

Q Who did you first work for? A. I took merchandise, goods from Mr. Nicola Awad.

Q Do you know how to spell that name? A. A-w-a-d.

THE SECOND INTERPRETER: He did not state that he worked for that man, he said he bought goods from him.

Q Who else have you worked for? A. Then I was a carpenter, on the street.

Q What do you mean by "on the street"? Ask him what he means by that? A. Different people on Washington Street.

Q Who did you work for on Washington Street? A. Mr. Saliadi.

Q Did you work for anybody else? A. Quite a good many; I don't know all their names, I was coming new to this country.

Q You worked for Mr. Saba? A. No, sir.

Q You know him, do you know him? A. Yes, sir.

Q Do you know him well? A. Yes, sir.

Q How long have you known him? A. About two years -- about two years and one month.

Q Ever been to his place of business? A. Yes, sir.

Q When were you last there? A. Every day I go there.

Q Every day? A. Yes, sir; sometimes once a month and sometimes once a week.

Q Sometimes every day? A. Yes, sir, sometimes every day.

CASE 44-599

- Q Were you there last night? A. No, sir.
- Q When were you last there? A. About a week ago.
- Q Who was there? A. His bookkeeper.
- Q What is his name? A. Gerosomos.
- Q Who did you first tell about seeing Mahfouz in the barber-shop? A. I was reading in the newspaper and I read that Mahfouz is one of the witnesses.

MR. TRAIN: I move that that be stricken out.

You consent to it?

- Q I want the name of the person, the first person that you told this story to? A. To Mr. Bryan and Mr. Dibs.
- Q Do you know Mr. Dibs pretty well? A. Yes, sir.
- Q Go to his place of business very often? A. Yes, sir.
- Q Ever work for him? A. One month. The glass work was too dull and I was working for him one month at his house.
- Q You worked at his house? A. Yes, sir.
- Q His private house, you mean? A. As a carpenter at his house.
- Q Now, did you come and tell Dibs about having seen Mahfouz in the barbershop, or did Dibs come to you and ask you if you had seen Mahfouz in the barbershop? A. One time I went there to buy a package of cigarettes, and about that time I was reading in the newspaper all about Mahfouz, that he was one of the witnesses. I told Mr. Dibs that I saw this man in

the barbershop and how come he to be a witness.

Q You told Mr. Dibs that? A. Yes, sir.

Q Now, were you getting shaved in the barbershop? A. I was going in there to shave.

Q To be shaved? A. Yes, sir.

Q How many people were there in this barbershop? A. Max

Casimi, Elias Daha, the owner of the barbershop, and two of the chairs were filled -- Elias Daha was shaving him and another man, I don't know whether he is an Italian or a Greek.

Q I asked you how many persons there were in the barbershop?

A. The owner of the house and two were in the chairs shaving, and I.

Q Now, you have given us the names of the persons that were there? A. (No answer).

Q How long were you in the barbershop? A. At that time when I was entering into the place I have my coat off and I heard the noise; I did not have my coat off but I heard the noise. When I heard the noise, I did not take my coat off.

Q How long had you been in the barbershop before you heard this noise? A. I heard this as soon as I entered the place, about.

Q Had you had time to sit down? A. No, sir.

Q What did you hear? A. I heard the noise and hollering and

people calling each other names.

Q Now, is this barbershop at the foot of the stairs? A.

Yes, sir.

Q Right at the foot? A. Yes, sir. This is the stairs and this is the barbershop (illustrating), the door of the barbershop.

Q When you heard this noise, what did you do? A. I went out and stood up on the door. When I went out to the door I went around and Zereik was coming downstairs and he says, "Oh, Madowar shot me, you shot me".

Q Did you see any one go upstairs? A. Plenty of people, the policeman -- two policemen.

Q Lots of people? A. Ten or twelve or fifteen, I don't know.

Q You say you saw a man come down with a knife in his hand?

A. About a minute after Elias Zereik came down.

Q A minute after? A. Yes, sir, about a minute.

Q You did not know this man? A. I know that he was working for Saba, I don't know his name.

Q He worked for Saba? A. Yes, sir.

Q Which Saba? A. Antonio Saba and his brother.

Q How long has he been working for Saba, this person that came down with the knife in his hand? A. I don't know, I do not remember, probably a year or a year and a half, but when I used to come there I used to see him in Saba's place.

- Q Did you talk to him? A. No, sir.
- Q Did any one else come downstairs? A. Then I did not see, a lot of people was there. Then I went towards Rector Street and saw a lot of people going towards Rector Street to the druggist's and I went there to the front of the druggist's.
- Q You felt no interest in going upstairs? A. No, sir; none of my business to go upstairs.
- Q I suppose Mahfouz remained in the barber chair with the lather on his face all that time? A. No, sir; he was combing his hair.
- Q He kept on peacefully combing his hair through all the shouting and shooting? A. He was combing his hair when I heard the shots. Elias Daha left him and seen what was going on, and then I went away.
- Q You did not see Mahfouz leave the shop at all? A. No, sir; I do not know.
- Q How long after this occurrence was it that you told Mr. Dibs that you had seen Mahfouz in the barbershop? A. About five weeks or five weeks and two days.
- Q Five weeks and two days? A. Yes, sir.
- Q Now, did you say you told Mr. Bryan? Who do you mean by Mr. Bryan? A. The lawyer, Mr. Bryan. I was telling it to Nicola and he was there and he heard me.

THE SECOND INTERPRETER: He says, "our lawyer".

- Q You mean by Mr. Bryan this gentleman sitting at the table?

CASE 77599

A. Yes, sir.

Q Where did you tell him, down on Washington Street? A. At Mr. Dibs' place; I was buying a package of cigarettes.

Q You found Mr. Bryan at Mr. Dibs' place? A. Yes, sir.

Q What time of day or night was it? A. In the evening.

Q What time in the evening? A. I do not remember; probably half past six or six o'clock.

Q Why did you say "probably"?

THE SECOND INTERPRETER: Half past six or seven.

Q Why do you think it was that hour? A. Because when I came from my work, about that time, then when I came from my work I have not any cigarettes in my pocket and I go to Mr. Dibs and get them.

Q Who else was down there with Mr. Dibs and Mr. Bryan? A. His workman.

Q What is his name? A. Hahaeb Sherb.

Q Any one else? A. I do not remember.

Q Do you think there was anybody else? A. I do not remember now; I do not know.

Q Will you swear there wasn't anybody else? A. I do not remember now.

Q When did you next tell this story about meeting Mahfouz in the barbershop? A. I always told it, every person that was talking about these things I used to tell him.

Q How many people do you think you have told, about? A. I

CASE 44-599

do not know, I do not remember; probably ten or twelve or fourteen. I was there when everybody came in and they were talking about it and I used to say it.

Q Are you a member of the Greek Church? A. Yes, sir, but I do not care for any particular religion.

BY MR. OSBORNE:

Q Where are you working now? A. At the glass factory of Semon, Bache & Company.

Q How many years have you been working there? A. About three years.

GEORGE RABYAZ, a witness called on behalf of the defendant, examined through an interpreter (Mr. Kaydou) testified as follows:

DIRECT EXAMINATION BY MR. OSBORNE:

Q Where do you live now? A. 23 West Street.

Q What do you do for a living? A. Carpenter.

Q How old are you? A. Seventeen years.

Q Whom do you work for? A. F. Manessa.

Q How long have you worked for him? A. About eight months.

Q Where did you live in January, 1906, that is, this year, where did you live? A. In 81 Washington Street.

Q Whom did you live with? A. Sophie Kaldy and George Araman.

CASE 77599

- Q Do you remember the night that Stephan died? A. Yes, sir.
- Q Where was your room and where was his room, where was it?
- A. On the third floor.
- Q How long did you live altogether at 81 Washington Street?
- A. About two months and a half or three months.
- Q Now, did you hear a noise on the evening, the night that Stephan died? A. Yes, sir.
- Q Now, what were you doing at the time you heard this noise?
- A. I was washing when I heard the noise, but I put down my clothes and went downstairs.
- Q Where is the place where you were washing? A. At the front of the door, at the water sink.
- Q Ask him if the place where he was washing was in the hallway, that called him out of his room? A. Yes, sir.
- Q It is out in the hallway? A. Yes, sir.
- Q Was he in the hallway when he heard the noise? A. Yes, sir.
- Q Now, what kind of a noise did you hear, and where was the noise? A. About half past six.

THE SECOND INTERPRETER: At half past six. He stated positively half past six.

- Q Half past six was it, or was it about? A. About half past six.
- Q Well, what kind of a noise was it you heard downstairs?
- A. Very much of noise and hollering and fighting and curs-

CASE 11590

ing.

- Q Tell us some of the words you heard? A. "Damn your religion" and the words "son of a bitch".

THE FIRST INTERPRETER: It is not "religion" --
he said "damn".

- Q Damn you? A. "Damn you, you pimp"; I was not paying very much attention.
- Q Well, what did he do when he heard these "damn" words and nice words? A. I went downstairs.
- Q Did you see anybody on the stairs as you went down? A. No, sir; I seen two or three women from Mrs. Majdelain's house.
- Q Two or three women in Mrs. Majdelain's house? A. Yes, sir.
- Q Go on. A. Then I went downstairs and stood on the front of the restaurant, on the front door of the restaurant.
- Q What did you see? A. I saw Elias Zereik and George Zereik gathering together, pushing each other.
- Q George Zereik and who? A. I saw Elias Zereik and George Koury.
- Q Elias Zereik and George Koury? A. Yes, sir.

THE SECOND INTERPRETER: I saw Elias Zereik and
George Koury; George Koury's hand here in his
pocket and Elias Zereik's hand on his shoulder,

CASE # 599

and they were moving forwards and backwards.

MR. OSBORNE: Thank you very much.

BY MR. OSBORNE:

Q George Koury had his hand here (illustrating)? A. Yes, sir.

Q Where did Elias Zereik have his hand; illustrate that? A. One here and one here (indicating).

