

**START**

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**CASE**

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**CASE #2842**

COURT OF GENERAL SESSIONS OF THE PEACE,  
CITY AND COUNTY OF NEW YORK, PART II.

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T H E P E O P L E

-against-

CHARLES WINTERS.

:  
:  
: B e f o r e :  
:  
: HON. CHARLES C. NOTT, JR., J.  
:  
: and a Jury.  
----- x

New York, June 15th etc., 1920.

Indicted for Assault in the First Degree.

Indictment filed May 17th, 1920.

A P P E A R A N C E S :

-ASSISTANT DISTRICT ATTORNEY JOHN CARDONE:  
FOR THE PEOPLE.

JACOB LASKER, ESQ., FOR THE DEFENSE.

-----  
TRANSCRIPT OF STENOGRAPHER'S MINUTES.  
-----

Frank S. Beard,  
Official Stenographer.

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MR. LASKER: I ask that all witnesses be excluded from the room, if your Honor please.

THE COURT: Yes, the witnesses on both sides.

THE PEOPLE'S TESTIMONY.

LULU WINTERS, of 106 West 143rd Street, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CARDONE:

Q Do you know the defendant? A I do.

Q Now, you will have to speak up please, because these gentlemen want to hear everything you have to say. Is the defendant related to you? A Oh yes, he is my husband.

Q When did you marry the defendant? A 1915, in December.

Q In December, 1915? A Yes, sir.

Q Where? A In Richmond, Virginia.

Q Have you any children of the marriage? A I have not.

Q After you married the defendant, where did you go to live with the defendant? A Why, we went to Hopewell, Virginia.

Q And how long did you live in Virginia before you came to New York? A Why, I don't know exactly, but as near as I can get to it, it is a couple of years. I am not positive.

Q When did you come to New York? A In 1919, in December.

Q Did you come with your husband? A I did not.

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Q You came to New York alone; is that correct? A Yes, sir.

Q Where was your husband when you came to New York? A He was in Norfolk Virginia.

Q And how long did you and your husband live together in Virginia, before you and your husband separated? A Before we separated?

Q Yes. Well, when did you and your husband separate?

A Well, we have been separated two or three times.

Q Well, when did you separate after you and your husband began to live together as husband and wife; when for the first time? You were married in 1915. Now, how long did you live with him before you and your husband separated? A I lived with him from the time I married up until the war closed. I don't know what month it closed. At the time the war closed, he left me in Hopewell Virginia, and went to Homestead, Pennsylvania.

Q You lived with him about three years before you and he separated? A Yes I suppose so, as near as I can remember.

Q And when you and he separated, he went to Homestead, Pennsylvania? A. Pennsylvania?/And I went to Raleigh, North Carolina.

Q And then you came to New York? A Yes, sir.

Q And did you then again live with your husband, after you were separated? A I did.

Q Where? A In Norfolk, Virginia, last summer.

Q You and your husband took up living together again?

A Yes, sir.

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Q How long did you live with your husband before you again separated? A Well, I can't say positively how long it was.

Q Well, I don't want you to say how many days or weeks, but how many months? A Well, I guess it was about a month.

Q And then you separated a second time, is that correct, in Norfolk, Virginia? A Yes, I did.

Q And how long did you live apart before your husband again lived with you?

BY THE COURT:

Q When you separated in Norfolk, did you come on to New York? A Yes, sir, two weeks before Christmas, and he came two or three days before Christmas, as near as I can guess.

Q About the same time that you did? A No, not at the same time I did.

Q A little later? A Yes, sir.

Q And then did you live with him here? A I did.

BY MR. CARDONE:

Q Where? A In December of last year.

Q But where? A I lived with my sister on 143rd Street, in an apartment, 106 West.

Q And how long did you live at your sister's with your husband, from December on? A It was a little after Christmas when we started again.

Q Well, was it before New Year's or after New Year's when you and your husband separated for the third time? A It was

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after New Year's.

Q Where did you continue to live? Did you still continue to live at this address? A I did.

Q Where did your husband go to? A I don't know the number.

Q Well, did he live near you? A No, it was near Eighth Avenue.

Q What number? A I have forgotten the number.

Q Near what street? A If I am not mistaken, it was No. 203, on 148th Street.

Q West 148th Street? A Yes, that's as near as I can come to it.

Q Now, from the time your husband left you, in January of this year, up to the 9th of May, 1930, did you at any time again live with your husband, between those two dates, between the time he left you in January, up to the 9th day of May, 1930? A (No answer.)

Q So that the last time you and your husband lived together was in January of this year, or did you again live together after that? A Well, since he moved near Eighth Avenue, we haven't lived together, but while I was living with my sister he came there, but we never lived together after he moved to near Eighth Avenue.

Q Now, you say that he came to see you at your sister's house once? A Yes, sir,, he came there several times.

Q And where does your sister live? A 106 West 143rd Street.

Q And what is your sister's name? A Emma Mitchell.

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Q Were you living with your sister, after you and your husband separated? A Yes, sir; and I wasn't living no other place.

Q Finally, when did he visit you between May and January of this year, at your sister's house? A Why, he was there all the time, making a disturbance.

Q Now, you and your husband have had some trouble; haven't you? A Yes, sir.

Q Why have you had trouble? A Because he swears he will kill me, because I wouldn't live with him because he mistreated me. He treated me brutally, and didn't half support me; and he said, if I didn't live with him I couldn't live in the City of New York, that he was going to kill me, to shoot me or poison me.

Q Now, did you see your husband on the 9th of May of this year? A I didn't see him in the street.

Q Well, where did you see him? A Oh, in my bedroom, when I went into the room to lower the window shades, He was in the hallway, one flight up on the steps, between the second and third apartment. He was looking into the window, and he fired into this window, before I could leave it.

Q What time was it? A Around about 1:30.

Q In the morning? A Yes, sir.

Q It was after midnight? A Yes, sir.

Q Your apartment is located in the premises 106 West 143rd Street? A Yes, sir.

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Q Which is the apartment that you and your sister, Mrs. Mitchell, occupy; is that correct? A Yes, sir.

Q What floor is your apartment located on? A I don't understand you.

Q What floor do you live on? A The third floor.

Q And where was your husband standing when you say you saw him shoot? A He was standing one flight upstairs up, above our door, between the third and fourth floor.

Q Was he in the same building or in another building?  
A He was in the same building.

Q And is this window, near which your husband was standing, separated from your window by an areaway or courtyard? A By courtyard?

Q Yes. Are these two windows separated from each other?  
A Yes, they are.

Q And how far away is the window in front of which your husband was standing from the window near which you were when you were about to lower your shade? A Well, I can't tell how many feet it was.

Q Well, can't you tell from this room here; can't you give us any idea? A My window is like on the corner (illustrating), and he was looking through the hall window when he fired into my bedroom window.

Q From where you were could you see the person who was at or near the window from which the shots came? A Yes, sir.

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BY THE COURT:

Q Did your bedroom window looking to a well between the two houses? Was it a front, or side, or back window? A A back window.

Q And are there two houses on the lot, a rear house and a front house? A Well, you see, the hallway runs up like this (illustrating), and the hall runs out, kind of, and the window faces my bedroom window, and he is looking through into this window where my bedroom was.

BY MR. CARDONE:

Q And are you sure that the man who fired the shots at you was your husband? A Why certainly. I know him wherever I see him.

Q And did you see his face? A Yes, sir.

Q And did you see the revolver in his hand? A Yes, sir.

Q How many shots were fired? A Two.

Q Was your window up or down? A It was down.

Q And was your shade up or down? A The shade was up. I was fixing to pull it down.

Q Were you close to the window? A I was right at the window.

Q Any curtains on the window? A Yes, a thin little curtain on the window, but it don't go all the way up. It is only a half curtain, and the shade was up above the window curtain.

Q Could you see over the curtain? A Oh yes, I am taller than the half curtains, and I could look right through the window

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glass over them.

Q Did you have any light on your room on that night?

A Yes, sir, electric light.

Q And was the light lit? A Yes, sir.

Q Was there any light in the hallway near the window from which the shots came? A It was lit in the hall, but not up in that part where the shots came from.

Q Where was the light located in the hallway? A Down by the door.

Q And how far below the landing between the third and fourth floors was this light? A No, he was standing up only one flight above the door, but the light is down by the door, but it was dark where he was standing on the landing.

Q Do you say it was dark in the hallway where he was standing, where he fired the shots? A There was a light in our kitchen very near the hallwom window, and it was shining, and I could see his face from the light.

BY THE COURT:

Q Did he lean out of the window? A Yes, sir.

Q Show us with your hand just how he did it? A I didn't take that much time to look to see exactly how he was leaning, because I saw the revolver in his hand.

BY MR. CARDONE:

Q Well, did you see his face? A Yes, sir.

BY THE COURT:

Q How many shots did he fire? A Two. One came on one side

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of the window, on the left side of the window and on my left side, and it landed into an oak chiffonier at the window, and the next one came in on the right side of me, and it went under the bed, and went through two dress suit cases, and went into the wood-work at the back of the house, and is sticking there now, and the detective got the first bullet from the chiffonier drawer.

BY MR. CARDONE:

Q Well, after the shots were fired, what did you do? A Well, I didn't do anything; I was so frightened about it, I hardly knowed what I was doing; and the first thing I knew the house was full of cops and detectives.

Q Now you say that this man threatened to kill you? A Yes.

Q Now, how long before was the last time he threatened to kill you before this happened? A I don't know whether it is a week, -- yes it was as much as a week, I think, but he had been threatening to kill me for a long time.

Q Well, was it a week before? A Yes, about that.

Q Where were you living at that time? A I was living with my sister.

Q Now, the last time that he threatened you, as you say, a week before the shooting, where were you then? A I was living with my sister.

Q Well, did he come up to the room? A Why he didn't come up to the room, but he waited around the street, trying to catch me.

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Q Where were you when he threatened you the last time? Were you on the street or in your room or where? A I were on the street.

BY MR. CARDONE:

Q You say the police arrived right away? A Yes, sir, a few minutes after it was done.

Q And did your husband visit you that day; or the day before? A No, he didn't.

Q When was your husband at your house before the shooting; when did he call on you at your house, at that address, before the shooting occurred; when before that? A (No answer).

Q (Question repeated) You say he came to your house on a number of occasions; is that right? A I said he had came to my house, making a disturbance. After he left there, he called there a lot of times.

Q None of these bullets struck you? A No, sir, they didn't strike me.

Q Can you give us some idea, Mrs. Winters, of the distance between these two windows? Can you tell us how many feet away your window was from the window from which the shooting came? Was it as far as from where you are sitting to that rail there (indicating)? A Yes, it was just about that far.

Q From where you are sitting to that chair (indicating)? A I suppose so. I am not positive, because I don't know how many feet it was.

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Q Was it more or less? A No, sir, it was not less.

Q Well, was it much more? A I can't say positively, in feet.

Q Well, how many feet could you say? 15 feet? A Why, I can't say, because I don't know.

THE COURT: Well, has not the officer seen these premises?

MR. CARDONE: Yes, sir.

THE COURT: Well, he can give us some idea of it.

MR. CARDONE: Well, can we agree on the distance the witness has indicated?

MR. LASKER: Yes. About 15 feet?

MR. CARDONE: Yes, about 15 feet.

CROSS EXAMINATION BY MR. LASKER:

Q Now, Mrs. Winters, you are rather certain in all the statements you have made so far? A Yes, sir.

Q I understand you were married in 1915, at Richmond, Virginia? A I was.

Q When were you in Hopewell, Virginia; do you know? A Right after we got married, we went to Hopewell, Virginia.

Q And, while you were there, did you know a man by the name of Thaddeus Walker? A I did.

Q You did? A Yes.

Q And your husband was also at that place? A He were.

Q And he worked for the Dupont Powder Works; didn't he?

A Yes, sir.

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Q And didn't he support you? A No, sir, he only half supported me, and treated me brutally.

Q Even in the beginning of your married life, you had trouble

A Yes, sir; because part of the time I didn't have food to eat.

Q Now, how well did you know this Mr. Thadeus Walker?

A Well, I didn't know him so well.

Q You didn't know him so well? A No, sir.

Q Well, you knew him well enough to live with him; didn't you? A No, sir, never. I haven't lived with him at all.

Q Oh, you didn't live with him? A No, I didn't.

Q But you knew him well enough that, through he knowing you, and your husband finding fault with the attentions that he paid you, that he received a sentence of five years through you; didn't he? A I don't know what the fight was about. I wasn't there.

Q But you know he got five years in State Prison; don't you? A Yes, sir.

Q And that was the beginning of the trouble; was it not?

A No, sir. I didn't get married then. I was married in 1915.

Q And when did this happen? A It was some time after; a year or two after.

Q You hadn't been married six months before you started to flirt with walker, and to walk about town with him? A I wasn't flirting with the fellow. I only knew him because my husband introduced me to him. They were working together.

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Q You know why he got sent to State Prison. A Well, I don't know what it was about, but my husband and him started fighting, I was told.

Q And you know you were the cause of the fighting? A I certainly wasn't, no.

Q He wrote you letters right along; didn't he? A I don't understand you.

Q (Question repeated) A No, he didn't write me no letters, more than he wrote him. When he wrote a letter, he said, "Mr. and Mrs. Winters." He addressed both our names together.

Q Why did he do that? A Just knowing each other I suppose. We all knowed each other. I suppose that's why he wrote that way.

Q Now you were in Raleigh, North Carolina too, weren't you? A Yes, we lived there; a little while we lived there together.

Q Now, when was that? A Well, when he lived the Dupont Powder plant, he went to Columbus, Ohio, and sends me to Raleigh, North Carolina.

Q And this Walker followed you down there; didn't he? A No, sir.

Q He wasn't there at all? A No, I didn't see him.

Q You didn't see him there? A No sir.

Q And didn't you go away with him somewhere? A No, sir.

Q Didn't you leave the city, and go away with him, and leave your husband? A I did not.

Q Sure of that? A I did not. My husband has been treat-

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ing me brutally and mean ever since I have been married to him.

