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CASE #2146

*The Case*

COURT OF GENERAL SESSIONS OF THE PEACE,  
City and County of New York, Part V.

2616

-----x  
THE PEOPLE OF THE STATE OF NEW YORK,;

Before:

-against-

HON. THOMAS C.T. CRAIN, J.,

ALLEN BRADFORD.

And a Special Jury.

-----x  
New York, January 14th, 1916.

The defendant is indicted for murder in the first degree.

Indictment filed November 24, 1915.

A p p e a r a n c e s :

For the People: ALLEN G. WELLMAN, ESQ., Assistant District Attorney.

For Defendant: SAMUEL KOENIG, ESQ.,  
(By Frank Aranow, Esq., of Counsel), and  
PHILIP M. THORNE, ESQ.

*Gal 3*

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[ MR. ARANOW: Your Honor, Mr. Koenig, I understand, is in Albany, and I think we better have the defendant consent to my appointment as counsel, and I will endeavor to do the work.

THE COURT: Possibly it is better for the record that Mr. Koenig should appear by you.

MR. ARANOW: I think so.

THE COURT: Mr. Wellman, what is the usual practice?

MR. WELLMAN: Where counsel are assigned, I take it it would be better to have it that way.

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THE COURT: It seems so to me.

MR. ARANOW: I have been in two other cases and done likewise, and the Court required the defendant to rise and state that he was satisfied with me acting in behalf of Mr. Koenig, and I think it would be better in this case too.

THE COURT: I think I will let that course be followed.

THE COURT: (Addressing the defendant) I may say to you, Allen Bradford, that Mr. Aranow, of Mr. Koenig's office is here in court. He, Mr. Koenig, was one of two assigned counsel, as I understand it-- Mr. Thorne and Mr. Samuel Koenig. Mr. Thorne is personally in court. Are you satisfied that Mr. Koenig should appear in the person of Mr. Aranow for you?

THE DEFENDANT: (Rising) Yes, sir.

THE CLERK: Allen Bradford, if you desire to challenge an individual juror, you must do so before he is sworn. Do you waive the further giving of this notice?

MR. ARANOW: Yes, sir.

*(A jury was then duly empanelled and sworn)*

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I R W I N H. K A U F M A N, a salesman, being first duly sworn, is examined on the voir dire as follows:

THE COURT: Mr. Wellman, if agreeable to you will you make a statement to be heard by the panel?

MR. WELLMAN: The defendant's name is Allen Bradford. He is charged and placed on trial for the killing of his wife, Isabella Bradford, at 143 West 71st street, on November 23rd, 1915. I am making this statement so that you may answer questions that will be put to you when you sit in the witness chair and are interrogated, as to whether or not you have heard or read of the case.

BY MR. WELLMAN:

Q Mr. Kaufman, what is your business? A Sales manager.

Q In what concern? A J. Beggs Company.

Q What is the nature of their business? A Machinery; hardware specialties.

Q Do you recall having read or heard of this case? A No.

Q Have you any prejudice against the death penalty?

A None whatever.

Q You have lived in New York for some time, I take it?

A Yes, sir, about ten years.

Q Where is your residence? A 601 West 113th street.

Q Have you ever had experience as a juror in civil or criminal cases? A Criminal.

Q Criminal cases? A Yes.

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Q On this special panel, I suppose? A Yes, sir.

Q Do you entertain any prejudice against the race of which this defendant is one? A No, sir.

Q Do you feel that you would be able to set aside any sympathy that might be present in your mind during the case?

A I could.

Q You would be able, in other words, to decide this case on the evidence, unswayed by sympathy or prejudice or any outside consideration? A I could.

Q And if the evidence convinced you to your satisfaction as a reasonable man that the defendant took the life of Isabella Bradford, deliberately and wilfully, would you hesitate to convict him of murder in the first degree? A I would not.

Q Do you know of any reason why you would not be a proper juror in a case of this kind? A I could not think of any.

Q Are you acquainted with Mr. Aranow who represents the defendant? A Never met him.

Q Or Mr. Thorne who sits with him? A No.

Q Or with anybody in the enclosure here? A No, sir.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q Do you know anyone associated with the District Attorney's office? A No, sir, I do not.

Q Do you know my friend Mr. Wellman? A Never, except seeing him around the court rooms.

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Q How long have you been on this panel? A About three years.

Q Have you served on a homicide case before this? A Yes, sir.

Q You say you have lived in New York for a period of ten years? A Approximately.

Q Where had you lived before that? A 67 St. Nicholas avenue.

Q That is in New York? A Oh, I beg your pardon, Boston, Mass.

Q How long had you lived in Boston? A About twenty-two years.

Q Are you married? A No, sir.

Q You say you have no prejudice against a man by reason of his race or color? A None whatever.

MR. ARANOW: Excused by the defence.

LOUIS P. McCORD, (125 West 106th street) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. McCord, will you state what your business is? A Clerk.

THE COURT: Mr. Wellman, in interrogating the juror, if it is agreeable to you, you might mention the names of those whom you expect to call as witnesses,.

Q Clerk in what concern? A In the Public Service Gas Company of New Jersey.

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Q Have you heard or read of this case? A Not to my knowledge or memory.

Q Have you any prejudice or conscientious scruples against the death penalty? A No, sir.

Q Have you sat as a juror before in civil or criminal cases?  
A In a criminal case.

Q Where do you live? A 125 West 106th street.

Q Are you married? A Yes, sir.

Q If the evidence in this case convinces you beyond a reasonable doubt that the defendant committed wilful, deliberate murder, will you hesitate to find him guilty of murder in the first degree? A No, sir.

Q Do you know of any reason why you would not be a proper juror in a case of this kind? A No, sir.

Q Are you acquainted with anyone inside the enclosure here?  
A No, sir.

Q I am going to read to you a list of the witnesses who may be called on behalf of the People.

THE COURT: I think the gentlemen of the panel had better listen to this list of names to save repetition.

MR. WELLMAN: (Reading:) Mrs. Josephine Hisler of 143 West 71st street, Elias Prince of 71st street, Max H. Zepper, lives in 8th street, Officer Carl W. Kotschau, of the 28th Precinct, Detective Joseph Leonard of the Fourth Branch Detective Bureau, Detective Patrick Geary, Fourth Branch, Thomas Foster,

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lives in 134th street, Dr. Otto H. Schultze, the medical examiner, medical assistant in the District Attorney's office who performed the autopsy in the case. I think that is all.

Q Now,, do you know any of the people whose names I have read? A No, sir.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q How long have you lived within New York City? A About twenty-five or twenty-six years.

Q Where did you live before that? A St. Louis, Missouri.

Q How long had you lived in St. Louis? A Seventeen or eighteen years.

Q That is, practically all your younger years? A My life.

Q How long have you served on this panel? A About two years my name has been on it.

Q Have you served on a homicide case before? A No, sir.

MR. WELLMAN: I object to that question; I suppose that is going to be asked and I may as well make an objection now.

THE COURT: I think I will allow that question.

A No.

Q Would the fact that an indictment had been found against this defendant raise any presumption in your mind as to this man's innocence or guilt? A No, sir.

Q Do you know that this indictment is merely a written ac-

cusation against him? A Yes.

Q The man stands innocent until he is proven guilty beyond a reasonable doubt, and you know that to be so? A Yes, sir.

Q Does this defendant stand before you now innocent or guilty of the crime charged? A Neither. I mean he is entirely innocent until proven guilty.

Q You see, the purpose of these questions is to find out, for we want to get open minded persons who will try this case without any prejudice or bias, in order to carry out the purposes of justice, and we want to get the people open minded without any prejudice whatsoever, and I want you to search your own heart and mind and answer this question, whether or not you have any prejudice or even any bias or any leaning for against the defendant by reason of his color? A None whatever.

Q Absolute on that? A Yes, sir.

Q Are you married? A Yes, sir.

Q You have a family? A No, sir.

Q May I ask how long you are married? A Nine years.

Q But if it developed on the trial that this man who is the defendant, was married, and lived aside from his wife for a period of several years, would that of itself raise such a prejudice as you would not be able to properly weigh the other testimony? A No.

Q You have not read any account in the newspapers about this?

A Not to my memory.

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Q And I believe the papers appeared on the day before Thanksgiving; I want you to recall it to your mind, about some shooting having been done in Doctor Armstrong's office on West 71st street? A I don't recall.

MR. WELLMAN: Isn't it Dr. Waxman?

Q Yes, Dr. Waxman's office? A No.

Q Do you know in a criminal action, who is the judge of the facts in the case? A The jury.

Q And you are willing to take the law from the Court and follow that implicitly? A From the Court, yes.

Q And if the Court instructed you as to the law in a particular instance, and the Court's instruction were such that it conflicted with your idea of right and wrong, who would you follow? A I would follow the law; the instruction.

Q As laid down by the Court? A Yes.

Q Do you know anyone associated with the District Attorney's office? A No, sir.

Q No one whatsoever? A None whatever.

Q Is there any reason that you know of in your own mind why you cannot go in there and try this case upon the merits and the evidence as adduced by the witnesses, impartially between this defendant and the People of the State of New York?? A None whatever.

Q And you will render a verdict according to your oath, and according to the law as given to you by the Court? A Yes.

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MR. ARANOW: No challenge for cause.

MR. WELLMAN: Excused by the People.

CHARLES KRIKOWA, (403 East 73rd street) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Krikowa, what is your business? A Trucking and express business.

Q At what address? A 403 East 73rd.

Q Now, that is in the very neighborhood? A It is East.

Q Have you read of this case? A No.

Q You don't know anything about it? A I can't recall that case.

Q Have you any prejudice against the death penalty? A No.

Q Have you ever sat in a criminal case as juror? A Yes.

Q You know then in a general way the duties of a juror in criminal cases, and the rights of the defendant? A I do.

Q Have you any prejudice against the race to which this defendant belongs? A No.

Q Would you be able to give him a fair trial, unswayed by any prejudice? A I would.

Q Would you allow yourself to be swayed by sympathy for him in the plight in which he finds himself? A No.

Q If the evidence convinces you beyond a reasonable doubt that the defendant perpetrated wilful and deliberate murder,

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will you say so in your verdict? A I would.

Q Do you know of any reason why you would not be a fair and proper juror for both sides in this case? A I do not.

Q Are you acquainted with anybody whose name I have mentioned? read? A No.

Q Or with anybody inside the enclosure here? A I do not remember nobody.

Q Are you a married man? A I am. I am a widower now.

Q You have lived, I take it, for some time in New York?

A I am a native.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q How long have you been on the panel, sir? A Twelve years on the special panel.

Q Have you ever served on a homicide case before this?

A Oh, yes.

Q Do you know anyone associated with the District Attorney's office? A No.

Q Any of the persons that Mr. Wellman before mentioned and called off? A No.

Q Mr. Wellman mentioned the name of Dr. Schultze before as an assistant to the District Attorney; would you give Dr. Schultze any greater credence than you would any other witness?

A I would not.

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Q The mere fact that he is an assistant to the District Attorney would not give him greater credibility in your minds than any other witness? A No.

Q Does this defendant stand before you now innocent or guilty of the crime?

MR. WELLMAN: That is objected to in the form in which it is now asked.

THE COURT: I think I will sustain the objection; I know what you mean.

Q Would you require any evidence at the present time to prove the man's innocence?

MR. ARANOW: I will withdraw that.

BY THE COURT:

Q You understand that the burden of proof is upon the prosecution, and that that burden requires that it should be established from the evidence beyond a reasonable doubt that the defendant is guilty, before you can lawfully find him guilty, and that he is presumed to be innocent? A I understand that.

BY MR. ARANOW:

Q Have you any prejudice or bias in your mind against this defendant by reason of his color? A No.

Q None whatsoever? A No.

Q How long are you a widower? A It is just six months now.

MR. ARANOW: Challenge by the defence.

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EDWARD G. DAVIS, (516 West 143rd street) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Are you a married man, Mr. Davis? A Yes.

Q Lived in New York for some time? A About fourteen years.

Q How long have you been on the special panel? A About ten years.

Q What is your business? A Electrical engineer.

Q What address? A 165 Broadway.

Q Is that your own business? A No, I am employed by the Interborough Rapid Transit Company.

Q You have been with them for some time? A Since 1902.

Q Do you recall having read anything about this case in the papers? A I do not.

Q Do you entertain any prejudice against the death penalty?  
A No.

Q Or any conscientious scruple against it? A No.

Q You have heard the charge made against this defendant, haven't you? A Yes.

Q If the evidence in the case satisfies you beyond a reasonable doubt that the defendant committed wilful and premeditated murder, will you hesitate to find him guilty of murder in the first degree? A No.

Q Do you feel that you would be free from prejudice against him on account of his race? A I have no prejudice against a

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colored man. I have had some experience as an employer of colored men.

Q Has your experience left you with any unpleasant feeling toward the race? A No, not unpleasant.

Q Do you feel toward them, so far as giving them a fair trial is concerned, the same as you do toward one of your own color?

A I do.

Q There is nothing in your experience with the race to which the defendant belongs that would prevent you for one instant from giving him a fair trial, is there? A No.

Q And do you feel that you would be able to decide the case solely on the evidence, without any outside considerations or feelings whatsoever? A Yes.

Q You have not any doubt in your mind that you will be able to do that? A No.

Q Have you sat as a juror in civil and criminal cases before?

A In a criminal case once.

Q Was that why you were a member of the special panel?

A Yes, about three years ago.

Q You know then the duties of a juror and the rights of a defendant in a criminal case? A Yes.

Q Do you know, or are you acquainted with anyone whose name has been read in connection with the case? A No, sir.

Q Do you know anyone inside of the enclosure here? A No.

Q Do you know Mr. Samuel Koenig, the Republican County

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Chairman who was assigned by the Court to defend this defendant?

A I know him by reputation.

Q Only by reputation? A Yes.

Q You know well of him, of course. Y Do you know of any reason whatsoever, Mr. Davis, why you would not be a fair juror to both sides in this case? A I would be a fair juror, but I have just recovered from an attack of the grippe and my business would suffer if I served; that is the only reason.

MR. WELLMAN: I understand that the case will not cover very much time, do you think, Mr. Aranow?

MR. ARANOW: I think at least three days.

A (Continuing.) I am pretty busy and I have charge of the electric construction of the new subway system, and I have got just about all I can do in business.

Q Will it be a source of inconvenience to you at this particular time to have to serve? A It would, yes.

MR. ARANOW: I consent to excuse him. If agreeable to both sides I will excuse the juror by consent.

MR. WELLMAN: Agreeable to us.

THE COURT: He is excused by consent.

L. S T E W A R T G A T T E R, (27 West 11th street) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Gatter, will you state what your business is? A

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Civil engineer.

Q What concern are you connected with? A Otis Elevator Company.

Q Have you been with them for some time? A Four years.

Q May I ask how old you are? A Twenty-six.

Q Have you ever sat as a juror before? A No, sir.

Q Neither civil or criminal cases? A No, sir.

Q How long have you been a member of this special panel.

Is this the first time you have been summoned? A This is the first time.

Q Have you ever searched your mind to see whether you have any conscientious opinion touching the death penalty, which would make it difficult or impossible for you to render a verdict of guilty where the penalty is death? A I have.

Q And do you find that you are free from any such scruples?  
A I am.

Q Have you heard of this case? A No, sir.

Q Do you know anybody connected with it whose name has been read? A No, sir.

Q You don't know counsel on either side? A No, sir.

Q Are you married? A No, sir.

Q Where do you reside? A 27 West 11th street.

Q If the evidence in this case satisfies you as a reasonable man, that is, beyond a reasonable doubt, that the defendant committed wilful, deliberate murder, will you hesitate to say

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so in your verdict? A You will have to repeat that question.

Q If the evidence convinces you beyond a reasonable doubt that the man who is accused here committed wilful and deliberate murder, will you hesitate to find him guilty of murder in the first degree? A No, sir.

Q Will you allow yourself to be swayed by sympathy? A No, sir.

Q Or by prejudice, if you have any? A No, sir.

Q Have you any prejudice against the race to which he belongs? A No, sir.

Q You would be able to give him a fair trial; you are sure of that in your mind? A Yes.

Q And you would be able to give the State a fair trial? A Yes.

Q You understand that, that the prosecution, the State, must prove its case against this defendant to your satisfaction beyond a reasonable doubt? A Yes, sir.

Q Before you can find this man guilty? A Yes, sir.

Q And that unless they establish that burden you must acquit the defendant? A Yes, sir.

Q But if they carry that burden successfully, and convince you that he committed deliberate murder, you will find him guilty of deliberate murder? A Yes, sir.

MR. WELLMAN: You may examine.

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BY MR. THORNE:

Q How long have you lived in New York? A About two years.

Q Where did you live before you came to New York? A Yonkers, New Burg and several other places.

Q Any other places in and around New York? A Princeton, New Jersey and Philadelphia, in and around New York.

Q How long had you lived at Princeton, New Jersey? A Four years.

Q Do you know anyone connected with the District Attorney's staff? A No, sir.

Q Are you acquainted in any way with anyone who has been named as an assistant by the District Attorney? A I am not.

Q Have you any prejudice against the defendant because of his race or color? A No, sir, I have not.

Q Have you any particular prejudice against the defendant at the present time for any particular reason? A None whatever.

Q Would you be prejudiced against a man if it should come out in the evidence that he was a drinking man? A I would not.

Q Why did you hesitate to answer that question? A I didn't understand it.

Q Is there any doubt in your mind? A I didn't understand it.

Q Would you be biased in any way against the defendant if it should be proven or if it should appear that he had been separated from his wife for some time? A None whatever.

Q I think you said you had never sat on a jury before?

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A That is correct.

Q Do you understand that in sitting upon the jury in a homicide case or in any case, that you must follow the Court's instructions? A Yes, sir.

Q And if it should happen that your opinion might not coincide in a way with the opinion of the Court or the instructions of the Court, that you would nevertheless follow the instructions of the Court? A I would.

Q Would the fact that the defendant had been indicted by the Grand Jury bias you in any way, or influence your opinion as to the innocence or guilt of the defendant? A It would not.

Q When you left Princeton New Jersey, where did you go?

A I went to work with the Otis Elevator Company.

Q You lived right in the city of Princeton? A In the town of Princeton.

BY MR. WELLMAN:

Q Did you go to Princeton? A Yes, sir.

BY MR. THORNE:

Q You attended Princeton University? A Yes, sir.

MR. THORNE: Excused by the defence.

FRANK P. BRENT, Jr., (308 West 71st street) a salesman, being first duly sworn, is examined on the voir dire as follows:

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W  
BY MR. WELLMAN:

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Q What is your business, Mr. Brent? A I am an accountant.

Q Public accountant? A No, I am with the American Locomotive Company at 30 Church street.

Q How old are you? A Thirty-one.

Q How long have you been with them as an accountant?

A Eight years.

Q Have you lived in New York for some time? A Four years and nine months.

Q And before you came to New York where was your home?

A Richmond, Virginia.

Q Have you ever been called as a juror before? A No, in no case.

Q Never in a civil or criminal case? A No, no case at all.

Q Do you know what the rights of the defendant are in a criminal case? A I think so.

Q Do you know that he has a right to have the charge against him proven beyond a reasonable doubt before you can find him guilty? A I do.

Q And that he is presumed to be innocent until his guilt is shown up to that standard? A Yes.

Q Have you any prejudice against the death penalty? A No.

Q Now, have you any prejudice against the race? A I would not say that I had prejudice against the race. I have had a great deal of experience with them in the south and I do not look upon them in the same manner as I do upon a white man.

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Q Well, do you look upon them in the same manner so far as giving them a fair trial is concerned? A Oh, yes.

Q Now, that is the main thing, of course. It may be that a man who is placed on trial may be of an inferior caste and you might not look upon him, no reasonable man might look upon him quite the same as other people, but would you be able to, are you satisfied, to give him a fair trial, just the same as if he were a white man? A Yes.

Q And you would do that, do you understand? A Yes.

Q If you were chosen as a juror? A Yes.

Q Have you any doubt about that? A None.

Q You have not any prejudice, as I understand it, so far as sitting as a juror is concerned? A I have not.

BY THE COURT:

Q If you acted as a juror in this case would you be entirely out of your mind the circumstance that he is not a white man, and try him entirely apart from that circumstance? A I would.

BY MR. WELLMAN:

Q Do you know of any reason at all why you would not be a proper juror in a case of this kind? A I would like to say this. My mother is at the present time quite ill and physicians are debating whether or not to operate upon her. She is now in Richmond, Virginia under the care of a surgeon and she is liable to have to undergo a serious operation at most any time.

MR. WELLMAN: I think we ought to consent to excuse him.

MR. ARANOW: We will consent to that.

THE COURT: Excused by consent.

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FRANK A. WRIGHT, (126 East 34th street) a salesman,  
is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Your business, Mr. Wright? A Architect.

Q Now, have you read of this case? A No, sir.

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

Q Where do you reside? A 126 East 34th street.

Q Where is your studio or place of business? A 110 East 23rd.

Q Have you any prejudice against the death penalty? A No.

Q If you are satisfied to a moral certainty by the evidence  
that the man accused committed wilful and deliberate murder,  
will you hesitate to so find in your verdict? A No.

Q Have you had experience as a juror in civil or criminal  
cases? A In civil.

Q Never in a criminal case before? A Never.

Q You are quite sure that you have no penalty against the  
death penalty? A Yes.

Q Are you acquainted with anybody whose name has been read  
in connection with the case? A No.

Q Do you know Mr. Samuel Koenig, the Republican County  
Chairman? A No; I know his brother.

Q Morris Koenig? A Yes.

Q He is a magistrate? A He was a District Attorney.

Q Yes, that is the man. A Yes.

Q Do you know any reason why you would not be a proper juror  
and fair to both sides in this case? A No.

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Q Would you let yourself be swayed by sympathy or prejudice or any outside consideration in reaching your verdict? A No.

Q Have you any prejudice against the colored race? A No.

Q You would not let yourself be sympathetic to the extent of being swayed from your duty? A No.

BY MR. THORNE:

Q How long have you lived in New York? A About six years.

Q Where did you live before you came to New York? A In New Jersey, Summit and Orange.

Q How long did you live there? A About twenty years in South Orange and ten years in Summit.

Q You said you were a married man? A Yes.

Q How long have you been married? A Thirty-two years.

Q Do you know anyone who is connected with the District Attorney's Staff? A No.

Q Mr. Koenig that you have referred to? A I know District Attorney O'Malley.

Q The fact that you know them would not influence you in any way in determining this case? A No.

Q You are positive that you have no prejudice against the colored race? A Yes.

Q Do you know of any reason at all why you could not give this defendant a fair and impartial trial, do you know any reason at all? A The only reason I know is that I have a very important business engagement in Montreal on Monday, which means

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a lot of money to me. That is the only reason I know.

THE COURT: I may say to both of you gentlemen that this juror came to me a day or two ago and mentioned the fact that he would sustain a very serious pecuniary loss if he were not allowed to keep that appointment. I said to him he would have the opportunity of making that statement to you.

MR. ARANOW: The defendant consents to excuse him.

MR. WELLMAN: I consent to excuse him, although I am very sorry to lose him.

THE COURT: Excused by consent.

F R E D E R I C K H I R S C H, (500 West Broadway) a salesman,  
is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Hirsch, what is your business, please? A I am not in business at the present time.

Q Have you been retired long? A About three years.

Q What did you use to do? A Well, I was in the cigar business.

Q Here in New York City? A Yes, sir.

Q In the cigar business? A Yes, sir.

Q Retail or wholesale? A Retail.

Q At what place? A 146 Spring street, Manhattan.

Q You had a store there, did you? A Yes, sir.

Q Are you a married man? A No, sir.

Q Have you lived in New York all your life? A Yes, sir.

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Q Have you sat as a juror before? A Yes, sir.

Q In civil and criminal cases both? A Both.

Q Did you ever hear of this case? A I can't recall it.

Q Do you know Mr. Koenig, Samuel Koenig, the Republican County Chairman? A No, I am not acquainted with him.

Q Do you know anybody inside the enclosure here connected with this case? A No, sir.

Q Do you know anybody whose name was read a few minutes ago?  
A No, sir, I don't know any of those people.

Q Have you any prejudice against the death penalty? A No, sir

Q You are quite sure that if the evidence convinces you beyond a reasonable doubt that this man committed wilful, deliberate murder, that you would find him guilty of murder in the first degree? A Yes, sir.

Q You would not let your sympathy sway you? A No, sir.

Q Or change your verdict to a lower degree? A No, sir.

Q Would you allow yourself to be affected by any prejudice that might arise during the case? A I don't think so.

Q You don't think so; you have sat as a juror before; I think perhaps you can tell us more positively whether you would let prejudice have anything to do with your verdict in this case.

A No, it would not.

Q Have you any prejudice against the colored race? A I have not.

Q Do you know of any reason why you would not be a fair juror to both sides in this case? A No, I have no reason what-

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ever at present.

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Q Is there anything more you want to say about that? You see, we want to know just the state of your mind. It is only fair you should let us know frankly. A Well, at times you know, I am called away at night. That would be the only inconvenience that would probably affect me.

Q You mean during the case? A Yes, at the present time.

Q You do what at nights? A I have some work to do at night and that would probably interfere a little bit.

MR. WELLMAN: I don't think we would keep you here at night.

THE COURT: It is not at all likely that we will sit later than 5 o'clock.

A Well, that would not interfere, then.

Q Then there is nothing in your mind at all. You feel you would be a fair juror to both sides? A Yes. I would say yes, sir.

Q That was the only thing you had in your mind? A That is all.

MR. WELLMAN: No challenge for cause.

BY MR. THORNE:

Q Are you married? A No, sir.

Q You said you lived in New York all your life? A Yes, sir.

Q Would you be prejudiced in your opinion as against the defendant if it should be shown that he was a drinking man?

A No, not at all. I would simply go under the instruction of

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the Court and on the evidence.

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Q You feel no antipathy toward him because of that fact?

A No.

Q Would the fact that he has not been living with his wife, or had not been living with his wife for a short time prior to the killing, influence you in any way? A No, sir.

THE COURT: I do not think that question is one that ought to be put.

MR. WELLMAN: I did not hear the question or I would have objected to it.

THE COURT: I think that question is objectionable.

Q Would the fact that the Grand Jury has indicted the defendant influence your opinion in any way as to his guilt?

A Neither one way or the other.

Q And you are certain you can abide wholly and solely by the instruction of the Court? A Exactly.

Q Have you ever been married? A No, sir.

Q If it should develop during the trial, if the evidence should bear out the fact that the defendant acted wholly and solely by the impulse of the moment, would that influence your opinion. Would you still find that the defendant would be guilty of murder in the first degree?

MR. WELLMAN: That would depend on the instructions of the Court.

THE COURT: I think that is an objectionable question.

Q You would, however, follow the instructions given you by

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the Court? A Exactly.

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Q And you would not let your opinion in the matter override the instructions that might be given you by the Court? A No, sir.

Q Is there any reason at all that you know of why you cannot give this defendant a fair and impartial trial? A No, sir.

MR. ARANOW: No challenge for cause.

BY MR. WELLMAN:

Q How many times have you sat as a juror in criminal cases?

A Homicide cases?

Q Yes. A I have served on one case.

Q One homicide case? A Yes, sir.

Q And how many criminal cases? A Quite a great many.

Q Covering all the years you have been in New York? A Yes, the last thirty years.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Excused by the People.

AUGUST EGERER, (35 West 82nd street) a salesman, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Egerer? A Manufacturer of fancy knit goods.

Q Where is your place of business? A 352 Fourth avenue.

Q What is the name of the concern? A F. Augstein & Co.

Q Have you sat as a juror before? A Never.

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- Q In civil or criminal cases? A Never.
- Q Have you ever read of this case? A I have not.
- Q Have you any prejudice against the death penalty? A No.
- Q Do you know of any reason why you would not be a fair juror in this case? A No,
- Q Are you acquainted with Mr. Koenig? A I am not.
- Q Or his brother? A No.
- Q Or Mr. Aranow who sits inside the enclosure? A No.
- Q Or with anyone whose name has been read in connection with the case? A No.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

- Q Are you a married man? A Yes.
- Q How long? A Five years.
- Q Have you lived in New York for any length of time?
- A Nine years.
- Q Where did you live before that? A Europe, Austria.
- Q Do you know anyone associated with the District Attorney's office? A I do not.
- Q You don't remember having heard anything about this case before you came to this court? A I do not.
- Q Do you have any prejudice in your mind against this defendant by reason of his color or race? A I have not.
- Q He would receive the same consideration at your hands as a white man would? A Yes.
- Q Would the fact that this man had been indicted raise any

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prejudice against the defendant? A No, it would not.

Q You know an indictment is merely an informal complaint against a man? A Yes.

Q You would follow the evidence? A I would.

Q And you would judge according to the facts? A Yes.

Q And take the instructions of the Court as to the law?

A Yes.

Q And follow the Court's instructions even though your own conflicted with it? A Yes.

Q And you did not agree with the Judge, is that right?

A Yes.

Q But if it developed on the trial that this man drank, would that raise any prejudice in your mind against him? A No.

Q Or that he had been married and lived away from his wife?

A No.

Q Is there any reason that you know why you could not serve on this jury open minded and render a fair and impartial verdict? Any reason whatsoever in your mind? A No.

Q You understand the asking of these questions is to find out; we want to get open minded men to go into this box with absolutely no prejudice, and to judge fairly, because the object of justice is to do fairness to both; is that your opinion?

A That is my opinion.

Q And you are ready to do that? A I am.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Excused by the people.

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G E O R G E L. B E T T S, (101 West 93rd street) a salesman, 31  
is examined on the voir dire as follows:

BY MR. WEINMAN:

Q What is your business, Mr. Betts? A I am employed with  
the Western Electric Company.

Q Are you a married man? A Yes.

Q Where do you reside? A 101 West 93rd street.

Q Where is your place of business? A 463 West street.

Q You have been in this city for some years, have you?

A Yes, about twenty-two years.

Q Have you read of this case that you recall? A I do  
not recall.

Q Have you ever sat as a juror before in civil or criminal  
cases? A Yes, off and on.

Q Have you any prejudice against the death penalty? A  
No, sir.

Q If the evidence in the case satisfied you beyond a rea-  
sonable doubt that the man accused committed wilful, deliberate  
murder, would you find him guilty of murder in the first degree?  
A I would.

Q Would you allow yourself to be swayed by sympathy for the  
defendant? A No, sir.

Q Or have sympathy for the one who is killed? A No.

Q Have you any prejudice against the race to which the  
defendant belongs? A No, sir.

Q Can we say then that you would be a fair juror to both

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sides? A I would be.

Q You know of no reason why you would not be? A I do not.

Q Do you know anyone connected with the case whose name has been read or whom you see in court? A I do not know anyone here. I know no one in the court room.

Q Do you know Mr. Samuel Koenig, the Republican County Chairman? A No, sir.

Q Who was assigned by the Court to defend this man? A No.

MR. WELLMAN: You may examine.

BY MR. ARANOW:

Q Where did you live before you came to New York? A Brooklyn and Greenwich, Connecticut.

Q You lived there practically all your life? A Yes.

Q How long? A Twenty-two years.

Q You have a family? A No.

Q Do you know anyone associated with the District Attorney's office? A No, sir.

Q You don't know anyone that had been read off by Mr. Wellman as being a witness, or will be a witness? A I never heard of them.

Q If it developed during the course of the trial that this defendant was a drinking man or a man who drank, would that prejudice you against him? A It would not.

