husband do? A Then he put his coat on and went with the police.

Q Was this the coat that he put on (indicating)?

A Yes, sir, that is his.

Q Did your husband ever have any other coat but this black coat? A No, sir; that is the one he had; nothing else.

Q Have you any other coats belonging to your husband at your house, or did you have any other coats belonging to your husband at your house that night? A No, sir; that is the only one he had.

Q From the morning of the 27th of December, all day of that day, and also the day of the 28th, did your husband work or was he at home? A He went to work.

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Q Did he come home at regular hours, did he used to come home before this alleged shooting? A Yes, sir, always.

Q So that your husband went to work on the 27th and the 28th and he was home the night of the 27th and also part of the night of the 28th and all night on the 26th of December

A Yes, sir, the 26th was a holiday.

Q Did your husband before this 26th day of December, 1904, ever come home to dinner at twelve o'clock from work to lunch? A No, sir, only in the evening.

Q How about his lunch in the morning? A Before going to work he eats his breakfast.

Q Would he take any lunch; did he bring something to eat with him? A He would take some money with him to buy food outside for lunch.

CROSS-EXAMINATION BY MR. KRESEL:

Q What church did you go to on the 26th of December, 1904? A In 112th street.

Q What avenue? A I don't recollect.

Q How long have you been married to the defendant? A twelve years.

Q Where are you living now? A Second avenue, in the cross street near second avenue, I don't know the number.

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Q You say that you lived in the house on First Avenue for about four or five years, is that right? A Yes, sir.

Q What number is it on First Avenue? A I don't know.

Q Do you remember the night of the 26th of December?

A Yes, sir.

Q Do you remember it very well? A Yes, sir.

Q What is there about that night that should leave it so fresh in your mind? A It was a holiday.

Q The day before that was a holiday, too, wasn't it?

A Yes, sir, it was. Christmas Day he didn't work.

Q Did you go to church on that day? A Yes, sir, we went on Sunday.

Q You went to mass on that day? A Yes, sir.

Q You had your supper on that day? A Yes, sir.

Q You went to bed with your husband on that night didn't you? A Yes, sir.

Q Now, those are the occurrences that you have mentioned of the 26th of December, you did the something on the 25th? A Yes, sir.

Q What is there about the 26th that makes you remember it so well? I recollect that it was on a Monday.

Q The day before was Sunday, wasn't it? A Yes, sir.

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Q And that was a holiday? A Yes, sir.

Q What time did you go to bed on the 26th? A About nine or half-past nine.

Q You didn't hear any shooting? A No, sir.

Q You went right to sleep, didn't you? A Yes, sir.

Q At eleven o'clock you were asleep? A Yes, sir.

We live on the top floor and we don't hear noise.

Q You say that you didn't hear any noise of knocking on your door on that night, did you? A No, sir.

Q The officer says that he came to your door and he knocked on your door? A I didn't hear any.

Q You didn't hear any? A No, sir.

Q But you heard a knock or noise after that, didn't you? A Yes, sir.

Q On that night you went to bed at what hour? A Half-past eight.

Q The police came at what time? A About half-past nine or ten o'clock.

Q You heard a knock on that night? A Yes, sir; they knocked very hard.

Q They knocked very hard? A Yes, sir.

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Q You say that all the officer said was, "dress and come along with us," is that right? A Yes, sir; that is what I understood.

Q You stood right at the door, didn't you? A I remained in bed, my husband went to the door.

Q Did you hear your husband say anything? A He didn't say anything.

Q He didn't say anything? A No, sir.

Q Just dressed himself and went with the officer, did he? A Yes, sir.

Q Did you go with the officer, too? A I remained at home; I remained in bed at the house.

Q You said to your counsel that your husband never came home for his lunch, is that right? A He doesn't come at noontime.

Q You have been married twelve years, you say?
A Eleven years.

Q And you swear that in the eleven years that you have been living with this defendant he has never been home to his lunch, is that right? A When he was out of work, when he didn't work, then he had his lunch home. Then when he worked he never came home.

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Q He has been out of work during those eleven years, hasn't he A When the weather is not favorable, then he does not work.

Q When it is bad weather, then he does not work?

A Yes, sir.

Q He does not work on Sundays or holidays? A When he had work he worked sometimes even on holidays, when he had work.

Q Do you know that man Saverio Alderisio? A No, sir; he lives in the same house, but I don't know him.

Q Have you seen him before this morning? A I saw his wife.

Q Have you never seen that man before this morning?

A I have not, sir.

Q Is that the man who called at your house? A No, sir.

Q Who is the man that called at your house; what is his name? A The man who is coming now, the man who just moved over.

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

Q That is the man that called at your house? A Yes, sir. (Referring to the witness Domenico Alderisio.)

Q Do you remember when he came to your house? A Yes, sir.

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Q What day was it? A The day after it happened.

Q You mean then on the 27th? A Yes, sir.

Q That was on the same day that your husband was arrested? A No, sir, he was arrested the next day.

Q So, then, your husband was arrested the day after he came to your house, is that right? A Yes, sir.

Q Your husband was arrested on the night of the 28th of December, was he not? A Yes, sir.

Q Alderisio came to your house in the morning, or in the evening of the 27th? A About half-past twelve.

Q Half-past twelve? A He came twice to my house.

Q When did he come the second time? A He came about half past two or three o'clock.

Q Of what day? A The same day he came at half-past twelve, and then half-past two or three.

Q So he was there twice on the 27th of December, is that right? A Yes, sir.

Q Have you ever been in Alderisio's house? A No, sir.

Q Did you ever see Dominico Alderisio? A No, sir.

Q Never saw him before? A No, sir.

Q Is that right? A Yes, sir.

Q Have you had any conversation with him? A No, sir.

Q Did you on the 27th day of December, 1904, have a

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conversation with the complaining witness Domenice Alderisio, and was he in your house No. 2076 First Avenue? A No, sir, never.

Q Or at any other time? A No, sir.

Q Did you on the 27th of December, or on the 28th of December, or anytime, show to Alderisio, or to his sister in law, a light coat that your husband wore on the night of the 26th of December, 1904? A No, sir; I did not, because my husband has no light coat.

Q Did you show them any coat belonging to your husband? A No, sir.

Q Did you have any conversation with them about a coat? A No, sir.

Q Did you have any conversation with them about this shooting? A No, sir.

Q Or with either of them? A No, sir, with none of them.

BY MR. PALMIERI:

Q Did your husband ever carry a pistol? A No, sir.

Q Did you ever have a pistol at your home? A No, sir.

BY MR. KRESSEL:

Q You never saw your husband have a pistol? A No, sir.

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Q Did you? A No, sir.

Q You don't know whether he had a pistol or not, do you? A Why shouldn't I know? He lives with me, and I know if he had a pistol or not.

Q Are you willing to swear of your own knowledge that your husband did not at anytime have a pistol in his possession? A I will swear 100 times that he didn't have a pistol.

GIUSEPPI CACCITORE, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PALMIERI:

Q You have been for three years the housekeeper of the premises 2076 First Avenue? A Yes, sir. Two years that I have not been there as janitor.

Q But you have been? A I was there for three years.

Q During that time do you remember this family of the defendant and the defendant living with his family on the top floor of those premises?

Objected to. Objection sustained.

Q Do you know other people that live in that house?

Objected to.

BY THE COURT:

Q Do you know others who know the defendant? A Yes, they are here; I know them.

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BY MR. PALMIERI:

Q What is the defendant's character in the premises which he occupies and of which you were the housekeeper for three years for peace and quietness in that building?

Objected to.