Q Did he have his hand on the same hand that Koury did? A. Yes, sir -- no, sir, Elias Zereik was not putting his hand behind here (illustrating).

Q Did Elias have his hand on the hand of George Koury that was back here (illustrating)? A. Yes, sir.

Q They were pushing each other backwards and forwards? A. Yes, sir.

Q Then tell him to go on and say what else he saw? A. I saw them pushing each other and then I heard gun shooting.

Q You heard gun shooting? A. Yes, sir. Then I went off and I was separated.

Q Separated? A. Yes, sir.

Q You heard gun shooting and saw them separated? A. Yes, sir.

Q Then what else happened? A. Then another shot came out right after, after the first shot, and then Elias Zereik put his hand down here (illustrating) and then came the other hand

CASE 77599

this way and he says "Oh, Madowar, you killed me".

Q Then what happened? A. Then Elias Zereik went downstairs and went towards Rector Street.

Q Did you see him, did you follow him downstairs? A. Yes, sir; I went downstairs and stood opposite Babbitt's Manufactory.

THE INTERPRETER: He refers to Babbitt's Factory.

Q What do you Babbitts manufacture over there? A. Soap.

Q Soap? A. Yes, sir.

Q How long did that take you to walk across the street there?

A. It is right opposite I went.

Q Did you see any more of it than that or do you know any more than that? A. No, sir. Then I saw the officer went upstairs. I saw that the officer went upstairs and then I went to my dinner.

Q You went back? A. I went to my dinner.

Q Did you leave when the gun play began; is that the time for your disappearing? A. After Elias Zereik went then I went.

Q Was there a large crowd in the room when Elias Zereik was in there?

Objected to.

Q Tell me how many people about you saw in the room when Elias Zereik was struggling with George Koury? A. I do not know;

CASE #599

there is plenty of people, I do not know them.

Q Well, about how many, can you give me some idea? A.

Probably twenty or twenty-five people.

Q Were there many people in the hallway besides those? A.

Yes, sir.

Q There were? A. Yes, sir.

Q When the noise began, did the people begin to come in from the adjoining house and from the street? A. Yes, sir; they were coming from all over.

Q What is 81 Washington Street and 83 Washington Street? A.
What do you mean?

Q What kind of people live in 81 and 83? A. I do not know, the people are always coming, new.

Q Ask him was 81 and 83 Washington Street occupied by Syrians?

MR. TRAIN: I concede that.

MR. OSBORNE: It is conceded by the prosecution and agreed to by the defense that 81 and 83 Washington Street was occupied by Syrians.

Q How long have you known Elias Zereik? A. I knew him by sight nearly a year.

Q How long have you known George Koury? A. About two months before that thing happened.

Q Where did you see George Koury? A. Upstairs at the restau-

CASE # 599

rant; when I used to pass there I used to see him there.

CROSS EXAMINATION BY MR. TRAIN:

- Q Did you know John Stephan? A. No, sir.
- Q Ever see him? A. No, sir.
- Q Do you know Ganim? A. No, sir.
- Q Ever see him? A. No, sir.
- Q Do you know George Zereik? A. Yes, sir; I know him by sight.
- Q Do you know him well? A. I know him, yes, sir.
- Q Ever talk to him? A. No, sir.
- Q Where did you see him, where did you used to see him?
- A. I used to see him among the people on the street.
- Q Do you know Galgoul? A. No, sir.
- Q Do you know Ghabryel, Menheem Ghabryel? A. No, sir.
- Q Do you know Madowar? A. No, sir.
- Q Do you know Mahfouz? A. No, sir.
- Q Do you know Nohra? A. No, sir.
- Q Did you know Saba? A. Yes, sir.
- Q Do you know Mr. Dibs? A. Yes, sir; by sight.
- Q Only by sight? A. Yes, sir.
- Q Never talked to Dibs? A. Yes, sir, a little, I used to talk to him.
- Q Who do you say you only know him by sight, why did you say you know him by sight? A. Well, it was not that I used to

talk with him, I used to know him by sight before.

Q Did you ever talk to him? A. Yes, sir, I talked to him.

Q Where? A. At his store.

Q At his store? A. Yes, sir.

Q Who was present? A. I do not know; I do not know the people that were there.

Q Do you know Mr. Bryan? A. Yes, sir; I know him from the time, that time when these things happened, he came over to Mrs. Majdalain.

Q Did you see him at Mr. Dibs' place? A. No, sir.

Q Did you see him at Mr. Saba's? A. No, sir.

Q Did you ever talk to Mr. Bryan? A. No, sir.

Q Ever say a word to him in your life? A. No, sir.

Q Ever say a word to Mr. Osborne? A. Yes, sir, last Saturday.

Q Did you ever have a talk with Mr. Bryan through an interpreter? A. No, sir.

Q Who did you first tell this story to? A. Sophie Kaldy and Jaber George, who has a store at 16 Washington Street.

Q When did you tell him? A. I go up to his place and I tell him right in his place.

Q When? A. At the same night that this has happened.

Q What time in the evening? A. About seven o'clock or a

CASE #599

quarter to seven.

Q Now, did you ever tell it to anybody else? A. I told it to Sophie Kaldy.

Q Anybody else? A. No, sir.

Q When did you tell Sophie Kaldy? A. At the same night this happened.

Q Now, after you told these two people on the same night did you ever say a word to anybody about what you knew until you told Mr. Osborne last Saturday? A. No, sir.

Q Never? A. I was not talking to anybody about it.

Q Never told anybody? A. No, sir.

Q Now, do you know George Koury well? A. I know him by sight a little.

Q Ever spoken to him in your life? A. No, sir.

Q Now, how often had you seen him in your life? A. I know him about a month or two months, when I used to live in 81 Washington Street.

Q How many times have you ever seen him in your life? A. Probably twenty or thirty times.

Q Since you knew he was George Koury? A. I used to know him a month ahead of that time.

THE SECOND INTERPRETER: I knew him a month previous to the time I knew he was George Koury.

CASE #599

Q Now, how many times did you see him in 81 Washington Street?

A. Thirty or forty times.

Q Whereabouts in Washington Street? A. At the restaurant upstairs.

Q Taking his meals? A. Yes, sir.

Q Now, did you used to take your meals at that restaurant?

A. No, sir, but when I used to go upstairs I used to see him.

Q Looked in the door as you went by? A. Yes, sir.

Q Then that is how you got to know George Koury by sight?

A. Yes, sir.

Q How did you know his name? A. Well, we used to know -- some of the people said one time in this restaurant, called to somebody, this man, who is it, and this man -- they used to call the names and this man used to eat there.

Q Did you know his name was George Koury on the night of the killing? A. Yes, sir.

Q How long before the night of the killing did you know his name was George Koury? A. About a month.

Q Did you ever learn the name of any other person by looking in the door of that restaurant? A. I knew Sarkis, the owner of the restaurant, and I knew another man, his name is George Koury Tadros.

THE INTERPRETER: Another George Koury that is

CASE 11599

known by the name of Tadros.

Q Was that all the people in the restaurant that you knew were named George Koury?

MR. OSBORNE: I beg pardon. He said he knew Sarkis Sardee.

BY MR. TRAIN:

Q Did he become acquainted with anybody in that restaurant except persons by the name of George Koury? A. Yes, sir, I told you I know people from this restaurant.

Q Who else did you ever meet or get acquainted with or know by sight from looking into the door, except the two George Kourys? A. Sarkis and George Koury, and the one that I referred to, George Koury, a relative of Tadros.

Q And that is all? A. Another man his name is Elia; I know his name is Elia.

Q Do you go to the Greek Church? A. Yes, sir.

Q Now, this restaurant, Sarkis Sardees' restaurant, is not frequented by members of the Greek Church, is it?

MR. OSBORNE: Objected to.

Q Why did you not go into the restaurant? Why did you never go in there? A. I did not like to go there, I did not know anybody there.

Q You did not know anybody in there? A. No, sir.

CASE #599

- Q Now, where in this building did you live? A. The third floor.
- Q Up how many flights? A. Three.
- Q Up three flights? A. Yes, sir.
- Q Front or back? A. Right on the front of the door, toward the restaurant, right on top of the restaurant.
- Q Two flights above the restaurant? A. Two floors.
- Q Now, what was there between the room that you lived in and the restaurant, what kind of a room? A. A large room, with two doors, one door here (illustrating).
- Q Was it somebody's house or a tenement house? A. I do not know who was living in there.
- Q What were you doing when you heard all this noise? A. I was washing.
- Q You were washing clothes or washing yourself? A. I was washing my hands.
- Q Washing your hands? A. Yes, sir.
- Q Where were you washing? A. At the hallway, at the sink, right in the front of the door.
- Q Why were you washing your hands? A. At the sink.
- Q Why were you washing your hands? A. I was coming from my work.
- Q Had you eaten yet? A. No, sir.

Q Do the Syrians wash before or after eating? A. I am a carpenter and I get dirty.

THE COURT: We will suspend here. It is not likely that you can finish the cross examination of this witness within a reasonable time?

MR. TRAIN: It would probably take ten minutes.

(The Court then admonished the Jury, calling their attention to Section 415 of the Code of Criminal Procedure and took a recess until two o'clock.)

CASE # 599

AFTER RECESS.

GEORGE RABY A Z, resumes the stand.

CROSS EXAMINATION CONTINUED BY MR. TRAIN:

Q Had you never heard swearing before in this house? A. Yes, sir.

Q Were you accustomed always to go to whatever part of the building you heard swearing in? Did you always go to see what the swearing was about? A. Sometimes.

Q What was there about this particular swearing that led you to go down two flights of stairs? A. I heard the word "Damn, I want to kill you, you want to kill me", and all those things.

Q Now, tell us everything you heard at that distance? A. I do not remember all.

Q Did you hear the words, "I want to kill you"? A. Yes, sir.

Q You heard that while upstairs two flights while washing? A. (No answer.)

Q You heard it up two flights of stairs while washing your hands? A. Yes, sir.

Q Now, did you go downstairs -- did you wipe your hands or did you go downstairs with your hands wet? A. I wiped my hands and went downstairs.

