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Filed November
28th AD, 1919

Louis A. Hill
Circuit Clerk

STATE OF ILLINOIS,))
))
))
COUNTY OF MCNROE.))

IN THE CIRCUIT COURT,
SPRING-TERMS, A. D. 1919.

38520

THE PEOPLE OF THE STATE
OF ILLINOIS,

VS

INDICTMENT--MURDER.

LEROY BUNDY, ET AL.

TRANSCRIPT OF RECORD.

PLACITA.

Before the Honorable J. F. Gillham, presiding Judge of the third Judicial Circuit of the State of Illinois, at a term thereof begun and held at the Court House in the City of Waterloo in said County of Monroe, on the Third Monday of March in the year of Our Lord One Thousand Nine Hundred and Nineteen, and of the Independence of the United States the one hundred and forty-third.

Present: Hon. J. F. Gillham, Judge aforesaid.

R. E. Gaucn, State's Attorney.

E. W. Loehr, Sheriff of said County.

Attest:-

Louis A. Weihl, Clerk.

BE IT REMEMBERED, to-wit: on the 17th day of March in the year last aforesaid it being one of the regular days of the term of Court aforesaid, the following, among the proceedings, were had and entered of record in said County, which proceedings are in words and figures following, to-wit:

The People of the State of Illinois.)
Appellee.)

VS.)

Leroy Bundy.)
Appellant.)

) Indictment for Murder. #7794.
) Change of Venue from St. Clair
) County and State of Illinois.
) Appeal from the Circuit Court
) of Monroe County, Illinois.

H. E. Schaumleffel, Roy E. Gaucn, C. W. Middlekauf, James A. Farmer and
A. C. Bollinger, Attorneys for Appellee.

T. M. Webb, S. W. Baxter, and A. H. Fridrichs, Attorneys for the Appell-
ant.

1.
STATE OF ILLINOIS,)
St. Clair County.) ss.

At a regular Term of the Circuit Court within and for the County of St. Clair and State of Illinois, begun and held at the Court House in the City of Belleville, in said County of St. Clair, on Monday, the 9th day of April, A. D. 1917, it being the second Monday of April A. D. 1917, according to the Act of the General Assembly, by the Hon. Geo. A. Crow one of the Judges of the Third Judicial Circuit of the State of Illinois, of which the said County of St. Clair forms a part the following proceedings were had, to-wit:-

Present:

Honorable Geo. A. Crow Judge

Logan P. Mellon Sheriff.

Hubert E. Schaumleffel State's Attorney.

John F. O'Flaherty Clerk.

2.

State of Illinois, 0 In the Circuit Court,
 0 ss.
County of St. Clair, 0 To the September Term, A. D. 1917.

The People etc. 0
 0
 vs 0 Indictment.
 0
Leroy Bundy et al 0

Your petitioner, Leroy Bundy, defendant in the above entitled cause, respectfully shows to the Hon. Geo. A. Crow, judge of said court, that he, the petitioner, fears that he will not receive a fair trial in said court, because the inhabitants of said county of St. Clair are prejudiced against the petitioner, so that the petitioner cannot expect or have a fair trial in said court, and that he, the petitioner, founds his belief upon the following facts, viz:-

First: At and prior to July 2, 1917, there lived in the City of East St. Louis, Illinois, approximately fifteen thousand colored people, among whom was your petitioner; that on the night of July 1, 1917, officers Coppege and Wadley, members of the Police Force of the said City were shot and killed in said city, and it was charged that the said officers were killed by colored people; that the account of the killing of said officers was published in newspapers that had a general circulation in said county, and read by the citizens of said county; that said newspapers charged that said officers were killed by certain colored people in said city and connected your petitioner with said act, and the said incident produced a great prejudice among the inhabitants of said county against the colored race living in said county and against your petitioner.

Second:-That immediately after the killing of the said officers your petitioner was informed by divers persons in the said city that a great prejudice among the inhabitants of said city existed against him, your petitioner, and that it would be unsafe for your petitioner to remain in said city; that in order to save himself from harm your petitioner departed from said county, and a number of newspapers with large

circulation in said county, published the fact that your petitioner had left said county, and created the impression that your petitioner had become a fugitive from Justice, and on that account the citizens of said County became prejudiced against your petitioner.

Third:- That at and prior to July 2nd, 1917 there were a large number of laboring white men in said county, employed in divers manufacturing establishments in various parts of said county; that prior to said July 2nd, 1917, a large number of colored men came to said city of East St. Louis from the south and took up their residence in said city of East St. Louis and vicinity for the purpose of being employed at various trades and occupations in said county; that certain newspapers of large circulation in said county published the fact of the coming of said colored people and created the impression among the inhabitants of said county that said colored people were being imported to take the place of white laborers, and on that account the inhabitants of said county became and are prejudiced against the colored race and are prejudiced against your petitioner.

Fourth:- That on July 2nd, 1917, a lot of white people committed numerous acts of violence against the colored race in the said City of East St. Louis, and many of those white people have been indicted by the Grand Jury of said county, some of whom have been tried and convicted, and others of whom are now on trial, and others to be tried; that on account of the conviction of said white people many of the inhabitants of said county charge the conviction of said white people to your petitioner and other persons of the colored race, and on that account the said inhabitants of said county are prejudiced against the colored race and your petitioner.

Fifth:- That among the voters of said county are many thousands of colored people, and during the elections occurring just prior to July 2, 1917, it was charged that many of said colored persons were influenced to cast their vote in a certain way, and a number of newspapers with a large circulation in said county published such reports, and on ac-

count thereof a prejudice obtained in the minds of a large number of residents of said county and extended to the colored race and your petitioner

Your petitioner further represents that the County of Madison in said State contains many thousands of colored people, and likewise contains many thousands of white laboring men engaged in various enterprises in the cities of Madison, Venice, Granite City, Alton, Wood River and Edwardsville, and the newspapers above described, containing all of said reports, were circulated among the inhabitants of said county of Madison and the inhabitants of said county of Madison have a similar prejudice against the colored race and against your petitioner, because of all of said things herein above enumerated.

Affiant further states that he did not ascertain the existence of said prejudice until the 10th day of November A. D. 1917.

Your petitioner therefore, prays a change of venue in this cause, pursuant to the Statute in such case made and provided, and respectfully requests that the change of venue, if granted, be not to said Madison County, for the reasons hereinabove set forth.

Leroy. N. Bundy
Petitioner.

State of Illinois, 0
0 SS.
County of St. Clair, 0

Leroy Bundy after being duly sworn, deposes and says that he has read the above and foregoing petition, and the same is true in substance and in fact.

Leroy N. Bundy

Subscribed and sworn to before me this 20th day of November
A. D. 1917.

Notarial Seal. #
#####

L. R. Osterhaus.
Notary Public.

"Endorsed" FILED NOV 20 1917

John F. O'Flaherty
Circuit Clerk, St. Clair Co., Ills

Filed Feb. 19-1918 Louis A. Weihl Circuit Clerk

#7794

The People of the State of Illinois

vs

Leroy Bundy, Mat Hayes, Fayette Parker,
Sam Wheat, O'Fanniel Peoples, James Bayles,
Charles Foster, George Roberts, Henry Meeks,
Horace Thomas, Marshal Alexander, Dee
Smotherman, Robert Bates, Thomas Tackett
otherwise known as Thomas Taggit, Guy Moore,
Albert Hughes, Bud Townsend, William Palmer,
John Clark, Lester Fowler and Joe Black.

) Murder

Now on the 6th day of December A. D. 1917, come the People by Hubert E. Schaumleffel State's Attorney and Edward J. Brundage Attorney General of the State of Illinois and the defendant Leroy Bundy being in open Court in the custody of the Sheriff and attended by his Counsel and application for change of Venue by said defendant Leroy Bundy having been argued in this cause and after arguments of Counsel and due deliberation by the Court said application allowed and said cause is changed to the Circuit Court of Monroe County Illinois.

Therefore it is ordered by the Court that this cause be and the same is hereby changed to the Circuit Court of Monroe County, Waterloo Illinois and the Clerk of this Court is hereby ordered and directed to transmit a certified copy of all the Orders of this Court in this cause together with all papers on file in this cause to the said Circuit Court of Monroe County, Waterloo Illinois according to the Statute in such case made and provided.

And now on the 12th day of December A. D. 1917, come the People by Hubert E. Schaumleffel State's Attorney and Edward J. Brundage Attorney General of the State of Illinois and the defendant Leroy Bundy being in open Court in the custody of the Sheriff and attended by his Counsel files writ of habeas corpus to be admitted to bail and formal return to writ waived and cause heard by the Court and it is ordered that defendant Leroy Bundy be let to bail in the sum of Ten Thousand (\$10,000.00) Dollars with surety to be approved by the Sheriff conditioned for his appearance at the March Term A. D. 1918 of the Circuit Court of Monroe County from day to day of said term and from term to term and from day to day of each term until said cause shall be finally disposed of etc., as provided by

State of Illinois)
County of St Clair) ss

Of the April Term of the Circuit Court of
St Clair County, in said County and State,
in the year of our Lord, one thousand nine
hundred and seventeen.

The Grand Jurors chosen, selected and sworn, in and for the County
of St Clair, in the State of Illinois, in the name and by the authority
of the People of the State of Illinois, upon their oaths present that one
Leroy Bundy, Mat Hayes, Fayette Parker, Sam Wheat, O'Fanniel Peoples, James
Bayles, Charles Foster, George Roberts, Henry Meeks, Horace Thomas, Mar-
shal Alexander, Dee Smotherman, Robert Bates, Thomas Tackett, otherwise
known as Thomas Taggit, Guy Moore, Albert Hughes, Bud Townsend, William
Palmer, John Clark Lester Fowler and Joe Black late of the County of St
Clair on the first day of July in the year of our Lord, one thousand nine
hundred and seventeen, in said St Clair County, in the State of Illinois
aforesaid, in and upon the body of one Samuel H. Coppedge in the peace of
the People of the said State of Illinois then and there being, unlawfully,
feloniously, wilfully and of their malice aforethought, did make an
assault, and that the said Leroy Bundy, Mat Hayes, Fayette Parker, Sam
Wheat, O'Fanniel Peoples, James Bayles, Charles Foster, George Roberts,
Henry Meeks, Horace Thomas, Marshal Alexander, Dee Smotherman, Robert Bates,
Thomas Tackett, otherwise known as Thomas Taggit, Guy Moore, Albert Hughes,
Bud Townsend, William Palmer, John Clark Lester Fowler and Joe Black a
certain pistol, commonly called revolver, then and there charged with
gunpowder and divers bullets, which said pistol they the said Leroy Bundy,
Mat Hayes, Fayette Parker, Sam Wheat, O'Fanniel Peoples, James Bayles,
Charles Foster, George Roberts, Henry Meeks, Horace Thomas, Marshal
Alexander, Dee Smotherman, Robert Bates, Thomas Tackett, otherwise known
as Thomas Taggit, Guy Moore, Albert Hughes, Bud Townsend, William Palmer,
John Clark Lester Fowler and Joe Black in their hands then and there had
and held then and there unlawfully, feloniously, wilfully and of their

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malice aforethought, did discharge and shoot off, to, against, towards, and upon the said Samuel H. Coppedge, and that the said Leroy Bundy, Mat Hayes, Fayette Parker, Sam Wheat, O'Fanniel Peoples, James Bayles, Charles Foster, George Roberts, Henry Meeks, Horace Thomas, Marshal Alexander, Dee Smotherman, Robert Eates, Thomas Tackett, otherwise known as Thomas Taggit, Guy Moore, Albert Hughes, Bud Townsend, William Palmer, John Clark Lester Fowler and Joe Black with one of the bullets aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, by the said Leroy Bundy, Mat Hayes, Fayette Parker, Sam Wheat, O'Fanniel Peoples, James Bayles, Charles Foster, George Roberts, Henry Meeks, Horace Thomas, Marshal Alexander, Dee Smotherman, Robert Eates, Thomas Tackett, otherwise known as Thomas Taggit, Guy Moore, Albert Hughes, Bud Townsend, William Palmer, John Clark Lester Fowler and Joe Black discharged and shot off as aforesaid, then and there unlawfully, feloniously, wilfully and of their malice aforethought, did strike, penetrate and wound the said Samuel H. Coppedge in and upon the chest, neck and body of him the said Samuel H. Coppedge, giving to the said Samuel H. Coppedge then and there with one of the bullets aforesaid, so as aforesaid, discharged and shot out of the pistol aforesaid, by the said Leroy Bundy, Mat Hayes, Fayette Parker, Sam Wheat, O'Fanniel Peoples, James Bayles, Charles Foster, George Roberts, Henry Meeks, Horace Thomas, Marshal Alexander, Dee Smotherman, Robert Eates, Thomas Tackett, otherwise known as Thomas Taggit, Guy Moore, Albert Hughes, Bud Townsend, William Palmer, John Clark Lester Fowler and Joe Black in and upon the chest, neck and body of him the said Samuel H. Coppedge one mortal wound of the depth of five inches and of the breadth of half an inch, of which mortal wound the said Samuel H. Coppedge from the said first day of July in the year of our Lord one thousand nine hundred and seventeen, until afterwards towit: the same first day of July in the year of our Lord one thousand nine hundred and seventeen, in the County of St Clair and State of Illinois aforesaid, did languish, and languishing did live, on which said first day of July in the year of our Lord one thousand nine hundred and seventeen,

in the County of St Clair, and State of Illinois, aforesaid, he the said Samuel H. Coppedge of the said mortal wound died, and so the jurors aforesaid, upon their oaths aforesaid, do say that the said Leroy Bundy, Mat Hayes, Fayette Parker, Sam Wheat, O'Fanniel Peoples, James Bayles, Charles Foster, George Roberts, Henry Meeks, Horace Thomas, Marshal Alexander, Dee Smotherman, Robert Bates, Thomas Tackett, otherwise known as Thomas Taggit, Guy Moore, Albert Hughes, Bud Townsend, William Palmer, John Clark Lester Fowler and Joe Black, the said Samuel H. Coppedge in manner and form aforesaid then and there unlawfully, feloniously, wilfully and of their malice aforethought, did kill and murder, contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

The Grand Jurors aforesaid, chosen, selected and sworn, in and for the County of St Clair, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths aforesaid, do further present that Leroy Bundy, Mat Hayes, Fayette Parker, Sam Wheat, O'Fanniel Peoples, James Bayles, Charles Foster, George Roberts, Henry Meeks, Horace Thomas, Marshal Alexander, Dee Smotherman, Robert Bates, Thomas Tackett, otherwise known as Thomas Taggit, Guy Moore, Albert Hughes, Bud Townsend, William Palmer, John Clark Lester Fowler and Joe Black late of the County of St Clair, on the first day of July in the year of our Lord One Thousand Nine Hundred and Seventeen in said County of St Clair, in the State of Illinois aforesaid, in and upon the chest, neck and body of one Samuel H. Coppedge, in the peace of the People of the said State of Illinois then and there being, unlawfully, wilfully, feloniously and of their malice aforethought, did make an assault and in some way ^{and} ~~or~~ manner, and by some violent means, a more particular description of which is to the said jurors unknown, did then and there unlawfully, wilfully, feloniously and of their malice aforethought give to the said Samuel H. Coppedge in and upon the chest, neck and body of the said Samuel H. Coppedge divers mortal wounds, cuts, bruises, fractures, hemorrhages, lacerations, contusions and concussions, of which said mortal wounds cuts, bruises, hemorrhages, fractures, lacerations, contusions and concussions the said Samuel H. Coppedge from the said first day of July in the year of Our Lord One Thousand Nine Hundred and Seventeen until afterwards towit: the same first day of July in the year of Our Lord One Thousand Nine Hundred and Seventeen, in the said County of St Clair, and State of Illinois, aforesaid, did languish, and languishing did live, on which said first day of July in the year of our Lord One Thousand Nine Hundred and Seventeen the said Samuel H. Coppedge in the said County of St Clair and State of Illinois aforesaid, of the said mortal wounds, cuts, bruises, hemorrhages, fractures, lacerations, contusions and concussions died; and so the jurors aforesaid, upon their oaths aforesaid, do say that the said Leroy Bundy, Mat Hayes, Fayette Parker, Sam Wheat, O'Fanniel Peoples, James Bayles, Charles Foster, George

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Roberts, Henry Meeks, Horace Thomas, Marshal Alexander, Dee Smotherman, Robert Bates, Thomas Tackett, otherwise known as Thomas Taggit, Guy Moore, Albert Hughes, Bud Townsend, William Palmer, John Clark Lester Fowler and Joe Black the said Samuel H. Coppedge, in manner and form aforesaid and by the means aforesaid a more particular description of which is to the said jurors unknown as aforesaid, unlawfully, wilfully, feloniously and of their malice aforethought, did kill and murder, contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

Edward J. Brundage

Attorney General of the State of Illinois

Hubert E. Schaumleffel

State's Attorney of St. Clair County

"Endorsements"

No. 1 7794 7794
Circuit Court of St. Clair County April Term A. D. 1917.

People of the State of Illinois vs. Leroy Bundy, et. Al.

Indictment for Murder--- A True Bill Warren Hamill Foreman of the
Grand Jury----

Witnesses.

Patrick Cullinane -
A. J. Stocker ✓
Ed. Wilson -
Officer Oscar Hobbs ✓
Mrs. Brail ✓
Jacob Reedy ✓
Frank Reedy
Susie Pierce
John Hubert

Roy Albertson ✓
Fred Pelate ✓
Wm. Hutter ✓
Wm. Walker ✓
Mrs. John Stapp ✓
Edgar Pope ✓
Mary Jones ✓
Charles Collins

Filed _____ August 1917. _____ Clerk

FILED AUG 14 1917 John F. OFLAHERTY Bail _____
Circuit Clerk St. Clair Co., Ills.

Filed Feb. 19-1918 Louis A. Weihl, Circuit Clerk.

Compared Recorded in Indictment Record No. 2 on page 112 and 113 Indexed

At a regular term of the Circuit Court within and for the County of Monroe and State of Illinois, begun and held at the Court House in the City of Waterloo, in said Monroe County and State of Illinois, on the 18th day of March, A. D., 1918, it being the Third Monday of March A. D., 1918, by the Honorable J. F. Gillham one of the Judges of the 3rd Judicial Circuit of the State of Illinois, of which Monroe County forms a part, and sole presiding Judge at said Term of Court, the following proceedings were had, to-wit:-

Present:- Honorable, J. F. Gillham, Judge.

John M. Burkhardt, Sheriff.

Roy E. Gauen, State's Attorney.

Louis A. Wehl, Clerk.

Attest:-

3.

	THE PEOPLE, ETC.)	
No. 7794.	VS.)	Murder. Change of Venue from St. Clair County, Illinois.
	Leroy Bundy.)	

March 18-1918. And now on this day comes the defendant Leroy Bundy in proper person attended by counsel, and the State's Attorney from St. Clair County, Illinois on behalf of the People, and the said defendant having been furnished with a copy of the indictment herein, and a list of witnesses indorsed thereon, and being duly arraigned before the court, for plea says that he is not guilty, which said plea is by order of the court entered of record. Thereupon the said defendant, by his attorneys, enters his motion for a continuance herein, which said motion being duly considered by the Court is allowed, and this cause is continued.

	THE PEOPLE, ETC.)	
No. 7794	VS.)	Murder. Change of Venue from St. Clair County, Illinois.
	Leroy Bundy)	

Sep 3-1918 And now on this day come the counsel for the state and the defendant, counsel for defendant and request the Court that this case be set at a later date in this term of this Court, which said request being duly considered by ~~the~~ court, thereupon it is ordered by the Court that said case be reset for trial on Nov. 18th A. D. 1918.

	THE PEOPLE, ETC.)	
No. 7794.	VS.)	Murder. Change of Venue from St. Clair County, Illinois.
	Leroy Bundy.)	

November 18th, A. D., 1918. And now come the respective parties in the above entitled cause, by their attorneys, and agree that said cause may be continued to the March Term, 1919, of said Court, which said agreement being duly considered by the Court, thereupon it is ordered by the Court that said cause be continued on application of The People of the State of Illinois with the consent of the defendant, who is present in Court.

STATE OF ILLINOIS :
 : SS.
COUNTY OF MONROE :

IN THE CIRCUIT COURT
(March Term, 1919)

THE PEOPLE OF THE : No. 7794
STATE OF ILLINOIS : (Indictment for Murder, returned by the
 : Grand Jury of the April, 1917, Term of the
 : Circuit Court of St. Clair County; tried, as
 : to the Defendant Leroy Bundy, in Monroe
LEROY BUNDY et al. : County, on Charge of Venue.)

BILL OF EXCEPTIONS

BE IT REMEMBERED that upon the trial of the above entitled
cause, as to the Defendant Leroy Bundy, begun on Tuesday, March 18,
1919, before Hon. J. F. Gilham, one of the Judges of said Court, and
a Jury, at the Court House in Waterloo, Monroe County, Illinois, the
following evidence was heard and proceedings had, to wit:

Present

Hubert E. Schaumleffel, State's Attorney, St. Clair County,
James A. Farmer, Special Assistant Attorney General,
C. W. Middlekauff, Assistant Attorney General,
Roy E. Cauen, State's Attorney, Monroe County, and
A. C. Bollinger,

on behalf of The People;

Thomas Webb,
Samuel W. Baxter,
A. H. Fridrichs,
Homer G. Phillips,
W. C. Houston and
P. W. Howard,

on behalf of the Defendant, Bundy; and

Leroy Bundy (the Defendant on trial), in person.

(The jury examination was not reported, but during said examination a controversy arose, whereupon the reporter was called into the court room and the following occurred:)

MR. WEBB: (Dictating to the reporter) The People tendered the defendant four jurors, among whom was Morris Koenigsmark. Upon interrogation of Koenigsmark by counsel for defendant he disclosed by his answers that he had an opinion and could not fairly try the case; whereupon counsel for defendant challenged for cause, and the court sustained the challenge. A fourth juror was called to take his place. Counsel for defendant insists that the People should tender the fourth juror to defendant, keeping the panel of four full. The court rules that the defendant should examine the fourth juror and tender to the People. Defendant excepts.

MR. FARMER: Do you call that the fourth juror, or the fifth? Isn't it the fifth?

THE COURT: The one to take the place of the one who was excused.

MR. FARMER: Well, just so there is no confusion there.

MR. WEBB: Defendant excepts to the ruling.

THE COURT: All right.

(Thereupon the jury examination was resumed, and a jury chosen, selected and sworn to try the issues; whereupon counsel for the respective parties made their opening statements to the jury, and during the opening statement on behalf of the defendant, by Mr. Baxter, the following occurred:)

MR. BAXTER: (Addressing the jury)***** The evidence will show you, Gentlemen, that beginning on the 28th of May, 1917, friction arose between the races in that city; that an attack was made upon the colored race ---

MR. FARMER: Just a minute.

MR. BAXTER: (Continuing) --- and the colored people ---

MR. FARMER: Just a minute. That is objected to.

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. SCHAUMLEFFEL: Yes, he will never be able to prove that.

THE COURT: Well, I have ruled on it.

MR. BAXTER: Well, I can prove it.

THE COURT: Just a minute. You needn't comment on it between
yourselves.

MR. BAXTER: I don't want to comment about it, but ---

(Here followed a discussion between the court and counsel,
out of the hearing of the jury.)

THE COURT: I will still sustain the objection at this time.

(To which ruling of the court the defendant by his counsel
then and there excepted. Thereupon the opening statement by
Mr. Baxter was continued and concluded without further
objection.)

MR. FARMER: I make a motion to exclude all witnesses. The People
move the court to exclude the witnesses from the court room during
the progress of the trial, on both sides.

THE COURT: Now, where can they be put?

(Discussion between the court and the sheriff.)

THE COURT: Had you better call these witnesses?

MR. SCHAUMLEFFEL: I would suggest that all that are here be sworn
now.

THE COURT: All right. Now, call the witnesses for the state.

MR. SCHAUMLEFFEL: Let all the witnesses on both sides be sworn.

THE COURT: It is pretty hard to tell who are sworn unless you call their names and check them; but we can swear them as they come on.

MR. SCHAUMLEFFEL: Yes; then we will be sure of it.

THE COURT: All right. Now, all of you that are in this court room, that are witness in this case, I want you to stand up.

(Witnesses stand up.)

THE COURT: Now, those of you that are in the court room, you know on which side you are subpoenaed as witnesses. The defendant's witnesses will go to the room to the right of the rear of the court room, and the People's witnesses will go in the room to the left of the rear.

A BYSTANDER: Judge, some of these people don't know which side they are subpoenaed on.

THE COURT: Well, if you don't, give me your name, and I will find out.

MR. BAXLER: Some of them, Judge, are for both sides.

THE COURT: Well, if they are they came go in either room.

Now, I am going to enforce rigidly this rule, and if any of you come in here some of you may be fined.

MR. SCHAUMLEFFEL: Some of the witnesses are not here.

THE COURT: Yes. Well, we are going to have some trouble in keeping them excluded; but I will announce the rule during the day.

(The witnesses are excluded from the court room.)

THE COURT: Call in the jury.

(Thereupon the counsel for the respective parties made their opening statements to the jury, at the conclusion of which The People, to sustain the allegations of the indictment, introduced the following evidence:)

EDWARD P. KESNER.

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Edward P. Kesner.

Q Your residence?

A I live at Signal Hill, St. Clair County, Illinois.

Q And where is your place of business?

A The City of East St. Louis.

Q What is your business?

A I am in the banking business.

Q What particular position do you hold there in the bank?

A I am the vice-president of the Union Trust & Savings bank.

Q Where were you on the evening of July 1st, 1917?

A That was the Sunday evening that my family and myself drove over to St. Louis, that evening, from Signal Hill.

Q What route did you take?

A In our automobile; we took the route over the Free Bridge.

Q What street leads through East St. Louis from the east over the Free Bridge --- or the north ---

A Tenth Street.

Q --- the northeast? You may tell the jury what you saw, if anything, as you proceeded to St. Louis from East St. Louis?

A Well, it was about seven o'clock in the evening we drove over the bridge, going over to St. Louis, and on the eastern approach of the bridge I noticed quite a number of automobiles coming over to the east side.

Q About how many?

A Well, I wouldn't --- oh, there were a great number of them; I would say eight or ten machines coming, there, that were filled with colored people.

Q Could you tell about how many colored people were in each machine?

A Well, there wasn't less than four in any of them, to as high as eight in others.

Q And where did you meet them, with reference to their being bunched?

A Well, they were not very far apart, and I commented on the fact to my family ---

MR. WEBB: I object.

MR. FARMER: Well, don't state what you said.

THE WITNESS: All right.

Q About how far apart were the machines as they were coming along there? What I want to get at, Mr. Keshner, is whether they appeared to be together or not?

MR. WEBB: Well, I think he understands the question, the original question, Your Honor, without suggestion.

THE COURT: If he don't, we will allow ---

THE WITNESS: A I don't know the exact distance they were apart. I met these machines on the eastern approach of the bridge, I would say, on the eastern half of the Free Bridge.

MR. FARMER: Q Which way were they headed?

A Toward east St. Louis.

Q Could you tell from what you saw whether they carried any fire-arms?

A No, sir.

Q How long did you stay over in St. Louis?

Q How long did you stay over in St. Louis?

A Oh, a couple of hours.

Q When you came back which way did you come?

A The same route coming back; came back over the Free Bridge, out Tenth Street, and then out.

Q About what time did you get back?

A Got home about ten o'clock; I would say between half past nine and ten.

Q What did you see on the way back, if anything, of these men?

A Didn't see ---

MR. WEBB: I object to that.

THE COURT: Well, it assumes that he did see something. I will sustain the objection.

MR. WEBB: And he is assuming they were men, too; and the witness has not said so, so far.

MR. FARMER: Q You may state, if you can, whether the people in those automobiles, the colored people you mentioned, coming into East St. Louis, were men or women.

THE WITNESS: A They were men.

Q Were you out any more that night after getting back from St. Louis?

A No, sir.

Q In what county was that ---

A St. Clair County ---

Q --- that you saw them?

A --- Illinois.

MR. FARMER: Illinois. You may cross-examine the witness.

THE COURT: (Addressing the reporter) Let your record show that these witnesses are sworn as they are called.

CROSS EXAMINATION
by Mr. Webb

Q You came down Illinois Avenue to Tenth, did you?

A Yes, sir.

Q Then went south on Tenth?

A Yes, sir.

Q To the entrance to the Free Bridge?

A Free Bridge; yes, sir.

Q Did you meet any automobiles between the brewery on Tenth and the mouth of the Free Bridge?

A Yes, sir.

Q Going north?

A Yes, sir.

Q Were there any colored people in those automobiles?

A Well, I didn't notice that. I didn't pay any particular attention.

Q There might have been?

A There might have been, yes.

Q Yes. Now, you say you met a number of machines on the easterly half of the approach to the bridge; the approach to the bridge there is about how long?

A Well, it is --- a distance there ---

Q A mile and a half, isn't it?

A Yes, it is quite a distance. It is a mile, anyhow.

Q And these machines you met on the easterly half, they were not bunched, were they?

A Well, they were all going a pretty fair clip.

Q No, I am not asking that.

A No, they were not all right together, no.

Q No; they were some distance apart --- each one of them.

A Not very far apart.

Q Some had as many as four, and some more than that?

A Yes, sir.

Q Would you say there were no women and children in any of them?

A They were all men as far as I could see.

Q I say, would you say there were no women and children in any of them?

A Yes, sir.

Q And you don't know where those people had been nor where they had come from?

A I do not.

Q It was not an unusual thing, was it, Mr. Feshner, to see colored people riding on Sunday afternoon over the Free Bridge in an automobile?

A I never saw as many at one time.

Q Yes, but was it unusual to see them riding?

A No, I have seen them riding before.

Q And you have seen numbers of them, more than six or eight in one machine, haven't you?

A Oh, yes.

Q Frequently?

A Yes.

Q And these men were not boisterous, were they?

A No, sir.

Q Just driving along over the Free Bridge. At that time how many residents, negro residents were there in East St. Louis? How many colored people living in East St. Louis?

A At that time?

Q Yes.

A We must have had seven or eight thousand there; maybe ten thousand;

had a good many.

Q At that time.

A At that time; yes, sir.

Q And a number of those colored people had automobiles, didn't they?

A Some of them did; yes, sir.

Q And you have often seen them driving their automobiles?

A Yes, sir.

Q Do you know, now, whether these negroes --- Did you recognize any of them?

A No, sir.

Q You know a number of colored people in East St. Louis?

A Oh, yes.

Q You don't know whether they were residents of East St. Louis or non-residents of East St. Louis?

A I do not.

Q And you don't know where they went?

A No, sir.

Q Nor what business they were intending to do?

A No, sir.

Q Now, when you came back at about ten o'clock you saw other colored people driving on Tenth Street, didn't you, going both from and coming into East St. Louis?

A No; we met a number of machines; I don't remember who.

Q Well, you met some colored people, didn't you?

A Well, I couldn't say, Mr. Webb.

Q You don't remember that?

A I don't remember about that.

Q Well, that is all you know about this, isn't it, Mr. Zeshner?

A That is all I know about that, yes.

Q There is a great colored population in St. Louis, too, isn't there, and was at that time?

A Yes, sir.

Q And a great deal of public travel by way of automobiles is always carried on over the Free Bridge?

A Yes, sir.

Q This was a Sunday afternoon?

A Sunday evening.

Q A nice, pleasant day?

A Yes, sir.

Q And many automobiles were crossing and re-crossing the river at that time, were they not?

A Yes, sir.

MR. JOBB: You may be excused.

CHARLES J. MILLER.

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Charles J. Miller.

Q Where do you live?

A East St. Louis, Illinois.

Q How long have you lived there?

A Thirty-one years.

Q What is your occupation or business?

A Contractor and builder.

Q Were you in East St. Louis on July 1st, 1917?

A Yes, sir.

Q In what part of East St. Louis?

A Why, this --- in the evening I was in St. Louis ---

MR. WEBB: Just a minute, Mr. Miller. Have you (addressing opposite counsel) the indictment? Let me see the indictment.

(The indictment is handed to Mr. Webb.)

I object to the testimony of this witness, Your Honor, because it does not appear that his name is endorsed on the indictment.

MR. FARMER: Mr. Webb says nothing about a notice that was given him.

THE COURT: Was there any notice given you? I will ask the State if there was any notice given. Was there any notice given?

MR. FARMER: Yes, sir; there was notice. Notice was served before this trial started.

THE COURT: Objection overruled, then.

MR. WEBB: Note our exceptions.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. FARMER: Just strike that last question, for the present.

Q Do you know where Bond Avenue is?

THE WITNESS: A Yes, sir.

Q What is the general direction of that street? Is it north and south?

A East and west.

Q You call it east and west?

A Yes, sir.

MR. WEBB: That is right, too.

MR. FARMER: Well, it is not east and west, either, is it?

THE WITNESS: A Well, I am not positive of that, Mr. Farmer.

Q It is diagonal, isn't it?

A A good many of the streets is, but I couldn't say positive

whether Bond Avenue is or not.

MR. WEBB: I think we ought to stipulate that those streets run east and west, and ---

MR. FARMER: Well, I don't care which way. I had it figured the other way.

MR. WEBB: I think it ought to be stipulated.

MR. SCHAUMLEFFEL: The people in East St. Louis don't figure it that way.

MR. WEBB: The people in East St. Louis figure that Bond Avenue runs east and west, and Tenth Street runs north and south. For the purposes of this trial ---

MR. FARMER: All right; consider it east and west.

THE COURT: Bond Avenue is considered east and west, for the purpose of this trial?

MR. FARMER: Yes.

THE COURT: All right. Proceed.

MR. FARMER: Q What direction, then, would Market Street be from Bond Avenue?

THE WITNESS: A Parallel with Bond Avenue.

Q What direction from it?

A South --- to me.

Q It would be south?

A Yes, sir.

Q And what would be the next street to Market, is it Trendly?

A I believe Trendly is next to Market.

Q And the next one south of that?

A I believe it is Piggot.

Q Tenth Street, then, would run in what direction, north and south?

A Yes, sir.

Q Do you know where Dr. Bundy lives?

A I know where he did live at that time.

Q Where he did live?

A Yes.

Q Where was that?

A Seventeenth and Bond.

Q Which one of these streets leads from Broadway, or from Missouri Avenue, to the Free Bridge?

A Tenth Street.

Q That, then, would be on the westerly side of the territory between Tenth and Seventeenth and between Bond and Figgot, would it?

A Yes, sir.

Q Do you know where Bayles saloon was in 1917?

A No, sir, I don't know it by that name.

Q Now, where were you on Sunday night, July 1st, 1913?

A I spent the evening in St. Louis until about around a little after ten o'clock. I don't just remember what time it was I left South St. Louis ---

Q That night?

A --- that night, Sunday night, and went home.

Q What route did you take?

A I come over the way of the Free Bridge, Tenth Street to Bond, and out Bond Avenue to Twenty-ninth.

Q Did you pass Bundy's place on your way home?

A Yes, sir.

Q You may state what you saw there, if anything.

A Well, there was some people congregated there.

Q What kind of people?

A Colored people.

Q About how many would you say?

A Well, I couldn't say positive, but I would judge about fifty or more. I was driving the machine, and I just glanced up. There is a gasoline filling station there, and there seemed to be some people in that, and there were several groups standing outside.

Q Men or women?

A Men.

Q In your best judgment how many people would you say were there?
How many men?

A Well, I would say fifty.

Q Might it have been more or not?

A Might have been more.

MR. WEBB: I object to that, now. He has given his best judgment, and he said it was fifty.

THE COURT: Objection sustained.

MR. FARMER: Q What time was that?

THE WITNESS: A That was between 10:30 and 11.

Q At night?

A Yes; might have been closer to 11. I didn't look at the time. I know about what time I left south St. Louis; and I came straight home.

Q Where is Bundy's home from his garage, if you know?

A Well, it is right opposite, across the street, east of the garage, or the filling station, on the opposite corner.

Q Were you back up that way any more that night?

A No, sir, I went straight home.

Q How long have you known Dr. Bundy?

A To speak to him --- well, I think the first time ever I spoke to Dr. Bundy was when this trial was called ---

Q Well, had you known him by sight before?

A No, sir.

Q Do you see him here now?

A Right here. (Indicating)

Q Prior to the night of July 1st I will ask you if you were down in front of the police station and saw an occurrence there with reference to an automobile and some arms and ammunition.

A Yes, sir, I was right across from the station when the machine was brought up there with some ammunition in it.

Q When was that, about?

A Well, that --- I can't remember that date, but it was between the 28th of May and the 1st of June, as well as I can remember. I don't remember that date.

Q Of what year?

A 1917.

Q State to the jury what you saw there.

A Well, I saw some revolvers, Smith & Wesson revolvers, taken out of the machine.

Q How many?

A I think there were twelve. I wouldn't be positive, but I think there were twelve Smith & Wessons, and one small --- one under the seat, that was loaded, with a pearl handle.

Q Do you know what other guns, if any, were taken out of there, besides Smith & Wesson?

A No, I don't know any other name.

Q Was anything else taken out?

A Cartridges was under the hood of the machine.

Q How many?

A I would judge about seven hundred --- six or seven hundred rounds.

Q Where were those guns and cartridges taken from on the machine?

A Well, some of them was taken out from under the hood of the machine, next to the engine. They were laid along in there.

Q Explain what you mean by "the hood".

A Well, that is the cover that comes down over the engine.

Q On the front part?

A Yes, sir.

Q And where were they lying under the hood?

A They were lying on the inside of the engine.

Q What effect did the hood have when it was down?

A Well, it covered them up.

Q What kind of a machine was that?

A It was a Hupmobile.

Q What was its color?

A A maroon, I believe.

Q A dark red?

A A dark red.

Q Do you know whose machine that was?

A No, sir, I do not.

Q Did you see anybody there at that time?

A Well, they took somebody --- I believe there was two colored men and two colored women in it --- out of the machine. I just walked out of Renshaw's office as the officer drove up with them.

Q Who took those guns and ammunition out from under the hood of that machine?

A A police officer.

Q Do you remember the officer?

A I believe it was Haley. I believe it was. I wouldn't be positive, now. It has been a good while ago.

Q What character of machine was that, whether it was a roadster or five-passenger, or ---

A Five-passenger car; it had two seats in it; either four or five passenger.

Q Do you know how this car came to be at the police station?

A Well, it drove up there with an officer --- had it in charge.

Q Do you know whether they were under arrest?

A They took them over to the police station.

MR. FARMER: You may cross-examine.

CROSS-EXAMINATION
by Mr. Webb

Q Mr. Miller, when you left from the bridge you went north on Tenth Street to the mouth of Bond?

A Yes, sir.

Q And that was about 11 o'clock? Somewhere along there?

A Somewhere along there.

Q Then you turned over Bond?

A Then I turned over Bond.

Q And drove directly east until you came to the garage and Dr. Bund's residence?

A I drove east to 29th, and then turned into Virginia Place.

Q Well, I say you drove that far east?

A Yes, sir.

Q On a straight line?

A Yes.

Q Now, on Bond Avenue you met automobiles, did you not, going west?

A I don't think I saw anybody, or met anybody, at all, after I got off the Free Bridge, until I got home. I don't remember passing anybody else.

Q You don't remember passing anybody else?

A No, sir.

Q You say you didn't pass anyone?

A I don't remember, if I did.

Q Now, there was an electric light, at that time, at 17th & Bond, wasn't there?

A Yes, sir.

Q Everything was light around there?

A Yes, sir, everything was light.

Q 17th intersects Bond Avenue at right angles, doesn't it?

A Yes, sir.

Q That is, it runs north and south?

A 17th runs into Bond Avenue and stops, going north.

Q Well, there is no ---

A It is not cut through.

Q It doesn't go north?

A From Bond Avenue, no; I think it stops there. I don't believe that street is opened up through there.

Q It runs from Market over into Bond?

A Yes, over into Bond.

Q But don't go from Bond over into Broadway?

A No, doesn't go through there.

Q There are some manufacturing establishments in there that occupy that territory?

A And railroads.

Q Yes, and railroads. Now, on which side of 17th Street is the garage?

A Right hand side going out. That would be the south side. That would be the southwest corner.

Q How?

A The garage, or filling station.

Q The filling station is located on Bond and 17th, isn't it?

A Yes, on the southwest corner.

Q Yes, you come to the garage --- to the filling station, before you cross 17th Street?

A Yes, sir.

Q Then right on the opposite corner, after you cross 17th Street, and on Bond Avenue, is the Doctor's residence?

A Yes, sir.

Q That is right, is it?

A That is correct.

Q In other words, 17th Street separates the garage from the residence?

A Separates the garage from the residence.

Q And there is an electric light there?

A An electric light there.

Q Now, that at that time was the only gasoline station in East St. Louis that was controlled by a colored man, wasn't it?

A All I know of.

Q Well, you know every point in East St. Louis, don't you?

A Well, there is gasoline stations there I don't know who runs them. That is the only one I knew of.

Q Now, Mr. Miller, you are a contractor?

A Yes, sir.

Q And drive in your automobile all over the city, don't you?

A Yes, sir.

Q And you know the colored district in East St. Louis, don't you?

A I know it pretty well.

Q And that is the colored district?

A That is the colored district.

Q And that is the only gasoline station, at least to your knowledge, in East St. Louis at that time that was run by a colored man?

A Yes, sir.

Q And you knew that colored people patronized that gasoline station, didn't you?

A Yes, sir.

Q And you saw about fifty persons there that night?

A Yes.

Q And you saw a number of automobiles standing around there, didn't you?

A I never noticed any automobiles.

Q Didn't you say in your former testimony there were some automobiles there?

A I don't remember seeing any.

Q I didn't ask you that. Didn't you testify before in a case similar to this?

A Yes, sir.

Q In which you said you saw about fifty people there, and there were some automobiles there?

A I don't remember testifying about automobiles.

Q What is your best recollection now about it?

A My best recollection is. I didn't see any automobiles.

Q That you didn't see any, at all?

A Not that night.

Q That night, right at that point.

A At that point.

Q Was it anything unusual to see colored people around the garage on Sunday night, and around that filling station?

A No, you would see people there most any time you passed.

Q And you saw numbers, didn't you ---

A Not so many as I did that night.

Q Well, no, but you saw a number a great many times, hadn't you, when you passed there?

A You mean before that time?

Q Yes.

A Well, I never noticed any great numbers there before that.

Mr. Webb.

Q Well, do you see them there now?

A No.

Q Well, you would see them; could you see them in great numbers there?

A Well, there is no filling station there any more.

Q Well, before that occasion?

A You would see people there.

Q And they were there to get gas?

A They were most generally in the garage there, before; a kind of garage and repair shop; there is a repair shop back behind that. There is where the automobiles usually was when there was automobiles there.

Q But you know, of your own knowledge, don't you, that colored people in that district patronized Dr. Bundy's garage, don't you?

A I have seen them there, yes.

Q Now, some time in May you saw an automobile at the police station.

A Right across from the police station.

Q And you fixed the 28th day of May, some time after the 28th day of May?

A Yes.

Q And before July 1st, you fixed that?

A Yes.

Q Now, why do you fix the 28th of May?

MR. FARMER: I object to that. Wait a minute.

MR. WEBB: Well, I want to test this man's reason for saying --- fixing the time.

THE COURT: He may answer.

MR. WEBB: Q Why did you fix the 28th of May?

THE WITNESS: A There was a little trouble there on the 28th day of May, and it was a day or two after that, as well as I remember. I don't remember the date.

Q But you base it around that trouble?

A Yes, I know it was after that.

Q Can you give us about what time of day it was you saw it there?

A Well, as well as I remember, Mr. Webb, it must have been around nine or ten o'clock, I think it was, in the morning. I wouldn't be positive of that.

Q What is the first thing you observed about that, now --- anything there about that transaction?

A Well, I was in Renshaw's office, and the police officer came up with this automobile with those colored people.

Q From what direction?

A From the south.

Q From Main Street?

A Yes ---

Q Yes.

A No. from Broadway.

Q I mean from Broadway, came up on Main Street.

A They drove up and stopped on the opposite side of the police station, almost in front of Renshaw's office, and I went out ---

Q Well, you was in Renshaw's office?

A I was in Renshaw's office.

Q Well, it wouldn't be on the opposite side from you, would it, that they stopped?

A I was in Renshaw's office. They didn't stop next to the police station. They stopped on the side that Renshaw's office was. That would be the east side of Main Street.

Q Why did you say they stopped on the opposite side from the office?

A I mean the police station.

Q Which would put it over to Renshaw's side?

A Yes.

Q When they stopped who was in the car?

A I think four colored people; I think two men and two women. I know there was one woman. I wouldn't be positive whether there was two or not.

Q And where were those people, now, were they taken into the police station before an examination of the car was made, or afterwards?

A Well, when they took them into this station this officer came up --- one officer took them into the station and the other began to search the machine.

Q Now, did you know any of those colored people?

A No, sir.

Q Was any one of them Dr. Bundy?

A No, sir; neither one of them Dr. Bundy.

Q Did you know whose car it was?

A No, sir.

Q Were there any protests there made by these people that were taken out of the car?

A Not that I heard of.

Q Was there any claim made as to whose car that was?

A Not that I heard of.

Q Did you stay there until after the car --- until the car was taken away from that point?

A No, sir.

Q Did you leave immediately after these --- this ammunition and guns were found in it?

A Yes, sir.

Q You left before the car was removed from there?

A The car was standing there when I left.

Q Was you there when a photograph was taken of the car?

A No, sir.

Q You didn't see that?

A No, sir.

Q How were these charges, these loads or these charges contained?

A You mean the cartridges?

Q Yes.

A They were in boxes.

Q Cartons.

A Yes.

Q About how wide and how big? How long?

A I would judge there was about fifty cartridges in them. They

come mostly twenty-five or fifty. They are sealed up at the factory.

Q I am not asking you to give a dissertation on how they are manufactured, or anything of the kind. How big a hunch were they in? Give me an idea.

A I would judge they were about two and a half inches wide and about three and a half or four inches long, and probably an inch deep.

Q Thick?

A Yes.

Q Now, that is your recollection?

A Yes, that is my recollection.

Q How many of those cartons, now, did you see?

A Well, I would say twelve or fourteen. I didn't count them.

Q And how many cartridges in a carton?

A Usually fifty of that sort.

Q Fifty times fourteen would be about 700. Is that the way you figure that?

A That is the way I figure it.

Q That is the reason you say it was about 700?

A Yes, sir.

Q Did you count the cartons?

A No, sir.

Q Did you see anybody count them?

A No, sir.

Q Did you see anybody open any of those cartons?

A No.

Q Do you know what was in those cartons?

A No, sir.

Q You don't know whether there was anything in them, do you?

A No, sir.

Q You didn't have hold of them?

A I didn't have hold of them, no.

Q You never saw them opened?

A No.

Q Now, about the guns. about how many guns were found?

A I think there were twelve new guns, didn't look like they ever had a load in them; about that long. (Indicating)

Q Smith & Wessons?

A Yes, I think they were.

Q And were they in the original package packed by the seller, or in one box?

A I don't remember now.

Q Now, don't you know they were, Mr. Miller?

A No, I don't know.

Q Did you see them taken out?

A I seen them taken out of the machine, yes.

Q I mean, out of the box.

A I don't remember. I remember seeing the guns.

Q Well, you remember seeing the guns.

A I don't remember whether they were wrapped in paper or taken out of the box.

Q Did you see them wrapped in anything?

A No, sir.

Q Then you saw them open?

A I saw them open.

Q But you don't know what they came out of?

A No, sir.

Q Did you have either one of them in your hand?

A No, sir.

Q Do you know whether either one of them was loaded?

A No, sir.

Q That is all you know about the guns?

A That is all I know about the guns.

Q And they were taken out of the car?

A They were taken out of the car; yes, sir.

Q And the cartridges, or cartons of cartridges, were taken out from under the hood.

A Yes, and cartridges were taken out from under the hood, because I helped raise the hood up.

Q Which side of the hood did you raise, the one next to Penschaw's, or next to the police station?

A The one next to Penschaw's was the one I helped.

Q Why did you help raise it?

A The officer said "Let's look under the hood".

Q Said that to you?

A Yes.

Q Were you the only man there?

A There were other people standing behind us.

Q Why did he direct that to you?

A I was standing there near; I was close to him.

Q Did you take hold of the hood?

A I loosened one side of the spring, and he raised the hood by himself.

Q That is all you did, you lifted that little spring with your

finger?

A Yes.

Q And was it hard to raise, the reason you helped to do it?

A No, but the officer didn't seem to know just how to get it open.

Q Now, is that all you did there?

A That is all I did.

Q You didn't take hold of anything?

A No, sir.

Q And the cartridges were found under the hood, lying along the chassis there, next to the engine, itself?

A Yes, there is a little place there for oil and dirt to accumulate in.

Q And there were about twelve or fourteen of those cartons, of the size you have described?

A Yes, sir.

Q Were they wrapped in any way?

A No, sir.

Q No wrapping around the cartons?

A No, they were just in the box.

Q Were they soiled in any way, the boxes?

A No, the boxes were nice and clean.

Q There was one gun found under the front seat of the automobile?

A Yes, sir.

Q That was a gun that had been used?

A That was the gun which had cartridges in it.

Q Had cartridges in it?

A Yes, sir.

Q That was the driver's gun, perhaps, near the driver's seat,

wasn't it?

A I don't know who it belonged to. It was under the driver's seat.

Q On the side of the seat that the ---

A On the side the driver was taken off of.

Q That was all that was found in the car.

A That is all I saw found in the car.

Q And you left before it was removed?

A Yes, sir.

Q Was your name taken there at that time?

A No, sir.

Q How did they get your name?

A I don't know.

Q And what was the name of that officer that you helped lift the hood?

A I think it was Mr. Haley.

Q Jack Haley?

A I think it was.

Q You know Jack Haley very well, don't you?

A I know, but it has been a long time ago.

Q It has not been two years, has it?

A He was a police officer; I know that.

Q Who was the officer that took the people from the machine?

A I don't know.

Q You knew all the police officers at that time, didn't you?

A Oh, no; I knew their faces; I couldn't tell you half of their names; I couldn't tell you a fourth of their names.

Q You are around the City Hall a good deal, aren't you?

A Not very much.

Q You have done a great deal of work for the City, haven't you?

A In what way, Mr. Webb?

A Well, in several ways.

A I have settled a good many of those claims for the City.