Q What is the defendant's reputation for peace and quietness among those with whom you have discussed his character?

Objected to. Objection sustained.

MR. PALMIERI: I will strike out the words "in that building."

Q What is the defendant's reputation for peace and quietness, good or bad? A Well, how can I know it; I only attend to my own business.

Q Don't you know good people in your building and bad people?

Objected to. Objection sustained.

Q Didn't you tell me outside that it was good?

Objected to.

Q Didn't you talk to me outside? A Yes, sir, I talked with you.

Q Did I put some questions to you? A You asked me if

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I know Derosa to be a shooter, and I said no I never knew him to be a shooter, or that he is a hunter, that is what I answered.

No cross-examination.

J O S E P H R A I M O, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PALMIERI:

Q Are you employed in the office of defendant's counsel?

A Yes, sir.

Q Did you yesterday, at my request, serve a subpoena, or attempt to serve a subpoena, upon the present housekeeper of the premises 2076 First avenue? A Yes, sir.

BY MR. KRESSEL:

Q Which is it, did you serve it or attempt to?

A I attempted to serve it.

BY MR. PALMIERI:

Q Did you see him? A Yes, sir.

Q State whether you served the subpoena, or the circumstances under which you attempted to serve it.

Objected to. Objection sustained.

Q Did you go into the building at my request and measure the hallways of the building.

Q Did you measure the hallways of the building? A Yes.

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sir.

Q What is the measurement of the hallways, the first floor, second floor, etc.?

Objected to.

MR. PALMER: I simply want to enlighten the court and jury as to the exact measurements of the hallway where the shooting took place.

Objection sustained.

Q Did you measure the first hallway?

Objected to. Objection overruled.

Q What is the measurement of the first hallway?

A Three feet wide and twelve feet long.

Q That is from door to door, twelve feet long?

A Yes, sir.

Q Where are the toilets? A They are in the hall right at the top of the first landing, right at the top of the staircase.

Q In the middle of the hallway? A Yes, sir.

Q How are the rooms divided; how are the doors with respect to the hallways; how do they lead into the hall, the doorway of each family? A You can't get into the family

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before you get into the hall; there is a door which separates one from another.

Q You mean there is a separate hall besides the long hall?

Objected to. Objection sustained.

A I mean this: Before you get into the hallway where the families have to go you must pass another door, and when you pass this door you get into a hallway and then you can get into where the families live, if you like.

Q That is, if you wished to go into the hall of any family on any floor, you would first have to open one door?

A Yes, sir.

Q Then there is a small hallway? A Yes, sir; this divides the two families.

Q There are two families on that small hallway? A Yes, sir.

Q Then each of those two families have another door? A Yes, sir.

Q Is that correct? A Yes, sir; two or three doors according to the rooms.

Q Now, in the measurement of twelve feet you have not included this small hallway? A No, sir.

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Q You simply measured twelve feet from one of these doors to the other door which divides the two families.

Q Now, did you notice the hallway with respect to light in the daytime, especially the first hallway? A I was through the building and I found that the first floor was the darkest of them all.

Q Can you give any reason to the jury why?

Objected to. Objection sustained.

CROSS-EXAMINATION BY MR. KRESSEL:

Q What time were you there? A I was there around half-past twelve yesterday.

Q Half-past twelve? A Yes, sir.

Q In the afternoon? A Yes, sir, noontime.

Q Is that the only time you were there? A Yes, sir; yesterday I was there around half-past twelve, or half-past one, I should say.

Q Were you ever there in the evening? A No, sir.

PROSPER CACCIATORE, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PALMIERI:

Q Are you the vice-president of any society? A Yes, sir.

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Q What is that society? A A mutual society, Stillian-
ese.

Q Where did you reside on the 26th of December, as also
the night of that day? A Yes, sir.

Q Where? A 2076 First avenue.

Q Is the barroom of that lady there, whatever her name
is, in her husband's name, Viggiano. A Yes, sir,
she is the wife of the man who keeps the place.

Q What time were you there? A I was there at eight
o'clock when I went to the meeting.

Q Did you hear any shots at anytime that night?

A About half-past ten.

Q Tell the jury when you heard those shots. What did
you do with respect to rushing toward the door? A We all
got up and wanted to get out.

Q What did Mrs. Viggiano say to you when asked to open
the door? A We went to open the door, but we remained in
the place.

Q Did she permit you to open the door? A No, sir; she
wouldn't let us.

Q How long was it before she would permit anybody to
open the door? A She opened the door about five minutes

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after and we were all looking at the door.

Q Did she say to you any reason why you shouldn't open the door? A No, sir.

Objected to. Objection sustained. Exception.

Q Tell the jury what occurred there five minutes afterwards, who opened the door? A She opened the door?

Q How did she open it? A Just a little bit so she could see herself. We didn't see anything and we went to look through the window, and we didn't see anything.

Q When she opened the door in the manner you describe what was the condition of the hall, was it light or dark? A Dark.

Q When she opened the door and looked through, what did she say to you? A She said, "It is nothing."

Q What occurred after that? A We returned inside of the place.

Q Who shut the door? A One of the members.

Q When Mrs. Viggiano held the door in the condition in which you have described, did you see any man pass there, or if a man did pass there, did you hear any footsteps? A No, sir, never.

Q Did you ask Mrs. Viggiano as to who did the shooting, or anything about that? A We asked and she said she didn't

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know who. She said, "I don't know."

Q Did she tell you she saw somebody pass through?

A She didn't tell me anything.

Q About how many minutes afterwards did you see the man who claimed that he had been wounded, this complainant, about how many minutes afterwards? A About fifteen minutes.

Q You saw him downstairs? A No, sir; he called the president; somebody called the president to go outside, and afterward another member comes in and he says to us, "It is all over, because the president of the society he is gone away."

Q You can't state the conversation in the society room between other people there. A We all went out.

Q You all went out? A Yes, sir; and we seen this fellow here with a hole in his arm.

Q Did you speak to him? A Yes, sir, we spoke to him, and asked him what was the matter, and he said, "I am shot;" that is all.

Q Did you ask him who shot him? A Yes, sir.

Q What did you say? A I said, "Who shot you?"

Q What did he say? A He said, "I didn't see; it was dark."

Q You came to the doctor's office with him?

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A Yes, sir, I did. I went to 113th street, then we went to 114th street; but the doctor only let him come in, because there was too many there they wouldn't let us in.

Q During all that time, up to the time you went to the doctor's office, and up to the time he came out of the doctor's office after he was shot, did he tell you who did the shooting? A No, sir.

Q Or that he had seen who did the shooting? A No, sir.

Q What did he say? A He said, "I don't know; it was dark."

Q Did he say any reason why he was shot; did you ask him why he was shot? A He said he was going in the closet.

CROSS-EXAMINATION: BY MR. KRESEL:

Q Is that all he said? A Yes, sir.

Q Going to the closet? A Yes, sir; going to the closet and he got shot.

Q Where was this meeting? A 2076 First avenue.

Q What part of the building? A Down on the ground floor.

Q In the saloon proper? A Not in the saloon, in the back room.

Q In the room back of the saloon? A Yes, sir.

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Q Is that room divided off from the saloon? A Yes, sir, two doors, one goes through the saloon and another goes through the hall.

Q There are two doors from the room where you had your meeting, is that right? A Yes, sir.

Q One door leads into the hallway? A Yes, sir.

Q And the other leads into the saloon? A Yes, sir.

Q Is that right? A Yes, sir.

Q Now, which one of those doors did you try to open, which Mrs. Viggiano wouldn't let you open? A The one that goes into the saloon.