Q Did you take your coat off? A. No, sir, I had my coat on.

CASE # 599

Q Did you come back into your room before you went downstairs?

A. I went back to my room to close the door.

Q How far was your room from the washstand? A. About four or five feet.

Q You closed your door? A. Yes, sir.

Q Did you get anything out of your room? A. No, sir.

Q Then you went right downstairs as fast as you could? A. I went downstairs to the front of the restaurant.

Q Now, did you hear anything while you were going downstairs?

A. Yes, sir, I used to hear hollering.

Q Did you hear any words? A. I do not remember.

Q Did you hear any words? A. Yes, sir, I heard hollering.

Q Do you remember what the words were? A. No, sir.

Q Did you hear any other sounds? A. Plenty of people were hollering.

Q Now, did you go and stand at the door of the restaurant and look in to see what was going on? A. I stood right in the front of the restaurant and I saw a big crowd there.

Q Did any one stand with you in that part of the restaurant?

A. Plenty of people; I do not know who they are.

Q Name some of the people that were standing at the door of the restaurant? A. ~~I~~ do not know who they are.

Q Were you the only person in that house that went to the door?

A. No, sir, plenty of people.

Q Didn't you know anybody in the house except yourself? A.
That is all.

Q You did not know anybody in the house that lived in 81 Wash-
ington Street? A. Sophie Kaldy and George Araman.

Q Didn't you know any of the other persons in the house besides
those two? A. No, sir.

Q How long had you been living there? A. I know Mrs.
Majdalain.

Q Now, did you know any other person in the house besides these
three? A. I know Mrs. Majdalain.

Q Anybody else? A. No, sir.

Q How long had you lived in the house? A. About two months
and a half or three.

Q You did not see a soul down at the door that you can now
give the name of? A. No, sir.

Q Now, did you see anybody in the restaurant that you can now
give the name of except George Koury and the defendant here,
Elias Zereik? A. No, sir, I do not.

Q What does George Koury look like? A. He is a stout man.

Q Is that all you can say about him? A. This I know.

Q You know he is stout? A. Yes, sir.

Q Is he light or dark? A. Light.

Q What is that? A. Light.

- Q He is a light man? A. Yes, sir.
- Q What do you mean by "light"? A. White, and he has a large neck.
- Q What color hair? A. A little red.
- Q What is that? A. White and a little red.
- Q I asked you what color is his hair? A. I do not remember very well; I have not seen him for six months.
- Q You saw him twenty times in one month before the 31st of January or during the preceding month before the killing?
- A. Yes, sir.
- Q Now, what color was his hair on the 31st of January? A. Black.
- Q Black? A. Yes, sir.
- Q Have you seen him since? A. Since when?
- Q Since the 31st of January? A. No, sir.
- Q Has he got on any hair on his face, did he have any hair on his face on the 31st of January? A. I have not taken any notice.

THE SECOND INTERPRETER: I did not have a red sign on him.

- Q Did you see him? That is the question. A. Yes, sir.
- Q Now, what do you mean by saying you did not have a red sign on him? A. I do not remember.

THE SECOND INTERPRETER: I do not remember him par-

CASE # 599

particularly.

- Q You do not remember him particularly? A. Yes, sir.
- Q Can you state whether the man you saw in the restaurant whom you have described as George Koury, had any hair on his face or not? A. I do not remember.
- Q How was he dressed? A. I do not remember.
- Q Do you remember anything about his face? A. No, sir.
- Q Has he got any marks on his face? A. I do not remember.
- Q Has he got any scars on his face? A. I have not seen him for six months and I do not recognize him very well.
- Q Would you recognize him today if you saw him? A. Yes, sir.
- Q But you have not seen him for six months? A. Yes, sir, and more.
- Q Not for more than six months? A. No, sir.
- Q Do you know whether he wears glasses or not? A. I think sometimes he does.
- Q How is it you saw him so often before the killing and have seen him so infrequently since the killing?

THE SECOND INTERPRETER: The answer is "I used to hear that he was prejudiced".

THE FIRST INTERPRETER: He did not understand the question.

MR. TRAIN: I withdraw the question.

CASE # 599

- Q Did you see anybody in the restaurant that you knew except George Koury and Elias Zereik? A. No, sir.
- Q Did you see George Zereik? A. No, sir.
- Q Well, you knew him? A. Yes, sir.
- Q Where was Koury and the defendant standing? A. Near the door, probably four or five feet.
- Q From what door? A. The door that is opposite the steps, the stairs.
- Q Was any other person any where near those two? A. Plenty of people there were there; I do not know who they were.
- Q How near to those two were they standing or sitting? A. Around them.
- Q Around them? A. Yes, sir.
- Q What were those other people doing? A. I only saw them just for about a minute and saw them walk up and down, going around the room and down.
- Q Who did you see going up and down? A. I do not know who the people are.
- Q When you say "going up and down", what do you mean? A. They were in the room, around the room.
- Q Were the other people doing anything in the room except watching these two struggle? A. Yes, sir.
- Q What were they doing? A. They were fighting together.
- Q Were they all fighting? A. I do not remember very well.

If they are all of them fighting together.

Q How many were fighting? A. I do not know.

Q Have you any idea? A. No, sir; there were people -- there were a lot of them hollering.

Q How many people were fighting?

THE SECOND INTERPRETER: I gathered they were fighting. I saw plenty of people inside. They were hollering and I gathered they were fighting.

Q When you say you "gathered they were fighting" what do you mean?

MR. OSBORNE: He says fighting and hollering.

Q How many people were fighting in that room? A. I do not know how many.

Q Were there many people? A. Yes, sir.

Q Were there twenty people fighting? A. I do not know.

Q How long did you stand there? A. About a minute. I went around and went downstairs.

Q Did you wait for Elias to come downstairs? A. Elias Zereik went ahead of me.

Q He passed you? A. He was in ahead of me; then I followed him, I went after him.

Q Where were you standing when Elias Zereik passed you? A. About five feet from the door.

- Q Five feet from the door? A. Yes, sir.
- Q Were you on the inside or outside? A. The inside.
- Q You were inside the room? A. No, sir, in the hall.
- Q In the hall? A. Yes, sir.
- Q Now, you were on the landing, looking into the room, when Elias came out and passed you? A. You mean in the hall?
- Q Yes. A. When Elias went downstairs I was standing in the hall.
- Q Did you see what happened just before Elias went downstairs?
- A. No, sir.
- Q Did you see how he got away from Koury? A. When the shots went up, they separated and then I went back.
- Q They separated? A. Yes, sir, and I went back.
- Q You went back? A. Yes, sir.
- Q Where had you been before? A. I was in the front of the door.
- Q You mean, in the restaurant or outside? A. Outside.
- Q When the shots were fired and they separated, you went back four or five feet; is that right? A. Yes, sir.
- Q Then Elias went downstairs? A. Yes, sir.
- Q You turned ^{right} around and followed him? A. I went right back after him.
- Q What did you go downstairs for? A. I went downstairs so that I would not be mixed up with the fight; I would not have

CASE 77-590

a fight with anybody.

Q Didn't you think you could get out of the fight better by going upstairs to your own room? A. No, sir.

Q Why not? A. Because I have it in my mind that I wanted to go out and have my supper, and I said "I better go out and have my supper".

Q Didn't you think that it would have been better to stay up in your room instead of coming down at all, if you wanted to get out of the fight? A. I was going downstairs to go out and have my supper.

Q Did you start downstairs to go to your supper when you heard this shouting, or did you go down because you heard the shouting first? A. After I heard the shots I went downstairs.

Q You went downstairs to see what it was all about, didn't you? A. Yes, sir. I went downstairs to see what was going on; then I went right off.

Q Did you see what became of the defendant Elias Zerelk? A. No, sir.

Q Where did you go? A. I went to the restaurant.

Q What restaurant? A. Jabar George, Number 16 Washington Street.

Q Did you go right over there? A. Yes, sir.

Q Went right over there? A. No, sir; I stayed opposite at the manufacturers' first, at Babbitt's, and then I went to the

CASE #599

restaurant.

- Q Did you stand opposite in order to see what was going to happen? A. I saw plenty of people was standing there and I stood along there.
- Q Did you see a man coming out with a knife in his hand, just behind Zereik? A. No, sir.
- Q How long did you stand there? A. About seven or eight minutes.

BY MR. OSBORNE:

- Q How long were you in the country before that evening? A. About two months and a half or three months.
- Q How many people did you know in the Majdalain house? A. Three.

CASE # 590

FRANK A. MAGUIRE, - a witness for the defendant,
being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. OSBORNE:

Q Dr. Maguire, you are the Tombs Physician, are you not? A Yes, sir.

Q A medical graduate and have been a practitioner in New York how many years? A Since 1877.

Q Since 1877? A Yes, sir.

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

Q Did he come under your examination when he came in the Tombs? A Yes, sir.

Q What was the date when he came in? A February the 8th, that I saw him for the first time.

Q He was under treatment for how long by you? A About three weeks, possibly four weeks.

Q From what was he suffering? A He was suffering from a wound which appeared to be a pistol shot wound between the 5th and 6th ribs, about on a line with the left nipple.

Q In your opinion was it a gunshot wound? A Seemed to be a gunshot wound.

Q Since that time have you had occasion to examine him? A I examined him a number of times since that time.

Q Do you find a foreign substance in his body? A It seems to be; on the last examination of it there would seem

to be a circular body between about the seventh and eighth ribs to the left of the nipple, which seems to be partially movable.

Q Partially movable? A Yes, sir; to my touch.

Q You could feel it with your fingers? A Yes, sir; quite distinctly.

Q Hard? A Yes, sir.

Q About what size? A Well, I should say about a pea--I might say more accurately about 32 calibre, it seems to be that, a foreign body.

Q It is in your opinion a foreign body? A Well, it seems to be.

Q Movable? A Partially movable.

Q At first it was not movable, was it? A I could not detect any movement at the first examination, no, sir.