Q You are a commissioner, aren't you, to settle ---

A No, sir.

Q What is it, a referee?

A Referee.

Q You are a referee to settle claims that are filed against the City on account of the destruction by the mob ---

MR. FARMER: Wait a minute. I object to that. It is not cross-examination; and improper.

MR. WEBB: It is for the purpose of showing his interest. That is all.

THE COURT: Well, I will allow it to stand, as far as it has gone.

THE WITNESS: I was appointed by the Court for that, as referee.

MR. WEBB: Q You represent the City, don't you?

A No, sir.

Q Well, you represent the claimants?

A Both of them.

Q You are supposed to be an impartial arbitrator of those claims.

A Yes, sir; just the same as this Judge is here in this case.

Q By reason of those claims that arose by the destruction of the properties?

A Yes, sir.

MR. FARMER: I object to that, and move to exclude it.

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

RE-DIRECT EXAMINATION
by Mr. Farmer

Q Mr. Miller, you mentioned seeing about twelve new Smith &
Wessons. Did you notice whether there were any apparently second-
hand guns there?

A They all looked new to me, that I saw.

THE COURT: Is that all, Mr. Farmer?

MR. FARMER: That is all with this witness.

JOHN STAPP.

called as a witness on behalf of The People, and having been first
duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A John Stapp.

Q Where do you live?

A 1736 College.

Q East St. Louis?

A East St. Louis.

Q What is your business?

A Plumber laborer.

Q How long have you lived in East St. Louis?

A Seventeen years.

Q The last seventeen years?

A Yes, sir.

Q Were you there on Sunday night, July 1st, 1917?

A Yes, sir.

Q You may tell the jury where you were and what you saw, and what time it was.

A It was on the Sunday night, July 1st, between eleven and twelve o'clock. I heard ---

MR. WEBB: I don't hear that, if the Court please.

THE COURT: A little louder.

THE WITNESS: Between eleven and twelve o'clock I heard some loud talking and heavy walking out on the street, and I got up and looked out a front window and seen men walking back and forth there with guns on their shoulders --- colored men.

THE COURT: Just a minute. Can you hear what he is saying back there? Speak just a little louder.

THE WITNESS: And a few minutes afterwards, or so ---

MR. FARMER: Well, just a moment. Where did you see these men with guns?

A On Market Avenue.

Q How close was that to Bundy's place?

A About 150 feet.

Q What direction were they going with reference to Bundy's place?

A West from where I ---

Q Were they going toward it or away from it?

A Towards Bundy's place.

Q How many of them were there?

A Well, four and five of them in a bunch.

Q And how many bunches?

A Oh, it is --- I couldn't just tell how many.

Q About how many?

A Well, four or five or six, that was.

Q And what did they have?

A Some of them had guns, and some of them didn't have guns.

Q Can you tell what kind of guns they were?

A Well, I couldn't just tell whether they was shot guns or rifles.

Q Were they revolvers?

A No, they was shot guns or rifles, either one.

Q How many guns did you see, about?

A Well, I couldn't judge that. Them different fellows had guns ---
and some of them didn't have guns.

Q Where were you when you saw that?

A I was sitting in my front room.

Q Where did you live there?

A 1713 Market Avenue.

Q Where is that with reference to 17th Street?

A That is east of 17th.

Q How far?

A 150 feet.

Q How close is that to Bundy's house and garage?

A Well, that is about, I would judge, a little over 200 feet,
or so, or 250.

Q Well, what did you do after that?

A Why ---

Q What did you see or hear after that?

A After that, about ten minutes or so afterwards, I heard some
shooting down towards Tenth Street.

Q Could you tell how many shots you heard?

A Why, I couldn't just judge that.

Q Well, about how many?

A A good many.

Q Whether many or few.

A Oh, it might have been fifty or one hundred.

Q How could you tell that it was shots? What did it sound like?

A Well, I could hear they was gun shots.

Q Well, after you saw these men with guns down there, these bunches of men with guns, did you hear anything after that, any bells or anything of that kind?

MR. WEBB: I object to that suggestion, Your Honor.

THE COURT: Well, it is a little leading. Yes; I will sustain the objection, for that reason.

MR. FARMER: Well, what did you see, if anything?

A Well, after the shooting down at the south end I seen machines coming back towards 17th Street, on Market Avenue.

Q How many machines?

A There were two machines that I seen.

Q Who was in them, if you could tell?

A Well, there were some men got out at 17th and Market Avenue, and some of them went east on Market, and some went south on 17th Street.

Q Could you tell what those men had that got out there?

A Some of them had guns, and some of them didn't have no gun.

Q How many men got out of those machines?

A Well, I would judge from six to eight men in a machine.

Q Could you tell what kind of machines they were?

A I could not tell what kind of machines they were.

Q Could you tell the color?

A I could not.

Q Where had those machines come from, so far as you could see?

A They come from east on 10th Street.

Q Came from the east?

A They come from --- or west --- east on 10th Street.

Q They came east on 10th Street?

A Yes, sir.

Q And then where?

A On 17th Street, why, they turned towards Bond Avenue, north to Bond Avenue.

Q Where did the machines go, if you could tell, with reference to Bundy's place?

A I don't know.

Q Well, were they going toward that, or from it?

A Toward Bundy's place.

Q About what time of the night was that?

A That was, I would judge, midnight; very near twelve o'clock.

Q Had you heard anything before that shooting?

A Well, no, not ---

Q Any signal of any kind?

MP. WEBB: I object to that, now.

THE COURT: Overruled. He may answer.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: A Well, I heard a bell ring down in the south end. I judge it was a church bell.

MR. FARMER: Q When did that bell ring, with reference to the time of the shooting, whether before or after?

A Before the shooting.

Q About how long before the shooting?

A It might have been ten or fifteen minutes.

Q Now, after that bell rang what did you see then, if anything?

A I heard the shooting about ten minutes afterwards.

Q Well, did you see anybody in the streets after the bell rang?

A Well, yes, there was a good deal of men walking back and forth there on 17th Street.

Q Could you tell where they were headed for?

A Why, no; they was headed towards Bond Avenue.

Q And could you tell where they came from?

A Well, they came from the south end, somewhere.

Q Well, where did they come from, with reference to Bundy's place, if you know?

A They come from south on 17th Street and west on Market Avenue towards Bundy's place.

Q And what kind of men were they, with reference to being white or colored?

A Colored men.

Q And were they men or women?

A Men.

Q After the shooting that you heard what did you next see or hear, if anything?

A I seen them machines come east on Market Avenue from 10th Street.

Q Do you know where they stopped, if they did stop?

A 17th and Market.

Q How long were they there?

A Oh, I would judge a few minutes.

Q And while they were there what happened, if anything?

MR. WEBB: I object to that, now; he has been all over that.

THE FARMER: Not there, I think.

THE COURT: Overruled.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Why, yes; you testified about those machines stopping there, didn't you, at Market, a while ago?

THE COURT: Well, he may answer. I will let him answer the question. It is not clear in my mind.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Well, we want the same lenience.

MR. FARMER: Q What happened after that?

THE WITNESS: A There were men got out of the machine, and some walked east on Market and south on 17th Street.

Q Could you tell at that time how many men you could see around there?

A There was seven or eight men out of each machine.

Q Now, after this shooting state whether or not you saw other men there, other than those in the machines, and if so where were they going and what were they doing?

MR. WEBB: Well, I object. There is a suggestion there. There are two questions there. I submit he ought to be permitted to answer the first question first, as to whether he saw other men there.

THE COURT: All right.

MR. FARMER: Q Well, did you see other men?

THE WITNESS: A There were other men on the street.

Q What were they doing? Where were they going, if you could tell?

A They was going in the same direction; walking back and forth on Market Avenue, there.

Q What did they have, if anything?

A Well, some of them had guns, and some of them didn't have guns.

Q Could you tell about what time of the night it was that you heard this shooting?

A Very near midnight, I should judge.

Q Did you hear shooting more than once, more than the volleys that you have spoken of?

A Yes, a few minutes afterwards --- it may be fifteen or twenty minutes afterwards --- I heard the shooting on Bond Avenue, but I didn't know where it come from, or anything. I heard shooting right across from my place, over on Bond Avenue. There was some shooting there.

Q Can you tell to what extent, from the number of shots?

A Well, I couldn't tell. That might have been fifteen or twenty shots fired.

Q Did you see any movement of men after that?

A No, not very much.

Q In that locality?

A No.

Q Could you identify any of the men that you saw there on the street --- these colored men?

A I could not.

MR. FARMER: You may cross-examine.

CROSS EXAMINATION
by Mr. Webb

Q Your name is John Stapp.

A Yes, sir.

Q S-t-a-p-p?

A Yes, sir.

Q On this night you lived where, now?

A 1713 Market Avenue.

Q Your house was on which side of Market Avenue?

A South side.

Q It faced north?

A The house is on the north side and faces south, the front.

Q Well, did you understand my first question? I asked you which side of Market Avenue the house was on, and you said the south side.

A It is on the north side.

Q You misunderstood me, did you?

A I understood you, which way the house faces.

Q Well, now, I am asking you again, which side of Market Avenue is your house on?

A On the north side.

Q And its number is 1713?

A Yes, sir.

Q And it faces south?

A The front.

Q Fronts south. How far off of the sidewalk is your house?

How far back?

A Twenty feet.

Q And what kind of a house is it?

A A story and a half house.

Q How many door entrances has it on the south?

A One.

Q That enters about the center of the building, doesn't it?

A On the side.

Q Which side, east or west?

A On the east side.

Q Is there a window in the south, west of the door entrance?

A Yes, sir.

Q And from that window you can look out of your house onto Market Street?

A Yes, sir.

Q And is there a house, or was there at that time, west of you, between you and 17th?

A Yes, sir.

Q How many?

A Three.

Q Yours was the fourth house?

A Yes, sir.

Q Were all of those other three houses occupied at that time?

A Yes, sir.

Q By colored people?

A Yes, sir.

Q And there are houses on Market Street east of your house?

A Yes, sir.

Q On the same side of the street?

A Yes, sir.

Q A number of them between 17th and 18th; and those houses were occupied by colored people?

A Yes, sir.

Q At that time.

A Yes, sir.

Q You were the only white family in that neighborhood, weren't you?

A No, sir.

Q Where was any other?

A There were five families lived there.

Q Where?

A Dalton ---

Q Where did Dalton live?

A Right across from me.

Q On the south side of Market?

A On the south side of Market; and Krudrick lives on the north side.

Q How far from you?

A Up on 18th Street; 18th and Market Avenue.

Q Well, I am talking about that block.

A Well, he lived in that block between 17th and 18th Street.

Q He lived up near 18th?

A Yes, sir.

Q How many colored families lived between you and that last man you mentioned?

A I couldn't tell that.

Q A dozen or more.

A No, I don't think quite that many.

Q Now, then, Market Street runs east and west along there, approximately?

A Yes, sir.

Q And 17th Street is a street on the west of you, and 18th Street is a street that is on the east of you?

A Yes, sir.

Q That intersects Market Street at right angles?

A Yes, sir.

Q Now, you went home that night about nine o'clock?

A I wasn't gone that night. I was at home that night at nine o'clock.

Q Hadn't you been out that evening, somewhere?

A No, sir.

Q You went to bed about nine?

A Yes, sir.

Q You hadn't observed anything, when you went to bed, in the neighborhood?

A No, sir.

Q Before you went to bed there were people, were there not, walking toward Bundy's place?

A There were people ---

Q On 17th?

A There were people on the streets, like any other Sunday.

Q Yes, sir; quite a number of them walking along there.

A Yes, sir.

Q 17th Street leads south, there, to the neighborhood where those churches are located, don't it, down on Tudor, and other places?

A Yes, sir.

Q And 17th Street is a much-traveled street, isn't it, by the colored people?

A Always was.

Q And during all that evening, even before you went to bed and after you went to bed, there were people traveling along there?

A Yes, sir.

Q Going up to Bond Avenue and south.

A Yes, sir.

Q At Bond Avenue --- There is an electric railway line located on Bond Avenue, is there not?

A Yes, sir.

Q A double line there?

A Yes, sir.

Q And at 17th street and Bond is a regular stopping place, isn't it?

A Yes, sir.

Q And was, at that time, where a great many colored people and white people take the cars?

A Yes, sir.

Q Up Bond and east, into Alta Sita. That is true, is it not?

A Yes, sir.

Q Now, then, after you went to bed and about eleven o'clock, some where along there, you heard some walking on the street, and talking, didn't you?

A Yes, sir.

Q Not unusual to hear people talk, was it, on the street?

A Well, not that loud, though.

Q Well, is that the loudest you ever heard anybody talk on the street? Just answer that.

A Just like anybody else.

Q Just answer the question. Was that talking the loudest you had ever heard before on a street?

A Well, no.

Q No. Well, then, there was nothing in that any more than on other occasions that you had heard people talking loud, was there?

A No.

Q All right; but you did get up?

A Yes, sir.

Q And you saw people walking on Market Street?

A Yes, sir.

Q Going in both directions; didn't you?

A Yes, sir.

Q East and West.

A Yes, sir.

Q And you saw people on 17th Street, didn't you?

A Yes, sir.

Q Going in both directions?

A Yes, sir.

Q South and north; isn't that true?

A Yes, sir.

Q Now, then, some of those people going in those directions you say had a gun?

A Yes, sir.

Q Those that went east on Market?

A Those that went west on Market.

Q Did some of those have guns? Just answer.

A Those that went west, most of them had guns.

Q Most of them had guns?

A Yes, sir.

Q And those that went south on 17th Street, what about them?

A Those ---

Q Did some of them have guns?

A Those that went north on 17th Street carried guns.

Q Those that went south?

A Not then, at that time.

Q How do you know?

A I seen it.

Q You saw it?

A Yes, sir.

Q Those that went east on Market, did they have guns?

A No, not at that time.

Q How do you know?

A I seen them, that they didn't have no guns.

Q Those that went west on Market, did they have guns?

A Yes, sir.

Q How do you know that?

A I seen them.

Q Why do you say that, now?

A Because I seen them.

Q Did you take it down and impress your mind with that?

A No.

Q You didn't pay any attention to it then, did you?

A Yes, sir.

Q Did you think then where they were going?

A No.

Q That didn't impress you, at all, did it?

A No.

Q Now, those that went west on Market, by your house, where did they go?

A They went down towards 17th Street.

Q Toward that street; and where did they go, when they got to that street?

A That is something I don't know.

Q You don't know anything about it? You don't know whether they turned south on 17th or not, do you?

A They turned north on 17th.

Q How do you know? You just now said you didn't know.

A Well, I seen they didn't go south.

Q Why do you say they turned north, when you told me you didn't know where they went?

MR. FARMER: I object to that argument.

THE COURT: He may state what he saw there.

MR. WEBB: Q You didn't see anybody go north, did you, on 17th, after they crossed Market?

A Yes, sir; they went north, some of them.

Q Well, how do you know that?

A I seen them.

Q You were in your house, weren't you?

A I was in my house.

Q You didn't go out to the porch, did you?

A I didn't have to go to the porch to see 17th street.

Q You didn't?

A No.

Q Well, didn't you just now tell me, Mr. Stapp, that you didn't know where they went from 17th Street and Market? Didn't you tell me that? Just answer whether you did or not?

A Not these men with guns.

Q You didn't answer that that way? Then you did see these men with guns turn north on 17th Street?

A Yes, sir.

Q How many did you see do that, now, that had come on Market Street, going west to 17th?

A Well, I couldn't judge it, how many there were.

Q At the same time, now, that those men were turning north on 17th Street, were there other people coming along there, going east on Market Street?

A Yes, sir.

Q And were there other people going south on 17th Street?

A Yes, sir; there was men ---

Q And going north on 17th Street?

A Yes, sir.

Q They didn't stop and talk, did they, any where?

A Some of them stopped and talked together.

Q Tell me a bunch, now, that stopped and talked, where were they located?

A There were some ---

Q At that time, now.

A There were some standing right on 17th Street, there, and Market Avenue, there, for about three or four minutes, and talking together, and then they went east ---

Q You say there were some standing there?

A Yes, sir; on 17th and Market.

Q Did you see those men stop, or were they standing there when you saw them?

A They come there, and they talked for a few minutes, and then they walked east and west.

Q All right. What direction did they come from, now, there?

A From the south end, most of them.

Q Well, on what street?

A On 17th Street.

Q Did you see some men come up from --- on 17th Street and stop at Market and 17th?

A Some of them stopped there.

Q Did you see men come from the south on Market and stop at the corner of 17th and Market?

A Some of them stopped there.

Q All right. Now, was there anybody there when they stopped?

A Some of them was there, and then went away again.

Q Well, was there men there when these coming up from the south stopped there?

A Yes, some of them.

Q Now, did you see other men come from the west in Market and stop there?

A Yes, sir.

Q While these other men were standing there?

A Some of them stopped there and talked with them, and then they went north on 17th.

Q Did they all go north?

A Most of them.

Q Where did the others go?

A Some went down south, and some of them went east on Market, I believe.

Q Now those that went east on Market, did they have guns?

A No, not at that time.

Q Did those that went south on 17th have guns?

A Well, some of them had.

Q That went south?

A Had guns.

Q On 17th?

A Yes, sir.

Q That would be away from Bundy's, wouldn't it?

A That would be away from Bundy's place at the time.

Q How many people would you say that you saw come up on 17th and Market and stop there and talk?

A Well, all the --- 17th and Market --- must have been all the way from twenty to forty men.

Q Was it an unusual thing to see persons standing on the corner

of Market and 17th, and talking?

A No, sir.

Q Sunday nights?

A No, sir.

Q And then, about what time was that, you say?

A I judge half past eleven.

Q Did you have a clock in your house?

A I had a clock in my house.

Q Did you look at it?

A Well, I didn't just --- I know it was after eleven o'clock.

Q Tell me how you know it, Mr. Stapp?

A I looked at the time when I got up the first time, and it was past eleven o'clock.

Q You did look at your clock?

A At that time, first.

Q You stayed up until how late, now?

A It was after twelve o'clock; pretty near one o'clock.

Q Who was up with you in the house?

A Well, my wife got up afterwards, when the shooting was.

Q Did she stay up?

A She stayed up then, too.

Q Did she get up before the shooting?

A No.

Q What were you doing, now? You say it was eleven o'clock when you got up, and your wife got up after the shooting, didn't she?

MR. FARMER: Just a minute. We object to that, because he assumes something that the witness didn't state.

MR. WEBB: Q Well, how much after eleven was it you got up and looked at the clock?

A Well, I couldn't say that now no more. It must have been fifteen minutes after eleven.

Q Is that a guess?

A Ten or fifteen minutes after eleven.

Q Is that a guess?

A No, sir; the way I see it is at that time.

Q You looked at the clock?

A Yes, sir.

Q And it was fifteen minutes after eleven; is that right?

A Yes, sir; between ten and fifteen minutes after eleven. I couldn't tell the minute no more.

Q Now, is there anything by which you can remember that the hands were pointing between ten and fifteen minutes after eleven when you got up?

A Yes, sir.

Q What is it?

A The hands on the clock.

Q That is the way you remember it?

A Yes, sir.

Q Well, now, do you not remember ---

(Witness laughs)

Q You think that is funny, do you?

A No.

Q You stayed up, then, from ten or fifteen minutes after eleven until after twelve o'clock, by yourself, didn't you?

A No, sir; my wife stayed up, too.

Q You just told me she didn't get up until after the shooting, didn't you?

A She got up when the shooting was, and that was about half past eleven.

Q Didn't you tell Mr. Farmer, in your direct examination, that the shooting was after twelve?

MR. FARMER: That is the other shooting. I object.

MR. WEBB: Now, I object to you getting in here, now. I am asking him the question.

MR. FARMER: Just a minute. I object to Mr. Webb assuming in his question something that the witness has not said. He has no right to do that.

MR. WEBB: Now, Your Honor, this is the question I asked the witness, and I submit that I am fair about it: I asked him if he didn't tell Mr. Farmer, on direct examination, that the shooting occurred after twelve o'clock. Now, that doesn't bring any reason for Mr. Farmer to make any suggestion here, at all.

THE COURT: Well, I will let the witness answer the question.

THE WITNESS: A I didn't say that.

MR. WEBB: Q All right, if you didn't; when did the shooting occur, the first shooting?

A Half past eleven, or between eleven and twelve o'clock; between half past eleven and twelve o'clock.

Q Between half past and twelve o'clock.

A Between half past and twelve o'clock.

Q Now, where was that shooting?

A Down towards Tenth Street.

Q That is, it was just as much towards 8th Street as it was towards 10th, wasn't it, or 5th Street?

A Yes, sir.

Q You couldn't tell how close it was to you?

A No, sir.

Q You couldn't tell whether it was at 15th, or not, could you?

A 15th?

Q Or 14th?

A I judge it was between ---

Q You couldn't tell, could you?

A 15th or 10th Street. It was no three miles away.

Q Well, could you tell whether it was half a mile away?

A Well, I judge it was about that distance.

Q Tell us why you say 10th Street, down towards 10th Street?

A Towards 10th Street from my house.

Q Well, isn't 5th Street towards 10th, too, from your house?

A Yes, sir.

Q Why do you put it at 10th instead of 5th, 7th or 8th?

A I didn't think it was below 10th Street.

Q You didn't think it was west of 10th Street?

A That is what I say.

Q You didn't think it was east of 10th Street?

A Yes, sir.

Q Where did you think it was?

A I didn't think it was that distance when the shooting was ---

Q Where did you think the shooting was?

A --- because the shooting sounded nearer than 10th Street.

Q Then why did you say it sounded like it was down toward 10th Street?

A Well, 10th Street is west of 17th Street.

Q Here is the idea, Mr. Stapp; why didn't you say it sounded like it was down toward 15th, or 14th, or 13th, or 12th, instead of 10th?

If you have got any reason why you say 10th, why, give it to me.

A Well, I judge it was farther than 14th or 15th Street.

Q It was somewhere, then, between 14th and 10th, according to your idea?

A Yes, that is what I judge.

Q And that occurred somewhere between eleven thirty and twelve o'clock?

A And twelve o'clock.

Q And your wife hadn't gotten up until that shooting occurred?

A Yes, sir.

Q Then, between ten or fifteen minutes after eleven and up until the shooting occurred, somewhere between 11:30 and 12 o'clock, you were up in your house, by yourself; is that right?

A Until the shooting.

Q Until after the shooting occurred you were in the house by yourself-- up?

A Up.

Q Is that right?

A Yes, sir.

Q What were you doing all that time?

A I was watching men going back and forth.

Q Inside of the house?

A Yes, sir.

Q That would be in the neighborhood of thirty or forty minutes, wouldn't it, that you were watching those men? Is that right?

A Something like that.

Q And after the first shooting occurred your wife got up; is that right?

A Yes, sir.

Q Now, after that what did you see after your wife got up?

A Why, we seen two machines come up Market Avenue.

Q All right. I want to strike that, just a minute. I want to ask you another question before that. Now, then, later you heard some other shooting, didn't you?

A No, sir --- later, a few minutes afterwards, I heard shooting from towards Bond Avenue.

Q Yes, almost due north of you, wasn't it?

A Yes, sir.

Q Those are the only shootings you heard, aren't they?

A Yes, sir.

Q And you never heard any bell ring until after you heard those shootings, did you?

A The bell rang before the shooting.

Q Which shooting? Which one?

A Before all the shooting.

Q Before any shooting?

A Yes, sir.

Q The bell rang before any shooting?

A Yes, sir.

Q Now, then, where were you when the bell rang?

A In my house.

Q What were you doing?

A Sitting up, watching the men outside.

Q Sitting by the window?

A Yes, sir.

Q Well, now, then, how long had you been up there watching these men when the bell rang?

A Fifteen minutes or so, or ten or fifteen minutes; something like

that.

Q Well, then, that would put it, if you got up at ten or fifteen minutes after eleven and you sat up ten or fifteen minutes before the bell rang, that would put the ringing of the bell about eleven thirty, or eleven thirty-five; is that right?

A Something like that.

Q And during all that time, now, between ten and ten fifteen, and until ten or fifteen minutes after that, those men were still walking up and down the street, there, going back and forth, weren't they?

A Yes, sir.

Q The same way before the bell rang as they did after the bell rang?

A Yes, sir.

Q You couldn't discover any difference, could you?

A Not very much.

Q Now, then, from your house to where --- from where you were could you determine or could you tell where that bell was that rang?

A It was down towards the south end.

Q What do you mean by the "south end"?

A I mean it was southwest of my place.

Q About what street?

A Well, I couldn't guess that. I couldn't just say. I think 15th, or something like that; Coultas Avenue --- around in that neighborhood --- or Baker Avenue.

Q Bond Avenue --- 15th Street, that intersects Bond Avenue, runs south and crosses those streets you mention, don't it?

A Yes, sir.

Q And down in that neighborhood, now, some four or five blocks

southwest of you, is where you think the bell rang?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q Now, then, did you see any automobile before you heard any shooting?

A Not out on the street.

Q Well, did you see one in the garage any where?

A No, not between that time.

Q Well, did you see any in the yard? You say "not out on the street".

A Not between that time, 11 and 12 o'clock, that night.

Q The question is this: Did you see any automobile on the street ---

A No.

Q --- before you heard any shooting?

A No.

Q Now, how long after you heard the first shooting was it that you saw an automobile?

A I should judge about five or ten minutes afterwards; between five and ten minutes afterwards.

Q That would be some time before 12 o'clock, wouldn't it?

A Around 12 o'clock; about 12 o'clock; between half past and 12.

Q Well, that is thirty minutes. Can you get it closer than that?

A Well, I judge between half past and 12 --- 11:30 and 12 o'clock; ten minutes after the shooting; between five and ten minutes after the shooting is when the machines come up Market Avenue.

Q All right. Is that the first machine that you had seen since you had been up in your room?

A Yes, sir.

Q Where did you see that on Market Avenue first?

A Coming east on Market Avenue, up to 17th.

Q I asked you where you saw it on Market; how far west of your house, on Market, did you see it first? Had it reached 17th Street when you saw it?

A No, between 15th and 17th.

Q Can you see that far?

A I could; yes, sir.

Q Were you looking out of a south window of your house?

A Yes, sir.

Q And you tell us you could see an automobile as far as 15th Street, on Market Avenue, by looking out of your south window?

A Yes, sir.

Q All right. How long are those blocks?

A 500 feet.

Q How?

A 500 feet.

Q And there are two blocks and a portion of another between 15th Street and your residence, aren't there?

A Yes, sir.

Q And you saw an automobile about 15th Street, coming east on Market?

A From 15th Street east on Market.

Q While you was looking out of your south window?

A Yes, sir.

Q All right. How wide is that window?

A About two foot six; something like that.

Q You mean it is two feet wide and six feet up and down?

A Six feet up and down.

THE COURT: Wait a minute. I don't understand. He asked you for the width of it.

THE WITNESS: It is like any other ordinary window on a house.

MR. FARMER: He said two feet six.

THE COURT: He said two feet six?

THE WITNESS: That is what I said.

MR. WEBB: Q You mean two feet wide, don't you?

A Two feet, six inches.

Q Two feet and six inches wide?

A Yes, sir.

Q And how high, up and down?

A About six feet.

Q All right; two and a half feet wide and six feet high?

A Yes, sir.

Q And that machine, now, came down to 17th and Market?

A Yes, sir.

Q And stopped?

A Yes, sir.

Q How many machines were there?

A Two, all I seen.

Q Could you tell the make of the machines?

A No, sir.

Q Do you know whether they were Fords, or others?

A No, I could not tell that.

Q Did they stop in the intersection of 17th and Market?

A Yes, sir.

Q Both of them?

A Yes, sir.

Q At that time, now, there were persons going south on 17th and

east on Market, weren't there?

A Yes, sir.

Q And persons going west on Market and north on 17th?

A Yes, sir.

Q At that crossing there?

A Yes, sir.

Q And those two machines stopped there and a number of men got out of each machine?

A Yes, sir.

Q And some of them went south on 17th?

A Yes, sir.

Q And some went east on Market?

A Yes, sir.

Q And some went north on 17th?

A Yes, sir.

Q And the machines went in what direction?

A North on 17th.

Q Right around the corner where --- around toward Bond, where Dr. Bundy's garage is located?

A Yes, sir.

Q You know where that is?

A Yes, sir.

Q And there is a driveway off of 17th that leads into the garage, isn't there?

A Yes, sir.

Q And you don't know where those machines went, now, after they turned in on 17th?

A No, sir.

Q Now, that is all you saw about the machines, isn't it?

A Yes, sir.

Q Now, then, after that, now, you heard a second shooting, did you?

A Yes, sir.

Q That was after you had seen these machines?

A Yes, sir.

Q And that second shooting occurred north of you, over about Bond Avenue, some where?

A Yes, sir.

Q And it was several minutes after you had heard the first shooting, wasn't it?

A About ten or fifteen minutes afterwards.

Q Well, it was a good deal after 12 o'clock, then, wasn't it?

A I don't know just what time it was then.

Q What is your best judgment?

A Twelve or after twelve.

Q Twelve or after twelve?

A Yes, sir.

Q That, from your judgment, now, was not up about 10th street, was it, that shooting?

A No, sir.

Q It couldn't have been any farther west than you, could it?

A No, sir; hardly.

Q Would be about directly north of you?

A Yes, sir.

Q That is your best judgment about that?

A Yes, sir.

Q And there were a number of those shots?

A Yes, sir.

Q Did you see any more, now after that?

A No, sir.

Q Now, isn't it a fact that after you heard that second shooting that you saw people coming south on 17th yet?

A Oh, there was people going south on 17th.

Q Just as there had been since 9 o'clock.

A Yes, sir.

Q And people going east on Market?

A Yes, sir.

Q And west on Market?

A Yes, sir.

Q You didn't observe any change in the people going along those streets after that shooting, did you?

A No, sir.

Q Nor before that shooting?

A The same way.

Q Yes, the same way all the time. Mr. Stapp, isn't it a fact that you are unfriendly to the colored people in that neighborhood ---

A No, sir.

Q --- because they were living about you there?

A No, sir.

Q That is not true, is it?

A That is true.

Q I say, it is not true that you are unfriendly?

A I was not unfriendly to the colored people. As long as they were my neighbors they treated me fair.

Q But you moved away from there, didn't you?

A Yes, sir.

Q When did you move?

A Last September.

Q Were you out that night before 9 o'clock?

A No, sir.

Q Were you home for supper?

A Yes, sir.

Q And stayed in all that night?

A Yes, sir.

Q You never saw any disturbance or heard any trouble, whatever, until you heard this shooting about 11:30 or shortly after that?

A No, sir.

Q Mr. Stapp, I understand your house is four houses from the corner of 17th?

A Yes, sir.

Q Yes, east of 17th?

A East of 17th.

Q And you can't see Bundy's house from your house, can you? That is, from the front part of your house.

A No, you can't see it.

Q And you were not in the back part of your house?

A No, sir.

Q There was nothing occurred over on Bundy's corner that night that attracted your attention to the back part of your house?

A Not that I noticed anything; never heard any noises or anything.

Q That attracted your attention over there?

A No, sir.

Q His house is northwest from you, isn't it?

A Yes, sir.

Q Over on the corner of Bond Avenue and 17th?

A Bond Avenue and 17th.

Q You didn't see Dr. Bundy that night, did you?

A No, sir.

MR. WEBB: That is all.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q Were there any lights along those streets there?

A Yes, sir.

Q Where?

A There is a light right across the street from my place, within fifty feet, on Market Avenue.

Q Corner of Market and what?

A In the center of the block.

Q Market and 17th?

A Between 17th and 18th.

Q Any other lights along in that neighborhood?

A There is one at 18th and Market; there is one on 17th and Bond.

Q Were they burning that night?

A Yes, sir.

Q Now, I will ask you whether there was anything unusual in the number of people that you saw there that time of the night, and the things they were doing.

MR. WEBB: Now, I object to that, Your Honor. He has described the entire situation there, and I asked him if there was anything unusual, and he answered it. That is not fair, for The People --- Here is the idea: It is not fair for Mr. Farmer, who represents The People here, to put a witness on the stand, then go through all of his testimony and then develop everything, and then if I don't bring out anything new, it is not fair for him to re-examine him and thus have

the last statement with his witness.

THE COURT: Well, that is a matter that rests with the Court.

MR. WEBB: I know it is.

THE COURT: I will allow him to answer the question.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. FARMER: Q You may answer the question, Mr. Stapp.

THE WITNESS: What was the question?

Q Whether there was anything unusual in that crowd or their conduct
there that night at 11 o'clock and after, different from the ordinary
crowds that you saw on the street?

MR. WEBB: Just a minute, now; I object to that question. If he is
going to relate their conduct, I submit that he described their
conduct.

THE COURT: Yes, I will sustain the objection in that respect.

MR. FARMER: What I was getting at, Your Honor: Mr. Webb tried to
show that there were always crowds there going back and forth.

THE COURT: You may interrogate him about whether there was any
difference that night from other nights. I will allow you to go into
that.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

THE WITNESS: A Yes, they were a little more excited that night.

MR. WEBB: I object to that, if the Court please. That is a
conclusion. He ought to say what those people were doing.

THE COURT: Yes, I will sustain the objection.

MR. WEBB: And I ask that the Court --- so the record can be right ---
that the jury be instructed to disregard the remark.

THE COURT: The jury will disregard that answer.

MR. FARMER: Q Were the crowds that you ordinarily saw there passing back and forth carrying anything like you saw on this night?

MR. WEBB: I object to that, if the Court please.

THE COURT: Overruled.

MR. WEBB: It would be immaterial if they were.

THE COURT: Overruled. He may answer.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: A They carried guns, some of them.

MR. FARMER: Q On this night?

A On that night.

Q Did you ever see them do that before?

A No.

Q Now, was there anything unusual in so many people going back and forth with guns at that time of night, different from other times?

MR. WEBB: Well, now, I object to that. He said they never carried guns before; and that other would follow, Your Honor.

THE COURT: Overruled. He may answer.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: I don't understand that question.

MR. FARMER: Will you read the question?

(Question read.)

A Why, other times they was always peaceable, walking back and forth there.

MR. WEBB: I object to that remark, and ask to have it excluded.

THE COURT: Yes, and sustained.

MR. FARMER: Q This was after 11 o'clock, wasn't it?

THE WITNESS: A Yes, sir.

Q Now, ordinarily did you see such crowds out there that late at night?

A No, sir.

Q What about the loud talking on this night, as compared with other nights that you had seen people go back and forth?

A Well, they was kind of excited.

Q Well, how did they do?

A Well, walked fast and talked loud and unusual.

Q State whether or not that is what attracted your attention.

MR. WEBB: Now, I object to that.

THE WITNESS: A Yes, sir.

MR. WEBB: He stated a while ago that he heard people talking loud.

MR. FARMER: I believe that is all I wanted to ask the witness.

MR. WEBB: And I submit it is not fair. I submit it is not fair.

MR. FARMER: It is fair to get at the truth, Mr. Webb.

MR. WEBB: Yes.

THE COURT: Well, I will overrule the objection at this time.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. FARMER: That is all, Mr. Stapp.

THE COURT: Do you want to examine him further?

MR. WEBB: No, sir.

THE COURT: That is all. Step aside.

(Mr. Webb speaks to the Court privately.)

MR. FARMER: I submit, Your Honor, if Mr. Webb has any objections to make, he ought to make them so the other side can hear them.

MR. WEBB: If I want to make any objections, I will get them in the record. I am not talking about anything that interests this case.

at all. When I get ready to, I will talk in your presence.

MR. FARMER: All right.

BARBARA STAPP,

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Barbara Stapp.

Q Where do you live, Mrs. Stapp?

A Where I lived then, or where I live now?

Q Where you lived on July 1st, 1917.

A 1713 Market Avenue.

Q Are you the wife of John Stapp?

A Yes, sir.

Q Were you home that night of July 1st, 1917?

A Yes, sir.

Q That was a Sunday night, was it not?

A Yes, sir.

Q You may tell the jury what, if anything, attracted your attention that night, and what you did and what you saw and heard. Just tell the jury about it.

A Well, it was about 9 o'clock when we went to bed, and then a little after that something woke me up, you know, we heard a noise, and looked, and there was a whole lot of people running by, and they all had guns, you know.

Q What kinds of guns?

A Well, I don't know, you know, about that.

Q Well, were they revolvers or shot guns or rifles?

A Shot guns, I think. I don't know.

Q Were they big guns or little ones?

A Well, not little, and not big, you know, shot guns; I don't know much about guns.

Q Did they have a long barrel or short barrel?

A Well, I know they held them like this (Indicating). I don't know.

Q Well, tell what they were doing?

A They were running.

Q What direction?

A Every direction.

Q And how many people were there?

A Oh, there was a good deal, when I saw, you know.

Q About how many?

A Well, I couldn't tell you how many, you know.

Q Well, ten or fifty?

A You know when you are just waking up, and you heard something ---

Q Ten or fifty, or how many?

A Well, a good deal. I don't think it was 100; I don't know; but a good deal.

Q Could you tell what direction they were going?

A Well, some was going down towards 18th, and some was going the other way.

Q Do you know where Dr. Bundy lives?

A Yes, sir.

Q Could you tell whether they were going to or from that direction?

A Well, some was going toward that direction.

Q Could you tell about what time that was in the night?

A It was after nine, you know. I didn't look at the time.

I don't know.

Q You don't know. When you got up where was your husband?

A Why, I woke him up, too. He got up, too, and come to me, to the window, and looked out, you know.

Q And how long did you stay there?

A Well, quite a while.

Q What happened that you heard or saw while you were there?

A Well, they were hollering and running, you know, every which way.

Q What kind of men were those you are describing, white men or colored men?

A They were colored men.

Q Well, did you hear anything after that?

A Well, after that, you know, then we heard some shooting.

Q Where was that shooting?

A I don't know all them streets, but it was in the south end, you know.

Q About how far away?

A It must have been about six blocks, I guess.

Q Could you tell how much shooting?

A Well, it sounded a good deal.

Q How many shots, could you tell?

A No, I can't tell, but it was a good deal.

Q Well, your best judgment; how many?

A Well, it sounded awful; about a hundred it sounded. How much I don't know; a good many.

Q Before you heard those shots did you hear anything else? Did you hear any bell at any time?

A I heard a church ---

MR. WEBB: I object to that, Your Honor.

THE COURT: Yes.

MR. WEBB: Just a minute.

MR. FARMER: Q When did you hear the church bell?

THE COURT: Just a minute.

THE WITNESS: A I heard that before that shooting.

THE COURT: Wait a minute, lady. I will sustain the objection as to that, as to leading the witness, Mr. Farmer.

MR. FARMER: Yes; I didn't mean to lead her.

MR. WEBB: Now, if the Court please, Mr. Farmer says he didn't mean that. I made that same objection to the other witness, and Your Honor sustained it, and he comes right back and asks the same question in the same way to this witness; and he says he don't mean it.

THE COURT: Well, the Court will pass on these objections as they come up. Proceed.

MR. FARMER: Q What did you hear before the shooting, if anything?

THE WITNESS: A The church bell and noise.

Q Could you tell where that was?

A In the south end.

Q Could you tell about what time of night that was?

A Well, no. I know it was after ten. I know that, because at nine we got up, and it took a little while until that happened.

Q How long did that bell ring? How long was it that that bell rang before the shooting you heard that you have just described?

A Well, not so very long. I can't just tell, you know, how long.

Q Well, after that bell rang, what did you hear and see then?

A Then I saw all kind of machines going every which way; automobiles full of people.

Q What kind of people?

A Colored people.

Q Could you tell where they were going to?

A Well, they went every which way.

Q Could you tell where they came from?

A They come some from 17th Street, over there, because I looked out my side window there; that is how I know.

Q What direction would that be, with reference to Dr. Bundy's?

A Well, that was that direction, you know, where my window faced; don't you see?

Q I see. Could you tell where those machines were coming from, with reference to Dr. Bundy's place?

A Well, there was a garage there.

Q Well, state whether or not --- Where were they coming from with reference to that, could you tell?

A I guess they come from there, the way it looked to me.

MR. WEBB: I object to that.

THE COURT: Yes, and sustained.

MR. FARMER: Q How many would you say?

THE COURT: Objection sustained as to what she guesses.

MR. FARMER: Q Don't guess at it, Mrs. Stapp.

THE WITNESS: A No, I don't guess at it. I saw it.

Q All right. How many would you say came from there?

A Well, I didn't count them. There was a good deal.

Q Who were in those machines, if you could tell?

A I can't tell who it was.

Q Could you tell how many?

A Well, they were all full; all loaded.

Q Could you tell whether they had anything with them?

A No; they went so fast.

Q And what direction did they go?

A To the south end.

Q With reference to Bond Avenue, did they go toward Bond Avenue or away from Bond Avenue?

A They went down Bond Avenue, and some went down Market Avenue.

Q With reference to Tenth Street, did they go toward Tenth Street---

A Yes, sir.

Q --- or away from it? Toward Tenth Street?

A Yes, sir.

Q How many would you say went down Bond Avenue?

A Well, I couldn't see that, you know, but you know they ---

Q How many went down Market Avenue?

A A good deal.

Q Couldn't tell how many?

A No, sir, I can't tell how many; but I saw a good many.

Q Now, when did you see those machines go, with reference to this shooting you have mentioned, before or after?

A I didn't look at the time.

Q I know, but did the machines go down there before the shooting or after the shooting?

A Before; when the church bell rang.

Q How long before the shooting?

A Not very long.

Q Well, five minutes, or ten minutes, or twenty.

A Well, it was more than five.

Q What would you say? Ten minutes?

A Ten or fifteen, I guess.

Q After the shooting what did you see, if anything?

A After the shooting, why then they all ran towards our house.
They ran for safety, I guess.

MR. WEBB: I object to that.

MR. FARMER: Don't guess at it.

THE COURT: Yes, sustained.

MR. FARMER: Q Just tell where they went.

THE WITNESS: A They ran by our house.

Q What were they carrying, if anything?

A Guns.

Q Can you tell how many people you saw?

A Well, then I saw a whole lot of them. The streets was full.

Q How many?

A I don't know.

Q One hundred or them?

MR. WEBB: I object to the suggestion.

THE COURT: Yes, sustained.

MR. FARMER: Q Well, how many?

THE WITNESS: A I don't know. About fifty, I know, if it wasn't
100. I know it was a good deal.

Q Did you see the automobiles any more after the shooting?

A No, we heard some, but I don't know that, I couldn't say ---
Oh, I saw them running.

Q Did you hear any more shooting after that?

A Well, not very much, not that night.

Q Well, we are talking about this night only. Did you or did you
not hear some more shooting after those shots you mentioned?

A Well, a few shots.

Q Where was that?

A That was a good ways from us, but I can't tell you where it was.
Out that way. (Indicating)

Q Well, what way?

A Down towards the south end.

Q Was it towards Tenth Street?

A Yes.

Q Could you tell where it was with reference to Bond Avenue?

A Well, I don't know. I don't know how you mean.

Q Well, could you tell whether it was on Bond Avenue or Market Street or Trendly?

A It was down that way, but I couldn't tell you what street. It was down that way.

Q How long was that second shooting after the first?

A Not very long.

Q How many minutes, would you say?

A Oh, I guess it was about a half an hour.

Q After that second shooting, then what did you see further, if anything?

A Well, then we still saw them running, you know, until about two o'clock, and then I thought it quieted up a little, and then we sat down; we wasn't afraid so much any more.

Q How many automobiles did you see leave Bundy's place, there, about?

A Oh, I don't know; it was a good many.

Q And were they loaded with people at that time, or not?

A Yes, sir.

Q And could you tell whether the people in those machines had guns?

A I couldn't tell you that; no, sir; they went so fast.

Q Could you see whether they were men or women?

A They were men, as much as I could see.

Q Now, with reference to the time you saw those machines leave

Bundy's ---

MR. WEBB: Now, Your Honor, just a minute.

MR. FARMER: Q Was that before ---

MR. WEBB: Just a minute. Your Honor, she has never said she saw any machine leave Bundy's place.

MR. FARMER: I understood her to say that.

MR. WEBB: You said it for her.

MR. FARMER: No, I beg your pardon, Mr. Webb; she said those machines came from Bundy's.

THE COURT: I understood her to say that. Did you say that?

THE WITNESS: Yes, I did.

THE COURT: Overruled, then.

(To which ruling of the Court the Defendant by his counsel then and there excepted.)

MR. FARMER: Q When was the time the church bell rang, now, with reference to the time those machines left Bundy's?

THE WITNESS: A How long, you mean, between?

Q Yes.

A Not very long.

Q Well, was it before that or after that?

A It was after the church bell rang; and then the machines left.

Q The machines left after the church bell rang?

A Yes, sir.

Q Now, about how long after?

A Not very long.

Q Well, would you say a minute, or ten minutes?

A Oh, it was more than a minute.

Q Well, just to get a idea.

A Right away.

Q What was there that night, Mrs. Stapp, that caused you to get up and look as long as you did?

MR. WEBB: She has said what ---

THE WITNESS: A We was afraid. We heard a noise and we was afraid, and we got up and looked.

MR. FARMER: Q Were those things usual, or not, there?

A No, just that night.

Q Your house stands on which side of the street? Are you on Market Street?

A On Market Avenue.

Q On which side of Market Street is your house?

THE COURT: What direction?

MR. FARMER: Q What direction --- On the north side or the south side?

THE WITNESS: A I don't know.

Q Or do you know the directions?

A I get mixed up there.

THE COURT: Well, if you don't know the directions, you tell the attorney that you don't know the directions.

MR. FARMER: Q Well, where is Dr. Bundy's place from your place?

THE WITNESS: A Well, he was on Bond, and we was on Market.

Q Now, is that across on the other street?

A Yes, across; I could just see the house from my window and my back door.

Q Which window?

A My bed room window and my back door.

Q Were you at your back window a part of the time?

A Yes, sir, on that side window, there; when I heard the noise I went there first.

Q How long did you stay there?

A Well, until I heard all the noise in front again, and then I went in front again, and then in the back again, and just kept a going.

Q Where was your husband?

A He was always with me.

Q Was that a paved street?

A Yes, sir.

Q Which street is paved?

A Market and Bond.

Q Market and Bond, both?

A Yes, sir.

Q How about 17th Street?

A That is not paved.

Q Not paved?

A No, sir.

Q How large a house is yours?

A A story and a half.

Q And how many rooms below?

A Three, and a hall.

Q What room did you look out of in the front?

A The front room.

Q Front room?

A Yes, sir.

Q Now, in the back what room?

A That was the kitchen door and the bed room window on the side.

Q How are those rooms connected?

A Well, the front room, and then the bed room, and then the kitchen and the hall.

Q The front room is next to the kitchen, is it?

A No, sir, to the bed room.

Q And then the kitchen, where?

A Then the kitchen, in the back.

Q Is the bed room between the front room and the kitchen?

A The kitchen is right by the hall, you know; you come in from the hall into the kitchen, and from the kitchen into the bed room, and then the front room.

Q And were you and your husband there?

A Yes, sir.

Q How long had you lived in that neighborhood?

A Fourteen years.

Q Is there more than one colored church in that locality?

A I never got down there very much. I don't know.

Q Do you know whether there is one at 16th and Tudor?

A Yes, there is one down there.

Q Could you tell from the ringing of that bell which church it was.

A I know that bell, because I heard it so often.

Q Well, what one was that? Could you tell where that church was located, the bell --- that you heard the bell of?

A Well, you see, I didn't know what street it was on, but I knew it was down there, that church.

Q Down there where?

A I never got down there on the south end.

Q What do you mean by "the south end"?

A Well, about Tudor and them streets down there.

Q Is that a colored church?

A Yes, sir.

Q Colored people live in that locality?

A Yes, sir.

Q Mostly?

A They live down there.

Q Are you living there now?

A No, sir; we moved in September.

Q Last September?

A Yes, sir.

Q What other white families live in that locality?

A Then, at that time?

Q Yes, at that time.

A Mr. Gaa, and Wodleys, and Daltons, and Miss Young.

Q Mr. Krudrick live there?

A Mr. Krudrik, and Young.

Q Did they live on Market Street?

A Mr. Krudrick lived on Market Street, and Mr. Dalton lived on Market, and Mr. Gaa lived on Market.

THE COURT: We will take a recess at this time.

MR. WEBB: I would like to ask Mr. Stapp another question, on cross-examination, before you adjourn.

MR. FARMER: We will re-call him this afternoon.

MR. WEBB: Well, I want to ask him now.

MR. FARMER: Well, I don't want to break in ---

THE COURT: I don't think we ought to re-call him before we get through with this witness. We will take a recess at this time.

(Whereupon the Court took a recess until 1:10 P. M., same day.)

1:10 P. M.

MR. FARMER: You may cross-examine.

CROSS-EXAMINATION
by Mr. Webb

Q Mrs. Stapp, how old are you?

A How old?

Q Yes, ma'am.

A Forty.

Q You lived on Market Avenue at the time of this occurrence?

A Yes, sir.

Q How much family did you have at that time?

A Four.

Q Your husband and four children?

A No, my husband, my brother-in-law and myself, and my little girl.

Q What is your brother-in-law's name?

A His name is William Butterwick.

Q Was he at home that night?

A Yes, sir.

Q You heard some shooting in the south part of town, did you say,
that night?

A Yes, sir.

Q And you heard a bell ringing in the south part of town?

A Yes, sir.

Q Did the ringing of the bell and the shooting appear to come from
about the same place?

A It was down the south end; both of it.

Q The bell you heard was the bell that you were acquainted with?

That is, you had heard it sound before?

SO

A I have heard it every Sunday; yes, sir.

Q And you know that was in the south part of town?

A Yes, sir.

Q And you know that the shooting came from that direction?

A Yes, sir.

Q You went to bed about nine o'clock?

A Yes, sir.

Q What kind of a night was this, a warm, pleasant evening?

A Yes.

Q Is there a front porch to your residence?

A Yes, sir.

Q Before going to bed you sat on the porch a while, didn't you?

A Well, a little bit; yes, sir.

Q And did you see a number of people passing up and down there before you went to bed?

A Oh, I never paid no attention. There is always somebody going by.

Q How?

A There is always somebody going by.

Q That is east and west, on Market Street, there?

A Yes.

Q And from the porch you could see the crossing of 17th Street over Market, too?

A Yes, sir.

Q And did you see people crossing and re-crossing those points that night?

A That evening; yes, sir.

Q While you were sitting on the porch?