Q The one that goes into the saloon? A Yes, sir.

Q So that the door was not open? A No, sir, it was not open.

Q At no time? A At no time.

Q Did you open any door at all? A No, sir, I did not.

Q Did you look through any door? A No, sir, we did not

Q You did not? A No, sir.

Q So you don't know who passed in the hallway? A No, sir, I did not see anybody pass; I don't know who passed.

Q You didn't look through the door? A No, sir.

Q So you don't know who passed, if you didn't open any

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door? How did you know that Mrs. Viggiano opened the door and looked through? A Because we were all in the saloon and we all wanted to get out at that time.

Q Did you see her open the door? A Yes, sir, I saw her open the door.

Q How could you see that if both of your doors were closed and they were not open at anytime? A That one was opened.

Q Which one was opened? A The one that goes through the hall, through the hall into the saloon.

Q There was a door on the room where you were meeting?
A Yes, sir.

Q Was Mrs. Viggiano in the room where you were meeting?
A No, sir.

Q How could she open the door from the room there where you were meeting? A We opened it ourselves.

Q I thought you told us a minute ago that the door was opened by you? A It was not opened then, it was opened after a while; we opened it-- Mrs. Viggiano, she came in and opened the door.

Q She came into the room where you were meeting and opened the door? A Yes, sir.

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

Q Why didn't you open it? A Because I couldn't open it.

Q Why not? A She said there was nothing.

Q She said it wasn't anything, and that is why you didn't open it? A Yes, sir, that is why we didn't open it.

Q Did you see anybody else at the door beside Mrs. Viggiano? A Her brother.

Q Whose brother? A Mrs. Viggiano's brother.

Q Mrs. Viggiano's brother? A Yes, sir.

Q You didn't go to the door? A No, sir, I didn't.

Q Did you have a conversation with Mrs. Viggiano?

A No, sir, I don't remember.

Q No talk at all? A Yes, sir, no talk at all.

Q That is right? A Yes, sir.

Q Absolutely nothing? A Nothing.

Q Did you say on your direct examination that you asked her if she saw anybody, and she said no? A That was after, when it was all over.

Q You just now said that you didn't have any conversation with her. (No answer.)

Q Do you know the complaining witness? A Yesterday.

Q You know him since yesterday? A Yes, sir.

Q Had you ever seen him before yesterday? A No, sir.

Q Never saw him before yesterday? A No, sir.

Q If you never saw the complaining witness before yesterday, why did you state on your direct examination that you had a conversation with him, and that you went to the doctor's with him? (No answer.)

Q Whom did you mean as having known since yesterday? (No answer.)

Q Whom did you mean when you answered my question that you knew him only since yesterday? A I don't know what complainant means.

Q So you answered my question without knowing what it was, did you? A Yes, sir, I gave an answer to that which you asked me.

Q Do you know Domenico Alderisio? A Yes, sir.

Q How long have you known him? A I knew him from Italy I knew him in Italy.

Q In Italy? A Yes, sir.

Q How long have you known him in this country?

A I know him about three or four months.

Q Did you see him on the night of this shooting?

A No, sir, I didn't see him when the shooting happened, but I saw him afterwards.

Q On the night of the shooting? A The same night.

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Q What did he tell you about the shooting?

A I said, "You are wounded;" he said, "Yes;" I said, "Who did it?" He said, "I don't know; it was dark."

Q Anything else? A That is all he said. Then we went in the drugstore.

Q Is that all he told you? A Then when we left the drugstore I talked to him again, and I said, "Is it a very bad wound, is it a bad wound," and he said, "No, it isn't."

Q Is that all he said to you about the shooting?
A That is all.

Q Didn't he tell you how the shooting came about?
A He said he was on his way to the watercloset in the hallway-- there is this water closet-- he was on his way to the water closet, and he heard a pistol shot and he was wounded.

Q Did he say that he had any talk with the man who shot him? A No, sir; he didn't know him; he said he didn't know him.

Q Did he say that he had any trouble with the man who shot him? A No, sir, he didn't say anything about that.

Q Now, when was the next time that you saw each other?
A I didn't see him since.

Q You haven't seen him since until you saw him in court now? A Yes, sir.

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Q Up to this time you didn't know who did the shooting?

A Up to when?

Q To-day? A No, sir.

Q You didn't know? A No, sir. That is true, because I didn't even know that man (indicating the defendant).

Q You don't know the defendant at all? A I knew him by sight, but I never knew his name.

Q To whom did you talk about this case first?

A With the lawyer, Mr. John Palmieri.

Q When? A This morning in his office.

Q Is he the first man that you spoke to? A Yes, sir.

Q You never spoke to anybody at all about this case until you spoke to Mr. Palmieri this morning, is that right?

A Yes, sir.

Q What is that? A Yes, sir, nobody else.

Q Nobody else? A No, sir.

Q Mr. Palmieri is the first man you spoke to about this case, is that right? A Yes, sir.

Q You didn't tell anybody as to what you knew about the case, or what Alderisio told you about it, until you told it to Mr. Palmieri this morning? A No, sir.

Q That is right? A Yes, sir; I didn't say it to anyone.

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Q Do you understand me? A Yes, sir, I didn't talk to anybody about the affair.

Q There is no mistake about it? A No, sir.

Q Did you see the defendant on the night of the shooting

A No, sir.

Q Between December 26th and the present date, did you see the defendant? A No, sir; I did not.

Q Did you see his wife? A No, sir.

Q Did you talk to her? A No, sir.

Q Tell us how you came to go to Mr. Palmieri's office this morning? A I received a summons to appear before him.

Q You received a summons to appear before Mr. Palmieri?

A Yes, sir.

Q Have you got that summons? A I gave it at the door. A youngman came to see me about Mr. Palmieri who sent him, and I said I don't want to come because I don't know about the case, about the shooting, and I said, "if you want me, give me my day's wages."

Q Then you went down to Palmieri's office? A He said, "If you want to have your wages go first to the office."

Q Then you went down to Mr. Palmieri's office?

A Yes, sir.

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Q And you found out that you knew a great deal about the case, didn't you?

Objected to. Objection sustained.

Q Well, you knew about the case all that you testified to to-day, didn't you, at the time that the youngman came to your house? A Yes, sir; just what I told to him is as much as I know.

Q Yet you told the youngman you didn't know anything about it? A I said to him, "I don't know about the case," and he said to me, "Come to the office and you will know why you are wanted."

Q Did you get the day's wages paid? A No, sir, not yet.

Q They promised it to you? A Yes, sir. Mr. Palmieri or the youngman said-- the youngman said my wages will be paid.

FRANCESCO MALO, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PALMIERI:

Q Did you attend the meeting of this society of which the witness who preceded you is the vice-president, upon the night of the 26th of December, 1904, in the back room of Mrs. Viggiano's saloon?

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A Yes, sir; I belong to that society and I was at the meeting

Q Did you see any shots fired, if so at about what time?

A About half-past ten or eleven o'clock when I heard the shots.

Q When you heard the shots what did all the members do?

A About four or five were there; we left the room, the meeting room and entered the barroom with the intention to see what is going on.

Q When you went to the barroom what did you do?

A Well, the landlord didn't want to open the door; he said "Wait, someone will fire in the barroom."

Q Who was the landlord? A The landlady.

Q How many minutes afterwards did you attempt to open the door, or was the door opened? A About five minutes after

Q Will you tell the jury how Mrs. Viggiano opened that door? A She first opened it a little ajar, and she was looking out if she see anyone, and then the door was opened and we all went out.