Q Lately it has become movable? A Seems to be to be partially movable.

Q In your opinion, you say it was a pistol shot wound?
A Yes, sir; a pistol shot wound.

CROSS EXAMINATION BY MR. TRAIN:

Q I notice, Doctor, you say that it seems to be a foreign substance and it seems to be a pistol shot wound? A Yes, sir.

Q When you say it seems to be, you mean to give that as your expert medical opinion that it is a pistol shot wound?

A As a general practitioner, yes, sir.

Q That this is a bullet? A It seems to me to be a perforated wound of the body. That is all. A juror wants me to ask you, Doctor, how long it would take you to choke a man to death with the hand? A Well, that is a question which admits of a large latitude.

Q I did not hear that? A That is a question that admits of a large latitude. Now, it may be if the obstruction was full, complete, very quickly, it would choke in a very short period; I could not designate it by seconds, but probably two seconds, that is if the trachea was completely shut off.

Q Could it be done within a minute or two? A If the trachea was completely shut off.

Q If it was completely shut off? A Yes, sir. Instances have taken place where a foreign body like a cherry pit or a corn, a portion of corn had been inspired into the trachea that death has been instantaneous, if the lumen of the trachea completely shuts off the respiratory passage.

Q Could it be shut off completely with the hand? A Well, if you could use sufficient force, sure.

BY MR. OSBORNE:

Q Did you ever have any experience with strangulation with the hand? A I have not, no, sir.

Q None at all? A No, sir.

CASE #590

Q So that you have not performed any autopsies where strangulation occurred? A No, sir; that is only from the literature on the subject.

Q Only from the literature on the subject? A Yes, sir.

Q In the cases that you have referred to that is where some foreign substance gets into the trachea? A Have to be complete lumen of the trachea.

Q Two men struggling with a hand on the throat, more or less air would get in anyhow, in your opinion?

MR. TRAIN: Objected to.

MR. OSBORNE: I did not call him on that, but I have to cross-examine him.

THE COURT: The question is objectionable in form. I sustain the objection.

PHILIP JOSEPH LAHOOD, a witness for the defendant, being duly sworn and examined through Interpreter Kayhout, testified as follows:

(George N. Ganin is sworn as an additional interpreter.)

DIRECT EXAMINATION BY MR. OSBORNE:

Q Now, Lahood, where did you live on the 31st of January, 1906? A I was ~~xxx~~ living in the restaurant before that

CASE # 599

thing had happened; I was living there two months before that happened.

Q With whom was he living? A With Sarkis Sardi.

Q Where did he sleep at that time? A He used to sleep upstairs above, with his wife.

Q Whose wife? A His wife.

Q I ask you where you, Lahood, slept? A I was sleeping in the same restaurant, on the same floor where you go in from the stairs, on the right hand side, you open the door and go in.

Q On the same floor with the restaurant? A Yes, sir.

Q Was it back of the restaurant where he slept? A This is the place where there is the eating, and the hallway is there (illustrating).

Q I show you a diagram here. This is the public hall. Explain that to him? A Yes, sir.

Q Now, there is the stairs coming up into 81 Washington street? A Yes, sir.

Q There is the door of the restaurant? A There are two doors to the restaurant; open the door and you go in.

Q On the same floor with the restaurant? A Yes, sir.

Q Was it back of the restaurant where he slept? A This is the place where there is eating and the hallway there.

Q I show you a diagram here. There is the public hall-

CASE # 599

way. Explain that to him? A Yes, sir.

Q Now, there is the stairs coming up into 81 Washington street? A Yes, sir.

Q There is the door of the restaurant? A There is two doors there to the restaurant.

Q There is one door there? A Yes, sir.

Q Now, there is the other door going into the passageway and here is the kitchen back there. This is the entrance from the stairs. Now, there is a room marked Bedroom, in the rear, is that where you slept? A There used to be another room right opposite where he used to have the poor people go in there and sleep, but my room you have to go in--the one I used to sleep in is right inside. Sometimes his partner Rasheed when he used to have nobody there he used to go there and sleep because he is single.

Q Was that room at the back of the passage, way behind the restaurant? A Yes, sir.

Q Now, did you know Sarkis Sardi that kept the restaurant? A Yes, sir.

Q I heard you say that Rasheed was his partner, is that right? A Yes, sir.

Q Do you remember the night when John Stephan died?

A Yes, sir; I was there.

Q Did you get your meals in that restaurant of Sarkis

Sardi? A Yes, sir; because I used to sleep there, of course I have to eat there.

Q You ate there? A Yes, sir.

Q Did you go there that night when John Stephan died to take your meals? A Yes, sir.

Q Now, here is the diagram. At which table did you sit?

A I went through the door and I sat down at the first table near the stairs.

Q Tell him to put a pencil mark at the table he sat at?

A It was here; the chair there (illustrating.)

Q What table did he sit at? A (Witness indicates, marking table No. 5.)

Q At which table did you, Lahood, sit? A The first table as I went in.

Q Let us see. You yourself have said that this is the entrance to the restaurant? A Yes, sir.

Q From the hallway? A Yes, sir.

Q Which table did you, Lahood, sit at? A There, the first table near the door.

Q What time about did you go in to eat your supper that night? A After six o'clock, I don't know the exact time, probably fifteen minutes after six or something like that, I have not got a watch, I don't know the exact time.

Q Now, after you sat down at the table, did anybody else

come in and join you? A I sat all alone first.

Q Yes. A While I was sitting at the table they brought me the dishes to eat. While I was beginning to eat then another party named Fajala Chalfoun entered, and another party by the name of Wadiah Rischicha.

Q Did the three of them sit at the same table? A Yes, sir.

Q Now, was anybody else in the restaurant at the same time that you and Chalfoun and Rischicha were there? A Yes, sir, but they were not sitting at the same table where we were.

Q Were there other people in the restaurant? A Yes, sir.

Q How many tables were there if you now recollect?

A We was on the table and there was another table with the one who killed, he was sitting with another freeman right in front.

Q That is the man that died, he is talking about?

A Yes, sir.

Q How many men were sitting with him? A Altogether four.

Q Altogether four? A Yes, sir.

Q Mention their names, who the four were? A I know them by sight, but I heard their names, one of them is called Madowar and another called Koury and Galgoul.

Q Galgoul? A Yes, sir.

Q Who was the other man? A John Stephan, the one who

died.

Q Now, get your bearings here. As well as you can explain to him that there is the passageway between the restaurant and the kitchen. There is the kitchen. There is the table. There is the public restaurant door, and here is where the mirror was over here? A Yes, sir.

Q Now, at what table were these four men sitting?

A This is the mirror in the center here, and they were sitting on the table nearest the mirror.

Q Nearer to the mirror? A Yes, sir.

Q Sitting at the table nearest the mirror? A Yes, sir.

Q Is that right? A Yes, sir.

Q Ask him if he can tell which one of the tables these four men were sitting at. Tell him to take his time, and get the restaurant in his mind? A (Witness indicates table No.1)

Q Table No. 1? A Yes, sir.

Q Did he know George Koury at that time? A By sight only.

Q Had he ever talked with him? A No, sir.

Q Did he know Galgoul? A Yes; I know him by sight, if I seen him.

Q And Madowar? A I know him better than the two.

Q What is that? A I know him more than the two.

Q You know him better than the other two? A Yes, sir.

Q Ask him had he ever seen John Stephan before that day?

A Only the day I saw him, the same day, in the morning while I was taking my breakfast I heard them saying that he is the Priest Kirola.

Q You are a Maronite Catholic, are you not? A Yes, sir.

Q You don't belong to the Greek orthodox church? A No, sir; I am a Maronite, and how could I belong to the other church.

Q Tell him to tell everything he saw happen in that restaurant that night in his own way? A (No answer.)

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

Q Do you know him by sight, or had you talked to him before? A I know him and I talked to him.

Q You know him, don't you? A Yes, sir.

Q Do you know him very well? A Yes, sir.

Q Now, tell everything that happened that night?

A While I was living at the 31st day of January at No. 81 Washington street.

Q Tell him to tell everything. He has been over that.

MR. TRAIN: I object.

MR. OSBORNE: I withdraw the question.

Q Tell him to tell everything that happened after he and Chalfoun and the other fellow sat down at that table. Never mind anything more than that. A While we were sitting, the

three of us, on the table, I was beginning of eating, and the others ordered their dishes, and their dishes they were not coming at that time. Then a man came over from the door that is nearest the stairs. I did not recognize him very well because I did not know him. He went inside and went to the table that John Stephan was sitting at and Madowar and Galgoul and George Koury. He was speaking to them, but I wasn't paying any attention what he was speaking to them because I was eating and I did not know anything was going to happen.

Q Tell him to go on? A The conversation was in private, in secret, in whispers.

Q This man came in and whispered something to the people at the table? A Yes, sir; in a short time he went back and went out of the door. Then in a short time all three stand up.

Q The three stand up? A Yes, sir. John Stephan stand up, but he was in the back of them. Then he came near to us, probably about a yard, they were far away from us nearly two-thirds of the place, they came over afterwards.

Q They came afterwards about two-thirds of the place? A Yes, sir; while they were standing up I turned over and I saw Elias Zriek while he was passing, then when they have a sight of Elias Zriek they began to swear.

Q Began to what? A To swear.

Q Swear? A Yes, sir.

Q The people inside began to swear. A Yes, sir.

Q When Elias Zriek was passing? A Yes, sir.

Q What did you hear them say? A They went just like somebody who is going to fight, one called him "You are a damn", and another called him "God damn you", and such things as that, like as though they were going to have a fight together.

THE SECOND INTERPRETER: Damning the faith of each other.

MR. OSBORNE: I would like to have that translated.

THE FIRST INTERPRETER: I want to say is that I may be corrected, but I don't think I am wrong.