A Why, sure.

Q Quite a number of them?

A Oh, like usual; not so many then.

Q You say "like usual".

A Not then, you know.

Q Did you see any people passing on 17th, going in the direction of the church down there?

A Yes, sir.

Q Did you see them coming back?

A Coming back I didn't see them.

Q They had come back after you went to bed, I suppose.

A I guess so.

Q Had you been asleep, Mrs. Stapp, before you were awakened by this loud talking?

A Yes, sir.

Q You had been asleep?

A Yes, sir.

Q Did you sleep downstairs?

A Yes, sir.

Q In the room just behind the sitting room?

A Yes, sir.

Q And the kitchen is just behind ---

A On the side of it.

Q The bed room?

A Yes, sir.

Q Is the kitchen on the end of the house?

A Yes.

Q Next to 17th Street?

A No, the kitchen faces Bond Avenue.

Q Yes, the kitchen faces Bond Avenue; and does the kitchen run

out as far west as the sitting room does?

A No, it is on this side of the kitchen.

Q What do you mean by "this side"?

A The back of the hall and the bed room was in back of the sitting room.

Q Now, is there a porch on the kitchen?

A Yes, sir.

Q Does that porch extend the same direction as 17th Street does, or does it extend the direction that Bond Avenue does?

A Well ---

Q Extends the same direction as 17th?

A Bond Avenue.

Q Which, now?

A Why, you look over on Bond Avenue.

Q I know, but does the kitchen extend in the same direction as Bond Avenue runs?

A Sure, it runs that way, and this way runs Bond Avenue.

Q Well, you know what I mean. Bond Avenue runs from Alta Vista up towards Town.

A Yes.

Q Does your kitchen extend the same direction Bond Avenue does, or does it extend like 17th Street, toward Bond Avenue? Which way?

A It is like all porches; a porch to the kitchen.

Q But it is longer than it is wide, isn't it?

A Not a very big porch; a little porch.

Q Well, about as big as that platform? (Indicating)

A Yes, sir, about as big as this. Maybe not that big.

Q Now, there is a door leading off the porch to the bedroom?

A No, the porch is outside of the house.

Q Well, yes; isn't there a door you can open and go out of the bed room onto the porch?

A No, sir.

Q Then you open the door from the kitchen to go out on the porch?

A Sure.

Q Then leaving the kitchen you go into the bed room?

A Yes, sir.

Q Then from the bed room into the sitting room?

A Yes, sir.

Q Now, in the sitting room the door is on the east of the hall, isn't it?

A It is on the side; yes, sir; on the east.

Q Then there is a south window, there is a window in the wall on the right hand side of the hall?

A That is not in the hall.

Q That you can look out on Market Street?

A There is no window in the hall.

Q I didn't say that; I said on the right of the hall, west of the hall.

A There are two windows in the sitting room.

Q All right; one in the south part of the sitting room?

A And one in the front.

Q Well, the front is towards Market, isn't it?

A Yes, sir.

Q How, there is a window in that side of the room, isn't there?

A Yes, sir.

Q And then there is a window in the side that faces 17th street?

A Yes, sir.

Q And one of them looks south and the other looks west?

A Yes, sir.

Q Now, those are the only windows in that room, aren't they?

A There is two windows in the front room.

Q Well, you have told me where they are.

A Yes, sir.

Q Now, did you sleep in the bed room, were you sleeping in the bed room with your husband that night?

A Yes, sir.

Q And you heard some noise and you got up?

A Yes.

Q And went into the front room?

A Yes, sir, and locked.

Q And you saw some people on the street?

A Yes.

Q And you went back and awakened him?

A I hollered to him. I said "Papa, there is something the matter."

Q Where were you when you hollered?

A I don't know; was in the bed room or front room. I don't know that. I was there, anyway.

Q But you got up first, didn't you?

A I was there, I know.

Q I say, you got up first, didn't you, and went into the front room, and then you hollered to him "There is something the matter"; is that right?

A Well, I don't know that. I know that I called him, and I

don't ---

Q Well, when you called him you were in the front room, weren't you?

A Well, I walked back and forth. When you see something you get excited, and you look.

Q I know; that perhaps is true; but you called him, didn't you?

A Sure, I called him.

Q He was not in the same room you were when you called him, with you?

A He was my protector.

Q He was not in the same room you were when you called him, was he?

A Not just then.

Q He was in the bed room?

A Yes, sir.

Q And he hadn't been out in the front room, had he, at that time?

A He come, though.

Q Yes.

A He come in there.

Q Yes; but he hadn't been out there before that after you had gone to bed?

A No.

Q Then you called him out of the bed room into the front room, didn't you?

A Sure.

Q And that was after you had seen people on the street, that called your attention to it?

A Just a little bit; about a minute or so.

Q All right; a little bit. It was afterward, though, wasn't it?

A Sure.

Q Yes. All right. Now, when you first looked out the window, which one of the windows did you look out of?

A The first thing when I got up I looked out of my bed room window. I didn't run in there first.

Q You have a bed room window. Does that window face 17th Street?

A Yes, sir.

Q You looked out of that?

A Yes, sir.

Q You didn't see anything then, did you?

A I did; I saw it from the window.

Q Well, I mean at that time did you see anything out of that window that looks out on 17th Street?

A Oh, I saw something going, sure.

Q What was it you saw going?

A I saw men and machines all the time there.

Q You saw a great many people going along there at that time, did you?

A Yes.

Q And a great many machines passing at that time?

A That time wasn't so many as afterwards.

Q Well, you saw a great many, didn't you?

A I saw some.

Q Well, how many would you say you saw at that time?

A Well, I don't know.

Q Well, half a dozen or more?

A Might have been.

Q Then you went into the front room, didn't you?

A Yes, and I looked out the front.

Q Which window, now?

A The front.

Q Now, you saw people at that time, didn't you?

A Yes.

Q Passing in both directions?

A I didn't see many then.

Q You didn't see many then?

A Not so many then.

Q Well, did you see any?

A That was early yet.

Q Did you see any?

A Yes, sir.

Q Well, how many did you see, about?

A Well, I don't know; a good many.

Q Would that mean ten or fifteen or twenty.

A More than fifteen I think.

Q Would it be more than twenty-five, at that time?

A Well, I don't know; it was a good many.

Q And you saw machines passing then, too, didn't you?

A Yes.

Q At that time. Then did you look out the west window or out the sitting room window that looked out on 17th Street?

A I looked out all windows.

Q Well, if you did you looked out the window looking to 17th Street?

A Yes.

Q Did you see automobiles then, passing?
A I didn't see so many then.
Q Well, did you see any?
A A few there, always, there.
Q Always?
A Always there.
Q Any night?
A That there night. Always there any night.
Q Well, then you saw them when you looked out there?
A Sure.
Q And you saw people passing on that side of the house, didn't you, at that time, when you first went in there.
A Not my house.
Q Well, passing on that street.
A Sure.
Q Then you called your husband and said "There is something wrong"; is that right?
A Sure I called him, when I heard the noise.
Q All right. Then he came into the sitting room, didn't he?
A Yes.
Q And did he leave the sitting room any more, now, until you went back to bed?
A Looked out the other window, to the side window.
Q Will you answer my question? Did he leave the sitting room any more until he went back to go to bed?
A Why, sure.
Q How often did he leave it?
A Well, I don't know that.
Q Well, how many times?

A I couldn't tell you that.

Q Where did he go?

A Went in the bed room and looked out the side window.

Q Well, that side window looks the same direction as the window in the sitting room, don't it?

A Sure. When anybody looks out you can see something, when you hear something.

Q Yes, I know they do. There is just a wall between those two windows, isn't there?

A A wall?

Q Yes, a wall between the sitting room and the kitchen.

A The door goes in there.

Q Well, it is a wall in which the door goes, isn't it?

A Sure.

Q And how far apart are those two windows?

A I don't know.

Q Well, about how far, Mrs. Stapp?

A I don't know.

Q Well, can't you give us your best judgment about it?

A Oh, I ain't no builder.

Q No, I don't suppose you are. Will you try to estimate it? The two windows, now, the one in the bed room and the one in the sitting room looking, both, now, towards 17th Street, how far apart are those two windows? If the wall was removed, how far apart would they be?

A Oh, about six or eight feet, I guess.

Q Now, you could see just as much from one window as you could from the other, couldn't you?

A No, sir.

Q Why?

A Because from one you look a little to the corner, and over this way you can look over ---

Q The one in the bed room you can look to the corner?

A Farther over towards Bond Avenue.

Q And the one in the sitting room you can look towards the other corner?

A Yes, sir.

Q Now, if you are looking out the window of the bed room you can see the corner, 17th Street, can you, from your house?

A You can see one place, but you can see it pretty good.

Q You can't see, at all, for those houses, can you?

A Sure.

Q You are sure of that?

A Sure, I can see over there what is going on.

Q There are four houses between your house and the corner, aren't there?

A Three houses.

Q Your makes four?

A Yes, sir.

Q How close does the first house sit to yours?

A Thirty feet between, or more.

Q And you would have to go, now, into the sitting room and look out of that window to see the corner, wouldn't you, on 17th and Market?

A Yes.

Q And in order to see the corner of Bond and 17th you would have to step inside and step up to the other window?

A Yes.

Q That is about six or eight feet away?

A Six or eight feet.

Q You did that that night, did you?

A Yes, sir.

Q You and your husband?

A Yes, sir.

Q Several times?

A Why, sure.

Q You didn't hear your husband testify here, did you, a while ago? You were not in the court room, were you?

A No, sir.

Q How?

A No, sir; I was not here.

Q Now, then, Mrs. Stapp, is it true, or not, that you didn't get out of your bed until after the shooting occurred?

A Well, I got up before that shooting occurred.

Q And after you got up the first time you didn't get back into bed any more until it was all over, about two o'clock, did you?

A Yes, or more.

Q Or after that?

A Yes, sir.

Q What I want to get, Mrs. Stapp, is this: Now, you got up some time after you had first gone to bed, and you stayed up then all the time --- you didn't go back to bed --- until some time after two o'clock?

A I laid down a little bit with my little girl. She was scared.

Q Well, how long did you lay down?

A Well, I can't tell you how long. I know I laid down a little bit.

Q How old is your little girl?

A She is thirteen. At that time she was not that old.

Q About how long did you lay down with her?

A Well, to get her to sleep.

Q Did you go to sleep?

A When I didn't go to sleep --- really go to sleep.

Q Did you go to sleep while you were lying down with her?

A I wasn't sound asleep.

Q Were you dozing?

A Well, not very long, though.

Q Well, were you at some time dozing?

A Not very long, till I had her to sleep.

Q Then you were awake all the time?

A Yes, I was awake.

Q Now, Mrs. Stapp ---

A Then my husband called me again, you know.

Q After you and your husband had looked out the front window and the two side windows, after that the crowd got to thickening, didn't it, getting more and more on the streets?

A Not that soon.

Q Well, I said after that, some time after that it got thicker, didn't it?

A Oh, some time; but not so soon.

Q And there were many automobiles passing later on, weren't there, before the shooting, passing in all directions?

A Wasn't so bad before the shooting.

Q Well, didn't you say to Mr. Farmer a while ago that there were many automobiles?

A Sure; but it wasn't as bad, don't you know, as after that.

Q As after the shooting; but before the shooting, now, there were many automobiles?

A Yes, sir.

Q Filled with colored people, passing those streets?

A Yes, sir.

Q And you saw them?

A Yes, sir.

Q And there were many people passing in both directions before the shooting?

A Yes, sir.

Q And you saw them?

A Yes, sir.

Q And that is when your husband was in the same room with you?

A Well, we were mostly all the time all around there together.

Q Now, then, after the shooting the number of automobiles increased, didn't they? That is, there was a greater number of automobiles passing your house to 17th Street, there, after the shooting than there was before?

A No, it was before, it was worse, and then they were running afterwards; more was running.

Q Do you tell me you saw more automobiles before the shooting than you did after?

A When that church bell rang I saw a whole lot; and then is when I saw the most.

Q That was before the shooting?

A Yes, sir.

Q Before the shooting, now, and after the bell rang, you saw more automobiles pass than at any other time; is that right?

A Yes, sir.

Q And there were quite a number of them, weren't there?

A Yes.

Q And all filled with men?

A Yes, sir.

Q A number of men in each one?

A Yes, they were all filled up.

Q And in the automobiles did you see whether any of them had any guns?

A I couldn't tell you that.

Q Now, then, after the shooting, now ---

A Yes, sir.

Q --- that is, the first shooting, did you see other automobiles pass and repass your place and on 17th Street?

A Sure; they went home, or something --- I don't know.

Q Well, were they running faster at that time or were they running faster before the shooting?

A Oh, I don't know; it was more men running than machines then, after it was over with.

Q You saw men running?

A Yes, sir; by my house.

Q Now, the machines that you saw after the shooting, were they driving as fast as those you saw before the shooting?

A About the same.

Q And the men that you saw passing, walking and running ---

A Yes, sir.

Q --- after the shooting, were they moving faster than they did before the shooting?

A They were running.

Q Well, was it faster than before the shooting?

A Yes, sir.

Q Now, Mrs. Stapp, is it a long block or short block from Market over to Bond?

A Well, it is not very far.

Q What houses are there on the east side of 17th Street between Market and Bond?

A Between ---

Q Commencing at your corner, now, on 17th Street between Market and Bond.

A There is only one house there.

Q Now, whose is it?

A I don't know. It was Dr. Bundy's, I think.

Q Well, I said between Market and Bond.

A Market and Bond?

Q Market and Bond.

A On 17th?

Q Yes.

A Well, there was one house standing there by the alley.

Q Yes.

A And there is some sheds across the street.

Q On the west side of the street?

A Yes, sir; across the street, on 17th.

Q Now, what kind of shed is that on the alley?

A Board shed.

Q How high?

A Not so very high. It is just a shed.

Q Well, is that shed behind Dr. Bundy's house?

A Not that shed, on the other side.

Q Whose house is that behind?

A Well, I don't know. It is a big house standing at the corner.

Q Now, there is an alley, is there not, running between your house and the other houses on Market Street, and the houses that front Bond?

A There is an alley in back of our house.

Q Which runs parallel with Market and Bond, is that right, an alley between the houses?

A Yes, sure, there is an alley.

Q Well, now, that alley runs out into 17th Street, doesn't it?

A Yes, sir.

Q Well, now, on your side of the alley aren't there sheds behind these three houses?

A Yes, little sheds.

Q What kind are they?

A Just a common coal shed.

Q How high are they?

A I don't know; just a little shed.

Q Well, you couldn't see a man on the street, behind those sheds, could you, from your house?

A Oh, I couldn't see him when he stands behind the shed; but they are not very big sheds.

Q Well, all right. If he is standing on the street or on the sidewalk, you couldn't see him over the sheds, from your house?

A I could see him on 17th, but not in the alley, maybe.

Q When he is standing out in 17th?

A Well, then you can see a whole lot.

Q On the other side there are sheds, aren't there?

A Sure.

Q Isn't there one tall building there on the alley?

A Not so very.

Q Can you see Dr. Bundy's back porch from your place?

A Sure.

Q Can you see beyond his house into the street, either Bond or 17th?

A I could see 17th.

Q What part of 17th, up in the air, or down on the walk?

A I can see the houses, but I can't see just the street; but I can look over.

Q You can look over the tops of the houses and see down in the street?

A Over the sheds.

Q Over the sheds?

A Sure.

Q Now, then, Mrs. Stapp, you saw machines leaving Dr. Bundy's garage that night?

A Yes, sir.

Q Now, where did they leave? What part of the garage did they leave from?

A I didn't see them come out of the garage, but I saw them coming that way.

Q Now, which direction?

A Up 17th, towards 17th and Market.

Q Well, on 17th, over towards Market?

A Yes, sir.

Q Did you see them start from the doctor's garage?

A Well, they were stopping there.

Q Did you see one stop there?

A Well, they stop there all the time.

Q I know, Mrs. Stapp. Listen to me. Did you see one stop there that night?

A Well, I wasn't over there.

Q No; did you see ---

A Oh, I can see machines there any time.

Q Yes, if you are over there you can see them; but did you see one stop there that night? Just answer that question.

A I don't know.

Q No. Did you see one start away?

A I heard them starting away.

Q All right; did you see one start away?

A How could ---

Q Just answer that question, will you?

A No, I didn't see it; but I saw them coming up.

Q Yes, you saw them on 17th Street, coming.

MR. FARMER: Now, wait a minute. I object to that. He doesn't give the witness a chance.

THE COURT: Yes, let her finish her answer.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q All right. What was you going to say?

A You know I can't say those words, but I saw them come there on my street towards 17th.

Q Yes; you saw them on 17th turn out into Market, didn't you?

A Yes.

Q And they were on 17th?

A Yes.

Q They were then three quarters of a block away from Dr. Bundy's?

A They were stopping there.

Q I say they were then three quarters of a block away from Dr. Bundy's when you saw them, weren't they?

A Well, they were coming.

Q Yes, they were moving when you saw, you say, machines going over 17th Street toward his garage, didn't you?

A Yes, in the beginning.

Q And you saw them going the other way?

A I saw them always.

Q You don't know whether those machines you saw going south on 17th Street came down Bond Avenue from the west or from the east and turned in on 17th Street, do you, Mrs. Stapp?

A Well, I don't care, they always stop there --- couldn't get by there --- from the east; my little girl and I couldn't get by there for machines.

Q Oh, yes, there are always a lot of machines there, aren't there?

A Well, it was a sidewalk, though.

Q Well, I say there are always a lot of machines there?

A Sure.

Q You have seen that on other Sunday evenings?

A Yes, sir.

Q And all the time during the week?

A All the time.

Q A great many people buy gasoline there?

A I don't know nothing about that. I don't know nothing about gasoline. I only saw the machines.

Q Did you see a gasoline tank there, a station?

A I didn't see nothing about gasoline; I didn't even know he had

gasoline to sell.

Q But you did see at all times a number of machines there?

A Yes, sir.

Q Passing and stopping, and going away from there; is that right?

A Stopping there most of the time.

Q And going away? You have seen them leave, haven't you?

A Sure. I did that night.

Q Well, didn't you ever see one leave before?

A Sure.

Q Yes. Now, Mrs. Stapp, the second shot --- the second firing that you heard, was that in the direction where you heard the bell ring, too?

A It was down that way, but I can't tell you where it was.

Q Was that as great a noise, that second firing, as the first?

A No, sir.

Q And about how far ---

A That was just a few shots, you know; bang, bang; just a few shots, that way.

Q Just a few of them. Did you hear any shots fired over toward Bond Avenue, behind your house, over toward Bond, and Dr. Bundy's place, that night?

A No, sir.

Q You never heard any in that direction, at all?

A I didn't hear nothing there.

Q And you was with your husband in the front room, in the sitting room?

A There was shots fired once in a while, but I didn't know if it was right by Bundy's. There was always shots fired somewhere.

Q You have told us about two occasions?

A You know, that time ---

Q Just a minute. You have told us about two occasions upon which shots were fired.

A Well, once in a while you would hear it.

Q Then why didn't you tell us that a while ago?

A Oh, well, they didn't ask of me.

Q Well, what other shots did you hear fired?

A Once in a while that evening.

Q When did you hear the first one?

A I didn't pay no attention to it.

Q Was it before you went to bed?

A No, sir.

Q Was it while you was sitting on the porch?

A Because there is always something going on there.

Q Was it while you was sitting on the porch?

A I don't know that, either.

Q You won't answer that?

A I don't know. I told the truth; and that is all.

Q And you can't tell the jury whether you heard a shot fired while you was on the porch, or not?

A Well, there was enough shots fired that night.

Q Plenty of them, were there?

A Yes, sir.

Q Now, then, about --- You never did see any machines but what were driving pretty fast, did you, that night?

A They were mostly all pretty fast that night.

Q At 17th and Bond?

A Yes, sir.

Q You never saw any machines stop around there in 17th and Bond?

A Not around my house, no, sir.

Q They wasn't any stopped on 17th, was there?

A On 17th was one stopped and somebody got out, but I didn't see that real plain.

Q Why didn't you?

A Because I didn't want to see everything.

Q You didn't want to see everything?

A I didn't want to see everything. Sometimes you see too much.

Q Yes. Is that the reason, Mrs. Stapp, you didn't want to see that?

A I was protecting my little girl.

Q Well, you didn't see it, then, did you?

A I saw the machine stop there, and saw them get out of it.

Q How many stopped?

A That I couldn't tell. It was not very light at that corner down there.

Q Did you see more than one?

A I saw one stopping; I don't know whether any other stopped.

Q Well, now, if you could see people get out of the machine couldn't you see whether there was more than one stopped?

A Why, no; I don't know.

Q You don't know. If a machine stopped down there it was while you was attending to your little baby, wasn't it?

A When I was by the window I saw a machine stop there, and some men got out.

Q How many men?

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A That is all I can tell you.

Q How many men?

A I don't know.

Q Do you know which way they went?

A I didn't watch which way they went.

Q How often have you and your husband talked this over, Mrs. Stapp?

A Why, we never talked about it any more.

Q Did you ever talk about it together?

A Sure, I talked about trouble --- we had lost sleep.

Q Now, this trouble. Did you talk about losing sleep that night, on account of the trouble?

A Every family ---

Q No, did you?

A Not very much; not very often.

Q How long has it been since you and he talked over what you were going to say here today?

A Never talked; we never bothered about that, him and I, not until we got here.

Q You never talked that over, at all, did you?

A Not him and I.

Q Mrs. Stapp ---

A Yes, sir.

Q --- before you got up and saw any people passing on the street didn't you hear a machine passing your house with persons in it, shooting into the houses along there?

A Before I got up?

Q Yes, and isn't that what got you up out of bed?

A Well, I didn't hear very much until that real noise come, of running.

Q Just answer my question. Didn't you hear, and didn't you get up and see a machine ---

A Not ---

Q --- before you called your husband, passing the street ---

A I don't know.

Q --- and those people were shooting into the houses along there?

A I saw a machine, but I don't know what time that was. I couldn't tell.

Q Well, did you hear people shooting?

A I saw people shooting out of the machine, but I can't tell you what time it was.

Q Well, all right. I am not asking you about the time, now. Those were white men in that machine, weren't they?

A I don't know what they were.

Q Well, you testified in a case similar to this once before, didn't you, at Belleville?

A I did.

Q And I will ask you if you didn't testify there that you saw that machine and that they were white men in it?

A I never said they were white men, because I didn't know what they were.

Q All right.

A Always said I didn't know what they was.

Q That direction was that machine going?

A That went towards 17th Street when I saw it.

Q You say "towards 17th Street". That street was it on when you saw it?

A On Market, passed my house.

Q Ard was going west; passed by your house.

A Yes, sir.

Q Going west?

A Yes, sir.

Q Now, what direction did that machine continue on ---

A I don't know.

Q How far did you see it?

A I only saw it when it passed my house, and then I didn't look any more, because they were shooting; but it was --- whether colored or white, I don't know.

Q You don't know whether it turned north on 17th Street, or Bond, on Market ---

A I don't know.

Q Or whether it turned south on 17th?

A I don't know.

Q Did you tell your husband about that, there?

MR. FARMER: I object to what she told her husband.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Did you mention it to your husband?

THE WITNESS: A I don't know ---

MR. FARMER: Just a minute.

MR. WEBB: Q Did you or your husband talk about it?

MR. FARMER: I object to that.

MR. WEBB: Q Not what was said, but did you talk about it?

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: A We didn't talk much about it, Mr. Webb.

MR. FARMER: Mrs. Stapp, when the court sustains an objection you are not to answer.

MR. WEBB: Note our exception.

Q Now, that was before the men were --- that you had seen men walking --- so many of them walking up and down the street, wasn't it?

THE WITNESS: A I don't know that no more.

Q Can't you give us an idea, now, about when that was, in connection with these other matters?

A No; I don't know.

MR. FARMER: I object to that, now. The witness has stated that she does not know.

MR. WEBB: Well, I have got a right to ask her if she can give us any ---

THE WITNESS: I know, but I don't know.

MR. FARMER: She has stated repeatedly that she does not know.

MR. WEBB: Well, she may mean that she does not know the exact time, Mr. Farmer. Now, I am asking her this question: If she can give us any idea of when that was with reference to any other of these events that she has related .

MR. FARMER: He has asked when that was with reference to this other shooting, and she has said she didn't know. She has answered that question three or four times.

THE COURT: If you can answer it, do so.

THE WITNESS: I said I don't know.

MR. WEBB: Q Did you see that machine from which these men were firing before or after you heard the bell ringing?

THE WITNESS: A I don't know that no more.

Q Did you see that machine that you saw men firing from before or after you heard this firing in the south part of town?

A Well, I don't know that.

Q Did you see that machine after or before you heard these single shots that you spoke about?

MR. FARMER: I object to that repetition.

THE WITNESS: A I don't know; I only saw the machine.

THE COURT: That is far enough on that, now. She has answered. She states she can't fix the time.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q I want to ask her this question, Your Honor: Did you see that machine firing there --- from which the firing was --- the firing came --- before twelve o'clock or after twelve o'clock.

MR. FARMER: Now, wait a minute.

THE WITNESS: A I don't know. I don't know what time it was.

MR. FARMER: I object to that.

MR. WEBB: Q I will ask you if these questions were asked you and if you made these answers, on that trial at Belleville to which I have referred you: "Q Those people in that machine were firing toward those houses, were they not?" And your answer: "Well, they shot all the way down, from both sides of the machine."

A Yes.

Q And "Q Then after that you heard the colored people on the street, didn't you?" "A That was a good while after that, though; it was some time after that the colored people came out. Some of them had guns with them, running up the street toward 18th Street." Did you make those answers to those questions?

A That was after that big shooting when they were running by there

with their guns.

Q That is what you meant?

A That was the big --- after the big shooting they ran by there with their guns.

Q You didn't see them running by before the big shooting, with the guns?

A Yes, I saw some running then.

Q Do you know Dr. Bundy, Mrs. Stapp?

A Why, sure. He was my neighbor.

Q Did you see him that night?

A No, sir; I didn't see Dr. Bundy.

MR. WEBB: That is all.

THE WITNESS: Is that all?

MR. FARMER: That is all.

JOHN M. HUBERT,

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A John M. Hubert.

Q Where do you live, Mr. Hubert?

A 3434 State Street, East St. Louis.

Q And what is your occupation?

A Sergeant of police.

Q Where were you stationed on the night of July 1st, 1917?

A Between 16th and 17th, at Boismenu.

Q Where is that, with reference to the Free Bridge?

A It is right underneath the Free Bridge.

Q You may tell the jury what you saw there, and heard, if anything, with reference to the colored men congregated about there?

A Well, about eight o'clock that night I saw two men, a boy and woman pass the Free Bridge there, you know; they seemed to be very much excited; and they were gone about ten minutes when two of the men came back, and one was carrying a shot gun; and a little afterwards an old man passed there, that I knew, and I asked him "What is going on"?

MR. WEBB: Don't tell the conversation, John.

MR. FARMER: Q Well, what was he doing when he came by there?

THE WITNESS: A Well, I heard one of these fellows say ---

MR. WEBB: Now, I object to that.

MR. FARMER: On what ground?

THE WITNESS: He didn't say that to me.

MR. WEBB: Just a minute.

THE WITNESS: All right.

MR. WEBB: Because it cannot affect Dr. Bundy, what he said in that locality, at that time or place.

MR. FARMER: What every body said and did is competent evidence against every one in the conspiracy.

MR. BAXTER: You have not established a conspiracy.

MR. FARMER: Well, we are establishing it.

MR. WEBB: Well, you are a long ways from it yet.

THE COURT: Where is this place with reference to 10th and Bond Avenue.

MR. FARMER: 10th Street leads onto the bridge.

THE WITNESS: Boismenus.

THE COURT: Between 16th and 17th?

THE WITNESS: Yes, sir; about five or six blocks from 10th and Bond.

THE COURT: South?

THE WITNESS: Southeast.

MR. WEBB: Those blocks are long, too.

THE COURT: Objection overruled. I will allow him to testify.

MR. WEBB: Note our exception.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

THE WITNESS: A I heard one of these men say "Let's go and get
those sons of bitches". That is the very words was said.

MR. FARMER: Q Which men do you refer to, those that had the guns?

A That is the one that made this remark; and the old man followed
a little later, and I stopped him and said "What is going on? Is
there any trouble?" and he said "Well, I don't know much about it";
and this fellow went about fifty or sixty yards ahead of him;
and another fellow came from Piggot Avenue and he said "Where are
you going?" He called this fellow by his name. I don't remember
the name. And this fellow said ---

Q Which fellow, now, the one with the gun?

A Yes; this fellow answered "I am going over to the church"; and
he said "All right; I will see you over there".

Q Then what happened after that, if anything?

A Well, about nine, and about twelve o'clock --- I heard all
kinds of shooting about ten thirty or eleven thirty; and then between
eleven thirty and twelve o'clock I heard a church bell ring, and I
thought it was kindo' unusual.

Q Wait a minute. Don't state what you thought.

A Well, I was in a shanty; then I went outside, and I thought maybe
there was a fire, but I couldn't see anything, and I went back; and
about five or six minutes after 12 I heard, I should judge, about fifty

or sixty shots fired.

Q Could you tell in what direction they were?

A That was towards Bond Avenue.

Q Now, these men that you saw with the shot guns there, what direction were they going with reference to the locality where you heard the church bell afterwards ring?

A Well, they were going that way.

Q How many different times did you hear firing up in that direction?

A I heard it all the night up to four o'clock that morning.

Q Were there any times when the volleys seemed to be greater than others?

A Yes, sir; between 12 and 12:10.

Q About how many shots would you say you heard at that time?

A Well, I should judge about fifty or sixty.

Q Did you go up there then?

A I did not.

Q What further, if anything, did you see there that night?

A Well, about two o'clock that morning my feet hurt me and I pulled off my shoes, and sat on a bench, when an automobile was coming from 16th Street loaded with men.

Q What kind of men?

A Negroes; and I could see it very plainly, because they passed underneath a light.

Q What direction were they going?

A Come from towards 16th Street, and they turned the corner of 17th Street, and turned the corner towards Piggot Avenue; and there were two dogs staying at the shanty, and these two dogs ran out, and two fellows pulled guns and fired two or three shots at these dogs; and I ran out, but in the meantime the machine turned the corner.

and they stopped on the other side of the Free Bridge; so I pulled on my shoes and started over there with my gun in my hand. Well, before I got that far the machine was gone.

Q Do you know where it went?

A It went towards Bond Avenue, towards 17th and Bond.

Q How many men were in that machine?

A About five or six.

Q How many shots did they fire there?

A Well, those two fellows fired about three shots each.

Q Could you tell what they fired with, what sort of arms?

A Revolvers.

Q Could you tell whether they had any rifles or shot guns?

A I could not; didn't see any.

MR. FARMER: You may cross-examine.

MR. WEBB: I move that this be excluded, because it occurred after two o'clock, and does not have any connection with any other occurrence, and he said he didn't know who they were or where they were going.

MR. FARMER: Well, this will be, of course, better connected up by additional evidence that we will offer.

THE COURT: The objection will be overruled at this time.

(To which ruling of the court the defendant by his counsel then and there excepted.)

CROSS EXAMINATION
by Mr. Webb

Q Mr. Hubert, where was your station?

A At that time between 16th and 17th, on Boismenus.

Q The first street south of Bond is what?

A Converse.

Q Trendly, isn't it?

A Trendly.

Q Then the next south of Trendly?
A Piggot Avenue.
Q Another one is there, isn't there?
A Well, there might be. I don't know. Boisvenue is about between three and four blocks from Bond Avenue.
Q Well, isn't Boisvenue the first street south of Piggot?
A South of Piggot; yes, sir.
Q Just a block from Piggot over to Boisvenue.
A That is right.
Q And Piggot Avenue is the one that has got the electric car line on it?
A No, I beg your pardon; not Piggot; Bond.
Q Yes, but isn't there one on Piggot, too?
A No, there is a rail laying there for this new --- you know --- I don't know the company, that was going to run a line towards the Free Bridge.
Q What is the street that runs right along the edge of the mouth of the Free Bridge?
A You mean right next to the approach?
Q Yes.
A That is Piggot.
Q Well, now, isn't there a street car line on Piggot?
A Well, you see I was away from there.
Q Well, there is a street car line on Piggot?
A Certainly.
Q That runs east and turns off of Piggot where?
A That car, you mean?
Q Yes, the street car line.
A It runs right down Piggot Avenue.

Q I know; runs down ---
A It stops at 15th, if I am not mistaken.
Q You were just a block south of that?
A More than that. I was on Boismenu.
Q Well, a block south and a half a block east, weren't you?
A It is more than that.
Q Isn't Boismenu the first street south of Piggot?
A Yes.
Q And you was between 15th and 16th?
A 16th and 17th, I told you.
Q I thought you said 15th and 16th.
A No, 16th and 17th.
Q Then you w-re half way between 16th and 17th on Boismenu?
A Yes, sir.
Q What kind of a shanty is there there at that place?
A Oh, I guess it was about the size of a three room house.
Q What was it? What business is carried on there?
A Well, the City of St. Louis built it there.
Q Well, what kind of business was carried on there then?
A They was building the Free Bridge.
Q What were you doing there?
A I was working for the Free Bridge, for the City of St. Louis .
at the time.
Q Well, what were you doing?
A Watching.
Q Is Boicmenu Avenue along there paved?
A It is not.
Q Piggot Avenue paved?
A No, sir.

Q 16th or 17th street paved?

A No, sir.

Q How close were you to the overhead, or the ---

A Right next to it; about fifty feet.

Q But that is not the part that the travel goes over from Bond Avenue,
from Bond and 10th Street?

A No, sir; that is the railroad ---

Q You were close to the trestle works of the railroad track?

A Yes, sir.

Q And that is several blocks from the mouth of the bridge, isn't
it?

A Oh, yes.

Q That is nearly seven blocks, isn't it?

A Just about.

Q And you were in that little house. There are not many houses
around there, are there, on Boisemenu, at that point?

A Well, there is about --- you mean in the block?

Q Yes.

A About seven.

Q Are they on the north side of Boisemenu Avenue?

A On the south side.

Q On the south side?

A Yes, sir.

Q That is very thinly settled right along there?

A No, sir; there is a good many houses farther down, in the next
block.

Q That is over beyond 17th Street?

A Paradise Alley; what they call it.

Q Yes, sir; Paradise Alley. Now, what was the first thing

you saw there where you was located?

A Well, when I saw these fellows going by.

Q And you saw a woman, didn't you?

A Thres men and a woman.

Q What direction did they go?

A They were going towards Paradise Alley, coming from Piggot.

Q They were going east on Boismenu, weren't they?

A No, south. They were crossing Boismenu, coming from Piggot Avenue. They were on 17th Street.

Q They were on 17th Street?

A Yes, sir.

Q And were they going south?

A Yes, sir.

Q And they were crossing Boismenu?

A Yes, sir.

Q When you saw them.

A Yes, sir.

Q There were only two of those men with that woman, weren't there?

A And a boy.

Q Two men and a little boy?

A About seventeen or eighteen years old.

Q This woman had her clothes torn off of her, didn't she?

A I didn't see that.

Q Well, John, she was crying, wasn't she?

A No, she wasn't. I am positive she was not crying. They were arguing amongst themselves, talking about something that happened.

Q Do you know what her name was?

A I do not.

Q How close were you to them when they came along there?

A About ten feet.

Q What time was that, now?

A About eight o'clock.

Q Any lights around there?

A Yes, sir.

Q Where?

A On the corner.

Q Corner of Boismenu?

A Yes, sir.

Q And they seemed to be excited and arguing about something?

A They were.

Q Did either one of them say anything?

A I couldn't understand what they were saying. They were talking,

but I didn't understand that.

Q Did they pass on south?

A They did.

Q Toward Paradise Alley?

A Yes, sir.

Q Without stopping or talking to you?

A Yes, sir.

Q What is the next thing you saw?

A Two of the men came back.

Q Came back north on 17th, up to Boismenu?

A Yes, sir; going towards Piggot Avenue; passing the same spot again.

Q Going north towards Piggot Avenue?

A Yes, sir.

Q That is an avenue that runs parallel with Boismenu, and one block north?

A Yes, sir.

Q And they were walking on 17th Street?

A Yes, sir.

Q Going towards Biggot?

A Yes, sir.

Q Did they stop there by you?

A I tried to stop them to ask them what was going on.

Q What did you say to them?

A I said "Wait a minute"; but they kept on going.

Q They didn't stop?

A No. This old man did.

Q Were they together?

A No, the one fellow was a little ahead of the old man.

Q How far?

A About five feet ahead of him, I should judge.

Q Were they both colored?

A Yes, sir; they were.

Q And the old man kind of stopped?

A He stopped.

Q And the other fellow continued to go on?

A The other fellow continued to go.

Q What did you say to the old man?

A Well, I asked him what was going on.

Q What did he say?

A Well, he said "We are going to get the sons of bitches".

Q Is he the one that said that?

A No the other man.

Q Well, are you sure?

A I am sure the young man said it. Yes, sir; I am positive.

Q Didn't you tell Mr. Farmer, a while ago, that the other fellow said that to the old man?

A Well, you see ---

Q Well, just answer; didn't you say that a while ago?

A Another man was coming from the other way and stopped the young fellow while I was talking to the old man, and then this fellow made the remark.

Q Which one?

A The young fellow made the remark to the other fellow that stopped him.

Q They were going to "get the sons of bitches"?

A Yes, sir.

Q It wasn't the old man that made the remark?

A No, sir; I asked him what was going on, and he wouldn't tell me, but he said "some trouble".

Q But you just now said the old man said it.

A Well, anybody is liable to make a mistake; but I know it was the young man.

Q You did make a mistake, didn't you?

A Yes, sir; but I told him the same thing, you know.

Q Now, then, John, how far were these two men, now, this young man that said to the other man, who stopped, "We are going to get the sons of bitches" --- how far were they from the old man when you were talking to him?

A They were about ten feet ahead of the old man. I mean this young fellow was, and the other fellow was across the street, coming this way from Piggot Avenue towards Boismenue.

Q Did either one of those fellows have any gun?

A One did.

Q What kind of a gun?

A A shot gun.

Q What position did he have it in?

A Carried it on his shoulder, just like that. (Indicating)

Q What direction did he come from when he stopped the other fellow?

A He passed me coming from towards Paradise Alley.

Q Did you notice a shot gun when he passed you?

A I did.

Q Did he have it when he went by with that woman?

A He did not.

Q This fellow that stopped the man that had the gun, what direction did he come from?

A He came from Piggot Avenue.

Q He was going south?

A Yes, sir.

Q And the other fellow was going north?

A Yes, sir.

Q And they stopped?

A Yes, sir.

Q That is the point where he said "We are going to get the sons of bitches"?

A That is it. That is the very words.

Q Do you know who he referred to?

A No, I don't.

Q You got an impression, didn't you?

A I thought they had a quarrel amongst themselves.

Q Thought they had a quarrel about that woman, didn't you?

A I don't know whether it was about that woman or not. I couldn't say that.

Q Didn't you afterwards make a statement to that effect?

A No, I didn't.

Q You didn't?

A No, sir.

Q How long had you talked to the old gentleman?

A Just about a minute.

Q Where did he go then?

A He followed the man that was carrying the gun, and towards Piggot Avenue.

Q That is, he went north, too?

A Yes, sir.

Q When he started away from you were they standing or walking?

A These other fellows were still talking.

Q Did he catch up with them?

A He caught up with the other fellow, the one fellow. The other fellow kept coming this way.

Q Going south?

A Yes, sir.

Q Did you talk to him?

A I didn't say a word to him.

Q Did he have a gun?

A He didn't. If he did I couldn't see it.

Q Now, then, up to that time there had been nothing said about seeing him at the church?

A Oh, yes.

Q Tell us where it was.

A I told Mr. Farmer a while ago when this man made the remark about getting ---

Q Which man made the remark?

A The fellow that was carrying a gun; and then the other fellow said "where are you going" and he said "I am going over to the church".

He said "Well, I will be over there; I will meet you."

Q This fellow going south that you didn't stop?

A I didn't stop him, no.

Q Did you see either one of those fellows any more?

A No.

Q Now, you stayed then in this shanty?

A Yes, sir.

Q About what time was that, John?

A Well, that must have been about 8 :10 when they came back.

Q When was the first shooting you heard?

A I heard the first shots fired, I think, about 9 o'clock.

Q Have you got any way to fix that?

A I know it was about 9 o'clock.

Q What direction from you, now?

A That was towards 17th Street --- 16th, I mean, where Reedy's Grocery store is.

Q Was it due west on Boismenu Avenue, towards 16th?

A Due west; yes, sir; I am positive. That is where all the shooting was that night.

Q That is where it all was?

A At that time in that neighborhood, from 16th over towards 10th street. 17th and Boismenu is right there.

Q I know where 17th and Boismenu is.

A Then I don't have to tell you.

Q This first shooting was about 9 o'clock?

A Yes, sir.

Q And it was somewhere in the neighborhood of 16th and Boismenu?

A That is where the first shooting started.

Q That would be less than a block away from you, wouldn't it?

A No, it is a block. I was at 17th and Boismenu, right on

the corner, and the shooting was at 16th. and Boismenus.

Q How many shots did you hear there at 9 o'clock?

A Oh, I heard about one, and then about ten shots within ten or fifteen minutes.

Q Ten shots in ten or fifteen minutes at that point?

A Yes, sir.

Q Now, that is in the direction in which this man was going toward the church, is it?

A No, sir.

Q This was west. Now, then, where did you hear the next shooting?

A In that same neighborhood.

Q At Boismenus and 16th?

A Around there. I couldn't exactly tell.

Q About what time?

A Oh, all the way up to 12 o'clock.

Q In that neighborhood?

A Yes, sir.

Q You didn't go up there?

A No; I figured it was on account of the Fourth of July, you know.

Q Firing blank cartridges, which happens there?

A Sure.

Q And you don't know yet but what a great majority of that is so?

A I don't.

Q That occurs on every Fourth of July night.

A Well, it always had, previous to that.

Q And that occurred at other points in the town that night?

A Well, I couldn't very well hear that, because you know on the other side of 17th street there are no houses, at all.

Q You don't know that you heard any shots fired that night until about twelve o'clock that were not fired by blank cartridges?

A Well, I couldn't tell you ---

Q I say you don't know that you heard any shots fired other than those fired about 12 o'clock ---

A That is it.

Q --- but what they might have been by blank cartridges. Now, John, about when was this bell rung?

A Well, it was between 11:30 and 12.

Q You heard shots before that time, as well as after?

A Yes, I did.

Q And the bell that rang was what direction from you?

A Well, that is southwest from me.

Q Well, that would be ---

A About three blocks, I think; I judge about three blocks from 17th and Boismenuue.

Q Southwest?

A Yes, sir; right over in that direction, sitting like I am now.

Q That would be still farther away from Bond Avenue, wouldn't it?

A Well, it wouldn't be any farther away --- it would be closer to 10th and Bond.

Q Well, Bond, I say?

A It is closer to 10th and Bond than where I was.

Q You was four blocks south ---

A You see I was on 17th, you know.

Q Yes, you was seven blocks east ---

A The church is about seven blocks southwest, and --- the church is about southeast ---

Q It is southeast?

A Yes, it is.

Q You were seven blocks east of 10th Street?

A Yes, sir, I was.

Q And you were four blocks south of Bond?

A Yes, sir.

Q Now, this fire or this church bell that you think you heard ring was off in this direction from you, southwest, wasn't it?

A It was.

Q Maybe about three blocks south of you?

A I know exactly where the church is; about three blocks, yes, sir.

Q And almost three blocks west of you?

A Yes.

Q You know about where that church is?

A Yes.

Q And you heard that between 11:30 and 12 o'clock?

A Yes, sir; I heard that bell ring.

Q You didn't place any significance to it at that time?

A No, just like I told you before, I thought there was a fire in the neighborhood, and that is the reason I stepped out and looked around, but I didn't see a thing.

Q And how long after that before you heard this large volume of shots?

A Well, it was between 12 and 12:10, if I remember it right.

Q How do you fix that?

A I looked at my watch.

Q But you didn't look at your watch when you thought there was a fire?

A Yes.

Q Well, you say between ---

A Well, I tell you, now, we have to ring a clock there, you know, we have to ring that so often, every hour, and naturally a fellow does look at the clock.

Q I know he does; but, now, when you heard the church bell ring and thought there was a fire you say that occurred between 11:30 and 12; you have got a thirty-minute space there.

A Yes, sir.

Q Now, you say when you heard that volume of shots fired it was between 12 and 12:10; and you looked at your watch?

A I am positive.

Q Now, if you looked at your watch, why can't you tell us exactly; fix that time, 12 or 12:10?

A Well, that is pretty hard to tell.

Q You just have no independent recollection about that?

A That is all.

Q Do you know whether you looked at your watch when you heard the bell ring, or not, between 11:30 and 12 o'clock?

A I know I looked at my watch. I looked at my watch at 11:30, I remember, and shortly afterwards this bell started to ring. I don't know exactly the time, but I know this bell rang between 11:30 and 12.

Q Did you look at your watch any more between that ---

A I looked at my watch at 12 o'clock, and looked at my watch again at 12:10. That is the reason I know the shooting happened between 12 and 12:10.

Q Then you didn't look at your watch when the shooting happened?

A I say I did right afterwards; at 12 and 12:10, and I know in between that the shooting happened.

Q Did you look at your watch when the shooting occurred?

A No, sir.

Q Well, that is the question. Are those the only colored people you saw that night?

A No, I saw a good many colored people that night.

Q Going the direction of that church?

A No, some going that way, and some the other way.

Q Well, I say --- and some going north?

A Well, I don't know as they turned in and went towards the church. They were going towards Piggot Avenue, and the church is over on that side. They might have turned there. I don't know.

Q What time was it you took off your shoes?

A Oh, I guess around 1 or 1:30. I don't know exactly when.

Q What did you take them off for?

A My feet hurt me.

Q Well, what connection does that have to do with your seeing this automobile, any?

A Well, when this automobile came up the line I wanted to know --- these fellows were making so much noise, talking loud --- I wanted to know what was going on.

Q You were not an officer of the City then, were you?

A I carried a city commission.

Q Still you were not in the employ of the City?

A No, I was in the employ of the City of St. Louis.

Q What direction did that automobile go?

A It came from 16th and Boisvenue towards 17th, and turned the corner on 17th and Boisvenue and went towards Piggot.

Q I don't get you just yet. What street was it on when you first saw it?

A When I first saw it it was on Boismenu Avenue.

Q Running in what direction?

A Running east.

Q And it was then west of you, coming east?

A Yes, sir.

Q And did it come up to where you were and pass you?

A It did.

Q Did it go on beyond 17th Street on Boismenu?

A No, it turned the corner there.

Q Which way, north or south?

A It went north.

Q To Piggot?

A Yes, sir.

Q Where was it the dog ran out?

A Before they made the turn.

Q How close were they to you?

A Well, about ten feet, I guess, or fifteen feet. They were in the middle of the street.

Q The dog belonged to a house ---

A No, they were staying there at the shanty. The boys were taking care of them.

Q And somebody in that machine shot at the dog?

A In the machine; I saw them when they pulled the guns and shot at these dogs.

Q How many were in the machine?

A Well, at least five.

Q Do you know Dr. Bundy?

A I do; yes, sir.

Q Was he in that machine?

A I couldn't tell you that.

Q Did you know, now, anybody that was in the machine?

A No, I couldn't tell you. I only could tell that they were colored, that is all.

Q And that is all they did, was to shoot at the dogs and turn north on Piggot Avenue?

A Yes, sir.

Q When they reached Piggot ---

A Before they reached Piggot the machine stopped.

Q Where did it stop?

A Well, I don't know why it stopped; it stopped right on the other side of the Free Bridge, about the middle of the block, between Boismenus and Piggot, on 17th.

Q You mean after they passed under this trestle?

A Yes, on the other side of the trestle, going towards Bond Avenue.

Q How far from Piggot did they stop?

A Just about --- oh, I should judge about 100 feet.

Q Then what did they do?

A Kept on going.

Q What did they stop for?

A I couldn't tell you that.

Q Did anybody get out?

A No, I didn't see anybody get out.

Q You were looking at them?

A I was starting after them at the time. I wanted to find out why they shot at these dogs.

Q You were walking in that direction?

A Yes, sir.

Q Did you have the gun with you when you started?

A I had it in my hand.

Q And are those the only two fellows who shot, that was in the car, that shot at the dogs?

A That is the only two fellows.

Q Were they in the front or rear seat?

A They were in the rear seat.

Q Both of them?

A I know so; yes, sir.

Q What kind of car was it, John?

A Black car.

Q A Ford?

A No, it was bigger than a Ford.

Q When they turned around the wing of the bridge there what direction did they go?

A They went towards Piggot Avenue. I don't know whether they turned off at the right or left or went straight ahead. I couldn't tell you that.

Q You don't know whether they ever got back down to 10th and Bond, or not?

A No, I don't. I don't know if they came from there.

Q Did you see that woman any more that night?

A I did not.

Q Was there anybody at the shanty there besides you?

A No, sir; nobody.

Q Did you see that old man any more that night?

A I did not.

Q Had you heard anything about any trouble up near --- closer to the bridge that night, before ---

A I didn't hear a thing; didn't know a thing about it.

MR. BAXTER: Now, if the Court please we move to exclude the testimony of this witness, and especially the testimony of the witness

as to the declarations and statements made by the parties whom he testified made the statements at the point where he testifies the interview was had; and the ground for this objection is, that there has been no conspiracy established here by the evidence; neither has it been shown that the parties making the declaration were co-conspirators; and the rule, as I understand it, is inflexible, that before the declaration of anyone can be proved in evidence to bind a co-conspirator, it must be clearly shown that there was a conspiracy in existence, at the time the testimony is offered, and that the statement or declaration sought to be proven is the statement or declaration of one of the parties to the conspiracy. There is a total absence of those elements in this testimony; and we move the exclusion.

MR. FARMER: We don't agree with all the statements of Mr. Baxter in relation to the law of conspiracy; but we have a lot of evidence yet to be offered in connection with this conspiracy. It is not all in. Before we are through I think it will be so apparent to anybody that there can't be any controversy, that these fellows who made these statements were a part of the conspirators, and will make the evidence perfectly proper, if it is not at this time.

THE COURT: I will overrule the objection at this time. Later on I may order it excluded; but not at this time.