Q Now, just answer what I ask you, and you have got all you can do to answer that. Now, you went to Petersburg, Virginia; didn't you? A Him and I lived there together.

Q And you met Walker there, too? A No, sir.

Q And you went with Walker to New York City; didn't you? A I did not. I came to New York by myself. My sister was very sick when she sent for me to come to New York.

Q You didn't know anybody in New York did you? A No, sir; only my sister and my mother.

Q Why did you come to New York City? A Because my sister were sick, and she wrote to me to come to live with her awhile.

Q And your husband didn't come along with you? A No, sir.

Q And you didn't ask him to come along with you; did you? A No, sir.

Q And you didn't ask him whether you <sup>could</sup> come here or not? A Yes, I did ask him, and he promised me to come, he promised me I could come, but he never did give me money to come. I beg your pardon. I did ask him.

Q Now, that was from Raleigh, North Carolina that you left; wasn't it? A Yes.

Q And you came to New York City; didn't you? A I didn't come from Raleigh, North Carolina to New York City.

Q You went from Raleigh to Petersburg, to come to New York City; didn't you? A Yes, sir, to get a job, to work my way on

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to New York, because I didn't have the money to come all the way to New York.

Q Didn't he give you \$18 to come to New York? A No, sir; he sent me \$18 to go to Columbus, Ohio. His mother or his sister sent me the money to go there, and I spent that money in eating, because I didn't have money to pay my rent or eat either.

Q Now, instead of going to Raleigh -- going to New York -- didn't you go to Richmond, Virginia, and, while in Richmond, didn't you go to Clay Street, and send for that man Walker to come and live with you? A No, sir, I didn't, but I stopped in Richmond Virginia.

Q When your husband was working, didn't he give you nearly every cent he earned? A No he didn't. He gave it to other people.

Q What do you mean by other people? A Other women.

Q Oh, other women? A Yes, sir.

Q Oh, he had other women besides you? A Yes.

Q And you had other men; didn't you? A No, sir, I didn't.

Q It wasn't a case of fifty-fifty; was it?

(Objected to. Sustained.)

Q Now, as matter of fact, didn't your husband send you \$8, regularly, and ask you to return to him? A No, sir, he didn't.

Q Did you return any money that he sent to you? A I did return some, once, but he didn't send me any regular.

Q Well, why did you say in one breath you didn't receive any money from him, and returned it, and then, in the next breath you

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said you did receive it, and did return it?

THE COURT: No, she said that she returned it once only.

THE WITNESS: Yes, I sent it back once, \$8, because I didn't want my husband, and I didn't want his money, because he treated me brutally.

Q Now, let's come down to New York City. When you came to New York City you lived with your husband at 106 West 143rd Street?

A I did; went back with him, trying to get along with him.

Q And who was this man in the house named Thomas Stewart?

A He is my sister's common-law husband.

Q He is your sister's common law husband? A Yes, sir.

Q Is he in court? A No, he isn't.

Q And this Thomas Stewart had a brother; didn't he? A He did.

Q And what is his brother's name? A Clarence Stewart.

Q Then you were a common-law wife of Clarence Stewart; weren't you? A No, indeed not.

Q Now listen. Isn't that the cause of the whole trouble between your husband and yourself? A No, sir, it isn't. I've been living in a purgatory with that man since I married him. He began with a lie. He didn't have money to pay even the preacher the day I got married, and I had to give him the money to pay the preacher. And I tried to treat him right, and, if he would tell the truth, he would say that I told the truth. I'm not lying on that man. And he has told the neighbors that, that I tried to

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to treat him right.

Q And you have told him, time and time again, to get out of the house, because you didn't want to live with him; is that right? A Yes, sir, because he started lying from the start, and he treated me so brutally, and he fought with me.

Q Didn't you say to him, "Man, get out, and take your trunk with you. I don't want no more to do with you," didn't you? Yes or no? A At the time that we had fusses, and we couldn't agree, I told him he had better get out, because I will living with my sister, and I didn't know anybody but her in New York, and if we couldn't agree, it was best to part, and for him to get out.

Q And how long was this before this trouble? A Before the trouble, what trouble?

Q Before the time that you claim that he fired a shot, two shots at you? A How long had it been?

Q Yes.

BY THE COURT:

Q How long was it before the 9th of May that you told him you had better separate? A I don't know exactly how long it was. I don't know exactly how long it were. But I taken him up to 166th Street, in court, to get the judge to make him leave me alone.

BY MR. LASKER:

Q Was it a week or a month or three months before the time that you had this final trouble, or don't you remember about what

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time it was? A Before the shooting was done?

Q Yes. Don't you remember how long it was before that that you told him to get out of your house, and that you didn't want any more to do with him? A Well, about a month.

BY THE COURT:

Q You say you saw him in the Magistrates' Court. When was that? A In April.

Q And what court was that? A That was up in 166th Street and St. Nicholas Avenue.

Q And what did you have him there for? A Because every time I would go out on the street, he would be pulling at me, and trying to drag me where he lived at, and trying to fight me in the street, and raising a great deal of excitement, and the judge told me him to leave me alone, but he never did, from that time up to the time he done the shooting.

BY MR. LASKER:

Q He was your lawful husband? A Yes. But, if he was my lawful husband, I didn't want him to pull me and dragging me on the street, and making a great big excitement on the street.

Q Well, you were perfectly right there. Now, isn't it a fact, Mrs. Winters, that you lived with your husband until the 10th of April last? A Until the 10th of April?

Q Yes. A No, I don't think I did.

Q Are you sure? A I know I wasn't living with him at that time, because he was away from me, and that was during the time he

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was annoying me, and I taken him to the other court.

Q Now, please don't go over the same thing. What makes you so positive? We'll come right down to the facts now, why are you so positive that you saw your husband, or you claim that it was your husband, who fired those two shots from that revolver?

A Because I saw him and I don't know any other man for to do that.

Q Oh, oh? A And I saw him with my own eyes.

Q You saw him, and you didn't know of any other man that would do that? A I know him and I saw him with my eyes, and it wasn't no strange man would do that.

Q Now, is it not a fact that the Stewarts have revolvers in their apartment? A No, sir, they haven't.

Q And isn't one of the Stewarts laid up with a gunshot wound now? A Yes, but that was an accident on a Pullman car where he works. He was making a bed up on the car.

Q And wasn't the other Stewart arrested for having a revolver in his possession? A No, sir.

Q Now, how do you know, as matter of fact/<sup>but</sup>that the shots may have been fired in your own apartments? A Which shots? The one that the Stewart fellow was shot with?

Q Yes. A How could it be, when he was over on the job on the Pullman car, making a bed up, when the pistol went off?

Q Now, you misunderstand me. I mean the shots that you claim your husband fified? A No, sir, I know it was my husband.

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Q You have gas light in your apartment; haven't you?

A No, electric light, I said.

Q Now, what you say is absolutely correct as to the position where your husband was; that he stood on the stairway between the third and fourth landing? A Yes, sir.

Q And fired? A Yes, sir.

Q And fired through a portion of the window into your window? A Yes.

Q And then the shots -- one went on the right side of you into a chiffonier? A Yes, sir.

Q Is that right? A Yes, sir.

Q And the other on the left of you, and went under the bed? A The one on the left went into the chiffonier; the one on the right went under the bed.

Q Now, was that a high bed or a low bed? Was that a brass bed? A It was an iron bed.

Q And the shot went under the bed, and struck two suitcases; is that right? A Pardon me, please, but the shot, when it came into the window, it whirled, and went under the bed. If it had come straight, it would have gone into my sister's room, and would have killed her or somebody else. There is two holes in the window.

Q Did it go through the wall into your sister's room?

A No, sir, it didn't.

Q Now, Mrs. Winters do you know a lady by the name of Hattie

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Hampton, who lives at Columbus Ohio, and is the sister of the defendant? A I know a lady by the name of Hattie Winters, but I don't know no Hattie Hampton.

Q But you know that she is your sister in law? A Yes.

Q And you know that she came to New York in the interest of her brother; don't you? A So she says.

Q And didn't you talk to her? A I didn't have no real talk with her. She spoke to me and I spoke to her.

Q And she spoke to you about this case; didn't she? A Yes.

Q And you told her just exactly how this case happened; didn't you? A Yes, sir.

Q Now, did you tell her the same way as you told it to the District Attorney and the Court and to me, this morning? A I did.

Q The same thing? A I did.

Q Now, do you know a man, a gentleman by the name of Mr. Jones? A Mr. Jones?

Q Yes. A What it is his first name?

Q George Jones, a short, stout gentleman. A I don't know whether I do or not. I know a fellow that I heard them calling Jones. They call him "Rocks" and Jones both.

Q And did you have a talk with him? A I did.

Q And do you remember speaking to him about that case, about this case here? A I do remember.

Q And did you tell him the same story as you told in court, this morning? A I did.

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Q Now, as matter of fact, as far as Mr. Jones is concerned, didn't you say to Mr. Jones that the shot was fired by someone who was standing at a window, one flight directly above your window, and the shot was fired downward, and you didn't know who fired the shot? A I didn't say that.

Q And you suspected it was your husband? A I didn't say that.

Q Now didn't you make that same statement to Mrs. Hampton, your sister in law? A I told her just what I told in court, this morning.

MR. LASKER: That is all.

I R E N E W E L L S, of 106 West 143rd Street, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CARDONE:

Q Are you a married woman? A I have been married, but I am a widow now. My husband is dead.

Q How long had you been living at 106 West 143rd Street in this city? A Going on three years.

Q Do you know Mrs. Lulu Winters, the last witness? A I just know her by seeing her, because she lives underneath me, and I see her every day, and I speak to her.

Q You live one flight above her; do you say? A Yes, sir.

Q And what floor is that? A The fourth floor, I call it,

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and she lives on the third.

Q Do you know the defendant? A I know him by sight; I know him when I see him.

Q Do you remember the day of the shooting, the morning of the shooting? A I certainly do.

Q Did you hear the shots? A I certainly did.

Q Where were you when you heard the shots? A In the street, close by the house.

Q How many shots did you hear? A Two.

Q Well, before the shots were fired, did you see the defendant? A Yes, sir, I saw him standing in the dark hallway, right underneath me.

As I opened my door to go out, he was down on the next landing, and he said, "Come on down. No one to hurt you. I'm only waiting here for that man and my wife."

And then I goes down, and goes to the avenue, and before I do that, I hears two shots fired, and, when I got back to my house, everybody's eyes was out of the windows, and they said, "Somebody has been shot."

And then this Winters comes out of her house, and a man next to me said, "There he goes now," and he ducks right down into the cellar.

CROSS EXAMINATION BY MR. LASKER:

Q Are you sure this is the man? A Why certainly.

Q Do you remember how he was dressed at the time? A Oh, it

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was dark in the hall, and I couldn't see how he was dressed. He was standing, leaning in the window, looking towards this lady's window (illustrating).

BY THE COURT:

Q Now, Mrs. Well,s, let us see if you can give us some idea of the situation. Do the stairs come down to a landing, and then turn and go down to the next flight? A At the head of each flight there is a window.

Q And was he on the floor that you reside on, or the floor below? A The floor below me, in the window.

Q At the window, leaning against the window frame? A No, sir, leaning out of the window (illustrating).

Q And is that in the same house that Mrs. Winters lived in? A Yes, sir.

Q Well, how could he see her window from that hall window? A I'll tell you why. Her bedroom is right where you could look right out of the hall direct into her bedroom window.

Q And is there an El on the house, that runs out further than the rest of the house? A No, it's all the same.

Q And do the stairs go around a well? A No, sir, they go right straight up.

Q Well, this window was not on the back of the house? It looked out on the side; -didn't it? A Well, there is what they call the alleyway between the two houses, 102 and 106; there is an alleyway between that divides the two houses in the back, and

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you can stand in the hallway window, and look in every bedroom, as you go upstairs or downstairs.

Q Do the stairs project outside of the house line? A I don't understand you.

MR. CARDONE: There are rooms on both sides of the area-way, if your Honor please.

Q Is that so? A Yes, sir.

THE COURT: You had better tell somebody to make a little diagram of it. Tell the officer to do that. Go on.

BY THE COURT:

Q Now, what was it he told you? A He said to come on down; nobody to harm me. Then he said, "I'm only waiting for that man and my wife," and I passed on by, and left him standing there.

He said, first, "Are you Mrs. Mitchell?" And I said, "No, my name is Wells."

Q And Mrs. Mitchell is her sister? A Yes, sir.

BY MR. CARDONE:

Q And you left him in the window, when you went out? A Yes.

Q And that is the window midway between the third and fourth floor, on the landing? A Yes, sir.

Q Now, could a person standing right on that landing, near that window, look into the window of the apartment of Mrs. Winters? A Could look right into the bedroom window.

Q And could a person standing there fire shots into that bedroom window? A Yes, certainly, easy.

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Q And how far from where the defendant was standing was the window, the bedroom window? A From here to there (illustrating) from where that chair is to that back door there, the iron door. It was no more than that. I don't think it is any more space than that.

Q About thirty feet? A Yes, I think so, about that.

Q Now, you are sure it was the defendant that you spoke to?  
A Why, certainly, it was him.

Q Had you ever seen him before that? A I certainly see him, every night, most of the night, standing in the hall. He knows I spoke to him more than one night in the hall.

CROSS EXAMINATION BY MR. LASKER:

Q Now, what is your name? A Mrs. Wells.

Q You are not related to Mrs. Winters; are you? A No, sir, I am no kin whatever.

Q Now, can I ask you this question? A You can ask me any question.

Q What were you doing out at that hour of the night?  
A Well, I don't generally sleep much, because I ain't very well, and I didn't set my bread right, that night, and I went to get more yeast for my bread. I went to the delicatessen store.

Q And does Winters know Mr. Mitchell? A Yes, he does.

Q Is she as stout a lady as you are? A No, sir, she isn't.

Q She is very much thinner; isn't she? A Yes.

Q And don't you think that he, knowing Mrs. Mitchell,

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wouldn't be apt to ask you whether you were Mrs. Mitchell?

A Well, you know, Mr. Lawyer, the hall was dark.

Q And he didn't recognize you? A Well, he couldn't have, or he wouldn't have asked me that.