MR. OSBORNE: Wait a minute, please. Now, if your Honor please, a very important question comes up here. Our interpreter uses the word "damn"; this other interpreter says that these men were damning each other. Mr Ganin, who was a witness here in this case, and whom Mr Train has put on as a check to the interpreter says, "They were damning each others faith." Now, Mr Kaydou says that is not so, that he said nothing about the faith at all, but they were dmaning each other. I would like to have that decided if I can by some method. I have a gentleman named Milfy here, who is the editor of a newspaper and speaks English. He is a learned scholar. I would like to have him interpret that.

Q Now go on with your story? A When they called names to each other Zriek was going up the stairs, I think.

Q Did Zriek come into the restaurant?

MR. TRAIN: I object to that as leading.

Q Let him say when he saw Zriek? A Zriek was going right up when he heard them calling names, then he turned over his head in the door.

Q Turned over his head in the door? A Yes, sir.

Q State what else he did? A Then he entered the place, and then he grabbed together with Koury; Koury and he grabbed together. While they are pushing each other and grabbing each other, Koury and Zriek, I turned over and I saw another man hold John Stephan with a knife in his hand. Then afterwards I heard a shot went up; in the crowd I did not know who shot; I did not see who shot, and the one that was grabbing with John Stephan is named Najeed.

Q You say a man named Najeed grabbed with John Stephan?

A Yes, sir; and he had a knife in his hand, and it looked that John Stephan that he is hitting him; Najeed, the way it looked, Najeed struck John, because I saw him fall, and he fell right on top of him.

Q Najeed fell on top of whom? A Over John Stephan.

Q What else happened? A Then I was not paying very much attention to Elias Zriek and Koury when they were grab-

CASE # 590

bing each other by the hands; I was paying more attention to the one that has the knife in his hand; when he stabbed, he got right on top of him, he has the knife with him and then he put his hand (his arm) up and then he squeezed him that way, and he also with the knife struck him right here.

THE INTERPRETER: He indicates right here in the chin.

Q Now, ask him this question: When this fellow Najeed that fell on top of John Stephan, did he have his arm on his neck?

MR. TRAIN: I object to that as leading.

Q When John Stephan fell and Najeed fell on top of him where was Najeed's arm? A Right down here (indicating with the arm on the neck).

Q Do you recollect whether pistol shots were heard before or after John Stephan fell on the floor? A Before.

Q What did Elias Zriek do after the pistol shots were fired?

MR. TRAIN: I object to that.

Q What became of Elias Zriek after the pistol shots were fired?

THE COURT: I will allow you to ask that question.

A When the first and second shots were fired Elias Zriek says, "Oh, I am killed."

15 THE SECOND INTERPRETER: He did not say, "I am killed", he said "Oh".

Q Never mind whether he was killed or not, he said Oh?

A Yes, sir.

Q He said Oh, that is enough for me? A Yes, sir.

Q Now, what did he do? A Then they separated, and Elias Ezriek put up his hand and went out.

Q He went out? A Yes, sir.

Q Now, did he see Elias Zriek any more that night?

A No, sir; I only heard that the officer--

Q Did he see Elias Zriek any more that night? A No, sir; I did not see him until to-day.

Q Now, what did Najeeb Dabut do after you saw him plunge the knife into the neck of John Stephan? A I said, "Oh, Najeeb, you killed him", I hollered, and all the crowd there did, "Oh, Najeeb, you killed him", and then I heard that other man say, "Oh, Najeeb, you killed him"; it was a big crowd and I did not recognize who it was coming from.

Q What did Najeeb Dabut do? A Then he took a knife, and he was opening the way, they opened a way for him and he went away.

Q Opened the way this way (illustrating)? A Yes, sir; with the knife.

Q What became of him? A They opened the way and he

went on the stairs.

Q Went away? A Yes, sir.

Q Well, did he see him again that night? A No; I have not seen him since that night.

Q Now, what did you do after this trouble? A When I saw that man he was dropped on the floor and Elias Zriek went away then, and all the people went away, then I went away from there; I did not stay around there, I was scared the officer will come there and have me arrested.

THE SECOND INTERPRETER: I followed Zriek. He said first I followed Zriek, and then he corrected it and said, "I went after Zriek".

Q He states now that he left the restaurant after Zriek had left, is that it? A Yes, sir; at that time he was going and Najeeb was going, and the people at that time was going, and then I went away.

Q Where did you go? A I was afraid the officer would come and arrest me; I saw named Elias Adara, who has a cafe; I went there and sat down there, about four doors from 81 Washington street.

Q Did you go back to the restaurant that night? A Yes, sir; after the officer came in and went upstairs, then I came over to go upstairs, and the officer was trying to prevent me from going upstairs, and I explained to him that I sleep up-

stairs, and some people there said, "This man lives here," and then he permitted me.

Q Did you sleep there that night? A Yes, sir.

Q Now, Lahood, will you show just where Elias was.

Let us get this straightened out now. This is the table at which you say the three people were sitting. You say that is the table you were sitting at (indicating table No. 5)?

A Then some people were sitting at the other tables too.

Q Other people were sitting at the other tables?

A Yes, sir.

Q Now, what I want to get at is where was John Stephan and Najeeb Nahut fighting in the restaurant, about where. This is the iron post? A He said it happened right here.

Q Ask him what happened there? A This is the center table, and that is the table they were sitting at (indicating) and this is the iron post.

THE INTERPRETER: He said "I don't know very well whether it is right here, or right here or right here" (indicating).

Q But it was in there somewhere?

MR. TRAIN: Ask him what he was referring to when he said "Here, here or here".

THE WITNESS: Here, right near this door he struck him.

CASE # 599

Q Who struck him? A I didn't see who.

Q Struck whom there? A John Stephan.

Q Who struck Stephan there? A Najeeb.

Q Where was Koury? A (No answer.)

MR. TRAIN: Why don't you mark that.

(The place referred to on the diagram is marked with an X.)

Q About where was Elias Zriek and Koury when they had hold of each other. Let him understand that this is the passageway, this is the floor and this is the table? A He says I don't understand this diagram very much. They are some things, they don't use them, they never make anything like that.

Q Here is the door to the restaurant? A You will have to write it in the Arabic language.

Q This is the door of the restaurant? A Yes, sir.

Q How far into the restaurant did Elias Zriek come when Koury and he grappled? A Is that an iron post.

Q Yes. A To the first iron post.

Q Now, tell him to put a cross there where Elias Zriek was? A About here.

MR. OSBORNE: I place the letter E and X there.

THE WITNESS: We don't know much about diagrams. If you will take me over there I will show you right the spot.

Q He said it happened near that iron post? A Yes, sir.

CROSS EXAMINATION BY MR. TRAIN:

Q How long have you been in this country? A Three years less two months.

Q What is your business? A Pedler, and in the winter time I work for manufacturers.

Q Who do you work for in the winter time? A Warren, Rhode Island.

Q Who for? A Cotton manufacturers.

Q Have you worked there every winter since you have been in this country? A No, sir; before I was in New Orleans, ~~Louis~~ Louisiana, when I came here.

Q Now, in the summer you travel around the country as a pedler, do you? A I sell jewelry, cuff buttons, and so forth, something like that (showing some articles), the same thing as this, something like that, jewelry, and so forth.

Q Where do you live at present? A 81 Washington street with Saliva Aya.

Q When did you move away from 81 Washington street?
A After the things happened about one months, then I went to Rhode Island and wrked there and came back.

Q You lived with Sarkis Sardi for a month after the killing of John Stephan? A Two months before the killing of John Stephan, before John Stephan died, and for one month after he died.

Q Now, you did not testify in the Coroner's Court? 577

A No, sir; Sarkis was arrested, then he went out, then when he went up to the restaurant, when he came to the restaurant he was with his wife, and his partner Rasheed and the servant girl was with them.

Q Ask him what that is all about? A (No answer.)

Q How did you come into this case, who did you tell your story to? A I was at Rhode Island and there was a party there by the name of Elias Sordan, and he is a subscriber to the newspaper called Al Hodad.

Q Ask him to whom he first told this story?

MR. OSBORNE: I object to that. You asked him how he came into the case.

MR. TRAIN: I withdraw that question.

Q Tell me who you first told your story to?

MR. OSBORNE: I think he ought to go on now and tell how he got into the case. He says he read some account of it.

Q Who did you go to see? A (No answer.)

Q To whom did you first tell this story? A You mean at the time this happened, after this happened?

Q Immediately after it happened, any time, when did you?

A At the time this was I did not say it to anybody but afterwards; then I told a man named Michael Salone and Elias Adar.

Q How soon after the killing was it that you told these two people? A Then after I went to Rhode Island and saw the newspaper.

Q How long after the killing was it that you told these two men that you had seen it? A After the inquest of Elias Zreik two days. You people will remember what day.

Q Do you know Dibs? A Yes, sir.

Q Do you know Saba? A Yes, sir.

Q Are they friends of yours? A They are my friends, in conversation, but I have nothing to do with them; they don't get anything from me and I don't get anything from them; they don't buy any goods; there is no business transactions between them and I.

Q Do you know Mr Bryan? A I know him, when I came over as a witness to him.

Q When did you go as a witness to him? A I don't remember exactly, about three or four or five months.

Q Who took you to him? A A man by the name of Algazar, who is down there.

Q Some one sitting at the table? A Yes, sir, (The witness points out a man in the courtroom.)

Q Tell us from the beginning what happened?

MR. OSBORNE: Where?

MR. TRAIN: He will know. I repeat my question and

CASE # 599

let the witness answer it.

MR. OSBORNE: I object to it.

THE COURT: It is too general.

Q Tell us everything that happened on the night of the killing, beginning at the beginning? A Shall I repeat it all once more?

Q Repeat it again. Tell him to go on? A While I was sitting at the restaurant of Sarkis Sardi, at the 31st of January, at 81 Washington street, after six o'clock, when a man came over by the name of Fajala Chalfoun and Rischicha and sat with me on the table. They asked me, "Please read this paper to us and see what they have got to eat", and I read the paper for them.

Q Read it? A Yes, sir.

Q What paper did he read?

THE INTERPRETER: He means the bill of fare.