Q Or that, being a married man he lived away from his wife for several years, would that prejudice you against him?

A No, sir.

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Q Have you served in a homicide case before this? A No.  
In an incompleated case that was taken away from the jury.

Q Do you know of any reason why you cannot serve on this jury and render a fair and impartial verdict according to the evidence as adduced? A No.

Q And the instructions of the Court as to the law? A I do not.

Q You would follow the Court then, though you did not agree with him on certain questions of law? A I would.

Q And you would yourself judge the testimony of the witnesses?  
A I would.

Q And deal fairly between both sides? A I could.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Acceptable.

MR. ARANOW: Acceptable to the defendant.

Whereupon Mr. George L. Betts, having first been duly sworn as a juror, takes his place as juror No. 1 in the box.

M O R T I M E R J. J A C K S O N, (253 West 102nd street)  
a talesman, being first duly sworn, is examined on the voir dire  
as follows:

BY MR. WELLMAN:

Q Are you married? A I am.

Q What is your business? A I am a real estate broker.

Q At what address? A Same, 253 West 102nd street.

Q Do you recall having read of this case which happened

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not very far from your neighborhood? A Not at all.

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Q Have you any prejudice against the death penalty? A  
No, sir.

Q Have you ever sat as a juror before? A Yes.

Q In criminal cases and civil both? A Criminal cases;  
no civil cases.

Q How long have you been a member of the special panel?

A About three years.

Q Ever sat in a homicide case before? A No.

Q Do you know Mr. Samuel Koenig? A By reputation only.

Q Do you know Mr. Aranow? A No.

Q Or his office? A No, sir.

Q Or anyone inside the enclosure here? A No, sir.

Q You know no one whose name has been read, I take it?

A No.

Q Have you lived all your life in New York? A Yes.

Q Born here? A Born here.

Q If the evidence in the case satisfied your mind beyond  
a reasonable doubt that the accused committed wilful, deliberate  
murder, would you hesitate to find him guilty of murder in the  
first degree? A No, sir.

Q Would you yourself be swayed by sympathy either for the  
defendant or for the wife whom he is charged with killing?

A Absolutely not.

Q Have you any prejudice against the race to which he  
belongs? A No, sir.

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Q Do you know of any reason why you would not be a proper juror in a case of this kind? A None whatever.

Q Will you tell me your age? A I am thirty-one.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q How long have you been married? A Six months.

Q Do you know anyone associated with the District Attorney's office? A No, sir.

Q Or any of the names mentioned by Mr. Wellman, who will be witnesses at this trial? A None.

Q Have you any prejudice against the defendant by reason of his race or color? A Absolutely none.

Q None whatever? A No.

Q You never had any experience with anyone of his race or color as to bring any prejudice in your mind? A No.

Q Have you ever had occasion to weigh that matter in your mind? A I have employed people of his race.

Q But you never had any occasion to weigh their credibility or their trustworthiness as to raise a prejudice? A No.

Q Or bias in one way or another, and you will try him as fairly as you would try a white man? A Yes.

Q And give him the same consideration? A Yes.

Q Just the same degree of fairness? A Yes.

Q If it developed during the trial that this defendant was a drinking man, would that prejudice you in any way against him?

A It would not.

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Q Or that he, being a married man, but living away from his wife, would that prejudice you? A No.

Q So as to destroy your impartial view of things? A It would not.

Q Did I understand you to say that you have served on a homicide case before? A No, I have not served on a homicide case, but on criminal cases.

Q You know he is innocent until he is proven guilty beyond a reasonable doubt? A Yes.

Q And that burden rests upon the prosecution? A Yes.

Q To prove this man guilty beyond a reasonable doubt?  
A Yes.

Q Do you know that the jury is the judge of the facts in the case? A I do.

Q And you have to follow the Court's instruction as to the law? A Strictly.

Q And apply the facts to the law as given by the Court?  
A Yes.

Q And you will consider all of the facts adduced in the witness chair here? A Certainly.

Q All of them? A Yes.

Q Circumstances, environment, and everything? A Yes, everything.

Q In rendering your verdict? A Yes, sir.

Q And you would endeavor to find a verdict which is fair and impartial between the People of the State of New York and

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this defendant? A Yes, certainly.

Q You would give no greater credence to testimony given by an assistant to the District Attorney just because he happens to be a public official? A Certainly not.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Acceptable.

MR. ARANOW: Acceptable.

Whereupon Mortimer J. Jackson is duly sworn as a juror and takes his place as Juror No. 2 in the box.

G E O R G E E. D O W, (535 West 142nd street) a salesman, being duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Your business? A Your Honor, I have been sick.

THE COURT: Tell everything you have to say, unless it is confidential.

THE WITNESS: I have been sick with the grippe and at this present time I am not feeling first rate. I would like to be excused.

THE COURT: The gentleman is not well.

THE COURT: (Addressing the witness.) You feel you are not well enough to serve?

MR. ARANOW: Defendant consents to excuse him.

MR. DOW: At this present time I think I have rheumatism in the arm. The grippe settled in the shoulder, I think, and I have not slept anything in three nights.

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MR. WELLMAN: I do not think we ought to keep the gentleman.

THE COURT: Excused by consent.

RUFUS C. ELDRIDGE, (435 West 119th street) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Are you a married man? A Yes.

Q What is your business? A Real estate.

Q At what address? A Same address.

Q You are acquainted with that neighborhood, then, I take it? A Down as far as 71st street? A I have lived there three or four years.

Q Have you lived in New York for some time? A About ten years.

Q Where was your home before that? A Canada.

Q Have you any prejudice against the death penalty? A No.

Q If the evidence in this case satisfies your mind beyond a reasonable doubt that the accused committed wilful, deliberate murder, will you hesitate to find him guilty of murder in the first degree? A No.

Q Will you let your mind be swayed by sympathy from a just and proper verdict in the case? A No.

Q I mean to ask you by that whether you will let sympathy sway your mind to such an extent that you would not find the

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defendant guilty perhaps of murder in the first degree, although  
you felt satisfied that he committed wilful, deliberate murder,  
which is murder in the first degree?

MR. ARANOW: I object to the question as not proper  
in form.

THE COURT: I think the question is allowable.

MR. ARANOW: Objection withdrawn.

A I would not.

Q Do you feel any prejudice against the race to which the  
defendant belongs? A No.

Q We can say that prejudice and sympathy will be set aside  
by you if you sit as a juror in this case? A Yes.

Q And you will decide the case on the evidence alone, is  
that right? A Yes.

Q Do you know anyone whose name has been mentioned in con-  
nection with the case? A No.

Q Are you acquainted with counsel on either side sitting  
inside the enclosure here? A No.

Q Do you know Samuel Koenig? A Only by reputation.

Q Do you know of any reason, Mr. Eldridge, why you would  
not be a proper juror in this case? A I do not.

Q I did not ask you if you had ever had an experience as  
a juror before? A Not in criminal cases.

Q Only in civil cases? A Yes.

Q You know the difference in the rights of the defendant  
in a criminal case, don't you? A I think so.

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Q That he is entitled to have his guilt proven, not as in a civil case by a preponderance of the evidence, but beyond a reasonable doubt? A Yes.

Q To your satisfaction? A Yes.

Q Sitting as a reasonable man? A Yes.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q How long have you been on the special panel? A About two years.

Q Do you know Dr. Waxman in 71st street? A No.

Q Or anyone associated with him? A No.

Q Do you know anyone associated with the District Attorney's office? A No.

Q Or in the Police Department of the City of New York?

A No.

Q If it developed during the course of the trial that this defendant was a man who drinks alcohol, or accoholic beverages, would you be prejudiced against him by reason of that fact?

A I would not.

Q Or that being a married man, he had lived away from his wife for a short time, would that prejudice you against him?

A No.

Q Do you know that in a criminal case the defendant is innocent until proven guilty beyond a reasonable doubt, presumed to be innocent? A Yes.

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Q And that presumption continues until the gentlemen of the jury agree in their room that he is guilty or otherwise?

A I do.

Q That presumption continues right through the trial?

A Yes.

Q The fact that this man has been indicted, would that raise any presumption in your mind as to his innocence or guilt?

A No, it would not.

Q Do you know that an indictment is merely a formal accusation? A I do, yes.

Q How long have you been married? A About twenty-five years.

Q You have always lived around New York? A No, about ten years, I think.

Q Where did you live before that? A Canada.

Q Have you any prejudice against this defendant by reason of his race or color? A No.

Q Have you had any experience with anyone of his race or color which would tend towards a prejudice of any kind? A No.

Q At any time in your life? A No, sir.

Q You will treat him with the same degree of fairness as you would treat a white man? A Yes.

Q With the same consideration? A Yes.

Q You would give no credence to the testimony of an Assistant District Attorney by reason of the fact, merely, that he was an Assistant District Attorney? A I would not.

Q Your mind is absolutely open at present to receive testi-

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mony, you have no opinion one way or the other? A No, I have not.

Q You are willing to go in this jury box and decide upon the facts as adduced on the witness stand? A Yes.

Q And the law as given to you by the Court? A Yes.

Q And you would follow this implicitly? A I would.

Q Do you know of any reason whatsoever that you cannot go into this jury box and render a fair and impartial verdict between the People of the State of New York and this defendant Bradford? A I do not.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Acceptable.

MR. ARANOW: Acceptable.

Whereupon Rufus C. Eldridge is duly sworn as a juror and takes his place as Juror No. 3 in the box.

CYRUS G. SIMPSON, (203 West 131st street) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Simpson? A Salesman at Vantine's, Fifth avenue and 39th street, oriental goods.

Q Have you been in their employ for a great many years?

A Ten years.

Q Where do you live? A 203 West 131st street.

Q Are you a married man? A Oh, yes.

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Q Have you heard of this case before? A Not before I came into the court, to my recollection.

Q Have you any prejudice against the death penalty? A No, sir.

Q Have you sat as a juror in civil or criminal cases before? A Yes, sir.

Q In both? A A In both.

Q Do you know anyone whose name has been mentioned in connection with this case? A No, sir.

Q Anyone inside the enclosure here? A No, sir.

Q Do you know Mr. Koenig, Mr. Samuel Koenig, the Republican County Chairman? A No, sir.

Q Who was assigned by the Court to defend this man? A No, I don't know him.

Q Do you know of any reason why you would not be a proper juror in this case? A No reason, except it will take my time away from business.

Q That would be true, of course, of any tradesman. A Yes, sir.

Q Do you feel ready to listen with all your attention to the evidence, if you are chosen as a juror? A Yes.

Q Your mind would not be on your business, would it? A No, my attention would be here.

Q Would you allow yourself to be swayed from what was a proper verdict under the law and the facts, by sympathy?

A No, sir.

Q Or by prejudice, do you have any? A No, sir.

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Q Have you any prejudice against the colored race? A I have not.

Q Do you know of any reason at all why you would not be a proper juror, fair to both sides in this case? A No reason except what I mentioned, which is not a good reason, I understand.

Q You have probably noticed that the talesmen have been thinned out considerably.

THE COURT: We shall be constrained very possibly to inconvenience some gentlemen owing to the small number of talesmen present.

Q I do not want you to take it that it is my fault.

THE COURT: It is not the fault of counsel on either side.

MR. WELLMAN: No challenge for cause.

BY MR. THORNE:

Q Are you married? A Yes.

Q How long have you been married? A Twenty-five years.

Q You say you live at 203 West 131st street? A Yes, sir.

Q How long have you lived there, Mr. Simpson? A A little over four years.

Q Were you acquainted with a man named John G. Taylor?

A No, sir.

Q Were you at any time acquainted with an organization that he formed in that section of Harlem where you live? A No, sir.

Q Are you a property owner in the district around 131st street? A No, sir.

Q Have you any prejudice against the colored people by reason

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of any observations you might have had in your immediate vicinity?

A No, sir. We had a colored maid for nine years.

Q You will give this defendant a fair and impartial trial, according to the evidence as presented to you? A Yes, sir.

Q If you did not serve as a juror, you would feel very much relieved?

MR. WELLMAN: That is objected to.

THE COURT: I think I will sustain that objection.

MR. WELLMAN: That is putting it up to me, I think.

MR. THORNE: Excused.

WILLIAM J. MANNION, (263 West 153rd street) a  
salesman, being first duly sworn, is examined on the voir dire  
as follows:

BY MR. WELLMAN:

Q What is your business? A Woolen business.

Q Woolens? A Yes.

Q Where? A 407 Broadway.

Q What is the name of the concern? A Mannion Brothers.

Q Is that your own business? A Yes, sir.

Q You have been there for some years, have you? A I have been around the neighborhood for the past twelve years.

Q How long have you lived in New York? A Twelve years, a little over twelve.

Q Before that where was your home? A I used to be traveling previous to that.

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Q Also in the woolen business? A Yes, sir.

Q Have you sat as a juror before in civil or criminal cases?

A I sat in civil cases.

Q Have you ever heard of this case? A No, never. 5

Q Have you any prejudice against the death penalty? A No.

Against the death penalty?

Q Do you believe in capital punishment? A I do.

Q Do you know anyone whose name has been read in connection with the case who are to be witnesses? A No.

Q Do you know the lawyers on either side? A No.

Q You are not acquainted with Mr. Samuel Koenig? A No, sir.

Q Do you entertain any prejudice against the colored race?

A No, none whatever.

Q Are you a married man? A Yes.

Q Do you know of any reason why you would not be a proper juror to both sides in this case? A No.

MR. WELLMAN: No challenge for cause.

BY MR. THORNE:

Q How long have you lived in New York? A Twelve years; a little over twelve years.

Q How long have you been married? A About three years; a little over two.

Q Before you came to New York, where did you live? A I used to travel selling woolens.

Q Traveling salesman? A Yes.

Q Where was your residence? A I had no permanent home

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previous to that.

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Q What parts of the country have you traveled through as traveling salesman? A In the South and West.

Q How much time do you think you have spent traveling through the South as a salesman? A ~~Maybe~~ seven or eight years.

Q Have you any prejudice or do you have any prejudice against this man because of his race or color? A No.

Q Would the fact that the deceased was a woman affect your opinion in any way, or influence you in any way? A No.

Q Would the fact that the defendant was a drinking man influence you in any way? A No.

Q Or that he was living apart from his wife at the time of this accident? A No.

Q And you are positive that you know of no reason why you could not give this defendant a fair and impartial trial?

A I know of no reason whatever.

Q In your travels through the South, Mr. Mannion, have you met with any experience with the colored people that influenced you in any way? A No, none at all.

MR. WELLMAN: Satisfactory.

MR. THORNE: Satisfactory.

Whereupon William J. Mannion is duly sworn as a juror and takes his place as Juror No. 4 in the jury box.

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G U S A. W I E C H M A N N, (216 West 104th street) a tales-  
man, being first duly sworn, is examined on the voir dire as  
follows:

Q Your business, please, Mr. Wiechmann? A I am record  
clerk of the United Electric Light and Power Company.

Q You have been that for some time? A About twelve years.

Q Have you read or heard of this case that you recall?

A No.

Q Do you entertain any prejudice against the death penalty?

A No, sir.

Q Do you know anyone whose name has been mentioned in con-  
nection with the case? A No, none.

Q Have you had experience as a juror before? A No; this  
is the first time.

Q How long have you been a member of the special panel?

A I have just been called on this panel.

BY THE COURT:

Q You mean you never served as a juror in any case?

A Never served in any.

BY MR. WELLMAN:

Q Are you a married man? A Yes.

Q If the evidence in the case satisfied you beyond a rea-  
sonable doubt that this man Allen Bradford committed wilful and  
deliberate murder, would you hesitate to find him guilty of  
murder in the first degree? A No.

Q Would you allow your mind to be swayed by sympathy or

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prejudice? A No.

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Q Have you any prejudice against his race? A None whatever.

Q Do you know of any reason why you would not be a fair juror to both sides in this case? A No, I don't know of any.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q Do you know anyone associated with the District Attorney's office? A No one.

Q Or in the Police Department of the City of New York?

A No.

Q Do you know Dr. Waxman of West 71st street? A No, sir.

Q Or anyone associated with his household? A No.

Q Do you know the difference between the proof in a civil case and a criminal case; do you know that in a civil case the plaintiff is required to prove his case by a preponderance of evidence, but in a criminal case the People, who are the plaintiff, must prove it beyond a reasonable doubt, that is, a doubt which any reasonable person would entertain? A That is the way I understand.

Q And if you have any such doubt, that the defendant gets the benefit of it? A That is the way I understand.

Q And the way the Court instructs you on the law, you will follow that without any hesitation? A Yes.

Q You know the charge against this man is murder in the first degree? A Yes.

Q Have you ever in your life had any experience with any man

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of his color or race as to even have the slightest feeling of antipathy or bias against him? A No, none whatever.

Q Would the fact that the deceased, or the person who was killed, was a woman, so prejudice you as to not measure the testimony with the same open-mindedness that you would if it had been a man. Do you understand my question? A I don't quite get the point.

1c Q In this case the person shot was a woman; now, would the fact that that person being a woman, would that prejudice you against the defendant more than it would if the deceased were a man? A I don't think so.

Q In other words, a man or woman, you would try them all alike? A Just alike.

Q Or the fact that this defendant had lived away from his wife for any particular time, would that prejudice you against him? A No.

Q Or that he had taken alcoholic beverages at any time? A No, I don't think so.

Q The reason I ask you is because some people are prejudiced against some people that drink, and it may be proved that this man did drink at some time. , and we want open minded jurors.

A I understand that.

Q You have no prejudice whatever? A None whatever.

Q Mr. Wellman said that a certain assistant to the District Attorney would take the stand--

MR. WELLMAN: Well, the medical assistant, the medical

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examiner.

Q Well, the medical assistant to the District Attorney will take the stand; would you give any greater credence to him than you would you would ordinarily give an ordinary person, simply because he happens to be an official? A No, I don't think so.

Q Would you give a policeman any greater credence because he happens to be an official of the City of New York, or occupying a position in the Police Department? A That is according to his testimony. I would have to judge that.

Q Would you, just because he has brass buttons on, give him any greater belief than you would a civilian? A No, I don't think so, although they are pretty honest.

Q Would you weigh everything carefully and analyze his testimony the same as you would mine? A Yes, I certainly would.

Q Do you know of any reason whatsoever why you cannot try this case fairly and impartially between this defendant Bradford, and the People of the State of New York? A No.

Q And render a verdict according to your conscience and your oath and according to the law given by his Honor the Court?

A I know of no reason.

Q Absolutely none? A None.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Satisfactory.

MR. ARANOW: Satisfactory.

Whereupon Gus A. Wiechmann is duly sworn as a juror and

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takes his place as Juror No. 5 in the jury box.

HENRY W. OLMSTED (563 West 113th street), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q What is your business, please, Mr. Olmsted? A **Manufacturer** of mechanical tools, light machinery.

Q Where is your place of business? A Hasbrouck Heights, New Jersey.

Q Where do you live? A 536 West 113th street.

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

Q Have you heard of this case? A No, sir.

Q What is the name of the firm that you are connected with?

A I own the business myself; it is my own private business.

Q Have you any prejudice against the death penalty? A None.

Q If the evidence in the case satisfies you to a moral certainty that this man committed wilful and deliberate murder, would you find him guilty of that crime? A Yes.

Q You would not let sympathy or prejudice have anything to do with your verdict? A No.

Q Have you any prejudice against the race? A No.

Q Do you know any one whose name has been mentioned in connection with the case? A None.

Q Or the lawyers on either side? A No.

Q Do you know Mr. Koenig? A No.

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Q How long have you lived in New York? A Nine years.

Q And before that? A Hackensack, New Jersey.

Q You will be a fair juror to both sides, and you know of no reason why you should not be? A That is right.

Q Have you had experience as a juror before? A Only in civil cases.

Q You know in a criminal case that a defendant's guilt must be shown to your satisfaction as a reasonable man? A Yes.

Q Before you can convict him? A Yes.

Q Not merely by preponderance of the evidence, but to a mortal certainty? A Yes.

Q Beyond a reasonable doubt? A Yes.

MR. WEILMAN: No challenge.

BY MR. ARANOW:

Q Did you live in any other places besides the states of New York and New Jersey? A That is all.

Q Are you married? A Yes, sir.

Q How long? A Twelve years.

Q Have you a family? A No.

Q Have you had any experience in your life with any person of the colored race as to bring any bias or prejudice to your mind against him? A None whatever.

Q You would treat him the same as you would treat me or any other white person? A Yes.

Q Fairly? A Sure.

Q And decide according to the evidence? A Yes, sir.

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Q You know that in a criminal case, the same as in a civil case, the jury is the judge of the facts? A Yes.

Q You know that? A Yes.

Q And the Court will instruct you as to the law? A Yes.

Q You know that? A Yes.

Q But even if you disagree with the Court as to the law you will still follow the Court? A You mean the charge?

Q Supposing the Court instructs you as to the law in a certain thing, and according to your own opinion that does not seem equitable, would you still follow the Court? A Well, according to the evidence.

BY THE COURT:

Q You would apply the law as given by the Court to the evidence? A Yes, that is what I mean.

BY MR ARANOW:

Q You would apply the law to the evidence, and the evidence to the law and render your verdict accordingly? A Yes.

Q You are not prejudiced in any way for or against the defendant? A None whatever.

Q You are not biased in any way? A No.

Q The fact that the deceased happened to be a woman would not so offend your sense of gallantry as to be prejudiced against this defendant? A No.

Q Or that this man partook of alcoholic beverages, would that prejudice you against him? A No.

Q You would not give greater credence or belief to a police-

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man's testimony than to ordinary citizen's? A No.

Q You would scrutinize his testimony as carefully as any other person's? A Yes.

Q And look for motives and intent on his part? A Yes.

Q And you would do the same with the Assistant District Attorney? A Certainly.

Q And you would exercise your best judgment as you would in your own business? A Yes.

Q And render a fair and impartial verdict? A Yes.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Acceptable.

MR. ARANOW: Acceptable.

(Whereupon Henry W. Olmsted is duly sworn as a juror, and takes his place in the jury box as Juror No. 6.)

JOSEPH B. WARNER, a talesman, being first duly sworn, is examined on the voir dire as follows:

THE COURT: I think we will take a recess now. Gentlemen you are admonished not to converse among yourselves on any subject connected with this trial, or form or express any opinion thereon until the same is submitted to you. We will take a recess until 2 o'clock.

(Whereupon the court takes a recess until 2 o'clock.)

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(Talesman Joseph B. Warner, having said he was subject to heart spells, and was in very bad shape, was excused by consent.)

G E O R G E W. D O R L A N ( 320 West 22nd street) a talesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Dorlan? A I am not in any business at the present time, except I have an office for collection. I am out of business.

Q What was your business? A I was in the wholesale liquor business forty-five years.

Q You have lived in New York a number of years? A Fifty-two years.

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

Q Do you recall having read of this case in the newspapers?  
A I do not recall it.

Q Have you any prejudice against the death penalty, against capital punishment? A No, sir. I would change the law if I had the power, though.

Q What? A I would say to you that I would change the law if I had the power; not for any conscientious scruples--policy.

Q If the evidence in the case satisfied you beyond a reason-

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able doubt that the defendant Bradford committed wilful, deliberate murder, would you hesitate to find him guilty of murder in the first degree? A I would not.

Q Would you allow your mind to be swayed by sympathy or prejudice or any matters that are foreign to the issues here?

A No.

Q You would decide the case, would you, on the evidence alone? A Yes, sir.

Q Have you any prejudice against the colored race? A None at all.

Q Are you acquainted with any one whose name has been read here in connection with the case? A No, not that I know of.

Q Or whom you see in the court room? A Not that I know of.

Q Do you know Mr. Koenig, who is assigned to try this case by the Court, Mr. Samuel Koenig? A Not that I know of.

Q Do you know of any reason why you would not be a proper juror, fair to both sides in this case? A No, only I don't want to be.

Q You do not want to sit? A I do not want to sit, that is all.

Q But it is nothing beyond the feeling that any man might have, shrink from a disagreeable duty? A Yes, sir.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW: Q Do you know any one associated with the District Attorney's office of the County of New York? A Not that I

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know of. There have been changes, and I may, but not that I am aware of.

Q Or any one in the police department of the City of New York? A Oh, I know men in the police department, many of them.

Q Intimately? A Just acquaintances, that is all; I know some of the inspectors and captains.

Q Do you think your acquaintance with the members of the police department of the City of New York would lead you to any bias in their behalf? A Oh, no, not at all.

Q Have you served on criminal juries before? A Oh, yes.

Q On any homicide case? A Yes, sir, several.

Q You have no prejudice against the defendant by reason of his race, do I understand that? A Not the least.

Q You have never had any experience with any one of his race such as to call for any prejudice or bias or any antipathy, even though slight? A Only as an employer, and then always pleasant relations.

Q The fact that the deceased, or the person shot, happened to be a woman, would that prejudice you against the defendant?

A No, sir.

Q You have heard my questions this morning to the other jurors as to where a man imbibes alcoholic beverages; would that create a prejudice in your mind? A Not in the least.

Q Or the defendant being a married man and living away from his wife, would that raise any real prejudice against him in

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your mind? A No prejudice, no, sir.

Q Would you give any greater credence or belief to an assistant district attorney than you would to an ordinary civilian? A No.

Q Or to a police officer, than you would to an ordinary civilian? A No, sir.

Q Would you go into the testimony of all the witnesses, and scrutinize their testimony carefully, and separate that which is credible and that which is not? A I would.

Q Would you scrutinize the motives, if any, and sift out the testimony yourself? A I would.

Q And would you render a verdict according to the evidence, considering everything? A I certainly would.

Q And the instructions given by the Court, would you follow at all times? A Yes, sir.

Q Implicitly? A Surely.

Q And you do not know at this time of any reason whatsoever why you cannot go into this box and sit as a juror in this important case and render a fair verdict between the defendant and the People of the State of New York on the evidence, and on the evidence alone, impartially, fairly to this man and the State, and follow the instructions of the Court at all times; you will do so upon your oath, and under the instructions of the Court? A I would, sir.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Acceptable.

MR. ARANOW: Acceptable.

(Sworn as Juror No. 7.)

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A L L E N V. B U C H A N A N (2615 Eighth avenue), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN;

Q Mr. Buchanan, what is your business? A Salesman.

Q What concern? A Brewster & Company, automobiles.

Q How old are you? A Twenty-eight.

Q How long have you lived in New York? A All my life.

Q Where do you live? A 2615 Eighth avenue.

Q What street? A 140th street.

Q Are you married? A No, sir, widower.

Q Have you had any experience as a juror? A Civil.

Q Not in criminal cases? A No, sir.

Q How long have you been on the special panel? A Since last month.

Q Have you been summoned before this? A No, sir.

Q Do you remember having heard of this case, or read of it in the newspapers? A No, sir.

Q The defendant is charged with murder in the first degree, do you know that? A Yes, sir.

Q That is, the wilful, deliberate killing of another without justification. Now, if the evidence in the case satisfies you beyond a reasonable doubt that the defendant committed that crime, will you find him guilty of that crime? A Yes, sir.

Q Have you any prejudice against capital punishment? A No, sir.

Q You are quite sure you would not let your mind through any

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sentimental reasons, be swayed from the verdict which was justified by the facts and the law? A Quite sure.

Q And do you feel that your mind would not be swayed by sympathy or by prejudice? A I do.

Q And you would find your verdict on the evidence and the evidence alone? A I would.

Q You have no prejudice, have you, against the colored race?  
A No, sir.

Q Do you know anyone whose name has been mentioned in connection with the case in any way? A. No, sir.

Q Do you know of any reason why you would not be a fair juror to the defendant and the State in this case? A None.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q Have you lived anywhere near around 134th street and Lenox avenue, in that neighborhood? A 140th street for eight years, with a lapse of three years.

Q Did you ever hear of that Taylor Organization? A No, sir.

Q Never heard of it? A No, sir.

Q Do you or your people own property in that locality? A No, sir.

Q You are not married? A Not now. I am a widower, I said.

Q How long were you married? A Three years.

Q Did you have a family? A No, sir.

Q Do you know any one associated with the District Attorney's

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office? A No, sir.

Q Or the Police Department? A No, sir.

Q Have you served on a homicide case before? A No, sir.

Q Have you served on a criminal jury before? A No.

Q This is your first criminal jury? A Yes.

Q Do you know that the burden of proof rests upon the People, the prosecution, to prove this case beyond a reasonable doubt? A Yes, sir.

Q And that the defendant is innocent until the jury find him guilty? A Yes, sir.

Q And he remains innocent until that time? A Yes, sir.

Q Do you know that you are the judge of the facts in the case? A Yes, sir.

Q And that the Court will instruct you as to the law? A Yes.

Q And that you are to apply the facts to the law as given to you by the Court? A Yes.

Q And find accordingly? A I do .

MR. ARANOW: Excused by the defense.

THEODORE C. WALLACE, (411 West <sup>End</sup> Avenue), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Wallace? A Sheet metal; steel.

Q What concern are you connected with? A Berger Manufacturing Company.

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Q Where is that? A 154 Eleventh avenue.

Q Have you been long with them? A About two years.

Q And before that? A With the Wheeling Corrugating Company,  
similar line.

Q You have been for a number of years in that line of business?

A Yes.

Q What is the nature of your employment with that concern?

A Salesman.

Q Are you a married man? A No.

Q What street do you live on? A West End avenue, corner of  
80th street.

Q Do you recall having read of this case in the newspapers?

A No.

A Nor of having heard of it before today? A No.

Q Have you sat as a juror before in civil or criminal cases?

A Yes.

Q In both? A No, in civil.

Q Only in civil cases. You understand that in a criminal  
case the defendant is presumed to be innocent until his guilt  
has been shown to your satisfaction beyond a reasonable doubt, do  
you not? A Yes.

Q You know that he is charged with murder in its first de-  
gree? A Yes.

Q The punishment for which is death? Have you any prejudice  
against that punishment? A No.

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Q You would hesitate, I take it, before sending any man to his death, and you would want to be very well satisfied that he was guilty of the crime charged? A Yes.

Q But once you were satisfied that he did commit the act charged in the indictment against him, would you hesitate through sympathy or any other outside circumstance? A No.

Q In convicting him of that crime? A No.

Q And of no lesser crime? A No.

Q Do you know any one whose name has been mentioned in connection with the case? A No.

Q Do you know any reason why you would not be a proper juror for both sides in this case? A No.

Q How old are you? A Forty-one.

Q You are not acquainted with Mr. Koenig, Mr. Samuel Koenig?  
A No.

BY MR. THORNE:

Q Are you married, Mr. Wallace? A No.

Q You are not married. How long did you live in New York, did you say? A About ten years.

Q Where did you live before you lived in New York? A New Jersey.

Q How long did you live there? A About twenty years.

Q Would the fact that the defendant drank intoxicating liquors affect your opinion in the matter? A No.

Q Would the fact that a woman was killed affect your opinion

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in the matter? A No.

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Q Have you any prejudice whatsoever against the--or would you be prejudiced or be biased in any way towards the defendant because of his race or color? A No.

Q Have you at any time ever had any experience with any member of his race that would prejudice you in passing upon this case? A No.

MR. THORNE: Excused by the defendant.

FRANK H. ANDREWS, (417 West 120th street), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Andrews? A New York Central Railroad, in a clerical capacity.

Q You have been with that road for some time? A Twenty-seven years.

Q And you have lived in New York, I take it, all that time? A New York State all my life.

Q Do you remember having read anything about this case? A No, sir.

Q Do you remember having heard anything about this case? A No, sir.

Q Have you sat as a juror in civil or criminal cases? A Both.