Q But you recognized him? A Yes. And I saw him before the lights were out, that night.

REDIRECT EXAMINATION BY MR. CARDONE:

Q What lights? A Well, they put out the lights in our house on every other floor, and he was in the dark part of the hallway, that is, there was a light on every other floor burning.

Q Where was the light burning in the hallway where the defendant was standing? A There wasn't any light in that hallway.

Q But you say there is a light on every other floor? A Yes, they put it out on every other floor.

Q And was the light lit, when you went down, the last time? A No, sir, they put it out on every other floor at ten o'clock, but I saw him before ten o'clock.

Q When was it you saw him before in the hallway? A I saw him before ten o'clock, when I went down to the market. I passed him five times in the hallway, that one night.

Q Well, did you see him before the shooting, immediately before the shooting? A I saw him about 25 minutes before the shooting, and I was talking to the man.

Q And was that the time he spoke to you, and called you Mrs. Mitchell? A Yes, sir; he asked me, "Are you Mrs. Mitchell?"

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The last time I went down.

BY THE COURT:

Q You say, about 35 minutes before this time, you were also talking to him? A Yes, sir.

Q And what did he say and what did you say then? A When I comes out, and slams my door, judge, and started down the stairs, he says, "Come on down. Nobody to harm you."

And then he said, "Are you Mrs. Mitchell?" And I said, "No, my name is Wells."

And then I went on out to the avenue, to get what I wanted to, and, before I could get what I wanted to, I heard the shots fired.

Q But when before that did you see him, that night? A I saw him five times, that night. I went down to get things that I forgot. I go downstairs very often, because I forgets some things, and has to go to get them; and, the last time, he says, "Come down. Nobody to harm you."

Q And, after the shots were fired, you say you saw him coming out of where? A He started to come out of the door.

Q What door? A 106.

Q You mean the street door, the hallway door? A Yes, sir. And, by seeing him, people was standing there, and he ducked back, and started to come down ~~back~~ after the shots was fired, and he comes downstairs to go out, and, seeing me and another man standing by my side, he turns to go back, and I didn't see

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him any more.

Q When you heard the shots fired, were you standing in front of the building? A No, sir, I was coming back to the building, and I wasn't quite to the building when I heard the shots. I rushed on then, because I said to myself, "There, that may has sht that woman."

THE COURT: Strike that out.

BY THE COURT:

Q And you heard the shots when you got to the door? A Yes, sir.

Q And, as soon as you heard the shots, you saw the defendant, you say? A It wasn't long before he come to the door, to go out. I saw him come to the door, and put his hands on a knob(illustrating), to open the door, and a man alongside of me said, "There is the fellow now," and he ducks back.

Q Where did he go? A I didn't see him any more, because I stayed outside. I didn't rush in to see where he went, because it wasn't my business.

Q Did you see a revolver in his hand? A No, sir.

RE CROSS EXAMINATION BY MR. LASKER:

Q Didn't you say it was quite dark in the hallway? A Well, it was so dark that I couldn't tell what kind of clothes he had on; and, another thing, I didn't take up that much time with him.

Q But it wasn't too dark for you to see his face; was it?

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A I couldn't see what color the man's face was, but I have seen his face when the light is in the hall, and I didn't pay no attention to his face then, because I knew he was the man I seen before there.

BY MR. CARDONE:

Q Are you sure that this is the man that spoke to you just before the shots were fired? A That's the man.

Q Well, what makes you so sure? A Because I have seen him time and time again.

Q And you spoke to this man? A Yes, sir. I seen him time and time again, and I see him five times, that night, standing in that hall.

A N N A M I T C H E L L, of 106 West 143rd Street, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CARDONE:

Q Are you the sister of Lulu Winters? A Yes, sir.

Q And was she living with you at 106 West 143rd Street in this county? A Yes, sir.

Q On the 9th of May 1920? A Yes, sir.

Q For how long a period of time had she been living with you at that address? A Well, she came there with me about two weeks before Christmas.

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

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Q Did you ever see the defendant at your house while your sister was living with you? A Yes, sir.

Q When did you see him? A Well, I seen him there several times. He was watching the house for three or four weeks.

Q How do you know that? A Because I seen him watching the house, night and morning. I passed him in the hall, and he was standing across the street, and in the hallway.

Q Do you know anything about the trouble between the defendant and your sister? A They have had no trouble, except that he mistreated her, and didn't support her, and she refused to live with him.

Q Now, did you see the defendant on the morning of the shooting? A Yes. That night.

Q Where were you when the shots were fired? A In my kitchen.

Q Were you in the same room with Mrs. winters? A No, we were all in the dining room, but, just before the shots were fired, I went into the kitchen to heat some water, and she went in her bed room to pull down her shade.

Q And was she going to bed? A Yes, it was late, and we were getting ready to go to bed.

Q Now, did you see the defendant before the shots were fired? A Well, he had been watching the house from seven o'clock that night up until the shooting occurred?

Q How do you know that? A Because he was standing part of the time across the street, right in front of us, on that stoop,

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trying to look up in our window, and --

Q Is your apartment a front apartment? A Yes.

Q How many rooms in your apartment? A Five.

Q And your front window looks out in the street? A Yes, sir, I have three windows in the front. And he had been watching that house from seven o'clock that night until the shooting was done. He was from one house to the other, watching our apartment.

Q Are you telling us what you saw yourself? A Yes, sir, not what someone told me. What I seen that man do with my own eyes, and I know him very well. He was standing across the street part of the time, looking up into the window.

Q Your front window, your street window? A Yes.

Q Was he alone? A Yes, sir; and sometimes I saw him speak to someone, but most of the times he was alone-- that is, he looked as if he was speaking to someone now and then, but most of the time he was alone. And then he came across the street, and rang my bell, between eight and nine.

Q The same evening? A Yes, sir, the same night, and he rang my bell.

Q Who answered the door? A And so I looked out of the window, whilst my friend's brother went to the door, and there was nobody at the door; and, whilst I was looking out of the window, he came out of the hallway, and looked up at the window. I saw him come in the hall, and as soon as he went in the hall,

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my bell rang, and I still kept looking out of the window, and my friend's brother went and opened the door, and there was nobody at the door.

And so then I was still looking out of the window, and he come out of the hallway, and he stood by No. 102 for awhile, next to 106, and he was on those three stoops all the time, up until the last time I saw him, out there in the street, -- I guess it was between nine and ten.

Then I had to go to do my marketing, and so I didn't watch him any more and he was across the street again.

And so, the last time I went down to the shore, and come back, which was around 12 or after 12, then he was standing up there in the hall, on that little landing between the third and fourth floor.

Q You mean you saw him there? A Yes, I saw him standing there.

Q Is there a landing between the third and fourth floor?

A Yes, and there is a window on each little landing.

Q And what were you doing when you saw him? Were you in your apartment, or did you go upstairs? A I was coming upstairs out of the street. I had been to the store.

Q Does the defendant know you? A Why certainly he knows me.

Q Did he speak to you? A No, sir.

Q Didn't say a word to you? A No, sir.

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Q Did you speak to him? A No, I did not.

Q Did you ask him what he was doing there? A No, sir, I didn't ask him anything at all.

Q Was there a light there? A Yes, there is a light in all the halls. There was a dim light in the landing where he was standing, but you could see him; it was enough light to see him, and the light stays in the halls on every other floor, all night.

Q Now, where is the light located with reference to that landing where he was? A It's in the center of each hall.

Q Is there any reflection of the light cast on that landing?  
A Yes, sir, enough light to see anybody on that landing, and to see who they are.

Q And, going upstairs, you could tell who was on that landing?  
A Why certainly.

Q Now, did you look out of the bedroom window, after the shots were fired? A Yes, sir.

Q And what did you see when you looked out of the bedroom window? A After the shots were fired, I didn't see anything.

Q Where did you look? A I looked up and down the yard, and up on the roof, and around at the windows.

Q Did your sister tell you how the shooting happened?  
A She didn't have to tell me. We were all there, and heard it.

Q But you didn't see him? A I didn't see it. But I saw the man standing there in the hall, just before the shooting was done, but I didn't see him shoot.

Q All right. A And he had been watching the house since

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seven o'clock that night.

MR. CARDONE: You may examine.

BY THE SECOND JUROR:

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

Q And this man was standing on the landing above the third floor? A Yes, sir, about three or four steps up from the ~~hall~~ floor of the hallway.

Q Just about four steps? A Yes, sir. You can look up there and see anybody standing there. There is a window on every landing.

BY MR. CARDONE:

Q You mean that there is a window on each landing? A Yes, sir.

Q That covers practically the entire landing? A Yes, sir.

Q You didn't go up to the fourth floor; did you? A No, I went into my apartment on the third floor.

Q And you didn't speak to him when you saw him? A No, sir.

Q You knew what he was doing there? A I knew that he was watching for her.

Q Well, why didn't you speak to him? A Well, I have no right to speak to him, because he insulted me every time I spoke to him.

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

MR. CARDONE: Yes, I consent.

THE COURT: Strike it out.

CROSS EXAMINATION BY MR. LASKER:

Q Your name is Mrs. Mitchell? A Yes, sir.

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

Q When were you married? A 1909.

Q To whom? A Edward Mitchell.

Q Is your husband living? A I don't know whether he is or not.

Q And are you married to another man, at this time? A No, I'm not. I'm simply living with another man, as my common-law husband.

Q Who is he? A Thomas Stewart.

Q And is he in the city? A Yes, I think he's in the city.

Q Where is he? A Well, I think he is at a doctor's office.

Q And he has a brother, named Clarence? A He has a brother named Clarence.

Q And is he in the city? A No, he isn't.

Q Where is he? A Why he's in Pennsylvania, some place.

Q Now, Clarence and your sister, Mrs. Winters, were quite intimate together; weren't they? A Beg pardon?

Q (Question repeated) A No, they were not.

Q Wasn't that the cause of the whole trouble? A No, sir, it wasn't.

Q Are you sure of that? A No, it has absolutely nothing to do with it at all. I know that.

Q You have no kind feeling toward this gentleman here, have you, your brother-in-law? A Well, I haven't now, no, but I did have before.

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Q You did have before? A Yes.

Q But you didn't have any for quite some time? A Oh, after. I felt towards him as I did to anybody that always treated me right.

Q And you have said that you wouldn't stop until you put him behind the walls of Blackwells Island, or some other prison?

A No, sir, I didn't, and I have no cause to say it.

Q The window where this shooting is supposed to take place, where your sister, Mrs. Winters, was standing, do you know of your own knowledge that she stood there, and if the person who fired the shot was standing at the place where she said he was, could they see into her window? A Why certainly they could see.

Q Was it light or dark there? A Oh, it was light.

Q And you could see? A Yes.

Q And are you sure it wasn't dark? A No, it wasn't dark.

Q Where did the light come from? A The light was from my dining room window, and from my kitchen window.

Q Now, there was a light in the hallway, wasn't there?

A Yes, sir.

Q In the hallway where this man was standing, whoever that man may have been? A Yes, sir, Charlie Winters.

MR. LASKER: Now, I ask that that be stricken out, as a conclusion of the witness.

THE COURT: No, I will allow it to stand. She has said that she saw him standing there.

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MR. LASKER: Exception.

THE WITNESS: I saw him standing there between 12 and one, because I looked at the clock when I went down to do my marketing, and come back. That was the last time I saw him.

Q And the shooting occurred about 1:30, as I understand?

A Well, I suppose around one o'clock.

Q Oh, you suppose around one o'clock? A It must have been around that time. It was a little while after I had gone in the house.

Q It might have been half past one? A No, I don't think it was as late as that.

Q Did you have a talk with the sister of the defendant, Mrs. Hattie Hampton? A Have a talk with who?

Q With Hattie Hampton. Do you know her? A No, I don't.

Q The lady that came from Columbus Ohio, the sister of the defendant? A Did I have a talk with her?

Q Yes. A No, I don't know her.

BY MR. CARDONE:

Q But he wants to know if you spoke to her? A Oh yes, the night she come up to our house I spoke to her.

BY MR. LASKER:

Q And didn't she speak about the case to you? A Not particularly about the case.

Q And she came from Columbus Ohio, in behalf of her brother,

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and simply came up to your house as a social visit? A I don't know why she come up there. She come to inquire how she could get down here, she said. I suppose she came up for information how to come down here.

REDIRECT EXAMINATION BY MR. CARDONE:

Q Now, you say you saw a light. Now was there a light in the bedroom in which your sister was just before the shooting?

A Yes, there was a light in the dining room, and one in the kitchen, and one in the bedroom.

Q What kind of light was there? A Gas light.  
Is

Q ~~Was~~ there any electric light in your apartment? A No, only in the hall; on ly gas in my apartment.

Q And where is the electric light that you speak of? A In the hall.

Q Is there an electric light located in the hall near this landing where you say you saw the defendant? A Yes, light enough for me to see who was standing there. It was near enough for that.

Q Now, is that light lit in the hallway, about half past twelve? A Yes.

Q After the shooting, did you go downstairs? A No, I didn't

Q Do you know whether that light was illuminated, or out? at the time of the shooting? A I don't know. The lights couldn't be much, because they stay lighted all night.

Q Now, I don't want your conclusion. Were they or were they not lighted? A No, I don't know whether they were lighted at the time he fired the shots, because I wasn't in the hallway, and so

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I don't know.

RECROSS EXAMINATION BY MR. LASKER:

Q You had quite a quarrel with your brother-in-law didn't you? A I have had several with them, because he has made a lot of confusion in my apartment since he has been here.

Q And you went so far as to cut him with a razor on the hand? A I?

Q Yes, you. A I don't know anything about that. I'm absolutely sure that I never had a razor in my hand.

Q Didn't you cut his hand right here (indicating)? A No, sir.

Q Do you know who did it? A No, sir.

Q Did you ever use a razor in your life? A No, sir, I never used a razor or a knife in my life on anybody.

Q Never had a razor in your hand? A No, sir, I never used a razor in my life on anybody. Cut him? I never cut him. Of course not. I've had words with him.

Q You never stated to your brother-in-law that you desired his company, in preference to that of his wife? A No, sir.