Q Did you see anybody when she opened the door in the condition in which you have described? A I wasn't near the door and I couldn't see anybody; it was dark.

Q The light was turned off? A It was dark.

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Q Were the lights turned off in the hallway? A There was no light; it was dark.

Q Did Mrs. Viggiona tell you at anytime that evening that she saw the defendant, or someone that looked like the defendant, with a light overcoat, pass by her, in a placid, leisurely manner?

Objected to.

Q Did she ever tell you, while she held the door ajar in the position in which you have described here, that she had seen any person that looked like the defendant, with a light overcoat, pass by her?

Objected to. Objection sustained.

Q Did Mrs. Viggiona say anything as to what she saw when she opened the door?

Objected to. Objection sustained. Exception.

Q Did you see the wounded man, or the man who claimed he was shot by the complainant, come down about two minutes afterwards? (No answer).

Q Did you see the wounded man afterwards? A About fifteen minutes afterwards I seen him.

Q When he came down, what did you do? A He came down about fifteen minutes later.

Q Where did you see him? A I saw him in the street;

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they were going to the doctor's.

Q Did you go along? A Yes, sir, I went along.

Q Did you know the complainant that evening, this Domenico Alderisio? A No, sir; that was the first time I saw him; I never knew him before that time.

Q Did you ask him any question as to how he was wounded or who wounded him? A Yes, sir; I talked to him.

Q What did you say to him or he say to you? A I asked him, I said "Who was it," and he said, "How could I know; it was dark."

Q Did he tell you that he saw the man who shot him? A No, sir; "I only felt I was wounded; but I didn't see, it was dark."

CROSS-EXAMINATION:

Q Did you go with him right to the doctor? A Yes, sir.

Q You walked with him straight from his house to the doctor? A Yes, sir.

Q Is that right? A Yes, sir.

Q You walked right beside him so that you could talk to him? A Yes, sir; we were walking and one asked him a question and the other asked him a question, and so I couldn't speak all the time to him.

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Q How many people were there? A There was one man and there was seven or eight other men. He can't talk to everybody; he must talk to one man; there was so many questioning the wounded man so that I couldn't all the time talk to him.

Q How many people were there going with him to the doctor? A About seven or eight men.

Q You didn't know the complaining witness at all, did you? A Yes, sir; I didn't know him before that evening; the other people said that he is a brother of the president of the society.

MR. KRESSEL: I ask that that be stricken out, what other people said.

THE COURT: Yes.

Q You didn't know him before that evening? A No, sir.

Q Why did you go along with him to the doctor? A Because I saw that his brother was with him, and so I went; I know his brother.

Q You know his brother? A Yes, sir.

Q That is why you went with him? A Yes, sir.

Q How many other people did you see the defendant talk to on his way to the doctor? A All talked to him.

Q All eight of them talked to him while he was going to the doctor, is that right? A Yes, sir.

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Q As many as were there? Did you hear what he said to all of them? A His answer was always, "I couldn't see the man, it was dark."

Q You heard him say that, did you? A Yes, sir; that is what he said.

Q I ask you who were some of the men who were with you, among these eight? A Cacciatore was one, and Lauritzano and Cipiano, and another one here; I am not giving the names of everybody.

Q Did you hear the complainant talk to all of them, or those that you have mentioned? A Yes, sir.

Q You heard him say to each one of them that he didn't know who shot him, isn't that right? A Yes, sir.

Q That was his only answer to everything that you asked him? A That "it was dark, I couldn't see."

Q It was dark, and he couldn't see? A Yes, sir.

Q When you looked into the saloon the door was wide open wasn't it?

Objected to.

Q When you looked out it was wide open at that time, wasn't it? A Yes, sir; we went through the same door there where the landlady opened it ajar a little bit before that.

Q But the first time that you looked out into the hall-

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way the door was wide open wasn't it? A Yes, sir; because when we got out it was all open.

Q You say that it was so dark that you couldn't see anything in the doorway? A From the top down it was all dark.

Q I am asking you about the hallway where the saloon was; was there any light there? A No, sir, no light.

Q Was there any light in the saloon? A In the saloon there was a light.

Q Was there any light going out of the saloon through the door that was wide open? A Not far away, only a little bit out side of the door.

Q There was some light, wasn't there from the inside?
A Yes, sir.

Q Do you know the defendant? A Yes, sir.

Q How long have you known him? A Yesterday.

Q Since yesterday? A Yes, sir.

Q A total stranger to you up until yesterday, is that right? A Yes, sir.

Q Do you know his wife? A No, sir.

Q To whom did you first speak about this case?

A A person acquainted with this man here; they said you have to go and be examined, and go and tell what you saw and what you know.

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Q Who are those persons? A Joseph Longo.

Q Joseph Longo? A Yes, sir.

Q Is he here in court? A Yes, sir.

Q When did you speak to him about this case?

A Yesterday morning.

Q Yesterday morning? A No, sir; the night before last he came and called on me in the house.

Q The night before last? A Yes, sir. He says, "You got to come for a witness."

Q He came to your house? A Yes, sir. He says, "You got to come for a witness;" he says that now there was trouble "my son in law got arrested, and "you got to come for a witness;" he says, "that night while you were in the saloon about that affair that happened that night; my son in law got arrested and you got to come and tell what you know about it?"

Q Then where did you go? A I came right in his office.

Q To the counsel's office? A Yes, sir.

Q And you told him what you knew about it? A I told him just what I told here now.

Q That was yesterday, wasn't it? A Yes, sir; he asked me what I know.

Q Wasn't it yesterday? A Yes, sir.

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Q Not this morning? A No, sir; this morning I wasn't there.

Q Tell us what you told him of what happened? A He didn't ask me anymore; he asked me yesterday; he didn't ask me any more this morning.

Q Had you spoken to the defendant's father in law about this case, before he came to your house? A Yes, sir; I was talking to him once before.

Q You had spoken to him once before? A Yes, sir, I had, a week ago.

Q About a week ago? A Yes, sir.

Q You told him what you knew about the case?
A I always said the something that I said here.

Q I know that, but you told him about it? A Yes, sir; I told him about it, about the something that I told here.

Q How long have you known his father in law?
A Seven years ago.

Q Seven years? A Yes, sir.

Q How did you happen to talk to him? Did you know that this man was arrested? A Yes, sir.

Q Did you know what he was arrested for? A Well, all I heard was in an indifferent way, that he was arrested and

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accused of what happened that evening.

Q You didn't know him at all, did you, this defendant?

A Yes, I know this man seven years ago.

Q You knew him seven years ago? Didn't you just a little while ago say that you knew him only since yesterday?

A I thought you were talking about the lawyer.

Q So, you have known the defendant for seven years?

A Yes, sir, seven years.

Q You are a friend of his? A Yes, sir.

Q Did you see him on the 26th of December? A Nothing in particular, only he is an acquaintance of mine; I know him.

Q Did you see the defendant on Christmas Day? A No, sir.

Q Have you seen him since Christmas until this morning?

A No, sir. I seen him lots of times.

Q You have seen him lots of times? A After Christmas I seen him.

Q You did see him? A Yes, sir.

Q After Christmas? A Yes, sir.

Q How many times did you see him after Christmas?

A I seen him about fifty times.

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Q How long after Christmas did you see him? A I seen him after Christmas; after that complaint-- I seen him about a week after.

Q A week after? A Yes, sir. I says, "What's the trouble?" I asked him what is the trouble," and he says, "Somebody shot me downstairs; I didn't know who."

Q What is that? A He said, "Somebody pushed me down, I don't know who-- somebody is putting on me the fact that I done that that evening and I don't know anything about it."