Q Have you any prejudice against the death penalty? A None.

Q If the evidence satisfies you beyond a reasonable doubt that the defendant committed wilful, deliberate murder, will

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you may so in your verdict? A If I was so satisfied, yes, sir.

Q Will you let your mind be swayed from that verdict by sympathy, or any outside consideration? A No, sir.

Q Have you any prejudice against the colored race? A Not the slightest.

Q Are you acquainted with anyone whose name has been mentioned in connection with the case, either as counsel or witness?

A No, sir.

Q Do you know of any reason why you would not be a fair juror to both sides in this case? A None whatever.

BY MR. ARANOW:

Q Do you know anyone associated with the District Attorney's office? A No, sir.

Q Or the police department of the City of New York? A No, sir.

Q Have you ever served on a homicide case before? A Yes, sir.

Q Have you any prejudice against this defendant, by reason of his color or race? A None whatever, sir.

Q And have you ever had any experience with any one of his color or race that would prejudice you or in any way influence you or in any way affect your open mindedness, candidness and general fairness for this defendant? A No, sir.

Q None whatsoever? A No, sir.

Q Do you know that you are the sole judge of the facts, that is, if you are chosen as a juror here, the jury is the sole judge of the facts? A The facts, yes, sir.

Q And you know that you are to follow the Court's instructions

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as to the law? A Yes, sir.

Q And would you judge the facts as you would judge your every-day business in every day life? A Yes, sir.

Q And would you judge them as you would judge your own concerns, and your own facts, and your own acts? A Precisely.

Q And would you analyze the acts of every witness in that respect, and apply them as you would to yourself? A Yes, sir.

Q Would you give any greater credence to any person or testimony if it were given by a District Attorney, or Assistant District Attorney, than you would give an ordinary citizen?

A Not the slightest.

Q Nor a police officer? A No difference.

Q Would you give them the same scrutiny that you would apply in your ordinary business every-day affairs? A Just the same.

Q And you are ready and open-minded to go into this jury box and render a fair and impartial verdict as between this defendant and the State of New York? A Yes, sir.

Q And you know of no reason why you could not do it? A Not the slightest.

MR. ARANOW: Satisfactory to the defendant.

MR. WELLMAN: Satisfactory.

(Sworn as Juror No. 8.)

HUGH McDUGAL, (138 East 48th Street), a salesman, being first duly sworn, is examined on the voir dire, as follows:

BY MR. WELLMAN:

Q What is your business? A. I am in the motive power depart-

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ment of the New York Railways Company.

Q How long have you been with them? A About three years.

Q How old are you? A Thirty-nine.

Q Have you sat as a juror in civil or criminal cases before?

A I have.

Q In both? A In criminal cases.

Q How long have you been a member of the Special Panel ?

A For about three or four years.

Q Are you a married man? A I am.

Q Have you ever read or heard of this case? A I have not.

Q You know the defendant is charged with murder in the first degree, the punishment for which is death, do you not? A Yes, sir.

Q If the evidence in the case satisfies you beyond reasonable doubt that he is guilty of that crime, will you hesitate to convict him of that crime? A I will not.

Q You will not let your mind be swayed by sympathy, or any outside considerations, so that you would, though feeling satisfied he was guilty of deliberate, wilful murder, find him guilty of a lesser degree of crime? A If I felt so satisfied.

Q I mean, you would not let sympathy induce you to lower your verdict from what you thought was the just and proper verdict in the case? A I would not.

MR. ARANOW: If your Honor please, I object to the question, though answered, because it is rather argumentative, rather than a question, and on the further ground that it is improper inform. I believe the proper question

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would be, "Would you follow the instructions of the Court and apply the Court's instructions to the facts?"

THE COURT: No, he is being interrogated as to what effect, if any, sympathy would have upon his mind.

Q Now, have you any prejudice against the colored race ?

A I have not.

Q Do you feel that you would be able to give this defendant a fair trial? A I do .

Q And that you would be able to give the State a fair trial?

A Yes, sir.

Q Do you know of any one whose name has been mentioned in connection with the case? A No one.

Q Do you know of any reason why you would not be a proper juror in the case? A I do not.

BY MR. THORNE:

Q How long have you lived in New York? A Twenty-four years.

Q Are you married? A Yes, sir.

Q How long have you been married? A About four years.

Q And you are sure that you would have no prejudice against this defendant because of his race or color? A Not the slightest.

Q You have never at any time had any experience with any one of the colored race that would influence your feeling in this matter at all, have you? A None whatever, no.

Q The fact that the defendant occasionally indulged in intoxicating liquors, would that affect your opinion? A No, sir.

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Q Or the fact that the deceased was a woman, would that affect your judgment in the matter? A No, sir.

Q And you are sure and positive that you can give the defendant a fair and impartial trial? A I feel sure of it.

Q And render your verdict according to the evidence ?

A Yes, sir.

MR. THORNE: Excused by the defense.

J. HENRY WESTON, (524 Riverside Drive), a salesman being first duly sworn is examined on the voir dire, as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Weston? A I am treasurer of a corporation, the Mortgage Bond Company, 55 Liberty street.

Q Have you heard of this case before to-day? A I have not, except in court.

Q Have you any prejudice against the death penalty? A No, I am strongly in favor of it.

Q You believe that where a man is proven guilty of deliberate, wilful murder that the law is just in its punishment?

A I do.

Q If you are convinced that this man committed wilful, deliberate murder, will you allow yourself to be swayed from finding that verdict, through sympathy or any other outside consideration? A No, sir.

Q Have you any prejudice against the colored race? A No.

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Q You have not any doubt in your mind that you would be able to give this man a fair trial, just as if he were a white man?

A No, sir.

Q You have not any doubt of that? A No, sir.

Q Do you know any one whose name has been mentioned in connection with this case? A No.

Q You are not acquainted with Mr. Samuel Koenig? A No, sir.

Q The Republican County Chairman. Do you know of any reason why you would not be a proper juror to both sides in this case? A I cannot think of any.

BY MR. ARANOW:

Q Are you married, sir? A I am.

Q Have you a family? A I have.

Q When Mr. Wellman asked you whether you had any prejudice against the defendant, you said you were greatly in favor, is that my understanding? A Yes.

MR. WELLMAN: No, capital punishment.

MR. ARANOW: The death penalty, was it?

THE WITNESS: Death penalty, yes, sir.

Q But you do not greatly favor it unless the evidence satisfies you beyond a reasonable doubt, do you? A It must be proved, but I believe if a man has committed murder he should die for it.

Q And how long have you served on this panel? A Why, I have been on this panel, called about a year ago, I think.

Q Have you served on any homicide case before? A I have not.

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served on any homicide case; criminal case.

Q You served on a criminal case? A Yes, sir.

Q Do you know any one associated with the Police Department of the City of New York? A No, sir.

Q Or the District Attorney's office? A No, sir.

Q Are you related in any way to Dr. Weston, of the Coroner's office? A No.

Q Have you any prejudice against a man who partakes of alcoholic beverages? A No.

Q Clearly no, or-- A No, I wouldn't--I would want it to be brought out in the evidence whether he was drunk when he committed the murder.

Q Suppose we say that the man did take alcoholic beverages frequently, what would you say about that? Do you believe a man should or should not? A No, I do not believe he should use liquor to excess.

Q And if the man did use liquor to excess, would you be naturally prejudiced against him? A I would want, as I say, to know whether he was drunk at the time he committed the murder.

Q I am not speaking of that at all. A Oh.

Q I am just merely asking you whether you have any prejudice against a man who partakes of alcoholic beverages, a man who drinks even to excess on some occasions? A To excess, yes.

Q And you would not give a man's testimony any great credibility if you found that to be the fact, you would be prejudiced

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against him, and you would require some testimony to disprove that prejudice? A To that extent, yes.

MR. ARANOW: I respectfully challenge for cause.

THE COURT: Read that examination.

(The examination is read.)

THE COURT: The questions, with all due respect, seem to be so inaccurate, and the answers so lacking in clearness and precision, that I shall not hold that the challenge, as now on the record, is well taken; I do not see that it really means anything.

MR. ARANOW: The defendant challenges peremptorily.

WALTER R. SHAW, (720 West 180th street), a salesman, being first duly sworn is examined on the voir dire, as follows:

BY MR. WELLMAN:

Q How old are you, Mr. Shaw? A Thirty-two.

Q What is your business? A Insurance.

Q Life, or fire, or what? A Liability--casualty insurance.

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

Q How long have you lived in New York? A About fifteen years.

Q Before that where was your home? A Pittsburgh.

Q Have you heard of this case before today? A No.

Q Have you sat as a juror ever before? A No, sir.

Q You have never had any experience in civil or criminal

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cases? A No, sir.

Q Do you know in a general way the rights of a defendant in a criminal case, and the rules governing criminal cases? A Yes.

Q Now, the charge against the defendant is that he killed his wife, deliberately and wilfully, which is murder in its first degree, the punishment for which is death. If the evidence in the case satisfies your mind beyond a reasonable doubt that he is guilty of that crime, will you say so in your verdict? A Yes, sir.

Q Will you let sympathy or prejudice or any outside considerations affect your mind in reaching your verdict? A No, sir.

Q Have you any prejudice against the colored race? A None, whatever.

Q Do you know any one whose name has been mentioned in connection with the case? A No, sir.

Q So far as you know are we right in saying that you know of no reason why you would not be a proper juror in this case?

A I do not.

BY MR. THORNE:

Q Would your opinion be influenced one way or the other, if it were shown that the defendant drank intoxicating liquors?

A No, sir.

Q Even to excess? A No, sir.

Q Would the fact that the deceased was a woman affect your opinion? A No, sir.

Q You have never had any experience with any one of the colored race in your life that would affect your opinion in this case?

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A No, sir.

Q Do you know of any reason why you could not give a fair and impartial trial to this defendant? A No.

Q Are you married? A Yes, sir.

Q How long are you married? A Ten years.

Q How long have you lived in New York? A About fifteen years.

Q Where did you live before coming to New York? A Pittsburgh, Pennsylvania.

Q Would the fact that some of the witnesses that might testify for the People might be officers of the District Attorney's office, staff, or police officers of the City of New York, influence you as to your opinion in the matter? A No, sir.

Q Would you weigh <sup>their</sup> testimony to the same extent that you would the testimony of the defendant, or any one else? A Yes, sir.

Q And you would take into consideration their motives and their actions on the stand the same as any other witness? A I would.

MR. THORNE: Acceptable to the defense.

MR. WELLMAN: Acceptable.

(Sworn as Juror No. 9.)

ISAAC R. THOMAS, (601 West 149th street), a salesman, being first duly sworn, is examined on the voir dire, as follows:

BY MR. WELLMAN:

Q Mr. Thomas, what is your business? A Engraving, printing.

Q Where? A 310 East 23rd street.

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Q What kind of work? A Color; color engraving--process engraving, rather.

Q Yes. For what trade? A For anybody that wants it.

Q Advertisements? A Yes.

Q All kinds of things like that? A Yes.

Q Is it your own business? A Partly.

Q And you lived for some years in New York, I suppose ?

A About ten years, yes.

Q Before that where did you live? A In Virginia.

Q Have you any prejudice against the colored race? A No, I have not.

Q You know that this man is charged with murder in the first degree, do you not? A Yes.

Q The punishment for which is death? A Yes.

Q If the evidence in the case satisfies you beyond a reasonable doubt that he committed wilful, deliberate murder, which is murder in the first degree, will you find him guilty of that crime? A I will.

Q You will not let your mind be swayed from that verdict from sympathy? A No.

Q Are you acquainted with counsel on either side? A No.

Q Have you ever met Mr. Koenig, the Republican County Chairman of New York County? A No, sir.

Q Do you know any reason why you would not be a fair juror to both sides in this case? A I do not.

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

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BY MR. ARANOW:

Q How long did you live in Virginia, Mr. Thomas? A About twenty-five years.

Q Did you have colored help in your home down there? A Yes, I did.

Q And you lived in New York for how long? Ten years?

A About ten years, yes.

Q Do you know any one associated with the District Attorney's office? A No, sir.

Q Or the Police Department of the City of New York? A No, sir.

Q You have not heard of this case? A No, I have not.

Q Excepting in the court here? A Yes.

Q Now, Mr. Thomas, I want you to search your own mind hard and find out, if you can--you understand I want to get people who will just honestly tell me things, and Mr. Wellman is doing the same, and sometimes it is not a very easy thing for a person to search their minds, and I want you to do it seriously, and please tell me if there is any reason why you could not serve on this jury? A I do not know of any, no, sir.

Q Would you give this defendant the same consideration that you would a member of your own family? A I think so.

Q A member of your own household? A It is pretty hard to say that, that is pretty close.

Q White or black, it would not make any difference?

MR. WELLMAN: His own household? Naturally a man--

THE COURT: I do not think that is the question.

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BY THE COURT:

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Q Would you treat him the same as you would any other person, with whom you had any acquaintance whatsoever? A I would, yes.

BY MR. ARANOW:

Q Have you ever in your life had any experiences with any member of his color or race that would lead you to any partiality or any bias, or sway you towards or against the defendant?

MR. WELLMAN: Do you mean partiality?

MR. ARANOW: Impartiality or partiality, either one way or the other.

A No, I never had any trouble with them.

MR. ARANOW: Excused by the defense.

SOLOMON BLOCK, (180 West 82nd street), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Block, you are an old resident of New York, aren't you? A Yes, sir.

Q And where has your residence been all these years? A Well, it has been in 136th street, between Seventh and Eighth avenue, and now I live in 180 West 82nd street.

Q You are a property owner there, aren't you? A At one time.

Q Are you in business at the present time? A I am in real estate business.

Q Up in that neighborhood? A Well, up in Brook avenue, Bronx.

Q Now, I take it you have not heard of this case, have you?

A No, sir.

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Q You have sat as a juror, many times, haven't you? A I have.

Q In civil and criminal cases both? A I have never in criminal cases; I have been in civil cases.

Q Now, have you any prejudice against capital punishment?

A I have not.

Q If the evidence satisfies you that the accused committed wilful, deliberate murder, will you find him guilty of murder in the first degree? A Yes, according to the evidence.

Q You will not let sympathy affect your verdict in any way?

A No, sir.

Q Are you sure about that? A I am.

Q Are you acquainted with any one whose name has been mentioned as a witness, or as counsel in the case? A Yes, sir.

Q Mr. Koenig? A Mr. Samuel Koenig.

Q You know him quite well, don't you? A Yes, sir, I knew him when he was a boy.

Q You know me, don't you? A I think I know you too.

Q Well, then, the honors would be equally divided? A Equally divided.

Q That would not make any difference at all, would it? A No, but I also know one of the officers.

Q Which one is that? A Mr.-- what is his name--

Q Kotschau? A Yes.

Q Now, after these questions and answers that you and I have been making to each other, do you know any reason why you would not be a fair juror to both sides in this case? A I have

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no reason, but I know the attorneys and the officer, so I would like to be excused.

Q You do not want to sit, do you?

MR. WELLMAN: I consent to excuse Mr. Block.

MR. ARANOW: I consent to it.

(Excused by consent.)

J O S E P H F. N O U N N A N, Jr., (617 West 143rd street), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Nounnan? A Salesman.

Q What concern? A A. B. Dick Company.

Q What do they deal in? A Mimeographs.

Q How old are you? A Twenty-two.

Q You must be the youngest member of the Special Panel. Have you ever sat as a juror? A No.

Q Are you single? A I am.

Q Have you lived in New York all your life? A No, sir.

Q Where have you lived? A I have lived here for fifteen years.

Q Yes? A San Francisco, I came from.

Q You know in a criminal case the State must prove the guilt of a defendant before you can convict him, beyond a reasonable doubt, to your satisfaction as a reasonable man; you know that, don't you? A Yes, sir.

Q And that the presumption of innocence, which clothes him at

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the start of the trial envelopes him till the last word is spoken in court, and you take up your deliberations, and that cloak of innocence is perhaps taken from him by your conviction that his guilt has been proven beyond a reasonable doubt, and then it no longer surrounds him, and you are entitled to find him guilty--have I made myself plain? A Yes, sir.

Q You know this defendant is charged with a capital offense ?

A I do.

Q Have you any prejudice against capital punishment? A I have not.

Q Do you think you would be swayed by any sympathy, perhaps, for the youth of the defendant? A No, sir. Did you say for the youth of the defendant?

Q Yes. A No.

Q Or by sympathy at all in the case? A No, sir.

Q Have you any prejudice against the colored race? A No.

Q And if the evidence satisfies you up to this standard that I spoke of, so that it convinces you beyond a reasonable doubt that the defendant committed wilful, deliberate murder, will you find him guilty of murder in the first degree? A I will, yes, sir.

Q And are you acquainted with any one who is connected with this case? A No, sir.

Q Do you know of any reason why you would not be a fair juror to both sides? A No, sir, I do not.

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Q You are quite sure that the fact of the extreme penalty would not deter you from finding a verdict of first degree murder? A No.

Q If you are convinced by the facts that that is the crime the defendant is guilty of--you are quite sure of that? A Yes, sir.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q Do I understand that this is the first jury you have ever served on? A I have been called for two or three juries.

Q I mean, you have never served on a jury? A I never served, no, sir.

Q You never served on a jury? A No, sir.

MR. ARANOW: Excused by the defense.

J. ROBERT CONNAUGHTON, ( A salesman, being first duly sworn, is examined on the voir dire as follows :

BY MR. WELLMAN:

Q What is your business, Mr. Connaughton? A Insurance business.

Q What line of insurance? A Life insurance, Equitable Life, 120 Broadway.

Q How old are you? A Twenty-nine years.

Q How long have you been connected with the Equitable ?  
A About nine years.

Q You have not heard of this case, have you, before today?  
A No, sir.

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Q Do you know the nature of the charge? A Yes, sir.

Q Do you stand ready to find the defendant guilty of murder in the first degree, if the evidence convinces you beyond a reasonable doubt that he committed wilful, deliberate murder? A Yes, sir.

Q Would the fact of the extreme penalty make it impossible for you to render that verdict? A No, sir.

Q Would you be sympathetic to the extent of lowering your verdict from what was the proper and right verdict in the case?

A No, sir.

Q Have you any prejudice against the colored race? A No.

Q Are you quite sure on that subject? A Yes, sir.

Q You feel perfectly sure you could give this man a fair trial?

A I do.

Q I want you to do that. You feel you could give the State a fair trial, do you? A I do.

Q And do you know of any reason why you would not be a proper juror in a case of this kind? A No, sir.

Q Are you married? A No, sir.

Q Where do you live? A 208 West 148th street.

Q Do you know any one connected with the case? A No, sir.

Q Have you ever sat as a juror before? A In civil cases.

Q Never in a criminal case? A No, sir.

MR. WELLMAN: No challenge for cause.

BY MR. ARANOW:

Q Do you know anyone associated with the District Attorney's

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office? A No, sir.

Q Or the Police Department of the City of New York? A Yes, sir.

Q Any member of your family? A No, sir.

Q Intimately? A Well, friendly.

Q Intimately? A Intimately, yes, sir.

Q So much so that you would be biased in favor of policemen?

A No, sir.

Q You mean, just a friendly, casual acquaintance with some policeman, which has no effect upon your mind at all? A Yes, sir.

Q You would give no greater credence to a member of the District Attorney's staff, would you, than you would to an ordinary layman? A No, sir.

Q Or a policeman? A No, sir.

Q Do you know that in all cases the jury are the judges of the facts in the case? A Yes, sir.

Q You must take the rulings of the law from the Court and apply them to the facts? A Yes, sir.

Q And you would scrutinize those facts and scrutinize the testimony to find the truth? A Yes, sir.

Q Would you take everything into consideration--environment?  
A Yes, sir.

Q Everything, just as you would an ordinary, every-day business affair in your own life? A Yes, sir.

Q How long have you been in New York City? A Always.

Q When Mr. Wellman questioned you before as to your prejudice against the colored race, you hesitated a moment only; is there

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Q Is there any reason why you hesitated there? A No, sir.

MR. ARANOW: Excused by the defense.

EDWARD OCHS (173 West 81st street), a salesman, being first duly sworn, is examined on the voir dire as follows :

BY MR. WELLMAN:

Q What is your business, Mr. Ochs? A In the glowe business.

Q Have you been in that business for a long time in New York?

A Ten years.

Q Where is your place of business? A 25 Union Square.

Q Are you a manufacturer or retailer? A We are importers.

Q Have you sat as a juror in criminal or civil cases? A I have.

Q In both? A No criminal.

Q In criminal cases only. On the Special Panel, I take it?

A Special panel.

Q Are you a married man, sir? A No.

Q Have you read or heard of this case? A I have not.

Q The defendant is charged with the gravest crime known to our law, punishable by death. Now, if the evidence convinces you to a moral certainty that he is guilty of that crime, would you say so by your verdict? A Yes, sir.

Q You will not let sympathy, or prejudice, or any outside matters have anything to do with your verdict? A No, sir.

Q Have you any prejudice against his race? A I have not.

Q Do you believe in capital punishment? A I do.

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Q Do you know anyone connected with the case? A No, sir.

Q Have you met Mr. Koenig? A No, sir.

Q Do you know of any reason why you would not be a proper juror in this case? A No, sir.

Q Fair to both sides? A No, sir.

BY MR. ARANOW:

Q Supposed you were convinced beyond a moral certainty, but not beyond a reasonable doubt, where would your verdict be ?

MR. WELLMAN: No--I think they are one and the same.

THE COURT: I think they are equivalent phrases; moral certainty means the same thing. To a moral certainty means the same degree of proof as beyond a reasonable doubt.

MR. ARANOW: I submit, if your Honor pleases, that while the phrases may be the same a man may feel morally certain about things, yet he may entertain a reasonable doubt as to part of it, not all of it.

THE COURT: Unless you have authority to the contrary I should hold that they are precisely equivalent phrases.

MR. ARANOW: The reason I am putting this question is that--I know the interpretation of moral certainty and reasonable doubt has been held to be precisely the same--but the question is whether a salesman understands it so.

THE COURT: Well, when you answered the questions as put by Mr. Wellman in which he used the phrase moral certainty, did you understand he meant by that the same thing as be-

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yond a reasonable doubt?

THE WITNESS: Yes, sir.

Q You are not married, sir? A No.

Q Where do you live? A 173 West 81st street.

Q Have you had any prejudice against the colored race? A No.

Q Any experience with any one of that race, to bring prejudice to you? A No.

Q Do you know any one associated with the District Attorney's office? A No.

Q Or the police department? A No.

MR. ARANOW: Excused by the defense.

ROBERT DUNSTON, (523 West 156th street), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Dunston, will you state what your business is? A District Superintendent of the Dictaphone Company.

Q You have lived for some time in New York? A Four years.

Q And before that where? A Why, I have been in and out of New York for the last twenty-five years.

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

Q Have you had experience as a juror? A I have served both in criminal and civil cases.

Q Have you any prejudice against capital punishment? A No.

Q If the evidence in the case satisfies you to a moral certainty that the defendant committed wilful, deliberate murder,

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will you hesitate to find him guilty of murder in the first degree? A No, sir.

Q Will you let sympathy hold any part in your verdict? A No.

Q Or prejudice? A Well, I am not inclined to think very well of a married man who is not living with his wife, and is inclined to drink to excess.

Q And if he is on trial for his life, would that fact that you mention have any effect on your mind? A It would leave an impression on my mind that he would be the kind of man that would be inclined to do that kind of thing.

Q A man who would drink and quarrel with his wife would be a man capable of such an act as is chargeable in this indictment?

A That is my impression.

Q I see. Well, would you start in the jury box with a prejudice against this defendant? A I would be inclined to, yes.

Q So that you would be different from all these other men here, you would start out with a prejudice against him, which the other men would not have? A Not against this individual, but as a class.

Q That is what I mean; when you hear the evidence you have a right to draw certain conclusions from it, every man has, and he is required to as an intelligent man, but do you feel that you would draw such conclusions if the evidence that has been hinted at was shown, that you could not give the man a fair trial? A Why, I would have a prejudice against that class of persons.

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MR. WELIMAN: I consent that the juror be excused.

THE COURT: Excused, Mr. Juror.

JAMES G. BATEMAN, (416 West 118th street) a tale-  
man, being first duly sworn, is examined on the voir dire as  
follows:

BY MR. WELIMAN:

Q What is your business, Mr. Bateman? A I am with the  
National Tube Company, manufacturers of steel pipe, with office  
at 30 Church street.

Q You have lived for some time in New York? A Yes, I have  
lived here twenty years.

Q Are you a married man? A No.

Q Have you any prejudice against capital punishment? A No.

Q Have you any prejudice against the colored race? A No.

Q Do you know what this man is charged with? A Yes.

Q If the evidence satisfies you beyond reasonable doubt that  
he is guilty of the crime charged, will you convict him of that  
crime? A Yes.

Q Have you ever heard of the case? A No.

Q Or of any one whose name has been mentioned in connection  
with it? A No.

Q Do you know any reason why you would not be a proper juror  
to sit in this case? A No, sir.

BY MR. ARANOW:

Q Have you ever lived outside of the state of New York? A Yes,

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sir, my home is in Maryland. I was born there.

Q How long have you lived in New York State? A Twenty years.

Q And you are not married? A No.

Q Do you know any one associated with the District Attorney's office? A No, sir.

Q Or the police department of the City of New York? A No.

Q How old were you when you left Maryland? A Well, I was eighteen; I am thirty-eight now.

Q The fact that the person shot was a woman, would that cause you to have any prejudice against this defendant? A No.

Q Or that this woman happened to be his wife? A No.

Q You have heard me asking the prior talesmen as to whether they would have any prejudice against a man by reason of the fact that he partook of intoxicating liquors? A If a man takes an occasional drink it is all right.

Q But also the fact that he had been living away from his wife, would that have any reason in your mind for prejudice?

MR. WELLMAN: That is objected to.

Q Would you have any prejudice by reason of that fact? A No.

MR. WELLMAN: I object to the question.

THE COURT: Well, prejudice means whether you would pre-judge the case because of that circumstance.

MR. WELLMAN: I have no objection in view of your Honor's definition. The question is, "Would you pre-judge the case because you knew the man had lived apart from his wife?"

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THE WITNESS: No.

MR. ARANOW: Excused by the defense.

LEO T. LEVY (110 Morningside Drive) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Are you a married man, Mr. Levy? A I am.

Q What is your business? A Importer of electric light carbons.

Q Do you know a lawyer named Leo Levy? A No, sir.

Q Have you heard of this case? A No, sir.

Q Have you had experience as a juror? A Served before.

Q In criminal cases? A I have.

Q As well as civil? A I have.

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

Q Have you any prejudice against capital punishment? A No, but I would, if the crime was premeditated, it would affect my verdict, if you ask me that; as regards strictly speaking, no.

Q Now, see if I express what you mean--

THE COURT: Pardon me a moment. Read that, Mr. Stenographer.

(Question and answer read.)

THE COURT: The answer is not plain.

Q This is what I want to know, Mr. Levy: if you are convinced by the evidence that the defendant committed deliberate, wilful murder, that is premeditated murder, which is murder in its first degree, and calls for the extreme penalty, will you find him

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guilty of that crime? A Yes.

Q Then, what you meant a moment ago was this: that you had a shrinking, or would have a shrinking from condemning a man to death in any case?

MR. ARANOW: I object to the question, if your Honor pleases.

A No, I did not say that, sir.

BY THE COURT:

Q Suppose you tell us yourself what you meant by what you just said? A I mean, sir, that if the crime--for instance, if the defendant here was under the influence of liquor, I would not consider him guilty of murder in the first degree; I would think he was not responsible at the time he committed the crime, and would not convict him for murder in the first degree.

BY MR. WELLMAN:

Q Now, Mr. Levy, just along that very line of thought--if he was so drunk that he could not premeditate the crime you would say that he was not guilty of premeditated murder? A Yes, I would not convict him of murder in the first degree.

Q Now, let us see if this would change it: suppose you made up your mind that he premeditated this crime. A Yes.

Q Decided to commit it, went out and bought a gun to commit it with, and then went and got drunk and committed it; would you find him guilty of murder in the first degree? A In that case I would, yes.

MR. ARANOW: I object to the question, if your Honor

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please.

THE COURT: Let it stand. Let the answer stand.

MR. ARANOW: I respectfully except.

Q Have you any prejudice against his race? A No, sir.

Q Do you know any one whose name has been mentioned in connection with the case? A No.

Q Do you <sup>know</sup> Mr. Koenig? A No.

Q Do you know any reason why you would not be a proper juror in a case of this kind? A No.

Q You start out without any prejudices on either side? A I would go according to the testimony, that is all.

Q And you want to give both sides a fair trial? A Certainly.

BY MR. ARANOW:

Q Do you know anyone associated with the District Attorney's office, Mr. Levy? A No, sir.

Q Or any one in the Police Department? A No, sir.

Q You have lived all your life here? A Yes, born in New York.

Q And you would not give any greater credence to an Assistant District Attorney, or a policeman, than you would give to another human being, another civilian? A No.

Q You have no prejudice against a person who occasionally takes a drink? A No, certainly not.

Q And if the man happens to be a married man and is living away from his wife, would that prejudice your mind so that you

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could not fairly try the case? A No.

Q Would you take everything into consideration-- the circumstances? A Absolutely.

Q Environment, and everything, and then apply the law as given to you by the Court? A Certainly.

Q If it was with premeditation you would find it so? A Yes.

Q And if it was without premeditation, as a judge of the facts, which you are, you would find it so? A Absolutely.

Q You would find according to your best convictions, is that my understanding of it? A Yes.

Q And you do not know of any reason why you cannot go into this jury box and serve as an impartial juror, judging everything, and following the instructions of the Court? A No.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Excused by the People.

H E N R Y H A N D Y, (240 West 104th street), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Handy, what is your business, please? A I am with the American Real Estate Company.

Q Have you been a resident of New York City for some years?

A Well, I was engaged in business in another city for a number of years, but outside of that I have always lived in New York.

Q This is your home? A Yes, sir.

Q Have you heard of this case, read of it in the newspapers?

A No, sir.

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Q Have you any feeling of prejudice against capital punishment?

A No, sir.

Q Do you feel that if the evidence satisfies you beyond a reasonable doubt of the defendant's guilt of wilful, premeditated murder, that you would be able to bring in a verdict of guilty of murder in the first degree? A Yes.

Q Would you be swayed by sympathy or any outside considerations? A No, sir.

Q Have you any prejudice against the man's race? A No.

Q Have you ever sat as a juror before? A Yes, sir.

Q You know the nature of a juror's duties, then, I take it?

A Yes, sir.

Q Do you know any reason why you cannot be a fair juror, a proper juror for both sides in this case? A I do not know of any.

BY MR. THORNE:

Q You are married, did you say, Mr. Handy? A Yes, sir.

Q How long? A Twenty-five years.

Q Where was it you said you were engaged in business outside of New York? I did not hear. A Yes, I was outside of New York, for a number of years.

Q Well, whereabouts? A Philadelphia.

Q Philadelphia? A Yes.

Q Just engaged in business in Philadelphia? A Yes, sir.

Q Are you acquainted with any member of the District Attorney's staff? A No, sir.

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Q Would the fact that a member of the District Attorney's staff, or a police officer, gave testimony on the stand, influence you to give more credence to his story than any one else's?

A I would not think so, no.

Q You would give his testimony the same consideration that you would give any other person's testimony, would you not?

A Yes, sir.

Q Are you sure that you have never had any experience in your lifetime with any one connected with the race with which the defendant is identified that would influence your opinion in this matter? A I do not know of any.