(To which ruling of the court the defendant by his counsel then and there excepted.)

RE-DIRECT EXAMINATION
by Mr. Farmer

Q Mr. Hubert, where is that church located, whose bell you heard?

A Well, I figure it is about three blocks southwest from where I was stationed.

Q On what streets, do you know?

A Southeast, I mean.--- no, southwest is right. Why.
I know exactly where the church is, but I couldn't ---
Q Is it 16th and Tudor, do you know?
A That is the place; that is it.
Q Now, this occasion you have told us about didn't happen on the
4th of July, did it?
A No, on the first.
Q On the first?
A Yes.
MR. FARMER: That is all.
MR. BAXTER: That is all.

MRS. GEORGE WODLEY.

called as a witness on behalf of The People, and having been first
duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.
A Mrs. George Wodley.
Q Mrs. Wodley, these men all want to hear you. Talk as loud as
you can, so they can all understand what you say. Where do you
live?
A 1714 Bond Avenue.
Q East St. Louis?
A East St. Louis.
Q How long have you lived there?
A Twelve years.
Q Where is that with reference to 17th and Bond?
A Four doors toward the corner.
Q From the corner?
A Yes, sir.

Q Toward what street?

A 17th.

Q Towards 17th?

A Yes, sir.

Q And is it west of 16th?

A Yes, sir --- it is east of 16th.

Q East of 16th. On which side of the street do you live?

A On the west side of the street --- south side of the street.
That runs east and west.

Q Where do you live with reference to where Dr. Bundy lived at that time?

A Why, he lived at the corner; four doors from me.

Q On the same side of the street?

A On the same side of the street.

Q How long have you known him?

A Why, he lived there between three and four years, as close as I can remember, at the time of the riot.

MR. WEBB: Just a minute. We have had no notice that this witness was to be here to-day, and it is not endorsed on the indictment.

THE COURT: Have you given notice of additional witnesses?

MR. WEBB: They gave us one every three or four minutes yesterday, but we don't have a notice with this lady's name endorsed on it.

MR. BAXTER: Here is the notice they have given to us, and the name does not appear there; and it is not upon the indictment.

MR. SCHAUMLEFFEL: The notice was given of this same witness a year ago in the case of these other men who were indicted with Dr. Bundy, and the case went up to the Supreme Court, and they know all about this witness. There is no surprise to them, at all.

MR. WEBB: I beg your pardon. It was not given at that time.

because I was not in the case.

MR. FARMER: I made a copy of the names on the back of that indictment, and I find Mrs. George Wodley here. This is a copy I made from the original at the time.

MR. WEBB: This (indicating) is the indictment in this court, and we are not bound by what Mr. Farmer has done on some other occasion.

MR. FARMER: Well, we will withdraw the witness for the moment, and give them notice that we will call her later.

THE COURT: All right.

(Witness withdrawn)

MR. FARMER: I thought that name was on the original indictment, because it is on the copy I have that was made from there; and I think it was on there originally.

MR. WEBB: Do you think somebody has taken it off?

MR. FARMER: Well, there were so many names a lot of them were pasted on with a little slip. I know that is where I got this list.

MR. WEBB: It is not our indictment. It speaks for itself.

MR. FARMER: Well, we give you notice now that we are going to call Mrs. Wodley later.

MRS. MARY FISHER.

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Mrs. Fisher.

Q Your first name?

A Mary.

Q Where do you live?

A At 500 Market, now.

Q Where did you live on July 1st, 1917?

A 1037 Trendly Avenue.

Q East St. Louis?

A East St. Louis; yes, sir.

Q How long had you lived there prior to that time?

A Well, I really don't remember.

Q For some time?

A About a year, as well as I can remember now.

Q Were you at home on the night of Sunday, July 1st, 1917?

A Yes, sir.

Q You may tell the jury what you saw there at that time, if anything, with reference to colored people in the streets, and automobiles moving about?

A Well, a few minutes before nine o'clock my husband and I were sitting on the porch, and two machines passed, filled with colored people.

Q What sort of machines were they, if you know?

A One was a red car and the other was a black one; and they came down Trendly Avenue from 10th Street, and when they got in front of our house --- the reason we noticed the machine --- they turned a spotlight in our faces; and they crossed 11th Street, still going down Trendly Avenue until about the third of the block, I should say, and stopped; and when they stopped they turned the lights out on the machines, and as well as we could see from the street light on the corner, there, people crowded around the machines until we couldn't see the machines, and they stayed there a while. I don't know ---

Q Could you tell what character of people they were that crowded around the machines?

A No, I could not.

Q Could you tell whether they were colored or white?

A Not from the distance we were, no.

Q Could you tell whether they were men or women?

A No, I couldn't.

Q Well, how long did they stop there?

A I really don't know. Not very long; but I can't say just what time they were there.

Q Do you know where they went to from there?

A They turned and came back and went back the direction they came from, toward 10th Street, up Trendly.

Q And disappeared from your view --- did you see them any more, then?

A They disappeared. Then we didn't see them any more.

Q What happened after that?

A Well, we sat on the porch about ten or fifteen minutes, and some colored men came up from the direction that these machines stopped, and ---

Q How many, would you say?

A Well, I should judge between fifteen and twenty. I don't know. I didn't count them.

Q White men or colored?

A They were colored.

Q The people that passed in that machine that passed your house, that turned the spot light on you there --- what were they?

A They were colored.

Q Now, the people in this crowd that came from that bunch that

surrounded the machine, where did they go to?

MP. WEBB: I object to that, if the Court please. She didn't say that those people came from that bunch.

MR. FARMER: Yes, I understood so.

THE COURT: She said they came from the direction where the car was parked.

MP. WEBB: That is what she said; and Mr. Farmer adds that material element to that.

MR. FARMER: I will ask another question.

THE COURT: I will sustain the objection.

MR. FARMER: Q Where did these men come from, if you could tell, these fifteen or twenty men that came down Trendly Avenue to 11th Street, with reference to the place where those automobiles were stopped?

THE WITNESS: A Well, the first we saw of them was about the place that the machines had all stopped, but I don't know whether they came from that crowd or came from beyond that crowd.

Q Where did they go to?

A They came up Trendly to 11th and turned down 11th Street and were going down 11th Street, as far as we could see.

Q Could you tell whether any of them had arms?

A I noticed one man in particular had what appeared to me to be a shot gun; and some with revolvers.

Q Was there any shooting there at that time?

A Not at that time.

Q What time in the evening was that, about?

A Well, the machines passed our place either just directly after or just before the nine o'clock whistle blowed; but I don't remember which it was.

Q Did you see anything further later in the evening?

A No, sir; we didn't. We went in the house then, and we didn't see any more.

Q Now, how far from Bundy's place was it that these machines stopped there and these people were, that you saw?

A Well, I didn't know where Bundy lived at the time, but I have learned since that he lived on 17th and Bond Avenue.

Q Well, how close was it to 17th and Bond Avenue?

A Well, this was on the corner of 11th Street and Trendly Avenue; and he lived on 17th and Bond.

Q Now, what is the next street to Bond Avenue?

A Toward Trendly, is Market.

Q And next to Market?

A Is Trendly. Trendly is two blocks from Market; and this was on 11th Street.

MR. FARRER: Cross-examine.

CROSS EXAMINATION
by Mr. Webb

Q Mrs. Fisher, you lived at that time at 1039?

A 1037.

Q 1037 Trendly?

A Yes, sir.

Q The street running north and south immediately west of you is 10th Street. That leads to the approach of the Free Bridge?

A Yes, sir.

Q That is paved, isn't it?

A Yes, sir.

Q The street that runs north and south immediately east of you is 11th Street?

A Yes, sir.

Q And that is paved?

A Yes, sir.

Q Bond Avenue runs east and west, and is paved, and stops at 10th Street, doesn't it?

A Well, there is a turn in the street.

Q There is a jog in the street there ---

A Yes.

Q Of twenty-five or fifty feet; something like that?

A I don't know just the distance, but I know there is a turn in the street there.

Q Now, the next street south of Bond is Market?

A Yes, sir.

Q The next south of Market is Trendly, and the next south of Trendly is Piggot; and Piggot is the street that runs right along in front of the mouth of the entrance to the Free Bridge?

A Yes, sir.

Q On which there are street car tracks. Your residence, then, was at 1036, on Trendly?

A 1037.

Q 1037 Trendly, just east of 10th Street?

A Yes, it was on the corner of 11th and Trendly.

Q Would that be 1037?

A 1037, directly on the corner; the first house from 11th Street.

Q Then you were on the corner of 11th?

A On the corner.

Q The first house?

A The first house.

Q Do you front south?

A We front Trendly Avenue, yes.

Q You are on the north side of Trendly?

A On the north side of Trendly, yes.

Q And yours was the first house on the corner of 11th and Trendly; that is right, isn't it?

A Yes, sir.

Q Now, your porch runs with Trendly, doesn't it?

A Yes, sir.

Q East and west; and you and your husband were on your porch?

A Yes, sir.

Q Your front porch; and the first thing that you observed was an automobile on Trendly Avenue?

A Two.

Q Two automobiles on Trendly Avenue; one red, and one dark; and they were traveling in an easterly direction?

A Yes, sir.

Q They had come from 10th Street?

A Come from the direction of 10th Street.

Q Do you know whether they moved on Trendly off of 10th Street north or south?

A No, I don't.

Q But they were some few feet distant from your house when you observed them coming in your direction toward 11th Street?

A Yes.

Q Which one of them was in front?

A The red one.

Q Which one of them turned the spot light on you?

A The one in front.

Q About what time of the night was it?

A Well ---

Q Either a little before or after nine?

A Either a little before or after nine; just a few minutes.

Q Was there an electric street light at 11th and Trendley?

A Yes, sir.

Q And had they passed your house when they turned the spot light, or opposite your house, or how?

A They were directly in front of our house.

Q Just opposite your house when they turned the spot light?

A Yes, sir.

Q You were not able to determine from the spot light that they were colored people?

A Not from the spot light, no.

Q You determined that from the electric light that hung there in the street?

A Yes, threw a light on our porch and ---

Q How many were in the automobile?

A I can't say; I didn't count them; but they were full.

Q Do you know whether there were any women or not?

A No, I don't.

Q You would not say there were not, would you?

A I would not, no.

Q You didn't pay that much attention to them, did you?

A Well, I looked at the machine, but I couldn't say whether they were men or women, but I know they were colored.

Q Now, my question is, did you look at the people that were in the machines, and can you say that there were not women in the machines?

A No, I cannot.

Q There might have been as many women as men, so far as ---

A As far as I know.

Q So far as you recollect. And that is true of the second machine.

too?

A Yes.

Q It was full, too?

A Yes.

Q Now, they didn't stop in front of your house; they went on in what direction?

A They slowed down in front of our house when they turned the spot light in our faces.

Q And crossed 11th Street?

A Going down Trendly.

Q And went how far on Trendly?

A Well, I don't know exactly how far, but we thought at the time about the third house from 11th Street.

Q And stopped in front of some house?

A Yes.

Q Which side of the street, Mrs. Fisher?

A North side.

Q The same side of the street that your house is on?

A Yes, sir.

Q Did one machine pull up opposite the other, or behind the other?

A Behind the other.

Q They stopped, then, one right behind the other?

A Yes, sir.

Q On the north side of the street, on the street upon which your house is located?

A Yes, sir.

Q And a number of people came out onto the street?

A Around the machine.

Q Now, those people were not on the street before the machines

stopped, were they?

A Well, we didn't notice. We had not looked down that way.

Q The first you observed after the machines stopped was that there were people coming around the machines?

A Yes.

Q Now, they were women and men, too, were they not?

A As far as we could see, but we didn't know.

Q As far as you could see?

A We didn't know.

Q And did they come from one or both sides of the street, Mrs. Fisher?

A We just noticed that they came from one side. We didn't notice any coming from the south side of the street, because the school house is there.

Q Do you know who lives in that house where they stopped?

A No, I do not.

Q Do you know anybody living along there ---

A No, I didn't at that time.

Q You didn't at that time. Now, how long did they stay there?

A I don't know. I didn't time them.

Q You remained on the porch, you and your husband?

A Yes; about ten or fifteen minutes.

Q There was nothing unusual, any noise or anything of that kind down there, was there?

A No, everything was quiet, as far as we could hear.

Q You could hear the sounds of their voices?

A I don't remember whether we did or not.

Q They were there about ten or fifteen minutes, you say; something like that?

A Ten or fifteen, I judge. I don't know.

Q They turned around there in the street?

A We didn't see them turn around, but we saw them come back.

Q Were they both turned around before you observed them coming back?

A Yes.

Q Had they reached 11th Street when you observed them coming back?

A No, they were just coming on 11th Street, under the light.

Q At that time did you look beyond the automobiles or see whether the people had gone back in the house?

A No, we didn't.

Q Did you see anything beyond the automobiles at one time?

A We didn't look.

Q The automobiles then both passed your house on Trendly, going west towards 10th?

A Yes.

Q But they didn't stop?

A No.

Q Didn't turn any spot light on?

A Not going back.

Q Do you know, now, how far they went on Trendly?

A No, I don't. We can't see above 10th Street.

Q Do you know which way they turned on 10th?

A No, I don't. We went in the house shortly after the machines passed.

Q And you didn't see them any more?

A No.

Q Do you know Dr. Bundy?

A Why, I didn't at the time.

Q Did you see him in either one of those machines?

A I didn't know him.

Q And you didn't see any more of those machines that night? You went in the house?

A We went in the house.

Q You heard some shooting?

A No, sir.

Q You didn't hear any shooting?

A No, sir.

Q At any time during the night?

A No, sir.

Q How late did you stay up, Mrs. Fisher?

A We went to bed just directly after we went in the house.

Q You were not awakened during the night by anybody or any noise that you now remember?

A Yes, we were.

Q When?

A I don't know what time it was, but I know it was during the night we were awakened by people running down the street, down 11th Street from --- well, they were running south.

Q What time?

A I don't know. I didn't look at the clock.

Q Well, did you get up?

A I sat on the side of the bed and looked out the window.

Q Did Mr. Fisher get up?

A He sat on the side of the bed and looked out the window.

Q Those people were going on 11th, south?

A Toward ---

Q From Piggot?

A Yes.

Q How many were there?

A I don't know.

Q What time of the night was that?

A I don't know.

Q Have you any idea?

A Not the least. I laid right back down and went to sleep. I don't know ---

Q Do you know how long you were in bed before you went to sleep?

A No. I don't know, but I know we were awakened. We had been asleep.

Q But I was trying to fix the time ---

A No. I haven't any idea what time it was, at all.

Q But you didn't hear any shots, at all, that night?

A No, sir.

Q Now, then, your house is just a block --- is just two blocks south and one block east of 10th and Bond, isn't it?

A Yes, sir.

Q When these two machines stopped down there just below 11th did anybody get out of the machines that you observed?

A Well, we didn't know. We couldn't see, because the people surrounded the machines and we couldn't see the machines.

Q You didn't see?

A No.

Q Where was it you saw one man with a shot gun, Mrs. Fisher?

A On the corner of 11th and Trendly, across the street from the house.

Q About what time was that?

A That was directly after these machines had turned round and went back.

Q On the corner of 11th. Which corner, Mrs. Fisher?

A The northeast, I would say.

Q Well, that would be right ---

A Across the street.

Q On the same side of your street?

A Yes.

Q But on the other corner?

A Yes.

Q Was he by himself?

A No.

Q How many were with him?

A I don't know. I didn't count them.

Q Any women there?

A No, they were men.

Q You and your husband talked about it, didn't you?

A Well, ---

Q About how many?

A Well, I judged between fifteen and twenty.

Q And you saw one man with something that looked like a shot gun?

A One that I noticed.

Q And some had pistols?

A Yes, sir; revolvers.

Q And they came up to that corner from the direction in which you had seen the automobiles leaving that house --- that is, from that direction?

A Yes.

Q But you don't know from where they came?

A No, I don't.

Q How long did they stay there, Mrs. Fisher?

A Where do you mean?

Q At the corner of 11th?

A They didn't stay there. They turned and went down 11th street.

Q Which direction?

A South.

Q They went away from Bond instead of toward Bond?

A Yes, sir.

Q That would be toward Figgot?

A Toward Figgot.

Q And Tudor and Boismenu and down that way. Those people that you saw some time in the night passing your house and going south on 11th were about how many, did you say, Mrs. Fisher?

A Well, I couldn't say. It was dark, and I just had been awakened. I couldn't say how many there were.

Q You didn't pay much attention to that?

A Didn't pay so very much attention.

Q Could you see whether they were white or colored, from where you were?

A I couldn't say, but they went into a house across the street from me, and colored people live there.

Q Well, then there were not very many of them, were there?

A I couldn't say how many there were.

Q Give us your best impression.

A There were a crowd of people, but I can't say how many?

Q More than two?

A Oh, yes.

Q More than 12?

A I don't know.

Q Is that as close as you can come to it?

A Just about, I think.

Q Between two and twelve?

A Possibly more and possibly less. I don't know.

Q They went into a house which is across from where you live?

A Yes, sir; this house faced 11th Street.

Q How many colored people lived in that house?

A Really I don't know.

Q You observed them during the day time, didn't you?

A There was so many going in and out I didn't know who lived there and who didn't.

Q Quite a number went in and out there?

A Yes, sir.

MR. WEBB: That is all.

JACOB SHUCART.

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Jacob Shucart.

Q Where do you live, Mr. Shucart.

A 5853 Cote Brilliant, St. Louis.

Q Where were you on Sunday night, July 1st, 1917?

A Well, I was across the river. I used to live on 18th and Market, but I was across the river until about nine o'clock in the evening, and I come home about nine o'clock and went to bed.

Q Where did you live at that time?

A 1800 Market.

Q 18th and Market?

A Yes, sir.

Q In East St. Louis?

A Yes, sir.

Q What time did you get home that night?

A About nine o'clock.

Q You may tell what you saw, if anything, of colored people on the way home?

A I didn't see anything on my way home.

Q Well, when did you see it?

A Well, it was about midnight when we heard a shot fired, and we got out of bed and looked out the window. There was a lot of colored people in the street.

Q Where?

A Right across the street from us.

Q At what place?

A Well, just on 18th and Market, just on the corner.

Q How many people were there?

A Well, I couldn't tell you exactly. There was a big crowd, I think, there. I couldn't tell you exactly how many was there.

Q How many would you say?

A Well, it must have been about forty or fifty.

Q What did they have, if anything, you could see?

A The way it looked to me it was guns; shot guns. Some of them had shot guns.

Q How many would you say had shot guns?

A Well, I couldn't tell you.

Q Many or few?

A Well, I couldn't say exactly how many was there.

Q Did you know anybody in that crowd?

A No.

Q What time of the night was that?

A It must have been about 12 o'clock; 12 or a little after 12.

Q How long did you observe those people there in the street?

A Just there a few minutes.

Q Were they out in the street, or on the sidewalk?

A Some was on the sidewalk; some were in the street.

Q Were they moving about, or had they stopped there?

A Well, when I first looked out there there was some standing there; but they didn't stay there very long.

Q Where did they go from there?

A I couldn't tell you.

Q You don't know what direction they went?

A They went all directions. They lived all around the neighborhood.

Q What was your answer to the question as to where they went?

A They went all directions.

MR. WEBB: That is not all you said.

THE WITNESS: Well, they lived around the neighborhood. That is what I mean. Some lived a block south, some a block north.

MR. FARMER: Q Well, you don't know whether they were going home or not, do you?

A I don't know. I couldn't tell you.

Q Was there anything unusual in that number of people being on the streets there with shot guns at midnight?

A Yes, sir.

Q Had you ever seen that before?

A Never did.

MR. WEBB: I object to that.

MR. FARMER: Q How long did you live there?

MR. WEBB: Just a minute. I object to that.

THE COURT: Whether he ever saw that before?

MR. WEBB: Yes, sir.

THE COURT: He may state whether he ever saw men on the street at

that time of night with shot guns.

MR. WEBB: I object to that.

THE COURT: Overruled.

(To which ruling of the court the defendart by his counsel
then and there excepted?)

MR. FARMER: Q How long did you live there in that locality?

THE WITNESS: A Close to three years.

Q Did you hear any shots that nights?

A Yes, sir.

Q Where?

A Well, I couldn't tell you exactly where they come from. It
just woke me out of my sleep.

Q Is that when you got up?

A Yes, sir.

Q What caused you to get up?

A Well, the noise, the shots fired.

Q Could you tell how many shots?

A There were two, at least, that I heard.

Q How far away from you, could you tell?

A I couldn't tell you.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q Mr. Shucart ---

A Yes.

Q You were in business there, weren't you?

A Yes.

Q What was your business?

A Grocery and meat market.

Q On which side of Market Street was your grocery?

A On the southeast corner.

Q Southeast corner of 18th and Market?

A Yes, sir.

Q Was your house in connection with the grocery store?

A Up stairs.

Q Over it?

A Yes, sir.

Q Was there a pool room on that corner?

A Across the street there was.

Q Across which street?

A On the northeast corner.

Q Of Market and ---

A Market and 18th.

Q Market and 18th. In other words, Market Street ran between your grocery store and the pool room?

A Market Street.

Q Yes, sir.

A Yes, sir.

Q The pool room was on the north side, and your store was on the south side?

A South side; yes, sir.

Q And 18th Street ran west of both of those places; and this pool room was operated by a colored proprietor?

A Yes, sir.

Q Patronized by colored trade, wasn't it?

A Yes, sir.

Q At all times during all nights you could see a crowd of men around there, couldn't you, up to 12 o'clock?

A Not on the walk.

Q How?

A Not outside.

Q Not outside?

A No.

Q Well, coming and going?

A Well, probably. I wasn't up that late at nights. I don't know.

Q You usually went to bed about nine?

A Nine or half past nine was the latest.

Q And you don't know whether men congregated on that corner other nights, or not?

A I don't know.

Q You happened to get up and saw them out there that night?

A Yes, sir.

Q And so far as you are concerned, they might have been there every night without you knowing it?

A Maybe.

Q You are not saying that they didn't do that?

A I don't know.

Q You heard something that awakened you?

A Yes, sir.

Q What was it?

A Shot --- it was a shot; I don't know what kind. It sounded like a shot from a shot gun.

Q When did you last hear a shot gun fired before that night?

A When?

Q Yes.

A I couldn't tell you exactly.

Q Did you ever hunt any?

A No, sir.

Q Did you ever fire a shotgun?

A I never did, no.

Q Are you right sure you can tell this jury whether you know the difference between the sound of a pistol and a shot gun?

A Well, it makes more noise. A gun would make more noise than a pistol.

Q Well, now, this gun that you heard there, do you know whether it was near you or far away from you?

A I couldn't tell you; no, sir.

Q Well, was it a loud noise?

A Well, it was a noise that a shot gun would --- fired a shot.

Q Do you know whether it was on the street out in front of you there, or not?

A I couldn't tell you.

Q You don't know what direction it was fired from your place?

A No, sir.

Q You just heard one shot?

A One or two. I couldn't recollect.

Q Didn't you testify on the other trial you only heard one?

A I don't know. I don't remember.

Q You don't know whether you testified that way or not?

A No, sir.

Q Is that what you mean to say?

A I don't remember whether it was one or two.

Q Well, I am not asking you that. I am asking you this question: Didn't you testify on the other trial that you only heard one shot?

A I don't know.

Q You don't know whether you testified that way or not?

A No, sir.

Q And now you don't know whether you heard one shot or two shots?

A I think it was two. I ain't certain.

Q Is your recollection any better about it now?

A I don't know. I said the same thing last time. I don't know whether I heard two shots or one shot.

Q Let me ask you the question: Is your recollection any better about it now than it was on the other trial?

A No.

Q But you then got up and you looked out of the window down stairs; is that right?

A Yes, sir.

Q Did you look onto Market Street or on 18th Street?

A Market Street.

Q Did the window that you looked out of front the north, or face north?

A Faced north.

Q And these men, now, that you saw, were they standing still or walking?

A Standing still; some was walking, and some standing still. There was a crowd of people. I couldn't watch what they were doing. It was a crowd of people there; about forty or fifty people.

Q That is what I am asking you, were they standing there or walking?

A Some of them were standing there, yes.

Q Then there was a crowd standing?

A Yes.

Q Those that you saw walking, did they pass by this crowd?

A Yes, sir.

Q Did they stop?

A Well, I don't know.

Q You didn't see that, did you?

A I didn't pay no attention to it.

Q Did you see people going both directions along there, passing by this crowd?

A Yes, some of them did.

Q That didn't stop?

A Some of them didn't.

Q Did any of those men that passed by in these different directions have any guns?

A I don't know.

Q Why don't you?

A Well, I didn't pay no attention to it.

Q Well, did you pay any attention to this crowd that was standing there?

A Didn't pay any attention to them there; just noticed a few guns, but I didn't notice which ones had them. I know some of them had guns in their hands.

Q No, you have just now told the jury ---

MR. SCHAUMLEFFEL: I object to that. It don't lie in his mouth to tell what he told the jury.

MR. WEBB: You have just now told the jury you didn't know whether these men that were walking had guns or not.

MR. FARMER: Just a minute.

MR. WEBB: Wait until I get through with the question.

Q Now, you have now said some of them had guns that were walking, and some that were not walking. Which is true?

A I didn't say that. I said ---

MR. FARMER: Just a minute. It is improper to state a thing like

to a witness. That is an argument.

THE COURT: Well, the jury heard what he said. I understood him to say that the men that were standing there had --- some of them, he said, had guns.

THE WITNESS: Yes, sir.

MR. WEBB: And that those that were walking didn't have guns that he could see.

THE COURT: Didn't notice them.

MR. WEBB: Yes, that is what he said.

THE COURT: Well, you may ask him.

MR. WEBB: Yes, sir.

Q Now, then, do you say that some of the men walking had guns?

THE WITNESS: I don't know. I didn't notice that.

Q The only ones you saw that had guns were standing there; that is right, isn't it?

A Well, I see guns amongst them. Not all of them had guns.

Q I say the only guns you saw were in the possession of men who were standing in the crowd?

A Yes, sir.

Q And didn't you say in the other trial you only saw one gun, and you saw that in the glistening of the lights?

A I didn't say I saw one. I said I saw guns.

Q You didn't say "one"?

A No, sir.

Q Well, could you see the guns without the aid of the light that was burning there?

A Yes, sir.

Q You did see them without the aid of the light?

A You could tell a gun by the shine of it.

Q Well, what would make it shine, the light or the darkness?

A Well, there wasn't any light in the street.

Q Wasn't any electric light burning on the street?

A No, sir.

Q Then it was the glistening of the gun barrels in the dark that you saw, was it?

A Yes, sir.

Q Is that right? And you think they were shot guns?

A They looked like shot guns; yes.

Q Now, how many did you see, Mr. Shucart?

A I don't know.

THE COURT: He has answered it.

MR. WEBB: Q Would you say you saw more than one?

MR. FARMER: I object to that, because it is repetition.

THE COURT: Yes, he has covered that ground.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Well, Your Honor permitted Mr. Farmer to ask a question he had asked once.

THE COURT: He stated he didn't know, as I understand it, how many guns they had. I will allow him to answer it again, if you are not clear on it.

MR. WEBB: That is not the question. I asked him if he would state he saw more than one.

THE COURT: You asked him that a while ago.

MR. WEBB: If I did, I have forgotten it.

THE COURT: You asked him if he didn't state on a former trial he saw only one gun.

MR. WEBB: One shot, Your Honor.

THE COURT: One gun, as I understood you.

MR. WEBB: Well, you are mistaken.

THE COURT: Well, you may ask the question.

MR. WEBB: Q I will ask you to state, now, if at that time you saw more than one gun?

THE WITNESS: A There were several guns there.

Q At that time how far did you live from 10th and Bond?

A From 10th and Bond about eight blocks; eight or nine blocks.

MR. WEBB: (Examining a document, and addressing his associates.)

Where is that he said three blocks?

THE WITNESS: That must have been a mistake in print. I didn't say three blocks from Bond and 10th Street.

Q Didn't you testify at the other trial you lived at 13th and Market?

A No, sir.

Q Didn't you say at the other trial you lived two or three blocks from 10th and Bond?

A No, sir.

Q Well, 13th is three blocks from 10th and Bond, isn't it?

A Yes, sir; but I never lived there.

Q Yes, I know; but I say 13th is about three blocks from 10th and Bond; is that right?

A Yes, sir.

Q Now, didn't you say on your last trial you lived about three blocks from 10th and Bond?

A I never did; no, sir.

Q (Reading) "My place is about four blocks from 10th and Bond Avenue." Did you say that?

A Never did, sir.

Q And did you say "I live at 13th and Market, East St. Louis"?

A I lived at 18th and Market.

Q Did you say that?

A No, sir; I did not.

Q Do you live in St. Louis now?

A Yes, sir.

Q When did you remove from Market?

A From East St. Louis just about two months after the riot.

Q Was your trade principally colored trade, there?

A Yes, sir.

Q And how long had you been at that stand?

A Oh, a little over --- let's see; a little over three years.

Well, I couldn't exactly say.

Q A little over three years?

A Not over three years, no.

MR. WEBB: That is all.

MR. FARMER: That is all.

HENRY L. KRUDWIG,

called as a witness on behalf of The People, and having been first
duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Henry L. Krudwig.

Q Your residence.

A 1739 Market Avenue.

Q East St. Louis?

A Yes, sir.

Q Your business?

A Saloon.

Q How long have you lived there?

A It will be nine years this summer.

Q The last nine years?

A Yes, sir.

Q Where is your place there with reference to Bundy's place?

A A block away.

Q Or where he was.

A Bundy?

Q Yes.

A A block away from me --- two blocks, if you take it.

Q What direction?

A Well, a block that way and a block that way. (Indicating)

Q And where is your place with reference to Bayles' saloon that was there at that time?

A Right across the street.

Q Across the street?

A Yes, sir.

Q What street?

A 18th.

Q What was Bayles' saloon a place for? Was it a colored place --- drinking place?

A Yes, sir.

Q Who was Bayles, a colored man?

A Yes, sir.

Q Do you know where Bayles is now?

A No, sir.

Q Prior to July 1st, 1917, what did you see there with reference to Bayles' saloon, if anything, that attracted your attention?

A I saw lots of people go in and out.

Q What kind of people?

A Colored people.

Q To what extent?

A Well, pretty good crowd all the time.

Q What did they take in there, if you know?

A What did they take in there?

Q Yes.

A Well, at one occasion I seen them carry some guns in there.

Q When was that?

A One evening about eight o'clock.

Q When was that with reference to the time of this trouble on the night of July 1st? How long before that?

A Two or three weeks.

Q Prior to that?

A Yes, sir.

Q About how many guns would you say were taken in there?

A Well, at different occasions automobiles would stop there, and they would go in and carry their guns in there.

Q What did you see, if anything, about the crowds going in and out of Bundy's place?

A Bundy?

Q Yes.

A I never did see any.

Q Did you know Bundy?

A Yes, sir, I knowed him well.

Q At the times that you saw these guns being carried in where was Bundy, if you know?

A He would go in there once in a while, the same as he come in

my place.

Q How many times did you see guns carried in there?

A Well, to the best of my knowledge, at least five or six times.

Q And how many would you say you saw carried in there?

A Well, at least, I should judge, it would be around between forty and fifty, or close around there.

Q And what kind of guns were they?

A They looked like shot guns or rifles. I don't know what they were, exactly.

Q Did they bring them out when they came out?

A No, sir.

Q What did you see, if anything, with reference to the night of July 1st?

A Was that the night they killed him?

Q Yes.

A Didn't see nothing.

Q Where were you then?

A In bed. I didn't feel well that night. I went to bed early. Sunday night we were closed, anyhow.

Q I understood you to say that this collection of guns there covered a period of two or three weeks.

A Yes, sir.

MR. WEBB: Now, just a moment. I think that is improper, to tell the witness what --- I understood him to say that it occurred two or three weeks before the night of July 1st.

THE WITNESS: Yes, sir.

MR. WEBB: Now, am I right about that?

THE WITNESS: Yes, sir.

MR. WEBB: Or Mr. Farmer?

THE WITNESS: Yes, sir; you are right.

MR. FARMER: Q How many different times, now, in that period of time, if more than once, did you see them carry any guns there?

A Well, I would say five or six occasions, anyhow; maybe more. I didn't pay just always attention to it.

Q When would that happen, day time or night?

A In the evening after supper.

Q And covering what period of time do you say that occurred?

A Well, within three weeks before the riot.

Q How many people would you see congregated there at those times?

A Well, some times fifty; sometimes one hundred.

Q Who were they, with reference to color? White people or black?

A All colored.

Q Were they men or women?

A Men and women.

Q Men and women?

A Yes, sir.

Q What proportion of them would you say was women?

A Well, I would say about twenty per cent.

Q That would be about eight men to every two women?

A Yes, sir.

Q Did you know at the time what the purpose was in collecting those guns?

A No, sir; I did not.

Q How far is Bayles' saloon from Bundy's place?

A Well, Bayles is on 18th and Market, and Bundy is on 17th and Bond. That would make it two solid blocks.

Q Yes. Across the lot how far would it be?

A Well, it would be 500 feet, at least, because they are long blocks.

Q About 500 feet away?

A Yes, sir.

MR. FARMER: You may cross-examine.

CROSS EXAMINATION
by Mr. Webb

Q The regular traveled route from Bundy's place to Bayles' saloon would be either on Bond and 18th or Market and 17th, wouldn't it?

A Yes, sir.

Q There is no cut through, cat-a-cornered from one corner of the block to the other, is there?

A No, sir.

Q Your business place was on Market?

A Yes.

Q And 18th?

A Yes, sir.

Q Which corner?

A Northwest.

Q You was on the street that runs east, that is, north and south, but east of you, was 18th Street?

A No, I am right on 18th --- east of me is 18th, yes, sir.

Q Yes; and the street that runs east and west, south of you, is Market?

A Yes, sir.

Q And Bayles' saloon was right across Market Street from you?

A The same side.

Q Right across 18th Street, on Market, from you?

A Yes, sir.

Q Bayles' saloon was farther away from Bundy's place than you were, wasn't it?

A Yes, sir.

Q How wide is 18th Street there?

A Well, I should judge at least forty feet.

Q Is 18th paved?

A No, sir.

Q Is Market paved there?

A Yes, sir.

Q Then Bundy's place is more than two blocks from Bayles' saloon, isn't it?

A Well, he is on this side of the corner of 17th and Bond.

Q That is, his residence is?

A Yes, sir.

Q But his garage is on the other side, isn't it, or the gasoline station is on the other side, isn't it, the west side?

A I didn't know he had any.

Q All right. What is your name?

A Henry L. Krudwig.

Q How do you spell that last name?

A K-r-u-d-w-i-g.

Q What nationality are you, Mr. Krudwig?

A Born here in America; German descent.

Q Born here in America of German descent.

A Yes, sir.

Q And you ran a saloon at this point about nine years?

A It will be nine years this August coming.

Q And did you say that these people that congregated in and about

Bayles' saloon were all colored?

A Mostly all; yes, sir.

Q You mean white and black?

A Well, mostly all --- there is white frequently there; yes, sir.

Q Well, the people that patronize your place are mostly colored people?

A Yes, sir.

Q As well as Bayles'?

A Yes, sir.

Q And Bundy would come in your saloon about as often as he did Bayles', wouldn't he?

A No, not as often; but he would come in.

Q He come in quite often, at your place?

A Yes, sir.

Q Bayles' was a colored proprietor, wasn't he?

A Yes, sir.

Q And, in order to get it in the record, you are a white man, aren't you?

A Yes, sir.

Q Now, when was the first you observed that any guns were being carried into Bayles' place?

A I guess it was about three weeks before this riot there was one of the boys around the pool room --- there is a pool room there, too ---

Q Pool room where?

A Bayles had a pool room, too.

Q In his joint?

A Yes, sir.

Q And the first time that you observed any guns being carried in

there was about three weeks before Coppedge was killed?

A Around that time.

Q Well, that is your best judgment, isn't it?

A Yes, sir.

Q And what did you see at that time?

A A young fellow from around the pool room was drilling with one out there in the street.

Q Was drilling with a gun?

A Yes, sir, a young fellow was, and I went over and looked at it.

Q At that time ---

A Yes, sir.

Q Did you know there was a bunch of white soldiers in East St. Louis stationed up there at 18th and Illinois Avenue?

A Yes, sir.

Q A great deal of drilling being done then, wasn't there?

A I think there was.

Q Did you know the colored men were drilling also?

A No, sir.

Q You didn't know that?

A I seen some colored men drilling on Market Street there one night.

Q With those guns?

A No, they were drilling with swords.

Q How long were they?

A Well, the regulation swords.

Q Did they have a captain in charge of them?

A Yes, sir.

Q They drilled regularly, didn't they?

A No, not so awful.

Q Well, how often?

A Well, about once every two weeks when the weather was nice, I guess.

Q Well, those fellows that had swords, that you saw drilling, were uniformed members of a lodge?

A I think they was.

Q And had a lodge there in that section of the town?

A I seen them at funerals.

Q Yes, sir; they had uniforms on?

A Yes, sir.

Q And this boy, now, on that occasion you say you saw him drilling in Market Street?

A On 18th.

Q 18th?

A Yes, sir.

Q And who was with him?

A Nobody.

Q Where was he going?

A Just up and down the sidewalk.

Q And carrying a shot gun?

A One of them rifles.

Q An army rifle?

A Yes, sir.

Q You recognized it as such?

A Yes, it looked like one.

Q Was that before you saw any guns taken in Bayles' place, or after?

A Before?

Q How long before?

A I just don't know the date; I can't say exactly; but it was around that time.

Q Was it the same day you saw the first guns taken into Bayles'?

A No, sir; I didn't see none then.

Q You hadn't seen any at that time?

A No, sir.

Q Well, then, after you saw this boy drilling with this rifle, some days or a day after that you saw some other guns taken into Bayles'?

A Yes, sir.

Q Who took them in there?

A Colored people.

Q And how were they brought there?

A Automobiles.

Q What kind of an automobile?

A Regular touring car; four-seat or six-seat.

Q Did it have the top up?

A Yes, sir.

Q Where did that stop, the automobile?

A In front of Bayles'.

Q That would be right on Market Street, wouldn't it, or 18th?

A Market.

Q That would be right next to your place there, right across the street?

A Yes, sir.

Q Is there an arc light hanging there?

A Yes, sir.

Q Burning at that time?

A Always.

Q Was anything covered up about that transaction, or concealed?
A No, sir.

Q Were the people passing along the street at that time?
A Yes, sir.

Q In all directions?
A Sure.

Q Coming in your place and going in at Bayles'?
A Yes, sir.

Q You observed that, did you?
A Yes, sir.

Q Now, that is the first time you saw any guns there, at all;
and about how many persons were with that automobile at that time?
A Well, from four to six.

Q Did you see them come there?
A Yes, sir.

Q And get out?
A Yes, sir.

Q Were they men who patronized your place and Bayles' place?
A No, I never seen them before.

Q You didn't know any of them?
A No, sir.

Q They carried those guns into Bayles'?
A Yes, sir.

Q Did it create any excitement around there?
A No, sir.

Q You made no inquiry about it, did you?
A No, sir.

Q And about how many were taken in there?
A Well, the best I could judge, I seen at least fifty.

Q I mean on that first occasion.

A Oh ---

Q Did you see it more than once?

A Yes, sir.

Q Well, on that first occasion you were telling me about?

A About four.

Q About four guns?

A Yes, sir.

Q Well, were they un-wrapped?

A They were un-wrapped. They carried them alongside of their leg; had them in one hand, like this (indicating), and would carry them along that way.

Q With the butt down?

A Yes, sir.

Q And the barrel up this way? (Indicating)

A Yes, sir.

Q And just carried them along that way like you would carry a shot gun?

A Yes, sir.

Q Instead of carrying it on the shoulder they had it in their hand?

A Yes, sir.

Q Did they have anything around them to conceal the gun?

A No, sir.

Q You think there were about four of them?

A At that time.

Q Where were you?

A Sitting across the street on the chair.

Q Out on the sidewalk?

A Yes, sir.

Q Was it dark?

A No, the electric lights lit. Bayles' always had big lights there.

Q Well, was it after you needed a light?

A Yes, sir.

Q It was lighter than it was a little while, an hour, before that, wasn't it, by reason of the lights being lighted?

A Yes, sir.

Q And was there anybody there with you at that time?

A Oh, there is often men sit out there with me.

Q Well, at that time?

A I really don't remember that.

Q You made no inquiry about it, nor said nothing about it?

A No, sir.

Q How, how long after that time did you see any other guns come there?

A On a Sunday night.

Q How long would that be after this first occasion?

A That would be about a week.

Q Then that would be about two and a half or three weeks before this July 1st?

A Yes, sir.

Q That you are now about to tell about?

A Yes, sir.

Q What did you see then?

A Well, they must have brought in at least ten.

Q The same fellows?

A No, sir, I don't think it was.

Q The same car?

A I don't know. They was all black cars.

Q Well, all cars are not black, are they?

A Well, these was.

Q What was it, a Ford?

A No; big cars.

Q Was the first car a big car, too?

A Yes, sir.

Q About like this one?

A Some had six in that day and some had seven in.

Q Well, this second time you are telling about, now, how many cars did you say come there on this second occasion?

A Two.

Q Two?

A Two at one time.

Q What direction did they come from?

A From over the river, it looked like.

Q What street did you see them coming on?

A Market.

Q Didn't come down Bond, did they?

A No, sir.

Q How far is Market Street paved west from your place?

A Next corner.

Q Paved to 17th?

A Yes, sir.

Q Is 17th paved, then, over to Bond?

A No.

Q Market Street, though, runs still on west?

A Yes, sir.

Q And how far down Market Street did you see them coming towards

your place?

A I didn't see them coming, at all, until they tooted their horns.

Q Where were they when they tooted their horns?

A Coming up the street.

Q Before they got to your place?

A This was on a Sunday night. I wasn't open. I was upstairs, reading a paper, and when they tooted the horns I looked out the window.

Q South window?

A Yes, sir.

Q You looked out on Market Street?

A Yes, sir.

Q And saw these two cars coming along there?

A Yes, sir.

Q Where did they stop?

A Stopped right in front of Bayles'.

Q Have you got an east window there?

A Yes, sir.

Q Did you go to that window?

A Go to any window. I have got windows all around the house.

Q Well, did you go to your east window?

A No, sir.

Q Where did you look?

A I could look right out.

Q Onto Market?

A I could look onto Market or 18th from the window I was sitting.

Q Well, could you see Bayles' from the window you was sitting?

A Yes, sir.

Q Is it a bay window?

A Big window like that (indicating).

Q Is it in the south part of your house?

A In the west part --- the east part; in the east part of the house.
That is it; east part.

Q Well, is that right, now?

A Yes, sir.

Q Does your house face the east?

A My house faces Market, and there is a window on the east part;
I can look right up Market Street all the way to 20th Street.

Q Your house is on the northwest corner of Market and 18th, is it?

A Yes, sir.

Q Does it sit square with the streets?

A Yes, sir.

Q 18th and Market?

A Yes, sir.

Q And have you got a south window that looks out on Market?

A Yes, sir.

Q And an east window that looks out on 18th?

A Yes, sir.

Q And out of that window you can see the intersection of Market and
18th?

A Yes, sir.

Q And Bayles' place?

A Yes, sir.

Q Now, is that the window you was at?

A Yes, sir.

Q And is that the window you looked out when you heard these horns
toot?

A Yes, sir.

Q You didn't look out the south window?

A South window?

Q Yes, that looks out onto Market Street.

THE COURT: The window that fronts Market Street.

A When I heard they tooted I turned around and looked out this window, just like this, and then looked out and seen them coming; seen they stopped over there.

MR. WEBB: Q You heard that and looked out the south window, the window that looks south?

A Yes, sir.

Q And then you turned and looked out of the east window?

A Yes, sir.

Q This machine stopped in front of Bayles'?

A Yes, sir.

Q That time of the evening was that?

A That was in the afternoon.

Q What time, on Sunday afternoon?

A Yes, sir; around four or five o'clock.

Q Sun shining, was it?

A Yes, sir.

Q And were there a number of people around there then?

A No, not so many.

Q Well, what were these signals tooted at?

A I don't know; just tooted the horn, I guess.

Q Well, were there any people crossing the sidewalks there?

A I never seen any.

Q Well, when you looked out did you see people there?

A Yes, sir.

Q When you looked out did you see people there?

A Yes, sir.

Q Were they standing or walking, or how?

A Well, there is always some people in Bayles' come out when they toot the horn.

Q On Sunday?

A Yes.

Q Come out of the saloon?

A No, the pool room.

Q All right. The pool room was open, was it?

A Yes, sir.

Q Quite a number of people there?

A Yes, sir; all the time.

Q And then some guns were taken out of those machines?

A Yes, sir.

Q How many?

A I think there was ten that time, because they didn't hide them, they took them right out and carried them in.

THE COURT: When was this?

MR. WEBB: About two or three weeks before this July 1st, as I understand the witness.

THE WITNESS: That was on Sunday.

MR. WEBB: Q They didn't hide them; they just took them out openly?

A Openly; and carried them in there.

Q Through the pool room?

A Yes, sir.

Q You don't know whether they were taken in the saloon or not?

A No, they couldn't, I don't think; I think the saloon was closed.

Q Were they taken into the pool room?

A Yes, sir.

Q And you think there were about ten of those guns?

A At that time.

Q Were they all taken out of one machine?

A No, sir.

Q How many were taken out of each machine?

A I think there were three in one and seven in another. One was a little bigger car, I believe.

Q And were they unwrapped?

A Yes, sir.

Q Were they rifles?

A I couldn't say that. They were just long guns. I couldn't say that.

Q That was in the afternoon, about four o'clock?

A Between four and five.

Q You saw no excitement over there, did you?

A No excitement, whatever.

Q Did you see any on another occasion?

A Yes, I seen a machine stop one night at two o'clock.

Q All right. Tell us about that.

A I couldn't sleep, it was so hot --- sitting at a window right across from his yard; and they went in the back part; the front part was shut up.

Q The front part of the saloon was closed?

A Yes, sir; that was two o'clock in the morning.

Q Where did the machine stop?

A On the side door.

Q Well, 18th, or Market?

A 18th.

Q Which way was it headed when it stopped? Towards Bond or towards Figgot?

A Towards Market.

Q Well, what street did it approach the saloon on?

A It come from Bond and come south on 18th and stopped in front of his place. there is a big gats there.

Q And it stopped on 18th?

A Yes, sir.

Q Before it got to Market?

A Yes, sir; right at the gate.

Q And that was about two o'clock in the night?

A In the morning; yes, sir.

Q Was it dark?

A Well, it was pretty dark.

Q Well, now, what did you see?

A Well, they brought three guns in there that night.

Q Who did?

A I don't know. Some people.

Q How many were there?

A There was five men in the machine, and three of them had a gun.

Q Each one of the three had a gun?

A Three of them carried one apiece.

Q Do you know whether they were strapped on them or not?

A No, they wasn't strapped on them; just took them out of the machine and walked right in the yard.

Q One man didn't carry two guns?

A No, sir.

Q Or three guns?

A No, sir.

Q Did it take three of the men to take three guns out and take them into the yard?

A That is the way they took them in.

Q Where did they take them?

A I don't know. After they got in the yard I couldn't see in the yard.

Q Why couldn't you see in the yard?

A I couldn't see where they went, in the yard.

Q Was the yard covered there with anything?

A No, it was dark.

Q Was there any high fence there?

A Yes, there is a fence there.

Q Couldn't you see over it?

A Well, you can't see after they once pass this way; you can see in that yard, you can see in the back of the yard, but if anybody comes to the front you can't see, not from where I was sitting. I was sitting right here ---

Q Well, that don't give us anything. Were you sitting upstairs in your house?

A Yes, sir.

Q And looking out the east window?

A Yes.

Q Was the window up?

A Yes, sir.

Q Now, you could look right over this fence, couldn't you, into his yard?

A Yes, sir.

Q Now, when they went through the fence they were walking eastwardly, weren't they?

A No, they walked south.

Q Would there be a fence between you and them?

A There is a house there, brick house, and fence.

Q I know, Mr. Krudwig, but when they got in the fence they would have to go some distance before they turned around the house, wouldn't they?

A Yes, sir.

Q How far?

A Well, they would only have to go about ten feet, and they could walk in the pool room.

Q The back door of the pool room?

A Yes, sir.

Q Did they go to the back door of the pool room?

A I couldn't say.

Q You don't know where they went?

A No; they went right in that way. I couldn't see them after they once went inside.

Q How long were they in there?

A I never watched them to come out. I went to bed.

Q You don't know whether they brought the guns out or not?

A No, sir.

Q You told Mr. Farmer a while ago, in your direct examination, that they didn't bring guns out that they took in.

A I never seen them take any out.

Q You meant by that, didn't you, that you didn't see them bring them out?

A Yes, sir.

Q That is all you meant?

A Yes, sir.

Q You don't mean to tell this jury these guns were taken in there

and left there?

A They were left in there; I never seen them taken out.

Q You don't know whether they were left or not, because you didn't see any taken out? That is what you mean, isn't it?

A Yes, sir.

Q And you don't know how many guns were taken out of the house, do you?

A No, sir.

Q Because you didn't see them taken out. That is what you mean, isn't it?

A Yes, sir.

Q Now, on any other occasion did you see any guns taken in there?

A Well, they come there with automobiles of an evening, and sometimes would have one or two or three. When they would come in there I never watched them when they would go out, or not; but I have seen them several occasions that way.

Q But you say you did see them on other occasions come in there with one gun or two guns or three guns?

A It was a common occurrence to see people with guns around there.

Q That wasn't anything unusual?

A No, sir.

Q That is true, is it?

A Yes, sir.

Q And it was nothing unusual to see men around there with rifles or shot guns, was it?

A No, sir.

Q That is true, is it?

A Yes, sir.

Q And that is the reason these things didn't attract your attention.

isn't it?

A Yes, sir.

Q You made no report of it, at all, did you?

A No, sir.

Q You didn't complain of it, and thought nothing about it?

A I didn't.

Q Simply because you thought that was the usual thing there?

A Yes, sir.

Q And had been for a long time; isn't that true?

A That three weeks prior to this shooting it had been going along all that time.

Q That is right; three weeks prior to this shooting?

A Yes, sir.

Q And it wasn't anything unusual?

A No, sir.