Q And, if he didn't take your company, instead of his wife, that you would disfigure him so that his wife would never recognize him? A No, sir, I never did.

Q Are you sure of that? A Yes, sir. I know nothing about that sort of thing at all.

JAMES CUNNINGHAM, of the 38th Precinct, a wit-

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ness called on behalf of the People, being duly sworn testified as follows:

DIRECT EXAMINATION BY MR. CARDONE:

Q Did you arrest the defendant? A I did.

Q When? A At 3 P.M., May 9th.

Q Where? A At 142nd Street and Edgecomb Avenue.

BY THE COURT:

Q Was that 3 A.M. or P.M.? A 3 P.M.

BY MR. CARDONE:

Q When you arrested the defendant did you have any conversation with him? A When I arrested the defendant I said, "What did you do?" and he said, "I didn't do nothing."

So I waited until the men that was chasing him come up to me.

Q What men were those? A He was running up Edgecomb Avenue, and at 142nd Street I was standing, and I ran over to him and stopped him.

And I said, "What did you do?" And he said, "I didn't do nothing."

And so I waited until the crowd that was chasing him come up-- they were about 50 feet from me then -- and a fellow named Stewart, Thomas Stewart, a colored fellow came up, and he says, "Arrest that man. He shot his wife," or, "Fired a couple of shots at his wife."

Q Never mind that, what Stewart said. Did the defendant say anything? A Yes, he said he didn't do nothing.

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Q Now what else happened? You took him into custody; is that it? A Yes, sir, and I searched him then, a little frisk on the outside of his garments to see if he had any weapon, and took him down to the house.

Q Did you find any weapon? A No, sir.

Q Did you have any talk with the defendant about his whereabouts on the morning of the 9th of May, 1920 about 1:30 A.M.?

A No, sir, I didn't. He denied knowing anything -- he denied having anything to do with them. I asked him why he ran away, and he said this Stewart said he was going to shoot him, and he ran away because he was afraid of Stewart.

Q Did he say where he was about 1:30 on the morning of May 9th? A No, sir, I didn't ask him that.

Q Did you ever go <sup>to</sup> these premises at 106 West 143rd Street?

A No, sir, I did not.

CROSS EXAMINATION BY MR. LASKER:

Q Officer, do you know this Stewart, who is the common-law husband of Mrs. Anna Mitchel; is he not? She is living with this Stewart; isn't she? A I believe this Thomas Stewart said his brother was there at the time. I ain't positive.

Q Well, did you see a revolver in Thomas Stewart's hand?

A No, sir.

Q Did he have a revolver? A No.

Q You know that for a fact? A Well, as far as I observed.

Q And this man said Thomas was about to shoot him, and

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that's the reason he wanted to get away? A Yes, he said he was scared he would shoot him.

H A R R Y D. B L O O M F I E L D, of the 38th Precinct, a witness called on behalf of the People, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CARDONE:

Q On the 9th of May, 1920, were you assigned to the case of--  
tp a shooting case that occurred at 106 West 143rd Street? A Yes.

Q And when was that assignment commenced? A Well, we got the message about 1:10 A.M.

Q And what did you do then? Was it a telephone message?  
A The des lieutenant notified the detective office that there was a shooting at 106 West 143rd Street, and I, in company with Detective Scott, visited the place of occurrence, and walked up to the third floor of that house, and there had an interview with the complainant, Lulu Winters, who stated --

Q Never mind what she stated. You had a conversation with her? A Yes, sir.

Q And after this conversation what did you do? A I investigated the apartments, inspected the premises.

Q You did? A Yes, sir.

Q And what did you find? A I found two holes in the glass in the bedroom window of the complainant.

Q What kind of holes? A Well, it appeared to be like bullet

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holes, round, small holes.

Q Was there a light in that bedroom? A There was.

Q Did you look around for the bullets? A I did.

Q Did you find them? A I did not; no, sir.

Q You and Scott were together, you and Detective Scott?

A Yes, and Detective McCormick.

Q When you came upstairs, did you observe the lighting facilities in the hallway? A There was a light in the hallway.

Q Where? A I don't recall where it was located.

Q Is there a landing between the third and fourth floor?

A There is.

Q And is there a landing between the second and third floor?

A I don't think there is. I'm not sure.

Q But there is a landing between the third and fourth floor?

A Yes.

Q And did you pay particular attention to that? A Yes.

Q And is the landing located near a window? A Yes.

Q Now, are you able to draw for us a diagram of the window near this landing, and also of the location of the bedroom of the complainant? A There is a window there on the landing between the third and fourth floor, overlooking a courtyard, and the complainant's bedroom is on the left side of that window.

Q And did you stand -- could a person stand on that landing, close to the window that is located between the third and fourth floors? A You could.

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Q And how many steps are there on that landing? A Why I should judge about five; five or six.

Q And could a person standing at that window see the window of the complainant, the bedroom window? A They could.

Q Where these bullet holes were located? A Yes, sir.

Q What is the distance between those two windows? A I should judge about 15 feet, across the yard.

BY THE COURT:

Q Are those windows opposite each other, or at right angles?

A They are at right angles.

BY MR. CARDONE:

Q Well, will you draw a diagram, if you can, as to how those windows are located?

THE COURT: Just draw a ground plan of the building, so that we can see how it is possible to see from one window into the other, in the same house.

THE WITNESS: I don't know whether I can do it or not, but I will try to. That is the best I can do (indicating).

BY MR. CARDONE:

Q Now, officer, will you make a large diagram, showing the outline of the walls of the courtyard, of the walls there on both sides, where these windows are located, will you make the external outline? A I am poor in drawing. That's all I can do, the best I can do (indicating).

MR. CARDONE: May the officer stand up in the presence

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of the jury and explain the diagram, if your Honor please?

THE COURT: Yes.

BY MR. CARDONE:

Q Now officer you have drawn on this diagram two quadrilaterals, running parallel to each other; is that right? A Yes, sir.

Q What do they represent? A The first one hear, on the right, this represents the hallway window, where the defendant is supposed to be standing, and firing at this bedroom window there, across the courtyard, about 15 feet apart (indicating).

Q And does this represent the space between the two walls (indicating)? A Yes, sir.

Q The areaway? A Yes.

Q And this is the window on the landing (indicating)? A Yes.

Q And this is the complainant's bedroom (indicating)?

A Yes, sir.

Q Her bedroom window? A Yes, sir.

Q And what does this space represent (indicating)? A Between the window and the brick wall.

Q And how much space is that; do you know? A No, this represents the wall of the building, and this is the window in the wall. The outline is the wall.

Q You say that these windows face each other, in a straight line, or obliquely? A Obliquely. The complainant witness's is downward, and the other window is like that, between the third and fourth floor (indicating).

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Q This window is the window between the third and fourth floor, on the landing? A Yes.

Q And it is the window that is on the third floor? A Yes.

Q This is the hallway (indicating)? A Yes.

Q Now, what is the difference between the window of the landing and the window of the complainant's bedroom? What is the difference in feet? A I should think about 12 feet.

Q 12 feet down, or is it less than that? A It might be less.

Q Now, there is just one other question I want to ask you. Are these windows opposite each other? Do they face each other, or is one window further away than the other, obliquely? A The complainant's window is down from the one that is in the hall.

Q I know. You have told us that the window on the landing is a little higher than the window of the bedroom. Now I want to get the position of these windows. Do they face each other? A Yes, sir.

Q In a straight line? A No.

Q Can you give us any description as to their location? How far away in an oblique line is one window from the other?

A It's on the side (illustrating).

Q Is it much on the side, or how much? A It's like this door there (indicating the side door of the courtroom). The hallway window faces straight to the yard, and the complaining witness's bedroom window is on the side.

Q Could a person standing on the landing between the third

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and fourth floors, fire and strike the window that you have described, the bedroom window of the complainant? A Yes.

Q You are sure about that? A Yes.

CROSS EXAMINATION BY MR. LASKER:

Q If a person is standing where this person is supposed to have stood who fired the shots, and fired from the window, would the bullet go underneath the bed?

MR. CARDONE: I object to that, as speculative, as trying to prove where the bullet would go.

THE COURT: I sustain the objection. You may ask him if it was possible for it to go under the bed. It might have been deflected.

BY THE COURT:

Q How far back from the window is the bed in that bedroom?

A About two and a half feet, or three feet.

Q So that, if the shots was fired from above, at a downward angle, was there anything to prevent it from going under the bed?

A Yes. If it went through the glass, it could be possible that it would go under the bed.

BY MR. LASKER:

Q Was there gas or electric light in that apartment? A I don't recall.

Q Was there gas or electric light in the hallway? A I don't know what light it was. There was light there, on the main floor, not on the landing.

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Q And what time did you get there? A I got there around a quarter past one, about five minutes after I got the alarm.

Q Were you there when the complaining witness made her affidavit, saying that this happened in the hallway, about 1:30 A.M.? A At about 1:10 A.M. I got the information.

Q And you don't know anything further than that? A No, sir.  
BY THE FIFTH JUROR:

Q Was there a light in the hallway at the entrance to the hall of the building when you got there? A No.

Q There was not? A No, sir, the light was out.  
REDIRECT EXAMINATION BY MR. CARDONE:

Q Was there a light at the entrance to the building, right as you get to the door from the street? A Not in front. It is a long hallway and there was a light opposite the stairs, on the ground floor.

Q As you went upstairs, where was the other light, where was the next light, if any? A I don't remember that.

Q Well, didn't you observe the condition of the lighting in the hallway there? A The lighting was fairly good, that is, the floors where the light was.

Q Now, did you see any other light? A There was one on the third floor.

Q Are you sure that there was a light on the third floor?  
A Yes.

Q And what kind of light was it? A I don't remember.

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Q Was it gas or electricity? A I don't remember. I don't know.

Q And was it a dim light or sufficiently strong for you to see your way upstairs? A Yes sufficient to see. I looked for the complainant's name on the door, and I saw the name.

RECROSS EXAMINATION BY MR. LASKER:

Q Was there a light on the fourth floor? A I don't know.

Q Was there a light on the fifth floor? A I wasn't up on the fifth floor.

BY MR. CARDONE:

Q What kind of windows are there in the apartment where the bedroom is located? A Plain glass windows.

Q And what about the window on the landing? A I don't remember what that was.

MR. CARDONE: That is the People's case, if your Honor please.

BY THE FIFTH JUROR:

Q Was the light sufficiently strong so that you could distinguish the features of a person entering the building, or going out of the building, in the hallway? A In the rear there was light.

Q I mean the front? A It was dark in front.

BY THE SECOND JUROR:

Q Was it so dark that, if a person was in the front, you could recognize him just as you could in the rear? A Yes, you

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could recognize a person in therear of the hall.

Q No, in the front? A Not unless you knew the person.  
If it was a stranger, you couldn't recognize him.

BY THE COURT:

Q The question is, if a person came out of the street door,  
or stood on the front steps, could you recognize him? A Yes, oh  
yes you could, certainly.

(The Court then took a recess until two o'clock,  
having admonished the jury in accordance with  
Section 415 of the Code of Criminal Procedure.)

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AFTER RECESS.

MR. LASKER: I move to dismiss, if your Honor please, on the ground, first, as to the conflict of testimony of the People's witnesses.

THE COURT: Motion denied.

MR. LASKER: Exception. And, second, as to the conflicting testimony as to the identity of the person who fired the shots.

THE COURT: Motion denied.

MR. LASKER: Exception. And also on the ground that there was no revolver found on the person of the defendant at the time of the arrest.

THE COURT: Motion denied.

MR. LASKER: Exception. The testimony of Mrs. Wells that she saw the face of the defendant, although she thought it may be that of the defendant, she don't know how the defendant was dressed, and also that the defendant mistook her for the defendant's own sister-in-law, though they were well acquainted with each other.

THE COURT: Motion denied.

MR. LASKER: Exception.

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## THE DEFENSE.

CHARLES RICHARDS, of 106 West 143rd Street,  
a witness called on behalf of the defense, being duly sworn,  
testified as follows:

## DIRECT EXAMINATION BY MR. LASKER:

Q Mr. Richards, you live at 106 West 143rd Street? A Yes, sir.

Q Is that right? A Yes, sir.

Q And is that the same house where Mrs. Winters lived in?

A Yes, sir.

Q And how long have you lived at that place? A I've been  
living there since last fall.

Q About a year? A Yes, sir.

Q And are you acquainted in that house? A Yes, sir.

Q And on what floor do you live? A Top floor, front.

Q Do you know the defendant, Charles Winters? A Yes, I  
know him.

Q And how long have you known him? A I knew him -- well,  
for about six months. Him and I used to work together alongshore.

Q And do you remember May 9th -- that's the day when the  
trouble occurred -- do you remember that date, that night, Sa-  
turday night? A Saturday night?

Q It was Saturday night; wasn't it? A Yes.

Q Now, where did you go Saturday night? A 70 West 142nd  
Street.

Q Were you in the company of Charles Winters, that evening?

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A Yes, I was there, playing whist and some more friends of mine.

Q Now listen Richard. I know you can talk out louder than that, because you are a longshoreman, and have to talk out loud.

A Yes, I was there.

Q Were you with Charles that evening, before you went to that house, 70 West 142nd Street? A No.

Q What time did you get into that house in 142nd Street?

A About eleven o'clock.

Q And what was going on in that house? A Well, I and a couple of more friends had a game of whist.

Q But what was going on there? A Well had a party there.

Q Were there many people there? A Yes, quite a few.

Q What were the names of the persons in whose house the party was? A Jim Perry.

Q And how long did you remain there? A I remained there until about half past two.

Q That is, until the next morning? A Yes, sir.

Q Did you see Winters there during that time? A I leave Winters there then I was going home.

Q What time was that? A Half past two.

Q Did you see Winters in that apartment between one and two o'clock? A Yes, sir.

Q Well, what makes you know so positively that you saw him there in that apartment, between one and two? A Because I leave him there when I am going home, and I see him there in my company all the time.

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Q What makes you so positive that you saw Winters there between one and two o'clock?

THE COURT: He has given the reason. He says he saw him there when he came there, and that he was there all the time, and that he left him there.