Q The fact that the defendant occasionally took intoxicating liquors, even to excess, would that affect your opinion in the matter? A I do not think so.

Q Or the fact that he was living apart from his wife at the time of the murder, would that affect your opinion? A I think not.

Q Or the fact that it was his wife that was killed, would that affect your opinion? A No, sir.

MR. THORNE: Excused by the defense.

CHARLES A. WILSON (414 St. Nicholas avenue), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELIMAN:

Q Mr. Wilson, what is your business? A Fire insurance.

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Q What is the firm with which you are connected? A Willard S. Brown & Company.

Q Have you heard of this case? A Only since I came here.

Q Have you sat as a juror before? A Yes, sir.

Q Civil and criminal cases? A No, just criminal.

Q Just criminal. Since you have been on the special panel?

A Yes, sir.

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

Q Are you married? A No, sir.

Q Where do you live? A 414 St. Nicholas Avenue.

Q Have you any prejudice against capital punishment? A No, sir.

Q If the evidence in the case satisfies you of the defendant's guilt, to a moral certainty of wilful, deliberate murder, will you say so in your verdict? A Yes, sir.

Q You will not let yourself be swayed by sympathy for this man in his plight? A No, sir.

Q Nor by any prejudice; have you any prejudice against his race? A No, sir.

Q Do you know of any reason why you would not be a proper juror in this case? A Not that I know of.

Q You are not acquainted with any one whose name has been mentioned in connection with the case? A No, sir.

BY MR. ARANOW:

Q Are you a married man, sir? A No, sir.

Q Have you lived in New York all your life? A No, about eight years.

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Q Where did you live before? A Pittsburgh.

Q Pittsburgh, Pennsylvania? A Yes, Pennsylvania.

Q Do you know any one associated with the District Attorney's office? A No, sir.

Q Or the police department? A No, sir.

Q You have no prejudice against the colored race, in general?

A No.

Q Or against this defendant? A No.

Q Have you ever heard anything about this case at all? A Not until I came here.

Q Would you give any greater credence to an Assistant to the District Attorney than you would to an ordinary individual?

A No.

Q Or a police officer? A No.

Q Would you scrutinize their testimony just the same as you would any other testimony? A Absolutely.

Q And try to find the truth wherever it is? A That is the idea.

Q May I ask how old you are please? A Thirty-four.

Q You have no prejudice against the defendant by reason of the fact the person shot happened to be a woman, or that it may be proved that he took alcoholic beverages at times. A No.

Q Or that being a married man he did not live with his wife for a period? A No, that would make no difference.

Q In other words, your mind is absolutely open? A Absolutely, yes, sir.

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Q To receive what testimony will be given, and you will analyze, scrutinize that testimony to the best of your ability in the same manner you would analyze a thing of great interest and importance to yourself? A Yes, sir.

Q You would be the judge of the facts? A Yes, sir.

Q And apply the instructions of the Court as given to you to those facts? A Yes, sir.

Q And would find your verdict accordingly, is that right?

A Yes, that is right.

MR. ARANOW: No challenge for cause.

MR. WELLMAN: Acceptable.

MR. ARANOW: Acceptable.

(Sworn as Juror No. 10.)

C H A R L E S C. B E C K, (316 East 50th street), a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Beck, what is your business? A I am connected with Swift & Company, wholesale packers.

Q How long have you been with them? A Why, I have started this week with them. I was formerly employed with them ten years.

Q How old are you? A Forty-three.

Q How long have you lived in New York? A Eleven years.

Q And before that? A I lived in Bridgeport two years.

Q Connecticut? A Yes.

Q Are you a married man? A No, sir.

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Q Do you know the nature of the charge against this defendant?

A Yes, sir, what I have heard in court.

Q Have you any prejudice against the penalty prescribed by law for murder in the first degree? A No, sir.

Q If the evidence in the case satisfies you to a moral certainty that this defendant committed that crime, will you say so in your verdict? A I will, sir.

Q You will not let sympathy sway you from that verdict to a lower one? A No, sir.

Q Have you any prejudice against the defendant's race? A None whatever.

Q Did you ever hear of the case? A No, sir.

Q Or of any one whose name has been mentioned in connection with it? A No, sir.

Q You are not acquainted with Mr. Koenig? A No, sir.

Q Do you know any reason why you would not be a proper juror for both sides in this case? A I do not.

Q Have you ever had experience as a juror? A No, sir.

Q You have never been summoned before? A I have been summoned last June, but I have not served.

Q You understand the duties of a juror? A Absolutely.

Q You have heard them discussed in court here today, I suppose? A Yes, sir.

Q Are you quite sure in your mind that if you are convinced by the evidence that the defendant is guilty of murder in the first degree that you would find him guilty of that crime? A I would.

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BY MR. ARANOW:

Q Do you know any one associated with the District Attorney's office? A No, sir.

Q Or the police department? A Oh, I have some acquaintances in the police department.

Q Well, would those acquaintances cause you to give any greater credibility to police testimony? A No, not at all.

Q Or to testimony of an assistant to the District Attorney? A No, sir.

Q Would you have any prejudice against a man who was married and did not live with his wife? A No, sir.

Q Or a man who occasionally drank? A No, sir.

Q You know that the defendant is accused of a very serious crime? A Yes, sir.

Q And the law throws the cloak of innocence about him until the jury finds him guilty? A Yes, sir.

Q And the burden is upon the prosecution to prove that beyond a reasonable doubt? A Yes, sir.

Q Are you willing to go into this jurybox and serve there as a juror in this case and take in all of the facts, all of the testimony, and render a fair and impartial verdict between the people of the state of New York and this defendant, and apply the facts that you hear here, apply them to the law as given to you by the Court, and render such a verdict? A Yes, sir.

MR. ARANOW: No challenge for cause.

BY MR. WELLMAN:

Q What is the nature of your employment with Swift & Com-

pany? A Why, I have been various things, salesman, I have been shipping clerk, and at the present time I am weigh-master.

Q Weighing-master? A Yes, sir, weigh-master; weighing cattle.

Q Before you worked for them were you in the same line of business? A I was in with a friend of mine, in the salted nuts business.

Q Where? A On 13th street, West 13th street.

Q What was the name of that business? A Acme Nut Meat Company.

Q How long have you been a member of this special panel?

A Since last June.

Q And in all these years you have never sat as a juror in New York County? A No, sir.

Q How have you escaped it? A I do not know, I am sure.

Q Have you ever done military duty? A I did, in Connecticut.

MR. WELLMAN: Satisfactory.

MR. ARANOW: Satisfactory.

(Sworn as juror No. 11.)

HERBERT R. BLACKFORD, (2419 Seventh avenue)  
a salesman, being first duly sworn, is examined on the voir dire  
as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Blackford? A Manufacturing confectioner, specialties.

Q Have you been at that same address for some time? A Why,

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I have been in that address over a year.

Q Where is your place of business? A 145th street, No. 315.

Q Is it your own place? A My own place, yes, sir.

Q Are you a retailer? A No, sir, wholesale.

Q Have you read of this case or heard of it before you came into court today? A Well, I do not recall it; I may have, but I do not recall it.

Q If you did read anything in the papers, would it leave any impression on your mind that would make you start out on the trial in this case any different from a man who had not read it? A No, sir, it would not.

Q You understand the nature of the charge against this man, murder in its first degree? A I do.

Q Have you any prejudice against capital punishment? A No, sir.

Q If the evidence convinces you to a moral certainty that the defendant is guilty of deliberate, premeditated murder, would you hesitate to find him guilty of murder in the first degree? A No, I would not.

Q Would you drop your verdict on account of sympathy, although you felt convinced that he was guilty of that crime? A No, sir.

Q Have you any prejudice against his race? A I have not.

Q Have you sat as a juror before? A I have.

Q In a criminal case? A And civil, both.

Q In a homicide case? A Yes, sir.

Q Do you know any reason why you would not be a fair juror to both sides, Mr. Blackford? A I do not.

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Q Are you acquainted with any one whose name has been mentioned in connection with this case? A No, sir.

Q You do not know Mr. Koenig, do you? A Well, I know of him.

Q We all know of him. A Yes.

Q He was assigned by the Court to defend this man, and he may take some part in the trial; that is why I asked the question; A Yes.

MR. WELLMAN: No challenge for cause.

MR. ARANOW: Excused by the defense.

J O H N T H O M P S O N, (Hotel Biltmore) a salesman, being first duly sworn, is examined on the voir dire as follows :

BY MR. WELLMAN:

Q What is your business, Mr. Thompson? A I am a civil engineer by profession and engaged in manufacturing.

Q Have you heard of this case before today? A In a casual way.

Q From reading, from the newspapers? A No, I met Mr. Follette about a week or so ago, one of the assistant District Attorneys, and I spoke to him about it, that is, he called on me socially, in my office.

Q You had at that time received a summons as a juror in the case, I take it? A It was on my desk, and he handed me his new card, and I put it on the notice, and I asked him if he knew anything about it.

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Q Was there anything aside from that casual mention of the case that brought it to your mind before today? A No, sir, I did not know anything about it.

Q Was there anything said at that time which created any impression on your mind as to the guilt or innocence of this defendant?

A No, sir.

Q Mr. Follette has been appointed, and is now again in the District Attorney's office; but would your acquaintance with him--is that merely an acquaintance? A I knew him very intimately; he has been my attorney.

Q Yes. He is not connected with this case, however, I may say? A Well, I asked him if he was connected with it, and he simply said no.

Q That I did not need to ask you. It would make no difference at all to you, would it, in this case? A No, not the slightest.

Q Is there anything you know of that would make any difference to your mind in this case? A No, I do not think so.

Q Have you any prejudice against this man's race? A Not to any extent that would affect my actions as a juror, I think.

Q And if you had a slight prejudice, wouldn't that make you careful, not to let it play any part --

MR. ARANOW: I object to that question.

THE COURT: Sustained.

Q Have you any prejudice against the death penalty? A Not the slightest; I believe in it.

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Q Do you know of any reason why you would not be a fair juror to both sides in this case? A I think I would make a good juror, yes, sir.

Q You are quite sure in your mind that you would be able to give this man as fair a trial as you would be able to give the State? A I would decide entirely on the evidence, I am absolutely satisfied of that.

BY MR. THORNE:

Q When you said just now that your opinion in the matter, because of this man's race or color--you said you would be governed to a certain extent; would you give us a better statement of that, just what you meant when you said that, that to a certain extent you would be governed or not governed? A Well, I would not attach the same kind of credibility, for instance, to one man's evidence as I would to another, and my mind might be gauged according to my estimate of his character.

Q But, the subject of the question referred to the subject of color; and now, taking that as the subject of your answer, would you mean because of his race or color you would not give the same credence to his testimony? A I fully believe I would give him all he is entitled to.

Q Did you hesitate because you did not understand the question, or are you doubtful about whether or not you could give the same credence? A No, I do not doubt it at all; I simply repeat what I stated before, that as between one witness and another I should attach more or less credibility, according to my estimate

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of his character.

Q But as between the witnesses, where they would be white or colored, would that affect you? A Not the mere fact of color, no, I do not think.

-Q Now are you sure? You are answering more or less in the evasive, Mr. Juror. You said you think. Now are you positive of these facts? We want to be sure. You seem to be doubtful. Now, are you sure, or not, that because of the color of the witness, or the race, that you would be affected one way or the other in giving credence to their testimony? A Well, I wish to answer you fairly; for instance, I would not attach the same amount of credibility to the testimony of say, a lot of Mexicans, as I would to a lot of Americans.

MR. WELLMAN: Not just today, would you?

THE WITNESS: Not at the present time; nor to Germans.

MR. THORNE: Excused by the defense.

HENRY W. BOLLES, (121 East 54th street) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Bolles, what is your business, please? A I am not in business at present.

Q What was your business before you retired? A The jewelry business.

Q Downtown? A Yes, down in Maiden Lane.

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Q You have sat as a juror before, have you not? A Oh, yes.

Q In civil and criminal cases? A Yes.

Q Have you lived for some time in New York? A Yes, all my life.

Q Have you any prejudice against capital punishment? A No, none.

Q Do you feel you would be able to find this defendant guilty of murder in the first degree, if the evidence warranted it ?  
A Yes.

Q You would not let sympathy have anything to do with your verdict? A No.

Q Have you any prejudice against his race? A No.

Q Would you be able to give him as fair a trial as you would any man who is charged with crime? A I would.

Q You have not heard of the case? A No.

Q Or of any one whose name has been mentioned in connection with the case? A No.

Q Do you know of any reason why you would not be a fair juror to both sides in this case? A No, I do not.

MR. ARANOW: Excused by the defense.

HARRY C. VAUGHAN, ( 22 St. Nicholas Place),  
a salesman, being first duly sworn, is examined on the voir dire  
as follows:

BY MR. WELLMAN:

Q Are you a married man? A Yes.

Q What is your business? A New York Edison company.

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Q Have you lived in New York for a number of years? A About fifteen.

Q During that time have you sat as a juror? A Yes.

Q In civil cases? A Both.

Q And criminal cases? A Both.

Q Haven't you ever sat in a homicide case? A Never.

Q Never. You know the charge against this defendant, I take it? A I do.

Q Have you any prejudice against capital punishment? A None.

Q If the evidence in the case satisfies you that this man committed wilful, deliberate murder, will you hesitate to find him guilty of that crime? A I would not.

Q Through sympathy, would you be swayed to find him guilty of a lesser degree of crime, although you believed him guilty of that crime? A Not if I believed him guilty.

Q Do you know any one whose name has been mentioned in connection with the case? A No, sir.

Q Do you know of any reason why you would not be a proper juror in the case? A None whatsoever.

BY MR. ARANOW:

Q Where did you live before you came to New York? A Schenectady.

Q That is also in New York State? A New York State.

Q You have lived here in New York State all your life? A Born here in New York.

Q Do you know any one associated with the District Attorney's

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office? A No.

Q Or the Police Department of the City of New York? A One or two officers of the Department, just friendly acquaintances, that is all.

Q Have you any prejudices against the defendant by reason of his color or race? A No.

Q None whatever? A None whatever.

Q Would the fact that the person shot, the deceased, was a woman, would that raise any prejudice in your mind ? A No.

Q Would the fact, if proven, that the defendant was the husband of the deceased, and lived away from her prior to this shooting, would that raise any prejudice in your mind so as to interfere with your weighing the testimony fairly? A No, I do not think so.

Q Or the fact that he imbibed alcoholic beverages? A I do not think so.

MR. ARANOW: Excused by the defense.

L E R O Y F. H O V E Y, (245 West 104th street) a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q Mr. Hovey, what is your business? A Financial secretary.

Q For whom? A West End Shirts, 105th street and Amsterdam avenue.

Q Have you heard of this case or read of it? A Not until today.

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Q Have you sat as a juror before? A I have.

Q In criminal cases? A I have.

Q Do you entertain any prejudice against the death penalty?

A I do not.

Q If the evidence convinces you beyond a reasonable doubt that this man committed wilful, deliberate murder, will you hesitate to find him guilty of murder in the first degree? A No.

Q Have you any prejudice against his race? A I have none.

Q Do you know of any thing which would in any way affect your judgment in this case outside of the evidence? A I do not.

Q Or of any reason why you would be anything but a proper juror to both sides? A No.

MR. ARANOW: Excused by the defense.

A L O Y S I U S J. B I G L E Y, a salesman, being first duly sworn, is examined on the voir dire as follows:

BY MR. WELLMAN:

Q What is your business, Mr. Bigley? A Real estate.

Q At what address? A 29 Broadway.

Q Where do you reside? A 65 Morningside avenue.

Q Are you married? A Single.

Q How old are you? A Thirty-nine.

Q Have you heard of this case? A Only since I came to court here.

Q Have you ever sat as a juror in a criminal case? A Yes, sir.

Q Were you ever in a homicide case? A Not in a homicide, no.

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Q You know this man is charged with murder in the first degree? A Yes.

Q The penalty for which is death. Have you any prejudice against that penalty? A No prejudice.

Q Do you feel satisfied in your mind that if the evidence convinced you beyond a reasonable doubt that the defendant committed deliberate, wilful murder, you would be able to find him guilty of murder in the first degree? A I think I would, yes.

Q Do you think that sympathy would sway your mind; are you inclined to be sympathetic? A Well, it would not enter into my decision.

Q Have you any doubt about that? A Not any doubt at all.

Q Have you ever before searched your mind to ascertain whether or not you could convict a man of murder in the first degree, if the facts warranted it? A I have never given it any consideration; I have no prejudice against the punishment that goes with that degree.

Q You know of no reason why you could not do that? A No.

Q Provided you are satisfied by the evidence? A No.

Q Do you know any one whose name has been mentioned in connection with the case? A No, I do not.

Q Do you know of any reason why you would not be a proper juror in the case? A I know of no reason.

Q Have you any prejudice against this man's race? A None.

BY MR. ARANOW: Q You do not know any one associated with the District Attorney's office? A I know one of the assistants. I have not

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seen him in many years.

Q Might I ask who that is? A That's Mr. Lavelle.

Q Intimately? A Why, I used to know him intimately, but I have not seen him in about a dozen years, or so.

Q That would not raise any favoritism in any particular in your mind? A Oh, no.

Q Have you ever had any trouble with any one of the race of the defendant to create any prejudice in your mind? A No.

Q Would the fact that the defendant is charged with killing his wife raise a prejudice in your mind so that you could not weigh the testimony fairly? A No, I do not think so.

Q Or that he lived away from her for a time before her death? A No.

Q Or that he partook of alcoholic beverages? A No.

Q Would you give any greater credence to the testimony of a police officer than you would to an ordinary citizen's testimony? A No; about the same.

Q About the same? A Yes.

Q Or that of an assistant to the District Attorney? A The same way, yes, sir.

Q You are ready and willing to go into the jury box and judge the testimony given to you on the stand and try to find the truth? A Yes.

Q And take all the circumstances into consideration, all the environments, and give it the same honest and sincere consideration that you would give to a matter of great importance to your-

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self? A I think I could, yes.

Q You have no doubt about it? A No doubt about it.

Q And you would apply the law as given to you by his Honor the judge to these facts given before you? A Yes.

Q And you would endeavor to find a verdict accord<sup>g</sup> to the evidence and the law? A I would, yes.

MR. ARANOW: No challenge for cause.

BY MR. WELLMAN:

Q Mr. Bigley, may I ask you again, do you feel that you would have such a shrinking from rendering a verdict where you knew the penalty was the extreme one, that you would not be able to render that verdict? Now, I want to know frankly? A No, I would render the verdict.

Q The state maintains that this is a case where there is but that one verdict that can be rendered, and we ask you if you feel that you can render it? A If the evidence showed it, I would.

MR. WELLMAN: Satisfactory.

MR. ARANOW: Satisfactory.

(Sworn as Juror No. 12.)

THE COURT: Gentlemen, you are admonished not to converse among yourselves on any subject connected with this trial, nor form nor express any opinion thereon until the same is submitted to you.

*set*  
(The Court then adjourned the further trial of the case until Monday, January 17th, 1916, at 10:30 o'clock.)

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THE PEOPLE vs. ALIEN BRADFORD.

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New York, January 17th, 1915.

TRIAL RESUMED.

Mr. Wellman opens the case to the jury on behalf of the People, as follows:

May it please your Honor, Mr. Foreman, and Gentlemen of the Jury: In June, 1913, the defendant, Allen Bradford married a colored girl, named Isabella Griffin. They lived together for about a year, a little more than a year, when troubles arose between them, and the defendant left her and took up with another woman. They were separated for about a year, before the 23rd day of November, 1915, when the crime charged against this defendant was committed.

The defendant had been to see his wife from time to time during the last few weeks, trying to get her to take him back. She had told him she was going to take her time about it, and it was to be settled, and they were to have a meeting on the night of the 23rd of November. That day, in the morning, the defendant had a place of employment, which was an apartment house in 98th street, where he worked as fireman, and was told by the elevator boy, who was a friend of his, and a friend of his wife's, in fact who had stood up with him at his wedding, - he had told Bradford that there had been a party the night before, given by his wife, and

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asked him if he had been to it. Defendant said no, that he had not been invited.

Evidently he had brooded about this slight on the part of his wife, and a few hours later when his employer, Mr. Brown, the superintendent, of the building, came around, Bradford told him that he wanted to leave, and that he was going away, he had had some family troubles. Brown told him that he could quit the place at any time, and that he would pay him off and let him go at once, if he wanted to. Defendant said that he wanted to go right away, and he was paid the sum of \$7, a little over \$7, which was owing to him.

He went to Jersey City, and at a shop near the ferry he purchased a .38 calibre revolver and five bullets, five cartridges. He came back to New York and went up to 59th street on the elevated, got off there, and went into a house which is between 61st and 62nd street, nearby there, and went into the toilet, unwrapped the gun, and loaded it with five cartridges and then went up to 71st street where his wife worked for a Dr. Murray Waxman. She had been working there, I think, ever since they were married, self-supporting, and lived with her sister.

He was let in by Mrs. Hisler, who was the janitress of that building, and he asked for his wife. Mrs. Hisler will tell you that he came there before, and there was

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nothing unusual in his manner. She told him that Bella was in the kitchen. He went into the kitchen and Mrs. Hisler heard him say, "Hello, Bella", and heard his wife say, "Hello", and then heard him say something to her which she could not get, and then heard him say, "This is for you", saw him take a revolver from somewhere, and saw him discharge one shot into the back of his wife. Then she screamed and ran up the stairs and heard other shots. Defendants fired in all four shots into the body of that woman, killing her instantly. They were fired from such close contact that the back of her shirtwaist caught fire from the flash of the pistol.

Defendant thereupon walked out of the building, down to the street, fired the last shot in the chamber up in the air, broke the gun open, threw it on to the street and stood there surrounded by a crowd of people that gathered, hearing the shots.

He was asked by some one what he had done, and he said "I killed my wife; I had good reason for it." Not very long after the police came and he was taken into custody, and he said that he had killed his wife, that he meant to do it.

He was taken down to the District Attorney's office, - or, I am not sure that it was not in the station house, that very afternoon, and that he was questioned by Mr. Deacon

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Murphy who was then Deputy Assistant District Attorney, as is the custom in the homicide cases, and was questioned about this case. He was warned of his rights, and asked if he wished to make a statement, and he said that he did, and he told Mr. Murphy all about this occurrence, how he had made up his mind and when he was told that he had not been invited to that party, that he was going to kill his wife. How he had gone to Jersey City and purchased the revolver, came over here, loaded it on the way up to the house, and had "gone up there straight to do my work", as he put it.

He said that he had had some drinks. He said that they were not taken to get up his nerve, that he did not need it, that his nerve was there already, that his mind was made up, and neither whiskey or anything else would change it.

Now, as you know, the law places certain rules which govern the trial of criminal cases, made for the protection of the accused. His guilt must be shown beyond a reasonable doubt before the presumption of innocence shall have been overcome. In the case of a man charged with murder in the first degree, the rules are even more stringent. Under the laws of our State a defendant charged with the crime of murder in the first degree is not allowed to plead guilty to the crime of murder in the first degree, but his guilt must be shown in every step, in every particular by the state.

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We will make the proof as brief as possible, but we will have to prove every step of our case, so if you find us proving some fact which it is intimated will not be disputed, you will understand that it is in fulfillment of that requirement of law that we are doing it.

I take it that the fact of the shooting itself will not be seriously disputed, or that it was done by the defendant, or that the person killed was in fact, Isabella Bradford, the person named in this indictment, but it has been intimated in the questions put to the talesmen that the defendant's act, due to the defendant's condition of mind, will be a subject of contention.

MR. ARANOW: May I at this time, if the Court please, object to counsel using argument of this kind, and ask him to confine himself solely to what his proof shall be.

THE COURT: well, I think that is so.

MR. WELLMAN: This, I believe, gives me the right to tell you that you should bear in mind from the outset that the law says, if a man intending to commit murder and goes out and gets himself intoxicated --

MR. ARANOW: May I ask your Honor, if the Court please, to object to the statement of counsel as to what the law in the matter is, and leave that entirely to the Court and <sup>to</sup> confine himself solely to a statement of the facts as he intends to prove them.

THE COURT: I am inclined to think that, Mr. Wellman,

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has already outlined about what evidence he proposes to deduce, - isn't that so, Mr. Wellman?

MR. WELLMAN: Yes, your Honor, but it seems to me in view of the proof that may be offered, it is only fair that the jury should have it in mind, as to what the law is in regard to intoxication as a defense.

THE COURT: I will charge them in regard to that.

MR. WELLMAN: So when they hear the evidence that they might have all of this in mind. That was my intention in saying it.

MR. ARANOW: I respectfully object to any such remark.

THE COURT: I think I will sustain the objection.

MR. WELLMAN: Very well, I will make no mention of that then.

MR. WELLMAN: (Continuing) It is the contention of the State that this murder was deliberate, that it was premeditated, and that it was done with the intention of causing the death of this Isabella Bradford. In view of this I want to ask you to pay the evidence your strictest attention. It will be very short. At the end of the case you are going to be confronted with the serious duty of finding the defendant either guilty or not guilty of murder in the first degree.

MR. ARANOW: May I please ask the Court that all the witnesses be excluded from the Court room?

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THE COURT: The witnesses on both sides will step out and remain outside until called.

O T T O A. S C H U L T Z E, M. D., Medical Assistant of the District Attorney's Office, being duly sworn on behalf of the People, testifies as follows:

DIRECT EXAMINATION BY MR. WELLMAN:

Q Dr. Schultze, you are a licensed practicing physician and surgeon, are you not?

Q 5  
A Yes, sir.

Q And you were formerly a Coroner's physician in the County of New York? A I was.

Q For how many years, covering that period? A During 1896 and 1897 in the County of New York, and from December 1902 until April 1915 in the Borough of Manhattan, and since April I have been medical assistant to the District Attorney of New York County.

Q During the time that you were a Coroner's Physician, and at the time while you have been medical assistant to the District Attorney's office, have you performed a number of autopsies, with a view to ascertaining the cause of death?

A I have.

Q Approximately how many? A More than 5,000.

Q Did you on the 24th of November, last, perform an autopsy on a body identified to you as that of Isabella Bradford?

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A I did.

Q Where did you perform the autopsy? A The autopsy was performed, together with Dr. Weston, the Coroner's Physician, at the Mortuary, foot of East 29th street, Borough of Manhattan. That was performed on November 24th. I saw the body on the previous day at 143 West 71st street.

Q In what part of West 71st street? A 143 West 71st, in the kitchen of the house.

Q By whom was that body identified to you? A The body was identified by Detective Leonard, of the Fourth Branch, and by Officer Kotschau, and by Blanche Wright, a friend of the deceased's.

Q That is the deceased's sister? A Sister of the deceased.

Q As the body of Isabella Bradford? A Exactly.

Q And was that the same body -- let us have it on the record -- in the same condition as you found it in the above premises 143 West 71st street on November 23rd? A It was with the exception that the body had been disrobed at the Mortuary.

Q What was your autopsical finding? A There was a bullet wound over the knuckle of the left hand, at the junction of the index finger, and the hand, over the back of the hand. The wound was surrounded by a burn, three-quarters of an inch in diameter, and embedded powder grains that extended upward from this bullet wound towards the wrist a distance of three-quarters of an inch. The track of the bullet passed through the

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lower ends of the bones of the hand and emerged in the palm of the hand at the base of the little finger where there was a bullet wound of exit that measured, it was branched, one angle measured three-eighths of an inch and one angle one-half of an inch on the other.

THE COURT: Pardon me, for convenience and purposes of the record, suppose we call that Wound No. 1.

MR. WELLMAN: Yes.

Q May I ask you, Doctor, from the powder marks that you have described, and your experience in gun shop wounds, were you able to ascertain anything with regard to the distance from which that shot was fired?

MR. ARANOW: I respectfully object to that.

THE COURT: objection sustained.

Q What experience have you had in gunshot wounds, Doctor? Have you ever examined them with a view to ascertaining how far distant the shots have been fired from?

MR. ARANOW: I respectfully except to the question on the ground it is incompetent and improper.

THE COURT: I will allow him to answer yes or no .

MR. ARANOW: I respectfully except.

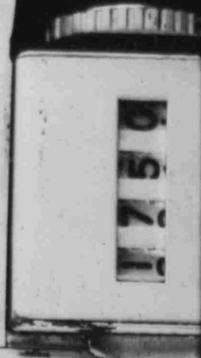
A Yes.

Q On more than one occasion?

A On many occasions.

Q How many, approximately? A In numerous cases, I should

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think a large number that I examined on the body; then there were a large number of experiments at which I was present, in measuring the distance of revolvers of different calibre, from skin, hair, cloth, and so on.

Q Now, I will put my former question again; from your examination of this wound, No. 1, as we are going to call it, did you form any opinion as to how far distant the shot had been fired from?

MR. ARANOW: I object to that as incompetent, immaterial, irrelevant and not properly founded.

THE COURT: I think I will allow him to answer that yes, or no.

A Yes, sir.

Q What was that conclusion that you reached?

MR. ARANOW: Same objection and exception.

THE COURT: In regard to that, you may ask him whether he is able to express any opinion with reasonable certainty.

Q Are you able to express an opinion with reasonable certainty as to how far distant that shot had been fired from?

MR. ARANOW: I object to that as incompetent, and immaterial, and not properly founded.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

A Yes, sir.

Q Give us your opinion. A Within one inch.

MR. ARANOW: same objection and exception.

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Q Go on with the other wounds. A There were three wounds of entry in the back, on the left side. Uppermost --

MR. ARANOW: If the Court please, I respectfully object. I do not dispute his qualifications and I do not question any of his testimony, but I do object to the giving of testimony which is wholly opinion testimony. I think when the Doctor describes them as wounds of entrance, they are merely opinion on his part.

THE COURT: You admit his qualifications?

MR. ARANOW: I have no question about his qualifications

MR. WELLMAN: That would be a matter of cross examination, your Honor, I should think.

THE COURT: Yes.

MR. ARANOW: If your Honor thinks it is not important, I will withdraw my objection.

THE COURT: I think the doctor may describe the wounds as he saw them.

Q Now, Doctor, just complete the last question: do you want to have it read to you? A No, thank you. There were three bullet wounds on the left side of the back. The uppermost was three inches to the left of the sixth dorsal spine. There are twelve dorsal spines, that are at the back of the chest, in the middle line. The uppermost was three inches to the left of the sixth dorsal spine.

Q Will you indicate just where that wound was, on me? A There

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are twelve dorsal spines (indicating on Mr. Wellman's body) The sixth would be just a little above the level here (indicating), so three inches to the left of that would indicate the position of the wound.

Q Where your finger now is? A Yes.

Q That is on the left shoulder blade? A Well, it might be on your left shoulder blade as you are holding it now, but it did not pass through the left shoulder blade of this body.

Q Just beside it? A Just within the inner margin of the shoulder blade.

Q What was the track of the bullet? A The track of the bullet passed to the left, through the lung, and lodged in the sixth rib in the middle line of the left arm pit, on the left side. I have that bullet in my pocket now (producing bullet.)

BY THE COURT:

Q Was there a place of exit with respect -- A Your Honor, I am in error as regards Dr. Weston being present at this autopsy. I confused it with another case in the Criminal Term of the Supreme Court. I think Dr. Ray was present at this one. The fragment of a bullet was found in the structure of the sixth rib on the left side, the bullet having gone through the left lung. This is the fragment of the bullet found there (Exhibiting)

THE COURT: Do you want that marked for identification?

MR. WELLMAN; Yes, I would like to have it marked for identification.