Q You told us a while ago, as I remember it, the first guns you had seen in there, or heard of, in Bayles' saloon, was about three weeks before July 1st; didn't you?

A Yes, sir.

Q Now, then, from the first trouble, now, about in May, sometime ---

MR. FARMER: I object to that.

MR. WEBB: Well, he is talking about the first trouble.

MR. FARMER: I don't care, if the Court please, I object to it.

MR. WEBB: All right.

Q Then for two or three weeks before that it was nothing unusual to see men with guns around there, was it?

THE WITNESS: A No, sir.

Q Rifles and shot guns?

A Yes, sir.

Q And pistols?

A Sure.

Q Now, that is right, isn't it?

A Yes, sir.

Q And before that had you seen guns around there, and pistols?

A Not so much.

Q Well, had you seen them there?

A Oh, yes.

Q Frequently?

A Oh, yes.

Q But not in so great numbers?

A Yes.

Q That is before that trouble, you are speaking about?

A Before any trouble come.

Q You remember, do you not, when the Government sold old rifles, rifles of that kind, to people around, anywhere?

MR. FARMER: I object to that. That is not cross examination.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. FARMER: And immaterial.

MR. WEBB: Well, I think anything would be material, to show where the guns came from.

MR. FARMER: I don't think it is material where they came from.

THE COURT: I will sustain the objection.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Bayles is not in business there now?

THE WITNESS: A No, sir.

Q You have got all of the trade there, now, haven't you, at that corner?

A At that corner; yes, sir.

Q Yes. Do you know whether or not Bayles owned a black machine, an automobile?

A He had one.

Q Had one there and used it?

A Yes, sir.

Q You often saw it there, didn't you?

A Often.

THE COURT: Is that all?

MR. WEBB: That is all.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q What is Bayles' first name, do you know?

A James M. Bayles, he had on the window.

Q When did he disappear from there?

MR. WEBB: I object to that. That is not anything new, Your Honor.

THE COURT: Yes.

MR. FARMER: Well, I will ask leave to inquire about that, even though it is not new.

MR. WEBB: Well, it would be immaterial, Your Honor, so far as this case is concerned, where he is or when he disappeared. He is not being tried here.

THE COURT: I will sustain the objection.

MR. FARMER: That is all.

THE COURT: That is all. Step aside.

L. G. MILLER.

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A L. G. Miller.

Q Where do you live?

A 622 South High, Belleville, Illinois.

Q Do you know Leroy Bundy, here?

A Yes, sir; I do.

Q Did you see him in Cleveland, Ohio?

A I did.

Q When?

A October the 13th, 1917.

Q Where?

A In the County jail, where I saw him the first place when I got there.

Q Did you have anything to do with returning him to St. Clair County?

A I was deputized by the sheriff, Logan Mellon, at that time, to go out with him and help him to bring him back.

Q Did you have a warrant for him at that time?

A The sheriff did.

Q On this indictment here?

A Yes, sir; the sheriff did. I didn't.

Q Was he returned to St. Clair county at that time?

A He was. We left there on October 13th, in the evening, and got back to St. Louis on October 14, 9 o'clock in the morning.

Q October 14 of what year?

A 1917.

Q Do you know whether the defendant Bundy resisted coming back to Illinois for trial?

MR. WEBB: I object to that, if the Court please. It is a matter of record, if he did.

MR. FARMER: Q Well, I will ask you this: Did he come voluntarily back to Illinois, or was he brought here on process?

MR. WEBB: I object to that, now, unless it refers to physical force or physical resistance; if he physically resisted coming back ---

MR. FARMER: Well. Just a minute. I will withdraw that question. That is all.

MR. WEBB: That is all, Mr. Miller.

ANDREW J. GAA.

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Andrew J. Gaa.

Q Where do you live?

A 1809 Collins.

Q East St. Louis?

A East St. Louis.

Q What is your business?

A Salesman at the Felner Grow Company, East St. Louis.

Q How long have you lived in East St. Louis?

A Very near all my life.

Q What is your age now?

A Thirty-two.

Q Do you know Leroy Bundy, the defendant here?

A Yes.

Q Is this the man, seated here?

A Yes.

Q I will ask you where you were on the night of July 1st, 1917?

A I was at home.

Q Where did you live at that time?

A 1722 Market.

Q You may tell the jury what you saw that night, if anything, with reference to what occurred on the street, and who it was.

A Well, on the night of that evening of July 1st I was awakened by a shot, and I got up and looked out, and I saw an automobile pass, and right after that automobile passed there was some more shooting, at the machine.

Q What kind of a machine was that?

A Well, it seemed to be a small black machine.

Q What time was that?

A Oh, about eleven thirty, I guess; something like that.

Q What direction was that machine going?

A It was going down Market Street, going west.

Q On Market?

A On Market.

Q Were there any people in it?

A Why, seemed to be, yes.

Q How many?

A I could not exactly judge, but it seemed there were some people in there, I know.

Q Colored people?

A I couldn't tell you.

Q Well, what did you see after that?

A Then there was a large machins come back --- that was a red machine --- and as it went past some fellow said "Don't shoot; don't shoot; here comes Bundy"; and that machine stopped there at the corner of the saloon.

Q What corner?

A 1601 Market Avenue.

Q Could you see whether there were people in that machine?

A Yes, sir.

Q How many, about?

A I couldn't tell.

Q Could you tell what kind of people they were?

A No, sir.

Q Do you know whose machine that was?

A Well, no, I don't know whose machine it was, but it was a large red machine; looked something like Mr. Bundy's machine. He had one at that time.

Q Did he have a red machine?

A Yes, sir.

Q And where did that statement come from that you have just mentioned, "Don't shoot; don't shoot"?

A Right across the street there; oh, about fifty feet away from my place.

Q Could you tell who that statement came from?

A No, sir.

Q Were there any people there?

A Not there; no, sir. As the machine stopped at the corner there was a crowd of colored fellows congregated around the machine.

That is all I could see.

Q About how many?

A Oh, in the neighborhood of probably sixty or seventy-five.

Q Could you see what they had?

A No, sir.

Q Well, where did that caution or exclamation emanate from, from people on that corner, or where?

MR. WEBB: He said he didn't know.

THE WITNESS: I didn't know.

MR. FARMER: Q You couldn't tell?

A No, sir.

Q What sort of a voice was that said in, a loud voice, or not?

A In a loud voice.

Q And how close was the machine to them at that time, that said that?

A To the one that hollered?

Q Yes.

A Well, I guess about 170 feet; something like that.

Q And what machine was that?

A That was that red machine.

Q What time in the night was that, about?

A About 11:30.

Q 11:30, what day?

A Well, that was July 1st.

Q Of what year?

A 1917.

Q You mean 11:30 at night, or in the day time?

A At the night time.

Q In the night time?

A Yes, sir.

Q What became of that machine, that red machine?

A I don't know.

Q Did you see a machine stop in front of Bayles' saloon?

MR. WEBB: I object to that.

THE WITNESS: Yes.

MR. WEBB: It is leading, Your Honor.

THE COURT: Well, it is leading. Avoid it.

MR. FARMER: Q Well, did you, or not?

THE WITNESS: A Bayles' saloon; 1801 Market Avenue.

Q How close is that to you?

A About 150 feet.

Q What did you see with reference to a machine stopping there?

A Well, I seen the crowd congregating around there, and a gentleman getting out of there, and went in the saloon.

Q Saw a gentleman getting out of what?

A Out of the red machine.

Q When was that?

A That was at 11:30 at night time.

Q Was that after you had seen the machine before, going down the street?

A Yes, sir.

Q How long after?

A About five minutes.

Q And where did the people that got out of that red machine go?

A In the saloon.

Q Whose saloon?

A Bayles' saloon.

Q How was the light around there at that time?

A Very bright.

Q Could you tell any of the people that got out of that machine at that time?

A No.

Q Could you tell whether Bundy was in that crowd?

A I seen a man about the same size he was, but I couldn't say it was Mr. Bundy.

Q Whom did you take it for at that time?

MR. WEBB: I object to that, now.

THE COURT: Yes, sustained.

MR. FARMER: Q How long did that machine stay there?

THE WITNESS: A I couldn't say.

Q Did you see anything further that night?

A No, sir; I didn't see anything further.

Q Did you get up anywhere around 10th and Bond Avenue that night?

A No.

Q Were you at home all evening?

A All evening.

Q You are a married man, are you?

A Yes, sir.

MR. FARMER: You may cross-examine.

CROSS EXAMINATION
by Mr. Webb

Q How old are you?

A Thirty-two.

Q Have you been sworn?

A Yes, sir.

Q Do you understand the nature of an oath?

A Yes, sir.

MR. FARMER: I object to that.

MR. WEBB: I think it is competent.

THE COURT: Well, he may answer.

MR. WEBB: Q Did you swear in the case --- similar case, at Belleville?

THE WITNESS: A Yes, sir.

Q That grew out of this same transaction?

A Yes, sir.

Q Are the events as fresh in your mind now, that you saw that night, as they were then?

A Yes, sir.

Q Did you testify in that case anything about hearing somebody say "Look out; don't shoot; here comes Bundy"?

A Yes, sir.

Q Did you testify that you afterwards saw that car go down to Bayles' saloon --- that car go down to Bayles' saloon?

A Went up to Bayles' saloon.

Q Well, up to Bayles' saloon?

A Yes, sir.

Q That same car?

A Yes, sir.

Q Are you sure of that?

A Yes, sir.

Q Now, then, Mr. Gaa, is it?

A Yes, sir.

Q G-a-a?

A Yes, sir.

Q About what time was it you heard the fellow say "Look out, don't shoot"?

A About 11:30.

Q About 11:30?

A Yes, sir.

Q And you were then in your house?

A Yes, sir.

Q Is it a single or double story?

A Single.

Q Were you inside the house or on the porch?

A Right inside of the door on the porch there.

Q In bed?

A It is an "L" house.

Q In bed, or out of bed?

A I was in bed at the time, but when the shooting was I got up and looked out.

Q Well, in bed what time?

A 11:30.

Q You were out of bed when you heard this expression "Don't shoot; here comes Bundy"?

A Yes, sir.

Q How far back from the street is your house?

A About twelve feet.

Q Is it on a line with the other houses along there?

A Yes, sir.

Q You mean from the sidewalk?

A Yes, sir; from the sidewalk.

Q And what number is it?

A 1722 Market.

Q 1722?

A Yes, sir.

Q On the north side of Market?

A It is on the south side of Market.

Q Do you know where Mrs. Stapp lives?

A Yes, sir.

Q Is your house closer to 17th than hers?

A No, sir; our house is closer to 18th. Hers is closer to 17th.

Q Than yours?

A Yes, sir.

Q You are across the street and farther east, and toward 18th, than she is?

A Yes, sir.

Q Now, the first thing you heard was about 11:30?

A Yes, sir.

Q And you were asleep?

A Yes, sir.

Q And you heard some shots fired?

A Yes, sir.

Q And you got up and saw an automobile pass?

A Yes, sir.

Q Then you said that after it passed some more shots were fired, at the automobile?

A Yes, sir.

Q Why do you say that?

A They were across the street.

Q You don't know whether any had been fired at an automobile before that, do you?

A No, I don't.

Q Then why did you say some more were fired at an automobile?

A Well, they was fired; I didn't exactly say they was fired at an automobile; but the shots was fired.

Q That is what you said, but probably you didn't mean it.

A Well ---

Q If you said that, did you mean it that way?

A Well, I just heard the shots.

Q You don't know whether those shots that were fired, that awakened you, were fired from the automobile or at the automobile, do you?

A No, I don't. I heard the shots.

Q Now, those that were fired after you got up, you say they were fired at the automobile?

A After I got up?

Q Yes.

A The shooting was all over after I got up.

Q I thought you said after you got up there were some other shots.

A That was down farther. I didn't see that, you know. That was past my house.

Q Now, Mr. Gaa, let me understand you. Didn't you say, a while ago, that after you got up there were some more shots fired at the automobile?

A No.

Q You didn't say that?

A No.

Q If you said it you didn't mean it?

A I didn't say it that way.

Q After you got up there were more shots fired?

A There was more shots fired, down lower.

Q You don't mean to say they were fired at the automobile?

A They was shot; I don't know where they fired them at, no.

Q You don't mean to say they were fired at an automobile?

A I don't know; no. I just heard the shooting.

Q You watched the machine, did you?

A No, sir.

Q You watched it as it passed your house?

A No, sir.

Q How far did you watch it?

A I didn't go out. I didn't want to get shot myself.

Q That is the only reason?

A That is one reason.

Q Did you watch it until it got to 17th?

A No, sir.

Q You just saw it go by your house?

A That is all.

Q You never did go outside that night?

A No, sir.

Q Did you get out of your bed and go to your door or window?

A I went out to the door.

Q Did you open the door?

A I didn't have to open the door. It was already open.

Q Weren't you afraid they would shoot through the door?

MR. FARMER: That is immaterial.

MR. WEBB: Q Well, you said you didn't get out.

THE WITNESS: A It was summer time. I was standing in front of the screen door.

Q Did you close your door?

A No, sir.

Q While you were standing there, after this first machine had gone out of your sight, what was the next thing you saw?

A About five minutes after a large red machine come back.

Q Did anything transpire between the time this first machine went out of your sight and the big automobile came up in your sight? Did anything transpire?

A Yes.

Q What was it?

A A man across the street hollered "Don't shoot; don't shoot; there comes Bundy".

Q How long was it before the big machine come up?

A About five minutes.

Q Well, after the man said "Don't shoot; don't shoot; there comes Bundy"; did five minutes expire between that remark ---

A That was before the machine come up.

Q You don't understand me. Now, listen. How much time elapsed between the time that you heard the man say "Don't shoot; don't shoot; there comes Bundy", and the appearance, now, of the big machine?

A Well, that must have been about five minutes.

Q You understand what I ask you, now?

A Yes, I understand you very well.

Q Then there was five minutes elapsed between the time the fellow said "Don't shoot; don't shoot" and before you saw the machine come up?

A The machine was coming up on Market Street. Before the machine got to the house the fellow said "Don't shoot, don't shoot; there comes Bundy".

Q He wasn't where he could see any more than you, was he?

A Well, I don't know; I didn't see the man --- I see the fellow standing in front of the house, and after he was --- said what he said, he was gone, and I didn't pay any attention.

Q The man was right across the street from you, wasn't he?

A Yes, sir.

Q A little east of Mr. Stapp's house, wasn't he?

A No, that is much farther than Stapp's house.

Q How?

A Stapp's house is about 200 feet away from mine.

Q I know; but I am talking about this man. Was he right across

from your house?

A Yes.

Q Well, that would be a little east of Stapp's house, wouldn't it?

A Well, quite a number of feet, yes.

Q About how many feet?

A About two hundred feet.

Q All right; 200 feet east of Stapp's house?

A Yes.

Q Now, after you heard this man say "Don't shoot; don't shoot; there comes Bundy", about five minutes after that this machine came up?

A What machine?

Q This big machine.

A That was before it came up.

Q Well, that is what I say.

A That is correct.

Q In about five minutes it came up. Where did it stop?

A In front of Bayles' saloon, 1801 Market.

Q Well, it passed by you, didn't it?

A Yes, sir.

Q And passed by this man on the other side?

A Yes, sir.

Q Did he do anything?

A No, sir.

Q Did you do anything?

A No, sir.

Q It went on down without stopping in the street?

A Yes.

Q And that is the first time you had seen that machine, is when

it passed your house?

A Yes, sir.

Q And that machine was a red machine?

A Yes, sir.

Q And it had some persons in it?

A Yes, sir.

Q How many?

A I don't know.

Q And it went on and stopped under the light down there at Bayles' saloon?

A Yes.

Q Where there was an electric light there?

A On the other side of the street is a light.

Q Well, it stopped between you and the light, didn't it?

A Yes, sir.

Q And that would cause you to be able to see parties, wouldn't it?

A Yes, I saw very plainly.

Q You could see the machine plainly?

A I could see the machine plainly.

Q And you saw how many people got out of there?

A I didn't say I saw how many got out.

Q Well, I am asking you.

A A number of people got out of there.

Q Well, how many?

A About two or three.

Q Were there other people standing around there at that time?

A They all come out of the saloon and congregated around the machine.

Q I asked you were there other people standing there ---

A No, I didn't see any.

Q Did these people come out of the saloon before those men in the automobile got out of it?

A Just as they ran in the saloon they all come running.

Q Oh, they didn't come out, then, until these men that were in the automobile got out of it and went into the saloon?

A Yes.

Q Is that it?

A That is correct.

Q Then they all came out?

A Then they came out.

Q Did these three men that got out of the automobile and who went into the saloon, did they come out again?

A I couldn't tell you.

Q You don't know that, do you?

A No.

Q Now, when they came out why did they congregata around the automobile?

A I couldn't say.

MR. SCHAUMLEFFEL: I object to that.

MR. WEBB: If he knows.

Q There wasn't anybody in the automobile, was there, to congregata around?

A I couldn't tell you.

Q Did they get in the automobile, now, anybody?

A I don't know.

Q Well, why don't you know?

A Well, I didn't stay there long enough to know.

Q You then went away?

A I went back in the house.

Q And that is all you saw about this automobile?

A Yes, sir.

Q You didn't hear any shooting down there?

A No.

Q And didn't hear any unusual noise down there, did you?

A No, sir.

Q At Bayles' place, at that time?

A No, sir.

Q And you hadn't seen or heard any unusual noise except this man saying "Don't shoot; don't shoot; there comes Bundy", and this automobile that had gone west on Market Street, before that time, had you?

A Yes, sir.

Q That is all you had seen and heard?

A That is all.

Q How many other red machines were in that neighborhood, owned by different persons?

A I couldn't tell you.

Q Well, there were a number, weren't there?

A In what neighborhood?

Q In that neighborhood.

THE COURT: Where you live, I suppose he means.

MR. WEBB: Yes.

THE WITNESS: Yes, I understand. I don't know. I couldn't tell you.

Q Is that the only red machine that you know of being in that neighborhood?

A Not in that neighborhood.

Q Well in that vicinity around there, owned by colored people.

A I don't think there is another machine in that neighborhood owned by colored people. If there is a red one I don't know anything about it.

Q Well, you don't know.

A No.

Q Did you know that Sundy had a red machine?

A Yes, sir.

Q How do you know it?

A I have seen it.

Q You have seen his driver driving it?

A Yes, sir.

Q And you have seen Sundy drive it?

A Yes, sir.

Q Did you ever see any other red machine being driven in that neighborhood?

A Not as I could say. Probably they was going past, but I don't know whose machines they were, you know.

Q You don't know about that?

A No, I don't know.

Q Did you then go back to bed?

A Yes, sir.

Q About how long do you think you were out of bed before you went back?

A Oh, about fifteen minutes, I suppose.

Q And you think you got up at 11:30?

A About.

Q Did you then go to sleep?

A Yes, sir.

Q And that is all you heard or saw that night?

A That is all I saw; yes, sir.

Q Do you know whether there were any other cars, red cars, in town, that you had seen at that time, by people who owned ---

MR. FARMER: That is repetition.

MR. WEBB: I said in that vicinity.

MR. FARMER: You have asked him that two or three times.

THE COURT: Well, do you mean in the city of East St. Louis?

MR. WEBB: Yes, sir.

THE COURT: Well, he may answer if he knows.

THE WITNESS: Do you mean to tell me you want to ask do I know of any other cars in East St. Louis, or that vicinity?

THE COURT: No, East St. Louis; the entire city.

THE WITNESS: I know a good many, yes.

MR. WEBB: There were a good many there, were there, at that time?

A Yes, sir.

Q And you have seen other red cars driven in your neighborhood, had you, at that time?

A I couldn't say that.

Q Well, I will ask you if you testified in this former trial --- trial of a case similar to this. I will ask you to say if you didn't testify in this way: ---

MR. SCHAUMLEFFEL: One moment. Before he puts that question I want him to say what case.

THE COURT: Go ahead and ask the question. Proceed, Mr. Webb.

MR. WEBB: Yes. Just a minute.

Q If you didn't testify, in substance, this: ---

MR. SCHAUMLEFFEL: My objection here, Your Honor ---

THE COURT: Just sit down, please. Proceed with the question.

MR. WEBB: Q "I live one block from Dr. Bundy. I knew he had an automobile. I knew it when I saw it; but there are lots of cars

like it in the city of East St. Louis. There were quite a number, about seventy-five colored men across there on the corner. It was not anyone of that crowd that said "don't shoot".

A Yes, sir.

Q You didn't say ---

MR. FARMER: Just a minute. I object to that question, as not impeaching anything, at all. There is nothing asked there but what the witness has already been asked and answered.

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Now, Mr. Gaa, in further cross examination --- well, I believe I did ask you; There was no shooting at the corner of Bayles', down there?

THE WITNESS: A No, sir; not as I know of.

Q Nor any disturbance?

A Not as I know of.

Q Did you know Lawyer Pardon, living in that neighborhood?

MR. FARMER: I object to it.

THE WITNESS: A Yes, I know him.

MR. FARMER: Not cross examination. It is immaterial.

MR. WEBB: It will be. It is only introductory.

MR. FARMER: It is not cross examination.

MR. WEBB: Yes, it will be cross examination, I say.

THE COURT: You asked him if he knew a lawyer named Pardon.

MR. WEBB: That is all I asked him, if he knew a lawyer named Pardon, and that is an introductory question, which will lead up to something which is cross examination.

THE COURT: He may answer.

MR. WEBB: Q Do you know Mr. Hughes, who lives in that neighborhood?

A No.

Q Professor Hughes, a school teacher.

A I know his name. I don't know exactly the man very well. I just know him from working at the election polls.

Q Do you know where he lives?

A Not exactly.

Q Do you know Mr. Jones, who lives in that neighborhood?

A That is a familiar name.

Q A colored gentleman?

A Yes.

Q Now, I will ask you if you don't know that each of those last three men who lived in that neighborhood, I have mentioned to you, at that time were possessed of and owned red cars.

A I don't know. I couldn't tell you.

Q Now, when this first automobile passed your place, that awakened you, that is, the firing of shots, you went to the door and saw the automobile. You didn't see any crowds anywhere then, did you?

A Not then. Not at that time.

MR. WEBB: That is all.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q The case that Mr. Webb asked you about testifying in was not a case in which Dr. Bundy was tried, was it?

A Not as I know of.

Q Was it the case in which the other parties indicted with him were tried?

A Yes, sir.

Q Do you remember who they were?

A No, I don't.

Q Was it the case in which Fayette Parker, O'Fanniel Peoples, George Roberts, Marshal Alexander, Dee Smotherman, Albert Hughes, Bud Townsend, William Palmer and Charles Foster were tried?

A I believe that is correct. I am not sure.

MR. FLBB: That is the case.

MR. FARMER: That is all.

FRED HENLEY.

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Fred Henley.

Q Where do you live?

A 1419 Walnut Street, East St. Louis.

Q And where is that with reference to Bond Avenue?

A Well, that is four blocks north of Bond Avenue, I believe.

Q Four blocks north. What did you say your number is?

A 1419 Walnut.

Q Is that between some other street, cross streets?

A Yes, sir.

Q What ones?

A It is the next street --- first street south of Broadway. One block this side of Broadway.

Q Did you live there on July 1st of 1917?

A No, sir.

Q Where were you that evening?

A 1917?

Q Yes, sir.

A I was at the Missouri Malleable Iron Works part of the evening, and at home the balance of the day.

Q What time were you home?

A I came home about three o'clock, I believe; something like that.

Q In the afternoon?

A In the afternoon; yes, sir.

Q Were you at home that night, Sunday night?

A Yes, sir.

Q Did you see some automobiles come by your place that evening?

A I did.

Q How many?

A Two.

Q What kind of machines were they?

A One was a red one, and one black one.

THE COURT: Just a minute. I didn't understand where he said he lived at that time.

MR. WEBB: He has not said, yet.

THE WITNESS: I lived at 1113 Trendly at that time.

MR. FARMER: Q You lived at 1113 Trendly?

A 1113 Trendly; yes, sir.

Q That is the street between Bond Avenue and --- or, between Market Street and Piggot Avenue, is it?

A Yes, sir.

Q Who were in those machines, if you know?

A I couldn't tell you who was in those machines.

Q Were they white men or colored men?

A They were colored men that was in the machines, but I couldn't tell who they was.

Q What time was that?

A Well, I would judge nine o'clock or half past nine.

Q What did those machines do?

A When I saw those machines, when I first heard those machines I was in the house getting a pan of water to put a towel to my wife's forehead; she had a very high fever, she had been sick since March, you know; and when I came out I heard these machines stop as I came through the room from the back and come in the middle room, I heard thr machines stop, and when I went to the door the lights were out on the machines, and standing down in front of the house 1115 --- that is one door east of where I lived --- both of them headed towards 12th.

Q How were they standing with reference to each other, whether they were standing side by side or one ahead of the other?

A They was one right behind each other.

Q Which one was ahead?

A I think the red machine was ahead. I am not positive, but I think it was.

Q Did you see them stop there?

A No, sir; they were stopped when I went to the door.

Q What did you see about the lights?

A The lights were out, on the machines.

Q On the machines?

A Yes, sir.

Q Were the headlights not burning?

A No, sir; I don't think there was a light burning on the machines, at all.

Q How many people would you say were in those machines?

A I couldn't say. They was full, but I couldn't say. Looked to be full of people.

Q And they were headed toward what?

A Towards 12th street.

Q Did you go out there, or not?

A No, sir; I did not go out.

Q Do you know who was in the machines?

A No, sir; I don't.

Q How long did they stop there?

A Not but a very few minutes.

Q And where did they go then?

A I couldn't tell you whether they went towards 12th or back the other way. I couldn't tell you, to save my life.

Q Did you look again to see whether they were there or not?

A No, I was out at the door again after those machines left. I heard those machines leave while I was sitting in by the bed, putting this cloth on my wife's head; and I come to the door, and they was gone, but I don't know whether they went towards 12th or back towards 11th street.

MR. PARKER: You may cross examine.

THE COURT: Do you want to ask this man anything, Mr. Webb?

MR. WEBB: (Conferring with associates) Well, that is what we are talking about, Your Honor.

THE COURT: Well, hurry up.

MR. WEBB: I don't believe we will, now.

THE COURT: Well, all right.

MR. WEBB: We don't want him to leave, though.

THE COURT: All right. Step aside.

FRANK REEDY.

called as a witness on behalf of the People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Frank Reedy.

Q Where do you live?

A Washington Park, East St. Louis.

Q Where did you live July 1st, 1917?

A 1001 South 16th Street.

Q East St. Louis?

A Yes, sir.

Q Were you at home that night, Sunday night, July 1st, 1917?

A I was; yes, sir.

Q What happened there, if anything, around ten o'clock and later, with reference to people congregating on the street and talking?

MR. WEBB: I object to Mr. Farmer fixing the time in his question. If anything happened this witness ought to be able to tell when it happened.

MR. FARMER: Well, I am asking with reference ---

THE COURT: Overruled.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: A Well, there was quite a gathering of people on the street.

THE COURT: Where was this?

THE WITNESS: At 16th and Boismenu Avenue, in East St. Louis.

MR. FARMER: Q What time?

A Well, there was quite a number on the street from the time it

got dark, on, away into the night.

Q What do you mean by "quite a number"?

A Well, I wouldn't know exactly how to say how many I mean; but there was a great deal more --- that is, a great deal more than was usual, on the street.

Q What were they doing?

A They were discussing, apparently the --- well, I believe they were discussing the trouble that was brewing.

Q Could you hear what they said about where they were going and what they were going to do, if anything?

MR. TEBB: Now, that is suggestive, Your Honor.

THE COURT: Yes, it is leading.

MR. FARMER: Q Well, what did they say?

THE WITNESS: A Well, I heard certain parties say they were going to 10th Street, and other parties said that they were not going, they were not going up there.

Q Who were those people, with reference to being colored or white?

A They were colored, I think.

Q How many of them would you say were there at the time you heard them discussing about going to 10th Street?

A Well, in the entire street along there, do you mean, or just in front?

Q Well, wherever that was that you heard them.

A Well, I should judge there was possibly fifty or seventy-five, at least that many, in front of the building.

Q And were there others there somewhere?

A Well, I don't know, because the people were coming and going.

Q What time was that when you heard this discussion?

A The exact time I cannot tell you, but it was not late in the night;

possibly around ten o'clock or something like that; maybe a little later. I cannot tell you the exact time.

Q Did you hear anything after that?

A Did I hear anything after that?

Q Yes.

A Yes, sir, I --- quite a while after that I heard a church bell ring, and also a great deal of firing.

Q Now, how long after that discussion you have mentioned, was it that you heard the church bell ring?

A As best I remember, it was about a half hour, or more. The exact time I cannot remember.

Q Could you tell what church bell that was?

A It appeared to be, from the sound of it, the one at 12th and Tudor.

Q What kind of a church is that?

A That is a colored church.

Q What happened after the church bell rang, so far as you could see or hear?

A Well, the commotion in the street increased, and there was a great deal of shooting going on.

Q This commotion you mention, what was the nature of that?

A People moving to and fro on the street.

Q Could you tell where they were heading for, if anywhere?

MR. HUBB: That is assuming that they were headed for some point.

MR. FARMER: I said, if they were headed anywhere.

THE COURT: Overruled. He may answer.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: A There were some that were headed, apparently.

across the field to the northwest, and others were going in various directions.

MR. FARMER: Q What do you mean by "across the field to the northwest"?

A You see right north of Boismenue, there, and 16th, is vacant territory; anyone going or coming to the street car line cut across fields, or usually did in those days; and there was a bunch or so, I think, going in that direction.

Q How would that direction be, with reference to 10th and Bond Avenue?

A That is a straight shoot for 10th and Bond.

MR. SCHAUMLEFFEL: The closest way going to 10th and Bond.

MR. WEBB: I object to Mr. Schaumleffel talking back here.

MR. SCHAUMLEFFEL: I am talking to the assistants here, of mine, and I am going to keep on.

MR. FARMER: Q State whether or not that would be the nearest route to 10th and Bond Avenue?

THE WITNESS: A It would, yes.

Q Could you tell what those people carried, if anything?

A No, sir; I didn't see them.

Q How long after the bell rang did you hear the shooting?

MR. WEBB: I object. That is assuming, Your Honor, that it was after that.

MR. FARMER: Well, he said after that, a while ago.

MR. WEBB: No, he hasn't said that.

THE COURT: I don't recall that he did. I will sustain the objection.

MR. WEBB: It doesn't do any good to make these objections, you know, after the injury has been done, Your Honor.

MR. FARMER: Now, Mr. Webb, I will submit that if I am not correct

there. the record will show it. Let's examine the record. I know this witness said it.

THE COURT: He may have said it. I don't recall that he did; but you may put the question again, in a different way, and I think we will get along.

MR. FARMER: All right.

Q State what happened, Mr. Reedy, after the ringing of the bell?

MR. WEBB: Well, now, that is the same; that is the question I am objecting to.

THE COURT: Overruled. He may answer that.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: A Well, the firing --- the discharge of fire arms followed in a little while after that.

MR. FARMER: Q Could you tell, from where you were, where the firing seemed to be?

A It seemed to be in a northwesterly direction mostly, but then there was firing nearly every direction.

Q Could you tell, from where you were, the direction of 10th and Bond Avenue?

A Could I tell from where I was?

Q Yes; did you know the direction of 10th and Bond Avenue from where you were?

A Why, sure.

Q Now, with reference to that point, what would you say as to the firing?

MR. SCHAUMLEFFEL: Whether it was in that direction or not?

THE WITNESS: I didn't get your point exactly.

MR. FARMER: Q With reference to that place, 10th and Bond Avenue, could you tell where the firing was?

A Well, not exactly, though the bulk of the firing was in that direction; though to locate exactly where it was, I could not.

Q Could you tell from where it was how many shots were fired?

A No, sir.

Q Could you give some estimate of it, to the best of your judgment?

A No, I couldn't, hardly.

Q Was it many or few?

A Very many.

Q Would you say 100, or more than 100?

A Oh, yes; 100 wasn't in the class, anywhere. I don't think there was less than 1500 or a couple of thousand, although I didn't count them; I didn't attempt to; but there was some firing.

MR. PARKER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q Now, you said, did you not, Mr. Reedy, that from where you were when these shots were fired they were fired in all directions?

A Some of them were; yes, sir.

Q Now, nearly all directions from where you were the colored people lived in, didn't they, except in a northwest direction?

A Well, they lived in every direction from that.

Q Yes; and so far as you have learned, the white people were injured at 10th and Bond, weren't they?

A That is where they said they were.

Q And your judgment is that there were as many as 1500 shots fired, and they were fired in all directions from where you were?

A More or less.

Q And that the greatest portion of them were in the direction of Bond and 10th.

A The volume was, I guess.

Q Yes, was in that direction?

A Yes.

Q You were home, were you not?

A I was.

Q What is your business?

A I was in the grocery business at that time.

Q Where?

A 1001 South 16th Street; corner of 16th and Boismenue Avenue.

Q Are your customers colored people?

A They were, mostly.

Q They were nearly all, weren't they?

A About ninety-five per cent.

Q Isn't it a fact that a white man or woman very seldom came in?

A No, sir; we had some white trade that came every day.

Q What families did you have of white trade?

MR. FARMER: I object to that. That is immaterial.

THE COURT: I will sustain the objection.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: It shows an interest here, if it shows anything in the
world.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. SCHAUMLEFFEL: If it does, it is in his favor.

MR. WEBB: May I not show his interest by any circumstance or fact
that will show it?

MR. FARMER: I object to that.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Q Mr. Reedy, how far south is that on 11th street?

THE WITNESS: A Is what?

Q Your store.

A That was on 16th.

Q How far south is that?

A That is 1000 south of Division Avenue.

Q No; it is 1000 south of Division Avenue, but what streets running
the other direction are your nearest streets?

A Running what direction?

Q East and west.

A Oh, Boismenus Avenue; is on the corner of Boismenus and 16th.

Q Well, if you had said 1600 south we would have known.

A Didn't I say that?

Q No.

A Pardon me. Maybe I didn't.

Q You are on Boismenus there?

A No, sir; on 16th.

Q 16th near Boismenus?

A Well, on both; the corner of 16th and Boismenus, though it faces
16th.

Q Then you are on both, aren't you?

A To an extent, yes.

Q Well, I said so, and you said no; and that is what confused
me.

A All right.

Q Your store faces 17th Street, doesn't it?

A No --- oh, yes; yes.

Q Well, you say "no".

A 17th Street --- but you see 17th is a block away.

Q I know. If it were a mile, it faces that street, don't it?

A It faces east.

Q Yes, sir. Now, where is your residence?

A I lived up over the store.

Q Your family living there at the time?

A Yes, sir.

Q And this was on Sunday night?

A Yes, sir.

Q Have you an upstairs porch?

A Yes, sir.

Q Which end of the building?

A West.

Q Were you on that porch?

A Not after 9:30.

Q Were you there before 9:30?

A Yes, we were sitting out on the rear porch until along about something like 9:30. I wouldn't be positive.

Q These events you have described, did any of them occur while you were sitting on that porch?

A No, sir, except more or less commotion on the street from the amount of people.

Q What kind of commotion?

A People moving to and fro more than was usual, and talking.

Q Do you call that a commotion?

A Well, I don't know whether it would be properly called a commotion or not.

Q You mean by that that there were people going up and down

Boismenus Avenue there to a greater extent than on other occasions?

A Yes.

Q But they were apparently attending to their own business, weren't they, at that time?

A I suppose they were.

Q Well, do you know anything to the contrary?

A Well, I didn't testify in regard to whether they were attending to their business or not.

Q Well, I am asking you, did you see anything out of the ordinary, except the numbers of people passing to and fro?

A And the numbers stopping and talking more on the street than usual.

Q And then after 9:30 you went in the house?

A Yes, sir.

Q And what you observed then was from what door or what window?

A From what I heard from in there, it was.

Q You heard it in bed, or out of bed?

A In bed part of the time, and I was up part of the time.

Q Well, when you were up did you observe anything through the door or window?

A Not any other than I stood by a window, but I didn't look.

Q You tell this jury you stood by a window, but didn't look?

A I didn't look. There was no light inside, and I didn't start any.

Q Well, a light inside wouldn't give you any outside, would it?

A Ho, but I wasn't exactly wanting to see, if anybody should happen to ask you.

Q If you didn't want to see, at all, what were you standing by the window for?

A To hear. I wanted to hear what was going on.

Q Was you afraid to see who was connected with it?

A Well, I didn't think my head was safe outside there.

Q Oh, that was it?

A Yes, that is plain English.

Q And you didn't appear on the outside?

A No, sir.

Q Would protecting your head prevent you from looking through a window, standing on the inside?

A I don't catch your point.

Q Protecting your head, would that prevent you from looking through a window?

A Well, the shades were down, and I didn't raise them, and I didn't care to look.

Q That is the reason you didn't look, is because the shades were down?

A Well, I didn't care to look.

Q Well, is that the reason?

A The reason I didn't look?

Q Yes, because the shades were down?

A Well, no; but I didn't care to look.

Q Were your windows raised?

A I think so. That is, there were screens in them.

Q Well, couldn't you hear just as well out in the floor as you could against the window?

A No.

Q If your window was up?

A You see the street was right under my window.

Q Did you try it that way?

A I wouldn't be sure whether I did or not.

Q How long did you stand there at that window?

A Well, I was at that window several different times during the night. Just how long I stayed either time I wouldn't be sure. Possibly fifteen or twenty minutes at a time, at different times.

Q And you wanted to hear, and not to see?

A Yes, sir.

Q Then you don't know anything about how many people passed up and down the street, if you didn't look out, do you, after you went in the house?

A Oh, yes. I have an idea, from the tramp of feet and hum of voices; you know you couldn't help but get an idea.

Q And you state to this jury that from the tramp of feet, and the voices, you could get an idea of the number of people that were passing up and down the street?

A Certainly.

Q Was there any sidewalk along there?

A Cinder walk.

Q That was all; no plank walk?

A No.

Q Right alongside of that building is a cinder walk?

A Yes.

Q Did you hear any people walking in the street, out in the street?

A Yes.

Q And on the sidewalk, too?

A Yes.

Q The streets were nearly full, weren't they?

A There were a great many on the streets. I wouldn't say they were crowded, but there were a great many on the street.

Q But you didn't look out to see how many?

A No, sir.

Q That continued, now, that way, until how long?

A Well, I think one o'clock; anyhow that late; I expect to one o'clock, anyhow.

Q You heard the shooting, didn't you, that great volume you have spoken about?

A Yes, sir.

Q That occurred when?

A Well, the exact hour I don't know, but I think it was around 11; between 11 and 12 o'clock; somewhere in there. You see I didn't look at the clock.

Q I didn't know you didn't. That is the first time I have heard you say you didn't.

A All right, then.

Q You didn't, did you?

A No, I did not.

Q Well, now, then, after the firing you observed no difference, did you, in the number of people that were on that street?

A No, there were quite a number on that street for quite a while.

Q Kept up that way until one o'clock and after?

A I expect it was.

Q You didn't look out to see, though?

A No, sir.

Q Now, Mr. Reedy, the bell that rang, where were you when it rang?

A I was at home.

Q Well, I know, but where?

A In my room, right over the corner of 16th and Boisemeau; the corner room.

Q In bed or out of bed?

A I think I was up; I wouldn't be positive. I know I was not sleeping.

Q Light burning, or out?
A No, sir; no light burning.
Q Were your blinds up or down?
A Down.
Q And the light out?
A Yes.
Q And you were up?
A Possibly so.
Q What were you doing?
A Listening.
Q Standing at the window?
A I may have been. I wouldn't be positive whether I was right at the window or not when that happened, when the bell rang. I wouldn't be sure whether I was lying down on the bed or whether I was standing at the window when that bell commenced ringing.
Q You have no definite recollection about that?
A No, I wouldn't be positive about that, at all.
Q And when you heard the bell ring did you go to bed before you heard these volumes of shots?
A No, sir; I didn't go to bed any more for quite a while after this shooting and bell ringing started.
Q It was a very short time elapsed between the ringing and the shots, wasn't it?
A Well, when the shots started. It was a long time before they stopped, though.
Q I am speaking of the big volume of the shots.
A Well, that followed shortly after.
Q Shortly after the ringing of the bell?
A Yes, sir.
Q How many minutes would you say, Mr. Reedy?

A Well, I wouldn't be sure. Anywhere from fifteen to twenty or thirty minutes is the way I remember it.

Q How much time would you say the shots covered, the firing of the shots, from the commencement to the finish?

A Well, they hadn't quit yet along towards morning, when I went to sleep.

Q About what time?

A I don't think I slept any before two in the morning.

Q Mr. Reedy, are you confused over the night of July 1st and the night of July second?

A No, sir; I am not.

Q Do you call this jury shots were fired on the night of July 1st, in East St. Louis, until daylight next morning?

A Yes, sir.

Q All over town?

A No, I didn't say all over town; I said down in that neighborhood where I lived.

Q All over that neighborhood?

A More or less.

Q In all directions?

A More or less.

Q I say, more or less in all directions until daylight or thereabout?

A I understand.

Q That is your testimony, is it?

A Yes.

MR. WEBB: That is all.

MR. FARMER: That is all, Mr. Reedy.

(Whereupon the court adjourned until the next day, March 21,
1919, at nine o'clock A. M.)

March 21, 1919
9 A. M.

(Court convened pursuant to adjournment.

Present: counsel for respective parties, and the defendant,
in person.)

MRS. GEORGE W. WODLEY.

having been previously sworn, and having testified, was recalled
as a witness on behalf of The People, and testified further as
follows:

DIRECT EXAMINATION
by Mr. Farmer

Q You may state your name.

A Mrs. G. W. Wodley.

MR. BAXTER: If the Court please, we object to the testimony of
this witness. This is the witness, Your Honor, that was called to
the stand yesterday and it developed that the name had not been
furnished to the defendant, and thereafter and during the progress
of the trial her name was given to us upon a separate list. We
object, because of not having been furnished with the name of the
witness in apt time before the commencement of the trial. She is
not qualified to testify in the case.

THE COURT: Objection overruled.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. FARMER: Q Where do you live, Mrs. Wodley?

A 1714 Bond Avenue, East St. Louis.

Q How long have you lived there?

A Twelve years.

Q How far away is that from Leroy Bundy's place?

A Four doors.

Q What direction?

A Four doors east from Dr. Bundy.

Q How long have you known Dr. Bundy by sight?

A As close as I can remember, about five or six years.

Q Do you know whether prior to July 1st and up to that time he owned an automobile?

A He did.

Q What was the color of that?

A Red.

Q Now, you may tell the jury what you saw happen there at his place, if anything, during the month of June and up to the first of July, 1917.

A Why, the first week in June we were coming home one evening, when I saw a large number of men in Dr. Bundy's house, and I stopped and made the remark I wondered what they were doing.

MR. WEBB: I think that is incompetent.

THE COURT: Yes, objection sustained.

MR. FARMER: Q Don't state what you said; just what you saw and heard.

THE WITNESS: A So after that, the last week in June, I noticed ---

Q Just a minute. How many men were there at that time, about?

A Why, it seemed a large crowd, of, I would judge about twenty.

Q Were they white or colored?

A Colored men.

Q Very well. Then after that?

A Why, I saw automobiles passing up and down the street. They would pass in speed, then slow down. It appeared to me that they were practicing running.

MR. WEBB: NOW, I object to that, Your Honor.

MR. FARMER: Q Well, is that the way ---

MR. WEBB: Now, wait a minute, Mr. Farmer. What conclusion this

woman, who lives there and who apparently knows nothing about an automobile, would conclude as to what they were doing ---

THE COURT: Well, I will sustain the objection. Let her tell what they did.

MR. FARMER: Q Well, just tell how they did, Mrs. Wodley.

THE WITNESS: A There would be one man in the machine, and it would go up the street at a fast speed; then they would slow down almost to a stand-still.

Q And how often did you see that?

A Well, it seemed every evening after the men came home from work.

Q And how many machines did you see do that, about?

A Well, there was one in particular that I noticed, for he was a tall, slim colored man; and there were others that would stand in the garage and would be taken out of an evening.

Q How often did you see that happen?

A Well, as I said, every evening after supper in the last week of June.

Q Now, what else did you see there?

A Well, one evening, the last week of June I was sitting on my front porch when I saw a red automobile drive up and stop in front of Dr. Bundy's place, and there were three men in this machine. The man at the wheel stayed in his machine, and two young fellows got out, and each carried two guns and took them into Dr. Bundy's place, and they were in there just long enough to hand them the guns, and came back and got into the machine and drove by my place and went on.

Q Did they bring the guns out with them?

A No, sir.

Q Were those white men or colored men?

A Colored boys.

Q Now, on the evening of July 1st, did you see anything at that time?

A No, sir; I did not.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q What is your name, please?

A Mrs. G. W. Wodley.

Q Are you a married woman?

A Yes, sir.

Q Where is your husband?

MR. FARMER: That is immaterial.

THE WITNESS: A In east St. Louis.

MR. FARMER: That is immaterial.

THE COURT: Yes, sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Q Was he at home on either one of those occasions?

THE WITNESS: A Yes, sir.

Q What is his name?

A George W. Wodley.

Q In order that the record may show, you and your husband are white people, are you?

A Yes, sir.

Q And you live four doors --- did at that time --- east of Dr. Bundy's?

A Yes, sir.

Q On the same side of the street?

A Yes, sir.

Q Who lived at that time immediately west of you?

A Mr. Buchanan.

Q A white man?

A Colored man.

Q And who lived immediately on the west of him?

A Mr. Young.

Q A white man?

A Yes, sir.

Q And who lived immediately west of him?

A I didn't know the people.

Q Colored or white?

A Colored.

Q And then comes Dr. Bundy?

A Yes, sir.

Q You were acquainted with the yards between your house and Dr. Bundy's?

A Yes, sir.

Q This was in June, that you speak about?

A Yes, sir.

Q 1917. Were there any shrubberies in either of those yards?

A No, sir.

Q None at all?

A No, sir.

Q In the white man's yard?

A There were tall trees.

Q How tall?

A Why, they were trees; I expect ---

Q As tall as the house?

A Why, almost.

Q How many?

A Why, I never noticed the number; not thickly settled.

Q Weren't there some shrubberies that ran up to as high or higher than a man's head, that branched out?

A In the front yard?

Q That is what I am talking about.

A Yes, sir.

Q How many of those?

A One.

Q Only one?

A Close to the porch.

Q Is that all?

A That is all I can remember at this time; yes, sir.

Q Well, whatever were there then are there yet, aren't they?

A Yes, sir.

Q Just the same condition?

A Yes, sir.

Q And all that you can remember is one?

A Yes, sir.

Q And you lived there how many years?

A Twelve.

Q You would recognize a photograph if you could see it, wouldn't you ---

A Yes, sir.

Q --- of the yards?

A Yes, sir.

Q And you tell this jury now that you can only remember one?

A One shrubbery along the fence. It is creeping.

Q You say along the fence, now.

A Along the fence.

Q Any nearer the house than that by the porch, along the fence?

A The porch and the fence come together in an angle.

Q And that is the only one you can remember?

A That is the only one I can remember now.

Q How high is that?

A Why, it creeps along the fence.

Q Not higher than the fence?

A No, sir.

Q Do you say it is a vine that runs along the fence?

A Why, I would call it more of a vine than I would anything else.

Q I am speaking now of plants that you plant out in the yard away from the fence, that branch out and make a large, wide body. Do you remember any of those in that yard?

A Why, I really didn't pay much attention to them.

Q Well, I say, do you remember whether there were any in there or not?

A No, I couldn't say that now.

Q When were you at home last?

A This morning.

Q How close to the sidewalk does your porch extend?

A About four feet, or five feet, probably.

Q About as far as from you to me?

A Maybe a little bit farther.

Q And how wide is your porch?

A About three feet.

Q The first thing you observed there was one evening when you were going home?

A Yes, sir.

Q Who was with you?

A Mrs. Stapp and her daughter.

Q The lady who testified here yesterday?

A Yes, sir.

Q And did they go down to your house?

A They went through my yard to go home.

Q You came west, off of Bond Avenue, by Dr. Bundy's house?

A We came from the west and walked towards the east.

Q By Dr. Bundy's house?

A By Dr. Bundy's house.

Q You passed in front of his door?

A Yes, sir.

Q And you observed about twenty men in his house?

A Yes, sir.

Q Did you ever have men in your house that way, gathered in?

A Not such a large number, no, sir.

Q Never had any large numbers of that kind?

A Not unless they brought their wives with them.

Q Do you know whether these people had their wives with them?

A I didn't see any.

Q I am asking you whether you know?

A No, sir.

Q The men were in the front room?

A They were in the dining room.

Q Did they have their hats on?

A No, sir.

Q Had their hats off?

A Yes, sir.

Q Sitting down?

A Some of them were sitting, and some standing.

Q Smoking?

A I didn't notice that.

Q You just saw them in there?

A I saw them in there.

Q Was there anything curious about that, the way they were acting?

A They seemed to be paying attention to Dr. Bundy, who was standing up and pointing.

Q Which direction was he pointing?

A Well, he merely had his hand out.

Q Do you think he was pointing or gesturing to them?

A Well, just as I said, he merely had his hand out, in an upward position.

Q Did you stop?

A Not long; just as I was passing by.

Q I said did you stop?

A No, sir.

Q Were you walking in the ordinary walk?

A Very slowly.

Q Why?

A Because I wanted to see.

Q Were you walking that way before you came to the house?

A We got off of the car in front of his house.

Q Yes, and walked over to the sidewalk?

A To the sidewalk.

Q Yes, and then you walked very slowly?

A We walked slowly.

Q Yes. You were trying to detect something, were you?

A Not necessarily; no, sir.

Q Well, were you, whether necessarily or not?

A No, sir.

Q Do you have any interest in this case?

A Why, no.

Q Why?

A Why. I don't know why I should have, outside of just seeing those things.

Q You had a relative killed, didn't you?

A Yes, sir.

Q What was his name?

A Frank Wodley.

Q And what connection was he to you?

A My husband's brother.

Q And he was killed in this riot, wasn't he?

A Yes, sir.

Q You say you have no interest here?

A Why, we paid our losses. Why should we have any interest in that?

Q I am just asking you, have you any interest?

A No, sir.

Q You have no feeling?

A No, sir.

Q It wouldn't make any difference to you whether Dr. Bundy was ---

MR. FARMER: Well, that is immaterial.