BY MR. LASKER:

Q He was there all the time? A Yes, I leave him there.

CROSS EXAMINATION BY MR. CARDONE:

Q How long had you known the defendant? A Well, about six months.

Q Are you <sup>very</sup> friendly with the defendant? A With him?

Q Yes? A Just knows him sociably, working together.

Q And have you ever gone out with him, in the evening?

A No, I didn't went no place with him in the evening.

Q You know his wife? A His wife?

Q Yes? A Yes, I knew his wife.

Q When did you know for the first time that you were going to become a witness in this case? A When did I knew?

Q Yes. A Well, his wife came up to my apartment.

Q Whose wife? A Charlie's wife, and asks a fellow named Charlie Oliver if he will be a witness for her, and he was out, and I give him the message when he come in, and he said he didn't have no time.

Q (Question repeated) A About four days, I guess.

Q Four days ago? A Yes, I got the notice last week.

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Q Before that time you didn't know that you were going to be called as a witness; is that correct? A Yes, sir.

Q Did you at any time speak to anybody as to the defendant's whereabouts on the morning of the shooting, before today? A No, sir, I didn't.

Q You never did? A No, sir.

Q Did you at any time speak to counsel for the defendant as to what you knew of the defendant's whereabouts on the morning of the shooting? A Well, the counsellor asked me about it, and I said I didn't know nothing about the shooting.

Q What day of the week was the 8th of May of this year? A Well, I can't rightly tell you.

Q What day of the week was the ninth of May? A I don't know. I couldn't rightly explain the date to you.

Q All right. What day of the week is today? A It's the 15th.

Q But what day of the week? A Today is Thursday, -- Wednesday.

Q This is Wednesday? A Yes -- Tuesday.

Q What night did the party take place that you spoke of when you were questioned by Mr. Lasker? A On Saturday night.

Q And how do you know it was on the 8th of May? A I had a call. They give me a call.

Q Who gave you a call? A Jim Perry.

Q When were you invited to attend this party? A The Sunday evening in the week before.

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Q Who invited you? A Jim Perry.

Q When you got to the party, what time was it? A About eleven o'clock.

Q Eleven o'clock? A Yes, sir.

Q Who was at the party that you knew, and the persons that you recognized? Give us the names of the persons who were there when you arrived? A When I was there, Charlie Brooks, Brown, Henry Blackwell.

Q Go ahead. A Marie Nelson, a lady by that name. Reymond.

Q Is that his first name or his last name? A Well, that's what we called him. I don't know.

Q All right. Go ahead. A Well, there were some other friends, but I don't rightly remember the names.

Q When you got there, the defendant wasn't there; was he?  
A Yes, I met him there.

Q And this was at eleven o'clock? A Yes, sir.

Q What was he doing? A When I walked in the house, I met him sitting down.

Q With whom? A He was sitting alone.

Q How long did you keep the defendant under observation from the time you entered until you left? A Well, I seen him when we started to play cards. He was sitting down there on the couch. And I know he was in my presence up until the time I leave.

Q He was lying on the couch? A He was sitting on the couch.

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Q Was he sick? A No, he was smoking, and dancing a little while.

Q He was dancing and smoking? A Yes.

Q With whom did he dance? A With a girl by the name of -- Lottie.

Q Little Johnson? A I don't know if that's the last name.

Q Well, what else did you see the defendant do at this party, besides sitting on the couch, and smoking and dancing? Did he play any whist? A Well, four of us people played and I don't know whether he played anywhere. I didn't observe that.

Q Well, did you keep your eye on the defendant from the time you entered until you left? A Well, I didn't exactly keep my eye on the defendant, but I know the time I been there he was there, and I leave him there.

Q He was there when you got there? A Yes.

Q And when you left? A Yes.

Q What time did the party wind up? A When I left there, at half past two.

Q And did the others leave there, too? A No, I leave some more there.

Q With whom did you go home? A I went alone.

Q Where was the defendant at the time? A He was standing by the door, outside.

Q Who was he with? A Well, I didn't see that he had any company. Himself alone.

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Q Did you at any time see the defendant leave the apartment at which the party was given, from the time you entered until you left? A No, I didn't see him.

Q You mean you don't know whether he went out or not? A Well I didn't see him went out in my presence.

Q Well, do you know whether he did or not? A No, sir, but the time I been there, I didn't see him went out of the house, that I know of.

Q What was the occasion of the giving of this party; do you know? A No, I couldn't explain that to you.

Q Well, was it a birthday party or what? A Well, that wasn't the first time we had a party there. We always give a party when we come off the boat.

Q When was the party given before that? A Two months before that, I guess.

Q What day was that on? A That was on a Monday night.

Q Do you remember the day of the month? A No, I don't.

Q Do you remember where you were on the 7th of May, in the evening?

MR. LASKER: Oh, I object to that, if your Honor please.

THE COURT: Well, he hasn't said that this happened on the 8th of May. He says he does not know what date it was on. A Well, I couldn't tell the day of the month, but I know I was at that party on Saturday night.

BY MR. CARDONE:

Q Well, you go to a party every Saturday night; don't you?

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A Yes, sir.

Q But you can't tell what day of the month this party was given on? A No, sir, I couldn't tell you the day of the month.

J A M E S J O H N S O N, of 137 West 140th Street, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q James, do you know the defendant, Charles Winters? A Yes.

Q How long have you known him? A Oh, about five months.

Q Keep your voice up. You must talk louder than that.

A About five months.

Q Do you remember the 8th of May last? A Yes, sir.

Q What happened, that night? A Well, we were to a party.

Q Now, I can't hear a word you say. Who do you mean by "we"? A Charlie.

Q And who else? A Well, a whole lot of people. We were there to a party.

Q Where? A 142nd Street.

Q At whose house? A I just disremember the name.

Q What is the name of the owner of the house? A Jim Perry.

Q And what time did you get there? A A quarter after 12.

Q And how long did you remain there? A Well, I stayed until 3:30.

Q And did you see Charles there? A He was there, playing

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whist, along with me.

Q And were you playing whist? A Yes, sir.

Q And was he dancing? A Yes, sir. He done a couple of dances.

Q And did you see him smoking? A Yes, he was smoking, too.

MR. CARDONE: I submit that counsel should not lead the witness.

THE COURT: Yes, don't lead him.

MR. LASKER: I am only trying to expedite the case, your Honor, that's all.

THE COURT: Well, in an alibi, it is important not to lead the witness.

BY MR. LASKER:

Q What was he doing while you were there? A Well, he was playing whist.

Q And what else? A Dancing, that's all, and playing whist.

Q Do you know who he was dancing with? A I don't know who he was dancing with.

Q Was he dancing with a man or a woman? A A woman.

Q Were there many people there? A Yes, quite a few were there.

Q And was he there about one o'clock; do you know? I left him there at 3:30. He was there all the time I was there.

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

Q What makes you so positive that he was there all the

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time you were there? A Because he was there, and I seen him.

CROSS EXAMINATION BY MR. CARDONE:

Q How long did you keep the defendant under observation from the first time you saw him in this place? A Well, when I got there at a quarter after twelve, he was there then. I found him there and I left him there, and he was there in my company all the time I was there.

Q How do you know it was a quarter after twelve o'clock when you got there? A Because I had a watch on.

Q And you looked at the watch when you got to the party? A No, when I was going upstairs I looked at my watch.

Q Well, why were you so late? Didn't you know that the party would wind up at 12 or one o'clock? A No, sir, it don't wind up until two or three o'clock in the morning.

Q Were you alone when you went there? A Yes, sir.

Q When did this party take place? A On the 8th of May.

Q What day of the week? A Saturday.

Q How do you know it was the 8th of May? A Well, I know the date of the month.

Q Well, what fixes it in your mind, so that you can positively say that it was the 8th, above any other day? A Because I know it was the 8th.

Q You heard that this defendant was charged with firing some shots on the 8th; did you not? You heard that he was accused of shooting at his wife on the 8th of May; didn't you? A Well, I

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heard that after he was arrested, but I didn't know anything about it.

Q Well, but you found out that the date on which this charge was made was the 8th of May; didn't you? A No, sir, I didn't.

Q And when did you first learn that you were to be a witness in this case? A I don't know the date of the month, but it was during this month.

Q What month is this? A June.

Q Now did you ever go over to the Tombs to visit the defendant? A No, I never have.

Q And to whom did you convey your information that you saw the defendant on the night of the 8th of May, for the first time; who did you tell first? A Oh, my friends.

Q What friends? A Mr. Howard and Mr. Bouvet.

Q Did they come to speak to you about the case? A Well, they told me he had got arrested.

Q Who told you that? A Mr. Howard.

Q Is he a lawyer? A No, sir, just a man.

Q How do you know it was 2:30 when you left? A Well, that's what I had the time for, to see what time it was, so I could go home; and, when I got ready to leave, I looked at my watch, and seen it was 2:30.

Q And what was the defendant doing when you left? A I left him playing cards.

Q Playing cards with whom? A I don't know the names. I'm

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not supposed to know everybody in the house.

Q Well, I thought you said he was playing whist with you?

A Well, with me, but I don't know the names of the others. We played games, and then got up, and the next fellow sat down at the table. When I got there, he were playing.

Q With whom? A With some other fellow. I don't know him.

Q What is his name? A I don't know.

Q How long did the defendant play before he started to play with you? A Well, I guess he played about 15 minutes, and then asked me to play with him.

Q How long did you play with the defendant? A Well, about half an hour, and then got up, and started to play again.

Q With whom? A With Charlie.

Q You played a game with the defendant? A Yes, sir.

Q You played first for half an hour, and then how long?

A Well, the best two out of three we played, and I have no idea how long it was, and then I got up and went home.

Q What room did you and the defendant play in? A What room?

Q Yes. There are rooms in this apartment? A In the bedroom.

Q On the bed? A No, no, on the table. There is a table in the room.

Q How many rooms are there in that apartment? A That I don't know.

Q How many rooms did you see? A I couldn't say how many I

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seen, because I wasn't counting the rooms.

Q How many bedrooms were there? A I don't know. What do I know about the peoples bedrooms.

Q Well, you said you played cards with the defendant in a bedroom? A Well, no, no bedroom. There wasn't no bed in there.

Q Well, in which room did you engage in whist playing? A In the front, what people should have for a sitting room.

Q Now, describe the furniture you saw in that room? A Well, I haven't seen any furniture in the room.

Q No furniture at all? A Nothing but tables and chairs. Now what else, I don't know.

Q Well, how many people were engaged in playing in that room? A Well, first, two couples would sit down, and then another couple. I don't know how many couples there were in the house I didn't count them.

Q Was that the only room in which they were playing? A Yes.

Q And in what room was the dancing going on? A In another room. There is two rooms right together, here and here (illustrating), and they were dancing in another room, right off from the card game.

Q Right adjoining the room where they were playing whist? A Yes, sir.

Q Where were the guests seated? A Right around in the room where they danced at.

Q Well, how many rooms are there in this apartment? A I

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don't know how many is in there.

Q Did they serve any refreshments there, any drinks?

A They served sandwiches?

Q Didn't you drink anything at the party? A No, sir, I didn't drink anything.

Q Not even lemonade? A No, sir.

Q What kind of sandwiches were they? A Well, I got a ham sandwich, I know that.

J A M E S M A Y, of 117 West 141st Street, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q James, do you know the defendant, Charles Winters? A Yes.

Q How long have you known him? A About four months.

Q And do you remember the 8th of May last? A Yes, sir.

Q Do you remember where you were, that night? A Yes.

Q Where were you? A At 125 West 142nd Street, to a whist party.

Q What is the name of the person you visited? A Jim Perry.

Q You say there was a whist party there? A Yes, sir.

Q Now, what time did you get there? A About twelve o'clock.

BY MR. CARDONE:

Q What number did you say? 125 West 142nd Street? A Yes, sir.

BY MR. LASKER:

Q Did you see the defendant, Charles Winters, there that

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evening? A Yes, sir.

Q Was he there when you came there? A Yes, sir.

Q And how long did you remain at that card party? A About two hours.

Q That means -- about what time did you leave? A Two o'clock.

Q And when you left, was the defendant there? A Yes, sir.

Q And you got there about twelve o'clock, and remained there until two o'clock? A Yes, sir.

Q Between 12 and 2 o'clock, was Charlie there all the time? A Yes, sir, I seen him about the house.

Q Now, what makes you so positive he was there? A Because he was playing whist.

Q With whom? A James London, and "Rain-in the face" they call him.

Q Well, were they doing anything else? A Nosir, nothing else.

Q Was he smoking? A Yes, he was smoking. He naturally would smoke.

Q Well, was he dancing? A He was dancing also. At a whist party, you know, they have dancing.

Q Well, did he dance with a woman or a man? A Naturally, with a lady.

Q And did you play whist with him? A No, sir.

Q Well, are you sure that he was in the house between one and two o'clock? A Yes, sir.

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Q Did they serve anything to drink in that place while you were there? A No, sir.

Q Did they serve anything to eat? A Yes, sir.

Q What did they serve? A They had sandwiches and ice cream and cake.

Q What kind of sandwiches? A Ham sandwiches.

Q Did they have any chicken sandwiches? A I didn't see any.

BY THE SECOND JUROR:

Q Do they always have that party at the same place, every Saturday night? Is that the regular place where they hold parties?

A No, sir.

Q That was only a special party? A Yes, sir.

CROSS EXAMINATION BY MR. CARDONE:

Q Now you said, in reply to Mr. Lasker, that this party was held at 125 West 142nd Street? A Yes, sir.

Q It was not held at 70 West 142nd Street? A No, sir.

Q Do you know Charles Richards? A Yes, sir.

Q So that, if you are told now that Charles Richards testified that the party was held at 70 West 142nd Street, on the same night that you referred to, will you say he is mistaken or that you are mistaken? A He's mistaken, because I didn't attend no party at 70 West 142nd Street, on that night.

MR. LASKER: Well now I will call Charlie Richards right back.

MR. CARDONE: But he has been in the courtroom right

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through this witness's testimony.

MR. LASKER: Well, I want him to testify, one way or the other, about that.