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(Article marked People's Exhibit 1 for identification.)

BY MR. WELLMAN:

Q Were you able to ascertain whether the wound that you have just described in the back was a wound of entrance of a bullet?

A Yes, sir.

Q From the track that you have described of that bullet, and from the fact that it lodged in the body, I take it that was a wound of entrance? A Its track was followed through the lung to the structure of the sixth rib described, where the fragment was found.

Q On that very question, can you tell from examination of a wound whether it is a wound of entrance or a wound of exit?

A You can.

Q How can you tell? A The wound produced by a bullet on the surface of the skin, unless the shot is fired at contact, or very close, if fired at a distance beyond a close distance, the wound in the skin will be smaller than the calibre of that bullet, and the margin around it will be bruised or scraped as the bullet passes through, and when this drives in the skin it produces a round, dirty, brown, circular mark about the bullet itself.

Q You mean about the bullet? A About the bullet wound; the hole. Where there are two wounds connecting a track, of course there is then the question as to whether which is exit and which is entrance, but where there is only one wound to the track, and at the end of the ~~xxx~~ bullet track the bullet is found, then the hole is clearly a wound of entrance.

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Q But without finding the bullet in the body, do I understand you are able to tell us from an examination whether it is an entrance or an exit wound? A You can always tell.

Q Will you describe a wound of exit and state its difference? A There was no wound of exit in this case.

Q There was none? A No; the bullet lodged. Only a fragment could be found, lodged in the sixth rib on the left side.

Q Did you find the bullet in the case of each wound? A No.

Q Describe, please, what a wound of exit is, and state its difference from a wound of entrance.

MR. ARANOW: I object to that on the ground as calling for a statement of facts not contained in the evidence.

THE COURT: If you will pardon the suggestion, Mr. Wellman, suppose he describes all the wounds he found in the body in the first instance. He has described the wound in the hand, and now he has described this other one. Suppose we conclude that.

A There were two in the left-hand, if your Honor please, the one in which the bullet entered, where it was burned, where the powder grains were, and the lacerated angular wound where the bullet came out of the palm of the hand.

MR. WELLMAN: It was in view of the objection of counsel that I sought to show the doctor's qualifications on the subject of wounds of entrance and of exit.

MR. ARANOW: It is in view of the statement of counsel that I reiterate that I

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have absolute confidence in Dr. Schultze, and I have never questioned Dr. Schultze's ability, and I have made no objection, except where the evidence does not have anything to do with this case.

BY MR. WEEELMAN:

Q Will you go on with the other wounds in the back Doctor?

A The second wound in the back was located on the left side, at a distance of four inches from the eighth dorsal spine. That is two spines below the one formerly described. The track of this bullet passed through the lung, through the left lung, from behind forward, and emerged through the second space between the second and third rib and produced a wound in the skin that measured three-eighths of an inch in vertical measurement, to half of an inch in transverse measurement, and was located three inches to the left of the middle line, and two inches below the collarbone. That was a wound through and through. The track was through the lung, giving a wound from behind, which was round and measured a quarter of an inch in diameter, to a wound in front that was very much more torn, and measured three-eighths of an inch in vertical diameter, and half an inch in transverse diameter.

THE COURT: Now, suppose we call that, including the wounds on each side, No. 3.

MR. WELLMAN: Yes.

Q Where was the wound of entrance in this case?

A In the back.

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Q And the wound of exit in the front? A Yes.

Q Will you indicate on me where the bullet entered and left the body?

A In the eighth dorsal spine, four inches to the left of the middle line. (Indicating) Passed directly forward through the lung, emerged through the second space, that is between the second and third rib, three inches to the left of the middle line, and two inches below the collar bone. (Indicating on Mr. Wellman)

Q Have you described to us all the wounds? A No, another wound was found three and a quarter inches to the left of the ninth dorsal spine. The track of this wound passed through the left tenth rib, two inches from the middle line of the body, through the base of the left lung, through the aorta, which is the main blood vessel of the body, passing in front of the spine, through the right lung; no, through the liver, not the right lung; and stopped on the upper surface of the liver underneath the diaphragm, - that is the muscle separating the chest from below. I found that bullet and have it here. That is a .38 calibre bullet, rifled from the base towards the right.

MR. WELLMAN: I would like to have that marked for identification.

(Bullet marked for identification People's Exhibit 2.)

MR. ARANOW: If it please the Court, I am going to ask you to strike that out. simply, I want to have the thing in

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record form. I think the doctor volunteered the information it was a .38 calibre bullet; not that I care whether it was .38 or .40, unless they show the doctor is qualified to tell the difference between a .32 and a .38. I do not think that testimony is properly binding on the defendant, or ought to be.

THE COURT: Strike that out as to the calibre.

Q Now, doctor, are you able to state from an examination of the bullet, which you found, with reasonable certainty, what its calibre was?

MR. ARANOW: I object to that on the ground it is incompetent.

THE COURT: Objection sustained.

Q Have you had any experience in measuring the calibres of bullets, and in ascertaining the calibres of bullets found by you in bodies?

MR. ARANOW: same objection.

THE COURT: I will allow him to answer yes or no.

MR. ARANOW: I respectfully except.

Q About how wide has that experience been? A Very considerable.

Q How many years? A A large number of bullets have been measured for years.

Q Thousands or hundreds? Give us some idea. A I will not say thousands; in hundreds of cases.

Q I repeat my question: did you form an opinion which you

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are able to state with reasonable certainty as to what the calibre of the bullet was which you have just produced, and which is People's Exhibit 2 for identification?

MR. ARANOW: I object to that on the ground it is incompetent, immaterial and irrelevant, and not within the issues, and not properly founded.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

A Yes, sir.

Q What calibre?

MR. ARANOW: Same objection and exception.

A .38.

Q This was wound No. 4; we will call it wound No. 4. Did you ascertain or form an opinion which you can express with reasonable certainty as to the cause of death in this case?

MR. ARANOW: I object to the question on the ground it is incompetent, irrelevant and immaterial, and not properly founded, and not proper in form.

THE COURT: I will allow it.

MR. ARANOW: I respectfully except.

A Yes, sir.

Q What was that opinion? A Two bullet wounds of the left lung, a bullet wound of the left lung, aorta and liver. There was also a bullet wound of the left hand, which, however, would not have caused death, unless from hemorrhage; but the other bullets, any of those three, would have caused death from

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hemorrhage into the left sac containing the left lung, in which there was found more than one quart of blood.

Q Would the bullet which passed through the aorta, or main artery, which you have described, have caused death within a short length of time? A Yes, sir.

Q How short, if you can state?

MR. ARANOW: I object to the question as incompetent, irrelevant and immaterial, not within the issues, and not properly founded.

THE COURT: I do not think that is material.

Q What did you find to be the condition of the woman's body otherwise?

MR. ARANOW: I object to that as incompetent, irrelevant and immaterial.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

A There was no disease of any organs in the woman's body, with the exception of the right ovary, which contained a cyst, two inches in diameter, which would not have been of any importance in regard to her health.

MR. ARANOW: I move to strike out the last part of the answer as irresponsible.

THE COURT: I will let it stand.

MR. ARANOW: I respectfully except.

Q Was she a woman otherwise than you stated in normal and

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healthy condition?

MR. ARANOW: I object to the question as not properly framed, not proper in form, and without giving facts upon which an opinion may be formed.

THE COURT: I think it is merely a repetition of what the witness has said. He has said that in substance.

Q Then you found no other contributing cause of death?

A No, sir.

MR. ARANOW: same objection.

THE COURT: I will let the answer stand.

MR. ARANOW: I respectfully except.

MR. WEILMAN: You may examine.

CROSS EXAMINATION BY MR. ARANOW:

Q When did you see this body, Doctor? A This body was seen somewhere about between <sup>5</sup>two and three o'clock in the afternoon of November 23rd.

Q At the premises 143 West 71st street?

A Yes, sir.

Q You merely examined that body; that is all you did? A At that time, yes.

Q After you examined that body in the mortuary, as you stated? A Yes, sir.

Q Doctor, can you tell with any reasonable degree of certainty where there are two or more wounds which of the wounds is the first wound? A Not always.

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Q You have observed the wound, as you state, No. 1, on the knuckle of the hand? A Yes, sir.

Q And you have also observed the wound, as you state, on the left side, to the left of the spine. Was there anything there that was disclosed in your examination, which would tell you which bullet was fired first? A No, sir.

Q Or second? A No, sir.

Q Or third? A No, sir.

BY THE COURT:

Q In other words, your statement although given in a certain order, does not imply at all that you express any opinion as to which shot was fired first, or which wound was received first?

A No, sir.

BY MR. ARANOW:

Q So when you merely named them No. 1, 2, 3 and 4, you did that for convenience sake?

BY THE COURT:

Q In a certain order, I take it, - that is so, is it, Mr. Witness? A Yes, sir.

Q Doctor, about how long was the body under your observation when it was in premises 143 West 71st street? A I think about ten minutes, your Honor. I simply looked at the situation in the kitchen, the position of the body, the fact that the woman was dead, and examined for rigidity.

Q About how long was the body under your observation while

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you were making the autopsy? A While making the autopsy, I think it must have been under observation for some two hours.

Q The woman was apparently a woman of what age? A She was a young woman apparently twenty-five or twenty-six, I should judge, and measured five feet three quarters of an inch in height, and her estimated weight in my record is 120 pounds.

BY MR. ARANOW:

Q Did you state that wound No. 2, which you say entered at some part of the left side, dorsal, six inches to the left side of the spine, as I have it here, lodged in the sixth rib?

A There was no wound of entrance six inches to the left of the spine. The uppermost was three inches to the left of the sixth spine.

Q That is the one I mean; you say that went through part of the lung? A Through part of the left lung, and lodged in the sixth rib, in the middle line of the left arm pit.

Q Doctor, <sup>do you believe</sup> in your opinion as a physician that any of these is sufficient to cause death? A It would be.

Q Immediate? A Not immediate, not until hemorrhage from the blood vessels that were torn in the bullet track would fill the sac in which the left lung was contained, in which there was found in this instance, one quart of blood; over one quart of blood.

MR. ARANOW: That is all.

BY MR. WELLMAN:

Q doctor, does this photograph which I show you, fairly

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represent the woman's body on which you performed the autopsy on that day? A Yes, sir.

MR. WELLMAN: I offer that for identification.

(Photograph marked People's Exhibit 3 for identification)

CARL W. KOTSCHAU, (28th Precinct) called as a witness in behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. WELLMAN:

Q Officer Kotschau, how long have you been in the Police Department? A Close on to seven years.

Q Were you attached to the 28th precinct on November 23rd last?

A Yes, sir.

Q Do you remember whether that day fell on a Tuesday? A Tuesday, yes.

Q Did you go that day to the premises 143 West 71st street in this City? A I did, yes, sir.

Q And at about what time? A About one o'clock.

BY THE COURT:

Q In the afternoon? A In the afternoon.

BY MR. WELLMAN:

Q State what you found on going there? A Well, on that day a telephone message came to the station house.

Q A telephone message was received and you went out? A Yes.

BY MR. WELLMAN:

Q When you went there, what did you find? A I found the

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defendant, Allen Bradford, standing in the centre of the street in front of 143 West 71st street, and a crowd of people around him, and alongside of him I found a revolver, which was opened up. I picked it up and I asked him what he was doing with that. He said, "I am just after shooting and killing my wife." I said, "Where?" He said, "In 143." He said, "Dr. Waxman's house." I took the defendant into the basement. I went into the basement with the defendant, and saw this woman, who he identified as his wife, lying dead in the kitchen, in front of the kitchen stove. I asked him why he did it. He said, "Well, I have been separated from my wife, and I came here this morning, and asked her for the last time to come back, and she refused, and I shot her."

Q Is this the revolver which you found (handing revolver to the witness? A Yes, sir.

MR. WELLMAN: I ask to have it marked for identification.

(The revolver is marked People's Exhibit 4 for identification.)

Q Did you find any exploded shells? A Two, yes, sir.

Q Where? A In the centre of the street, not far away from the revolver.

Q Did you make a mark on them by which you can identify them (exhibiting shells to witness)?

MR. ARANOW: I object to Mr. wellman leading the witness, and I object to the form of the question on the ground it is leading.

THE COURT: It was leading, Mr. Wellman.

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Q Are these the shells? A Yes, sir.

MR. ARANOW: I move to strike out the answer.

THE COURT: I will let it stand.

MR. ARANOW: I respectfully except.

MR. WELLMAN: I ask to have them marked for identification at this time.

(Shells are marked People's Exhibit 5 for identification.)

Q Did you go into the premises 143? A Yes, I went.

Q In the kitchen? A Detective Leonard came right in back of me; we both went in together.

Q Tell us what you found in the kitchen? A Well, we found--

THE COURT: Kindly talk louder. There are twelve men there, every one of whom would be glad to hear you.

A I found the wife of Allen Bradford lying in front of the stove, dead. That is, we looked around the room, and Detective Leonard found the rest of the shells there.

Q Were you present when he found them? A Yes, sir, I was present.

Q Where was the body lying? A Right close to the stove, the range in the kitchen.

MR. WELLMAN: It has been conceded, I think, has it not --

MR. ARANOW: Put it on the record.

MR. WELLMAN: (Continuing) -- that this diagram, now offered in evidence, fairly represents the measurements of the basement of the premises 143 West 71st street as

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they existed at that time?

MR. ARANOW: With the exception of the arrangement of the furniture.

MR. WELLMAN: Yes, it may or may not be the same, and it is offered subject to correction at any time.

(Diagram is marked in evidence as People's Exhibit NO. 6.)

Q I show you this diagram and ask you to indicate where the kitchen is? A Here (indicating place marked "kitchen").

Q You come into the areaway here (indicating in front of house), after descending two steps from the street, do you not? A About two steps.

Q And then through the vestibule? A Yes.

MR. ARANOW: I object to the manner of asking questions, as leading. If he is familiar at all with the diagram, he ought to be able to know it, without having the district Attorney tell him about it.

THE COURT: Well, that is so.

MR. WELLMAN: As I understand the law, your Honor, and the rules of evidence, I am allowed to ask leading questions upon immaterial matters. I want to get the officer into the kitchen as briefly as possible.

MR. ARANOW: I respectfully object.

THE COURT: I will allow him to lead up to that.

MR. ARANOW: I respectfully except.

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Q This is the hall (indicating place marked on diagram as hall)? A Yes, sir. (Indicating)

Q And then at the back of the hall there is a door leading into the kitchen, is that right? A Yes, sir, (indicating).

Q Will you state whether or not the range in the kitchen was placed as it is represented here in the diagram? A Yes, sir.

Q That day? A Yes, the range is correct there.

Q And the sink and tubs, do you recall? A Yes.

Q They were the same? A Yes, sir.

Q How about the gas range? A The gas range is in the right place.

Q And the table? A Yes, the table is there.

Q Was it under the electric light, the table? A It was a little out, not in the direct centre.

Q Where was the body lying? A (Indicating) Right here about, where that red line is.

Q Put a mark there? A The body was lying this way here, with the head to the front. (Witness indicating by making a cross mark).

Q Lying with the head towards the front of the building?  
A Yes.

Q And the feet? A The feet towards the yard.

Q The head facing south and the feet north? A Yes.

MR. WELLMAN: (To the jury) He states, upon entering the area-way, after going down about two steps, and through the hallway, you come to the kitchen; that the

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body was lying with the head facing the front of the building, and the feet to, the rear of the building, in front of the range.

Q Did the defendant say anything as to the identity of the body?

MR. ARANOW: I object to that as already having been answered; on the further ground it is leading.

THE COURT: I will sustain it as leading.

BY THE COURT:

Q What, if anything, did the defendant say to you after you were inside the kitchen? A I asked him if that was his wife. He said, "Yes, that is my wife."

BY MR. WELIMAN:

Q Did you identify the body at the Morgue next day to Dr. Schultze and Ray? A Yes, I was there next day.

Q Did you identify the body? A Yes.

Q As that of Isabella Bradford? A Yes.

Q And was that the same body you saw in the kitchen? A Yes.

Q I show you People's Exhibit 3 for identification and ask you if that is a fair likeness and fairly represents the person whose body you found there?

BY THE COURT:

Q Have you ever seen that person? A Yes, sir, that is the person identified at the Morgue.

BY MR. WELIMAN:

Q As Isabella Bradford? A Yes.

Q When you found this revolver, did you question the defendant

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about it? A I asked him where he bought it. He said he went over to Jersey. He said he bought it for \$4.50, and he bought five cartridges for 10 cents; \$4.60 all told.

MR. WEILMAN: Your witness.

CROSS EXAMINATION BY MR. ARANOW:

Q Just prior to going to 71st street, where had you been?

A To the station house, West 68th street.

Q You were not on duty at that time? A No, sir.

Q You said there was a telephone call, and after that telephone call you went to 71st street? A Yes, sir.

Q When you came there did you see any officers there? A No, sir.

Q When did you first see Officer Leonard? A He was right in back of me, just as we were going into the building.

Q Did he come with you from the station house? A He was on his way. He was at the station house when the telephone message came in.

Q Did he come with you from the station house? A He did not.

Q But he was in the station house when the message came? A Yes.

Q And you were at the station house, when the message came?

A I was.

Q And you went towards 71st street? A Yes, sir.

Q And he went towards 71st street? A Yes, sir.

Q But he did not go with you? A No.

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Q Which route did you follow? A I jumped on a car.

Q What car? A On the Amsterdam avenue car which goes up Broadway.

Q What did he do? A He walked up, and he was right about a few feet behind me on 71st street.

Q How far from the corner of Broadway is 143? A Well, it is nearer towards Columbus avenue than it is to Broadway.

Q Between Amsterdam and Columbus avenue? A Between Columbus and Broadway.

Q You say it is nearer Columbus? A It is a little nearer to Columbus than it is to Broadway, yes.

Q And you found quite a crowd outside of 143? A There was quite a crowd there, yes, sir.

Q Where did you find the defendant? A In the centre of the street in front of 143.

BY THE COURT:

Q Was he on the sidewalk or in the roadway? A In the roadway.

BY MR. ARANOW:

Q In the roadway? A Yes, sir.

Q Was he standing still? A Yes, sir.

Q Absolutely still? A Absolutely still.

Q Were there any persons around him? A Well, the people who were around him stood on the sidewalk.

Q How many would you say? A About twenty-five or so.

Q Men and women? A Mostly men; a few women.

Q And the defendant was standing still, just as still as

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I am? A Yes.

Q How long did you observe him before you approached him?

A All the way from Broadway.

Q How long would that be? A About a minute or so.

Q You saw him standing in the middle of the street? A Yes.

Q While you were looking at him he was standing perfectly still? A Yes.

Q Absolutely still, - didn't move an arm? A When I got there he threw up his hands.

Q I mean before. A He was absolutely still there before I got there.

Q Absolutely still? A Yes.

Q When you saw this man standing in the middle of the street and a crowd on the sidewalk you went directly for the man?

A Yes, sir.

Q You did not ask anybody anything? A There was a person ---

Q Did you ask anybody anything? A No, I didn't ask anybody.

Q You straight away went for the man who was standing in the middle of the street? A Yes, sir.

Q When you got there what did he do? A He said ---

Q No, what did he do? A He put up his arms.

Q How? A Like that (indicating by putting up both arms to the level of the shoulder). He said, "You might as well kill me right now."

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Q Did you have your gun out? A No, I did not.

Q What did you see? A I saw the gun lying alongside of him. I picked it up. I asked him what he was doing with it; he said he had shot and killed his wife in Dr. Waxman's house.

Q What did you do? A I searched him to see if he had anything on him.

Q In the street? A Yes, in front, downstairs, to make sure he would not have anything else on him.

Q I don't care for your reasons; what did you do? A I searched him. And detective Leonard was there and then we both went in together.

MR. ARANOW: I move to strike that out as not responsive.

Q Can't you answer my questions as nicely as you did Mr. Wellman's?

MR. WELLMAN: I object to that.

THE COURT: Sustained; that is not a proper comment.

Q Did you find anything on him? A No, sir.

Q What did you do after you searched him? A I took the defendant into the kitchen of the premises of Dr. Waxman. He said, "That is my wife."

Q Then what did you do? A Detective Leonard was there then, he assisted me.

MR. ARANOW: I move to strike that out as irresponsible.

THE COURT: strike it out.

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Q What did you do? A I left the case over to Dr. Leonard then, or Detective Leonard.

Q What did you do? A I took the defendant to the station house and different witnesses.

Q After the defendant said "This is my wife", what did you do next? A Detective Leonard placed him under arrest.

MR. ARANOW: I move to strike that out as irresponsive.

THE COURT: strike it out.

BY THE COURT:

Q "You" refers to you personally: what did you personally do? A I took care of the different witnesses that were there.

BY MR. ARANOW: Q What did you do? A I brought them to the station house. Detective Leonard assisted me, and went to the station house with me.

Q How long did you remain inside of 143, after you went in there with this defendant? A Well, about half an hour anyway.

Q Now, <sup>in</sup> that half hour, what did you do inside of 143? A Well, we got the ambulance first, and ~~got~~ the doctor to examine the deceased.

MR. ARANOW: I move to strike out that part.

THE COURT: I will let it stand.

MR. ARANOW: I respectfully except.

A (Continued) The deceased was pronounced dead by Dr. Simpson of the Polyclinic Hospital.

MR. ARANOW: I move to strike that out.

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THE COURT: strike out the last.

BY THE COURT:

Q Just keep in mind what you did, you, yourself; tell us what you did? A I notified the station house that a woman had been shot. Then the ambulance arrived, and this Dr. Simpson pronounced her dead.

MR. ARANOW: I move to strike out the last.

THE COURT: Strike it out; the jury will disregard it.

A (Continued) Then we went to the station house.

BY MR. ARANOW: Q What did you do, Officer? That is what I am trying to find out; you personally? A In that half hour we had to wait for the ambulance.

Q You telephoned to the station house? A Yes, sir.

Q After that did you wait? A Yes.

Q Did you stand there? A We stood in the kitchen.

Q Where was Bradford at that time? A He was sitting on a chair in the corner of the kitchen.

Q Who was beside him? A Detective Leonard.

Q Were you near him? A Well, I was a few feet away from him.

Q Did you leave him at any time? A No, sir.

Q You were in the rooms at all times? A Yes.

Q What did Bradford do, if anything, in the half hour he was in the room? A He did not do anything.

Q Sat there? A Sat on a chair.

Q Quiet? A Yes.

Q Didn't say anything? A He did not say anything, only when---

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Q Didn't move an arm?

BY MR. WELLMAN:

Q What were you going to say, "only when" what? A Only when he was questioned.

Q Did he say anything? A I asked why he done it. He said he was separated from his wife, and he was glad it was all through

Q Was that in the street or inside? A Both in the street and inside.

BY THE COURT:

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

BY MR. ARANOW:

Q Is that all? A Yes.

Q When did he say that, outside? A He said that both outside and inside.

Q Did he say it outside? A Yes, sir.

Q And inside? A Yes.

Q Who was doing the questioning? A Detective Leonard asked him inside.

Q Who asked him outside? A I asked him outside.

Q Did he say anything else? A No.

Q Did you say anything else to him? A No, sir.

Q Did you ask him any other questions? A No, sir.

Q Did you say anything to him on the way to the station house?

A No, sir.

Q Was he your prisoner? A No, detective Leonard took him to

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the station house.

Q Did you walk with him? A No, sir.

Q Did you go to the station house first, and he follow?

A I was first, and he was right in back of me. I was taking a couple of witnesses down there.

Q When you got to the station house did you say anything to him?

A No, sir.

Q Did he say anything to you? A No.

Q When you searched him did you find anything on him at all?

A No.

*John* Q Did you find any money on him? A I just gave a superficial search from the outside. I didn't go through his pockets.

Q You just frisked him? A Yes, frisking, superficial search.

Q You don't know whether he had any money in his pockets at the time? A No.

Q All you know about is this: that you came there and you saw the man in the middle of the street, and you saw the revolver?

A Yes.

Q Broken, lying there, and you asked him, "What did you do?" And he said, "I just shot my wife." Is that right? A Yes, "I just shot and killed my wife."

Q Is that all? A I asked where. He said "In the kitchen."

Q Anything else? A That is all.

Q Then you took him inside? A Yes, sir.

Q And there he said that was his wife? A Yes, sir.

Q You asked him who the woman was? A Yes, sir.

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Q And after that he sat down? A Yes, sir.

Q And you heard Officer Leonard ask him why he did it, and he said he was glad he did it, or something of that sort? A Yes.

Q And that was all? A Yes.

Q Not another word? A No.

Q Nothing else? A That is all.

Q That is all you can recall now? A Yes, sir.

Q Officer, did you at any time smell his breath? A No, sir.

Q Did you get a whiff of it? A No, sir.

Q At no time during the time that you had this man under observation from the time you first saw him did you get a whiff of his breath? A I didn't smell anything on his breath.

Q You didn't? A No.

Q Not a thing? A No, sir.

Q You are positive about that, Officer? A Yes, sir.

Q Did you testify in this case before? A Down in the Coroner's Court.

Q Did anyone examine you there? A You examined me there.

Q Did I cross examine you as to that very particular question? A Yes, sir.

Q And did you at that time answer me that you did not smell his breath? A I did not smell his breath.

Q Was that your answer there? A Certainly.

MR. WELLMAN: That is what he said here.

MR. ARANOW: Now, Mr. Wellman ---

MR. WELLMAN: I submit, your Honor, the question is

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improper in view of the testimony of the witness given not ten seconds ago.

THE COURT: I will let the answer stand.

Q Did you not, in your examination in the Coroner's Court testify there that you smelled alcohol on his breath? A No, sir, never at any time.

MR. WELLMAN: I submit if we have not the minutes here that is an improper question. I will produce the minutes here.

THE COURT: I will sustain the objection to that question.

MR. ARANOW: I respectfully except.

MR. WELLMAN: Counsel well knows the proper method of cross examining.

MR. ARANOW: I object to the comment.

THE COURT: I have sustained the objection; we will have no comments.

Q How long a time did it take you to go from 143 to the station house? A Oh, perhaps seven minutes or so; seven to ten minutes.

Q When you arrived there it was around one? A Perhaps one; between one and one-ten, something like that.

Q You stayed a half an hour in 143? A Yes.

Q That would bring it about 1:30 or 1:40, is that right?

A Yes.

Q You came to the station house about seven or ten minutes

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after? A Yes.

Q That would bring you at about 1:45 to the station house?

A About that time.

Q That is all you know about the case? A That is all I know.

BY MR. WELLMAN:

Q Officer, have you seen or observed a number of intoxicated persons? A Yes, sir, I have.

Q Have you made a number of arrests for intoxication? A Yes, sir.

MR. ARANOW: I object to that as irrelevant, incompetent and immaterial, and not within the issues.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

Q Did you observe the conduct and condition of this defendant?

A I did.

MR. ARANOW: I object to that on the ground it is incompetent, irrelevant and immaterial, and improper.

THE COURT: I will allow it.

MR. ARANOW: I respectfully except.

Q Did you observe any evidence of intoxication at any time that he was in your custody? A No, sir.

MR. ARANOW: Objected to as incompetent, irrelevant and immaterial, and improper in form.

THE COURT: Objection overruled.

MR. ARANOW: I respectfully except.

Q What is the answer? A No, sir.

*Handwritten signature and number 15*

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Q Did you examine or notice the clothes that the woman had on? A I saw clothes; that is, I did not give them a thorough look.

Q Did you observe the back of the shirtwaist? A No, I did not.

Q You did not? A No.

MR. WELLMAN: That is all.

MR. ARANOW: That is all.

J O S E P H I N E H I S L E R (340 East 93rd street) a witness called on behalf of the People, being first duly sworn, testified as follows: (Through Official Interpreter Rosenthal)

DIRECT EXAMINATION BY MR. WELLMAN:

Q Is that East? A Now I live east.

Q In November, 1915, where did you live? A 143 West 71st street.

Q With whom did you live there? A With Dr. Waxman.

Q Are you married? A Yes.

Q Where did your husband live? A With me; the whole family with me.

Q Have you a family too? A Yes, I have four children.

Q How long had you lived in that house? A Three years.

Q Were you the janitress there? A Yes, housekeeper.

Q On what floor did you and your family live? A Underneath; in the basement.

Q Did you know Isabella Bradford? A Yes, I knew her for two

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years.

Q Did she work there? A Yes, she worked for us two years.

Q Did you know the defendant, Allen Bradford? A Yes.

Q How often have you seen him before? A I did not count, but quite often.

Q Did you see him on the 23rd of November, last year? A Yes, sir.

Q At about one o'clock in the day? A Yes, one o'clock in the afternoon.

Q Where did you see him? A The bell rang and I went to the door and found him at the door. He said, "Hello", to me, "How are you?" I said, "All right." I asked him how he felt. He said "Fine."

Q Did he say this in English? A Yes.

Q You speak a little English? A Yes.

MR. ARANOW: I object to the question.

THE COURT: Objection overruled.

MR. ARANOW: I respectfully except.

Q Then what did he say, if anything? A He asked, "Where is Belle?" I told him that she was in the kitchen. Then he said, "Could I see her?" I said yes. Then I opened the door, and then he went in front of me. He went into the kitchen, and I followed him slowly, and I remained standing at the kitchen door, and he ran into the kitchen. He said, "Hello, Belle". Then he went to the sink, and the woman was standing there. She was standing at the sink, and he was standing alongside of her.

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He spoke to her, over her shoulder, because she is short and he is tall, and he said something to her, I didn't understand it, and she answered him, and he again said something, and she again answered him, and then I understood him to say, "This I give to you", and as soon as he said "to you", then he shot, he fired a shot. I only saw the smoke coming out and the woman started to scream. She screamed very loud and then she could not scream any more and she fell down, and as she fell I saw him stepping back one step, and then I saw him fire the revolver again. Then I ran back, and I went up the stairs in the house.

*Hess* Q Did you hear any more shots? A Yes, while I was going up the stairs I heard another shot and then once more when I was up in the hall.

Q Where did you go? A I went up in the dining room, and I went to the window and while I was standing at the window I saw the man, indicating defendant, walking into the street.

Q Did you see anything in his hand? A No, nothing; I could not see any more.

Q Before he went out to the street did you hear another shot?  
A Yes, sir.

Q Before you saw him? A (In English) Before I saw him, yes.

Q Then what did you do? A Nothing, I stood there. The nurse asked me ---

Q No, not that. Did you notice anything about the condition

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of the defendant which was unusual, that you had not observed before?

MR. ARANOW: I object to that as being incompetent, immaterial, irrelevant and leading.

MR. WELLMAN: Question withdrawn.

glt

Did you observe the condition of the defendant that day?

MR. ARANOW: I object to it as incompetent, irrelevant and immaterial, no foundation having been laid.

THE COURT: I will allow the witness to say yes or no.

MR. ARANOW: I respectfully except.

A He was there frequently.

MR. ARANOW: I move to strike out the answer as not responsive.

THE COURT: Strike it out.

Q Did you observe anything unusual about his condition that day?

MR. ARANOW: I object to the question.

THE COURT: I think I will sustain the objection; it calls for a conclusion.

Q What did you observe about his condition? A I noticed nothing unusual from what I saw before.

MR. ARANOW: I move to strike that out as calling for a conclusion.

THE COURT: I will let it stand.

MR. ARANOW: I respectfully except.

BY THE COURT: Q About how many times had you seen the defendant

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Before that day? A I could not swear how many times.