Q Go right on? A Then I put the paper down and then I began to eat. Before the dishes came over to Fajala Chalfoun and Rischicha--then a man came over the stairs, from the door that is near the stairs; I did not recognize him very well, because I did not know him; then he came over and spoke to the people that is sitting on the table, Koury, Galgoul and John Stephan, but it was in secret; that did not take much time; then he turned back and went out from the door, and then in a

short time they went up and they came forward, and then they all came over near the post that is shown on the picture here. And when they came John Stephan was on the back of them and I turned over and I saw Elias Zreik, and he had a cane, and he was going up. When they took notice of him, they saw him, they began to swear at him, and Elias Zreik was going upstairs. When he heard them he came back. I noticed what made him because he was not coming to the restaurant direct, he was going up but he turned over, and he went inside to the restaurant, about two yards, near the mirror, two yards, I did not measure it exactly.

THE INTERPRETER: He made me repeat.

THE WITNESS: I won't be positively sure how far it is because I did not measure it. Then when he came they grabbed together and with Koury--he grabbed together with Koury, and then began to push each other with their hands. While they are grabbed together, then he saw another man was gathering together with John Stephan. His name is Najeeb. The one who was grabbing with John Stephan his name is Najeeb; he had a knife in his hand that way (illustrating). Then when he had grabbed with him he fell on the floor, both of them, Najeeb on top of him and his arm right here on his neck and he stabbed him with a knife, and when he stabbed him with the knife I holloered

CASE # 599

to him, I said, "Oh, Najeeb, you killed him, " and then I heard another man shouting, "Oh, Najeeb, you killed him". I don't know who it came from. Then after Elias Zreik was shot I heard them say, "Oh, I am killed", because both of them together--both fights were going on at the same time.

BY MR. OSBORNE:

Q Both fights were going on at the same time? A Yes, sir; the two shots went off first, a very little before he was stabbed with the knife.

Q Before who was stabbed with the knife? A John Stephan.

Q Tell him to go on? A I saw Elias Zreik said, "Oh, I am killed," then they separated, and then Elias Zreik went away, and then Najeeb went after him, and then the people went away. While they were going away I thought I might as well go too, because I don't want to stay here because there might an officer come and have me arrested.

Q What became of John Stephan? A I told you that after that Najeeb stabbed him with the knife he was right on the floor and did not move.

Q He never moved again? A I don't know whether he had moved after I left.

Q He was lying right where you were sitting, wasn't he?
A No, sir; right down here, I was down here (illustrating).

CASE 11599

Q That is where you said Elias and Koury had hold of each other, just by the post? A This is the door, there is where Najeeb and Stephan were and Elias Zreik and Koury were right here (indicating).

THE INTERPRETER: He says it is about here because he don't know where the door was and he does not know that diagram.

MR. OSBORNE: He says that John Stephan was right here (illustrating)?

THE INTERPRETER: Yes. He says that if you go up to the place you will see it exactly.

Q Did the fights take place side by side? A Between whom?

Q The two fights described, the one between Elias Zreik and Koury and the other between John Stephan and the man with the knife. Did those two fights take place side by side near the iron post.

CASE #599

THE WITNESS: The way it looks to me, that Nageeb Dahur stabbed him with the knife, stabbed Stephan, twice before he fell on the floor, but I didn't see him stab him. I wasn't paying much attention. But the last stab after he fell on the floor, he was on top of him and put his arm on his neck. Then he stabbed him with a knife.

Q We have had all that. (To the interpreter) Ask him to answer my question. (To the witness) Were the two fights going on at the same time? Yes or no. A Just a very short time while Zreik and Khouri were gathering together and pushing each other, this man Nageeb Dahur grabbed John Stephan.

Q Now, Nageeb came in after Elias, did he? A Yes.

Q Now which fight commenced first? A Mr. Zreik.

Q Now, why did the people sitting at this table get up and go over to the post? A I don't know what was their intention, but when this man came over and spoke to that defendant, they came up from the table.

Q Then, the first thing that happened, according to your story, is that three or four men that were sitting at a table got up and came over to the door before Elias Zreik appeared on the scene at all?

MR. OSBORNE: That is not the first thing that happened, Mr. Train. He said a man came in from the door and spoke to him.

MR. TRAIN: Oh, yes.

Q Now, ask him first, did the man who did the whispering go out? A Yes.

Q He went out. Now how long after he went out did the men at the table get up? A A very, very short time; while you are taking a puff of a cigarette, they got up from the table.

Q Did they get up to go out? A I don't know.

Q You had your back to them, didn't you? A I was sitting at the table. My back was this way (indicating), and my front was this way (indicating); just exactly like that. This is the table and this is the door, and there is another table, setting over there.

Q Well, did you have your back to the men that got up?

A No; the same as I am to the gentlemen of the jury.

Q Well, did you have your back to the door? A I had my back to the window; my back to the window.

Q So that you could see not only the door, but you could see the people that were getting up from the table?

A I could see this door, and I could see the people, that they were sitting here with John Stephan.

Q Now, did the men that got up begin to make any disturbance before they saw Elias? A Whatever you ask me, I will swear to it before God, and every person, that I am tell-

ing the truth, and everything that I saw right with my eyes I am telling the truth; but if you go ahead and sit down on the chairs in my place and begin to ask many questions, and that and that and that, you might make a little bit of error.

Q (To interpreter) Tell him that is all right.

MR. OSBORNE: (To the interpreter) Tell him Mr.

Train only wants to get at the truth.

BY MR. TRAIN:

Q Now, did the men who got up do anything before they saw Elias Zreik? A They stand up. I saw them stand up.

While I was turned over this way towards the door, then I saw Elias Zreik.

Q Where were you? Now, what I want to know is this: Did they get up before or after they saw Elias Zreik?

A Before they saw Elias Zreik about a minute.

Q Now, what did they do then? A Probably a minute or two.

Q Or two. Well, what did they do? A They came over and they saw Elias Zreik.

Q Now, how far had they got when they saw Elias Zreik? A There (indicating on diagram) is an iron post, and here (again indicating on diagram) is an iron post.

Q And when they got to the iron post, Zreik was passing? A Yes, Elias Zreik was passing there. Then they begin to say

0323

CASE #599

Zreik, and holler. Then he turned over and come over here.

Q Now, where was George Zreik? A I haven't seen George Zreik. I know him very well.

Q Yes, you saw everybody that was in the restaurant, didn't you? A Yes, sir.

Q Now you know that after we get through with Elias we are going to try George.

MR. OSBORNE: Now, I will just save your time on that. I will concede George Zreik was in the restaurant.

MR. TRAIN: Yes. Will you tell us why your witness won't say he was there?

MR. OSBORNE: Yes, I will. Because he didn't see him.

Q (To the interpreter) Now, ask him why he is not willing to say that George Zreik was there? A Because I didn't see him.

THE OTHER INTERPRETER: Because he was not there, he said.

Q Now, was George Zreik in the restaurant or not?

A If he was there probably I would have seen him. I have not seen him. He was not there.

Q Now, you saw everything that occurred in the restaurant

A Yes, I saw the fight.

Q Yes, you saw the people who were in the restaurant

CASE 11599

before the fight? Yes or no? A Yes.

Q Now, was George Zreik one of the people who was in the restaurant, or not? A No, sir.

Q He was not in the restaurant? A No, sir.

Q But just before Elias Zreik came in another man named Nageeb Dahur came in? A I didn't see Nageeb Dahur except inside.

Q Oh, you didn't see him come in? A I haven't seen him but right inside.

Q Well, was he in the restaurant before Elias came into the restaurant? A No, sir.

Q Well, then, the reason you didn't see him come into the restaurant was because you were watching Elias and Khouri; is that correct? A Yes, sir.

Q Now, Elias did take hold of somebody, didn't he?
A Yes, with Khouri.

Q And the man who followed or come in after Elias did the stabbing? Now yes or no. A Elias didn't touch any knife, but Nageeb came over and stabbed John Stephan.

Q Now, what part of Syria do you come from?
A I didn't know whether he came over from this door or the other door. There is two doors.

Q What part of Syria do you come from? A From Mount of Lebanon.

0325

CASE #590

6

Q Did you know Elias Zreik before he came to this country? A No, sir.

Q How did you make his acquaintance? A I was acquainted with him here.

Q Well, in what way did you become acquainted with him?

A He used to have a cafe here, and I used to go there and drink a cup of coffee there.

Q Did you ever go to his house? A No, sir, I don't know his house, and I don't know where is his house yet until now.

RE-DIRECT EXAMINATION BY MR. OSBORNE:

Q How far apart, in feet and inches, were these two fights, the one between Nageeb Dahur and John Stephan, and the fight between Khouri and Elias Zreik? How far apart were these two fights? (To the interpreter) Now, make that plain to him, will you? A Do you want me to stand up and show you?

Q Yes, step it. Show us by stepping about how far apart they were. First suppose yourself in the place where Elias Zreik and Khouri were fighting. A (The witness steps down from the witness chair and stands).

Q Now, walk the distance to where the fight was taking place between Nageeb Dahur and Stephan. A (The witness walks

CASE #590

to a point about six feet distant from where he had been standing).

Q Do you know Mr. Selim Elias? A I know him by sight.

Q Do you know Mr. Faur? A Yes, by sight.

Q What? A I know him by sight.

Q How many years have you been in America?

MR. TRAIN: I object to that. He has already testified to it.

MR. OSBORNE: Yes. Did he say about two years and a half?

THE INTERPRETER: Three years and two months.

N A G E E B A Z A R, a witness called on behalf of the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. OSBORNE:

Q Mr. Azar, what is your business? A We sell antiques.

Q Sir? A Dealer in antiques.

Q Whereabouts? A 257 Fifth Avenue, New York.

Q 257 Fifth Avenue? A Yes, sir..

Q Wholesale and retail? A Retail.

Q How many years have you been in America? A 14 years.

Q 14 years? A Yes, sir.

Q What is the name of your firm? A Khouri & Company;

Elias Khouri & Company.

Q Elias Khouri & Company? A Yes, sir. (Handing card to Mr. Osborne).