Q That is all the defendant said to you? A Yes, sir.

Q Did he tell you what he was accused of? A He says, about the shooting; I was talking about the shooting and he says, "I don't know anything about it."

BY MR. PALMIERI:

Q You were a member of the same society of which the complaining witness is a member and president? A Yes, sir.

Q You are very friendly with the president of the society of which you are a member, aren't you? A Yes, sir.

LOUIS T. TANCREDI, a witness for the people, recalled:

BY MR. PALMIERI:

Q On that night did you knock at all the doors on the top floor? A No, sir. The top floor, yes, sir.

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Q At all the doors? A Yes, sir.

Q Did anybody open their doors? A No, sir.

Q No family opened the door? A No, sir.

Q After you knocked at all the doors? A Yes, sir.

Q Four families on the floor? A Yes, sir, four families on the floor.

FRANCO DE LERMO, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PALMIERI:

Q Do you live with your family and children?

Objected to.

Q On the top floor of these premises?

Objected to.

Q Where do you live; where were you living in December, 1904? A 107th Street on the top floor.

Q What number? A 2074.

Q Where was this defendant living in December, 1904?

A We were living window to window.

Q Window to window? A Yes, sir. Window to window in the same house; we can see each other; there is my window and here is his window (illustrating).

THE COURT: Strike that out; it doesn't mean anything.

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A I am not in the same house; he is in the next house to mine, but the windows are so near that we can talk to each other.

Q From your window you can look through the apartments of the defendant in 2076 First avenue? A Yes, sir, through the windows.

Q What did you notice on December 26th, 1904, with respect to the defendant, did you see the defendant in his rooms? (No answer.)

Q Did you see the defendant on the 26th of December, 1904? A Yes, sir; I saw him.

Q Where and what was he doing? A I saw him in the evening; he was eating at the time.

Q When he got through eating this evening-- did you notice what time he got through eating? A At half-past nine he talked to me through the window, and he said, "Well, Franco, well, I am going to bed."

Q Did he say good night? A Yes, sir.

Q You were very friendly with this defendant before the 26th of December? A Four years we were neighbors and lived next to each other.

Q And talked to each other quite often? A Yes, sir; every evening we used to talk.

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Q This was Christmas night, wasn't it? A Monday evening.

Q After Christmas? A He talked to me and said, "I am going to bed. It was half-past nine.

Q After he said that to you did you see the lights in his room? A The lights were put out and he went to bed.

CROSS-EXAMINATION BY MR. KRESEL:

Q You live at 2074 First avenue? A Yes, sir.

Q And the defendant lives at 2076 First avenue? A Yes, sir, the next house.

Q Your flat is parallel with the defendant's flat, isn't it? A Yes, sir, it is in a straight line.

Q Just like two hands that way, isn't that right (illustrating)? A It is a light shaft, an air shaft, the air shaft is between us.

Q The air shaft is between you? A Yes, sir.

Q So, you leaned out of your window through the air shaft and talked to the defendant, did you? A Yes, sir; we could put a board across from my room and pass to his room.

Q He said to you, "Franco, good, night, I am going to bed," is that right? A Yes, sir, that is all we said.

Q Then, you stood at your window and watched him close it, is that right? A No, sir; I pulled my window down and he pulled his down and we went to bed.

Q But you stood at your window to see where he went to then? A I saw that he took off his pants and shoes. I saw him do that.

Q You stood at the window and saw him take off his trousers and shoes, is that right? A Yes, sir.

Q You saw him get into bed, too.? A No, sir.

Q You didn't see him get into bed? A No, sir; I didn't see him laying in the bed.

Q But you saw him get into bed, didn't you? A Well, I didn't pay so much attention; I shut my window and he shut his window.

Q But you stood at the window and watched him undress himself, didn't you? A I said before that he said good night and he took off his shoes and his pants.

Q So that he had the window open on the 26th of December at half-past nine, when he took his trousers off, and was talking to you through the open window, is that right?

A Always in the evening we talked together sometimes.

Q Did you see him turn out the light? A Yes, sir.

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Q So that you stood at your window and saw him turn off the light? A At the sametime that he did I turn always out my light, and I went to bed too.

Q Now, you have talked with him before on other evenings, haven't you? A Every evening we talked together.

Q How do you remember that this was the 26th of December, 1904? A I didn't know anything about the shooting that night, but I talked to him every night.

Q Are you willing to swear that the night you are talking about was the 26th of December, 1904? A Yes, sir. I will swear forty times it was the 26th.

Q How do you remember that it was the 26th?

A Well, the day before was Christmas; Sunday was Christmas Day, and that was the next day.

Q This was the 26th because the day before was the 25th, is that right? A Yes, sir; I know that.

Q Did you talk to him the night before through the window? A We talked at noontime; we talked also in the evening the day before.

Q Did you talk to him on the 27th through the window?

A No, sir; I wasn't home on the 27th; I was to my brother's in 114th street.

Q Well, on the 28th? A Well, I saw him when he came

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home from his work. I was tired and I went to bed and I did not talk.

The Court admonished the jury and took a recess.

AFTER RECESS.

ANTONIO DEROSA, the defendant, being duly sworn, in his own behalf, testified as follows:

DIRECT EXAMINATION BY MR. PALMIERI:

Q How long have you been in this country? A Fourteen years.

Q Are you a married man? A Yes, sir.

Q How many children have you? A Four.

Objected to. Objection sustained.

Q How long had you been living at the premises 2076 First avenue, in the city and county of New York, before the 26th of December, 1904? A Four years.

Q Where were you working, in whose employ were you on or about the 26th of December, 1904? A Dawson & Archer.

Q In what capacity? A Hod carrier.

Q For how many years have you been working for this firm? A About three or four years or more.

Q Were you in their employ on the 26th day of December,

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1904? A Yes, sir.

Q Where were you working as a had carrier, at what job?

A On 8th avenue between 73rd and 74th streets.

Q Near what street is 2076 First avenue, near 107th street, isn't it? A Yes, sir.

Q Is it near 107th street? A Yes, sir.

Q How long does it take from your home-- from 73rd street and 8th avenue to go to lunch at 12 o'clock?

Objected to. Objection sustained.

Q Did you ever go to lunch from your job on 8th avenue to 107th street and First avenue? A No, sir.

Q I show you a paper and ask you what this paper is.

Objected to. Objection sustained.

Q Were you ever arrested or convicted of any crime during the fourteen years that you have lived in this country with your family, or at anytime before that? A No, sir, never.

Q Were you ever in any trouble before? A No, sir.

Q Do you attend church?

Objected to. Objection sustained.

Q On the 26th day of December, 1904, to what church did you go with your family? A

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Objected to.

THE COURT: He may answer.

A 115th street.

Q And what avenue? A Near Pleasant avenue, the river.

Q How long were you in church? A About 11 o'clock I left the church.

Q Where did you go with your wife and children?

A Home to my own home.

Q What did you do home? A We had dinner, and then I remained home. I don't know exactly, it was two or half-past two when I left the house; I went out for a little while.

Q You stayed out for how long? A I didn't look at the clock, but it seems to me it was six or seven o'clock when I came home.

Q After you came home what did you do? A I remained a little while, and then I had something to eat and then I went to bed; then I played with the children; then I and my wife were talking for a little while, and then I ate and then we went to bed; I talked to my neighbor also.

Q Did you hear any shots fired below your house on the evening of the 26th of December, 1904? A No, sir.

Q Some testimony has been produced here by the complain-

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ant that he saw you shoot at him on the evening of the 26th of December, 1904; what do you say about that? A No, sir; I didn't see him; I didn't see that man.