Q About how many? A I don't know; the year before he came several times. During the summer the Doctor was in the country and Belle was not with us. I was alone in the house, and in September Belle returned, and then it was the first time then that this man came.

Q About how many times? A I could not swear; three times or four times. I could not swear.

BY MR. WELLMAN:

Q I show you People's Exhibit 3 for identification, and ask you if you ever saw that person before? A Yes, she was working for us.

Q Who is that? A That is Belle.

MR. ARANOW: If the Court please, I must object to the legal effect of this photo, which is not in evidence, being shown to the witness.

THE COURT: I will allow her to identify it.

MR. ARANOW: I respectfully except.

MR. WELLMAN: It will be offered in evidence.

MR. WELLMAN: You may examine.

CROSS EXAMINATION BY MR. ARANOW:

Q When before November 23rd of last year, when before did you see this defendant; that is, when was the last time before November 23rd had you seen the defendant? A I couldn't say. I don't know.

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Q Was it in the year 1915? A I could not say for sure.

Q Was it 1914? A Yes, the first year that Belle worked for us, then he came many times.

Q When was the first year that Belle worked for you? A It must be September, she worked for us just two years.

Q So the first time she worked for you was about 1913? A Yes; she came to us in September, 1913, so in 1914 it was one year, and in 1915 it was two years.

Q In the year 1914 how many times did you see this defendant? A I could not say how many times.

Q Did you see him more than once? A Yes. Perhaps every fourteen days he came once, and perhaps in during the week twice.

Q This was in 1914? A Yes.

Q Did you ever see any conversation between the defendant and Bella? A Yes.

Q Now, did you in the year 1914 ever hear a conversation with Bella and this defendant, where this defendant asked Belle to please go back and live with him? A Yes, I heard that.

Q And how many times did you hear this defendant ask Belle to please go back to him? A Almost every time he came.

Q Did you ever hear the name of a man by the name of Grover at any time? A The name I don't understand, but I heard them speak about a man.

Q And did you hear any conversation where he, the defendant, asked for her address; asked for the address of Belle? A Yes.

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*line*  
Q Do you know in how many places Belle lived in, or how many changes of residence did she have in the year, 1915? A Yes, twice she moved.

Q Did you ever hear her tell him of the address where she moved to? A No.

Q Did you ever hear him ask for the address? A Yes.

Q And she never told him? A No.

Q Did you hear what her answers were when he asked for the address? A She refused abruptly.

*g 12*  
Q Did Belle live at 143 West 71st street? A No.

BY THE COURT:

Q I understand that on November 23rd Belle was in your employ as a cook, is that so? A No chambermaid.

Q She worked for you as a chambermaid, is that so? A Not for me, but for the doctor.

Q When you say "the doctor", what doctor do you mean? A Dr. Waxman.

Q You were the housekeeper for Dr. Waxman? A Yes.

BY MR. ARANOW:

Q On November 23rd, when you first saw this defendant, what was the first thing he said, "Hello, how are you?"

Q And what did you say? A I said "Fine." (In English) → "And you?" And he said "Fine."

Q Was he jolly? A Yes, he was friendly.

Q He always greeted you in that way, "Hello, how are you?"

A Yes, always. He was always friendly.

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Q But this time he seemed to be more friendly than others?

A Yes, he was smiling, he was very friendly.

Q More friendly than the last time you saw him? A He was the same as before; he was always friendly.

BY THE COURT:

Q Was any other person in the kitchen at the time the defendant entered it on November 23rd besides the deceased and the defendant, and yourself? A No.

BY MR. ARANOW:

Q How many shots did you hear in all? A Four.

Q Four in the house? A Four in the house.

Q And were there any outside of the house? A While he was running out of the house he must have fired another shot.

MR. ARANOW: I move to strike that out.

THE COURT: strike it out.

BY THE COURT:

Q Did you hear a shot after he left the house? A While I was standing upstairs in the diningroom at the window, I heard another shot.

Q That was inside of the house or outside of the house? A This I could not see.

Q Is the dining room in that house in the front or in the back? A In the front.

Q That is one flight up? A Yes.

BY MR. ARANOW:

Q And you stood near the window? A In the diningroom, at

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the window.

Q Did you look out on the street?

A Yes.

Q Did you see this defendant come out on the street? A Yes.

Q Now, how long a time did you observe him on the street?

A Until the policeman came.

Q How long was that? A I don't know how long it could have been.

Q Five minutes? A Perhaps.

Q Maybe a little longer? A It took some time before a policeman came.

Q What did the defendant do out on the street; what did you see him do? A He was running to and fro, and he said he was waiting for the police.

Q Was he standing still or was he walking back and forth?

A He was standing still a little while and then he was walking to and fro.

Q Was he on the sidewalk or in the roadway? A When I saw him he was in the middle of the street.

Q A crowd had collected around him? A Yes.

Q How many persons would you say there were in that crowd?

A There was a whole bunch of people. The wagons stopped. Perhaps thirty or forty were standing there.

Q And you observed him until the policemen came? A Yes.

MR. ARANOW: That is all.

MR. WELLMAN: That is all.

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THE COURT: We will suspend for a moment.

(Trial continued after a suspension of about two minutes.)

ELIAS A S P R I N C E, (140 West 71st street) called as a witness on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. WELLMAN:

Q Elias Prince, you live at 140 West 71st street? A Yes, sir.

Q Were you employed in the neighborhood of 71st street, west, in November, last year? A Yes, sir.

Q At what address? A 140 West 71st street.

Q Is that right across the street from 143 West 71st? A Yes.

Q Were you a porter there? A Yes, sir.

Q Were you there on the 23rd of November, the day when there was some occurrence in the street? A Yes, sir.

Q Where were you at about one o'clock in the afternoon of that day? A I was on the outside cleaning the doors.

Q Did you notice anything in the street, any disturbance?  
A Yes, sir.

Q Did you hear any shots? A Yes, sir.

Q Now, tell us what you saw, the first thing you saw at that time? A I seen the defendant come up from 143, and he had his gun in his hand and pointed the gun up in the air and fired a shot. Then he looked at the gun and broke the gun and

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threw it in the street.

Q He opened the breach of the gun? A Yes.

Q And threw the gun in the street? A Yes.

Q Go ahead? A He keep walking across the street towards my house at 140 West 71st.

Q Had you ever seen the gun before? A I never did before.

Q Go on. A A crowd started gathering around there and I walked up to him. I said, "What is the matter, George?" He said, "Oh, I shot my wife and I have good reason for it." Then he walked off. He said, "You need not be scared, I am not going away; I am waiting for the officer."

Q Did you observe his condition? A Yes, sir.

Q At this time? A Yes.

Q What was it? A He was pretty calm, nothing at all the matter with him.

R? ARNOW: I move to strike that out.

THE COURT: Strike it out.

Q He seemed pretty calm?

MR. ARANOW: That has been stricken out.

THE COURT: Yes.

Q Did you observe any evidence of intoxication?

MR. ARANOW: I object to the question as incompetent, no proper foundation having been laid.

THE COURT: I will allow him to answer.

MR. ARANOW: I respectfully except.

A Yes, sir.

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Q Did you observe any evidence of intoxication? A Yes, sir, I looked at him very good, and he seemed as calm as ever, the same as any other man.

MR. ARANOW: I move to strike that out.

THE COURT: Strike it out.

Q Did he seem to you to be intoxicated? A No, sir.

MR. ARANOW: Same objection.

THE COURT: I will let the answer stand.

MR. ARANOW: I respectfully except.

MR. ARANOW: I think, in order to get the record straight, I objected to the question, but I also move to strike out the answer.

THE COURT: Motion denied.

MR. ARANOW: I respectfully except.

Q Were you there still when the police came? A Yes, sir.

MR. WELLMAN: That is all.

CROSS EXAMINATION BY MR. ARANOW:

Q The first thing that you knew was this man walking out of 143, is that right? A Yes, sir.

Q And you saw him hold a revolver in his hand? A Yes, sir.

Q Where was he at the time you first observed him? A Right by the step, going down to the basement 143.

Q Going down to the basement? A Coming up from the basement.

Q Was he on the sidewalk? A On the sidewalk.

Q Did he continue to walk, or did he stop? A He stopped

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and fired the gun in the air.

Q He held up his gun that way (indicating over head)? A Yes.

Q What did he do immediately after firing the gun? A He broke it and threw it in the street.

Q By the street you mean the roadway? A Yes.

Q Did he remain upon the sidewalk? A No, he was in the street then.

Q What did he do? A He walked towards 140, towards me.

Q What did he do after he got there? A He stood up.

Q He kept walking back and forth, like this? (Indicating)  
A Yes.

Q Between 140 and 143? A Yes. He took his time.

Q But he kept walking? A Yes.

Q Back and forth across the street? A Yes, sir.

Q How many times did he walk that way before the officer came? A About twice, walking in the street and coming on back and stood up.

Q You said you ran out to him? A I did not run out. He walked across the street towards me, and I went to him.

Q Then you walked to him? A Yes.

Q Where did you meet him? A By the curb of my sidewalk.

Q What did you say to him? A I said, "Hello, George, what is the matter?" He said, "I shot my wife." I have good reason for it."

Q About how close were you to him? A About that, not very far, (indicating about two feet).

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Q How many feet, about? A About three feet.

Q How long did he remain that way? A He stood there a little while.

Q About how long? A A few seconds, I guess.

Q Then he turned away? A Walked towards 143 again.

Q Did you see the officer come? A Yes.

Q What did you see him do, when the officer came? A Held his hand up. (Indicating upstretched hand)

Q How long did you observe him before the officer came? A I could not say.

Q Was it three or five or ten minutes? A About fifteen minutes is about the time.

Q During that time he was walking back and forth? A Yes, sir.

Q Did you touch him with your hand? A No, sir.

Q Just looked at him? A Yes, sir.

Q Did a big crowd collect? A Yes, sir.

Q About how many in the crowd? A I could not really say now.

Q More than twenty? A Maybe more, maybe less; I don't know.

Q Anyway, there were a good many people there? A Yes.

Q Did you go to the station house with them? A Yes, sir.

BY THE COURT:

Q Did you see the defendant on the way to the station house?

A No, sir, I was there when he took him out from 143 to the station house.

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Q Did you walk along to the station house at that time?

A No, sir.

Q Was the defendant taken in a patrol wagon, or on foot, from 143? A On foot.

BY MR. ARANOW:

Q Did an officer in uniform take him? A An officer in uniform and a detective.

Q And when did you go there? A They came for me about an hour or half an hour afterwards; I could not really tell.

Q Did you go inside to 143 with the officer and this defendant? A After the detective came and got me from 140, he took me to 143.

Q When was that? A After he went to the station house?

A Yes.

Q But were you in 143 when the defendant was there with the officer? A No, sir.

Q About an hour afterwards the officer came and had a conversation with you? A He came to get me.

Q He talked to you? A Yes.

Q Took you to 143? A Yes.

Q Did he show you anything there? A No, he just questioned me, that is all.

Q Then you went down to the station house? A Yes, sir.

Q Did anybody else go down there with you? A I and the officer.

MR. ARANOW: That is all.

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MR. WELLMAN: That is all.

L. P. HANSON, (Jersey City, New Jersey), a witness called on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. WELLMAN:

Q Mr. Hanson, you have a shop in Jersey City, have you not?

A Yes, sir.

Q How far is it from the ferry that comes from New York at Cortlandt street? A It is the fourth block from the ferry; corner of Washington street.

Q After you get off of the ferry how do you get to your store? A straight up from the ferry.

Q Straight up? A Yes.

Q Is there a hardware store across the way from you? A Almost straight across.

Q What articles do you deal in? A Stationery and sporting goods.

Q Do you have revolvers for sale? A Yes, sir.

Q On the 23rd day of November of last year did you sell a revolver to a colored person? A I have got my book here, showing the date.

MR. THORNE: I object to that for the defendant.

MR. WELLMAN: I withdraw that question.

On the 23rd day of November, 1915, did you sell any revolvers?

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MR. ARANOW: That is objected to.

THE COURT: He may answer yes or no.

MR. ARANOW: I respectfully except.

A I haven't got the date down. I couldn't recall it to my mind.

Q I show you people's Exhibit 4 for identification and ask you to examine it and state whether or not that was in your store and sold by you? A This is my tag (referring to a tag attached to the revolver).

Q Do you recognize the tag? A Yes, sir.

Q And the mark on it? A Yes, sir.

Q Look around the room and state whether you see any one here to whom you sold a revolver in the month of November?

A That man there in the corner chair.

Q Where? A There in the corner.

Q What man? A That man g facing me now (indicating towards the defendant).

MR. WELLMAN: I think he indicates the defendant.

MR. ARANOW: Yes.

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

Q What did you sell the revolver to this man for, at that time, at what price? A \$4.50.

Q Have you your book here? A Here, (Looking at book) yes.

Q Did this man give you any name and address? A Yes, sir.

Q Look in your book and tell us what it was?

MR. ARANOW: I object to that.

Q Unless you can tell us without your book: can you tell

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without refreshing your recollection from the book? A Not absolutely.

Q Is the entry in the book made by you? A The description is made by me, but the address and his name was made by himself.

Q Made by himself in his own handwriting? A Yes.

Q Is that your rule, to have people sign the book?

MR. ARANOW: Objected to on the ground it is incompetent.

THE COURT: I think he may testify as to what his custom in the business was.

MR. ARANOW: I respectfully except.

Q Is that your custom? A Yes, the police require that.

Q Which entry did he sign? A That one (indicating).

Q The one with the "X"? A Yes.

BY THE COURT:

Q You identify that as having been written by the defendant who is on trial here? A Yes, sir.

BY MR. WELLMAN:

Q Did you see him write it? A Yes, sir, wrote in my presence.

Q The name "John Wilson"? A That is what he wrote down.

MR. ARANOW: I object to that, calling for a statement of the contents of a paper not in evidence.

THE COURT: I will allow the answer to stand.

MR. ARANOW: I respectfully except.

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Q Did he also write the address which is here? A Yes.

MR. ARANOW: Same objection.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

Q Did you see him write that? A Yes, sir.

BY THE COURT:

Q That is to say, you saw the man who is now on trial, write that? A Yes, sir.

BY MR. WELLMAN:

Q "36 - 139th ~~street~~, N.Y." A Yes.

MR. ARANOW: I object to that on the ground of being incompetent.

THE COURT: I think I will let that stand.

MR. WELLMAN: He saw him writing on that line in the book; if you want it in evidence, of course the writing speaks for itself. I want to avoid keeping this gentleman's book in evidence for a year, but if counsel insists, I will do it.

THE COURT: I think counsel is within his rights in that respect.

MR. WELLMAN: Do you?

MR. ARANOW: The court has said I have got to give this man legal testimony in this case.

*grv*  
MR. WELLMAN: All right, I offer the book in evidence. I offer the entry in evidence.

I am sorry for you, Mr. Hanson, but it <sup>is</sup> what he

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offered.

MR. ARANOW: I object to any comment being made by the District Attorney in regard to that book.

THE COURT: I have ruled on that, Mr. Aranow. The book is offered in evidence and I receive it.

(Book received in evidence and marked People 's Exhibit 7.)

THE COURT: Having been offered in evidence it can be read.

Q This part at the left-hand corner of the entry, is that written by any one whose handwriting you recognize? A That is my own writing.

Q ".38 calibre, U. S., hammer revolver, \$4.50, blue"? A Yes.

Q Will you examine People's Exhibit 4 for identification, and say whether that is the revolver? A I could not say, except from general appearance. It corresponds to my entry in the book.

Q How about the tag? A The tag is mine. That is my son's writing.

Q You recognize your son's writing on the tag? A Yes.

Q Is that a .38 calibre U. S. hammer revolver? A Yes, sir.

Q Blue? A Yes.

Q What is the price of that revolver? A \$4.50.

MR. WELLMAN: (Reading) ".38 calibre, U. S. hammer revolver, \$4.50 blue."

" John Wilson, 36-139 St. N. Y."

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BY THE COURT:

Q On what day was that entry made? A I haven't noted the date down, Judge. I was alone in the store at the time, and I overlooked that.

BY MR. WELLMAN:

Q Do you recall the incident of this man purchasing the revolver with sufficient distinctness to tell us what the conversation was? A No, I could not.

BY THE COURT:

Q About what hour of the day was this sale? A The only way I can reckon, I was alone, my son going to dinner between eleven and twelve o'clock.

Q In the forenoon? A Yes, in the forenoon.

BY MR. WELLMAN:

Q Now, tell us what you can remember about his coming in?

MR. ARANOW: If your Honor please, he already testified he does not remember.

THE COURT: I will let him state.

BY THE COURT:

Q Give us your best recollection of the incident?

MR. ARANOW: I respectfully except? A He came in there like many others and asked to buy a revolver. I took him over by the counter where they were and I asked what calibre he wanted. I think he said a .38 calibre and I sold it to him.

BY MR. WELLMAN:

Q How many revolvers did you have there? A Possibly a dozen.

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Q What is the largest calibre you have? A That is the biggest we carry.

Q .38? A Yes, sir.

Q Did you sell him any cartridges? A Yes.

Q How many? A If I recollect right, five.

Q Were they .38 calibre too? A .38 calibre, yes, sir.

Q Did you observe the man's condition? A Yes, sir, in an ordinary way.

Q Have you seen drunken people, intoxicated people? A Yes, sir.

MR. ARANOW: That is objected to.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

Q How old a man are you? A Sixty-five years.

Q Have you seen a number of intoxicated people? A Well, yes.

Q Do you know one when you see one? A Yes.

MR. ARANOW: Same objection.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

Q Did you observe any evidence of intoxication in this man?

MR. ARANOW: Objected to on the ground it is incompetent, immaterial, and irrelevant, not properly founded.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

A No, sir, I did not. He looked perfectly normal to me.

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Q Did he talk normal and rational?

MR. ARANOW: Objected to.

THE COURT: Objection sustained.

MR. WELLMAN: Your witness.

BY THE COURT:

Q Are you able to fix the month in which the sale, as you say, was made, - yes or no? A I could not, no.

Q Are you able to fix the year in which the sale was made, yes or no? A No; -- oh, yes.

Q What year was it made? A 1915.

Q Are you able to tell the season of the year in which the sale was made? A Yes, in the fall of the year.

Q Is there any way in which you can refresh your recollection as to the date of the sale? A No.

Q You do not enter the date in your book, do you? A Sometimes we do, but I was alone that day and I had very little time to.

Q I call your attention to a date appearing on the bottom of the preceding page, "October 4, 1915". Do you see that?

A Yes.

Q That represents the date on which you sold the gun referred to in that entry? A Yes.

Q And there appear to have been three gun sales entered in your book between that one and the one in which the name John Wilson appears? A Yes, sir.

BY MR. WELLMAN: Q There appear to have been three sales since

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that time?

A. Yes, sir.

THE COURT: You mean subsequent to the John Wilson sale?

MR. WELLMAN: Yes.

BY MR. WELLMAN:

Q. Subsequent to the John Wilson sale? A. Yes.

Q. In other words, if you sold the three before the John Wilson sale, say in October, is there anything in the entry book which now refreshes your recollection so that you can tell us any more nearly than you have when this sale, the John Wilson sale was made?

MR. ARANOW: I object to the question, calling for a statement of facts not in evidence; on the further ground it is irrelevant, incompetent and improper.

THE COURT: Objection overruled.

MR. ARANOW: I respectfully except.

A. No.

THE COURT: We will take a recess now.

MR. WELLMAN: If your Honor please, this gentleman is very anxious to get back to New Jersey. May we finish with him now?

THE COURT: We will wait until we get through with the cross examination.

CROSS EXAMINATION, BY MR. THORNE:

Q. How many revolvers have you sold during the year 1915?

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A I could not tell from memory.

Q Then how is it that you can identify this man as a man that entered your store in connection with that particular purchase? Will you explain that to us? A In the first place he was a colored man.

THE COURT: Have you finished your answer?

THE WITNESS: Yes.

Q You have a number of colored people come in to make purchases? A Yes.

Q Then how do you identify this particular colored man?

A Because he bought a gun.

Q How many blocks are you from the ferry? A About three and a half blocks.

Q Are there saloons between your place of business and the ferry? A Yes.

Q How many? A I could not tell.

Q There is a saloon on the next block below you, isn't there?

A There is one right next to me.

Q Is there one in the next block? A Yes.

Q Do you know the name of that saloon? A In the next block?

Q Yes. A One is McNulty; that is one of them.

Q When this man came in to make a purchase on this day you did not pay any particular attention to it, did you, excepting to observe that he was a colored man? A No, I did not.

*J. J. K.*  
Q So that what this condition was you don't know? A To my observation if he was under any excitement at all, I should

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not have sold the gun.

MR. WELLMAN: What is that answer?

THE COURT: The stenographer will please read the answer.

(The last answer of the witness is read.)

Q He simply came in and asked for a gun and you sold it to him? A Yes, sir.

Q So that when you stated that the man was not under the influence of liquor, you had in mind whether he was excited; not directly under the influence of liquor, but whether he was excited, that is what you had in mind? A Both, possibly.

Q How wide was the counter over which you sold the revolver? A Oh, ordinary width, about 24 or 27 inches.

Q You were not paying any attention as to whether you detected the smell of alcohol or not? A No.

Q You were intent on selling the revolver; that is all you cared about? A Yes, sir.

MR. THORNE: That is all.

MR. WELLMAN: Perhaps Mr. Hanson will let him us have the page out of his book and then we can save keeping the whole book.

MR. HANSON: With the Court's permission I would like that book back.

(Mr. Wellman tears out the page which has been marked.)

THE COURT: Why can we not have the transcript upon the record?

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MR. ARANOW: I will be satisfied with the transcript.

THE COURT: That is satisfactory, is it?

MR. ARANOW: Absolutely.

THE COURT: It may be read.

MR. WELLMAN: I think it might be well, before that is done, for counsel to show it to his client.

THE COURT: Yes.

(Mr. Aranow shows the page marked Defendant's Exhibit 7 in evidence, to his client.)

MR. ARANOW: I would respectfully ask this Court to return this book to him, excepting that I would like to use the handwriting for later purposes.

MR. WELLMAN: Suppose we take the page out.

THE WITNESS: All right.

THE COURT: By consent the page can be taken out.

MR. WELLMAN: I offer the revolver in evidence at this time, People's Exhibit 4 for identification with the tag of course on it.

THE COURT: I will receive it.

(Revolver marked People's Exhibit 4 in evidence.)

MR. ARANOW: As far as the tag is concerned, I do not believe there has been proper identification of the tag by the officer, as to tracing it to their hands at the present time. I didn't know there was a tag on it until at the present moment. I have no objection to the revolver itself.

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MR. WELLMAN: I think the tag might be marked separately under the circumstance.

THE COURT: Yes.

MR. WELLMAN: If it may appear on the record that is the tag of which the witness said that he recognizes his son's handwriting on it.

MR. ARANOW: I object to its admission.

THE COURT: I will receive it.

MR. ARANOW: I respectfully except.

(THE TAG is marked in evidence as People's Exhibit 8.)

MR. WELLMAN: That is all for this witness.

*Thom*  
MR. WELLMAN: That is all.

BY JUROR NO. 8:

Q Are you able to testify to that particular revolver aside from the tag, that it was purchased in your shop? A Yes.

Q You can identify that? A Yes.

BY THE COURT:

Q That is to say, Mr. Witness, if that gun had no tag on it, you would recognize the gun as a gun that had been in your shop and bought from your shop? A No, sir.

Q You recognize it because of the presence of the tag on it? A Yes, sir.

Q You do recall having sold a revolver of that description to the man that you have described, is that so? A Yes, sir.

Q But you say this is the revolver that you did sell to him because of your identification of it, based upon the presence

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on it of the tag? A Yes, sir.

Q Is that so? A Yes, sir.

MR. WELLMAN: May we let Mr. Hanson go back?

THE COURT: Any other question of this witness, Gentlemen?

MR. ARANOW: No.

MR. WELLMAN: That is all.

THE COURT: Do you want him any further?

MR. ARANOW: No.

THE COURT: We will take a recess, Gentlemen, until a quarter past two. You are admonished not to converse among yourselves upon any subject connected with this trial, nor form nor express any opinion thereon until the same has been submitted to you. The court will take a recess until 2:15 p. m.

(The court takes a recess until 2:15 p. m.),

TRIAL CONTINUED, 2:15 p. m.

JOSEPH F. LEONARD, (Fourth Branch Detective Bureau), a witness called in behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. WELLMAN:

Q You are attached to what Branch? A Fourth Branch Detective Bureau.

Q How long have you been a detective? A About seven years.

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Q Did you go on November 23rd, 1915, to the premises 143 West 71 street? A I did.

Q What did you see there, and in the street in front of those premises when you went there? A I left the station house about five minutes after one on a telephone call and I went to 71st street. In the middle of the street the defendant stood. Officer Kotschau was about five feet ahead of me. He went to the defendant first. Somebody there said that this man had shot his wife.

Q Not what you heard. A Well, Kotschau asked what he had done. He said he is just after shooting his wife, and "I am ready to die." He asked him where. He said "In the house", so Kotschau and him and I went into the basement, to this kitchen.

Q Was there any one else there? A Yes.

Q Did you see a body there in the kitchen? A I did.

Q Did you afterwards identify that body to Dr. Schultze?

A I did.

Q And to Coroner's Physician Ray? A Yes, sir.

Q I show you People's Exhibit 3 for identification, and I ask you if you ever saw that person in life? A Yes, that is the woman that was lying on the floor.

Q That is the woman that was lying on the floor in the kitchen of the basement of 143 West 71st street? A Yes, sir.

Q And was that the same body which you identified to Dr. Schultze and Dr. Ray? A Yes, sir.

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Q Where was the body lying when you saw it? A In the kitchen, in the centre of the kitchen, right near the stove. The head of the body was towards the street and the feet was towards the yard.

Q I show you a photograph and ask you if that properly represents the position in which the body was lying? A Yes, it does.

Q Is that a photograph of the body? A Yes, it is.

MR. ARANOW: I object to that as incompetent.

THE COURT: I will allow him to answer.

MR. ARANOW: I respectfully except.

Q The furniture as represented in the photograph, is that as you saw it on that day? A Yes, sir.

MR. ARANOW: Same objection.

THE COURT: same ruling.

MR. ARANOW: I respectfully except.

Q Did you examine it carefully? A Yes, sir; the same way.

Q Does that represent anything different from what you saw when you entered the kitchen that day? A No.

MR. ARANOW: Same objection.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

MR. WELLMAN: I ask that the picture be marked for identification.

(Photograph marked People's Exhibit 9 for identification.)

MR. WELLMAN: I offer the picture in evidence.

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MR. ARANOW: Objected to on the ground it is incompetent.

THE COURT: I will receive it.

MR. ARANOW: On the further ground no proper foundation has been laid.

THE COURT: I think I will receive it as a representation.

MR. ARANOW: I respectfully except.

(Picture is marked in evidence as People's Exhibit 9.)

Q You took the defendant into the kitchen at the time? A Yes, Officer Kotschau took him in, and I behind Officer Kotschau.

Q Did you question him? A I did.

Q State the questions and answers that he gave? A I asked him was the woman on the floor his wife, and he said yes. I asked him for the woman's name, he gave me her name in full, Isabella Bradford. I ask him how old she was. He said twenty-seven years old. I asked him was his wife born in this country, and he answered all the questions all the way through.

MR. ARANOW: I ask the very last part of the answer be stricken out.

THE COURT: I will let it stay in.

MR. ARANOW: I respectfully except.

Q Go on. A I asked him why he had shot his wife. He said he had a good reason, that she had not lived with him for about two years, and that he had made up his mind that morning,

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and he went to his superintendent, received his pay, and he left there and he went to Jersey where he bought the revolver, paying \$4.50 for it, and five cartridges, paying ten cents for the five cartridges. He said, "I then came back to New York ", he said, "went up Eighth avenue, right direct to the house," he said, "when I got there the housekeeper met me at the door. I asked the housekeeper was my wife in. She said yes, she was in the kitchen. I asked her could I go in. She said "sure". She opened the door and let me go in. When I got to the door I seen my wife there. I said, 'Hello, Belle'. She said 'Hello' to me. I said 'That don't suit me.' I went over to her. She had her back turned to me. The first time I shot her I shot her in the back." Then he said, "I fired two or three more shots at her breast, I don't know exactly whether it was two or three."

Q Any more? A That was all the conversation I had in that house with him.

Q Did you observe the condition of the defendant? A Yes, sir.

Q State what his condition was?

MR. ARANOW: I object to that on the ground it is incompetent, no proper foundation having been laid.

THE COURT: I will allow him to answer.

MR. ARNOW: I respectfully except.

A He was very cool.

MR. ARANOW: I move to strike that out.

THE COURT: Strike it out. The jury will disregard that.

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A He was sober.

MR. ARANOW: I move to strike that out also.

THE COURT: I will let that stay in.

MR. ARANOW: I respectfully except.

Q You saw no evidence that he was intoxicated?

MR. ARANOW: Same objection.

THE COURT: Same ruling.

MR. ARANOW: I respectfully except.

Q Did he answer your questions without hesitation?

MR. ARANOW: I object to that if your Honor please.

MR. WELLMAN: Question withdrawn.

Q Was there anything in his speech, or in his voice to indicate a condition of excitement or a condition of intoxication?

MR. ARANOW: I object to that on the ground it is incompetent, irrelevant and immaterial, and improper in form.

THE COURT: I will allow him to answer.

MR. ARANOW: I respectfully except.

Q Nothing in his voice; he answered me right away.

Q Did he talk coherently?

MR. ARANOW: Same objection as incompetent, irrelevant immaterial, and improper.

THE COURT: I will allow him to answer.

MR. ARANOW: I respectfully except.

A Yes, he spoke right up.

Q Did you examine the body after its position was changed, after it was taken away, did you examine the clothing? A Yes, sir.

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Q What did you find to be the condition of the clothing,

MR. ARANOW: I object to that, if your Honor please, permitting a conclusion to be drawn.

THE COURT: I will allow him to state what he saw.

A In the waist, there was a burnt hole in the shirtwaist.

Q What part? A In the back (indicating region of left shoulder blade.)

Q How large a hole? A About half an inch.

Q Did you ask the defendant any questions at any other time as to his place of residence, and so on? A Yes, sir, in the station house.

Q What address did he give you? A 36 West 139th street.

Q Did he tell you where he worked? A Yes, he told me where he worked.

Q Where? A 251, I think, West 98th street.

Q Did you find anything else in the kitchen besides what you have told us about? A Yes, I found a slug at the table, and I found two shells outside in the street.

Q *What* would you be able to identify them if you saw them again?

A Yes, sir.

Q Any of these articles which I show you? A That is the slug (indicating).

Q Where was this found? A In the kitchen, at the table, the leg of the table.

MR. WELLMAN: I ask to have them marked for identification.

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(The articles are marked People's Exhibit 10 for identification.)

MR. WELLMAN: I offer it in evidence at this time.

MR. ARANOW: The only objection which I have is that it has not been properly connected with the defendant, or it being identified, whatever it is, except this witness says it is a slug. I don't know what that means.

Q Where did you find it? A I found it in the kitchen about five minutes after we got in there, at the table.

Q The same time you found the body? A Yes.

MR. WELLMAN: I renew the offer.

THE COURT: I will receive it subject to being connected.

(People's Exhibit 10 for identification is marked in evidence as People's Exhibit 10.)

Q Anything else? A These two shells were found in the street, right outside the door.

Q By whom? A By me.

Q Where in reference to the place where the defendant was?

A Right as you come out of the door, right at the stoop, in the street.