Q This is one of your cards, is it? A Yes, sir.

Q Who are your partners? A There was my brother-in-law, Mr. Khouri.

Q Yes. You speak English very fluently, don't you?

A Yes, sir.

Q What? A Yes, sir.

Q Now, Mr. Azar, where do you reside? A I reside at 315 Hicks Street, Brooklyn.

Q Marriedman? A Married man.

Q Live there with your family? A Yes, sir.

Q Now, do you know Elias Zreik? A Yes, sir; I know him.

Q You do? A Yes, sir.

Q Do you know George Khouri? A George Khouri? I know him; yes, sir.

Q You know George Khouri also? A Yes, sir.

Q Were you at 81 Washington Street on the night John Stephan was killed? A Yes, sir.

Q Now, were you in the restaurant or not? A I was downstairs when I heard the noise and the shouting.

Q You heard noise and shouting? A And I went upstairs.

Q You went upstairs? A Yes, sir.

Q Was anybody with you at that time? A No, sir; I went single myself.

Q You were by yourself? A By myself I went.

Q Now, where were you going, from where to where?

A I was going to the barber-shop at 81 Washington Street to trim my hair.

Q Yes. A At Elias Dahur's, and before I got into the barber-shop, as soon as I stepped into the door, the entrance, I heard that shouting upstairs.

Q You heard what? A I heard the shouting, the noise upstairs.

Q Yes. A I went upstairs exactly straight.

Q What? A I went right upstairs straight.

Q Yes. A To the place where the fighting took place, and then as soon as I got there I recognized Elias Zreik and George Khouri with Galgoul, the three of them struggling.

Q The three of them what? A Struggling against each other.

Q The three of them struggling against each other?

A Yes.

Q About how far were they from the door? A In fact, Elias Zreik had his hands on Galgoul -- on Khouri's shoulder, and one hand on his arm. Khouri's ark is in his hind pocket.

Q In his hind pocket? A In his hind pocket, and Galgoul

CASE 77599

was trying to help Khouri against Zreik.

Q What did ~~you~~ he do? What did you see him do?

A He was right inside the restaurant, a few feet from the door.

Q Yes. A I went into the restaurant myself.

Q What? A I went into the restaurant myself.

Q Did you get into the restaurant? A I got into the restaurant.

Q Yes. A Now inside there was big fighting.

Q What? A Just like a general row, fighting all over, everybody hollering in the restaurant.

Q Yes. A I went into the restaurant.

Q Don't go too fast. A No; and stood a few feet from the stove, right in the centre of the restaurant.

Q Yes. A As soon as I got in there and stood there, there were two fires in succession.

Q Two what? A Two shots.

Q Yes. A Fired in succession.

Q Two shots fired in succession? A Yes, sir.

Q Yes. A Then I heard Elias Zreik say, "Madower, you killed me."

Q Madower; you heard him mention the name of Madower?

A Heard the name of Madower.

Q Yes. A "You killed me."

CASE 77599

Q Yes. A At the same time --

Q Well, did you see Madower? A Madower, I did saw him; yes, sir.

Q Did you see the pistol in his hand? A I saw the pistol, putting it in his hind pocket.

Q In his behind pocket? A In his hind pocket.

Q What did he do when he did that? A He went on the right hand to the kitchen door.

Q To the kitchen door? A To the kitchen door.

Q Yes. Well go on? A Then there was another fall on the floor.

Q Another what? A Fall. Somebody fell on the floor. My attention was called to it.

Q You heard the fall? A Yes, I heard the fall on the floor. I looked back.

Q Yes. A And found Nageeb Dahur on top of John Stephan.

Q Yes. A There was a knife in his hand.

Q Yes. A And his left arm was right there (illustrating).

Q Yes, and what did Nageeb Dahur do? A Nageeb Dahur stabbed him with that knife he had in his hand.

Q Stabbed him? A Stabbed him.

Q Did you see where he stabbed him? A Stabbed him right in the face; I don't know where.

Q Now, had Elias Zreik gone out of the door by the time that Nageeb struck Stephan? A Elias Zreik went out as soon as he got shot.

Q Yes. A He left the restaurant.

Q Yes. A Went downstairs. I didn't see him any longer.

Q You didn't see him any more? A I didn't see him any more then.

Q Well, what did Nageeb Dahur do after he was struck?

A Nageeb Dahur?

Q Yes. A After Nageeb Dahur stabbed him in the face, I left the restaurant myself; hurried downstairs.

Q Did you meet anybody when you went downstairs?

A Lots of people were going upstairs.

Q Now, after this noise began, Mr. Azar, was there a crowd in the hallway and in the restaurant? A There was a big crowd gathered in the hallway and in the restaurant too.

Q Was there a big crowd gathered there at the time you got there? A Yes, sir.

Q There was? A Yes; people going up.

Q Now, did you meet anybody when you got down on the street? A When I got on the street?

Q Yes. A The time I left the restaurant and went downstairs, yes; as soon as I was coming out of 81 Washington Street I met Mr. William Smart.

Q Do you know him well? A I know him; yes, sir.

Q He is a little fellow; isn't he? A He is a little fellow; yes.

Q What is his business? A He is a dentist by trade.

Q A dentist? A A dentist.

Q A dentist by profession? A Yes, sir.

Q And you met him on the street? A I met him on the street.

CROSS EXAMINATION BY MR. TRAIN:

Q Where were you coming from, please? A I was coming from Rector Street.

Q You don't live down on Washington Street? A No; I do not.

Q Your place of business is up on Fifth Avenue?

A Yes, but that time my business wasn't there on Fifth Avenue.

Q Oh, I see. Where was your business at that time?

A My business was on Broadway; 35 Broadway; Emery & Company.

Q And you lived over in Brooklyn? A Yes, sir; I lived over in Brooklyn.

Q Now you went down to Washington Street for what purpose? A Sir?

Q Why did you go to Washington Street? A Why did I go

to Washington Street?

Q Yes. A I always take my dinner there.

Q Before you go home? A Before I go home.

MR. OSBORNE: He was not married at that time.

THE WITNESS: I was not married at that time.

BY MR. TRAIN:

Q I see. Now you are married? A Yes, sir.

Q I see. Now, when you got there and started in to get shaved or a hair cut or something -- A No, I don't go there to get shaved; I shave myself; but I went there to trim my hair.

Q To get your hair trimmed? A Yes, sir.

Q Did you notice anybody in the barber-shop?

A I didn't go in the barber-shop at all.

Q You didn't have a chance to get in there? A No, I didn't go. It is not that I don't have a chance, but when I started to go -- I was going to the barber-shop, and my attention was called to the noise upstairs.

Q Where were you when your attention was called to the noise upstairs? A I was right at the door of the entrance of 81 Washington Street.

Q Oh, you went inside; you went to the entrance of the barber-shop? A I went to the entrance; yes, sir.

Q Well, were you in front of the barber-shop when your

attention was called to the noise upstairs? A No; the barber-shop was on my left. As soon as I got into Washington Street, into 81, I heard the noise. I wanted to go into the barber-shop. I gave it up and went upstairs.

Q Did you go into the barber-shop at all? A I did not.

Q Did you notice any one standing at the door?

A I never paid any attention to the barber-shop.

Q How close to the barber-shop did you pass?

A How close?

Q Yes. A Oh, a few feet; about 7 or 8 feet.

Q Now, did you hear the noise outside 81, or when you got inside? A No; I heard the noise when I got just at 81, the entrance.

Q Before you got inside? A Before.

Q Now, what was it you heard? A I heard somebody shouting upstairs.

Q Shouting? A Shouting.

Q A lot of voices shouting? A A lot of voices, you know, just like Syrians when they fight, they usually make a noise.

Q Did you go upstairs? A Did I go upstairs?

Q Yes. A Yes.

Q As fast as you could? A Yes.

Q How long had you been getting your meals in that

restaurant? A In 89 Washington Street?

Q No, 81. A No, I didn't say I got my meals at 81; I went to 89 Washington Street; I told you I went to Washington Street to get my meals, but not to 81.

Q Oh, you went to 89? A 89.

Q Oh, yes, I misunderstood you. How long had you been getting your meals at 89? A For the last 7 or 8 years.

Q But you know the restaurant at 81 Washington Street?

A 81? I know there is a restaurant there, yes.

Q You never got meals there yourself? A Oh, no, I never go there.

Q Is there any particular reason why you went to 89 instead of to 81 for your meals? Did more of your friends go there? A It is not this, but it is a cleaner place than any other.

Q A cleaner place? A Yes.

Q So you liked it better? A I patronized it; yes.

Q When you went upstairs you wanted to see what the trouble was going to be? A Yes.

Q When you got up there, was there anybody standing around the door, or was the crowd inside? A People were going upstairs behind me, and the place was crowded inside too; inside the restaurant.

Q Well, what I want to know is, whether there was any-

body standing on the landing? A On the landing? Where do you mean the landing is?

Q Well, between the top of the stairs and the door?

A I didn't see any one standing there.

Q Didn't see anybody looking in there? A No.

Q And you got a perfectly clear view of what was going on inside? A What?

Q You could see what was going on inside?

A I stepped in.

Q You stepped in? A Stepped in.

Q Well, didn't you see before you stepped in that there were two fights going on in there? A Two fights?

Q Yes. A I didn't notice two fights before I got in there.

Q Well, did you notice any fighting before you got in?

A I noticed Elias Zreik and George Khouri fighting.

Q And you noticed Khouri with his hand in his pocket?

A Yes, sir.

Q And Galgoul? A Galgoul.

Q Now, did you know any of these men except Elias Zreik?

A Did I know what?

Q Did you know any of them? A Any one of whom?

Q Of those three men; did you know them personally?

A I know them personally; yes, sir.

Q All of them? A All of them.

Q Were they friends of yours? A Well, they are not good friends. We have no dealings together.

Q Is George Khouri a friend of yours? A I know him, yes.

Q Is Galgoul a friend of yours? A Well, I can't call him an enemy. He is a friend of mine, yes.

Q Is Dibs a friend of yours? A Yes.