Q He says you shot at him? What do you say about that? A No, sir; I did not.

Q Did you ever carry a pistol in your lifetime? A No, sir, never.

Q When the officer came to your rooms did he find any pistol in your rooms? A No, sir.

Q After you retired and went to bed on the evening of the 26th of December, the following morning, which was December 27th, where did you go? A I went to my work.

Q What time did you come home on the 27th? A About 6 o'clock.

Q On the morning of December 28th, where did you go? A I went again to work.

Q Did you remain home all night the evening of the 27th of December to the following morning of December 28th? A Yes sir.

Q Did anybody knock on your door on December 26th or December 27th, to your knowledge, looking for you? A No, sir, I didn't hear any.

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Q On December 28th what time did you come home from work? A About a quarter of six or six o'clock I came home.

Q When you were home what did you do? A I had something to eat, and then I remained a little while talking, and then I talked with my neighbor.

Q Then what did you do? A He is just opposite my window.

Q Then, after that what did you do? A Then I felt very tired and I went to bed.

Q Did you hear any knock at your door about eleven o'clock that night? A Yes, sir, on the 28th.

Q Who was the one that knocked on your door? A The police.

Q Tell the jury in the same language that you used to the police, the English language, what you said? A The police called me; they knocked on the door and they said: "Who are you, are you Tony Deros?" I said, "I am Tony Derosa;" I says, "What do you want," they says, "open the door." I opened the door and they arrested me; they says, "You put your clothes on." I says, "What is the matter; what do you want?"

Q Is that what you said to the police, "What is the matter; what do you want?" A He says, "All right; put on

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your clothes; that is all."

Q "Put on your clothes, that is all?" A Yes, sir.

Q Did you do so? A Yes, sir.

Q What clothes did you put on? A I went with him.

Q What clothes did you put on? A These clothes; this coat.

Q When you say "this coat" just identify it on the record; I want to know what kind of a coat it is; is it black or white; it is a black coat, isn't it? A Yes, sir; it is a black coat.

Q Did you ever possess a light coat, a light overcoat?

A No, sir, never.

Q Was that the only overcoat you had at that time?

A Yes, sir.

Q Did the police look for any other overcoat in your home? A They looked but they couldn't find any other coat than this. This is the coat that I put on.

Q Is that the first time you heard of any shooting having taken place in those premises and that you were charged with the shooting? A No, sir; I didn't hear from anyone that there was shooting in the house, only from the police.

Q Had any policeman come to your door, as far as you know, from the time of this alleged shooting up to the time

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of your arrest? A No, sir; no one came to my house.

CROSS-EXAMINATION BY MR. KRESEL:

Q For whom are you working now? A For Dawson & Archer.

Q What job are you working on now? A Always the same job, hod carrier.

Q What job, what particular place? A 8th avenue and 73rd and 74th streets.

Q On 8th avenue? A Yes, sir, 8th avenue between 73rd and 74th streets, the whole block.

Q How long have you been working on that particular job?
A About three months I have commenced work.

Q Do you know the complaining witness Dominico Alderisio? A No, sir, I never knew him.

Q Do you know that man (pointing to the complainant)?
A I know him now because he had me arrested.

Q When was the first time that you ever saw him?
A The same night when I was arrested, I saw him for the first time; I never saw him before.

Q On the 27th of December, did you work? A Yes, sir.

Q On the 28th? A Yes, sir, I worked on the 28th, and I was arrested that night; I worked the same day of the night that I was arrested.

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Q Where did you sleep on the night of the 27th? A In my own home in my bed.

Q You are not mistaken about that? A Yes, sir; I am sure of it.

Q The first time that you knew that you were charged with the shooting was when the officers came? A I heard in the house there was somebody was shot; that is all I know.

Q What did you hear in the house? A They didn't accuse me; I heard there was a shooting in the house.

Q I come back to the same question: The first time that you knew that you were accused of the shooting was when the officers came to the door, and told you to dress yourself and go with them? A Yes, sir.

Q There is no mistake about that? A No, sir.

Q Did you hear your wife testify this morning? A I heard her speak, but I don't know exactly what she said.

Q She said that on the 27th of December, that a brother in law of Domenico Alderisio came to your house twice, and spoke to you about the shooting, and that when you came home she told you all about it; is that true? A I don't know. I was working all the time.

Q Did your wife tell you? A He didn't find me in the house.

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Q Did your wife tell you about it when you came home?

A She told me when I came home that a certain man was there who wanted to see me.

Q She just told you that some man was there who wanted to see you, is that all? A Yes, sir.

Q Now, what did the police say when they came in?

A The officer forced in the door and said that he wanted me.

Q Didn't you open the door for him? A I did.
First he asked me my name and I said Tony Derosa.

Q Before the officer came in, what did he say to you?

A He knocked on the door, and I said "who's that;" he says, "open the door;" I says, "who is you;" he says, "open the door; are you Tony Derosa;" I says, "yes, I am Tony Derosa."

I was only in my pants; he says, "put your clothes on; dress up yourself." I says, "what you say;" he says, "dress up yourself;" and so I says, "What is the matter; I don't know what is the matter with you;" and he says, "dress up, that all;" and I saw then it was a policeman.

Q That is all that was said, was it? A Yes, sir.

Q Did he tell you he was an officer? A Sure, he told me.

Q Then, there was something else said, he told you he was an officer? A He says, "Dress up yourself; that is all

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he told me.

Q Did he tell you-- have you told us everything that you said to him? A That is all I say.

Q Did he tell you he was arresting you for shooting Alderisio? A No, sir; he didn't tell me nothing.

Q Didn't he tell you why he was arresting you?

A I told him, "What was he arresting me for, and he says, "well, it was about yourself; it is no use." That is all he said to me and we came away.

Q He didn't tell you why he was arresting you, did he?

A I says, to him, "What is the matter you can arrest me?"

Q Did he tell you why? A I says to him, "What is the matter with you?"

Q I don't understand. Then you asked him why he was arresting you and what did he say? A He said "dress up yourself, that's all." He says, "That is all the coat you got?" And I dressed myself.

Q "That is all the coat you got?" A Yes, sir; he says "Put it on."

Q Anything else he said? A That is all he said.

Q You said on your direct examination that the officer searched your room for an overcoat? A Sure he searched; I said so.

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Q Did he search your rooms to find an overcoat?

A Sure.

Q Did he search your rooms? A Sure, and he said, "Put on your coat."

Q Do you know of any reason why Domenico Alderisio should accuse you of shooting him? Did you ever have any trouble with him? A No, sir.

Q You don't know him at all? A I never hurt him at all

Q He is an absolute stranger to you? A I don't know him at all.

Q You never saw him in the house where you were living until the day you were arrested, is that right?

A Yes, sir; that is the time I know him.

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

Q Did you know that he was shot before you were arrested? A I know that this man was shot, but I did not have anything to do with him, or anything of the difficulty, nothing at all about it more.

Q Who told you that Alderisio was shot? A Nobody exactly told me he was shot, but I heard the people in general say so.

Q That is all you know about it? A Yes, sir; that is all I know about it.

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SABATO VIGORITO, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. PALMIERI:

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

Q What is your business? A My business-- I was eleven years contractor and now I am in the saloon business.

Q You own your own house 2237 Second avenue?

A Yes, sir.

Q How far is your house from the defendant's house on First avenue? A I live at 2237 Second avenue and this fellow lives at 107th street and First avenue.

Q 2076? A Yes, sir.

Q That is only a few doors away? A Yes, sir.

Q How many years have you known him and his family?

A I know that gentleman about eight years.