Q The stoop of 143? A Yes.

MR. WELLMAN: I offer them in evidence.

MR. ARANOW: Same objection on the ground it has not been properly connected.

THE COURT: I will receive them.

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MR. ARANOW: I respectfully except.

(Two shells are marked People's Exhibit 11 in evidence.)

Q What calibre are those shells, if you know?

MR. ARANOW: I object to that on the ground it is incompetent, no proper foundation having been laid.

THE COURT: Ask him a few questions regarding that.

Q Do you know the calibre of revolver cartridges when you see them? A Yes.

Q You have handled firearms for how long? A Ten years.

Q Are you familiar with the usual makes of cartridges?

A Yes, sir.

Q Look at the shells, People's Exhibit 11 in evidence, and state, if you can, what calibre those are? A .38 calibre.

MR. ARANOW: I object to that.

THE COURT: Allowed.

MR. ARANOW: I respectfully except.

Q Are they revolver shells? A Yes, sir.

Q such as are used in revolvers? A Yes, sir.

Q do you call them .38 shorts? A .38.

MR. WILLMAN: You may examine.

CROSS EXAMINATION BY MR. ARANOW:

Q When the telephone message came, where were you? A In the station house.

Q Where was Officer Kotschpau? A In the station house.

Q Did he and you go up to the place in 71 street? A No.

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not together, I left there a little ahead of him; I was waiting; I tried to get a car, to get up there quick.

Q You were five feet in back of the officer? A Yes, just about five feet.

Q Tell us what Officer Eotschau said to this defendant, and what this defendant said to Kotschau, the exact words, if you can recall. A He said, "I am after killing my wife." He said, "I am ready to die." "Shoot me", something to that effect.

Q That is about as near as you can remember? A Yes.

Q What did Kotschau say to him before that? A He asked him why did he shoot his wife. He said he had a good reason.

Q Where was this? A Just as they started in to the house.

Q Where did you first see the defendant? A He was standing in the middle of the street, not quite in the middle of the street.

Q Standing still? A Yes, standing still.

Q Absolutely still? A Still.

Q How long had you observed him before you finally came up to him? A Coming right through together, somebody said "That is him."

Q How long did you observe him? A From the time I could see him. I didn't know whether it was him; there were about twenty-five people there. I was not paying any more attention to him than anybody else.

Q When did you first see him? A No more than we both closed

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in together, somebody says "That's him."

Q Officer, can you answer my question: when did you first see the defendant? A Right at the time; we both hid there together, about a couple of feet away from him, to know him.

Q How many feet away from him were you when you first observed him? A About ten feet.

Q That is the time you first observed him standing there?

A Yes, facing towards Columbus avenue..

Q And you came from Amsterdam? A Yes, from Amsterdam and Broadway.

Q After he had a conversation with Officer Kotscha the three of you went inside? A Yes, sir.

Q What did Officer Katschau do when you first went inside?

A He stood there. I told the defendant to sit down on the chair that was in the corner of the room.

Q And he sat down? A Yes, he sat there.

Q He remained sitting? A Oh, yes.

Q He didn't try to get up? A No.

Q How long did he remain sitting in that chair? A About twenty-five minutes or half an hour.

Q What did Officer Kotschau do while he was sitting in the chair? A He was standing there, he did not do anything in particular.

Q Standing where? A Right at the table, right alongside of him

Q Where were you? A Right at this side of him.

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Q Suppose you illustrate on this diagram, People's Exhibit 6 in evidence where you were standing and where the defendant was, and where Officer Kotschau was? A That was the chair in the corner, (indicating at point A) Kotschau was standing about there (indicating at point B).

Q Where were you? A About here (indicating point C.)

Q How long did you remain in that position? A How long we all remained? A Yes.

Q Yes. A A few minutes.

MR. WELLMAN: (Addressing the jury) Defendant was in the chair here at "A", Officer <sup>Kotschau</sup> was at position "B", and the witness was at position marked "C".

Q Now when you came in you saw the body lying in front of the stove? A Yes, sir.

Q Who spoke to the defendant first, you or Kotschau? A In the street?

Q Inside? A I said --

Q What did you say? A I asked him who the woman was. "Is that your wife?"

Q What did he say? A He said it was.

Q What did you say after that? A I asked him if he was legally married to her. He said yes, he was legally married to her. I said, "Do you live with your wife?" He said "No, we I haven't lived with her in two years. I tried to get her back, but she would not come back." I said, "Is that why you

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shot her?" He said, "I had good reasons for shooting her." I said, "What are your reasons?" "Well," he said, "I made up my mind this morning that I was going to end it all." He said, "I am willing to die." He said, "I will not give you any trouble, I am willing to die."

Q Is that all the conversation there was? A I asked him for his wife's name, where she lived and how old she was.

Q What did he say? A He answered all the questions.

Q What did he say? A I will have to get it out of my book.

Q You can remember without your book? A I could not remember just the exact answer he gave me.

Q You testified to those things a few moments ago? A Not to her address.

Q He gave you the address? A Yes. I testified before to his address.

Q What besides that did you ask him? A Besides the address?

Q What was the further conversation, or was there any further conversation? A No, there was not any further conversation in there.

Q So all we have here is that you asked him whether this was his wife; is that right? A Yes.

Q And whether he had been living with her? A Yes.

Q And he told you he had not been living with her for two years? A Yes.

Q And then you asked him the reason why he shot her, and

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he said he had good reason? A Yes.

Q And that he made up his mind in the morning he was going to end it all; is that what he said? A Yes.

Q And then you asked him for the address, and he gave you the address of his wife? A Yes.

Q That was all the conversation you had at that time? A He told me how he got paid and how he left.

Q That is what I want. A Yes, he told me that morning at work he told the superintendent that he had some family trouble and was going to leave and he was paid off by him, got \$7.50, and he left there and went to Jersey, and he went a few blocks after getting over in Jersey to a place he thought was a stationery place and bought this revolver and paid \$4.50 for the revolver, and five cartridges for 10 cents, making \$4.60. He came over, he said, he walked up Eighth avenue and went directly to the house. When he got there he met the housekeeper, and he asked the housekeeper was his wife in, and the housekeeper told him yes. He asked the housekeeper could he see her and she let him in. When he got to the kitchen door his wife was at the stove and he said "Hello, Belle." She said "Hello" to him. He said, "Oh, that don't suit me." He said, "I went over to her, and the first shot I fired, I fired at her back." He said "I fired two or three more", he said. "They went in the front some place, he said, but I ain't sure whether there were two or three I fired."

Q That is all there was? ~~That~~ That is the conversation.

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Q You don't remember any more of it? A No.

Q Did you leave out anything? A That's all I can remember.

Q Did you ask him how much money he received that day?

A Not there I did not; in the station house.

Q After that you took him to the station house? A Yes.

Q There you questioned him again? A At that time we questioned him. He was in the back room, and Assistant District Attorney Murphy asked him questions and I was there. I had asked him some questions before that of the Assistant District Attorney.

Q Did you question him again in the station house? A Yes.

Q What did you ask him in the station house? A I asked him was he paid that morning; and who paid him. He told me the superintendent. I asked him where he worked and he gave me the address, 251 West 98th street.

Q What else? A I asked him how much he received. He said \$7.50.

Q I asked him if he had been drinking. He said he had a few drinks but that had nothing at all to do with it. I asked him if he used any kind of drugs, he said no, he positively did not.

Q Anything else? A No, there is nothing else.

Q Sure? A That is all I can remember.

Q Do you remember asking him where he went to after he left 251 West 98th street? A He told me he went to Jersey.

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Q Did he tell you he went to Jersey directly or stopped off anywhere? A He said he went directly.

Q Did you ask him anything about 98th street and Columbus avenue or 99th street? A I didn't know anything about it.

Q Did you ask him which station he went up on Columbus avenue? A No, I didn't.

Q Did you hear any one ask him about that? A No, I could not say I did.

Q Don't you remember? A No, I don't. I know I did not ask him.

Q Did you hear anybody ask him? A Not that I can remember.

Q Did you hear any one ask him as to what he did on 99th street and Columbus avenue? A No.

Q Or how long it took him from 251 West 98th street to get to the station in Columbus avenue? A I believe the Assistant District Attorney asked him a question similar to that, but that I ain't sure of.

Q You don't remember that? A No, I do not.

Q Do you remember whether he was asked how far he went down on the elevated train? A I believe a question of that kind was asked by the Assistant District Attorney.

Q Do you remember him answering that he went down as far as Cortlandt street? A I don't remember that.

Q Do you remember a question being asked what he did when he got off at Cortlandt street? A No, I don't.

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

Q Do you remember him saying that he stopped somewhere before he went to the ferry in Cortlandt street? A No, I don't.

Q You don't remember that either? A I don't remember.

Q Did you hear any such question asked? A Not that I know of.

Q Do you remember any question being asked as to what place he first entered after he left the ferry? A No, I don't.

Q Did you hear him say anything as to what place he entered after he left the ferry? A Yes, he spoke to the Assistant District Attorney.

Q What did he say? A He said he went to this store which is a few blocks away.

Q Did you hear anything mentioned about a hardware store?

A No.

Q You never heard of it? A No.

Q Or about any stop he made before going into this stationery store? A No, I don't remember.

Q Do you remember he was asked to retrace his footsteps going back uptown? A Yes, the Assistant District Attorney asked him.

Q Do you remember him asking whether he made any stops between the stationery store and Cortlandt street ferry? A No, I don't remember the answer.

Q Or whether he made any stops from the time he left the ferry and the time he took the elevated? A He said he made a stop at 62nd street and put the bullets in the revolver.

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Q I am asking you do you remember him saying anything about making a stop? A I remember that as a stop. He said he stopped there at a place.

Q Officer, do you remember any one questioning him, or he answering anything about a stop having been made between Cortlandt street ferry, and the Cortlandt street Ninth avenue station? A The question may have been-asked; I don't remember hearing it.

Q You don't remember? A No.

Q Do you remember anything about stopping off at 59th street? A Yes, he said something about that.

Q Do you remember anything about a visit being paid in 60th street to a man named Peterson, or something like that? A He said he went to 59th street, but nothing about going off or anything. He went some place in 59th street.

Q He wanted to see somebody? A Yes.

Q Did he say why he wanted to see somebody? A No.

Q Do you remember? A No, I don't.

Q Would it refresh your mind to say that he wanted to say good bye there; do you remember that? A No.

Q Do you remember the name was Campbell, at 211 West 63rd street? A Nothing about 63rd street; I don't remember 63rd street ever being mentioned.

Q You don't remember any question being asked? A I remember 59th street, yes. There was something about 59th street. He stopped a few minutes there, and then he went around to 62nd

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street and stopped to load the revolver. I remember that.

Q That is all you remember? A Nothing about 63rd street; I don't remember anything about that.

Q You are not ready to testify that there was no such conversation? A Oh, no.

Q Did you search him in the station house? A Yes.

Q Did you find any money on him? A He took the money out and put it on the table himself.

Q Did you find money on him? A Yes, there was money on him.

Q How much? A A dollar and a few cents.

Q How much? A It was about a dollar and four cents, something like that.

Q Did you ascertain how much money he got from Mr. Brown?

A Only what he said himself.

Q How much was that? A Seven dollars and a half.

Q Did you ascertain what he did with the difference between a dollar and four cents, and seven dollars and fifty cents? A Questions of that kind were asked by Mr. Murphy, the Assistant District Attorney.

Q That is what I am trying to find out. You were there?

A Yes.

Q What did he say what he did with it? A He said he bought a few drinks; he spent so much for carfare.

Q How much? A I think it was twenty or thirty cents, and revolver and bullets cost him \$4.60.

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Q That is \$4.80. A That is about all I can remember.

Q He said he had a few drinks? A He said he had two drinks.

He told me that himself.

Q Two? A Yes.

Q He told you that himself? A Yes.

Q Where did he tell you that? A In the station house.

Q Was it after Mr. Murphy examined him or before? A Before.

Q Two drinks? A Yes.

Q Did he say where he had them? A No, he did not.

Q His statement was taken down in writing while Mr. Murphy was there? A By a stenographer; he took the minutes.

Q And no doubt you saw them in typewritten form afterwards?

A I never did.

Q You never saw them? A No, sir.

Q Do you know whether or not they were reduced to typewritten form? A That I don't know.

MR. ARANOW: That is all.

MR. WELLMAN: That is all.

NATHAN BIRCHALL, JR., of the Assistant District Attorney's staff, a witness called on behalf of the People, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. WELLMAN:

Q Mr. Birchall, you are the stenographer attached to the Homicide Bureau of the District Attorney's office, are you not?

A I am.

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Q How long have you been in that position? A A little over two years.

Q How long have you been a stenographer in the District Attorney's office? A Not quite eight years.

Q How long have you been a stenographer? A About ten years.

Q During that time have you been taking dictation in shorthand and transcribing it into typewritten form? A I have.

Q Did you take down an examination of the defendant Allen Bradford, conducted by Mr. Deacon Murphy of the Homicide Bureau?

A Yes, sir.

Q On November 23rd, 1915? A Yes, sir.

Q Do you recall at what time and place the examination was?

A It was at the 28th precinct station house at about 3 o'clock in the afternoon.

Q On the 23rd of November? A Of the 23rd of November, yes, sir.

Q Who was present at that examination? A Mr. Murphy and Officer Geary and myself, we were present during the whole examination.

Q Do you mean Officer Leonard? A Officer Leonard; And Officer Geary, and another officer, - I forget his name.

Q Lager<sup>name</sup>? A Yes, and Captain Cooper were present during part of the examination.

Q That is Captain Alonzo Cooper of the 4th Branch? A Yes, sir.

Q About how long did the examination last? A About half an

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hour, as I can remember. I can look up the time; (looking at paper).

Q Did you look at the time of the commencement and termination of the examination? A I did.

Q State when it commenced and when it terminated?

A It commenced at 3 p. m., and ended just 3:30 p. m.

Q It last half an hour? A Yes, sir, jst half an hour.

Q Did you take down everything that was said by Mr. Murphy or others and by the defendant? A I did.

Q Did you transcribe that examination afterwards? A Yes, sir, I did.

Q All of it? A All of it, yes, sir.

Q Did you make notes of the entrances and exits of the officers whom you say were there only part of the time? A Yes, sir.

Q And all other incidents which occurred during the examination? A Yes, sir.

Q Have you compared your typewritten transcript of that examination with the minutes taken by you in shorthand at the time? A I have.

Q Is the transcript a correct transcript of the shorthand minutes that you took? A Yes, sir.

Q I ask you to examine this paper, pages 12 to 34 inclusive, and I ask you whether that has been compared by you, and if that is the original transcript of your minutes? A Yes, sir.

Q That is the original copy? A That is the original copy.

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Q Examine it, please. Is that a correct transcript of the proceedings and examination held that afternoon, of the defendant?

MR. ARANOW: I object to that on the ground that it is incompetent, and improper in form.

THE COURT: I will allow him to say that is a transcript from his notes in shorthand.

Q Is it? A It is.

MR. WELLMAN: I offer it in evidence.

MR. ARANOW: I object to it on the ground it is immaterial and incompetent, no proper foundation having been laid.

THE COURT: What is the authority for receiving it?

MR. WELLMAN: I will ask one or two fundamental questions first.

Q Are you able to state the conversation, the questions and answers which made up that examination, without reference to your notes? A No, sir.

MR. WELLMAN: I renew the offer as an examination of one accused.

BY THE COURT:

Q You can tell us as much as you can, what you recollect that the defendant said in that conversation? A I could not remember very much of it. I can remember the substance of the conversation.

BY MR. WELLMAN: Q May I ask first, was some preliminary

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question asked of the defendant, a statement made to him about his rights?

MR. ARANOW: I object to that on the ground it is improper, leading, and on the further ground it calls for a conclusion on the part of the witness as to what "preliminary" is, or what is meant by "preliminary". It may be very vital.

MR. WELLMAN: I think the witness ~~understands~~ the word.

BY THE COURT:

Q When you were present in the station house, the defendant was spoken to by somebody, is that so? A He was.

Q Who spoke to him first? A Mr. Murphy.

Q And do you recall what was said to the defendant; you may answer that either yes or no? A I recall, - yes, I recall some of it.

Q And do you recall what, if anything, the defendant said?

A Yes, sir.

THE COURT: I am disposed to receive what this witness heard the defendant say.

MR. ARANOW: I don't believe my objection could stop it, but the only objection I have is to having it introduced as my friend Mr. wellman offers it, in that form.

THE COURT: I think you will have to exhaust his recollection.

BY MR. WELLMAN:

Q Give us what you recall from memory of the examination.

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MR. ARANOW: If Mr. Wellman will let me look it over I may not have any objection.

MR. WELLMAN: It seems to me in a case of this importance to trust to the witness' recollection when we have it all down would be hardly fair to the defendant. I am willing, if counsel is.

MR. ARANOW: I would like to look it over. Perhaps I will have no objection.

(Mr. Wellman thereupon hands some papers to Mr. Aranow.)

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MR. WELLMAN: While this delay is taking place, your Honor, I might go on with the examination?

THE COURT: Well, I think that counsel are examining the --

MR. ARANOW: I have no objection.

MR. WELLMAN: And so I may go on?

MR. ARANOW: Surely.

Q Did you notice the demeanor and the condition of the witness, the defendant? A I did.

Q And what was it? A A perfectly natural demeanor.

MR. ARANOW: I move to strike that out.

THE COURT: Strike it out. The jury will disregard it.

Q And how was his speech, coherent or incoherent?

MR. ARANOW: The same objection, your Honor, as not competent, and improper, and further, as leading.

THE COURT: I think that I will reserve my ruling on that to see whether we get in evidence this paper, because if we do, why, it speaks for itself.

Q What was the condition of the defendant? A Condition as to what?

Q Well, you say you observed his condition. I ask you what was his condition as to sobriety?

MR. ARANOW: I object to that on the ground it is not proper, and it is incompetent and immaterial.

THE COURT: I will allow it.

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MR. ARANOW: Exception.

A He appeared perfectly sober to me.

MR. ARANOW: I move to strike out that answer, if your Honor please.

THE COURT: I will let it stand.

MR. ARANOW: Exception.

BY THE COURT:

Q How close were you to the defendant? A About two feet.

Q About two feet away? A About two feet away.

Q Was he sitting or standing? A Sitting.

Q You saw him for a space of about half an hour? A About that, yes, sir.

Q When you first saw him he was brought into the room from some other room? A He was.

Q And you saw him in the act of walking in? A Yes, sir.

BY MR. WELLMAN:

Q How did he walk?

MR. ARANOW: I object to that as calling for a conclusion.

THE COURT: I will allow him to answer.

A He walked naturally.

MR. ARANOW: I move to strike that out.

THE COURT: Strike that out.

Q How did he walk? A He walked in a natural manner, straight.

MR. ARANOW: I move to strike that out.

THE COURT: I will leave in the straight; the balance goes out.

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Q And what was his manner as to whether he was calm or excited?

MR. ARANOW: I object to that on the ground it is incompetent, immaterial and leading in form, only suggesting to the witness.

THE COURT: I will exclude it.

Q What was his manner, demeanor?

MR. ARANOW: The same objection, if your Honor pleases.

THE COURT: I will allow him to state what he observed.

A His manner was calm, not excited.

MR. ARANOW: I move to strike that out, as being a conclusion and as being irresponsible to the question.

THE COURT: Well, it does call for a conclusion, but I think it is competent.

MR. ARANOW: I respectfully except.

MR. WELLMAN: I take it, the answer refers to his outward demeanor.

THE COURT: Yes, I think it is competent.

MR. WELLMAN: I renew my offer. Counsel has examined this transcript.

MR. ARANOW: My associate tells me that -- I will object to it -- I have not read it.

MR. WELLMAN: Well then, we will have to exhaust his recollection.

THE COURT: Yes, I think so.

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Q Give us what you can from recollection of the examination, and if you cannot give it in detail, then refresh your recollection from the notes which you made at the time. We want the complete examination. A I have to refresh my recollection from my notes. The defendant was first asked his name, and replied, "Allen Bradford." Mr. Murphy then told him that he was an Assistant District Attorney --

MR. ARRANOW: If the Court pleases, I think my friend is reading from the notes, if I am not mistaken.

MR. WELLMAN: He said he needed to in order to refresh his recollection.

THE WITNESS: I have to refresh my recollection from my notes.

Q How many of these examinations do you take? A I take hundreds of them in a year.

MR. ARANOW: I do not doubt for a moment the gentleman's ability to take the examination.

BY THE COURT:

Q You mean to say that you do not because of the fact you have taken so many, you do not recall anything that was said to the defendant to which he made answer? A I can recall just the bare details, that is all.

Q Well, suppose you tell us what you do remember? A The defendant was first warned of his rights. MR. Murphy told him that he was an Assistant District Attorney --

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MR. ARANOW: I move to strike out that part that he was warned.

THE COURT: Strike out he was warned.

A (Witness continuing.) Mr. Murphy told him he was an Assistant District Attorney, and that he was informed that the defendant had shot and killed his wife that afternoon in 71st street, I think it was 143 West, and Mr. Murphy told him that he did not have to say anything to him unless he wanted to, and that he was going to ask him some questions and the defendant did not have to answer them unless he wanted to, and anything he did say could be used against him in the case of a trial. Then the defendant said in answer to questions that he had been separated from his wife for some time, owing to jealousy, based principally on the fact, as I remember it, that one night she had told him she was going to church with her two sisters, and he had followed them to the church, or he had gone to the church after they went, and stayed on the other side of the street until the church was empty and the lights were put out, and he did not see his wife come out of the church. That he then went home another way and arrived home before the two sisters, and asked the two sisters where his wife was, and they gave him some evasive answer, and for that reason he thought his wife was going with another man, but he said he never asked his wife whether she was actually going with another man, never brought up the subject. They separated, and he used to call her up

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from time to time at the place where she was working in 71st street. That she would not come back to him, so the day before the murder he called her up at this house and asked her to come up to his house the following night, that would be the night of the murder --

MR. ARANOW: I move to strike out that part about the murder.

BY THE COURT:

Q Did he use the word "murder"? A He did not, no, sir.

THE COURT: Strike it out.

THE WITNESS: The night of the 23rd of November, that would be. And she said she could not come up that night, but she would come up the following night, and the next morning when he went to work one of his fellow workers told him that his wife, that the defendant's wife, had given a party the night before, and when he heard that he made up his mind to kill her, so he gave up his job, he quit his job where he was working as a fireman, and immediately went over to Hoboken -- to Jersey City, and purchased a gun, and came back to New York and went right up to 71st street and knocked at the door, or rang at the door, and the housekeeper came to the door and he asked her whether Belle was in, and the housekeeper said yes. He went right in through the hall to the kitchen and said how do you do to his wife. His wife answered him, how do you do, and he thereupon shot her, shot

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her once, I think, he said, shot her once in the back and then fired two or three more shots at her, he did not remember which. Then he went out the same way to the front of the house out in the street and fired one shot in the air, and then put the gun to his stomach, but it did not go off, and he then threw the gun down in the street and waited for an officer to come.

BY MR. WELLMAN:

Q Is that all you remember about it? A That is about all I can remember of it.

Q Well, now, refresh your recollection, which you say is exhausted. Will you give the examination now from your minutes?

MR. ARANOW: I must respectfully except.

THE COURT: If you have any paper in your hand, the examination of which will refresh your recollection as to what the defendant said, you may look at it.

A The defendant said he was twenty-eight years old, and born --

Q Have you given us the first? A He said his name was Allen Bradford. Mr. Murphy then said, "My name is Murphy, I am a Deputy Assistant District Attorney. From information --"

MR. ARANOW: Pardon me. Does your Honor permit the witness to read from there?

THE COURT: The witness has said that his recollection was exhausted, and I have told the witness that he may look at any paper in his hand to see whether it refreshes his

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recollection, and then he may testify.

THE WITNESS: "From information that the police and other people give me, you shot and killed your wife this afternoon --

MR. ARANOW: Pardon me. I respectfully object, if your Honor pleases, to the witness reading from the paper. The Court has said that he may look at this paper and see if it refreshes his recollection.

THE COURT: You may look at the paper and see what, if anything, in the way of memoranda you have, which will refresh your recollection respecting any matter which you have not already brought to our attention.

MR. WELLMAN: Your Honor, I think I can give your Honor authority which shows that the paper itself, the notes themselves, are really the evidence, but they are through the guise of refreshing the recollection, read and readable to a jury.

THE COURT: If you will have the kindness to let me have that, I will rule.

MR. WELLMAN: It is done in all our cases. We have the minutes read from beginning to end of the defendant's examination. I have never before seen it objected to like this.

MR. ARANOW: I object, if your Honor pleases, to the criticism of counsel.

THE COURT: My recollection is that you customarily call

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the party who made the interrogations.

MR. WELLMAN: Yes. Mr. Murphy is sick in bed and I am not to have him until tomorrow morning; but we always call the stenographer who takes down every word. Mr. Murphy, too, conducts many examinations, it may be.

THE COURT: Give me an authority and I will be very glad to look at it.

MR. ARANOW: I hate to be a very hard and cruel hearted person in this case, but I have tried cases very similar to this, where minutes were not admissible.

MR. ARANOW: If they are admissible, I will receive them, but I am now in doubt, and that is why I am not receiving them at this stage, I am in doubt whether it is receivable. But I would be very glad to look at the authority, Mr. Wellman, if it is receivable I will allow it.

MR. WELLMAN: It will require a little delay.

THE COURT: Yes.

MR. WELLMAN: I think we can put in our case this afternoon, probably --

THE COURT: You can withdraw this witness if you like.

MR. WELLMAN: I cannot look it up while I am here. I will send for Mr. Johnston and ask him.

THE COURT: If you have any authority on the subject I will examine it carefully.

MR. WELLMAN: (To the witness.) Will you step aside?

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MR. ARANOW: Well, will the Court allow me any cross examination of this witness afterwards?

THE COURT: Why, certainly.

BERNARD E. H. BROWN, called as a witness in behalf of the People, being duly sworn, testified as follows:

(The witness states he resides at 255 West 98th street.)

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DIRECT EXAMINATION BY MR. WELJMAN:

Q You are the superintendent of that apartment building?

A I am.

Q And it takes in No. 255 and what other number? A 251 West 98th street, that is, 251 to 255 West 98th street.

Q In the month of November, 1915, was the defendant, Allen Bradford, in your employ? A He was.

Q What was his work there? A Fireman, and helping with porter work.

Q You have an elevator boy there named Foster, Thomas Foster?

A We have.

Q Also colored? A Yes.

Q Was it through Foster that the defendant came into your employ? A Well, practically, yes.

Q Now, when did the defendant come to work for you regularly? A Around about October.

Q Did you see him on the morning of November 23rd? A I did.

Q Do you recall what time? A About 9, a little after 9.

Q Did you have a conversation with him? A Well, only that

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he came to me and says, "Mr. Brown, I intend to leave you." I says, "Why? What seems to be the trouble, Brad? Have you had any trouble with the boys?" He says, "No, I did not, I had trouble at home, family troubles." And I says, "Well, I cannot keep you if you want to go, I am only sorry you are going, and I suppose you want your money?" And he says, "Yes, I do."

Q He had been a good man, had he, a good worker? A Yes, Brad has been a good worker.

Q He had been sober always? A Yes.

Q Have you ever seen him intoxicated? A Not that I have seen, no.

Q Go on. Was anything said as to when he was to go?

A Well, I asked him then, "When do you intend to go, do you want to wait until the time is up?" and he says, "No, I will go now if you can let me go." I says, "Could you stay until I get somebody in your place?" And he says, "I would like to go right away, but I will stay until you do get somebody." And I sent one of the other boys out to get me a man to fill his position.

Q Did he go that day? A Well, he went a little before -- I told him he could go, he was anxious to go and I told him he could go and he went.

Q You mean before you sent some one out? A No, before the other man came.

Q You felt there would be no difficulty in getting a man,

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and you let him go right away? A Yes.

Q You paid him off? A I paid him off, yes.

Q How much did you pay him? A Somewheres around seven dollars and a half -- seven thirty-three was coming to him, I think, and I gave him seven dollars and a half.

Q Have you ever seen him from that day to this? A No.

Q Did you observe his condition when you talked with him?

A Not much, otherwise than he seemed like something was troubling him, that is all.

Q Did you form any opinion as to whether he was intoxicated at the time he was talking?

MR. ARANOW: I object to that as incompetent, immaterial and irrelevant.

THE COURT: I will receive it.

MR. ARANOW: Exception.

A Well, he was not intoxicated when I was talking with him, no.

Q He was not. That is all.

CROSS EXAMINATION BY MR. ARANOW:

Q What was his work at the place, Mr. Brown? A Attending to the boilers, that is, steam boilers for heating, and cleaning part of the cellar, as packing paper and so forth.

Q He was the man that put the coal inside and raked up the fire? A Yes, a regular fireman.

Q And he worked for you for about a month? A Oh, he worked on and off for me nearly a year, but steady, he worked from

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October on.

Q You never had any trouble with him? A No.

Q You found him to be reliable? A Yes.

Q Honest? A He attended to his work.

Q He attended to his work? A He attended to his work.

Q Truthful? A And honest, as far as I can say.

Q Yes. Now, when he came to you and said he wanted to go, did he tell you he wanted to leave town or something of that sort? A Well, I told him, I says, "Brad, where do you intend to go?" and he says, "Well, I want to leave New York and forget things."

Q Was he as quiet about it as I am? A Yes, he was quiet.

Q You said before that he seemed troubled and disturbed.

A Well, yes, inasmuch as he wanted to leave me, that is all.

Q Yes. What made you think so, what was so apparent to you that he was so troubled and disturbed, what made it apparent to you? A Well, the way he handled things around.

Q That is what I want to find out, what did he do? What did he handle around to make you believe that he was troubled and disturbed? A Just when I asked him he had some paper in his hand which he was just taking off the dumbwaiter, and he just said, "I want to forget things," (illustrating) and threw it in the barrel. I said, "Why, did you have any trouble with the boys?" I thought maybe he had an argument of some kind. Then he told me no, he says, he had family trouble and he wanted

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to leave, wanted to go away.

Q Was there anything else you observed him do at that time?

A No.

Q How close were you to him at that time? A Well, speaking distance, as close as I -- say, about two or three feet.

Q Did you know there was a Hygrade liquor store around the corner from your place, Hygrade wines and liquors? A Yes, there is wine, yes.

Q Do you know whether or not this defendant had purchased any liquor in that place any time that morning before he spoke to you? A Not to my knowledge. In fact, that was the only thing I spoke to him that morning.

Q You mean that conversation that you just related? A Yes, that was the only conversation I had with him that day.

BY THE COURT:

Q And that conversation was about what hour? A Well, say around 9, or a little after.

Q In the morning? A In the morning, yes.

Q And you saw him for the last time on that day about what time? A When he left me, about an hour and a half or three quarters of an hour after. I had a little business to attend to before I could make up his pay-roll and pay him off.

BY MR. ARANOW:

Q Do you know other people that know this defendant, Mr. Brown? A Well, the boys that are working with me.

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Q I see. And do you know what the defendant's reputation around there among the boys, among the men, is, for truthfulness, honesty and veracity, is it good? A Well, if he was not any good I would not have him in my employ. He done his work, he was a good boy.

Q But do you know what his reputation for truthfulness and honesty was, good or bad? A Well, as far as I know, good; there is nothing bad about him.