Q He is a friend? A He is a friend.

Q Is he any more of a friend to you than Khouri?

A I guess he is a little more.

Q And Elias Zreik? A Elias Zreik; I know him, Elias Zreik.

Q You know him well? A I know him well.

Q He is a friend, isn't he? A He is a friend.

Q Now did any one come up the stairs in front of you and go into the restaurant? A Did any one --

Q Come up the stairs in front of you? A Yes.

Q Who? A And go into the restaurant?

Q Yes. A Well, I didn't notice exactly that any one got in before me, but I found a lot of people in there when I got in there.

Q When you got in there, the fight was going on between John Stephan and this Nageeb Dahur? A I didn't see a fight

between John Stephan. I said there was a fight inside; I don't know between whom it was.

Q Now, you found out between whom it was; didn't you?

A I found out when he was stabbed by Nageeb Dahur.

Q Nageeb? A Nageeb Dahur.

Q Now, that fight was going on when you came in? Both fights were going on? A I didn't see him fighting with Nageeb Dahur when I came in.

Q How long after you got inside did you see that fight?

A Well, it was a matter of between two and three or four minutes; something like this.

Q Three or four minutes? A Two or three minutes; something like this, you know, exactly right away; it didn't take long.

Q Well, the fight between Elias and Khouri was going on when you went in? A Yes, they were struggling.

Q How long did that last before the other fight began?

A It didn't last two minutes.

Q Did you see where the men came from? A Which men?

Q John Stephan and the man that knifed him? A No, sir; I didn't see him. He was there. I don't know where he came from.

Q Did you see how they commenced fighting? A No, sir.

Q How long did they fight? A How long did they fight?

Q Yes. A I didn't see them fighting long. I only saw Nageeb Dahur on top of him.

Q Did you see him stab him in the back? A No, sir; I saw him stab him in the face.

Q Did you see how he threw him down? A No, sir. I told you my attention was not called to the fight until the fall on the floor.

Q Yes. A I heard somebody fell, and I looked backward and found Nageeb Dahur on top of John Stephan.

Q And you saw him inflict one blow? A What is that?

Q You saw him strike him once with a knife?

A Saw him strike him once in the face.

Q What did John Stephan do? A What was John Stephan doing?

Q Yes. A He was under him, right under him.

Q Did he move? A I don't know whether he moved or not. I left.

Q Did you see the man get up? A I didn't see him get up there. I left when I saw Nageeb Dahur stab him. As soon as he stabbed him I left the place myself.

Q You went up to see what was going to happen? A Well, I didn't expect to see such a fight at all.

Q No. You left with this man who used the knife on top of John Stephan on the floor? A I didn't leave with the

CASE # 599

man who used the knife at all.

Q What? A The man was there when I left. I left before him.

Q Yes, he was lying on top of John Stephan?

A He was right on top of Stephan when I left.

Q You didn't wait to see even whether he would strike him again or not? A No, sir.

Q Did you see George Zreik? A George Zreik?

Q Yes. A I don't remember that I have seen him.

Q Do you know George Zreik? A I know him.

Q You know him well? A Yes.

Q Very well? A Yes, sir.

Q You know both the Zreiks? A Yes, sir.

Q Intimately? A Not intimately; no, sir.

Q Not intimately. Aren't they as good friends as you have here in New York? A What?

Q Aren't they as good friends as you have got here in New York? A Well, everybody is my friend. I have got good friends, yes; but not intimately.

Q Aren't the Zreiks your intimate friends? A You can't call them intimate.

Q Now, was George Zreik there or not? A George Zreik? I didn't see him.

Q Did you see anybody else there? A Well, I saw Chalfoon

(so pronounced) there.

Q Anybody else? A I saw Lahoo (so pronounced).

Q Any one else? A And Galgoul and Wadower.

Q Any one else? A And Setees there, and lots of people.

I don't know I saw there.

Q What part of Syria do you come from? A Beirut.

Q Is that where Elias Zreik comes from? A Yes, sir;
that is the same town.

Q Did you know him when you were a boy? A No, sir.

Q Did you know him in the old country? A No.

Q You have met him first here? A I have met him first
here.

Q Do you know any of his family? A Know one of his
family?

Q Yes. A Yes, I know some of his family.

Q You knew his family over there? A Not over there.

Q Didn't you know any of his family there? A There?
No, sir.

Q You didn't testify in the Coroner's Court? A Why I
didn't?

Q You didn't, did you? A No, sir.

Q To whom did you first tell your story of what occurred
there? A To whom did I tell?

Q Yes; don't repeat my questions. A Yes. Well, I

CASE 77-599

spoke to Mr. Accari, Mr. Taylor's partner.

Q How long after it occurred did you speak to him?

A The next day I spoke to him.

Q And how long after that did you tell your story to Mr. Osborne or Mr. Bryan? A How long after that?

Q Yes. A I told him after that, it was about six or seven weeks after that, that I saw Mr. Bryan and spoke to him about that case.

Q Between those two dates you did not speak to anybody about it? A Oh, yes, I did.

Q You told lots of people? A I told lots of people.

Q Where did you go after the killing? A After the killing I went downstairs and met Mr. Smart right -- you know he was a few feet from 81 Washington Street, and he told me --

Q Never mind what he told you. A Well --

Q What did you do? A I am going to make some reason where I went to, if you want it.

Q Well, go on; tell it. A He told me that Zreik was dangerously wounded. I said "I know it; where is he?" He said, "In the drug store." He said "Go ahead there and look after him, and I am going to get a doctor for him," Mr. Smart said. I went to the drug store and waited there a few minutes. A big crowd gathered around Spingarn's place in Rector Street.

Q Now, you left 81 Washington Street before Zreik did?

A Before Elias Zreik you mean?

Q Yes. A Do you mean Elias Zreik went down before me?

Q No, you left before he did, didn't you? A Elias Zreik went down before me. I left before Nageeb Dahur, not before Elias Zreik.

Q Elias Zreik went down before you did? A Certainly; Zreik left ahead of me, yes.

Q How long did he leave before you? A I don't know; something about two minutes.

Q So that he wasn't in the restaurant at all --

A What?

Q Just a moment; he wasn't in the restaurant at all when the stabbing took place? A Who was not?

Q Elias Zreik? A He was inside the restaurant.

Q But you say you left? A Yes.

Q With this man on top of John Stephan, and you didn't even wait to see whether he would stab him again? A He stabbed him once in my presence.

Q Yes, and then you left? A Then I left.

Q And you didn't wait to see if he would inflict another blow or not? A No, sir.

Q And Elias left before you did? A Elias left ahead of me, yes, when he was shot.

Q So Elias wasn't there this blow was struck by Nageeb Dahur at all? A No, sir.

Q And he had been gone how long? A He had been gone how long? I don't know. It is a matter between two and five minutes.

Q As long as that? A Probably two minutes, three minutes; I couldn't recollect exactly how long.

Q Yes. So that he got all through with his fight before your attention was directed to the other fight? A Yes, sir; he was shot and left.

Q Yes. Now, what was going on in the meantime, between the time that Elias left and the time you saw John Stephan on the ground? A Well, what was going on? I told you that my attention was called to the fall on the floor.

Q Well, I know, but before that what were you doing?

A Before that?

Q Yes. A I stood in the restaurant there looking at Zreik.

Q Well, why did you leave at the exact moment that you say you did? A Why did I leave?

Q Didn't you hear my question? A No, I didn't understand your question.

Q Well, you seem to have a pretty good idea of what the question was. Now, why did you leave the restaurant at that

0345

CASE #599

particular moment? A Why did I leave it?

MR. OSBORNE: (To the witness): Mr. Train does not want you to repeat his questions.

A Yes. Now I left the restaurant because I had no business to stay there. I don't want to get in trouble myself. I got frightened myself.

Q Well, there had been pistol shots fired before you left? A I know.

Q Well, why didn't you come out when the pistol was fired? A I was inside when the pistol shots were fired.

Q Well, why didn't you come out? A Didn't have no chance to get out before he got out.

Q No chance to get out? A Not before. Then my attention was called to the fall on the floor.

Q Well when you did go out finally -- A Yes.

Q Did you go out because you were afraid you would get stabbed? A I wasn't afraid to get stabbed, no, but I didn't want to get in no trouble.

Q Well, don't you think it would have been a good thing to go out when the men went out? A No, I don't think so.

Q Well, did you see Zreik going downstairs ahead of you? A I only saw Zreik leaving the restaurant there.

Q Didn't see him again? A Didn't see him again.

Q Now, when you went downstairs did you meet anybody?

0346

CASE 77599

A I met Mr. Smart.

Q Oh, well, besides Mr. Smart? A No; I didn't meet anybody.

Q You didn't see any officers coming up? A No, sir; not at the time I left.

Q Didn't see an officer? A No, sir.

Q Did you see the man who had done the stabbing leave?

A Nageeb Dahur?

Q Yes. A No, sir.

Q You didn't see him go out? A No, sir.

Q How long was it before you went over to the drug store?

A How long was it before I -- you mean between the time that Zreik left?

Q No, from the time that you left, when you went downstairs, how long did you wait before you went to the drug store? A Oh, I went straight.

Q Well, you stopped to speak to Smart? A I spoke to Smart just as he was walking on the street. He spoke to me in a hurry, you know. I didn't stop.

Q And how far behind Zreik were you? A Well, I didn't see anything of Zreik that time.

Q Couldn't see him at all? A No, sir.

Q Now, do you go to the Greek Church? A Yes, sir.

BY MR. OSBORNE:

Q Your father was a Maronite, was he? A Yes, sir; my father was a Maronite.

BY MR. TRAIN:

Q How long do you think you were in that room altogether?

A In what room?

Q In the restaurant? A Altogether? Well, I can't exactly give you the exact time, but probably less than five minutes. I think it is much less than five minutes. It didn't take five minutes.

The Court admonished the jury in accordance with the Code of Criminal Procedure, and adjourned the further hearing of this trial until to-morrow morning at half past ten o'clock.

CASE # 599