Q Do you know other people that know his reputation?

A Yes, sir.

Q What is his reputation in the locality in which he lives for peace and quietness, good or bad? A Well, anybody can say he is a good, hard-working man and supports his family nicely; that is all I know so far.

CROSS-EXAMINATION BY MR. KRESSEL:

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Q What is your business, did you say? A My business?
Contractor.

Q Are you now engaged in the contracting business?
A Yes, sir.

Q You don't own a saloon? A I am in the saloon
business too.

Q Why didn't you tell us you were in the saloon business
A I said I am a contractor and in the saloon business too.

Q Where is your saloon? A 2136 First avenue.

Q What street is that near? A 110th street.

Q What is your acquaintance with this defendant, how
did you come to know him? A I know this gentleman; I met
him lots of times on the street, and talked to him, and that
is all I know so far.

Q You just met him on the street and talked to him?
A Yes, sir.

Q Have you spoken to anyone about the defendant's good
character? A I know that gentleman for a long time; that
is all I can say.

Q Have you spoken to anybody about this defendant's
character? A Yes, sir.

Q To whom? A Well, a lot of people.

Q To whom, and when? A All the time I meet him, this

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gentleman, every day, because I am on the street.

Q I asked you if you had ever discussed this defendants character with any other person? A What do you think I am, going to ask the people what kind of a man is this?

Q Then you didn't ask them? A No, sir. I know the man myself.

Q You didn't ask them? A I know the man myself; that is all I got to say. I know a lot of people that never had anything to say about the defendant; that is all I can say.

Q You didn't speak to anybody about his character?
A It wasn't my business to ask them what kind of a man is this; I know myself; but some people say he is a good man; that is all I know.

Q Did you ever talk to anybody about the defendant's character? A It wasn't my business to ask them.

(Question repeated.) A No, sir.

Q Then when you say he has a good reputation you are giving us only your own opinion, is that so? A Yes, sir.

Q Is that right? A No, sir; that is all right; I only can say it is all right, not my opinion.

Q You are telling us what you think of the defendant,

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is that right? A Yes, sir.

Q That is your own judgment, isn't it? A Yes, sir.

Q You don't know what other people think of him? A Yes, sir.

Q What is that? A Because I can see him.

Q Do you know what other people think of him; you don't know, do you? A I can't make an examination of some people; I can say what I know.

Q You can say only what you know about him? A Yes, sir.

REBUTTAL:

FANNIE ALDERISIO, a witness called on behalf of the people, in rebuttal, testified as follows:

DIRECT EXAMINATION BY MR. KRESSEL:

Q Are you related to Domenico Alderisio? A Yes, sir; he is my brother in law.

Q He is a brother in law of yours? A Yes, sir.

Q You are married to his brother, is that right? A Yes sir.

Q Do you know Mrs. Derosa? A By sight.

Q You saw her? A Yes, sir.

Q Is that the lady? A Yes, sir.

Q Do you remember seeing her on the 27th of December, 1904? A Yes, sir.

Q Where did you see her at that time? A 2076 First avenue.

Q In whose house? A In Domenico Alderisio's house.

Q Who else was present at the time? A Another Mrs. Alderisio, a sister in law of mine.

Q A sister in law of yours? Who else? A And Domenico Alderisio in the house.

Q Domenico, that is the complaining witness? A Yes, sir.

Q You had a conversation with her there, did you?

A Yes, sir.

Q Did she show you anything at that time? A Yes, sir.

Q What did she show you? A A gray coat, and a black soft alpine hat.

Q Did she bring that to your apartment at that time?

A She sent a child down with them; after she went upstairs; after the conversation; after the conversation she sent a child down with the coat and hat.

Mrs. Derosa testified this morning that she at no time

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spoke to you; that she did not speak to you on the 27th of December, 1904; that she never spoke to the complaining witness Domenico Alderizio; that she never showed you or him any coat or hat, is that true? A Certainly not. She showed me the coat and hat.

CROSS-EXAMINATION BY MR. PALMIERI:

Q What did she do with that coat? A She sent a child down.

Q Do I understand you to say that the wife of this defendant took a coat, which was a gray coat, from her husband's apartments and showed the gray coat to you and to another lady
A Yes, sir.

Q You had a full view of it, is that right? A Yes, sir; I just knew what she was talking about.

Q You had a full view of the coat? A Yes, sir.

Q You are sure that it was a gray coat? A Why, certainly.

Q What became of the coat? A I don't know what became of the coat; he could have thrown it away.

Q Did the wife of the defendant show it to you?

A The child brought it up again.

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Q The gray coat was shown to you and then the gray coat was brought back to the apartments? A Yes, sir.

Q Where the police arrested the defendant? A Yes, sir. He brought it up in his own house again.

Q Where he was arrested? A Yes, sir.

LOUIS STANCREDI, a witness for the people, recalled in rebuttal, testified as follows:

DIRECT EXAMINATION BY MR. KRESSEL:

Q On the night that you arrested the defendant, did you search the apartments for a coat? A No, sir.

Q You did not? A No, sir.

Q Did you make any search of his apartments for anything? A We didn't search anything; we didn't see anything.

Q Did you tell the defendant when you arrested him what you were arresting him for? A Yes, sir.

Q He testified here, under oath, that you didn't tell him a word about what you were arresting him for; that you just told him to put on his clothes and come with you? A No sir.

Q You did tell him? A Yes, sir.

Q What did you tell him? A I told him he was arrested on the complaint of Alderisio.

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Q For what? A For shooting.

Q After you told him that you were placing him under arrest for shooting Alderisie what did the defendant say?

A He said that he didn't do anything; that this was spite.

Q Didn't do anything; this was spite work? A Yes, sir.

Q There has been some testimony here as to the fine character of the defendant, did you make any inquiry as to the defendant's reputation for peace and quietness; yes, or no? A No, sir.

Q Did you make any inquiries in the house where he lived? A Yes, sir.

Q With reference to his reputation for peace and quietness? A Yes, sir.

Q What did you find it to be, good or bad?

Objected to. Objection sustained.

BY MR. PALMIERI:

Q Since you didn't look for a coat, I want to know if you looked for a pistol? A No, sir, we didn't look for a pistol; we didn't want to disturb the house.

Q You didn't want to disturb the house?

A No, sir.

Q You thought it was quite some disturbance to look for a pistol, didn't you?

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Objected to.

Q You were two officers there?

Objected to. Objection sustained.

Q Where is the other officer? A He is here.

Q The other officer arrested this defendant, didn't he?

A Both; we were there at the same time.

Q Who was the man that made the arrest? A Mangone.

Q Mangone talked to him? A Yes, sir; he said, "which is the door?"

Q You spoke too? A Yes, sir.

Q You first knocked at the door? A Yes, sir.

Q You knocked at the door very gently, didn't you?

A Yes, sir.

Q Then the defendant said, "Who is there? A Yes, sir.

Q And then you said "police?" A Yes, sir.

Q Then he said, "Come in," and opened the door, didn't he? A No, sir; he says "wait."

Q Then he put something on him? A Yes, sir.

Q Some trousers or something? A Yes, sir.

Q Then he opened the door? A Yes, sir.

Q Then he says, "What do you want?" A Yes, sir.

Q Then you told him what? A We told him he was under

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arrest on the complaint of the tenant on the first floor Aldersie.

Q What did he say? A He said that was spite.

Q But he didn't say anything? A Yes, sir.

Q It must be some spite work? A Yes, sir.

Q Did he tell you whether it was on the part of the landlady? A He didn't say that; no, sir.