RE-DIRECT EXAMINATION BY MR. WELLMAN:

Q What were his working hours? A The hours differed. Sometimes he came on some weeks at 12 o'clock and worked until 12 at nights, and then again he came on at 5 o'clock in the morning and worked until 5 or half past 4 in the evenings, in the afternoon, and then again he came on at 7 o'clock in the morning.

Q Now, this morning, what time did he come on, or the night before? A Well, I do not know exactly, I think it was on the early watch, it was either the 7 o'clock man that he was or the 4 o'clock man, that I cannot exactly say unless I go back --

Q If he was the 4 o'clock man he would come on at 4 o'clock in the morning and work until when? A Until 5 o'clock -- he was supposed to work then until about 4 in the afternoon.

Q I see. That is all.

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T H O M A S F O S T E R, called as a witness in behalf of the People, being duly sworn, testified as follows:

(The witness states he resides at 65 West 134th street.)

DIRECT EXAMINATION BY MR. WELLMAN:

Q You are a friend of the defendant, are you not? A Yes, sir.

Q How long have you known Bradford? A Between eight and nine years.

Q He worked in the same place where you worked in November, did he not? A Yes, sir.

Q You were an elevator runner in Mr. Brown's apartment?

A Yes, sir.

Q And while the defendant was a fireman there? A Yes, sir.

Q Do you remember his coming to work some time in the first part of October, and working steady there? A Yes, sir.

Q Now, were you instrumental in getting him that position?

MR. ARANOW: I object to that as being incompetent, irrelevant and immaterial.

MR. WELLMAN: I withdraw it.

Q Did you see the defendant on the morning of November 23rd, last year? A Yes, sir.

Q About what time and where did you see him? A About half past 4 he came in.

Q You had been on all night, had you? A Yes, sir.

Q Now, tell us what conversation, if any, you had with him at that time. A Why, I did not have any conversation then, but

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around 6 o'clock I went down and he was there, he was laying around like he was kind of tired, and then I went down later and I asked him did he go to the party and he said no. So he asked me what party, and I told him his wife gave a party, and maybe his sister-in-law, gave a little entertainment, Belle -- I mean the other one, Blanche.

Q Yes, go on. A And that is all he said to me then, he did not say anything more.

Q Did you tell him where the party had been? A I did not know the address where it had been, but I told him it was his wife's house, I did not exactly know the address, but I know it was around 135th street.

Q What did you say to him, tell us the words you used when you asked him this question? A I asked him, I says, "Brad, were you to the party last night?" And he said, "No." So he asked me what party and I told him his wife gave a party, a birthday party.

Q Yes? A And he says he guessed it was not her, it was her sister gave the entertainment.

Q Now, when do you get paid by Mr. Brown? A The 15th and the 1st of the month.

Q Did you notice the defendant's condition as to sobriety that morning?

MR. ARANOW: I object to that on the ground it is incompetent, improper in form, and leading.

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THE COURT: I will allow it.

MR. ARANOW: Exception.

Q What was his condition? A Well, he looked to be kind of tired, laying around that morning.

Q Do you understand what sobriety means? Did he look intoxicated?

MR. ARANOW: I object to the question on the ground it is incompetent, improper, and leading in form.

THE COURT: I will allow it.

MR. ARANOW: Exception.

A He did not look to be intoxicated that morning to me.

Q Did he look to you as if he had had anything to drink?

A Not then, no, sir.

Q You say not then, what do you mean by that, did you see him after that? A Not that morning, I only seen him that morning.

Q When do you leave? A About 8, or half past 8, quarter past, I leave around about that.

MR. WELLMAN: I think that is all.

CROSS EXAMINATION BY MR. ARANOW:

Q You knew his wife? A Yes, sir.

Q You had been to her home before November 23rd? A No, sir.

Q Have you ever been to her house or her sister's house?

A Yes, sir.

Q Have you ever been to any parties there? A No party; I went down to his house to his wedding.

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Q When? A It was in 1913.

Q Where? A In 61st street, I think it was, if I am not mistaken.

Q Right off Tenth avenue? A Yes, sir.

Q At her sister's house? A Yes, sir.

Q Is that right? A Yes, sir.

Q You were friendly right along with his wife and him?

A Yes, sir, very well, both of them.

Q You knew that right after they were married she gave a party in 61st street? A Yes, sir.

Q Were you there? A Yes, sir.

Q Did you see a man by the name of Grover there? A I do not remember now if I did or not.

Q Do you know the Grover I mean? A No, I do not rec all the name.

Q Do you know a man who was a hall man in the Hotel right on 71st street there, or the door man? A No, sir, I do not know him at all.

Q Did you notice Bradford's wife that night? A No, sir, I did not take any particular notice at all.

Q Did you look at her condition that night? A I cannot remember now what it was.

Q Did you notice what she did? A No, sir, I did not take any notice at all.

Q Did you know that Bradford left his wife? A I heard it,

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a month after he left.

Q Did you find out why? A No, sir, I did not ever find out why he left her or nothing of the kind.

Q Did you know that he afterwards tried to get her to move from her sister's? A No, sir.

Q Did you know that he wanted her to come and furnish a home for him? A No, sir, I do not.

Q You never heard of it? A No, sir.

Q Do you know of a party being given in 130-odd street, where she was invited and he was invited? A No -- yes, I do.

Q And they were brought together? A Yes, I was up there to that party, yes, sir.

Q What was the name of the person that gave that party?

A Bayne.

Q Bayne? A Yes, sir.

Q And that was given in order to bring Bradford and his wife together? A Well, I do not know exactly, but they both were there.

Q Do you know what happened after that party? A No, sir.

Q Her sister was there that night, too? A Yes, sir.

Q Is she in court here? A I do not know.

MR. WELLMAN: All the witnesses were excluded by your own motion.

Q Did Bradford ever tell you before the 23rd day of November that he had been trying to get his wife to go back to him?

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A He has said so.

Q And did he tell you that he had pleaded with her and followed her around? A He says he was trying to get her to come back to him.

Q And did he tell you that she moved from one place to another to avoid him? A No, sir, he did not tell me she moved at all.

Q Did he tell you that she would not go back to him?

A Yes, sir.

Q Did he tell you he was almost going crazy because of it?

A No, sir, he did not say anything about going crazy.

Q Did he say he was disturbed about it? A He did not explain his troubles to me at all.

Q He just merely told you that she would not come back?

A That is all, yes, sir.

Q When you came down into the cellar -- as I understand, that is where you saw him that morning -- you found him lying down? A Yes, sir.

Q Was that in the furnace room? A No, sir, that was in the laundry.

Q Did you tell him who was at that party the night before?

A No, sir.

Q Did you tell him that anyone had received an invitation to go there? A Yes, sir.

Q Did he get up when you spoke about the party? A Well,

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he was up at the time I spoke about it.

Q What were the first words out of your mouth when you went down there? A Well, I said, "Good morning" the first time, and then I went upstairs again, and I came down again.

Q When you came downstairs, what were the first words out of your mouth? A I asked him, "Was you to the party last night?"

Q When you first came down he was lying down? A In the morning, yes, sir, early in the morning, yes, sir, that is correct.

Q When did you speak to him about the party? A Well, between 6 and 7, a little after 6, I know.

Q What was he doing at that time? A He was in the laundry, just walking around there.

Q Did you know that Brad took a drink once in a while?

A Yes, sir.

Q Did you know that that morning there was a bottle of whiskey gotten at the Hygrade store around the corner? A Yes, sir.

MR. WELLMAN: That is objected to in that form, stating it as a fact; there is no proof of it.

THE COURT: Sustained.

Q You testified to Mr. Wellman that you thought the defendant was sober on that morning; is that your testimony?

A Yes, sir.

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Q When you say sober, you mean a man walks straight?

A Yes, sir.

Q Had you observed his actions for any length of time?

A That morning, you mean?

Q Yes. A No, sir, I did not observe him at all, his actions.

Q Just while you were talking to him? A Only while I was talking to him.

Q That was a few minutes? A Yes, sir.

Q Probably a minute? A I do not know exactly how long it was that I was talking to him, I only spoke a few words.

Q And during that time you did not see him stagger around the laundry, is that right? A Yes, sir.

Q And that is the only reason you say this man was not intoxicated or not under the influence of liquor, isn't that so?

A Well, I did not see him.

Q You did not see him stagger? A I did not see him stagger, and I did not see him drinking anything.

Q And that is the only reason why you say the man was sober?

A (No answer.)

Q In other words, you would not say a man is drunk until you see him stagger or fall around? A Well, I could not say about that, because I did not see him drinking anything.

Q I see. And just because you did not see him drinking, and because you did not see him stagger, therefore you say the

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man was sober, that it is your opinion that he was sober?

MR. WELLMAN: Objected to as already having been answered.

MR. ARANOW: I submit, if your Honor pleases --

THE COURT: I will let him answer it.

Q Is that right, sir? A How is that, sir?

Q Just because you did not see him drinking and just because you did not see him stagger, that is the reason you say that it is your opinion he was sober? A I could not say that he was sober.

Q You could not? A I could not say that.

Q In other words, you do not know whether he was sober or intoxicated? A I did not see him, I did not see him take a drink, so I do not know.

Q You do not know what his condition was, do you? A But he spoke to me all right that morning.

Q He seemed all right to you? A Yes, sir.

Q You did not examine him? A No, sir.

Q Did you see Bradford after the time that you spoke to him about the party? A Well, I seen him up to the time I left.

Q What time was that? A About quarter past 8.

MR. ARANOW: That is all.

RE-DIRECT EXAMINATION BY MR. WELLMAN:

Q You mean to say that outwardly he showed no signs which you saw of intoxication? A No, sir.

Q But you do not know what was going on inside? A No, sir.

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MR. WELLMAN: That is all.

NATHAN BIRCHALL, Jr., recalled, testified as follows:

DIRECT EXAMINATION BY MR. WELLMAN: (Continued.)

Q Have you any independent recollection of the questions and answers themselves which took place on the afternoon of the 23rd in the examination of the defendant? A No, sir.

MR. WELLMAN: Now, in view of that statement, your Honor, I renew my offer of the transcript in evidence.

THE COURT: Excluded.

Q Now, will you produce your notes, then, and let me ask you, since you have stated all that you could of the examination, whether or not this question and answer was made, and you may look at your notes if you need to refresh your recollection:

"BY MR. MURPHY:

"Q What is your name? A Allen Bradford."

MR. ARANOW: I object to the question on the ground it contains instructions.

THE COURT: The witness may look at any memorandum that he has, and if by looking at the memorandum his recollection is refreshed so that he has an independent recollection refreshed from the memorandum, he may testify from recollection.

A Yes, sir, that question and answer were asked and answered.

BY THE COURT:

Q You remember now that it was, is that so? A Yes, sir.

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BY MR. WELLMAN:

Q Now, was this question then asked and this answer made:

"Q My name is Murphy, I am a deputy Assistant District Attorney. A Yes, sir." A Yes, sir.

MR. ARANOW: I object to the question being asked in the manner of counsel sitting or standing before the jury holding a paper in his hand purporting to be a transcript which he himself had announced to be a transcript of certain records having been made at a certain time, and which counsel himself had said was what the witness had taken in stenographic minutes; I object to the form and the manner in which the question is put forth.

THE COURT: I do not think it is open to objection. The witness has exhausted his recollection apparently, and he now has, as he claims, a memorandum made at the time which he has been able to say was accurate when made, which he says will refresh his recollection, and, as I understand it, he is now testifying from a present recollection refreshed by a memorandum which he said was made at the time and which he says was accurate at the time when made.

MR. ARANOW: I understand. Your Honor has ruled that this paper is not admissible in testimony?

THE COURT: That is my ruling.

MR. ARANOW: And that, your Honor finds is the law, and that is the reason I object to it. Now Mr. Wellman takes

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the same paper which your Honor excluded and before the jury holding that paper, reads the questions off that paper and asks the witness whether or not those are the questions asked. I fail to see where the difference comes in between putting them in evidence and reading from that in front of the jury, that is what I object to, to the reading of this paper by Mr. Wellman in front of the jury.

THE COURT: There may not be a practical difference, but there is in theory of law a difference, because the witness understands that he is assuming to testify now from a refreshed recollection. (To the witness.) In other words, Mr. Witness, you understand that you are now testifying from your present recollection, refreshed by a memorandum which you say was made at the time, and which you say was accurate at the time when made. You understand that, do you?

THE WITNESS: Yes, sir, I do.

MR. ARANOW: I just simply respectfully except.

MR. WELLMAN: And now, may we have this objection perhaps noted to each question so that it will not interrupt the proceeding any more than is necessary?

MR. ARANOW: If your Honor would permit me to at this time --

MR. WELLMAN: To this entire line of examination?

MR. ARANOW: Yes, so as not to interrupt Mr. Wellman.

THE COURT: Very well.

MR. ARANOW: Exception.

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Q Then was this question and answer made: "Q From information that the police and other people give me, you shot and killed your wife this afternoon up at 143 West 71st street. You are under arrest charged with that crime. I am going to ask you some questions about what happened there this afternoon.

A Yes, sir." A Yes, sir, it was.

Q And then this question and answer: "Q I want you to understand that you don't have to answer any of them unless you want to. A Yes, sir."? A Yes, sir.

Q And: "Q And if you want to say anything to me I will be glad to listen to you and hear what you have to say, and if you do say anything it can be used against you if you are brought to trial on any charge arising out of what happened this afternoon. Now, you understand what I have said? A Yes, I understand."? A Yes, sir.

Q "Q How old are you? A I am twenty-eight."? A Yes, sir.

Q "Q And where were you born? A I was born in Alabama."?  
A It was.

Q Now, Mr. Witness, if I state anything which is not in accord with your recollection as it is refreshed from an examination of your minutes which you hold in your hand, will you kindly interrupt me --

MR. WELLMAN: May I put it that way? That will save a "Yes" each time.

MR. ARANOW: I cannot be objecting to the form and

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matter in which these questions are asked --

MR. WELLMAN: Well, do you consent to that, to save time?

THE COURT: No, I think you will have to ask the questions, Mr. Wellman.

MR. WELLMAN: All right.

Q "Q How long have you lived in New York? A Fifteen years."? A Yes, sir.

Q "Q Were you married to this woman? A Yes, sir."?

A Yes, sir.

Q "Q What was her name before you married her? A Griffin."?

A Yes, sir.

Q "Q And her first name was Belle? A Isabelle."?

A Yes, sir.

Q "Q Isabelle. When did you marry her? A When did I marry her? Well, it was in 19 -- about 1910. I am so worried now I can't just get that right now."? A Yes, sir.

Q "Q Well, about? A About that."? A Yes, sir.

Q "Q You met her here in New York? A Met her in New York."?

A Yes, sir.

Q "Q And married her in New York? A And married her in New York."? A Yes, sir.

Q "Q And where did you live with her? A I lived with her at 219 West 61st street. In fact, we got married in the same place, see."? A Yes, sir.

Q "Q About how long did you live with her there? A Well,

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we lived there about a year, I guess, probably more."? A Yes, sir.

Q "Q And you moved from there where? A We moved from there -- we moved from there -- we separated there, too. Married there and separated there. It must have <sup>been</sup> a little more than a year."? A Yes, sir.

Q "Q Why did you separate from her? A Well, a little spat, you know, family affairs. Couldn't agree, so --"? A yes, sir.

Q "Q Anything in particular? A Well, very particular, I must say."? A Yes, sir.

Q At this point did Captain Cooper enter the room? A He did.

*here* Q And was this question and answer made: "Q Well, what was it about? What was the trouble about? A Well, she was just crooked, that is all."? A Yes, sir.

Q "Q How do you mean, crooked? A How do I mean, crooked? Because the first time I caught her one Sunday evening, I was off duty and she was to go to church with her other two sisters. They all lived in the same building."? A Yes, sir.

Q "Q I see. A And they all three went out together, but they figured I was going to bed, because I were in bed when they left for church, but I went up to the corner there for a drink, naturally, and <sup>come on</sup> back a little later, see, and when I got in it was around 10 o'clock, and I wasn't asleep when the

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other two sisters came in, because I seen them, and I asked for my wife and they says -- they didn't give me no decided answer. They say, 'She'll be home later.' Well, the first time -- no, after that she come about an hour later and I asked her, 'What church did you go to?' You know, like a man will do, and she said she went to Salem's Church. And I was around to Salem's Church during my absence --" is that "during my absence", or "during her absence"? A During my absence.

Q "during my absence, looking for her, and I knew the time that the church let out, don't you understand, and I stood on the opposite side of the street to see her when she come past, and I saw the other two sisters come out, but I didn't see her at all!" -- is that "see her"? A "see her", yes.

Q "and I waited there until the lights were turned out and then I blows on around and *gwo* beats the other two around there, you know, I went the other way, and gets in the door there, the stoop, rather, and I asked them then for my wife and they kind of slurred me up, you know" --

BY THE COURT:

Q Now, Mr. Witness, do you recall that those questions were asked and those answers made? A I recall that all questions and answers that I have down here were made at that time.

Q You do remember that? A Yes, sir.

BY MR. WELLMAN:

Q "and I asked them then for my wife and they kind of slurred

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me up, you know, they knew what had happened and everything.

So that's the way it went. That's the first case?" A Yes, sir.

Q "Q Well, do you think she was out with another man, then?

A I surely do."? A Yes, sir.

Q "Q You didn't see her with another man? A I didn't see her, no."? A "with any other man."

Q "With any other man"? A Yes, sir.

Q "A I did not see her, no."? A Yes, sir.

Q "Q Did you ask her if she was out with any other man?

A I didn't ask her that. I merely caught her in a lie the first time."? A Yes, sir.

Q "Q About her not being in church, is that what you mean?

A No, I didn't --"? A Yes, sir.

Q "Q Was that the lie you caught her in, not being at the church? A Not being at the church. She wasn't there."?

A Yes, sir.

Q "Q You say that was the first time? A That was the first time."? A Yes, sir.

Q "Q Was there any other time? A Yes, there was another time, because they moved up here in 68th street and I don't know what avenue it was between, but they was living in that street because they told me. But she refused to give me the number of where they was living at, see? That was after we separated, and I was going to her daily to try to make up, don't you understand, and showing her why, and I would be better to

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her, and this and that and the other, but she wouldn't listen to that. She said she would take her time in doing it."?

A Yes, sir.

Q "Q Well, where did you see her? A I see her at the place where she was working, where I killed her at."? A Yes, sir.

Q "Q 143? A 143 -- 71st street. I used to go up there."?  
A Yes, sir.

BY MR. ARANOW:

Q Did he say "dash"? A No, he said, "143 71st street, and I put the dash in just to separate the two.

BY MR. WELLMAN:

Q Because he did not mention East or West? A Yes, sir.

Q "Q Go up there to see her? A Go up there daily, and call up." A Yes, sir.

Q "Q Trying to get her to come back and live with you?  
A Trying to do it. To come back to me. It doesn't matter where she wanted to live, I am willing to do just what she said."  
A Yes, sir.

Q "Q Are you employed? A I am employed. I were. I quit this morning."? A Yes, sir.

Q "Q Where were you working at? A I worked at 251 West 98th street, right off of Broadway."? A Yes, sir.

Q "Q What, an elevator runner? A No, I was a fireman."  
A Yes, sir.

Q "Q A fireman? A Yes, sir."? A Yes, sir.

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Q "Q Well, when was the last time you went up to see her before today? A The last time I went up to see her? Well, I was up there -- no, I haven't been up there since they permitted me not to go there. They didn't exactly do that, but the doctor was on the stoop at the time I was ringing the bell, and naturally I didn't get no response and I asked him where were Belle, and he said, 'Oh, Belle's busy, she ain't got no time to fool with you.' Well, that was all right, too, because she's working for a living, I give her credit for that. And the next time I see her it was near Easter then, and I goes up to the house where she's living now, 34 West 135th street, her and her other sister, and I goes up there and I tells her too, three or four days previous, that I was coming up and bring a couple of friends up there. I go up there and they treat me so bad until I might have known that it wasn't agreeable. So I disliked that and she sent the smallest sister out for a cop, to have me locked up, and I refused to move unless the cop came up. The cop didn't show up and evidently she didn't find none on the street, so I went on out after the cop didn't come. I was going to explain it to him then."? A Yes, sir.

Q "Q Well now, when she came home that night when you didn't see her down at the church, did you tell her that you thought she had been out with another man? A I did not."? A Yes, sir.

Q "Q Did you tell her at any time that you thought

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she was going with another man? A I didn't do it, no.?"

A Yes, sir.

Q "Q Well, what reason did you give her for wanting to separate from her? A What reason did I give? Well, because I was out of work when the war first began, don't you understand, or shortly afterwards, and it was kind of hard in getting a position, until she got kind of tired of me hanging around, I suppose, and she started doing this crooked business.?"

A Yes, sir.

Q "Q What do you mean, she started this crooked business?"

A Well, she started going out and staying out unusual hours, you know, and it wasn't the custom.?" A Yes, sir.

Q "Q Did you ever tell her that she was going off with another man? A No.?" A Yes, sir.

Q "Q Did anyone ever tell you that they had seen her with another man? A Well, no, not on the street.?" A Yes, sir.

Q "Q Did you ever hear of her being in the house with another man? A Well, not alone. Not with the two, you know, but she has often gone to places that I didn't like. Because I forbade her to go, you know. She would take in those parlor socials, you know, rough, you understand, and I didn't like it.?"

A Yes, sir.

Q "Q Well, where did they go? A Well, I don't know no particular place, but they would come back in a couple of days and give the kitten out to water, you know, tell everything,

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and me being good natured, I would say, 'Well, that's all right' and let it pass."? A Yes, sir.

Q "Q Did she ever go out and stay all night? A Not all night."? A Yes, sir.

Q "Q Used to come in late? A 1 and 2 and 3."? A Yes, sir.

Q "Q Have you called her up on the telephone lately, up at the doctor's place? A I did."? A Yes, sir.

Q "Q When was that? A I called her up yesterday, in the afternoon."? A Yes, sir.

Q "Q What did you tell her yesterday? A I asked her to come up to my place, where I am stopping, in 139th street, that night."? A Yes, sir.

Q "Q I see. Who answered the telephone? A I couldn't say, because I got the operator. We got a girl operator at this place, and I merely got the phone in the basement and told her to get this such and such a number, don't you understand. I didn't even know the doctor's number at that time, because I had forgotten it, and I gave her the address and the doctor's name, you know, and who I wanted to speak to, and when I got there Belle was on the wire and I asked her to come on up that night, I wanted to see her on something important, and she said, 'I can't come down, I'll be up tomorrow night, probably.'"?  
A Yes, sir.

Q "Q What did you say to that? A I said, 'All right,

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Dear, come on up as early as you can tomorrow night."?"

A Yes, sir.

Q "Q She meant tonight? A Yes, she meant t night."?"

A Yes, sir.

Q "Q And was that all that was said over the telephone?

A That was all."? A Yes, sir.

Q "Q When did you get this gun? A I bought the gun this morning as soon as I left the job."? A Yes, sir.

Q "Q You left the job what time? A Oh, I didn't notice the time."? A Yes, sir.

Q "Q Well, about? A Well, it was around half past 10, somewhere along there."? A Yes, sir.

Q "Q Why did you give up the job? A Why did I give it up? On this account, because I meant to do it, and I ain't particular about no trial at all, just go on and kill me. Do what you want to."? A Yes, sir.

Q "Q And where did you get the gun? A I bought it in Jersey City."? A Yes, sir.

Q "Q Why did you go over there? A Oh, I didn't know where to get them around there. The first gun I ever had, the first one ever I bought, and I don't want another one."?

A Yes, sir.

Q "Q How much did you pay for it? A Four fifty."?"

A Yes, sir.

Q "Q Do you remember where the place was that you bought

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it? A I could take you there, yes, sir."? A Yes, sir.

Q "Q How did you go there? A I went straight after I got off the boat, in the same street."? A Yes, sir.

Q "Q What ferry did you go over there on? A Went over on the Pennsylvania."? A Yes, sir.

Q "Q From what street? A From Cortlandt street."? A Yes, sir.

Q "Q From Cortlandt? A That's it."? A Yes, sir.

Q "Q And then you went straight up that street? A Straight up the street, about three or four blocks up on this side, there is a stationery -- but first I went into a hardware store right across from it, and I asked him did he have any, and he said no, and he showed me where to get it."? A Yes, sir.

Q "Q In a stationery store? A In a stationery store right across the way."? A Yes, sir.

Q "Q Do you remember what street that was on? A I didn't notice what street."? A Yes, sir.

Q "Q Are there any car lines on that street? A There is one."? A Yes, sir.

Q "Q And did you get the bullets there, too? A Got the bullets there."? A Yes, sir.

*gwt*  
Q "Q How many bullets did you get? A Got five."? A Yes, sir.

Q "Q Did you put them in the gun or did the man put them in? A I put them in myself."? A Yes, sir.

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Q "Q And where did you put them in, right there? A Put them in over on the New York side."? A Yes, sir.

Q "Q Where? A The place I put them in, I got off the El at 59th street and between 62nd and 61st, in that barrel house there, I goes in there, in the toilet, and unwraps the gun and puts the bullets in."? A Yes, sir.

Q "Q Yes. And from there where did you go? A Went directly up to do my work. I went to do it, so that's all there is to it."? A Yes, sir.

Q "Q Who let you in there? A Who let me in? The care taker, you know, the -- they got a janitor like, there. She is not exactly a janitor, we called her the care taker."? A Yes, sir.

Q "Q Did you say anything to her when she let you in? A I says, 'How do?', that's all. She says, 'Come right in.'"? A Yes, sir.

Q "Q Did you ask her where Belle was? A I asked her was Belle in, and she said, 'Yes, she's in', and opened the door wide to signify to come right in. I went in and went straight down the hall into the kitchen."? A Yes, sir.

Q "Q And when you got to the kitchen door was the door open or shut? A It was open."? A Yes, sir.

Q "Q And was Belle in the kitchen? A She was there."? A Yes, sir.

Q "Q Where was she standing? A Standing at the stove,

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at the range, rather."? A Yes, sir.

Q "Q Did you say anything to her? A I say, 'How do you do?'"? A Yes, sir.

Q "Q Yes? A She said, 'How do you do?', too, but that didn't go for me. I just did that on purpose. I meant to do it, so that's all. I went there for that."? A Yes, sir.

Q "Q When you said, 'How do you do' where were you? A I was coming through this here last door before you come to the kitchen."? A Yes, sir.

Q "Q Well, did she have her back turned to you, or was she facing you? A She had her back turned."? A Yes, sir.

Q "Q And how far did you go toward her before you fired the first shot? A I went right up on her, as close as from here to this."? A Yes, sir.

Q And then did Mr. Murphy indicate -- tell you to put down "(Indicating a distance of a few inches.)"? A He did.

Q Do you recall how far was indicated? A Why, about three or four inches, is my recollection of it.

Q Yes. "Q Did you fire the first shot into her back? A I did."? A Yes, sir.

Q "Q Whereabouts? A Well, around the shoulders there, I didn't take no particular notice."? A Yes, sir.

Q "Q How many shots did you fire at her? A I fired three if I am not mistaken."? A Yes, sir.

Q "Q What did she do when you fired the first shot?

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A She screamed, you know."? A Yes, sir.

Q "Q Did she fall down? A No, she didn't fall down then, she didn't fall until the second bullet hit her."? A Yes, sir.

Q "Q Where did you fire the second bullet at her, did she turn around? A She went to twirl, yes, she went to turn around and I tried to strike her."? A Yes, sir.

Q "Q She tried to strike you? A I tried to strike her. She didn't raise no attempt to strike me, and she fell when the second bullet struck her, and I fired the third one."?

A That's right.

Q "Q When she was down? A When she was falling."?

A Yes, sir.

Q "Q When she was falling down? Do you know whether the second bullet struck her? A I do not."? A Yes, sir.

Q "Q Do you know whether the third bullet struck her?

A I don't know where any of them struck her, only I could see fire burning on her shoulder, between her left shoulder blade."?

A Yes, sir.

Q "Q In the back of the dress? A Yes, sir."? A That is right.

Q "Q Then what did you do, after you fired the third shot?

A Walked out."? A Yes, sir.

Q "Q Where was the woman who let you in? A She was upstairs, she heard the reports of the revolver and she goes upstairs and screamed."? A Yes, sir.

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A Yes, sir.

Q "Q Had she come down the hall behind you? A She was coming down when I made the report and then she broke and run back and went up the stairs."? A Yes, sir.

Q "Q Where did you go then? A I went out the way I come in, the basement entrance."? A Yes, sir.

Q "Q What did you do when you got out in the street?  
A I fired the gun off up in the air."? A That is right.

Q "Q Yes? A And threw it away."? A Yes, sir.

Q "Q How many times did you fire it up in the air?  
A Fired it only once, because if it had of went the other time, I certainly would have been dead. I don't know how come that fifth bullet didn't go off."? A That is right.

Q "Q Did you fire one in the hallway? A I did not."?  
A Yes, sir.

Q "Q Are you sure? A Well, I am quite positive."?

A Yes, sir.

Q "Q Didn't you fire one at the woman as she was going upstairs? A No, no, no, I didn't do that."? A Yes, sir.

Q "Q Well, the five bullets went off? A It went off somewhere -- well, I was excited, naturally, I didn't know -- I don't know whether I struck her four times or three. But I know when I pressed the gun and tried to kill myself it refused to go off."? A That is right.

Q "Q Did you try to kill yourself? A I did, yes."?

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A Yes, sir.

Q "Q Where was that? A In the street."? A Yes, sir.

Q "Q Was that after you fired the shot in the air?

A That was afterwards, yes, sir."? A Yes, sir.

Q "Q Where did you put the gun? A Where did I put it?  
I put it in my stomach (indicating)."? A Yes, sir, that is right.

Q "Q Indicating"? A He indicated his stomach at that  
time.

Q "Q And you pulled the trigger and it wouldn't go off?  
A It wouldn't go off and then I looks at it and anyway I was  
so excited I don't know whether they all were off or **not**, but  
I know it refused to go off then, and I threw it in the street."?  
A Yes, sir.

Q "Q Did you open it up? A I opened it up after that bullet  
went off in the air."? A Yes, sir.

Q "Q Then what did you do, after you threw it in the street?  
A I walked to and fro, waiting for a cop."? A Yes,  
sir.

Q "Q Well, you knew you had done something wrong? A I  
knew it; I admit it."? A Yes, sir.

Q "Q You knew it was wrong to do that when you went to do  
it, don't you? A I must admit that."? A Yes, sir.

Q "Q And how long had you been planning to do this?  
A Well, just since last night."? A Yes, sir.

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Q "Q Well, what made you determine last night to do it today? A Well, what made me do that? Because she give a party there last night and I surely think, and if you will trace the matter you will find it out, that they was giving a farewell party to the fellow she had been with previous, don't you understand?"? A Yes, sir.

Q "Q Yes, what is his name, do you know? A His name? No, I don't know his name, but I got a strong idea he used to work here in 71st street, above her, as a door man, when they had colored fellows there. That tall building, you know, right next to the Hotel Hargrave. He used to work there as a door man. And so where she met him, you know, going to and fro to the market."? A Yes, sir.

Q "Q Did you ever see her with him? A She invited him up there, but the best proof they give a party down at 61st street. I don't know what the representing of the party meant, it might have meant this same party they gave last night, a farewell to me and farewell, good bye. I don't know."?

A Yes, sir.

Q "Q Did you ever see her with him? A I did not."?

A Yes, sir.

Q "Q How did you hear about this party that she was going to give last night? A I heard about that this morning, while I was on watch."? A Yes, sir.

Q "Q Who told you about that? A A fellow works in the

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