MR. SCHEUMLEFFEL: I object to that.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: I want to get through with my question.

THE COURT: Well, I think you ought to be permitted to finish your question. You may finish it, if you want to get it in the record.

MR. WEBB: Q You have no desire one way or the other in this case as to what the result would be?

THE WITNESS: A No, sir; I have not.

Q Now, Mrs. Wodley, you went on home?

A When do you mean?

Q When you passed his house.

A Yes, sir.

Q Mrs. Stapp went through your yard?

A Yes, sir.

Q Into her home?

A Into her ---

Q Over on Market?

A Yes, sir.

Q Was your husband home when you got there?

A Yes, sir.

Q What time was it?

A Around nine o'clock.

Q And you didn't see these men leave, did you?

A No, sir.

Q Didn't pay enough attention to them to watch them go away?

A I didn't go out of the house after that.

Q I didn't ask you that.

A No, sir.

Q You let the incident pass, so far as you was concerned at that time; is that right?

A Yes, sir.

Q And when did you next remember having seen those men in there? When did it next come to your mind?

A Why, that was the only time that I noticed a crowd of men in there.

Q I know. I am not asking you about that. I am speaking of that incident, now. You went in and it passed away from your mind; you didn't notice them come out. Now, when is the next time it came to your mind that you had seen these men in the house?

A Not until I saw the machines passing up and down.

Q How long was that afterwards?

A Why, in about the next week.

Q About seven or eight days after that?

A Probably ten days.

Q Now, why would machines passing up and down Bond Avenue or 18th street draw your attention to the matter, if you know?

A Because, those boys that drove those machines acted peculiar.

Q They were boys, were they?

A Yes, sir.

Q How old, about?

A Well, along in their twenties, I would say.

Q They were all boys?

A I would consider that a boy; yes, sir.

Q Did you know at that time that Dr. Bundy had a garage there?

A I don't know whether you would call this a garage or not. I only saw the cars there.

Q Well, didn't you know he had a gasoline station there?

A No, I didn't know that.

Q Well, if he did you didn't know it, you say?

A No, sir.

Q You know that cars, automobiles, use gasoline, don't you?

A Certainly.

Q And you know that he had a repair shop there?

A I don't know that.

Q You didn't know that he had a number of men working at his shop there all the time?

A No, sir.

Q Were you ever about an automobile repair shop?

A Not only passing by.

Q You don't know, do you, that in repairing machines men try them on the street and drive them to see how they run, and stop them?

A No, sir.

Q You don't know that?

A No, sir; I didn't pay any attention.

Q That never occurred to you, did it, at that time?

A No, sir.

Q You don't know anything about running an automobile, do you?

A No, sir.

Q You don't drive one?

A No, sir.

Q Has your husband got one?

A No, sir.

Q Does he drive one?

A No, sir.

Q Did you ever ride in one?

A Certainly.

Q Now, that is what you saw there, a number of machines that would come to Dr. Bundy's and they would stop and then somebody would drive them a piece and they would bring them back; and that was kept up quite a good deal?

A They passed along the street, and those boys would look at all the white people. I never noticed them look in such a way at colored people.

Q Is that so? Did they look at you?

A Yes, sir.

Q You were out where they could see you all the time?

A I was out in our drive way.

Q Were you ever on your porch?

A Most of the time in the driveway.

Q Were you out in the driveway for the purpose of them looking at you?

A No, sir.

Q How much of your time do you spend in your driveway?

A Every evening I would sit out in the air.

Q About what time would you go out?

A About 6:30.

Q Alone?

A With my baby.

Q And sit there how long?

A Why, until I was ready to retire.

Q And if anybody passed in an automobile and looked at you, you thought that was awful?

A No, sir; I didn't.

Q Or out of the ordinary?

A When they would stare at a person, I would.

Q When you pass along in an automobile do you look at people sitting in yards?

A Not in such a manner.

Q They stared at you, did they?

A Yes, sir.

Q You could tell that?

A Yes, sir.

Q Now, what white families lived east of you on the same side of the street?

A At that time?

Q Yes.

A Mrs. Williams.

Q The same side of the street?

A Yes, sir.

Q How many doors east of you?

A The next door.

Q And who lived east of her?

A Mrs. Crisman, if I remember right, at that time.

Q A white lady?

A Yes, sir.

Q And there are other white people in that block, aren't there?

A That finishes the block.

Q Then across the street, on the north side, are there any houses over there?

A No, sir.

Q That is vacant, isn't it?

A Yes, sir.

Q And west of you, west of the Doctor's garage and the building on the corner, there, there are white people, some in that block?

A Up on the hill; yes, sir.

Q What did you say?

A Up on the hill.

Q Up on the hill. Now, how long after you saw these men in Dr. Bundy's house was it you say you saw an automobile come up there and three men in it, and two of them get out with guns?

A That was the last week in June.

Q Do you know what part of June it was, what part of the week?

A No, I couldn't remember that.

Q Well, how do you remember it was the last week in June?

A Because shortly after that the trouble occurred, and that was the first of July.

Q That is the way you fix it?

A Yes, sir.

Q Now, Mrs. Wodley, what time did that machine come?

A About seven in the evening.

Q And what direction did it come from?

A It came from the west.

Q On Bond Avenue?

A On Bond Avenue.

Q That was Dr. Bundy's machine, wasn't it?

A No, sir.

Q It was not a red machine?

A It was a red machine, but it was not Dr. Bundy's.

Q How do you know?

A It was not the same color. This was a brighter red.

Q What time was it, you say?

A Seven in the evening.

Q Was it dark?

A No, sir.

Q Was the sun down?

A Just setting.

Q And you was on your porch?

A Yes, sir.

Q Had you had supper?

A Yes, sir.

Q Who was with you on the porch?

A My baby.

Q Were you alone usually of an evening?

A No, sir.

Q Was your husband at home that evening when you went in?

A He was.

Q When you saw these men in Bundy's house was your husband home that evening?

A Yes, sir.

Q Was your husband there at any time when you was sitting in your driveway and these men stared at you?

A He would be in the house.

Q He would be in the house. Now, this machine, you say, was red, stopped there?

A Yes, sir.

Q It came from the west on Bond Avenue?

A Yes, sir.

Q Did it stop in front of the Doctor's house on Bond Avenue, or around on 17th street?

A On Bond Avenue.

Q How close to the walk did it stop?

A Close to the curb.

Q With its nose in your direction?

A Yes, sir.

Q And which side was it, a right or left hand drive?

A It was a left hand drive.

Q The driver sat on the left hand?

A Yes, sir.

Q Was there anybody got out of the front seat?

A No, sir.

Q The men that got out were in the rear seat?

A Yes, sir.

Q Were they boys?

A Boys.

Q And how old were they?

A About seventeen or eighteen.

Q Had you ever seen them before?

A Not that I remember.

Q It wasn't some of the boys that were racing up and down the street, practicing, was it?

A No, sir.

Q Had you ever seen either one of these boys about the Doctor's garage there, or automobile station?

A Not that I noticed.

Q You had never noticed many men around that station, had you? I mean, who worked there?

A I didn't see them work there.

Q You didn't know, did you, that he really had a shop there?

A I didn't know that he had a shop there.

Q You didn't know that he had a part of his residence in which he had a number of automobile supplies stored away, and men came and bought things there from him in the house?

A No, sir.

Q You didn't know that?

A No, sir.

Q You didn't know he had a number of long wrenches, things of that character ordinarily used about an automobile?

A No, sir.

Q Pry rods, and things of that kind, in his house?

A No, sir.

Q In a part of his house. You didn't know that? These guns, now, that were taken out, how many were there?

A Each boy had two guns.

Q And how did he carry them?

A They carried them open; didn't seem to try to hide them, or anything.

Q Well, how did they carry them?

A Carried them in their hands.

Q Well, were they wrapped? Take one boy, now, he had two guns?

A Yes, sir.

Q Were they wrapped together or separated?

A Separated. He had one in each hand.

Q Just held it something like this? (Indicating)

A Yes, sir; they just had them and carried them in the house.

Q Can you tell a gun, from that distance, from a long wrench or long bar of iron, or something like that?

A Why, I think I could.

Q What practice have you had, or experience have you had, with shot guns or rifles? Any?

A None, at all; but I have seen them.

Q Did you ever see a big wrench about two and a half feet long?

A Yes, sir.

Q Ever use one?

A No, sir.

Q Where did you see them?

A Why, at different stores; different places around.

Q And the other boy got out and carried his guns in the same way?

A About the same manner.

Q I believe you stated that they were only in the house just long enough to deliver the guns to somebody in there?

A Yes, sir.

Q You don't know whether they delivered them to anybody, do you?

A No, sir.

Q You didn't see that?

A No, sir.

Q They came right out, and the machine passed your house?

A Yes, sir.

Q Did they stare at you on that occasion?

A No, they passed on about their business.

Q They didn't stare at you at all?

A No, sir.

Q Did they look in that direction?

A No, sir; they looked on ahead.

Q Now, was that the only delivery that you ever saw made there?

A Do you mean is that all the guns I saw taken in there?

Q Delivered?

A Yes, sir.

Q Did you ever see anything else delivered there?

A No, sir.

Q You never saw any machine stop and any article of any kind taken into Dr. Sundry's house, before?

A Not that I paid any attention to.

Q Well, then, I understand that is the only thing you ever saw carried into the house?

A Yes, sir.

Q That was about the last week in June?

A Yes, sir.

Q Were you home the night of July 1st?

A That was on Sunday evening.

Q Well, were you home on the night of July 1st, 1917?

A We were home up until six o'clock; then we got back home around nine o'clock.

Q And then what did you do?

A We got ready to retire.

Q Well, when you came home at nine o'clock did you come in the street car?

A No, sir.

Q Did you come in an automobile?

A No, sir. We were walking.

Q What direction did you approach your home from?

A From the north. We passed through a vacant lot.

Q You came over from the direction of Broadway?

A Yes, sir.

Q And came into your place from the north?

A Yes, sir.

Q Through a vacant lot there?

A Yes, sir.

Q That was about nine o'clock?

A Yes, sir.

Q You went in, you and your husband ---

A And the baby.

Q --- and the baby; you went in and went to bed and retired?

A Yes, sir.

Q And stayed all night in that house?

A Yes, sir.

Q That is the night, now, the trouble happened?

A Yes, sir.

Q And you never learned of any trouble until the next morning?

A Not until the next morning, that we were notified about the brother-in-law's ---

Q Was July 1st a warm night?

A Yes, sir.

Q Did you have your windows up that night?

A In the bed room.

Q Did you have your doors open?

A No, sir.

Q Did you have any screen doors?

A No, sir.

Q Your doors were closed?

A Yes, sir.

Q But the windows were up in the bed room where you slept?

A Yes, sir.

Q There was no noise about the house anywhere?

A There was noise, but I didn't wake up enough to realize what it was.

Q It never awakened you, then?

A It awakened me, but I went right back to sleep. I didn't wake up or get up to find out what it was.

Q Have you seen Mrs. Stapp since this occurred?

A Why, we live there.

Q I didn't know you lived there. I thought you lived on ---

A Bond Avenue; and she lived on Market.

Q Well, yes; and that is what you mean when you say you lived there?

A Yes, sir. We were neighbors.

Q Well, do you neighbor all the time?

A We did.

Q And do yet?

A She has moved.

Q Well, until she moved?

A Yes, sir.

Q How often have you talked this matter over?

A Why, we would often talk about it.

Q Yes, and you would tell her what you knew, and she would tell you what she knew?

A We would say what we had seen.

Q Well, that is what I am asking you.

A Certainly.

Q You often did that?

A Yes, sir.

Q Why was it necessary to more than once do that?

A Why, different things would come up, and we would speak about them at different occasions.

Q Then each of you would tell what you knew, then?

A Not necessarily.

Q I didn't ask you whether it was necessary or not. Did you do it? That is the idea.

A Why, sometimes we would repeat the same things.

Q Well, why repeat them, when you had talked about them several times before? Was there any reason for that?

A Why, there was no reason; no, sir.

Q But you did that, nevertheless?

A We did it.

MR. WEBB: That is all.

MR. FARMER: That is all.

GUS MASSERANG,

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Gus Masserang.

Q Where do you live, Mr. Masserang?

A Why, I live in St. Louis, now.

Q Where were you formerly living?

A In East St. Louis.

Q Where did you live on July 1st, 1917?

A Between 12th and 13th on Trendly Avenue, in East St. Louis.

Q Where were you on the evening of July 1st, Sunday evening, 1917?

A 10th and Piggot.

Q You may tell the jury just what you saw and heard at that time.

A At that time I was sitting there, about between 11 and 11:30, of a Sunday evening, was sitting there talking to a fellow, and seen two machines coming. I never paid any attention to that; and he hunched me and said "There comes Bundy".

Q Don't tell your conversation. Just tell what you saw.

A I saw a big black machine, driven by Bundy, and a red machine following it.

Q What time was that?

A Between 11 and 11:30 in the evening.

Q What direction were they going?

A They were going south.

Q On what street?

A 10th Street.

Q Who were in the machines, if you could tell.

A I couldn't tell anyone but I recognized Bundy, driving the big black car.

Q Is this the man here?

A Yes, sir; that is the one.

Q Tell what happened then?

A They drove south on 10th street and turned at the Free Bridge and come back the other side of the Free Bridge, and drove east on Piggot to 11th, and that is as far as I seen them go. They turned over 11th.

Q What happened after that, if you know?

A Why, some shooting occurred on the corner of 10th and Bond.

Q Did you see that or hear it?

A I was coming in Bond Avenue and saw it.

Q How far away were you when that happened?

A Oh, about three blocks.

Q Could you tell the extent of the shooting there; how many shots were fired?

A Oh, a great number of shots.

Q How many shots would you say?

A Oh, fifty or more.

Q How many people were in those automobiles?

A They were both loaded.

Q Now, could you tell, were they white people or colored people?

A Colored people.

Q To what extent were colored people on the streets around there?

A Why, I come over --- come straight over Bond Avenue to where the shooting was, and the crowd had broke up; and I turned over 10th Street, and saw maybe one hundred or one hundred and fifty coming from 10th Street, and from there I drove to 10th and Piggot, and had two officers in my machine, and wanted to go down home, and went down 12th Street and drove up Trendly alley, and as we passed through a lot to go by my house they opened up on me; I got buck shot thirty-seven times, and there was forty seven holes in the machine; and there must have been one hundred or one hundred and fifty laying in the field, and some would raise up and shoot and then they would get down again; and one of the officers got shot, and I got shot in both sides and the hand and leg.

Q You did?

A Yes, sir.

Q What kind of shot?

A I got shot with buck shot, and another fellow with one of those Springfield rifles, through the leg; and the machine had forty seven holes in it.

Q Your machine?

A Yes, sir.

Q Who were the officers?

A Ruff and walker.

Q What time was it that they shot at you, with reference to the time that you heard the shots at 10th and Bond Avenue?

A About twenty five minutes afterwards.

Q Could you tell about what time it was that the shooting occurred at 10th and Bond?

A Not exactly; no, sir.

Q Well, approximately, how close was it to 12 o'clock?

A It was right around 12 o'clock.

Q How?

A Right close to 12.

Q At the time you saw Bundy there in the car what was he doing?

A He was driving.

Q Did you see him more than the one time?

A No, sir, that is all I saw him, just that one time.

Q At the time you saw him driving how close was he to 10th and Bond Avenue?

A Two blocks.

Q And with reference to 10th and Bond what direction was he going, toward that or away from it?

A He was --- he went a block away from it; then he turned and come back and went towards 10th and Bond.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

- Q Where do you live in St. Louis?
- A 825 Gano.
- Q What are you doing?
- A I am a train man; switchman.
- Q Where are you working?
- A Terminal Railroad, Madison.
- Q When did you work last?
- A Oh, about thirty days ago; business got slack and there was no work.
- Q You worked thirty days ago?
- A Yes, sir.
- Q Where?
- A Madison.
- Q Switching cars?
- A Yes, sir.
- Q Who was your foreman?
- A I can't just recall who was the foreman.
- Q Do you belong to a crew?
- A No regular job; no, sir. I am bucking the extra board.
- Q You are bucking the extra board?
- A Yes, sir.
- Q You don't buck it often, do you?
- A Every day I work I am on this extra board.
- Q Yes, that is it; but you don't work often, do you?
- A Oh, I work as much as anybody else does.
- Q Can you tell me the last day you switched cars?
- A Thirty days ago. I am working right now every day.

Q Just thirty days ago?

A Yes, sir.

Q And you can't tell who your foreman was?

A No, sir; I don't remember.

Q Give me the name of one of the men who worked with you thirty days ago.

A Well, off-hand I don't know. You could find out. Call up there; they will tell you.

Q Well, don't you know? I don't want to call up. Don't you know who you worked with?

A No, I don't know.

Q You can't tell, can you?

A No. No.

Q You do something else besides switch cars, don't you?

A I am a chauffeur, yes, sir, and work every day, too.

Q That is what you are doing, isn't it?

A Right now, yes, since I took thirty days leave of absence.

Q You took thirty days leave of absence, did you?

A Yes, sir.

Q You do something else, too, don't you, besides chauffeuring?

A Oh, not that I know of.

Q You say you don't?

A No.

Q What was you doing the night of July 1st, 1917?

A Sitting on the corner of 10th and Riggot; just sitting there, that is all.

Q Just sitting there?

A Yes, that is all.

Q Sitting on the ground, or ---

A In a machine.

Q Your machine?

A Yes, sir.

Q Who did you have in there with you?

A Nobody.

Q Were you talking to anybody?

A Talking to a fellow by the name of Metzger.

Q What is his first name?

A Arthur.

Q What does he do?

A I don't know.

Q Did you know him before that night?

A Yes, sir.

Q Did you know what he was doing?

A No, sir.

Q Did you know what kind of work he was engaged in?

A No, sir.

Q How long have you known him?

A We went to school together.

Q Where?

A In East St. Louis.

Q And how long had it been since you had seen him before?

A I seen him most every night.

Q And didn't know what employment he was in?

A No, sir.

Q How old are you?

A Twenty-six years old.

Q How old was he?

A I don't know that.

Q Older or younger than you?

A I don't know.

Q Had you seen him before, that night? That is, that night had you seen him before at any time?

A No, sir.

Q Did you meet him there at 10th and Piggot?

A I was sitting there, and he come up and started talking to me.

Q Before he came up there you were by yourself?

A Yes, sir.

Q How long had you been there?

A Why, maybe an hour or so.

Q By yourself?

A By myself.

Q What were you doing?

A Just sitting there. I was running a jitney bus over the bridge.

Q A jitney bus over the river?

A Yes, sir.

Q And where was your machine?

A Sitting on the corner of 10th and Piggot.

Q Well, were you south or north of Piggot?

A Just off the corner, right opposite the saloon there.

Q No ---

A South of 10th Street, facing Broadway.

Q You were not south of 10th?

A South of Piggot; facing Broadway.

Q All right. 10th runs east and west --- or, north and south, and Piggot runs generally east and west there?

A Yes, sir.

Q And there is a street car line on Piggot?

A Yes, sir.

Q And your machine came down off of the bridge and turned right around on 10th Street, south of the intersection of Piggot and 10th?

A My machine was not turned that way.

Q Well, how was it turned?

A It was facing Broadway.

Q Well, you had turned around, then?

A Yes, sir.

Q So that when you got a load you would be ready to drive right around onto the Free Bridge and over it again?

A Yes, sir.

Q Was that saloon open that night?

A No, sir.

Q Who ran that saloon?

A Charles Kline.

Q And you sat there an hour and a half by yourself?

A Just sat there talking --- I said almost --- and there was a fellow come by and I was talking to him.

Q Well, that is that fellow, Metzger?

A Yes, sir.

Q And Markuly's grocery was right on the other side of the street?

A Yes, sir.

Q And on the northwest corner what kind of place was it?

A Walter Wick.

Q What kind of place was it?

A I don't know. He had a little kind of a gasoline station.

Q There were a number of men there, weren't there?

A I never noticed. It was kind of late. I guess everybody was gone.

Q You were sitting there about 11:30?

A 11:30 I was there; yes, sir.

Q And was Arthur Metzger there talking to you when Dr. Bundy passed?

A Yes, sir.

Q Do you know where Arthur Metzger is now?

A I think he is dead.

Q You think he is dead?

A Yes, sir.

Q When did he die?

A He went over to France, in the army, and got killed.

Q Were you working for some one then, or were you working on your own ---

A Working for myself.

Q You owned the car, did you?

A Yes, sir.

Q And you lived at what number?

A I don't exactly remember the number. 1218 or something like that; or 1216.

Q You don't remember where you lived?

A No, I don't. It was 1216 or 1218, one. I don't remember just which.

Q How long did you live at that place?

A Only a few months.

Q And that was --- was that on Trendly?

A Yes, sir.

Q Between ---

A 12 and 13th.

Q Between 12th and 13th. Who lived there, Gus?

A Gus. Ma.

Q Were you married?

A Yes, sir.

Q Did you wife live there with you?
A Yes, sir.
Q And how long had you lived there at that time. now?
A Oh, I was living there about two months.
Q And how long did you live there after July 1st, 1917?
A No, sir.
Q You left ---
A Left right away.
Q Well, did you live there the next night?
A No, sir; not five minutes afterwards.
Q You didn't go back home, then?
A No, sir; I went to the hospital, and my wife went home.
Q And where is her home?
A Her home is at 825 East Prairie.
Q East Prairie Street?
A East Prairie, in St. Louis; yes, sir.
Q And you have lived over there since?
A Yes, sir.
Q Where do you live now?
A 825 Gano.
Q Where does she live?
A She lives there, too.
Q Now, Bond --- or 10th and Bond, is two blocks north of where you were sitting with your car?
A Yes, sir.
Q And you were on the west side of 10th Street, with your machine headed toward Broadway, when you saw Dr. Bundy?
A Yes, sir.
Q Sitting in the front seat, were you?

A Yes, sir.

Q And Metzger was outside, standing ---

A Standing alongside of the machine, talking.

Q And where did you first see Dr. Bundy?

A Why, as he drove by me.

Q Did he drive by you on 10th?

A Yes, sir.

Q He went south of you on 10th?

A Yes, sir.

Q If you continue south on 10th there is no passage under the base of the Free Bridge until you get to the railroad tracks?

A That is about a half a block this side of the railroad track.

Q Well, of course you don't run over the railroad tracks?

A No.

Q You run right up to the right-of-way of the railroad tracks and turn to your left, don't you?

A Yes.

Q That is the only way to get under the foundation upon which the bridge is laid, isn't it?

A Yes, sir.

Q And then you turn in a southeasterly direction ---

A Yes, sir.

Q --- along the railroad tracks, don't you?

A No, it don't go along the railroad. The railroad runs that way (indicating) and it goes that way. (indicating)

Q What goes that way?

A The street.

Q What street is it?

A Thy, --- let's see; Baker Avenue.

Q Baker Avenue. Baker Avenue has no passage under the Free Bridge.

has it?

A Oh, yes, sir.

Q Where is it?

A Right directly under the Free Bridge.

Q Well, where? How far from where you were sitting?

A Well, it is two short blocks.

Q Two short blocks?

A Yes, sir.

Q And then when you pass in that entrance under the Free Bridge you can't see any farther east, can you, from where you were?

A No, that is as far as I could see; but I seen them come back the other side of the bridge, you know. He went along the bridge and come back this side and went over Piggot.

Q He came back within ten or fifteen feet of you, didn't he?

A No, it was farther away from me than that.

Q Well, it is just the width of the end of the bridge?

A The width of the bridge and the streets.

Q Yes.

A That is all.

Q In other words, he went south on one side of the bridge until he got to Baker Avenue, and turned right around and came back up on the other side?

A Yes, sir; went over Piggot Avenue.

Q What do you call that street coming up on the other side?

A I don't know. It ain't got no name.

Q Part of 10th, isn't it?

A I don't know if it is.

Q He went down 10th and came back on the other side of the bridge; he would be right in 10th again; and turned in on Piggot, didn't he?

A Turned south on Piggot. Turned east on Piggot.

Q Yes; and this other automobile followed?

A Yes.

Q Yes, sir; and they both had loads in them?

A Yes.

Q That would be going four blocks to get right back to where they could have turned in before they passed you, wouldn't it?

A I guess so. I don't know.

Q You know it, don't you?

A Sure.

Q Well, why do you guess at it?

A Well, you are saying it. I guess you know what you are talking about.

Q Well, I want to know if you know what you are talking about.

A Sure, I know what I am talking about.

Q When he passed you, now, instead of passing you, he could go in there, turn seven or eight feet right around Markuly's store and get on Piggot Avenue, where he came back, couldn't he?

A Yes, sir.

Q There is no doubt about that?

A No, sir.

Q And yet he went south two blocks and back two blocks, to get to that point?

A Yes, sir.

Q And the other machine followed him?

A Yes, sir.

Q And one was about fifty or one hundred yards behind the other?

A I don't know how far.

Q That is what you said, wasn't it?

A I didn't say fifty or a hundred.

Q What did you say?

A I said it was behind the black machine.

Q Didn't you say about fifty or one hundred yards?

A No, sir.

Q Tell us how far it was.

A I don't know.

Q About?

A I don't know, about.

Q You have no judgment?

A It wasn't a mile or half a mile.

Q Was it a foot?

A Well, it was more than a foot.

Q Then, give us your judgment, Gus Masserang, how far it was.

A I don't know. It might have been one hundred feet; might have been two hundred feet.

Q Is that your best judgment?

A That is my best judgment.

Q As they came back, now, onto Riggot, there, within a few feet of you, were they about the same distance apart?

A Well, I never paid no particular attention to them.

Q You don't know whether one gained on the other or not?

A No, sir.

Q If you paid no particular attention to them, then, how do you know that one car was red and the other was black, and they were both filled with people?

A Why, when they passed me I looked at them. That is all.

Q Then, did you pay particular attention, when they passed you?

A Not so very much.

Q How often had you seen Dr. Bundy that day?

A That is the first time I saw him.

Q How long before that was it when you had seen him?

A I don't just remember.

Q How many times had you seen him in your life?

A Lots of times.

Q And he was driving this black car?

A Yes, sir.

Q And was it a left hand or right hand drive?

A It was a right hand drive.

Q It was a right hand drive, the car he was driving, was it?

A Yes, sir.

Q That is, he was on the side next to you?

A Yes, sir.

Q And the car behind him was a red car?

A A little Hupmobile.

Q What drive was it?

A I don't remember.

Q What drive was it?

A I don't remember.

Q Why don't you?

A I never paid any particular attention to it.

Q Who was driving it?

A I don't know that.

Q Did you know anybody in it?

A No, sir.

Q After these two cars came back at the end of the Free Bridge and went east on Piggot Avenue, how far did they go?

A To 11th Street.

Q That would be the next street east of 10th?

A Yes, sir.

Q And then they turned which direction on 11th?

A Turned north on 11th.

Q Then you couldn't see them any more.

A No, sir.

Q You don't know where they went?

A No, sir.

Q How long --- was Metzger talking to you at that time when they turned north on 11th?

A Metzger walked out to the corner away from me.

Q Before they turned on 11th?

A As they went down to Piggot he walked over to the corner.

Q Then he wasn't there when they came back on Piggot?

A He was there when they come back, and when they went out Piggot Avenue he walked over to the corner and said "They are turning over on 11th Street now.

Q He said that?

A Yes.

Q Did he stay over on the corner?

A About ten or twelve feet from me.

Q Then where did he go?

A I don't know where he went. He went across the street after they turned over Piggot.

Q Did he leave, then, before you left?

A Yes, sir.

Q Did he leave that corner before you left?

A He went over into Wick's.

Q That is that garage man, there?

A Yes, sir.

Q How long, then, did you stay in the car or there at that point before you left?

A Why, about ten minutes.

Q Well, that would put it about what time?
A I don't know.
Q If you first saw Dr. Bundy at 11:30?
A I didn't see him at 11:30. I seen him between 11 and 11:30.
Q I thought you said about 11:30.
A No.
Q What time was it, then, when you left?
A I left about ten minutes after I saw him.
Q Then where did you drive?
A I went down to Cahokia.
Q You went down to Cahokia?
A Yes, sir.
Q How many miles is it to Cahokia?
A About four miles.
Q How went in the car with you?
A A fellow named Jay Long, and Joe Dillard and Charlie Leonard.
Q White or colored?
A White.
Q Where does Jay Long live?
A Lives on Piggot Avenue, just east of 10th street.
Q Does he live there now?
A Yes, sir.
Q East of 10th. Where does Leonard live?
A I couldn't say.
Q Have you seen him since that night?
A No, sir.
Q Where does Dillard live?
A I couldn't say that. Dillard has left town. I don't know
where he is at.

Q Now, then, in leaving 10th and Piggot, there, when you started to Cahokia which side of the base of the Free Bridge did you go down on?

A I went down the far side.

Q That is the side the two machines came up?

A Yes.

Q When they approached Piggot?

A Yes.

Q And how far, now, south did you go before you --- did you go to Baker Avenue and turn?

A Yes, went out Baker to 11th, and over 11th to Cahokia Road.

Q Wait a minute. You went south until you got to Baker?

A Yes.

Q And turned east on Baker?

A Yes.

Q Until you struck 11th?

A Yes.

Q And then you went south on 11th until you came to the road that leads over the railroad tracks?

A Yes, sir.

Q And went out by the Commercial Acid?

A Yes, sir.

Q How many miles is it from where you were to Cahokia?

A I should judge about three miles.

Q What saloon did you go to?

A Charlie Roach's.

Q Was it open?

A Yes, sir.

Q Is that the Roach that got killed afterwards in an automobile?

A Yes, sir.

Q And is it that saloon there that is near the crossing of the Columbia electric railway?

A Yes, sir.

Q Did you get some drinks there?

A Had one drink.

Q How long did you stay there?

A Just long enough to get a drink and come right back.

Q Did you come back the same way?

A No, sir.

Q You went back the other road?

A Come in the Common Field road.

Q Went the Common Field road, that crosses the track there at --- well, if you followed it straight it would come out on 17th Street and Bond, wouldn't it?

A Yes, sir.

Q Did you follow it straight?

A Yes, sir.

Q And did you strike Market Street?

A Yes, sir.

Q Did you turn east on Market?

A No, sir.

Q What direction on Market did you turn?

A Went straight over to Bond and come over Bond.

Q Straight over to Bond?

A Yes, sir.

Q From Bond where did you go?

A Come straight in Bond to 10th Street, and saw the shooting.

Q Straight west on Bond?

A Yes, sir.

Q Now, Gus Masserang, you was east, weren't you, of 17th Street,

on Market?

A East?

Q Yes, sir.

A No, sir.

Q And the men that you had with you had guns, didn't they?

A No, sir.

Q And didn't you have a gun?

A No, sir.

Q And didn't you drive your machine west on Market Street from 20th Street and fire into numerous houses on Market Street?

A No, sir.

MR. FARMER: Just a minute. Now, I object to that, as immaterial and irrelevant and incompetent.

MR. WEBB: I am laying a foundation for impeachment.

MR. FARMER: Well, I make the objection that it is immaterial. He has answered the question, but I object to it.

THE COURT: Just a minute.

MR. WEBB: Well, I say it is very material; not only that it affects this man's credibility, but I am laying the foundation for impeachment. I propose to show that he did that.

THE WITNESS: well, he didn't do it.

THE COURT: Just a minute.

MR. WEBB: Well, you have answered that once.

THE COURT: I will let the answer stand.

MR. WEBB: Q How long were you at Cahokia?

THE WITNESS: A Just long enough to get a drink.

Q Well, I don't know how long it takes you to drink.

A Not very long.

(Here Mr. Schaumleffel said something which the reporter did not understand.)

MR. WEBB: I object to the remark of Mr. Schaumleffel.

THE COURT: I didn't hear his remark.

MR. WEBB: He said the same time it takes me to drink.

MR. SCHAUMLEFFEL: I think that is reasonable.

MR. WEBB: Well, Mr. Schaumleffel is not testifying, Your Honor.

THE COURT: Yes, omit those remarks. I don't want to hear it repeated.

MR. WEBB: Q Did the men who were with you take a drink at Cahokia?

THE WITNESS: A Yes, sir.

Q You got out of your car and went into the saloon?

A Yes, sir.

Q And Charlie Poach was there?

A I don't remember. I never paid no particular attention to who was there and who wasn't there. I wasn't taking no guy to nothing; I wasn't making no booklet; I didn't know what was happening, and wasn't paying no attention to see what happened.

Q You knew Charlie Poach?

A I knew Charlie Poach; but I don't remember whether he was in there.

Q Did you know the bartender?

A I know the bartender. He was in there; just us four fellows, that is all I remember.

Q What was his name?

A I don't remember his name. He was a real dark fellow.

Q Was he a colored man?

A No; he was a partner of Roach's, I believe. I don't know.

Q Now, then, when were you arrested?

MR. FARMER: Just a minute.

THE COURT: I didn't hear the question?

MR. WEBB: I asked him when he was arrested.

MR. FARMER: I object to it.

THE COURT: Sustained.

(To which ruling of the court the defendant by its counsel
then and there excepted.)

MR. WEBB: On this charge?

MR. FARMER: I object to it.

THE COURT: Sustained.

MR. WEBB: I want to show his interest, your Honor.

THE COURT: Objection sustained, I said.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Well, I offer to show, if the Court please ---

MR. FARMER: Just a minute.

MR. SCHAUMLEFFEL: I object to that.

MR. MIDDLEKAUF: Out of the presence of the jury.

THE COURT: Yes. We will let the reporter come over here and
let you make the offer out of the hearing of the jury.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Well, I will ask him some more questions. Then I will
make the offer.

Q When you got over to Bond Avenue after you left Cahokia, when
you reached Bond Avenue had you heard any shots up to that time?

A No, sir.

Q Had any shots been fired about you up to that time?

A Not that I know of.

Q 17th and Bond is ten blocks from 30th street, isn't it?

A Yes, sir.

Q West?

A Yes, sir.

THE COURT: Wait a minute. I didn't catch that question. I am trying to follow his evidence. You say it is ---

MR. WEBB: 17th and Bond is seven blocks east of 10th Street.

THE COURT: I thought you said west.

MR. WEBB: I might have.

Q You drove in that direction?

THE WITNESS: A Yes, sir.

Q Now, did you pass 16th Street?

A Yes, sir.

Q Did you pass Dr. Bundy's house?

A Yes, sir.

Q Did you stop?

A No, sir.

Q Did you see anybody there?

A Lots of people around there. I never paid no attention to them.

Q What were they doing?

A Standing around.

Q Weren't doing anything?

A Not that I saw.

Q Now, that must have been nearly twelve o'clock, wasn't it?

A Close to 12; I don't know how close.

Q Well, do you know anything about it?

A It must have been around twenty minutes or a quarter to 12.

Q A light burning there?

A In that little store there was light, yes.

Q Well, that is his place, isn't it?

A Yes, was his place.

Q And was there an electric light on the corner there?

A Yes, sir.

Q Now, were there some automobiles standing there?

A I never paid any attention to whether there was or not.

Q You knew there was a gasoline tank there, didn't you?

A Yes, sir.

Q Had you ever bought gasoline there?

A No, sir.

Q Were there some men on the streets standing around there?

A Standing around there, as usual.

Q Yes, as usual; and you turned west on Bond; now, you passed 16th, didn't you?

A Yes, sir.

Q Had any firing been done up to that time?

A No, sir.

Q And then where did you go?

A Straight over Bond.

Q Straight west on Bond?

A Yes, sir.

Q Did you pass 15th?

A Yes, sir.

Q Any firing done?

A The firing started when we got between 14th and 15th.

Q Well, I ask you if there was any firing done before you got to 15th, or right at 15th?

A No, sir.

Q Now, you passed 15th. Was there anybody at 15th?

A Not that I noticed.

Q Then you passed --- then you went on toward 14th and Bond?

A Yes, sir.

Q And somewhere between 15th and 14th there were some shots fired?

A The shooting was at 10th and Bond, that I saw.

Q Well, wait a minute. Were there any shots fired at you, now?

A No, sir.

Q You went on up to 14th Street, did you?

A No, sir; I was between 14th and 15th and I saw the shooting on 10th Street.

Q All right. I want to ask you, did you stop?

A No, sir.

Q You heard and saw shooting at 10th Street?

A Yes, sir.

Q That was about four and a half blocks west of you?

A Yes, sir.

Q At that time?

A Yes, sir.

Q You continued to drive?

A Yes, sir.

Q Was there anybody at 14th?

A No, sir; not that I saw.

Q Then you passed from 14th?

A Yes, sir.

Q When you passed from 14th at that time the shooting stopped?

A It just stopped then, and the men started to leave.

Q You were still on Bond?

A Yes, sir.

Q And you still went towards 13th on Bond?

A Yes, sir.

Q And while you was going from 14th to 13th the shooting had

ceased.

A I couldn't say positive it all ceased. I was excited. I thought it was a hold-up. I said to the fellow ---

Q Don't tell what you said. You were running right into the shooting?

A Yes, sir.

Q You continued to go, and how far did you go before you stopped?

A I slowed up and just drove slow until I seen the other machine start to leave; then I seen a bunch break from bond and go through an alley.

Q You just slowed up?

A Yes, sir.

Q You didn't stop?

A No, sir.

Q You continued to go right on?

A Yes, sir.

Q And as you slowed up you saw another machine?

A Yes, sir, a little Ford; yes, sir.

Q Was it headed towards you?

A It was coming towards me, yes.

Q Did it meet you?

A It went by me.

Q How fast was it driving?

A Oh, it was coming pretty fast.

Q And you were still on ---

A Went straight on to 10th Street, on Bond.

Q And did you stop?

A No, sir.

Q Well, now, before you got to 10th was there any shooting at you?

A No, sir.

Q Now, when you got to 10th did you pass anybody between 11th and 10th?

A They were going across.

Q They were going away?

A Yes.

Q But did you pass anybody on Bond?

A No, sir.

Q And which way on 10th did you turn?

A Turned south.

Q That would be toward the mouth of the Press Bridge?

A Yes, sir.

Q Toward where you left?

A Yes, sir.

Q Before you went to Cahokia.

A Yes, sir.

Q Did you go by Trendly?

A Yes, sir.

Q Was there anybody on 10th?

A I never saw anybody.

Q Did you go on to Piggot?

A Yes, sir.

Q Did you stop?

A I let these fellows out, and I drove on home.

Q You let the boys stop, then, where you picked them up?

A Yes, sir.

Q At this garage there on 10th and Piggot?

A Yes, sir.

Q And then you turned east on Piggot, or did you turn around again

on 10th?

A I turned around on the bridge and went over to Tudor then.

Q What is that?

A Turned around on the bridge and went down Tudor.

Q Do you come in front of the bridge on Piggot?

A Yes, sir.

Q How, did you turn south alongside of the bridge?

A Yes, sir.

Q And went south until you passed --- did you pass Baker Avenue?

A No, sir.

Q You turned east on Tudor this side of Baker?

A Yes, sir.

Q And went east to 11th?

A To 12th.

Q Well, you went to 11th first, didn't you?

A Yes, sir.

Q Did you cross 11th?

A Yes, sir.

Q Still east on Tudor to 12th Street?

A Yes, sir.

Q Nothing happened to you up to that point?

A Not until I got to 12th Street.

Q well, I say up to that time.

A No, sir.

Q 12th Street is paved, is it?

A No, sir.

Q 11th Street is paved?

A Yes, sir.

Q Is Tudor paved there?

A No, sir.

Q You went east on Tudor until you got to 12th?

A Yes, sir.

Q Now, at that point what happened?

A I pulled my machine up alongside of my mother's house and got out and started over home, and as I started across ---

Q Just a minute.

MR. FARMER: Let him answer the question. I object to interrupting the witness.

MR. WEBB: I have not asked him a question ---

THE COURT: Let him finish his answer.

MR. WEBB: Well, he has answered my question.

MR. FARMER: No, I beg your pardon. He has a right to finish that answer.

MR. WEBB: Now, just a minute. We will see if he has not answered my question.

THE COURT: Are you through talking now? Read the question and answer.

(Question and answer read.)

THE COURT: Now, finish your answer.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: A Started across Piggot Avenue, and some fellow said to me --- a fellow named Bob Roach said "wait, don't go over there."

MR. WEBB: I object to the conversation.

THE COURT: Yes, don't state what he said.

THE WITNESS: I started across Piggot Avenue and heard some fellow hollering, and he had a fellow down, named Jack Britton, and he was beating him, and he said "Kill him"; and that is all I heard; and then I went back to the machine and got in the machine and went up

to get these two officers, and drove to my house; and when we got in the automobile that is when they shot at us.

Q When you got to 12th and Tudor, where does your mother live there?

A Right on the corner.

Q Which corner?

A The southeast corner --- northeast corner.

Q That is on the left hand side of Tudor?

A Yes, sir.

Q And the east side of 12th Street; and you put your machine in there?

A Yes, sir.

Q And when you came back did you come out on 12th?

A I backed right around and went right straight up Tudor.

Q No, after you put your machine there. You put it away, didn't you?

A It is right on the corner; right on 12th Street.

Q You didn't put it in any garage?

A No, sir.

Q Just left it on the street?

A Ran it up alongside of the house.

Q In the yard?

A It is a lot there, they have got fenced off.

Q Just a lot fenced off. Then did you come back out on the street?

A Yes, sir.

Q Which street?

A 12th Street.

Q And which direction were you going then?

A I was going north.

Q North toward Piggot?

A Piggot.

Q How far did you get before any interruption came?

A I got to 12th and Piggot, and I heard this fellow hollering.

Q You got as far as Piggot?

A Yes, sir.

Q And where was this fellow hollering?

A About three ---

Q Where was he?

A He was maybe a hundred and fifty feet from where I was at.

Q On 12th Street?

A On Piggot.

Q East or west?

A East.

Q Did you go down there?

A I say I didn't.

Q Well, what did you do?

A Well, they started shooting, and I turned around and ran and got in the machine again and went up and got these police.

Q Well, wait a minute ---

MR. FARMER: He has a right to answer your question.

MR. WEBB: Well, I know, but I wanted to know what he did then and there; not at some other point.

MR. FARMER: Well, I object to Mr. Webb constantly interrupting the witness. He asks a question and before the witness has a chance to answer he interrupts him with another.

THE COURT: Well, I think he answered that question, Mr. Farmer. Now proceed. Ask him another question.

MR. WEBB: Q The question is --- you answered that you didn't go down to this man.

THE WITNESS: A No, sir.

Q Now, you say they started to shooting?

A Yes, sir.

Q Where were those shots fired from?

A Why, from some houses around there, and fields and alleys.

Q Were they fired at you?

A They must have been.

Q Well, did they hit you?

A Some of them hit me.

Q And you turned around, then?

A Yes, sir.

Q What direction, then, did you go?

A Went back over 12th Street and got in the machine.

Q Well, you went west on Piggot, did you?

A West?

Q Yes.

A I was right on the corner. I didn't have to go west.

Q Well, you went south on 12th?

A Yes, sir.

Q Back to Tudor?

A Yes, sir.

Q And you got your machine out of there?

A Yes, sir.

Q Now, where did you drive out when you came out at that time?

A I drove back up Tudor to 10th Street.

Q That is west?

A Yes, sir.

Q Well you turned in at the bridge there like you say Dr. Bundy drove, and then from Piggot and 10th ---

A Yes, sir.

Q Then what did you do?

A I drove up to Wick's and I called out Walker and Ruff, and I

said "Come on down, they are killing somebody".

Q Those are officers?

A Yes, sir; and they got in and we drove down there.

Q What were they doing in Wick's?

A They was in there calling up, I believe. One of them was in there.

Q Were they police officers?

A Yes, sir. Drove down there, and got clear of a shed, and they started shooting.

Q Now, wait a minute.

MR. FARMER: Why can't he answer the question?

MR. WEBB: Because I have not asked him about that. That is the reason.

Q Where were you when you got ---

MR. FARMER: You asked him what he did.

MR. WEBB: I know that.

Q Now, Mr. Masserang, where was your machine ---

MR. FARMER: Just a minute. I object to this, now. It is not fair to the witness, it is not fair to anybody, to constantly interrupt the witness before he completes his answer when he has asked a question, as Mr. Webb is constantly doing.

THE COURT: Now, Mr. Reporter, read the question and answer.

(Question and answer read.)

MR. WEBB: Now, you see I have not asked him that question. I asked him if they were police officers, and he said they were, and goes on and makes an answer I have not asked him about.

THE COURT: All right. Proceed.

MR. WEBB: Q Now, what? When you got those police officers did they get into your car?

A Yes, sir.

Q And you were then on 10th Street?

A Yes, sir.

Q Now, where did you drive?

A 10th and Trendly.

Q In going to Trendly you drove north on 10th?

A Yes, sir.

Q And when you got to Trendly what direction did you turn?

A Turned east on Trendly..

Q And how far on Trendly did you drive?

A To 12th Street.

Q And when you got to 12th Street what did you do?

A Turned back south on 12th Street and went through an alley towards the back of my house.

Q You went south on 12th about a half a block?

A Yes, sir.

Q Until you got to an alley?

A Yes, sir.

Q And then you turned east in that alley?

A Yes, sir.

Q That alley would run between 12th and 13th?

A Yes, sir.

Q And that put you in back of your house?

A Right directly.

Q With the officers in the machine?

A Yes, sir.

Q What were their names?

A Walker and Ruff.

Q Tom Ruff?

A Yes, sir.

Q What was Walker's name?

A I don't know his first name.

Q Did you stop your machine there back of your house?

A We pulled out and just got clear of the shed, and they hollered "We are officers", and I had to stop; they started shooting.

Q Who hollered "we are officers"?

A Walker and Ruff; and they said "We don't need no officers".

Q Wait until we get up to that. Had you stopped your machine at that time?

A I had to stop. I couldn't get any further.

Q Why couldn't you?

A They shot the lights out, shot holes in the gasoline tank --- everybody was shot.

Q From what direction did they come?

A Why, they were in a field right from where I was sitting, a little south.

Q To your right or left?

A To the right.

Q And were the officers in the back end of your car?

A Well, I couldn't tell you. I don't know. They were in the back end when we got down there, but I don't know where they went after we got down there.

Q Did you leave the car?

A I couldn't leave.

Q Well, did they leave it? Did they get out?

A I think one of them got on the ground. The other one couldn't get on the ground.

Q Well, then, how long did you stay there before you were taken away?

A About a half an hour.

Q And then where were you taken?

A To the hospital.

Q What hospital?

A St. Henry's, or that one on State Street. I don't know what that is.

Q That is the Deaconess. How long were you there?

A I was there about ten minutes, and they said "we can't take no care of nobody here" ---

Q Well, then where were you taken?

A Dr. Stanton.

Q At his house?

A Yes, sir.

Q How long did you stay at his house?

A About an hour.

Q Then where were you taken?

A I went from there to the police station.

Q And then where?

A From the police station they took me home next morning, and then from there I went across the river.

Q How long were you across the river?

A Well, ever since.

Q You haven't been over on this side since?

A Oh, I come over now and then.

Q Were you taken to Belleville?

A Yes, sir; I was arrested.

MR. FARMER: Well, now, just a minute.

THE COURT: Yes.

MR. FARMER: Mr. Webb knew before that that was improper, and yet he brings that out. Now, if there could be anything more unfair than that, I don't know what it could be. He knows that is improper. I

object to it, and ask the court to instruct the jury to disregard it.

MR. WEBB: Now, I want to say ---

THE COURT: Just a minute. Sit down. You can have your say afterwards. Gentlemen of the jury, you will disregard the answer of the witness with reference to being arrested.

(To which ruling and direction to the jury the defendant by his counsel then and there excepted.)

MR. WEBB: Now, I want to make my offer.

THE COURT: Well, come over here out of the hearing of the jury. Take the jury out.

(The jury were withdrawn from the court room, and the following occurred in the absence of the jury.)

THE COURT: Now, Mr. Webb, make your offer.

MR. WEBB: I offer to show by this witness, on cross examination, that he was arrested and charged with rioting, or some offense connected with the transaction about which he testifies, and that he was incarcerated in Belleville, and that The People made an arrangement with him whereby he was to testify for the express --- with the express understanding that he was not to be prosecuted if he would tell what he knew about this case; and that for that reason he has an interest in this suit, the result of it, and is testifying from that standpoint:

THE COURT: You want to ask him the question whether promises have been extended to him by the State?

MR. WEBB: If they didn't make that arrangement with him; if he wasn't there charged with this offense, and if he didn't have an understanding that he was not to be prosecuted.

MR. FARMER: Now, the objection to that is, that it is not proper cross examination, and not a proper subject to be shown, that he was arrested or indicted, or that he was in jail. So far as the other part is concerned, I have no knowledge of any promises being made.

MR. MIDDLEKAUF: Well, he would have a right to ask whether there were promises.

THE COURT: Yes.

MR. FARMER: I say, so far as that is concerned, I have no knowledge of that; but as to the other matters, they are incompetent and improper.

MR. MIDDLEKAUF: I would like to say, they have a right to ask whether there were promises; but so far as this other proposition is concerned, if they intended to impeach this witness on the proposition whether he was or was not passing down a certain street, shooting, it is undoubtedly the law, so well established that no lawyer could contradict it, that the defense cannot bring out something on cross examination that is not part of the res gestae, or the thing inquired into in the suit, and bring out some side issue and come in and seek to impeach a witness on that and make another issue before the jury that is not an issue in this case.

MR. FARMER: Can't impeach on an immaterial issue.

MR. WEBB: Well, now, here, Gentlemen --- of course I realize that we are at a disadvantage here so far as the State is concerned --- not before the Court; I don't mean that; but from the standpoint of experience and intelligence and everything of that kind, and I realize my weakness as a lawyer, and all that; but I know, if I know anything, that a witness who is on the stand, who testifies to having seen certain acts on the part of the defendant that are criminal, then if you can show by that witness that he committed criminal acts on that same night in question in connection with the things that he testifies about, it ought to be allowed for the purpose of showing his interest or to impeach him as a witness. Now, if there is any principle any better settled than that, than I am --- I don't know anything.

THE COURT: Well, I don't recall, but I think he testified that he didn't do any shooting. You asked that question. I think that is in the record.

MR. WEBB: Yes.

THE COURT: I will permit you to ask this witness whether or not any promises have been extended to him by the State.

MR. WEBB: Well, I want to show that he was put in jail at Belleville.

MR. FARMER: No, you have no right to show that.