THE COURT: Well, he has already testified.

MR. LASKER: But I want to ask him the question if he is mistaken about the number of the house. THE COURT: /He has been in the room, during the testimony of the last witness, however, I will allow him to testify.

CHARLES RICHARDS, being recalled by counsel for the defendant, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q Do you remember, Charles, in your testimony, if you testified where this party took place? A I said 70 was the number of the house.

Q Are you sure that was the number? A Well, I don't rightly remember now, because I don't have now the cards that I had for the party, and I guess the number was 70, but I ain't sure of the number.

Q You are not certain about it? A No, sir, because I ain't got the cards.

BY THE COURT:

Q Which side of the street is it on? A On this side of the street (illustrating).

Q Well, that does not mean anything? Is it on the uptown side or the downtown side? A Well, where they had the party was on the

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side like this (illustrating).

Q I don't care about any illustration. On which side of the street was the house situated? A On the downtown side.

MR. CARDONE: No questions.

THE COURT: The Court will take judicial notice that the even numbers are on the downtown side.

LEONARD VOUVIA, of 100 West 139th Street, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q Mr. Vouvía, do you know the defendant, Mr. Charles Winaters

A I do.

Q And how long have you known him? A About six or seven months.

Q Now, you must speak as loud as you possibly can, so that I may hear you, and this gentleman here, back here, may hear you as well, because this is a large room? A All right.

Q Do you remember the 8th of May last? A Yes, I do.

Q Do you remember where you were, that evening? A Yes, I do.

Q Where were you? A In 143rd Street.

Q What were you doing there? A I was at 125 West 142nd Street, at a whist party.

Q 125, East or west? A The west side.

Q 125 West 142nd Street? A Yes.

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Q At a whist party? A Yes, sir.

Q Given by whom? A James Perry.

Q And were you an invited guest? A Yes, I was.

Q And in what way were you invited? A By a card.

Q Given to you by whom? A Yes, I did.

Q I say, by whom was the card given to you? A By Jim Perry.

Q Personally? A Yes, personally.

Q And what time did you arrive at that party? A I came in about 10:30.

Q About half past ten? A Yes, sir.

Q And how long did you remain at that place? A I was there until about 2:10 or 2:15; somewhere along there.

Q And during that time, between half past ten and 2:15, did you see the defendant at that place, 135 West 142nd Street?  
A I did.

Q What time did you first notice him there? A I noticed him there close on to 11 or 12 o'clock.

Q And how long did he remain there? A Well, I saw him until about 1:30 or two o'clock, because I left there at 2:15, and he was there when I left.

Q Now, are you sure you didn't leave before 2:15? A No, I didn't leave before 2:15.

Q Did you notice what he was doing there? A Yes, he was playing whist around there.

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Q Did you notice whether he was smoking? A No, I didn't take notice whether he was or not.

Q Did you take notice whether he was dancing? A No, sir, I didn't, because I was playing whist.

Q Did you play whist with him? A No, sir.

Q And did you see him playing whist? A Yes, I seen him.

Q When did you see him playing whist? A Well, I don't know exactly when, but I know I seen him during the time I was there.

Q And during all the time you were there, you can positively swear that he was not out of that room? A He wasn't out at all; no.

CROSS EXAMINATION BY MR. CARDONE:

Q Have you the invitation card with you? A No, I have no communication with me now.

Q What was the color of the card that you received? A A white card, a little old, plain card.

Q And did you receive it through the mail? A No, he give it to me in my hand.

Q That is, Perry, who was giving the party gave you this card? A Yes.

Q The invitation card? A Yes.

Q Now, describe the shape and size of the card? A Well, Just a regular sized card, about that long (illustrating), and about as wide as two fingers and a half.

Q It was a white card? A Yes.

Q And were there any writing on it? A There was printing

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on it, sure.

Q It was not engraved? A No, sir.

Q Now, what description of writing was on the card? You read it of course. A What description?

Q Yes, what description? A That a whist party is given by James Perry.

Q And were the letters black or blue or red, or what? A Black.

Q Everything on the card was black? A Yes, all the writing was black.

Q And was there any admission fee charged? A No, no admission at all.

Q And when this party, -- when did the cards state when the party would commence? A The cards didn't state that, when it started or when it would break off.

Q No time was set as to when the party would commence?

A No, sir.

Q Was there a date contained on the card? A Yes, sir.

Q I suppose Mr. Perry has lots of these cards left; hasn't he? A Well I don't know -- I don't guess he has got none left now; no, sir.

Q Well, you have your card, of course? A No, I haven't got no card at all.

Q And at what particular place did you meet Perry when he gave you this card? A Why, I was standing at Lenox Avenue and 139th Street.

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Q How long, how many days before the party took place did he give you the card? A Somewhere around Tuesday or Wednesday or Thursday.

Q Tuesday, or Wednesday or Thursday before the party? A Yes.

Q And that would be about May 4th; wouldn't it? A I guess so.

Q And where were you? A On Lenox Avenue and 139th Street.

Q Were you out on the street? A Yes, sir.

Q What time did you receive this card from him? A Well, I don't know exactly what time it was, but it was during the afternoon.

Q Late in the afternoon? A Yes, sir.

Q Who was there when he gave you the card? A Nobody but I and him. I was standing there, and he was coming down the street.

Q Now, was the defendant there when you got there? A Was he in there?

Q Yes, when you got there at 10:30? A Well, I didn't take notice if he was there when I got in, but I saw him in there shortly afterwards.

Q Didn't you say that you saw him there when you entered?  
A No, sir.

Q How soon after you entered did you see the defendant?  
A I don't know how many minutes it was, but I know it was shortly after I was there.

Q Now, where was this party given? Was it given at 70 West

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142nd Street, or at 125 West 142nd Street? A 125.

Q Did Perry ever live at 70 West 142nd Street? A I don't know.

Q Where is 125 West 142nd Street located? A Between 7th and Lenox.

Q On what side of the street? A On the uptown side of the street; the north side I guess it is.

Q And where does Perry live in that house? A On the first floor, east.

Q How many rooms has he got? A I'll tell you. I don't know how many rooms the apartment contains. I didn't go all through the apartment, because I was only in the front.

Q Where were you playing cards? A In the front, in the sitting room.

Q And how many persons were engaged in playing cards?  
A At a time?

Q Yes? A Only four at a time.

Q And nobody else? A Well, two played this time, and then two more lose, and another two takes their place.

Q Where was the dancing going on? A There wasn't no dancing going on while they were playing cards.

Q Well, did they ~~play~~ dance in the sitting room, where the cards were played? A Yes, just shoved the tables and chairs one side, and dance.

Q They danced in the same room where the whist was played?  
A Yes.

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Q How many women attended the party? A I don't know.

Q How many did you see there? A I didn't count them. I know I saw several of them around there.

Q Well, did you see more than one? A yes.

Q Well, you don't mean to tell this jury that you kept your eye on the defendant from 10:30 up to 3:15, until you left?

A I don't say I was watching him all the time. I wouldn't dare to say I kept my eyes right on him, but I saw him when I came in, and when I went out, and I saw him while I was there.

Q Well, you can't swear that he did not leave that apartment for a time; can you? A Well, I didn't watch him to see whether he went out or not; no.

J O H N H O W A R D, of 134 West 143rd Street, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q Howard, do you know the defendant, Charles Winters? A Yes.

Q How long have you known him? A I've been knowing him about three months.

Q And do you remember the 8th of May last? A Yes, sir.

Q Do you know where you were, that night? A Yes, sir, at a party.

Q Where were you? A At the party.

Q What party? A Jim Perry's party.

Q Sir? A Jim Perry's party.

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Q You must raise your voice. I can't hear you: A. (Answer repeated).

BY THE COURT:

Q Now, how do you know Perry's party was on the 8th?

A How do I know it?

Q Yes. A I was there.

Q What day of the week was it? A Saturday night.

Q Well, how do you know it was that Saturday? How do you know it was not Saturday, May 1st, which was also Saturday?

A May 1st?

Q Yes? A It was on the 8th.

Q Well, what makes you think so? That's what I am trying to get out. A Well, I'm almost sure it was the 8th.

Q Well, have you any reason for being sure about it? A (No answer).

BY MR. LASKER:

Q How do you know it was Saturday night, May 8th, that you were at the home of Perry? A Well, I went there Saturday night, and that was on Sunday morning.

Q Well, How do you know it was the 8th of May? A Well, I didn't never look at the calendar, but I think it was the 8th.

Q And do you know what happened on the 9th, the following day? A No.

Q Now you say you were, on the 8th of May, at the house of Mr. Perry. What was going on in that house? A A whist party.

Q What time did you go there? A I went there about 20 minutes

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to twelve.

Q And what time did you leave there? A I left there between half past one and two o'clock.

Q Now which was it, half past one or two o'clock? A What, s that?

Q I am trying to fix the time that you left there. A Around that time.

Q And, during the time you were there, did you see Winters there? A Yes, sir.

Q What makes you so sure, so positive that he was there? A Well, I was playing a game with him.

Q A game of what? A Whist?

Q In what room? A It was in the parlor, the front room.

Q Was there any dancing going on there? A Yes, dancing.

Q Did you see Winters dancing? A Yes, I saw him. I left, and went back.

Q When did you leave? A I left between 2:30 and 3 o'clock, the last time.

Q And how late did you stay there? A That was the last time I left, and I went on across to the restaurant, him and I together.

Q You and who? A Charles.

Q Charles Winters? A Yes.

BY MR. LASKER:

Q When was that? A Between two and 2:30 o'clock.

Q Where did you go to? A Went to Tabbs restaurant, across the street, to get cigarettes.

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Q To get cigarettes? A Yes, sir.

BY MR. CARDONE:

Q You went into a restaurant to get cigarettes? A Yes, sir.;  
and I went home, and I left him in the restaurant.

MR. LASKER: That is all.

CROSS EXAMINATION BY MR. CARDONE:

Q You saw Winters in the restaurant? A Yes, sir.

Q And did he start to eat something? A I don't know what  
he did, after I left.

Q Well, didn't he eat at the party? A I don't know.

Q Did they have refreshments? A Yes, sir.

Q And what did it consist of? A Well, they had soda water  
and pigs feet.

Q Do you mean to tell me that they served soda water? A yes.

Q Didn't they serve anything else? A Well, I don't know  
what they served, because I didn't eat there, but some of the  
fellows did eat there.

Q Did you see the defendant eat anything at the party? A No.

Q But you did go to the restaurant with him to buy cigarettes?

A Yes, sir.

Q And this was between 2:30 and three o'clock? A Yes, sir.

Q Where is that restaurant? A 143rd Street and Lenox Avenue.

Q Did he sit down at a table? A I don't know.

Q Well, where did you leave him? A I left him there in the  
restaurant and went home.

Q I thought you were going home together? A Well, we was, and

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I leave him right around the corner from there.

Q Who bought the cigarettes; you or he? A He bought them.

Q Now, you spoke about a card, that you received a card, an invitation to this affair? A Yes.

Q What kind of a card was it? A Just a small card.

Q What color was it? A White.

Q And what was written on the card? A Just "the whist party will be given at Tom Perry's house on May 8th. Plenty of refreshments and good music."

Q And what time did it say the party was to commence?

A May 8th.

Q (Question repeated). A Well, it didn't say. In the evening.

Q It didn't specify what time; 7 P.M. or 8 P.M. or 9 P.M.?

A No, sir.

Q All the guests at this party arrived mostly after midnight?

A Well, I know what time I got there. I don't know what time the other people got there, but, when I got there the bunch was there.

REDIRECT EXAMINATION BY MR. LASKER:

Q When you came there, there was quite a lot of people there?

A Yes, sir.

Q And, when you left, there was a lot of people there?

A Yes, sir.

RECROSS EXAMINATION BY MR. CARDONE:

Q Had you ever been in Perry's house before? A Oh yes.

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Q And how many parties have you attended? that were given by Perry? A Oh, I don't know how many parties I have been to.

Q And has Perry given more than half a dozen? A I don't know.

Q Well, how many did you attend? A Two.

Q Any on a Saturday night? A Yes.

BY MR. LASKER:

Q When was a party given in Perry's house before this; about how many weeks before that? A I think it was one or two weeks: I can't remember.

H A T T I E H A M P T O N, of 279 West 143rd Street, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q What relation, if any, are you to the defendant? A Charlie?

Q Yes. A I'm his sister.

Q Now, Mrs. Hampton, you must raise your voice. This is a large room, and the jury want to hear everything you say. How long have you been in this city? A I came last Wednesday.

Q And where is your home? A In Columbus, Ohio.

Q And you came in this city for what purpose? A To see about my brother.

Q To see about your brother? A Yes, sir.

Q You heard he was in trouble? A Yes, sir.

Q And he wrote to you to come down here? A Yes, sir.

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Q And you came? A Yes, sir.

Q And, in coming to the city, you went up to 143rd Street, at the address you gave? A Yes, sir.

Q And you are stopping there for the present time, until this matter is over? A Yes, sir.

Q And then you will do what? A I want to take my brother back, that is, if he gets out of this trouble.

Q And that is your home? A Yes, sir.

Q You are a married lady? A Yes.

Q Family? A Yes.

Q Husband and children? A Yes.

Q Do you know Lulu Winters, the wife of Charles? A Yes, sir.

Q She is your sister-in-law? A Yes, sir.

Q Did you call upon her at her home? A Yes, sir.

Q And you say you came to this city when? A Last Wednesday.

Q And when did you call upon her? A Last Wednesday night.

Q The same night? A Yes, sir.

Q Did you have a conversation with Mrs. Winters? A Yes, sir.

Q Will you be good enough to repeat that conversation; what you said to her and what she said to you? A Sure.

Q Now, speak out loud. A Well, she asked me where did I come from, and I said from Columbus Ohio.

And I said, I came to see about my brother, and I see -- I heard he is in trouble. He wrote to me, and he said yes, he is in trouble, and I told him I didn't want him any more, and I'm

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not going to live with him, and he just tried to get me to stay with him anyhow, and I'm going to put him behind the bars."