BY MR. KRESSEL:

Q Between the night of the 26th of December, the night of the shooting, and the 28th of December, did you find the defendant? A No, sir.

Objected to. Objection overruled. Exception.

Q Were you looking for him? A Yes, sir.

Q Were you around the premises 2076 First avenue?

A Yes, sir.

Q How long were you around there between the 26th and the 28th of December? A Morning, night and day.

Q You were watching for him? A Yes, sir.

Q Did you see him enter the house before you placed him under arrest? A Yes, sir.

Q You saw him enter the house when? A The night of the 28th.

Q How long before you actually placed him under arrest?

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A About an hour.

Q So you allowed him to go up to his rooms? A Yes, sir, for his supper and go to bed.

Q Then you went up and placed him under arrest?

A Yes, sir.

Q Did you make any investigation in the hallway where this shooting is said to have taken place? A Yes, sir.

Q Did you find any bullets there? A Yes, sir, three.

Q Where did you find them? A I found one was imbedded in the hall.

Q When did you make an investigation? A We made it the same night that we made the arrest-- we investigated the shooting.

Q Where did you find them? A One in the hall in the rear of the building was imbedded in the door, and one on the floor.

BY MR. PALMIERI:

Q When you looked for these bullets, did you have a light, or did you look for them without any light at all?

A When I went in there was a light there.

Q Could you look for these bullets without turning on the light? A No, sir.

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Q Was it dark?

Objected to. Objection sustained.

Q Before recess you didn't say a word about looking for the defendant, did you, that is, before we adjourned for lunch? A I wasn't asked.

Q Tell me at what place you looked for this defendant; did you go to Dawson & Archer; did you go to 73rd street and 8th avenue? A No, sir; we heard that--

MR. KRUSHEL: He didn't finish his answer.

MR. PALMIERI: He completely answered my question by saying no.

THE COURT: What he heard would not be evidence

Q You knocked at these doors on the top floor?

A Yes, sir.

Q When you received no response did you attempt to force an entrance through any of these doors? A I didn't force in any door.

Q Is it customary where a man is charged with shooting another man, three times in a hallway, for you to allow him to go upstairs, eat his supper, and remain there for an hour?

Objected to.

Q Wouldn't you apprehend him as soon as you saw him, and bring him to the station house?

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Objected to. Objection sustained. Exception.

Q Is that customary in your practice, officer, to allow a man who is charged with shooting another man, three times, to go upstairs and stay there an hour before you make an arrest?

Objected to. Objection sustained. Exception.

Q Did you return to this house yourself on the night of the 27th of December, 1904? A We seen him.

Q I ask you if you returned to those rooms? A No, sir.

Q Yes or no? A No, sir.

Q Did Officer Mangene go to those rooms, the other officer who has not been examined here? A No, sir.

Q Did you go to those rooms in the daytime? A No, sir.

Q Did you go to this defendant's rooms early on the morning of the 27th? A No, sir.

Q Did you go to this defendant's rooms on the evening of the 28th of December, 1904? A I was not home at that time.

Q Did you go to his rooms? A No, sir.

Q Did you know this defendant before that day?

A Yes, sir, I knew him.

Q Where did you see him? A He was described to me.

Q He was described to you? A Yes, sir.

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Q You only knew this defendant from the description given you? A Yes, sir.

Q By relatives? A Yes, sir.

Q By the barkeeper? A No, sir.

Q By relatives? A No, sir; by outside people.

Q By outside people? A Yes, sir.

Q Outsiders gave you the description? A Yes, sir.

Q Did you remain all night on duty there in front of the hall? A Yes, sir, all night.

Q You stayed there all day the following day? A Yes, sir.

Q You did the same thing the other night? A Yes, sir.

Q You always stayed in front of this place? A We stood about ten feet from the door, downstairs in the hall.

Q You always did that? A Yes, sir, we always did that-- not a far distance, we could see anybody going in and out.

Q You remained right there? A Yes, sir.

Q During recess you had a conversation with private counsel on the other side of this prosecution, didn't you? A No, sir.

Q Didn't you talk with him in this courtroom, when the jury and the Judge went out you talked with private counsel? A Yes, sir.

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Q That is true, isn't it, and I saw you?

A Yes, sir.

BY MR. KRESSEL:

Q Who is the private counsel? A I don't know.

Q Why did you answer "yes" when you were asked whether you talked with private counsel? A I don't know whether he is a counsel or not.

Q To whom did you speak? A To that gentleman over there.

Q You mean Mr. Pentecost? A Yes, sir.

Q From what Mr. Pentecost told you, were you influenced in any way in your testimony here? A No, sir.

Q Did he tell you what to say? A No, sir.

Q Besides watching the house to look for the defendant, did you do anything else to locate him? A Yes, sir.

Q What did you do? A We tried to get information where he was working.

THE COURT: Strike it out.

Q. What else did you do besides watching outside?

A We tried the best we could to place him.

Q Did you have anybody else looking for him? A Yes, sir, my partner and some stranger.

THE COURT: Strike that out.

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Q Do you know the janitor of the premises 2076 First avenue? A Yes, sir.

Q Did you inquire of him in reference to the defendant?
A Yes, sir.

BY MR. PALMIERI:

Q Who is your partner that investigated this case; what is his name? A Officer Mangone.

Q Is he here in court? A Yes, sir.

VIRGINIA ALDERISIO, a witness for the people, called in rebuttal, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. KRESSEL:

Q Where do you live? A 2076 First avenue.

Q You live at 2076 First avenue, is that right? A Yes, sir.

Q Are you a sister in law of Domenico Alderisio?
A Yes, sir.

Q You are married to one of his brothers?
A Yes, sir.

Q Do you know Mrs. Derosa? A Yes, sir.

Q Did you see her on the 27th of December, 1904?
A Yes, sir.

Q Did you have a conversation with her about the shooting? A Yes, sir.

Q Was Domenico Alderisio there at the time?

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A Yes, sir.

Q Was your other sister in law there at the time?

A Yes, sir.

Q During that conversation did Mrs. Derosa show you a coat? A Yes, sir, and a hat.

Q What sort of a coat was it? A It was a gray and ashy color.

CROSS-EXAMINATION BY MR. PALMIERI:

Q You lived downstairs on the first floor, is that right?

A On the second floor.

Q Mrs. Derosa, the wife of this defendant, went upstairs for a coat and brought it down for you to look at, is that right? A She sent the hat and coat by a little girl downstairs.

Q Her little girl? A Yes, sir; it was her daughter; she didn't bring it down herself.

Q Mrs. Derosa did? A Yes, sir.

Q Wasn't the wife present when the coat was brought down? A No, sir; the wife was away; she sent the coat back by the little girl.

Q Then the girl brought the coat down for you to examine and after you examined it the girl brought it upstairs again?

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A Yes, sir; she carried it upstairs back.

Q Into the rooms of the defendant, where he was arrested? A Yes, sir.

Q Then you were convinced that this defendant did the shooting after you saw the coat?

Objected to. Objection sustained. Exception.

Q To whom did you report this fact?

Objected to.

BY THE COURT:

Q Did you ever tell anybody about this? A No, sir.

Q You didn't tell anybody about it at all? A No, sir.

Q Didn't you tell the police? A No, sir, nothing about the coat.

Q So that the first time you ever said a word about the coat is to-day? A Yes, sir, the first time.

MR. KRESSEL: The people rest.

MR. PALMIERI: I notice the other officer is in court and he was not called.

THE COURT: Have you any other witnesses?

MR. KRESSEL: No, sir.

MR. PALMIERI: I will rest.

TESTIMONY CLOSED.

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