THE COURT: Wait a minute. Whether any promises were made to him by the State in order to secure his evidence in this case.

MR. WEBB: I don't want that unless I am permitted to show that he was incarcerated in jail at Belleville on this charge.

MR. FARMER: You have no right to show that.

THE COURT: I don't think it is competent for you to show what he was in jail for, but if any promises were made to him ---

MR. WEBB: What would a promise amount to unless you could show that he was in jail; that he was somewhere that he could be the beneficiary of it.

MR. FARMER: You are wrong there. That is all.

THE COURT: Well, I will permit you to ask him, in order to show his interest in this case, whether or not any promises were extended by the State.

MR. WEBB: I don't want that, Your Honor. That is not my offer.

MR. MIDDLEKAUF: Your Honor, I think it is perfectly proper for them to ask whether --- if he was accused of a criminal offense, or if there is a charge against him --- to ask whether the State has granted him immunity or anything of that kind; but to ask him, if he was arrested, what he was arrested for, or anything of that kind, would be entirely improper. He might be arrested for bastardy, or some other charge.

MR. FARMER: The only way you can impeach a witness by showing a conviction of a crime is to show that he committed the crime or was convicted of the crime, and it must have been a felony; not only a felony, but it must have been an infamous crime.

MR. WEBB: This is not that proposition.

MR. FARMER: Then it has no place here.

MR. WEBB: Even if he was arrested for assault and battery, and incarcerated upon that charge, you ought to be allowed to show that he was, and that he was promised immunity while serving or while in charge or custody of an officer.

MR. MIDDLEKAUF: It is not necessary to show what the crime was, at all.

THE COURT: Well, if the State has extended him any promise of immunity not to prosecute him, I will allow you to go into that.

MR. WEBB: Would you expect him to say they had ---

THE COURT: Well, I don't know what he is going to say.

MR. WEBB: --- if they had?

THE COURT: You say you want to lay the grounds for impeachment. Now, you are permitted to lay those grounds.

MR. WEBB: I want all my offer, or none.

THE COURT: I will not permit you to show what he was arrested for or what charge was preferred against him.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: All right. It is in the record there.

(Whereupon the court took a recess; after which the jury was returned to the court room, the witness resumed the stand, and the cross examination by Mr. Webb proceeded.)

MR. WEBB: Q Gus, who have you consulted with since you left the witness chair?

A Oh, I was talking to a few fellows out there.

Q Well, who were they?

A Oh, different fellows, talking about going home and about eating.

Q Did you talk with any lawyer?

A No, sir.

Q Not a word?

A Oh, I talked to them about some witness fees; that is all.

Q About some witness fees?

A Yes, sir.

Q Are your fees to be paid here?

A I am going to claim them. I don't know whether they are going to be paid or not.

Q Is that what you were talking about?

A I asked them where you claim a witness fee, and they said down stairs.

Q How many times were you shot?

A Well, they got --- counted thirty-seven buck shot.

Q Did you go to and were you confined in a hospital?

A Why, I went to the hospital, and they said they didn't have any room.

Q That is the Deaconess, in East St. Louis?

A Yes.

Q Were you treated in the hospital?

A No, sir.

Q Were you in bed after your injury?

A Yes, sir.

Q How many days?

A About a week.

Q Where?

A Over in St. Louis.

Q At whose place?

A Brother-in-law's place.

Q Did any doctor treat you over there?

A Why, we used to come over, to Dr. Stanton, in the machine.

Q Were you over at Dr. Stanton's on July 2, the day of the riot?

A No, sir; I couldn't get there.

Q Were you over there on the third?

A No, sir.

Q Were you over there on the fourth?

A Let's see; I don't remember just what day it was when I did come back.

Q Well, July 2, 3 and 4 who treated you?

A Why, I went to a doctor named --- over on North Broadway fifty some hundred North Broadway; I don't know what his name is.

Q Did you go there on July 2?

A I went there on the third.

Q Who treated you on the second?

A Nobody.

Q Dr. Stanton treated you on the night of July 1st?

A Yes, sir.

Q Did he take any bullets out of your body?

A Yes, sir.

Q How many?

A I don't remember just how many it was.

Q You were shot with how many buck shot?

A Twenty-seven or twenty-eight buck shot. I don't remember just how many.

Q How many other shots?

A No other shots.

Q About twenty-seven or twenty-eight?

A Yes, sir.

Q And did you go to see that St. Louis doctor more than once?

A No, sir; I just went to him once.

Q After that you came over and saw Dr. Stanton?

A Came over and saw Dr. Stanton.

Q When were you discharged?

A I only went to him three times, all together.

Q How soon after your discharge did you go to driving?

A I didn't do any driving any more.

Q How soon did you go to work?

A About two weeks afterwards.

Q Have you seen either one of those three men that you took to Cahokia since that night?

A Oh, yes, sir.

Q When did you see Dillard last?

A Why, I believe Dillard left a week or so after that.

Q And you have not seen him since?

A No, sir.

Q When did you see Leonard last?

A Why, I worked with Leonard after that.

Q Where?

A At the Southern.

Q Southern Railway Company?

A Yes, sir.

Q When did you see him last?

A It has been a good while.

Q The other gentleman, what was his name?

A Jay Long. I worked with him at the I. C.

Q He lives in East St. Louis?

A Yes, sir.

Q Is he a switchman?

A Yes, sir.

Q When did you see him last?

A It must have been a pretty good while when I saw him, too.

Q Where were you when the case of The People of The State of Illinois against Willie Palmer and others was tried in Belleville?

MR. FARMER: I object to it. It is immaterial.

THE COURT: Sustained.

MR. WEBB: Where was he, I am asking.

MR. FARMER: Immaterial.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Where were you in October, 1917?

MR. FARMER: I object to it. It is immaterial.

THE COURT: Overruled.

THE WITNESS: In October, 1917?

MR. WEBB: Q Yes.

A East St. Louis.

Q Were you working there?

A Let's see; I don't remember whether I was working then or not.

Q Were you a witness in that case?

A No, sir.

Q Were you in Belleville during the trial of that case?

MR. FARMER: I object to it. It is immaterial.

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: I want to ask this question, Your Honor --- another
question in connection with that --- and I think it is entirely
proper; but I am willing to submit it to Your Honor outside of the
hearing of the jury before I ask it.

THE COURT: All right.

(Whereupon the following offer and discussion, up to the
succeeding question and answer, occurred out of the hearing
of the jury:)

MR. WEBB: I want to ask him if he was not in the county jail at
Belleville when that case was being tried; the case that I have
identified.

MR. FARMER: Well, I object to that, as immaterial and incompetent
and improper.

MR. WEBB: I think it is absolutely proper.

MR. FARMER: Not admissible on any principle of law that you can
name.

THE COURT: The objection will be sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Here is the rule: Anything that would show the witness
to be guilty of any moral turpitude of any kind goes to affect his
credit as a witness, whether it is gambling or anything of that kind,
for which he would be incarcerated.

MR. SCHAUMLIFFEL: I don't think the law so reads.

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Now, then, I offer to show by this witness that at the time that the case of The People against Willie Palmer and others was tried in Belleville, in October, 1917, that the witness Gus Masserang was then incarcerated in the county jail at Belleville on a charge connected with this crime, and that he was under the control of The People, and that he was not called as a witness at that time in that case.

MR. SCHAUMLEFFEL: Well, I think the law is well settled on that.

MR. FARMER: That is incompetent and improper.

THE COURT: The objection will be sustained.

MR. FARMER: Immaterial.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Mr. Masserang, where were you when you were subpoenaed to come to this court?

A Where was I when I was subpoenaed to come to this court?

Q Yes.

A In St. Louis.

Q And were you subpoenaed to come to this court in November, last year?

MR. FARMER: That is immaterial.

THE COURT: Overruled. He may answer.

THE WITNESS: I didn't get that.

MR. WEBB: Q Were you subpoenaed more than one time to come here to Waterloo?

A No, sir.

Q Who subpoenaed you in St. Louis?

A I don't know the fellow's name.

Q Were any arrangements made for your services?

A Arrangements? What do you mean?

Q Your expenses.

A Nothing was said to me. He said "you claim it and you will get it".

Q And you were in St. Louis at that time?

A Yes, sir.

Q Now, this road that you traveled from Cahokia back to 17th street, is that a straight road that runs from Cahokia over the railroad tracks into 17th street?

A No, sir.

Q What turns are there?

A Why, it turns at Market Street, and turns a couple of streets from Market.

Q Well, now, at Market --- let's get that --- does it run east or west on Market? East or west? Which one?

A What is that?

Q When you strike Market what direction do you go?

A I went straight over to Bond Avenue.

Q Well, then up until you get to Market is there any turn in the Cahokia road?

A Sure.

Q From Cahokia?

A Yes, sir.

Q Where is that turn?

A Just before you come into Market.

Q What street do you cross before you come into Market?

A Piggot Avenue, I believe.

Q Now, when you cross Piggot Avenue is there an electric railroad track there?

A I don't know whether it is an electric. There is a railroad track there.

Q Now, then you go straight north?

A Straight north.

Q Until you get to Market?

A Until you get to Market; yes, sir.

Q Well, the turn is just a mere jog there at Piggot?

A Yes, sir.

Q You jog to the west, a little, to your left?

A Yes, sir.

Q And then from that point it is straight over to market?

A Yes, sir.

Q And from Market straight over to Bond?

A Yes, sir.

Q That kind of road was that from Piggot over to Market at that time, a cinder road?

A That wasn't a very good road. There was some ties and cinders there.

Q Some cinders thrown between those blocks on the road?

A Yes, sir.

Q You drove over that on that night?

A Yes, sir.

MR. WCBBS: I think that is all.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q At the time you were shot there in your automobile you said you were not able to get out. Why were you not?

A I didn't know nothing for an hour afterwards.

Q Now, you called those shots "buck shot". Do you know the size

of the shot?

A They were pretty good size. I don't know what size they are.

Q Would you object to showing where you were shot?

A No, sir.

Q Well, let's see where you were shot.

MR. WEBB: I object to it.

THE COURT: Yes; sustained.

MR. FARMER: All right.

Q How many different places in your body were you shot?

THE WITNESS: A I was shot in four or five different places.

Q In and about the body?

A shot some in the side, and a few in the neck and leg and hand.

Q Now, in those different places, state whether there were more than one shot in a place?

A Why, I had seventeen or eighteen in my legs and one in my neck and two in my side and a couple in my hands.

Q Any on the breast?

A No, sir.

MR. FARMER: That is all.

RE-CROSS EXAMINATION
by Mr. Webb

Q Were you in the car when you were shot?

A Yes, sir.

MR. WEBB: I withdraw my objection, Your Honor, as to where he was shot.

Q How, where were you shot?

THE COURT: Well ---

THE WITNESS: (Rolling up his pants and showing his ankle)

A Right here is one, in the leg. You can feel it.

MR. WEBB: Q Come out here where they can all see it.

(The witness moves nearer to the jury and exhibits his ankle.)

MR. WEBB: Q It is in there yet?

A Yes. Here is one. You can feel it.

Q At what point?

A Right here. (indicating)

MR. FARMER: About half way between the ankle and the knee.

THE WITNESS: Right here. Feel it.

(Mr. Webb places his finger on the spot indicated by the witness.)

THE WITNESS: Don't rub so hard. It is there.

MR. WEBB: I beg your pardon. I don't want to hurt you.

MR. FARMER: Q where else were you shot?

THE WITNESS: I got two shot in my side, and shot in my neck.

MR. WEBB: Well, take one at a time.

THE WITNESS: And shot here between the fingers.

MR. WEBB: Well ---

MR. FARMER: Are you putting this in, Tom?

MR. WEBB: Ho, you ---

MR. FARMER: well, then.

MR. WEBB: Go ahead. I beg your pardon.

MR. FARMER: All right.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q show the jury.

A Shot between the fingers, and a little flesh wound in the neck,
and two in the side. The rest were in my leg.

Q Which side?

A This side.

Q Where were the other shots?

A Right in my legs.

MR. SCHAUMLEFFEL: By "this side" you mean the right side?

THE WITNESS: A Yes, sir.

RE-CROSS EXAMINATION
by Mr. Webb

Q Just point out the place where you were shot in the neck.

A Right alongside of the neck, here; just glanced me.

Q How many?

A Just one.

Q Now, that is one. Where was another place?

A Both legs.

Q How many did you have in the left leg?

A I don't remember exactly how many I did.

Q Inside or out?

A I was sitting, my feet like that (indicating), one foot on the
pedal; and got them all up in here and along this side.

Q Along on the side of your right leg?

A On the inside of this one (indicating).

Q Yes.

A Along on the outside, along here.

Q Any scars there?

A On this leg?

Q Yes.

A I don't know.

Q Would you care to exhibit it to us?

A I wouldn't care; if you would like to see my leg you can look
at it.

Q Show us any scars there.

A I can't show you any scars.

Q There are none there, are there?

A No.

Q Is there any up higher?

A I don't know. I will show you, if you want to see.

Q You ought to know.

A Do you think I examined myself to see whether I have got scars?

Q Don't you?

A No. It don't worry me whether there is scars there or not.

Q Nothing worries you, does it?

A Why, no.

MR. WEBB: That is all.

GEORGE VATTER.

called as a witness on behalf of The People, and having been first
duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A George Vatter.

Q Where do you live?

A 512-A Brady Avenue, East St. Louis.

Q Where did you live on and before July 1st, 1917?

A 1126 Trendly Avenue.

Q That would be between 11th and 12th Street, on Trendly?

A Yes, sir.

Q Were you at home on that evening?

A Yes, sir.

Q You may tell the jury what you saw there, if anything.

A Well, me and my wife and child was sitting on the porch at
9 o'clock, or a little after nine, and there were two machines drove
up --- there was a red one and black one, and they drove up the street,
and they stopped up there in front of a house and they --- then
there was a bunch men following them, colored fellows, and the

colored fellows got over behind a church fence, and the other fellow told them to wait there while he went up and saw who was in the machine; and he goes up there and seen who was in the machine, and he whistled and the other fellows whistled and followed right in back of him up there, and the machines drove off.

Q Who were in those machines, if you know?

A I couldn't say.

Q Well, white men or colored men?

A I couldn't say.

Q Could you tell how many were in the machines?

A No, sir.

Q Well, whether they were loaded or not?

A I could hear them talking. The machines was full. I could hear them talking to one another.

Q You spoke of men behind the fence.

A Yes, sir.

Q What fence is that?

A Behind --- it was, as I call it, a Pollock church. It was right straight across the street from where I lived at that time.

Q Was it off the street, back of the street, or lots ---

A No, sir.

Q Where was it the men were?

A They were behind the fence. There was a corner lot in between the church and --- there was --- they got in, in that lot, along the fence.

Q Could you tell how many were there?

A Well, there was quite a number of them.

Q Well, how many would you say?

A Well, I say there were about 150 of them, or 125.

Q Could you tell what they had, if anything?

A No, sir.

Q How many went over to the machines that stopped there?

A About half a dozen of them.

Q And after they got over ther what happened?

A Why, there were some fellows come out of the houses and talked to them.

Q What about whistling? Where did that come from?

A Well, from the leader. He whistled and the others answered him.

Q Then what did they do after they answered the whistle?

A They went up to where he was.

Q How were those machines moving along there, side by side, or one back of the other?

A Following one another.

Q Following one another?

A Yes, sir.

Q About how far behind the front one was the other one?

A Well, I just couldn't say, Mr. Webb, because I didn't pay any attention.

Q F_ormer is my name. What direction were those machines headed?

A Towards 11th Street.

Q From where?

A 12th Street.

Q What street were they on?

A Trendly Avenue.

Q Would they be headed in the direction of 10th Street, then?

A Yes, sir.

Q Where is Market Street with reference --- what street did you say they were on, Market?

A Trendly Avenue.

Q Trendly Avenue?

A Yes, sir.

Q And where is Trendly Avenue from Bond?

A Two blocks south.

Q Well, what became of the machines then?

A Well, they drove up to Fred Henley's house and they stopped there, and they come out and talked to them in the machine, and then they backed off and went up towards 10th Street.

Q Was that the same Henley that was here yesterday?

A Yes, sir.

Q What became of the men in the crowd there after the machines left?

A Do you mean the ---

Q The men that gathered up there around the machine.

A The ones that came out of this house?

Q Yes --- well, wherever they came from.

A Why, I couldn't hardly remember now.

Q Well, what became of the men that came out from behind the fence?

A They followed the machines around.

Q Well, what else happened after that, that you saw or heard?

A Why, they drove up towards 10th Street, and the mob, they goes around and comes down the alley.

Q Who did?

A The colored fellows, they goes up, and then they come around the alley, and then the mob was larger.

Q How many would you say then there were?

A Well, I know there were more than what was there before; right around 200 of them; there was quite a bunch of them.

Q Then what happened?

A Then the machines drove over on Bond Avenue, and they started

to shoot, and they shot over on Market Avenue.

Q Could you tell how many shots you heard over on Bond Avenue?

A I couldn't say, they was so fast. Quite a number.

Q Well, were they many or few?

A Quite a number of them.

Q Could you tell where that was with reference to 10th and Bond Avenue, whether it was in that direction?

A 10th and Bond; where I heard them shoot and seen the blaze from the guns it was over between 12th and 13th.

Q Did you hear more shooting at any other place?

A Yes, sir.

Q Where?

A I heard them shoot on 12th street, between --- by the alley right between Trendly and Piggot.

Q Anywhere else?

A Well, I don't know. It was all over where they was shooting out in that end of town. I just don't remember where it all occurred at.

Q Could you see the blaze of the guns when they would shoot?

A Yes, sir.

Q How long have you known Dr. Bundy?

A I have known Doc. quite a while.

Q Do you know whether he has an automobile, or had at that time?

A Yes, sir.

Q What kind of a car was it? What color?

A He had a kind of a reddish car.

Q Did you ever see him in that car?

A Yes, sir.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q Mr. Vatter, you lived at that time at what number on Trendly?

A 1126.

Q 1126; and were you nearer to 11th Street than 12th?

A I was closer to 11th Street, I believe.

Q You were a little nearer to 11th?

A Yes, sir.

Q Which side of Trendly did you live on?

A The south side.

Q Did you know where Henley lived?

A I did, sir.

Q Where did he live from you?

A Cat-a-cornared from me, the second house from the alley.

Q Well, did he live northwest or northeast from you? Did he live toward town, or out toward ---

A Yes, sir; towards town.

Q Yes. His house faced Trendly?

A Yes, sir.

Q The alley you speak about ran north and south east of his house, between Trendly and ---

A West from where I lived at that time.

Q Yes, I know; but east of him, isn't it?

A No, the alley was west of his house.

Q He is the second house to the alley?

A Yes, sir.

Q Well, he lived in the west half of the block, didn't he?

A Yes, sir.

Q You really lived in the east half of the block, didn't you?

A Well, according from his place I did. Yes, sir.

Q That is what I say. Now, these automobiles came up there about 9 o'clock, didn't they?

A Somewheres after 9 o'clock.

Q I didn't hear you.

A Yes, sir; it was after 9 o'clock.

Q Not very much, was it?

A No, sir.

Q Would you say ten or fifteen minutes after nine?

A Yes, sir; around in there some time.

Q When you first saw them they were coming east on Trendly?

A Yes, sir; they were coming from 12th Street towards 10th Street. They were coming from east, yes, sir, going west on Trendly.

Q They were going west?

A Yes, sir.

Q Did they pass by your house?

A They did, sir.

Q And they stopped in that block?

A They stopped up at Fred Henley's block with their machines.

Q Facing 10th when they stopped?

A They stopped twice along there.

Q Well, I want to get the first time, now, that you saw them.

A The first time I saw them, I couldn't say whether they stopped the first time there or not.

Q Well, the first time you saw them, now, where did you see them?

A Well, they passed my house.

Q I want to get that, Mr. Vatter. They were passing your house?

A Yes, sir; the first time I seen them.

Q Going west on Trendly?

A Yes, sir.

Q Had you been home all evening?

A Yes, sir.

Q And there were two of them?

A Two machines; yes, sir.

Q What were their colors?

A Red and black.

Q Which one was in front?

A Well, I couldn't say that.

Q You don't remember that?

A No, sir.

Q And I believe you said to Mr. Farmer you couldn't tell whether they were colored people or not.

A No, sir; I couldn't.

Q That is true, isn't it?

A Yes, sir.

Q And those machines, now, after they passed your house they continued westwardly on Trendly until they stopped at Henley's?

A Why, I couldn't say now whether they stopped the first time they went through, or not, but I know they stopped there --- come back, and they had other machines headed towards our house again.

Q Well, you don't know whether the first time they passed your house they stopped at Henley's, or not?

A No, sir; I couldn't say.

Q Well, now, they went on up towards 10th?

A Towards 10th Street; yes, sir.

Q Did you see them turn?

A I couldn't say.

Q Well, they came back in a very short time, didn't they?

A Yes, sir; it wasn't long until they came back, and the black machine I believe was in front, and the red one was in the back.

Q And then they stopped at Henley's?

A Yes, sir.

Q And it was only a minute or two after they passed your house and went by and came back again; is that right?

A No, it was later than a minute.

Q Well, five minutes?

A Was half an hour or so.

Q Half an hour?

A Yes, sir.

Q Well, then, when they stopped at Henley's about what time was it?

A Well, it was before 10 o'clock.

Q Well, would you say 9:30, about?

A Well, I couldn't say. I wouldn't say something I don't know what I am talking about.

Q I don't want you to; just trying to get your best judgment about it, that is all. Would you say it was nearer 9 than it was 10?

A I will say it was nearer 10 than it was 9.

Q All right. Now, did these machines have people in them when they came back and stopped in front of Henley's?

A Yes, sir.

Q I believe you said you couldn't tell whether they were colored or not?

A No, sir; I couldn't.

Q And you think the red machine came in advance that time?

A The red machine was in the back, I know that.

Q I believe you said that, yes, the black machine was in front at

that time.

A Yes, sir.

Q Than they stopped on the opposite side of the street from your house, didn't they?

A Yes, sir.

Q And their front of the machines would be in your direction, wouldn't it?

A Yes, sir.

Q Now, up to that time, as I understand you, you hadn't observed anybody in the neighborhood except those machines, had you, up to that time?

A Hadn't known anybody?

Q I mean you had not seen anybody up to that time except these machines, had you?

A Oh, yes.

Q Who had you seen?

A Why, I seen Fred Henley and some fellow down below there, a couple of fellows along in that row, come out with guns.

Q Below Henley's?

A Yes, sir.

Q Before you saw these machines?

A Well, I believe it was when the machines were there.

Q Well, I am asking you.

A Yes, sir; it was there when the machines was there.

Q Well, how far below --- below you?

A Above me.

Q Well, that is west of you, towards 10th Street?

A Yes, sir.

Q And is it farther west than Henley's place?

A It is closer.

Q Well, is it west of Henley's place where you saw these boys come out with guns?

A No, sir; it was east of Henley's place.

Q Well, was it between Henley's and your place?

A Yes, sir.

Q On which side of the street?

A The north side.

Q Well, did you know them?

A No, sir; I never knew them, but I had seen them before, along there.

Q Well, did they live there?

A Yes, sir.

Q Well, now, was that before these machines stopped, or while these machines ---

A While the machines were there.

Q All right. When up to the time these machines stopped you had not seen anything, had you, except those machines passing your house?

A No, sir.

Q All right. Now, when the machines stopped you was sitting on your front porch, were you?

A Me and my wife and child was sitting there; yes, sir.

Q Well, I don't care who was with you. You were sitting on the front porch?

A Yes, sir.

Q Now, after the machines stopped did people in the machines get out?

A Not as I seen.

Q Well, you were looking at them, weren't you?

A Sure was.

Q If they had gotten out you would have seen that, wouldn't you?

A I would have seen it .

Q Now, did they get out?

A No, sir.

Q Did any of those people in the machines have guns?

A I couldn't see that far.

Q You couldn't see that far?

A I couldn't see if they had guns or not. I could see that far.

Q Well, you didn't see whether they had guns or not?

A No, sir.

Q Now, you say some persons came out of some house there, did you?

A Yes, sir.

Q On that side of the street?

A Yes, sir.

Q And they came out to these machines?

A Yes, sir.

Q How many came out?

A Well, they were three or four on the porch, and then there was about three come out, and a couple of them had guns.

Q Those are the two you have spoken about before, that had the guns?

A Yes, sir.

Q What kind of guns did they have?

A I couldn't say. They was revolvers.

Q What?

A That long (indicating).

Q Let's see; you say they were revolvers?

A Yes, sir.

Q Show the jury how long they were?

A About that long. (Indicating.)

Q Would you say a foot?

A About, I guess.

Q And how far away from them were you?

A Well, I don't know. About a quarter of a block, I guess. It wasn't far, about 100 yards.

Q You say about 100 yards?

A Yes, sir.

Q Was there any electric light hanging on the street?

A I guess it was. There was one up at the next corner.

Q Well, I don't want you to guess about it. Was there any electric light hanging in the street?

A Sure, there was.

Q Wait a minute. About the crowd there where the automobiles were.

A Yes, sir.

Q How many houses were they from the corner, this way?

A Well, there was one house set on the corner ---

Q I am talking about the machines, now.

A Well, I was just trying to explain to you and tell you where they were at.

Q All right.

A There was one house set on the corner of 11th and Trendly, then there was a house at the alley, and that is where the machine was, right by the alley.

Q By the alley?

A Yes, sir.

Q Well, the alley is 150 feet from the corner of 11th, isn't it?

A I don't know.

Q Well, the block is 300 feet long, about, isn't it; 100 yards?

A I don't know how long the block was.

Q Well, it is an ordinary block, isn't it?

A No; there wasn't but seven or eight houses along in there.

Q I am not talking about the houses. I am talking about the length of the block. There were vacant lots in there, weren't there?

A Yes, there was, down at the lower end, but they wasn't that way; they was up at the other end.

Q I understand; but how far is it from 12th Street to 13th Street?

A Supposed to be a block.

Q Well, a block?

A Yes, sir.

Q What do you mean by "a block"? How many feet?

A I don't know. I never did measure it.

Q Well, don't you know that the ordinary block is about 300 feet long?

A Yes, sir.

Q And maybe more than that. Now, these machines were standing near the alley, weren't they?

A Yes, sir.

Q And there wasn't any light, now, except up at 12th street, was there --- 12th and Trendly?

A You mean 11th and Trendly?

Q 11th and Trendly. That is what I mean.

A Yes, sir; and there was one at 12th street.

Q Well, they were about half way between the two lights, weren't they? The alley would be half way between the two lights, wouldn't it?

A No, sir, not the way this place is situated down there, it is not.

Q Well, how --- where were these machines, now, with reference to 12th and 11th? Weren't they standing about half way between 12th and 11th?

A I say they was not. No, sir.

Q Well, I am trying to ask you where they were.

A They were just one corner house standing there, and then the alley was right like this (indicating) and there was a house standing there, and they were right in front of the house with both machines. One machine was pretty near up on the hill that came down like that.

Q I don't know where your hill is or what you mean by that. You tell us, if you can, Mr. Vatter, how far the black machine, where it stood and these men came out to it, how far it stood from 11th Street.

A Well, I say about 120 feet.

Q 120 feet. The light, then, was hanging at 11th?

A Yes, sir.

Q Now, how far did that machine stand from 12th Street?

A From 12th street?

Q Yes, sir, from 12th Street.

A Well, it was a couple of hundred feet, I guess.

Q Couple of hundred. When that would make that block approximately 320 feet long, wouldn't it? A little over 100 yards?

A Yes, sir.

Q How, then, you were from this car, where you were sitting on your porch was how far from this black car?

A Well, I tell you, I couldn't say.

Q Well, about, now; just asking you for your best judgment.

A I wouldn't like to say something I wouldn't know anything about.

Q 150 feet?

A No. I don't think it was that far.

Q 100 feet?

A Oh, about 125 feet.

Q 125 feet. Now, there were no other lights --- were there any lights on the porch when these men came out?

A Only the light that showed from the electric light, is all.

Q I say were there any lights on these porches of these houses where the men came out?

A Not as I seen.

Q The headlights of the machine, were they burning or not burning?

A They were out.

Q Then the only light was these two electric lights 320 feet apart, weren't they, on the street?

A Yes, sir.

Q And you saw, now, from your porch, which is 125 feet away, two men that had guns in their hands about that long? (Indicating)

A Had pistols.

Q Pistols, about a foot long; is that right?

A Yes, sir.

Q Now, then, up to the time, now, when you saw these guns, had you heard any whistling or signal of any kind?

A I think it was right at that time.

Q As these men came out?

A Yes, sir.

Q Now, where was that signaling that you heard?

A Right --- you mean when the fellow whistled?

Q That is what I am talking about. That is the only signal you have said anything about.

A Well, that is the only one I know of.

Q Yes.

A Well, it was right across from the house that I lived in.

Q On ---

A Trendly Avenue.

Q On Trendly?

A Yes, sir.

Q That would be right north from you?

A Yes, sir.

Q And where was that man, now, that whistled, in the house or in his yard, or on the street?

A Out on the street. It wasn't any one of them fellows whistled. It was the one that was leading the bunch, that whistled.

Q I am asking you about the signal, the signal that you heard. Where was that man, now?

A On the sidewalk.

Q Where?

A In front of some of them houses.

Q Well, right across from you?

A Well, it was kind of cut-a-cornered from me.

Q Which direction, towards 12th or towards 11th?

A Towards 11th street.

Q That would put him up toward this black machine, wouldn't it?

A Yes, sir.

Q How far from that black machine when he signaled?

A Well, I tell you, I just don't know all that. I never paid much attention to all of that, how far that was away. All I know, I heard him.

Q Well, you heard him. Are you able to state ---

A I before heard him say "wait here and I will go up and see who is in the machine?"

Q I am not asking you what you heard him say. I am asking where he was when he whistled?

A He was across the street from me when he whistled.

Q Was he on the sidewalk or out on the street?

A On the sidewalk.

Q Was he by himself?

A Yes, sir.

Q And how often did he whistle?

A He whistled once, I believe.

Q Then did he say anything?

A No; the others did, though.

Q Well, now, the others who were the others who said that?

A Down by the school house fence.

Q How far away from him?

A Well, I don't know. Quite a piece, I guess.

Q Well --- How old are you, Mr. Vatter?

A Thirty-one.

Q Thirty-one?

A Yes, sir.

Q And what kind of work do you do?

A I am a moulder.

Q And how long have you lived in that neighborhood?

A About seven or eight years.

Q At that time?

A Yes, sir.

Q Now, tell us how far those men were away from this man who whistled, if you can.

A Well, about fifty --- about 100 feet, I guess.

Q Were they as far east as 12th Street?

320 A No, sir; the men, they were at --- behind that fence, and he

was going up towards 11th Street to see who was in the machine.

Q I am not asking you where he was going. Now, just a minute. You have told us where the man was that whistled.

A Yes, sir.

Q Now, I want you to tell me where those people were that said to him, "hold on!" or "wait a minute" --- that he whistled to. He whistled to somebody, didn't he?

A He whistled to that bunch.

Q Well, where was that bunch?

A Behind that church fence.

Q Well, tell us where the church was, and what fence.

A On Trendly Avenue.

Q On which side of Trendly?

A North side.

Q And how close to 12th Street?

A About 100 feet.

Q Are there any houses between the church and 12th Street on Trendly?

A No, sir.

Q Now, where is this fence that you speak about? Does it run north and south, the same way that 12th Street runs?

A Yes, sir.

Q And does it have a fence, now, that runs east and west?

A Yes, sir, one in front and one in the back.

Q And that is a church yard fence?

A Yes, sir.

Q Now, were these men over in the church yard?

A No, sir.

Q Were they on Trendly Avenue?

A No, sir, they were ---

Q Well, just say whether they were on Trendly Avenue.

A No, sir.

Q Well, were they in a yard next to the church yard?

A The church yard --- next to the church yard never had no fence around it; and they were in that field.

Q Wait a minute. I want to ask you this question: There is a fence that runs north and south on the west side of the church, isn't there?

A Yes, sir.

Q And there is a fence that runs east and west between the church and Trendly, isn't there?

A Yes, sir.

Q Now, is it either one of those fences y u are talking about?

A That they were behind; yes, sir.

Q Yes. Which one, the one running north and south or the one that runs east and west?

A The one that runs north and south on the east side of the church.

Q There are two fences running north and south around the church?

A Yes, sir; one on each side of it.

Q Now, were they behind the fence that runs east and west --- I mean north and south, on the east side of the church?

A Yes, sir.

Q And how close is that fence, now, to 12th Street?

A How close? It is --- must be about --- oh, about 100 yards --- or 100 feet, from 12th Street.

Q And there are no houses from that fence, on Trendly, between that and 12th?

A No, sir.

Q Now, it is in there behind that fence that runs north and south east of the church, that that crowd of men were; is that right?

A Yes, sir; they were behind that fence on the east side of the church.

Q All right. Now, then, after this whistling to that crowd what did you see and hear?

A I seen all the men come out.

Q Out on what street?

A On Trendly Avenue; and go towards 11th Street.

Q And how many of them came out, now, around there?

A Well, to my best knowledge, there was about 125 of them.

Q And did they go up where this man was in the street that whistled?

A Yes, sir.

Q How close to him --- You said, I believe, about five or six went up to him. Didn't you say a while ago five or six went up to him?

A Five or six?

Q Yes; or four or five.

A No, sir. There was three came out of the porch on the other house along there, and when those machines come up they went up and talked to those in the machine.

Q I am talking, now, about this crowd that came out from behind this fence and went up to this man that whistled. Did they go up to where he was?

A Yes, sir.

Q All of them?

A Yes, sir.

Q Did they stop there?

A No, they followed the machines on around.

Q Did they all go up to where the machines were?

A Yes; but the machines backed out and left.

Q The machines backed up, did they?

A Yes, sir.

Q Backed up to what point?

A Towards 11th Street; and then they went over towards 10th Street, and I don't know where they went from there.

Q You say they backed up to 11th Street and then went over towards 10th?

A They backed out, yes, sir, and turned around and went on up towards 10th Street.

Q Did they turn at 11th?

A Yes, sir.

Q Then did they leave 11th or go on west on Trenchly to 10th?

A Yes, sir.

Q And did the crowd follow them up that way?

A They went up that way, but I don't know where they went to.

Q They went up that way?

A Yes, sir.

Q You know where Mrs. Fisher lives --- a white woman, there?

A Yes, sir.

Q Did they pass her house?

A The machines did.

Q Well, did these men pass her house?

A I couldn't say.

Q Well, why can't you?

A I know they went up there, but I don't know which way they went.

Q Didn't you watch?

A Shortly afterwards I seen them coming down the alley.

Q Didn't you watch them as far as 11th Street?

A They seemed to go up to 11th Street; yes, sir.

Q Did you watch them that far?

A Yes, sir.

Q Do you know which way they turned on 11th?

A No, sir; I don't.

Q Now, what alley did you see them coming down then?

A They came down Trendly alley.

Q Trendly alley?

A In back of the church; yes, sir.

Q Tell us where that alley is, Mr. Vatter. What alley is it?

Between what blocks.

A Between Market and Trendly.

Q And it runs --- that alley runs where?

A It runs east and west.

Q Between what two streets?

A Market and Trendly.

Q Does it run north and south or east and west?

A East and west.

Q You don't mean to say it runs between Market and Trendly, do you?

A Yes, sir.

Q East and west, from 11th over to 12th?

A Yes, sir.

Q And you saw them come down that alley?

A I did; but that was later, though.

Q Well, how long?

A Maybe three hours.

Q Three hours?

A A couple of hours or so.

Q Did you stay on your porch from 9:30 until three hours later than

that?

A No. I was up, though, in the house. You could hear them coming.

Q You could hear them coming?

A Yes, sir.

Q When these two machines backed up to 11th Street and turned around and went on what did you do?

A Went in the house.

Q What?

A Went in the house; looking out the door.

Q Were you in the house when they backed up?

A I was standing in the door.

Q How long had you been standing in the door?

A Well, as soon as the machines came up I was standing there watching them.

Q I thought you said you were sitting on the porch.

A Yes, me and my wife was on the porch, and they goes up there and then a mob come along, and we gets up and go in the house, and I looks out the door.

Q And you stood there and looked out the door until the machines backed up on 11th?

A Yes, sir.

Q And went away; and you don't know where the machines went, do you?

A I know they went towards 10th Street.

Q Now, you, three hours later than that ---

A I won't say three hours; a couple of hours.

Q You said three hours.

A Two or three hours; yes, sir.

Q Now, which is it?

A I won't say, because I never paid no attention to it.

Q Did you come out on the porch any more?

A I did not.

Q Did you stay there at the door and look all that time?

A No, not all that time. I say you could hear them coming, and I went and looked out.

Q You testified in the case of The People against Willie Palmer and others, at Belleville, didn't you?

A I did.

Q Didn't you say in that case that they came back in twenty minutes, about twenty minutes after; or that in substance?

A I couldn't say. It has been so long ago.

Q Well, do you remember --- did you remember it better then than you do now?

A I couldn't say that, either.

Q Are you confused any now, Mr. Vatter?

A No, sir.

Q Well, then, tell us whether they came back in two or three hours, or whether it was twenty minutes.

A I just can't say. I never studied the case up, or anything, afterward; just what I seen, was all.

Q What did you do in the house that two hours or three hours, there, before they came back?

A I was sitting in the house, ready to protect my family.

Q Ready to?

A Yes, sir.

Q What did you have?

MR. FARMER: That is immaterial.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Q And you at there for two or three hours, that way?

THE WITNESS: A I was up I guess all night.

Q Well, I am asking you whether you sat there two or three hours
before these men came back?

A Yes, sir; I was up when they came back.

Q And then they came back through that alley that you described?

A Yes, sir.

Q And had they attempted to do anything to your house?

A No, sir.

Q Now, then, I believe you said a while ago that you didn't know
whether they were colored or not.

A Yes, sir.

Q And you still say that, don't you?

A I still say that.

Q Now, Mr. Vatter, you are telling us, now, that these people that
you saw there at any time that night, that you are not able to say
whether they were colored or not?

A Not in that machine; no, sir. In those two machines, I
couldn't say whether they were white or colored.

Q Well, now, that is true as to the others, too, isn't it?

A That is just what I said. I don't want to say anything ---

Q I say, that is true as to these others, too, the persons that
came through the alley; you don't know whether they were colored or
not? I don't want you to guess at it. I want you to speak from
what you could see, and nothing else.

A Well, yes, sir, they were colored.

Q Well, now, why do you say that, now?

A Well, I --- you --- I could see from where I was at.

Q You could see from where the machine was, now, too, couldn't you?

A Sir?

Q When the machines passed you they were closer to you, and you could see them, couldn't you?

A Yes, sir; but they had their lights out, and when they got in front of me it was dark.

Q Did they pass your house with the lights out?

A Yes, sir.

Q There were no lights burning on the machines when they passed your house?

A Yes, sir; they shut them off before they got to the house.

Q That would enable you to see more clearly, wouldn't it, anybody in the machine, if the lights were out?

A I couldn't say that.

Q Well, if you couldn't see people in the machine and couldn't tell what color they were, how could you see people on the street farther beyond that, and tell what the color was?

MR. SCHAUMLEFFEL: I object to that, as argumentative.

MR. WEBB: Well, I want him to say, if he knows.

THE COURT: Well, he may answer, if he can.

THE WITNESS: A Well, I tell you, they were down there, and that light down along there showed more over against those houses than what this did on 12th Street.

MR. WEBB: Q Yes. Nobody got as close to you as those people who were in the machines, did they?

A No, sir.

Q They were the closest to you?

A Yes, sir.

Q And there were no lights on the machines?

A No, sir.

Q And you couldn't recognize them?

A No, sir.

Q This shooting occurred about 10 o'clock, didn't it?

A Along in there some place; yes, sir.

Q That is your best judgment, isn't it?

A Yes, sir.

Q That is the way you testified before, at Belleville?

A Yes, sir.

Q You said that Dr. Bundy had a red machine?

A Yes, sir.

Q And that you had seen him driving it?

A Yes, sir.

Q You don't mean to say you saw him that night driving it?

A I couldn't say whether I seen him that night or not. I just told you I didn't know who was in the machine.

Q And how many red machines did you know in that vicinity and in East St. Louis, at that time, of the same kind that he had?

A I never even knowed what the make of his machine was.

Q Well, it was a Hupmobile. You know that kind, don't you?

A No, sir; I am not no automobile man.

Q How many red machines did you know in East St. Louis?

A I don't know. I never paid no attention.

Q Well, you knew several, didn't you?

A I couldn't say.

Q Would you say you knew any other?

A No, sir.

Q How did you know Dr. Bundy's?

A I seen him driving his machine.

Q Where did you see him driving it?

A At Broadway. I seen it down in front of his dental parlor on Collinsville Avenue.

Q Did you ever see anybody else's red machine?

A Yes, sir.

Q Why is it you just remember his, and nobody's else?

A I don't know.

Q Now, Mr. Vatter, you didn't see the lights burning on those machines, at any time that night?

A Yes, sir.

Q Where?

A On 12th Street. They cut them out just as they turned around the corner.

Q Yes. They cut them out on --- What direction did they go?

A They come --- I don't know where they came --- where they run in on 12th Street at, but I know they come over 12th Street to Trendly, and they turned down Trendly. They went north on 12th Street to Trendly, and then went east on Trendly.

Q All right. When they turned out their lights where were they? What direction did they come in onto Trendly from?

A Well, from the east, in off of 12th.

Q Well, did they come straight west on Trendly as far as you could see them?

A No, sir. They turned from 12th Street.

Q Well, I am asking you what direction from 12th Street did they go?

A Well, I tell you, they come from the south part of 12th Street.

Q Well, they come from Piggot, then ---

A I don't know whether they came from Piggot or not.

Q Well, they came from that direction, didn't they?

A Yes, sir.

Q On 12th?

A Yes, sir.

Q That would be coming north?

A And turned east.

Q Turned west on Trendly; is that right?

A Yes, sir; went west on Trendly; yes, sir.

Q That is where you saw them turn their lights off?

A Yes, sir.

Q And that is the only time you ever saw any lights on them that night?

A Yes, sir.

Q You testified in this trial before --- that is, in another trial, in October, 1917, in the case of The People against Willie Palmer and others, didn't you?

A Yes, sir.

Q Did you testify they turned their lights off?

A I did, sir.

Q How?

A Yes, sir.

Q While these men were on the porch, there, and coming out to these machines were their lights on, that night?

A Now, I won't say. I won't say something that I don't know what I am talking about; because it is quite a while ago.

MR. WEBB: All right. That is all.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q The case that Mr. Webb asked you about, that you testified in,

was the case of The People against Fayette Parker, O'Fanniel Peoples, and Foster and Roberts and Palmer and Fowler and others, wasn't it?

A Yes, sir.

Q And Leroy Bundy?

A Yes, sir.

Q Was he on trial then, do you know?

A He was in Ohio.

Q It is the time the others were on trial, is it?

A Yes, sir.

Q That is the case that Mr. Webb asked you if you testified in, isn't it?

A I believe it is, Mr. Farmer.

MR. FARMER: That is all.

RE-CROSS EXAMINATION
by Mr. Webb

Q In that case to which Mr. Farmer has drawn your attention I will ask you if you didn't testify, on the other trial of this case --- of that cause --- that when those three men, or a number of men, came out of the house to these automobiles, that the lights on these machines were then burning, and that by reason of that fact you could see them coming out there; either that or that in substance?

MR. FARMER: Just a minute. I object to that, because that is repetition. That is the same question he asked the witness, in substance, and it was answered.

MR. WEBB: No, it was not answered. He hesitated, and said he wouldn't undertake to say one way or the other.

THE COURT: Well, he may answer, if he knows.

THE WITNESS: A Well, I tell you, I don't know. It has been so long ago I don't whether they were burning or not; but I know they

turned them off when they came off of 12th street, coming east on Trendly.

MR. WEBB: Q Now you say you don't know whether they were burning or not?

A I can't remember whether they was burning when they was standing up in front of Henley's house or not.

Q Well, that is what I am asking you.

A Yes, sir.

MR. WEBB: That is all.

MR. FARMER: That is all.

(Whereupon the Court took a recess until 1:15 P. M. of the same day.)

1:15 P. M.

(Present: same counsel as before, and the defendant in person.)

GEORGE VATTER.

having been previously sworn and having testified, was recalled as a witness on behalf of The People, and testified further as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q You are the same George Vatter that was on the witness stand just before the adjournment at noon?

A Yes, sir.

Q Were you ever in Waterloo prior to the time of the setting of this case for trial at this term?

A Yes, sir.

Q When were you here before?

A In March.

Q Last year?

A Yes, sir.

Q Did you see Dr. Bundy here at that time --- the defendant?

A Yes, sir.

Q Where did you see him?

A Across the street, downstairs.

Q What did he say there to you, if anything, regarding this case?

A Why, he just talked it over to me a little bit; just told me that he read my statement, and he told me if I could get these witnesses out he would give me all the money I wanted.

Q What witnesses?

A The ones that was against him.

Q Did he mention the names of any witnesses?

A Peleate is one.

Q Fred Peleate?

A Yes, sir.

Q Any others?

A No, sir.

Q Where did that happen?

A Across the street.

Q Here in Waterloo?

A Yes, sir.

Q Across the street from where?

A Right over here by the bank.

Q The bank across the street here?

A Yes, sir.

Q Was it out on the sidewalk or in the hallway?

A In the hallway.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q That was in March, you say?

A Yes, sir, I think so.

Q You say you think so?

A Yes, sir; it was in March, the last time we was down here and it was put off until this term.

Q It was the last time we were here?

A The last time I was down here. I suppose it was in March.

Q Wasn't you here last November when this case was set for trial?

A I don't think so.

Q How?

A No, sir; I was only down here once before this.

Q He told you that he would give you all the money that you would want if you would get all the witnesses against him out of the country, or to leave town?

A He didn't say "leave town" or anything else; just mentioned Pelate's name.

Q Well, didn't you just a while ago say to Mr. Farmer that he said "I will give you all the money that you want if you will get the witnesses, all the witnesses, out of the way, and get them away"?

A Yes, but he only just mentioned one name, though.

Q I am not asking you that. Didn't you say that?

MR. SCHAUMLEFFEL: I object to that. The jury heard what he said.

THE COURT: Well, overruled.

MR. WEBB: Q Didn't you say that awhile ago to Mr. Farmer? Just answer that "yes" or "no".

THE WITNESS: A Yes, sir; I said it.

Q Did you mean it when you said it?

A I did mean it.

Q And he did say that?

A He did say that.

Q Now, you say that he said to you that "if you will get all the witnesses out of the way against me you can have all the money you want?"

A He told me ---

Q Is that what he said?

MR. FARMER: Well, let him say what he said.

MR. WEBB: Q Well, all right. What did he say?

THE WITNESS: A He told me, if I would get Pelate, the witness; that is just what he said, "the witness".

Q That you could have all the money you wanted?

A Yes, sir; because he had plenty of it, because he had the colored people backing him.

Q That is what he said?

A That is what he said to me.

Q Didn't you just now tell me that he said "If you will get all the witnesses out of the way you can have all the money you want"?

A He never mentioned to "get all the witnesses out of the way".

Q Didn't you say to me he did say that, just a while ago?

A He told me to get "the witness".

MR. SCHAUENFEL: I object to that. He has answered that question, and the jury heard what he said. I submit that is not a fair question.

THE COURT: Well, he has covered it.

THE WITNESS: Yes.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Now, you say that occurred over here ---

A Yes, sir.

Q --- on the west side?

A Yes, sir.

Q In the hallway of whose place?

A I don't know the name of the place.

Q Who was present?

A His wife and a fellow by the name of Mat Hayes.

Q And heard the conversation?

A Yes, sir.

Q Anybody else?

A No, sir.

Q And the only name he mentioned, now, you say, was Peleate; is that right?

A The only one that was mentioned.

Q And he didn't ask you to get any witness out of the way except Peleate?

A Peleate's name was the only one that was mentioned.

Q Did he ask you to get any witness out of the way except Peleate?

A He never said "get them out of the way"; just said to get them for his side.

Q Then he didn't tell you to get them out of the way, did he?

A He never said "get them out of the way", at all.

Q Did he tell you, now, to get all the witnesses on his side?

A He said to get the witnesses for him.

Q All of them?

A He never said "all of them".

Q Well, how many did he say?

A He never said how many.

Q Did he say "the witnesses"?

A He said "the witness".

Q Well, did he say "witness" or "witnesses"?

A Witnesses.

Q You understood he meant those that were against him, didn't you?

A I understood what he said, all right.

Q You understood that he meant that, that you were to get the witnesses who were against him on his side?

A I suppose so.

Q And he mentioned Peleate?

A That is the only name that was mentioned, was Peleate.

Q And that was done in the presence of Hayes and his wife. Anybody else?

A No, sir.

Q When did you report that conversation, Mr. Vatter?

A I told a dozen fellows about it.

Q No, no; when did you report it to the State's Attorney?

A This morning.

Q This morning?

A Yes, sir.

Q It has been a year since you learned it?

A Yes, but there is hundreds of others know it, that I told them.

Q Who are some of them?

A Why, where I work at.

Q Give us the name of one man, and where he lives.

A He lives in St. Louis.

Q Do you live in St. Louis?

A No, sir; I live in East St. Louis.

Q Do you work in St. Louis?

A In Granite City.

Q Give us the name of a man that you told that to, and his address.

A I don't know his address.

Q Well, give us the name.

A Well, George Brown is one; the moulder foreman in Granite City.

Q George Brown?

A Yes, sir. I don't know his address. He lives in St. Louis some place.

Q Is he working in Granite City now?

A Yes, sir; he is my foreman.

Q When did you tell him?

A I told him --- I don't know just exactly how long it has been ago. I have mentioned it to hundreds different fellows.

Q I am not asking that, now. I am asking when you told Brown.

A I just don't know that.

Q Can't give us any idea?

A No, sir.

Q Now, what other man did you tell it to?

A Well, I told it to my father-in-law.

Q What is his name?

A Jule Schmitz.

Q Where does he live?

A East St. Louis.

Q What number?

A 204 South 6th Street.

Q When did you tell him?

A That night I got home, the time Bundy was telling me about it.

Q And who else did you mention it to? What other man?

A Well, I told my brothers.

Q Well, anybody outside of your family? Who else? Who in East St. Louis did you tell it to besides your family?

A I just can't remember now.