And I said, "Well what did he do? I feel sorry for him," and she said, "So do I, but he fired at me, tried to kill me." And I said, "How?" And she said he was upstairs in a window over her, and I asked her on what floor, and she said on the fourth floor, up above her, and he fired through the window, and the ball went through two suitcases, and then one went under the bed, in the woodwork.

And I said, "Did you see him?" And she said, "No, I didn't see him, but I want him sent away, because I don't want to live with him."

And I said, "Well, Lulu, if you don't want to live with him, I'll take him away with me."

And she said she didn't see him, and I said, "Then how do you know he did it?" And she said she knows he did it, because she didn't want to live with him.

And his sister said no, she didn't want to live with him. We begged him to leave the town and go to his people. And her sister told me that, and her brother said the same thing.

And she said she wanted him to leave the city, to go out of the city, because she was afraid he would bother her about going with other men.

Q Did she say anything about young Stewart, who was living there? A No, sir, but everybody else told me.

Q What did they say?

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(Objected to, objection sustained. Exception.)

Q You knew your sister-in-law pretty well before she came to New York City; didn't you? A Yes, sir.

Q Do you know, why your sister-in-law, Mrs. Winters, was in Raleigh -- or, rather, in Hopewell, Virginia, whether she associated with a man named Walker?

MR. CARDONE: I object to that, if your Honor please.

THE COURT: Objection sustained. This witness was not in Hopewell, Virginia.

BY MR. LASKER:

Q Were you in Hopewell, Virginia? A No, sir.

Q Were you in any place --

MR. LASKER: That is all.

CROSS EXAMINATION BY MR. CARDONE:

Q Now, you say that Lulu Winters said to you that your brother, the defendant, fired at her? In other words, she said, "he fired at me, he tried to kill me." Is that what she told you?

A She told me he fired into the house. She went to pull the shade down, and he fired in there.

Q And you also said that she stated, "He fired two shots at me," referring to herself, as Lulu Winters? A Well, I guess it was to her, but I haven't been there.

Q Didn't you say, on your direct examination, that she stated to you, "He fired two shots at me?" A She said he shot at her.

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Q Now, when you had this conversation with her, were you and she alone? A No, sir, there was another lady that I'm stopping with, she went down with me.

Q Who was she? A Mrs. Fitchett.

Q Did she hear this talk? A Yes, sir.

Q What time did it take place? A It was about 10:30 when I went there.

Q In the morning? A No, sir, in the evening.

Q Where did it take place? A At Lulu's home, where she lives.

Q Was she all alone at the time at home? A No, sir, her sister was there and her brother.

Q Do you mean Mrs. Mitchell? A Yes, sir.

Q And anybody else? A Her brother, I guess.

Q Who is her brother? A Her sister's husband.

Q What is his name? A I couldn't tell you: I think she introduced herself as Mitchell, and introduced him as Mitchell.

GEORGE JONES, of 74 West 143rd Street, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q Jones, what is your business please? A Longshore, stevedore.

Q And you are employed where? A Pier 14, East River.

Q Now be good enough to keep your voice up. This is a large room, and these gentlemen want to hear you. Do you know Charles

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Winters, the defendant? A I do.

Q And how long have you known him? A Since the latter part of March, I presume.

Q And do you know his wife, the complaining witness?

A I do.

Q And how long have you known her? A About the same time, I presume.

Q And, did you ever have a conversation with Mrs. Winters respecting this case? A Concerning this case?

Q Yes. A Yes, to a certain extent, I did.

Q Pardon me. Just a minute. Was there a conversation had between you and Mrs. Winters in reference to this case, and, if so, state to the Court exactly what happened. A Well, on one occasion, I went around to Mrs. Mitchell's house.

Q What do you mean on one occasion? When was this? A I presume it was a week prior to the arrest of the defendant.

Q A week prior to the arrest? A Yes, after he was arrested.

Q Was it before the arrest? A After the arrest.

Q Oh, after? A Yes.

Q Go ahead. A And I happened to meet Mrs. Winters, and she was coming into the hall, and I bowed to her, and I went around to see about a young man that worked with us, because he had disappeared, Clarence Mitchell, I presume his name is, and, in the meantime, I meets the madam there, his madam (indicating the defendant).

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MR. CARDONE: I object to that word, madam.

BY MR. LASKER:

Q Whom do you mean? A When I say, "his madam", I means Mrs. Winters.

And she told me Clarence had disappeared; she didn't know where he had gone.

And she said, "Did you hear about the trouble, about Charlie shooting at me?" And I said, no.

And, in the meantime, two men came into the vestibule where we were and one of them said, "Pardon me, I am --" and he named his name, but I can't call it now -- "And I came around here to let you know that, if you need me, I'll give you my address."

And she said, "What do you know about it?" And he said, "All I know is I heard the shots."

And I said, "Pardon me, who did the shooting?" And he said, "Well, a man, I don't know who he was."

MR. CARDONE: I object to this conversation with an unknown man.

THE COURT: Yes, don't give that conversation with some other man.

BY THE COURT:

Q What was the conversation about Mrs. Winters, if any?

A Well, she told me about her husband shooting at her and I said, "Well, where was it?" And she said, "He shot from one flight up above her down through the window."

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And I said, "I am ignorant of the fact. Well did you see Charlie?" And she said, "No, I didn't, but I know it was him, because we had a fuss." Them was the very words she told me.

BY MR. LASKER:

Q She said that she didn't see Charlie, but she thought it was him because they had a fuss? A She didn't say she thought, but she said, "I know it was him because we had a fuss."

Q She didn't tell you that it was on the stairway leading from the hallway, and that, if the shotx ~~wass~~ fired at all, it was fired in a rightangle position.

MR. CARDONE: I object to the question, because I don't understand it.

THE COURT: I sustain the objection. What she said speaks for itself.

A I am just after telling you what she said.

Q She said the shot was fired from a window one flight up above where she lived? A Yes, sir. And she said, "I know it was him, because him and I had a fuss."

CROSS EXAMINATION BY MR. CARDONE:

Q She said her husband fired two shots at her? A Yes, sir.

Q And, when she told you that, did you ask her how it happened

A I did.

Q And she told you? A Yes.

Q She told you that she was standing in front of her bedroom window? A No, she didn't. She said she wanted to pull down

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her shade.

Q And she told you that, while she was doing that, she was fired at? A Yes, sir.

Q And she told you that she saw her husband? A No, she didn't.

Q Now, how long do you know the defendant? A Since the latter part of March.

Q And you went around there to see her about Stewart; didn't you? A Who is Stewart?

Q Well, what is the name of the man you went around there to see her about? A Well, her brother-in-law, Clarence something.

Q Well, there are two Stewarts there, Clarence and the other Stewart? A Yes, sir.

Q And you were more interested in finding out about Stewart than you were about this shooting affray? A Naturally, because he is an important factor where we work.

Q When did you first learn that you were to be a witness?  
A Yesterday was the first time.

Q What is the first time you told anyone that you had spoken to Mrs. Winters about this case? A Well, with the exception of my wife.

Q Well, your wife didn't tell anybody; did she? A That I don't know, but I don't think she knows any of them.

Q Well, how did you become a witness here? A That I don't know.

Q Well, how do you know -- do you know how your information

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got to Mr. Lasker? A I suppose Mr. Winters told him that.

Q You suppose Mrs. Winters told him that? A Well, that I had a conversation with her.

Q You are guessing now; aren't you? A Yes, sir, I presume so.

Q You never told Mr. Lasker, or a living soul, about the conversation you had with Mrs. Winters; did you? A I told my wife.

Q And yesterday was the first time you knew that you were going to be called as a witness here? A With the exception of a character witness.

Q Oh, you were to be called as a character witness? A Yes, sir, because I know the defendant.

REDIRECT EXAMINATION BY MR. LASKER:

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

Q What is his reputation; good or bad? A Well, he is a good workman, and he works opposite me, and we never had no trouble whatever.

Q Do you know Clarence Stewart? A Yes, sir, I know him, if that's his name.

Q And was he working at your place, too? A Yes.

Q And you went there to see why he didn't come to work? A Yes, sir, I was sent there by my foreman.

Q And the first time you had a conversation with me was yesterday; was it not? A Yes, sir.

Q And I asked you what you knew about this case? A Yes, sir.

Q And you told me, and I handed you a subpoena to be here,

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this morning; didn't I? A Yes, sir.

C H A R L E S C U R R Y, of 559 Lenox Avenue, a witness called on behalf of the defense, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q Mr. Curry, what is your business please? A Longshoreman, stevedore.

Q Now, you must raise your voice. You want to talk as loud as you can. And where is your place of business? A Cuba Steamship Mail line.

Q And where is that? A Foot of Wall Street.

Q New York City? A Yes, sir.

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

Q How long have you known him? A Three months.

Q Do you know other people that know him? A I do.

Q And what is his reputation, good or bad? A Good, ever since I done know him, A-1.

Q Has he worked with you? A His reputation been A-1, ever since he been working with me.

Q And he has been employed with you? A Yes, sir.

Q As what? A As a laborer.

Q And do you know how much he earns? A Yes, I do.

Q How much does he earn? A We pay him 80 cents an hour, and sometimes he earns \$35 a week, and sometimes he don't earn but \$10,

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at that kind of work.

Q And you repeat, his reputation has always been good?

A Yes, sir, ever since I been knowing him.

Q Do you know Mrs. Winters, his wife? A No, sir, his wife. I didn't saw her until I met her, yesterday.

CROSS EXAMINATION: None.

C H A R L E S . W I N T E R S, of 70 West 142nd Street, the defendant, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. LASKER:

Q Now Charles, I want you to talk as loud as you can. You have heard me hollering all the afternoon to witnesses to talk out loud. A Yes, sir.

Q And, if you don't do it, it's up to you, and the jury won't hear a word you say. A Well your Honor --

Q Wait a minute. What is your business? A Longshoreman.

Q And how long have you been in this city? A Well, I've been here off and on, ever since the 4th of last July.

Q And how long have you been in this city permanently since the last time? A Well, I was here -- I've been here around -- as near as I can guess at it, your Honor, it has been five or six months. But I left once, and went to Norfolk. I stayed away a week. I had to go to Norfolk on a special occasion.

Q And you are a longshoreman? A Yes, sir.

Q And you work with whom? A Mr. Charles Curry.

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Q And that is the gentleman who was on the stand last?

A Yes, sir.

Q And you are the wife of Lulu Winters, who was the complaining witness against you? A I'm her husband, yes.

Q I mean you are her husband? A Yes, sir.

Q And when were you married? A In the year 1919 on the 25th of December.

Q Where? A In Richmond, Virginia.

Q And your marriage life has been a happy one, I suppose?

A No, sir, it hasn't. It has been a plumb purgatory ever since I've been married.

Q And that is what your wife says, too. Now what do you mean by a purgatory?

Objected to. Sustained. Exception.

Q Did you know a man by the name of Thaddeus Walker? A I did.

Q Where was he? A He was in Hopewell, Virginia, the time I was there.

Q Well, what was the matter with him? A Well, I stayed there, my wife and me for about three years, I guess and the plant closed down, and all the time I was there him and my wife was in close connection together, that is, he went with her.

And so I said to her, "You go to Raleigh, because I can't make money enough there to support you, and I'll go to my people in Columbus, Ohio, and I can make money enough there to support you."

And so I didn't get a letter from her for two weeks, and she

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stayed in Hopewell two weeks after I left her.

And so I says to my sister, "That's strange, that Lulu waited so long to write."

And then I wired her to come back at once, that I was sick; and then she wired back that she didn't have the fare, and then I sent her -- my people sent her the fare, and she wrote a special delivery letter, saying that she couldn't come, because her mother was expecting to be confined.

And she takes the money that I sent her, and puts it in the bank in Raleigh.

And I got a letter, in February, from Raleigh to Columbus, Ohio, saying, "Charlie, come home. I'm in Raleigh, and I want you here with me."

And I immediately quit my job, immediately when she wrote me this letter, at the Ross Steel Company, in Columbus Ohio, and went home to my wife, not going to my home first. I had \$183 in money in my pocket, when I went to Raleigh.

And I arrived in Raleigh on a Sunday morning, just before day -- that was the late train -- and I gets a cab, and goes to my house, and finds my wife alone. That was on Sunday morning.

And, on Tuesday morning, there came a letter from the camp, with a red square on it (illustrating),

And I said, "Where did you get that letter from?" And she said, "It came from an insurance man."

And, on Thursday, if I'm not mistaken, there came another one,

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with the same stamp on it, and that made me think something.

And I tried to get that one away from her, but she bawled it up in her hands (illustrating).

And so I posted the lettercarrier, that the next letter "you get for my wife, give it to me".

And he, being a mason, a brother mason, he gave it to me.

And it was, "Dear Miss Winters, I am writing you again. It's the third letter I have written you, and I haven't got no answer. Can't you answer my letter.

And so I answered the letter and wrote to him, and I got a letter back from him -- he was writing ~~ge~~ a letter -- "Ain't the weather pretty fair there? It is pretty fair here. I learn that you want to come to Petersburg to see me. Let me know when you are coming, and I'll meet you at the train, and give you a nice reception."

And then my wife got on her high horses, and wanted to go to New York City.

And I said, "All right, you can go, but I can't collect on the job I'm on, until I finish, because I don't like to take up money on my job." I was a painting contractor for J. W. Davis.

And she said, "Well, I'll wait. And she was due to go to New York on a certain Saturday, the last Saturday in June, but she didn't go that Saturday.

She said, "No, I wouldn't go today, and I said, "Well, when are you going?" And she said, "I don't know. Well, I think, on

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Monday."

And, on Monday, the 30th of June, she leaves Raleigh, North Carolina for New York, leaving a note on my dresser.

When I came home that night, I seen the house was closed up, and I goes around to her mother after the key, because her mother's house is in the next street.

So I goes to her mother and I says, "Where is my wife?" and she said, "Why, she left for New York about 12 o'clock today.

And I said, "Well, she didn't tell me she was going." And she asked me if I wanted something to eat, and I said, no, and she gives me the key, and I goes on around to my house, and I opens the door, and on the dresser laid a note, which said, "Charlie, be a good boy. Take good care of my things. I've gone to New York. I'll write you when I get there."

And I waited up until the 3rd of July, and I didn't get no letter, and then I said to my mother-in-law, "Lulu isn't in New York, I think. It runs that way in my mind. But, if she is there, I'll find her, because I'm going right there."

And I left Raleigh on the 3rd of July for New York City, and I gets here on the 4th of July, which fell on a Friday.

And I goes to my sister-in-law's house at 106 West 143rd Street, and asked her, "Ain't Lulu here?" And she said, "I haven't seen her."

And, after I asked her this I stays there until the 7th, which was on a Monday, in July, and, whilst I was there this

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Monday, came a letter/~~from~~my mother-in-law/~~to~~ my wife, and her sister's common-law husband brought it up.

And it said, "Dear Mother I am writing to tell you why I didn't write you from Raleigh, because I was afraid Charlie would get the letter. Thaddeus and I went to the train together. My address is now West No. 8 Clay Street, Richmond, Virginia."

And so I didn't have no money to go to Richmond at the time, and I take this very suit of clothes to the pawnshop at 133rd Street and 8th Avenue, and put it in for \$15.

And I gets a ticket for Richmond, and I arrives there on the 8th of July, and goes to this address, and asks this lady, "Is this where Lulu Winters is stopping at?" And she said, "She left here yesterday. She wanted to be in Petersburg where her beau is in camp. If she is your wife, she left here yesterday., she moved to Petersburg. She said she wanted to move to Petersburg, to be near this soldier."

And I immediately went over to Petersburg, and searched for her, and didn't find her.

And then I comes to New York, and gets a job on the Old Dominion steamer, running from here to Norfolk Virginia, backwards and forwards.

Well, every other Sunday we are here, and we laid over one Sunday in Norfolk, and one Sunday here.

And I was in Norfolk, one Sunday, fixing to catch the ferry, and I seen my wife and Thaddeus on the ferry boat, but they both

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ran and they hid.

And I went on the boat, looking for them.

And so I came on back out, and they had gone in the street, and they have left me.

And I went to catch the next boat, and this boy Walker met me, and I said, "Doyou do a fellow that way? Take his wife and break up his home?" And he said, "I don't know where your wife is. I haven't got your wife."

And I said, "I'm going to have you locked up, if you don't tell me where my wife is."

And he said, "Then I'll take a drink with you, and I'll show you where she is, tonight. Now let's go to the theatre, and get a bottle of Bevo."

And I accepted of it, and we walked along until late that night. And then he said he will take me where she is, and I said, "Where is she?" And he said she is out at his cousin, on the lower edge of George Street; and I thought he was carrying me where my wife was.

And I said, -- he was carrying me so far -- man, there ain't no person living within a thousand miles of here.

And then he knocked me down from behind, with brass knuckles and he said, "I'll kill you, and then I'll have your wife."

And I said, "You can have her if you want to, but don't kill me."

And I can shave off my hair, gentlemen, and show you the

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mark on my head, where he beat me.

And he tied my feet together with his belt, and his handkerchief he tied my hands with, and then laid me across the railroad track.

And I said, "Take me up, and if you take me up, I won't tell who done it."

Q Well, what was the end of that? A They arrested him. I carried him back uptown. I fooled him. I told him to come up to the doctor with me, and I walked up to two officers, and I said, "Mr. Officers can you tell me where I can get a doctor?" And they asked me what was the matter? And I said, "This man beat me up."

And so they arrested him, and he got five years in the Richmond prison.

Q And that was one instance? A Yes, sir.

Q And that sort of instance came right along? A Yes, sir.

Q Until she came to New York City? A Yes, sir.

Q And, when you came to New York City, did you live with her?

A Yes, until about the middle of April.

NY THE COURT:

Q Who came to New York City first, you or your wife? A My wife came first, on account I had to stay south for this trial of that fellow.

Q Well, as you were not getting along with her, why didn't you let her go? A Well, because I had married her, and figured

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I would treat her right, if I could.

Q Why didn't you go back to Columbus Ohio, and tell her to come there, if you wanted her to? A Well, I sent for her in Columbus, but she didn't come.

Q Well, if she did not go where you were, you did not have to follow her. Why did you follow her up to New York City?

A Why, your Honor, she told me to come to New York, and that's why I come.

BY MR. LASKER:

Q And you came back to her? A I did so.

Q And you came to New York? A Yes, sir.

Q And then the trouble began with a man named Stewart?

A Yes, I came over to work for Mr. Curry, and I was stopping at my wife's sister's house, 106 West 143rd Street, and my wife went to the Vanderbilt Clinic hospital, somewhere downtown, anyway, and, while she was gone -- her sister and her have had some words-- and, while she was gone her sister says to me, "Listen come on and have connection with me. Being that your wife accuses me of you, I never lets no woman accuse me, if I don't make that accusation true."

And I said, "I would be a dirty man to do that," and she said, "Well, if you don't do it, I'm going to cut you with this razor."

She had an old piece of razor what her common-law husband took to cut his corne, and she said, "I'll cut you up with this

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razor if you don't.

And I said no, I wouldn't do it. And she said, "If you don't do it I'll break you and your wife up and send you to Blackwells Island."

And I said, "All right, but I won't do that, because I'm too much of a gentleman."

And ever since then she has been trying to get me in trouble, and break my wife and myself up, and her sister has called me everything, in her presence, everything but a gentleman.

Q Did you have a talk with Clarence Stewart? A Yes.

Q Did he say anything to you? A Yes.

Q What did he say? A Clarence stood, a night or two before I got arrested, about ten o'clock, I guess it was -- him and my wife and her sister were coming from the theatre, and I was coming down Lenox Avenue, and right at 143rd Street I says to her, "Lulu, I thought I told you not to be running around the street with this boy Clarence."

And he allows me, "What the hell have you got to do with it? Yes, I'm running with her, but what the hell have you to do with it? You're not living with her."

And then he said, "You get along away, and don't bother her no more."

And I turned away, and as I turned away, he cuts three gashes in my overcoat like that, (illustrating) with his pocket knife.

And the <sup>cop</sup> comes in to arrest him, and him and his brother was

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together, and he said to the cop, "Have you got a warrant<sup>2</sup> for me?" And the cop said no, and he said, "You can't arrest me."

Then he said, "But I'm going to kill this son of a bitch." And they give the cop such a time -- there was two of them -- that they had to call in another cop, and they had to hit him on the head, because he was resisting.

And, at 67th Street and S<sup>W</sup>. Nicholas Avenue, they give him a trial -- they were tried over there -- and the judge dismissed them. And the judge said to me, "You sit there a minute, Winters. I thought the boy had been punished enough, the way the officers beat him up. But now you leave this woman off. If you wish to communicate with her, communicate with her through writing, but don't go around to the house where she is, because she don't mean you no good."

And so I wrote that woman three letters, after the judge told me that.

Q Now listen. Did Clarence Stewart ever tell you that he was intimate with your wife? A Yes, sir.

Q When was that? A When we were working, one afternoon -- we worked until nine o'clock, that night -- and <sup>I</sup> said somebody told me this, and I said to him, "Somebody told me you said, if she didn't come back to me, you would give her a pianola, and get her coat cuit out of pawn."

And he said, "Yes, that's right." And I said, "Well, I'm done with her, and you can have her."

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Q Now, coming down to the 8th of May --

BY THE COURT:

Q Did your wife summon you to the Police Court? A Yes, sir.

Q When was that? A Some time in May.

Q And how many days before this May 9th? A I don't know sir. I don't know whether it was in May or April now. I'm not positive now, because I stayed there until about the middle of April.

Q About how many days before the 9th? A Well, it was a good while the first time.

Q Why did she summon you to the police court? A Well, she claims I met her along the street, and I was meddling with her every time I met her.

Q Did you ever speak to her on the street? A yes, sir.

Q Did you stand in front of her house, and threaten her? A NO. Everytime that woman seen me in the street she started screaming and told a policeman I was after her. But the only thing I ever did was to give her \$8 and she sent it back by this Clarence Stewart.

BY MR. LASKER:

Q And you never hung around the house; did you? A No, sir.

Q Did you ever own a pistol in your life? A No, sir.

Q On the 8th of May last were you in front of those premises?  
A No, sir.

Q It was on a Saturday? A No, sir.

BY THE COURT:

Q It was a day before you were arrested? A No, sir, I wasn't

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around there.

BY MR. LASKER:

Q Were you in front of 106 West 143rd Street, where your wife lived? A No, sir.

Q Were you in that neighborhood? A No, sir, I wasn't. I am after telling you the truth. I wouldn't tell you nothing else, because I don't need to tell a lie. I am absolutely telling the truth.

Q You were not in that neighborhood at all? A I was not.

Q Where were you, that night? A At that night I was at No. 70 West 142nd Street. At eight o'clock I went to a theatre, on the east corner of 143rd Street, and I stayed at that theatre until about ten o'clock.

And I leaves the theatre, and goes to the opposite side of the street, to the barber shop, and I walks into the shop, and I said, "Barber, when can I get a shave," and he said, "Well, pretty soon, but there is one or two ahead of you."

And so I leaves there, and goes to Marie Nelson's house on 7th Avenue, I think it was, and Marie Nelson, the time I went in the house, she says, "Hello Charles", and I said, "How do you do," just like that.

And she said, "Where do you come from?" And I said, "I just come from the barber shop."

And she said, "I thought you was down at the sociable."

And I said, "By the way, I forgot about that. Jim told me to

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come there. "Are you going?"

And she said, "Yes, just as soon as I get through playing this game."

Q What game was she playing? A She was playing Coon-Can, what the colored people play.

And I said, "While I am waiting, I'll play a piece on the victrola," and she said, "Well, I put on a piece you will love to hear, a piece about a preacher."

And I takes that piece and puts it on the victrola, and plays it.

And then she said, "Turn it over on the other side, and play Checkers."

And, after I played that, she said, she was going, and she got her hat and coat, and we went out together.

And a colored boy named Little John came with us, and we goes to 125 West 142nd Street, on the ground floor, on that address, to James Perrys apartment.

And we got there about a quarter to 12 -- I don't know exactly, because I didn't have no watch, and didn't see no clock in the house. I stays at that entertainment until around about 2:30 or 3 o'clock-- I don't know exactly what time it was. Anyhow I stayed there until then.

When I leaves this entertainment, I leaves with a boy they call "Rain In The Face", and Charles Brooks, and another boy, called "Big Brown".

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And I goes down to the corner, and I says, "Where are you fellows going?" and they said, "Around to 141st Street, to apartment 33. Come along with us!"

And I said, "No, I don't want to go around there. I'm going on home."

And I said, "Rainy come across the street with me, and get some cigarettes."

And we went across and got cigarettes -- I don't know what their name is -- I went over with him, and I walked into the cafe, and we got two packages of cigarettes, and I paid for the cigarette

And I said, "Won't you have something else?" And he said, "No thank you. I'm going right home."

And I said, "Well, I'll have a cup of coffee and go home," and he said, "All right I'll see you tomorrow."

And then I goes into 70 West 142nd Street, to the girl's house with which I was acquainted with, where I roomed.

BY MR. CARDONE:

Q What is her name? A Lottie Wilson is her name.

Q And not Lottie Johnson? A No, sir, Lottie Wilson. So she said to me her name was.

But I didn't know anything about her name being Johnson. So she gets up and opens the door for me, and I goes in, and lays down and sleeps until about 11:30, that Sunday.

And then I wahses my face and hands and comes on out, and I goes down to the new ~~movie~~ <sup>cafe</sup>, at 142nd Street and Lenox Avenue,

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and I goes in there and has a combination sandwich and a cup of coffee.

And then comes along a little West Indian lady, from 106 West 143rd Street, passing the door as I was coming out of the restaurant.

So she says, "Good morning Mr. Winters," and I said, "Good morning."

And she said, "Where was you during the excitement?" And I said, "What excitement?"

And she said, "Somebody goes and fires two shots at your wife and a man, and I never seen a man getting his clothes, and get downstairs, so quick."

And I said, "What, what, what are you saying?" And she said, "Where was you when it happened?"

And so I said, "I was up at a sociable. I can prove where I was," and she said, "Well, anyway, Mr. Bloomfield, the detective, is looking for you," and I said, "Where is he?" And she said, "He's got a bureau down at 135th Street."

And so I went there, and Mr. Bloomfield wasn't there.

And I comes back from his office, and I'm going up Seventh Avenue, and I meets my wife and my sister's common-law husband, and he pointed with his fist at me, and he said, "You black son of a bitch, I'm going to kill you," and so I run away, and the policeman seen me when I was running."

And he said, "What's the matter with you, boy?" And I said,

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"That fellow what is running behind me wants to kill me."

And I'm absolutely surprised he didn't search him, because he had a pistol on him.

And the man ran up and he said, "He shot through the window at his wife and my brother, and here is a card where Mr. Bloomfield says to arrest him."

And he searched me, and he didn't find no weapons on me, because I didn't carry none, and I don't figure I had any need of them.

And so he arrested me, and that's the first time I ever knowed anything about the shooting, only when that lady told me about it.

BY MR. LASKER:

Q So that at no time did you shoot at your wife? A No, sir.

Q Or aim a pistol at your wife? A No, sir.

Q And at no time were you in the premises at 106 West 143rd Street? A No, sir, not after I left there.

Q I mean on the morning of Sunday, the 9th of May, between one and two o'clock in the morning? A No, sir.

Q You were not on the landing there, and you didn't aim a pistol, a revolver, at your wife? A No, sir.

Q And you don't know anything at all about it? A No, sir.

Q And you claim that you were at 125 West 142nd Street, between a quarter of twelve and half past two or three o'clock, the following morning? A Yes.

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Q And before that you were at a theatre? A Yes, sir.

Q Have you ever been convicted of a crime? A No, sir.

Q Never been in any trouble in your life? A No, sir.

MR. LASKE: You may examine.

MR. CARDONE: Shall I cross examine now?

THE COURT: No we will take a recess now.

(The Court admonished the jury in accordance with Section 415 of the Code of Criminal Procedure, and adjourned the further trial of the case to Wednesday, June 16, 1920, at 10:30 o'clock.)

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