Q Do you remember anybody else, outside of East St. Louis, besides

your family, that you told it to, besides Brown?

A Yes; Clarence Wycoff, in Granite City.

Q Ernest Wycoff?

A Clarence.

Q What does he do?

A He is a moulder.

Q Lives there in Granite City?

A Yes, sir.

Q When did you tell him, the same time you told Brown?

A I couldn't say whether it was the same time I told Brown or not.

Q Now, can you mention anybody else?

THE COURT: Well, let's not take up too much time.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE WITNESS: A No, I can't remember anybody else.

MR. WEBB: Q But you did report it today to the State's Attorney. That is all.

THE COURT: Step aside.

MR. WEBB: Q Did you report it since you was on this stand at noon?

THE WITNESS: A No, sir.

Q When did you report it?

A Before I came in here the first time.

Q When?

A About ten o'clock, or nine o'clock; just as soon as I got down here.

MR. WEBB: That is all.

WILLIAM HUTTER.

called as a witness on behalf of the People, and having been first duly sworn, testified as follows:

DETECT EXAMINATION
by Mr. Farmer

Q State your name.

A William Hutter.

Q Where do you live, Mr. Hutter?

A East St. Louis.

Q How long have you lived there?

A About fifteen years.

Q The last fifteen?

A Yes, sir.

Q What has been your business?

A Why, chauffeur at the police station now.

Q Were you a chauffeur at the police station on July 1st, 1917?

A Yes, sir.

Q What were your duties there as chauffeur at the police department?

A Why, I was, at that time, I was running a five-passenger Ford, at that time.

Q Well, where would you run the Ford to? What were your duties?

A We went out on calls of any kind that came in --- serving warrants ---

Q What would you do, then?

A I drove the car.

Q And take an officer along?

A Yes, sir.

Q Your duty was to take the officers out from the police station wherever they were called, was it?

A Yes, sir.

Q Were you there on the night of July 1st, 1917?

A Yes, sir.

Q I wish you would tell the jury what happened there.

A Well, we got a call over the 'phone that there was trouble at 12th and Boismenu, and so I asked the night lieutenant --- Chief Hickey was the night lieutenant at the time ---

MR. WEBB: Don't tell what you asked.

MR. FARMER: Just tell what you did.

THE WITNESS: Well, I said to him --

Q It is not proper to tell the conversation, Mr. Hutter. Just tell what was done. Did you get any orders there?

A Well, I got orders to make this call.

Q Well, tell what happened.

A And I wanted to know who to take with me, and he said to take Sam Coppedge, Frank Wodley, Oscar Hobbs and Patty Cullinane. So we left the station.

Q Who left, now?

A Those men, with me. Roy Albertson was also in the crew. So we left the station and went down Main Street to Broadway, and out Broadway to 10th Street, and down 10th Street to Bond Avenue. As I turned the corner off of 10th Street into Bond Avenue we run into about 100 or 150 colored fellows.

Q Men or women?

A Men.

Q Where were they?

A They were coming towards 10th Street.

Q How?

A Well, they were marching along, probably two or three abreast; something like that.

Q Tell how they were marching, and how long the column was.

A Well, I couldn't say just how long. They were marching, and as I turned in there they kind of scattered to one side, and I stopped the car, and Sam Coppedge spoke up and said ---

Q Just a minute. Were they armed? Could you tell?

A Yes, sir; they had guns of different kinds.

Q What do you mean by "different kinds?"

A Well, some had revolvers, some shot guns, and some rifles; and I noticed a couple of those Springfield rifles.

Q Tell what you did then?

A Why, I stopped the car, and Sam Coppedge said "Where are you going, boys?"

Q Who was Sam Coppedge, now?

A Well, he was a detective.

Q A police officer?

A Yes, sir.

Q Did he have any office?

A Yes, sir.

Q What?

A Well, I think ---

Q Was he a private or an officer?

A No, he was an officer.

Q What was he?

A Sergeant of detectives at the time.

Q All right.

A And he said "Where are you going, boys?" and one of them spoke up and said "It is none of your damned business"; so he said "We are officers", and pulled his coat to one side; and so did I.

Q What for?

A Showed our stars; and he said "We are officers, here to protect

you . the same as the whites"; and one of them spoke up and said "We don't need none of your damned protection; drive on"; and several of them hollered "drive on" and pointed their guns right at us; and Coppedge turned to me and said "drive on, Hutter"; and I started the car off ---

Q In the meantime had you stopped the engine, at all?

A No, sir.

Q Just stopped the car?

A Just stopped the car.

Q Leaving the engine run?

A Leaving the engine run.

Q All right.

A And I started off kind of zigzag, like that, kept turning in and out, and I hadn't got any distance when they started to shooting.

Q How far had you gotten?

A Oh, I don't suppose I got over probably ten or fifteen yards away.

Q Where did the shots come from?

A Come from my right hand side.

Q Well, with reference to this crowd of colored people, where did they come from?

A Well, come from those colored fellows.

Q All right.

A And they kept shooting until we got, oh, to 11th Street or probably a little past there.

Q Could you tell how many shots were fired?

A It must have been several hundred fired during that time, and they got Sam, I think --- shot Sam Coppedge, I think, the first volley; because he started to wobble, going like this (witness

indicating) and fell over against me.

Q Where was he sitting?

A Sitting right alongside of me in the front seat, to my right; and I made a remark, I said "They got Sam"; and Wodley spoke up and said "Yes, they shot me, too; I am shot like Trafton was" --- Officer Trafton; and Oscar Hobbs spoke up and said "I am shot, too; shot me through the arm", he said to Roy Albertson--- later made a remark that he was shot two or three times; and they shot the wind shield in front of me, about this wide, I suppose (indicating).

Q How many inches wide?

A Oh, probably a foot and a half or two feet. Anyhow, they shot that all to pieces, and there was one volley came right over my hand and put a dent in the steering wheel. Bullets flew past my head. I had my head ducked down by the side of the steering wheel, and I could see them passing my head. I went out Bond Avenue, then, to 15th Street, and turned on 15th and went over to Missouri Avenue, and made that little turn there, the jog in the street there, and went up 15th over to the hospital.

Q What hospital?

A Deaconess hospital.

Q What did you do there?

A Why, I took --- went in first and got the nurse down, and then I helped Frank Wodley out of the car and helped him inside, and left Sam in the car because I knew he was dead.

Q Was he dead?

A He was dead before I got to 15th Street. I knew that, because he didn't move, at all, after we got to 15th street, he never made another move.

Q Could you tell where he was shot?

A Well, he was shot in the back, up in between the shoulders,
kind of to the right side.

Q Could you tell where the bullet came out?

A It came out right about here. (Indicating)

Q Well, tell where that is.

A Well, it is right below the Adam's apple, there.

Q In what part of the neck?

A Well, the left side.

Q Upper or lower part?

A Well, it was the lower part.

Q Could you tell from the appearance of it whether the bullet went
clean through him?

A Yes, it looked to me like it went clear through.

Q Was he bleeding?

A Yes, sir.

Q What was done with his body?

A Why, they took it in the hospital, and the doctor there pronounced
him dead, and --- of course I didn't see the body taken away from
there.

Q About what time was it that you got down to the corner of 10th
and Bond, where these shots were fired?

A Well, it was around 12:15.

Q That is after midnight?

A Yes, sir.

Q 12:15 A. M.

A Yes, sir.

Q That would be what day?

A Well, it was --- that would be on the second day of July.

Q Of what year?

A Of 1917.

Q And in what county did this happen, that you have told about?

A St. Clair County.

Q And what state?

A Illinois.

Q At what point do you say Coppedge was dead?

A Well, he was dead before --- when we got to 15th Street. Just before we got to 15th Street I heard him go --- (witness indicating by making a guttural sound.)--- blood coming up in his throat; so I thought it was over; and when we got to 15th Street he never moved any more.

Q What was his first name?

A Sam.

Q Samuel?

A Samuel; yes, sir.

Q Now, in what county did he die?

A St. Clair County.

Q And in what state?

A Illinois.

Q And on what day?

A Well, on the second day of July.

Q Of what year?

A 1917.

Q Prior to the time you went down there how long had you known Samuel Coppedge?

A Well, I knew him from the time I went into the department.

Q Was he on duty that night?

A Yes, sir.

Q What had been his health before that --- condition of health?

A Good health.

Q Do you know where Wodley was shot?

A He was shot right down here (indicating) through the kidneys.

Q How long was he in the hospital?

A Well, I understand about forty-two hours before he died.

Q And where was Officer Hobbs shot?

A He was shot in the arm, the left arm. The bullet went in one side and came out the other.

Q How many men, all told, were in that machine when you went down there?

A Well, there was Sam Coppedge, was sitting in the seat with me, to the right of me, Frank Wodley was sitting right behind him, and Patty Cullinane sitting in the middle, and Oscar Hobbs on the left in the back, and Roy Albertson was on the running board, sitting up on the door, like.

Q Do you know where Roy Albertson is now?

A No, I don't.

Q Now, between the time that you saw this crowd of people at 10th and Bond Avenue and the time you got to the hospital, did you see other crowds of colored people in the locality there any where between 10th and 17th and between Bond Avenue and Market?

A No, sir.

Q In getting out of 10th and Bond Avenue what route did you take?

A I went from 10th Street through to 15th, 15th across to Missouri Avenue, and around that little jog there, onto 15th street, to the hospital; Deaconess Hospital.

Q That was on your way back?

A That was after the ---

Q You were then getting out of that district?

A Yes, sir. That was after I left this crowd.

Q At 10th and Bond?

A 10th and Bond.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q What is your first name?

A William.

Q At that time how long had you been chauffeuring there at the station?

A I went to work on the 13th day of January.

Q The previous January?

A 13th day of January, 1917.

Q And you were on duty the night of this killing?

A Yes, sir.

Q Where were you when you received the call, when you got the information that you were to go out?

A I was in the telephone office.

Q Did you answer the 'phone yourself?

A Not that call. I was on the other 'phone at the time.

Q What time was it when you got in the car and left the station?

A It was about 12:10.

Q About what?

A About ten minutes after 12.

Q The police station is located on Main Street, between Missouri Avenue and Division Avenue?

A Yes, sir.

Q And that is the first street east of Third Street, isn't it, Main Street?

A Yes, sir.

Q You were about seven blocks west of 10th Street, and three or four blocks north, at the time you started --- of 10th and Bond?

A Well, something like that.

Q And when you left the station you drove south on Main Street until you got to Broadway?

A Yes, sir.

Q You went directly east on Broadway until you came to 10th Street?

A Yes, sir.

Q And you were driving?

A Yes, sir.

Q Coppedge was sitting to your right?

A Yes, sir.

Q It was a left hand drive?

A Yes, sir.

Q And Todley immediately behind him?

A Yes, sir.

Q And Cullinane next to him, and Hobbs on the extreme left?

A Yes, sir.

Q And Roy Albertson was on the left-hand running board?

A Yes, sir; sat on the ---

Q Sat on the top of the seat?

A Sitting on the door.

Q I mean sitting on the door, yes.

A Back door.

Q Yes; and when you got to 10th and Broadway you turned south on 10th?

A Yes, sir.

Q Your orders were to go to 12th and Boisjous Avenue?

A Yes, sir.

Q Were you intending to turn in on Bond Avenue?

A Yes, sir.

Q And go east on Bond until you got to 12th?

A I was going to 12th Street and then across 12th Street over.

Q I say you were going east on Bond until you got to 12th?

A That is what I was figuring on.

Q Well, don't intersect Bond, does it? There isn't any road there?

A Well, I was going to take some way across there.

Q At any rate, you was going to turn east on Bond at 10th?

A Yes, sir.

Q You could have gone ---

A Either across there or go to 11th street.

Q 11th is paved, isn't it?

A 11th is paved. I would probably have took that.

Q You could turn to the right on 11th and go south to Beismenus, and then east?

MR. FARMER: Now, just a minute. I don't see any need of speculating on the route he might have taken.

MR. WEBB: I am asking if he intended to turn at Bond?

MR. FARMER: Well, it is not even important what he intended to do. The question is, what he did do.

MR. WEBB: Does it do any harm?

MR. FARMER: Well, it takes up a lot of time.

MR. WEBB: A great deal, I guess.

THE COURT: Well, I don't see any necessity of that. You can interrogate him as to where he went.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q How far had you turned at 10th onto Bond before you stopped your car?

THE WITNESS: A Well, it was right back of the grocery store,

probably, I should judge, maybe twenty-five yards; twenty or twenty-five yards. I don't know just how far. Maybe not that far.

I couldn't say positively. It was back of the store. I know that.

Q Well, your best judgment is that you had gone twenty-five yards on Bond Street before you stopped?

A Well, I wouldn't say positive. I don't know the exact distance.

Q Well, about that?

A It was back of that store, in front of that cottage right back of the store.

Q Well, you had gone the length of the store, hadn't you?

A Yes, sir, and in front of the cottage.

Q And in front of the cottage?

A Yes.

Q That store is about forty feet long, isn't it, east and west?

A I don't know just how long it is.

Q There is a cottage right behind it?

A Yes, sir.

Q And that is the one you stopped in front of?

A Stopped in front of that cottage.

Q Did you stop about in the middle of the street?

A Well, no, not exactly the middle. More to the right.

Q That was because of the turn, I suppose. Now, then, when you stopped, did your driving along there separate these boys that you saw marching there?

A They stepped to one side and I came up.

Q That is, to the right of you?

A To the right of me.

Q Did any of them step to the left?

A No, sir.

Q And how many of them were immediately to your right as you came

A Well, it looked to me like the crowd was from 100 to 150.
Q Well, I understood you to say they were in bunches, two and three.

A Well, they were strung on down the street a ways.

Q Well, I am asking you, at the time you stopped, now?

A Well, I couldn't say how many ---

Q Did they come on up there, or were they there when you stopped?..

A No, they were marching towards me.

Q Well, did they continue to march up there?

A They continued to come up towards the car.

Q And they stopped a little to the right of you?

A Stopped all along to the right of me, along by the machine.

Q That would put Mr. Coppedge on their side?

A Yes, sir.

Q That is, next to them; and Vodley; and one of the officers said "what are yo doing, boys", or something like that?

A Sam Coppedge said that.

Q And they said "none of your damned business"?

A Yes, sir.

Q And then he said " we are officers, and her to protect you as well as the whites"?

A Yes, sir.

Q Somebody in the crowd said "we don't want any of your damned protection; move on"?

A Several of them hollered, then "move on".

Q Yes; and some guns were pointed at you at that time?

A Yes.

Q Now, your engine was running?

A Yes, sir.

Q And you started up?

A I started ahead.

Q Did anybody fire at you before you started the car?

A Not before I started; no, sir.

Q How far had your engine moved before any shot was fired?

A Uh, probably ten or fifteen yards; something like that.

Q Was that a single shot, the first one?

A I don't know. It sounded like several of them shot.

Q The first noise, there were several shots.

A Well, I believe there was one shot at first, and then several of them.

Q That is what I asked you.

A One shot, was a single shot and then several of them shot.

Q Well, how long a time intervened?

A Well, it wasn't but a second or two.

Q Could you tell the single shot, whether it was a pistol shot or gun shot?

A I couldn't tell, there was so many came ---

Q Immediately afterwards?

A --- immediately afterwards, that I couldn't tell.

Q Now, was it that first volley of shots, you think, that struck Sam Coppedge?

A I think so; yes, sir.

Q You didn't stop; you continued to drive?

A Yes, sir.

Q Increased your speed?

A Yes, sir.

Q Now, when Coppedge was shot he was sitting up beside you, wasn't he?

A Yes, sir.

Q And after the shots were fired you leaned over, didn't you,

after that?

A Yes, after they started shooting I leaned over.

Q You didn't see Coppedge leaning over, did you?

A He fell over against me and commenced to wobble. That was after he was shot. I could see to one side of me after he was shot.

Q That was about the time the first volley of shots were fired?

A After the first volley was shot.

Q And the farther you went I suppose you increased the speed of your machine?

A Yes, sir.

Q You went straight east on Bond Avenue until you came to 15th?

A Yes, sir.

Q Is 15th Street paved?

A Yes, sir.

Q Street cars on it?

A Yes, sir. That is to 15th and Bond. Street cars run from there over to Broadway.

Q That is what I say. The one you went over is the one I am talking about.

A Yes, sir.

Q That is the street that runs by the Hazel Milling Company, isn't it?

A Yes, sir.

Q Across the Southern railway tracks, there?

A Yes, sir.

Q Intersects Missouri Avenue at right angles, right across straight?

A Across Missouri there?

Q I mean Broadway.

A It crosses Broadway.

Q At right angles. That is, it is straight, right across Broadway?

A Straight across, yes.

Q You went on, on 15th Street until you got to Missouri Avenue?

A Yes, sir.

Q And there is a jog there to the east?

A A jog to the east, and then it goes north again.

Q Well, there is a jog to the east?

A Yes, sir.

Q About twenty yards, or something like that?

A I don't know just how far. There is a little jog there.

Q And then you went straight north again?

A Yes, sir.

Q Until you got to Illinois Avenue?

A Yes, sir.

Q And then to the hospital?

A Went right in the driveway there to the hospital, around to the back.

Q Now, you think Mr. Coppedge was dead before you got to 15th Street?

A Yes, sir.

Q And did Roy Albertson get into the car after the shooting?

A He never got off the car. He was down on the running board when they started shooting. He ducked down on the running board.

Q I know. I am asking you if he got in the car.

A No, sir.

Q He stayed on the running board all the way back?

A Until we got to Missouri Avenue; and he went into the engine house there and called up the station.

Q Now, about how much time did you consume in going from the station out to where the shots were fired?

A It took me about five minutes to get down there.

Q Then this was about 12:15?

A Well, it was around that time, I should judge.

Q Well, you left the station about 12:10, I believe you said?

A Yes, sir.

Q The time was noted there by somebody when you left, wasn't it?

A Well, I saw the time shortly before that, and I knew it was right around that time.

Q Now, did you have a top on that machine?

A Yes, sir.

Q Was it up?

A Yes, sir.

Q Did you see it next morning?

A Yes, sir.

Q Did you make an examination of the top of the machine?

A I didn't get on it to look at the top or it.

Q You didn't get up and look on the top or it?

A No, sir.

Q Did you see the inner side of the top?

A Yes, sir.

Q Any holes in it?

A I never noticed any in the top.

Q Did you notice any in the sides?

A I noticed it on the body.

Q Did you notice any in the sides of the top?

A No, sir.

Q Did you notice any shot against the framework that holds the top up?

A No, sir.

Q Did you notice any shots in the back curtain?

A Right below, in the body, there were about four or five.

Q That is below the curtain?

A Below the curtain.

Q How many shots?

A Four or five. Some had gone through, and some just made a dent.

Q Did you notice any in the body of the car on the right side, where Sam sat?

A There was one on the side there; one bullet went through the door, there.

Q Through the front door?

A No, the back door.

Q How far from the top of the door?

A Well, probably half way, or maybe a little higher.

Q Was that the only sign on that side of the car that you saw?

A That is all I noticed.

Q Did you see any on the other side of the car?

A No, sir; that was on the right hand side.

Q I understand; but the other would be the north side. As you were standing there you discovered none there?

A No, sir.

Q And in the rear end you discovered four?

A Probably four or five. There was one right where Wodley had sat, had gone --- I think there was two went through there.

Q Was that on the side, now, or back?

A On the back, where Wodley was sitting; and one, I remember now, was a dent in the middle, where Cullinane was sitting. It didn't go through. It just made a big dent in the car.

Q And were there any dents on the framework of the wind shield?

A The wind shield, in front of me, the glass was all shot away.

Q I know that; you have told me that. I asked you if there were any dents on the framework of the wind shield?

A I don't remember.

Q You know it is put into a frame?

A Yes, sir.

Q Did you examine to see?

A I looked at it, but I don't remember whether there were any dents in the frame part or not.

Q Was the wind shield a single or double glass?

A Well, it was two glasses.

Q Were both glasses broken?

A Yes, sir.

Q Entirely out?

A Well, they was just ragged edges, that is on one side, and the other side the glass was still in.

Q This was a Ford car?

A Ford car; five-passenger.

Q Were the side curtains up or down?

A The side curtains were off entirely.

Q They were not down, at any rate?

A They were under the seat.

Q Was the rear curtain up or down?

A The rear curtain was on.

Q Hanging down --- buttoned down?

A Yes, sir.

MR. WEBB: That is all.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q Were you able to identify any of the people in that crowd at that time?

A No, sir.

Q Was it dark there?

A Yes, sir.

Q Could you tell whether they were colored or white?

A I could tell they was colored.

MR. FARMER: That is all.

RE-CROSS EXAMINATION
by Mr. Webb

Q At that time didn't you know a number of colored people in East St. Louis?

A Yes, sir.

Q And you didn't see anybody whom you knew there?

A It was too dark there. I couldn't tell who they were.

Q Wasn't there a street light at 10th and Bond?

A The street light was behind us. The light didn't shine down there. The street light is there by the church.

Q At that jog there? You know where the jog is in Bond Avenue, don't you?

A The street light was up at the part of Bond Avenue that goes down town.

Q That is at the jog, isn't it?

A Yes, sir.

Q Wasn't there a street light at 11th, over Bond?

A Yes, sir.

Q And wasn't there a street light at 10th and Trendly?

A I couldn't say.

MR. WEBB: That is all.

MR. FARMER: That is all.

PATRICK CULLINANE.

called as a witness on behalf of The People, and having been first
duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Patrick Cullinane.

Q Your residence?

A 1606 Hall Street, East St. Louis.

Q How long have you lived there, Mr. Cullinane?

A At that address, nine years.

Q Were you there on the 1st and 2nd of July, 1917?

A Yes, sir.

Q What were you doing at that time?

A I was a police officer.

Q Police officer of the city of East St. Louis?

A Yes, sir.

Q Did you know Samuel Coppedge at that time?

A Yes, sir.

Q What was he doing?

A He was a police officer --- sergeant ---

Q Was he a sergeant, or private ---

A Sergeant of police.

Q Sergeant of police?

A Yes, sir.

Q Did you know Frank Wodley?

A Yes, sir.

Q What was his business?

A Detective.

Q And did he have any office on the force? Was he a private
or an officer?

A Private detective.

Q I will ask you if you recall the night of July 1st, 1917, about midnight, and a call that was made at that time?

A Yes, sir.

Q You may tell how that came about, if you know.

A I was in the station about a quarter to 12, and the call came to the station that there was a bunch of colored people at 16th and Boismenu; and I was one of the men that was sent on that call.

Q Who sent the men on that call?

A I think it was Night chief Hickey.

Q Did he detail the officers to go on that call?

A I think so, sir.

Q Well, what officers went?

A I and Sergeant Coppedge, Detective Todley, Officer Hobbs, Chauffeur Rutter, and Roy Albertson.

Q You know where Roy Albertson is now?

A No, sir.

Q Who is he?

A He was a reporter for some paper then. I think it was the Republic. I am not sure.

Q Were the officers detailed on that duty in uniform?

A Two was.

Q Which two?

A Me and Officer Hobbs.

Q Tell what was done, now, from that time?

A Well, when the call come to the station we left the station in the machine, went down to Broadway, out Broadway to 10th, down 10th Street to Bond Avenue; and as we turned around the corner at 10th and Bond Avenue we seen a mob of colored people marching up at this south side of the street.

Q How long was that line of march, if you could tell?

A Well, I figured it was about half a block, it looked to me.

Q And how many deep were they abreast?

A It looked to me like they were four or five abreast.

Q Could you tell what they were carrying, if anything?

A Well, I know I seen shot guns or Winchester rifles. I couldn't tell which they were. I know they were long guns I seen.

Q How many would you say you saw?

A I seen at least ten or twelve guns, these people standing right in front of the machine.

Q Well, what happened then?

A Well, when we seen the bunch of colored people there we stopped the machine, and the sergeant, Coppedge, he says "What is the matter, fellows", and some of them said "Not a damned thing the matter"; and Sergeant Coppedge he said "Well, we are down here for the protection of the blacks, as well as for the whites".

Q Did he say anything about being officers?

A At the same time he threw back his coat and said "We are officers; we are down here for the protection of the blacks, as well as the whites".

Q Why did he throw his coat back?

A Well, I guess to leave them see he was an officer.

Q What would that show?

MR. WEBB: Oh, I object to that.

MR. FARMER: Well ---

MR. WEBB: Everybody would know that.

MR. FARMER: I don't know whether everybody would know it or not.

THE COURT: He may state what he saw the officer do.

MR. WEBB: He has done that, Your Honor.

MR. FARMER: Q What did the officer want to show there if you know?

MR. WEBB: I object to what the officer wanted to show.

MR. FARMER: Q Well, what did he show?

THE WITNESS: A He wanted to show his authority, that he was a police officer.

Q And what did he have there under his coat to show his authority?

A He had a star.

Q That is what I wanted to find out. From then what happened?

A When he said that some one said --- I believe more than one said --- He said "We are down here" --- when he said " We are down here for the protection of the blacks as well as the whites, " some of them said "We don't want none of your damned protection; get out of here"; so then we all seen what we were up against, and Sergeant Coppedge he ordered the chauffeur to get away, which he did.

Q Now, at that time how many colored people were there around you there?

A Well, there was a whole string of them right that side, just the same as these men here, same as this jury is right here, standing four or five abreast, it looked to me like.

Q What did they have there?

A I couldn't see whether they were Winchester rifles or shot guns they had. They had long guns. I know they had long guns. They had them just ready ---

Q How did they have them pointed, if at all?

A Had them pointed just like that. (Indicating)

Q Well, in what direction with reference to the officers in the machine?

A I don't think they had them pointed to the machine. They had them just that way (indicating) toward the ground.

Q Toward the front?

A Yes, sir.

Q Toward their front?

A Yes, sir.

Q And were they facing the automobile, or how were they?

A Yes, sir; they were facing the machine.

Q Very well. Then what happened?

A The machine started up, and I guess we had gone only probably about twenty or thirty feet when there was a shot fired, and then there was a regular volley of shots followed. So we all ducked, trying to get out of it the best way we could; and next thing I seen Sergeant Coppedge, his head kind of fell over on his shoulders, and Wodley --- we was sitting be'ind him --- he grabbed ahold of his head, so we ran further down, and Wodley said he was shot; and after he got to suffering from the effects of the shot, why, I got hold of Sergeant Coppedge's head and held his head in that position (indicating) as good as I could until we got to the hospital.

Q When you got to the hospital what was Coppedge's condition?

A Why, the doctor pronounced him dead when we got down there.

Q What was done with Frank Wodley?

A Why, he was on the operating table.

Q What about Officer Hobbs?

A He waited there until he got his wound dressed.

Q Where was he shot?

A He was shot in the left arm.

Q What effect did the shooting have on the automobile, if you know?

A Well, I seen the automobile. There was two holes and lots of marks of bullets; there was two holes in the back of the machine, that went right through, that I know of. There might be more; and I know there were lots of dents in the machine from the effects of the shots.

Q What about the wind shield?

A I noticed the wind shield, that there was a dent in the wind shield.

Q What about the glass in it?

A The glass was shattered in the wind shield.

Q Did you wait at the hospital until the doctor came, after driving up there?

A Yes, sir.

Q And did the doctor examine Samuel Coppedge?

A Yes, sir.

Q And pronounced him dead?

A He pronounced him dead.

Q What was done with Wodley, if you know?

A Why, Frank was on the operating table when I left there.

Q Did you see Coppedge's body after that?

A At home.

Q Where?

A At his home, on State Street; 31st and State.

Q East St. Louis?

A Yes, sir.

Q What was the occasion of seeing it there?

A Why, I went there the day they were going to bury him --- the day they were going to ship him away.

Q You saw the body at that time, did you?

A Yes, sir.

Q Was he buried at that time?

A Why, I guess the next day he was to be buried. I really don't know when they did bury him. That is the day they shipped him to his home.

Q Shipped him away from East St. Louis?

A Yes, sir.

Q He was not buried in East St. Louis?

A No, sir.

Q Were you on the detail or committee that attended the body when it was shipped away?

A Yes, sir.

Q Where did this shooting that you have told about take place, in what county?

A St. Clair County.

Q And what state?

A State of Illinois.

Q And about what time was that in the night or morning?

A About 12 o'clock; about midnight.

Q Where did Samuel Coppedge die, in what county?

A St. Clair County.

Q And what State?

A State of Illinois.

Q And what date?

A The first day of July.

Q What year?

A 1917.

Q Do you know whether he died before 12 o'clock or after 12 o'clock, midnight?

A Well, I couldn't say.

Q Have you any way of telling exactly what the time was when this shooting occurred and when Coppedge died?

A Well, it was, as near as I can judge, it was about a quarter to 12. I think, when we left the station, and I should think that the shooting occurred about five or ten minutes to 12. It didn't take us no longer than about five or ten minutes to get down to 10th and

Bond.

Q Do you know where the bullet struck Coppedge?

A Why, right around the shoulder; between the shoulders, I think.

Q And what course did the bullet take, if you know?

A I seen the wound. I seen the wound, come right out here
(indicating) beneath the Adam's apple.

Q In front?

A In front; yes, sir.

Q Could you tell whether it went entirely through the body there,
or neck?

A Well, looked to me that way.

Q Was there a wound in front?

A Yes, sir.

Q And one in the back?

A Yes, sir.

Q What was it killed him, if you know; whether it was that injury
that he had there from the shot?

A I guess so.

Q How long had you known Coppedge?

A Oh, I knowed Coppedge I guess about ten or twelve years. Maybe
more than that.

Q Was he all right when you went out there?

A Yes, sir; he was in good health, good condition.

Q Could you tell when you drove up to that corner at 10th and
Bond who the people were in the crowd?

A No, sir.

Q Could you tell whether they were white or colored?

A You could tell they were colored.

Q Why could you not identify any of them?

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A Well, it was dark in that place.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q Well, if it had been light could you have identified any of them?

A Well, I couldn't say.

Q Well, you answered that you couldn't, because it was dark. You don't know whether you could if it had been light, do you,

Mr. Cullinane?

A Well, I would have a chance to, if it was light.

Q I say, you don't know that? You don't know whether there was anybody there whom you knew, or not?

A No, sir.

Q That is what you mean, isn't it? You say you saw where the shot entered this man's back?

A Yes, sir.

Q Where was it?

A Right between the shoulders; more closer to the right shoulder, I think.

Q Point on me, there, to where you think it is. (Mr. Webb standing in front of the witness.)

A I think right about in around there. (The witness indicating on Mr. Webb's back.)

Q How many inches below the top of my shoulder?

A Well, I figure about three inches, or four inches.

Q And came out where? Put your hand.

A Right over here on this side (indicating) beneath the Adam's apple.

Q Did it come out higher up on the body than it entered, or lower?

A Why, higher, I expect.

Q Do you know which side it entered from?

A I guess it was from the back.

Q Don't guess about it. The question is, do you know?

A No, I wouldn't swear to it.

Q You are guessing at that because the shots were fired on that side?

A Yes, sir.

Q Wasn't there a record kept, Mr. Cullinane, of the time you left the police station that night?

A I never learned; never learned; but that was about the time we left there, about a quarter to 12.

Q When did you look at the time?

A Just before we left the station.

Q About how long before you left the station?

A Just about that time; maybe half a minute, or a minute; something like that.

Q When you looked it was about a quarter to 12?

A Yes, sir.

Q You left with Wodley, Hobbs, Coppedge and Hutter?

A Yes, sir; and Roy Albertson.

Q Could it have been, Mr. Cullinane, about 11:30 when you left there?

A No, it was later than 11:30.

Q Well, would you say it was later than 11:20 when you left the station?

A Why, it was about a quarter to 12 when we left there. It must have been later than 11:30 or 11:20.

Q Well, I don't know what you mean by "about". "About" don't mean anything definitely, does it, to your mind?

A It wasn't any earlier than a quarter to 12 when we left there.

Q Was it any later?

A It might be a little later.

Q And how long did it take you to drive to that point?

A Well, I would figure about five minutes; should make it in about five minutes.

Q Then according to your recollection of time, the shooting occurred about ten minutes to 12?

A Yes, sir; to the best of my judgment.

Q Where did you sit in the car?

A I was sitting in the back seat.

Q Where in the back seat?

A In the center. There was three of us sitting in the machine, sitting in the back.

Q Who was on your right?

A Detective Wodley.

Q And your left?

A Officer Hobbs.

Q Anybody else in the rear?

A No.

Q Anybody else on the machine anywhere?

A Yes.

Q Who?

A There was Sergeant Coppedge, he was sitting right in front, and Chauffeur Hutter at the machine, on the left, and Roy Albertson was sitting at the door on the left side.

Q On top of the door?

A Sitting on the door, yes, sir.

Q Was the door open?

A No, sir.

Q His feet on the running board?

A Well, no; his feet was inside of the machine, I think.

Q Inside?

A I think so.

Q But sitting on top of the door?

A Yes, sir.

Q Now, do you know where the gasoline station on 10th was, at that time, at the corner of Wendly and 10th?

A I don't think there was any gasoline station there then.

Q Do you know where the church is?

A At 10th and Bond?

Q Yes, sir.

A Yes, sir.

Q Well, just north of that was there a gas filling station?

A There is now.

Q Was then, too, in July, 1917?

A I don't remember if there was.

Q You say you don't remember?

A I don't remember that there was in 1917. There might be. I don't think there was.

Q You know the one I refer to, don't you?

A Yes, sir; I do.

Q When you passed the church there did you see anybody on 10th at Bond?

A No, sir.

Q Did you see anybody on 10th before you turned in on Bond?

A Oh, I guess we might have seen some body going by.

Q I just wanted to know whether you did; not whether you might have.

A I didn't pay no attention.

Q You don't remember that you did?

A No, sir.

Q Now, when you turned in on Bond how far down on Bond were the edge of this crowd, the first fellows in it?

A About ten or fifteen feet, when we turned into Bond Svenue.

Q What were they doing?

A They were marching in line up the south side of the street.

Q On the south side?

A Yes, sir.

Q Going what direction?

A Going west.

Q How many were immediately in front?

A Well, I figure there was --- you mean how many abreast?

Q Yes, how many abreast?

A Well, I figure about three or four abreast.

Q And how far were each bunch apart, to the next bunch?

A Oh, they were right together.

Q You don't mean that, do you, right against each other?

A Oh ---

Q Some distance between them?

A Pretty close.

Q How?

A Just about room enough for them to walk, I guess.

Q And about four in the next bunch, and so forth?

A Yes.

Q Now, when you turned in there did the engine of the automobile stop?

A Yes, sir. As soon as we seen the crowd the machine stopped.

Q Well, did the engine stop?

A Well, now, I couldn't say whether he shut off the engine or not. I don't suppose he did.

Q And you were within four or five feet of some of these fellows.

weren't you?

A Oh, about, I should say, about ten or twelve or fifteen feet; something like that; about ten or twelve feet, I expect, or fifteen; somewhere there about.

Q Well, there were some of them directly east of you and between an electric light hanging at 11th, and where you were, weren't there?

A Yes, sir.

Q And do you say with the aid of that light you were not able to recognize anybody?

A No, that light didn't shine any good up there at that corner; didn't throw any light up that far.

Q Was there any at 10th and Bond?

A Not at that corner.

Q And how long were you standing there before you moved the machine?

A Oh, I guess maybe a minute or two was the most we was standing there.

Q A minute or two. Well, now, did this bunch of men break rank, or did they continue abreast, or did they mingle and walk around in front of the machine?

A They stood right in front, there.

Q They stood in front. Well, did they turn their faces towards your machine?

A Yes, sir.

Q When you first stopped you would be to their side?

A Yes, sir.

Q And then when they sighted you they turned their faces so they would be looking north?

A Yes, sir.

Q And stood in front, in fours, or something like that?

A Yes.

Q About how many columns of these fellows had you passed, sitting in the back end of the machine?

A Well, I should think about two or three.

Q How many columns of them were in front of you?

A I couldn't say.

Q Well, about?

A Well, I reckon about twenty or thirty.

Q And they stood in breast formation all the way down there?

A Well, I didn't notice the ones farther down, what way they were standing.

Q Well, as you moved up, now, after they told you to move on, you passed by some of them that were in breast formation?

A Well, we wasn't looking, after the shots were fired ---

Q No, no --- Well, I will ask you this: Were any shots fired before you started the machine?

A No.

Q After you started the machine did you move along some of these columns that were in breast formation?

A Yes.

Q Did they have their guns down like you have described?

A Yes, sir.

Q At that time?

A Yes, sir.

Q How fast was your machine traveling when the first shots were fired?

A She was picking up speed. She started out as fast as she could go.

Q Had you reached the east end of the crowd at that time?

A When the shots were fired?

Q Yes, when the first shot was fired.

A I think about getting around ---

Q About the east end; and then one single shot was fired.

A I heard one shot fired first.

Q Could you tell whether that was a shot gun or pistol?

A No, sir; I couldn't say.

Q Then, what time elapsed between the firing of that shot and the others?

A Oh, just about a couple of seconds.

Q One, two, something like that?

A Yes.

Q And then a number of shots fired?

A Yes, sir.

Q From where you were sitting you could look directly at Sam Coppedge, couldn't you?

A Yes, sir.

Q Did he seem to be struck by the first shots that were fired?

A Apparently he was.

Q You didn't hear him say anything after that?

A He never said nothing.

Q Then did his head fall over, or something like that?

A Yes, his head fell over.

Q Now, you didn't pass any other men down there, after you reached the end of this line, you didn't see any others as you went east (Sound?) on Broadway?

A No, sir.

Q And you didn't see any other persons or any rigs, or anything?

A No.

Q No automobiles coming toward you or going away from you?

A No.

Q You were not hurt, were you?

A No.

Q You were looking up all the time, looking around, weren't you?

A Yes.

Q And you went east, now, to 15th Street, did you?

A Yes, sir.

Q And went north on 15th to Illinois Avenue, to the hospital?

A Yes, sir.

Q Did you look to see what time it was when you got to the hospital.

Mr. Cullinane?

A No, I did not, sir.

Q Did you hear anybody say what time it was?

A I did not.

Q You testified in the case of The People against Fayette Parker, in October, 1917, at Belleville, The People of the State of Illinois against Fayette Parker and some other colored men, at Belleville?

A Yes, I testified in Belleville.

Q Didn't you testify in that case that when you reached Bond Avenue and yet while you were on 10th Street you turned into a number of colored people on 10th and ---

A On 10th Street?

Q Yes, right at 10th, at the mouth of Bond.

A Not that I remember. I couldn't testify that.

Q You recollect, do you, that you had turned clear into Bond Avenue ten or fifteen or twenty feet, before you came to any colored persons?

A Yes, sir; to the best of my knowledge.

Q And that you didn't see anybody on 10th Street until you got to that corner?

A No, sir.

Q Are you still in the employ of the city, Mr. Cullinane?

A Yes, sir.

Q What do you do now?

A Police officer.

Q Were you in the city on July 2nd?

MR. FARMER: I object to that.

THE WITNESS: A Yes, sir.

MR. FARMER: It is immaterial.

MR. WEBB: Q That is the next day. All of the next day and night?

THE WITNESS: A Yes, sir.

MR. WEBB: That is all.

MR. FARMER: That is all.

OSCAR HOBBS,

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Oscar Hobbs.

Q Where do you live?

A East St. Louis.

Q How long have you lived there?

A Fifteen years.

Q What is your business?

A Police officer.

Q What was your business July 1st, 1917?

A Police officer.

Q What city?

A East St. Louis.

Q Were you on duty the night of July 1st, 1917?

A Yes, sir.

Q You may tell what call there was, if any, that night, with reference to some place on --- at 14th and Boismenus, or in that neighborhood.

A Well, I was kept in the office that night, detailed in the office. I and Officer Cullinane. I was just detailed in the office there, and there was a call come in, I will say about 12 o'clock, that there was trouble around 16th and Coultas; that there was --- or Tudor, at that church, there was church bells ringing --- trouble. So I got orders to --- Cullinane and I and Wodley and Coppedge, to go down to that place. Well, we all gets in the machine ---

Q What kind of a machine?

A It is a Ford; five-passenger.

Q Who was driving it?

A Hutter; Chauffeur Hutter.

Q Anyone else go with you?

A There was a reporter, Albertson, for the Republic.

Q Do you know what has become of him?

A No, I do not.

Q Were the officers that went on that detail in uniform, any of them?

A There was two in uniform.

Q Who were they?

A I and Officer Cullinane.

Q Very well. Tell what you did.

A Well, we gets in the machine and goes to 10th and Bond, and just as we turns the corner, we run into a body of colored men.

Q What were they doing?

A They was standing there in the shade of a building on the right hand side.

Q Did you see any others down the street?

A No, sir.

Q Very well.

A And we drives up, and sergeant Coppedge he says "what is the trouble", and they said "none of your damned business"; and he said "we are here for your protection, as well as the whites" --- "all the whites as well as the blacks" --- something that way. "We don't need none of your damned protection; drive on."

Q Who said that?

A I don't know who said it. It was said in the bunch.

Q What bunch?

A The bunch of colored fellows.

Q Now, before doing that was there any announcement made that you were officers, or anything?

A He told them we was officers. He done the talking.

Q Who did the talking?

A Sergeant Coppedge.

Q What happened after they told you to move on?

A Well we drove on a piece, and then we heard a shot, and then we heard a volley; and then Wodley says ---

Q Where did those shots come from?

A They come from in the rear, as we went out Bond Avenue.

Q With reference to these colored men that were congregated there on the street, could you tell whether the shots came from them?

A Yes, sir; come from the rear.

Q Well.

A And Wodley said "Sam is shot"; and he reached back --- reached over and pulled him back, and said "I am shot"; said he was shot in the back.

Q Was anybody else shot?

A I was shot.

Q Where?

A Through the left arm.

Q How?

A It went in here, and come out over here. (Indicating)

Q Went through the arm?

A Went through the arm; yes, sir.

Q Very well. What happened then?

A Then somebody suggested that we go on out to the hospital; and we goes out to the hospital, and wodley he walked up, and we carried Sergeant Coppedge up the best we could, and got him up there, and put Wodley on the board, on the operating table. Coppedge, we left him out on the wagon ---

Q What was Coppedge's condition when you got there?

A He was dead.

Q About what time did this shooting occur?

A Well, it must have been --- it was after 12; ten or fifteen minutes after 12, I suppose.

Q Past midnight?

A Past midnight.

Q That would make it what day of the month?

A That would make it the 1st of July --- or, the second of July.

Q Of what year?

A 1917.

Q And where did Coppedge die, in what county?

A He died in St. Clair County.

Q And what state?

A State of Illinois.

Q And on what day of what month?

A It was on the second day of July.

Q Of what year?

A 1917.

Q What was the effect of the shots on this machine you were riding in?

A Well, it had several holes --- I don't know just how many; five or six --- in the back, and the wind shield was broke.

Q Were there any through the side, if you know?

A I don't think there was. There might have been.

Q What kind of a machine was that?

A It was a Ford. I suppose it was a Ford.

Q Did you see Wodley after that time?

A I never seen him after that night.

Q Did you see Sergeant Coppedge after that night?

A No, sir.

Q Was Sergeant Coppedge on duty that evening at the police station?

A Yes, sir.

MP. FARMER: You may cross-examine.

CROSS EXAMINATION
by Mr. Webb

Q Mr. Hobbs, was the moon shining that night?

A I don't think it was.

Q The first of July?

A I don't remember. It was awful dark, I know, at that point.

Q But the stars were very brilliant, weren't they?

A I never noticed.

Q Well, now, how long have you been acquainted with --- at the intersection of Bond Avenue and 10th Street?

A Oh, I guess about twelve years, I think --- I have been on the force.

Q Now, what building is there on the south side of Bond Avenue that fronts 10th, on the corner?

A There is a grocery store.

Q What is the name of that store?

A I don't know the people's name.

Q Well there was a grocery, at that time?

A I think there was. I think there was.

Q And that grocery store abuts the sidewalk?

A On 10th, isn't it?

Q Abuts right up against the sidewalk on 10th?

A You mean fronts on the sidewalk --- on the sidewalk?

Q Yes.

A I think it does. I never paid particular attention.

Q Well, the wall of the grocery store is next to the building line on Bond, isn't it? That is, the east and west wall, now, running along on Bond, it comes right out to the sidewalk, don't it, on Bond?

A Well, I never noticed that. I never noticed how close or how far it was. Of course, if I had paid particular attention I could have told you.

Q Well, about how long is that grocery, east and west, along Bond?

A I don't have any idea.

Q Twenty or thirty feet?

A Why, I would say it is that much, anyway; thirty or forty feet; I don't know just exactly how long.

Q Do you know what is next to the grocery store?

A No. I think --- I don't know. I think there is a cottage next to it.

Q There is about ten or fifteen feet between the store and the cottage, isn't there?

A I don't remember now.

Q Now, these men you ran into were standing in the shade of that grocery store, weren't they?

A They was standing in the shade of the building.

Q Of that grocery?

A I won't say they was all in the shade of that grocery store, but they was all standing on the side of the walk as we went out.

Q And how close up to the edge of 10th Street were they standing when you turned in there?

A It looked like they was on the sidewalk.

Q On the sidewalk?

A Yes.

Q Just standing there on the sidewalk, in the shade of the grocery store building? That is the way you remember it, isn't it?

A Yes, sir.

Q Well, now, then you turned --- the driver turned to his left, off of 10th Street, onto Bond, didn't he?

A Yes.

Q And that would leave these men, as you went along there, to your right?

A To the right.

Q And you stopped about ten or fifteen feet off of 10th street, along the side of these men?

A Somewheres along there.

Q As they stood there on the sidewalk. Who was the first one that made a remark, Mr. Hobbs?

A I don't know who it was.

Q I mean in your car.

A Sergeant Coppedge done the talking.

Q Did he make a remark before anybody else did, any of those men or anybody in your car? Was his remark first?

A Yes.

Q What was it he said, Mr. Hobbs?

A "What is the matter, boys?"

Q And he was in the car?

A Yes, sir.

Q And the car had stopped at that time?

A Yes, sir.

Q Do you remember whether Mr. Hutter had stopped the engine of the car or not?

A No, I don't. We just stopped long enough to find out their business.

Q And they said "It is none of your damned business", or something like that?

A Something like that.

Q And then he said "we are officers, and we are here to protect the blacks, as well as the whites"?

A Yes, sir.

Q Or "the whites as well as the blacks"?

A Something like that.

Q And somebody in that crowd said "We don't want any of your damned protection; drive on"?

A Yes, sir.

Q Or words to that effect?

A Yes, sir.

Q Now, up to that time there had been no shooting, had there?

A Not up to that time.

Q And then Mr. Hutter started the car?

A Yes, sir.

Q And he passed all of these fellows before there was any shooting?

A Well, we had drove some few feet, you know.

Q Well, how far beyond them?

MR. FARMER: Well, he didn't say they drove beyond them.

MR. WEBB: Well, I will ask you if he did drive beyond them?

THE WITNESS: Well, that was --- we hadn't drove very far.

Q Well, about how far?

A I think about fifteen or twenty feet beyond them, I think.

Q Yes, beyond them.

A Yes.

Q And you saw no others beyond you?

A No.

Q And there weren't any on the street beyond you?

A No.

Q Now, when you got fifteen or twenty feet beyond them what happened?

A We heard one shot.

Q Now, could you tell, Mr. Hobbs, whether that was a shot gun or pistol, that one shot?

A No. It sounded pretty loud. I couldn't tell what it was.

Q Could you tell, then, before any other shot was fired, whether that shot had taken effect on anybody in your car?

A No.

Q Then, how soon after the first shot was fired did they fire more?

A No time.

Q Immediately?

A Immediately; yes, sir.

Q Almost so close to the first shot that they were a part of the first shot.

A It seemed like the next was all right together, the next volley.

Q Now, could you tell, from where you sat, whether any of those shots took effect on anybody in your car?

A Yes, that volley did.

Q You could tell then, could you, that Coppedge had been shot?

A Yes, sir.

Q Now, was that volley of shots apparently all together?

A They seemed like it was all together. Well, all the first volley. Then there was some shots fired after that, as far as I can recollect.

Q How long after?

A It wasn't but just that. (Witness snaps his fingers.)

Q Covering how much time, would you say, from the first shot until the last one?

A Oh, I couldn't tell just exactly how long.

Q Long enough to count ten?

A No.

Q One, two, three, four, five, six, seven, eight, nine, ten.

A No.

Q Was it that long?

A No.

Q It was quicker than that?

A It seemed like it was quicker; yes, sir.

Q All right. Your car was fifteen or twenty feet from them when the first shot was fired, and it continued to move, did it?

A Yes, sir.

Q It didn't stop; increased its gait?

A Yes, sir.

Q Did you meet any automobile or see anybody there on the streets?

A I don't think we met anybody, at all.

Q You continued right east on Bond Avenue?

A To 15th.

Q And you met nobody until you got to 15th?

A I don't think we did. Of course it was pretty excitable times.

you know.

Q I see; but you didn't see anybody?

A I don't think we did.

Q And then you turned north on 15th?

A Yes, sir.

Q Mr. Hobbs, what position did you occupy at the police station?

A You mean what job I had?

Q Yes.

A I was just a patrolman.

Q Held in there for protection?

A If anything happened I was sent to it.

Q You was on in the night time?

A Yes, sir.

Q And you were at the station when this call came in?

A Yes, sir.

Q Did you receive it?

A Yes, sir.

Q Did the party tell you where he was calling from?

A He didn't tell us that, you know. They got it over the 'phone.

Q You, did you receive any of the 'phone, yourself --- the call?

A No, I did not.

Q Oh, well, then, the call you got, you got it second handed?

A Yes, sir.

Q It was delivered verbally to you?

A Yes, sir.

Q You didn't receive the call over the 'phone?

A No, sir.

Q Then all you know about the call is hearsay, isn't it?

A Just had orders to go there.

Q Yes, that is it. From whom did you get that order?

A Night Lieutenant Hickey.

Q That is Con. Hickey?

A Con.Hickey.

Q Who took the call off of the 'phone, if you know?

A Well, I don't remember, now, who. I know that they come out and spoke to Con. Hickey, and Con. went in and answered the telephone, himself.

Q Was Jimmie Neville on duty at night, that time?

A I don't believe he was. I don't think he was.

Q Do you know whether it was Con. that answered the 'phone, or not?

A Well, I think he went in. You know they come out and called him.

Q I see. Now, didn't you look at the time, Mr. Hobbs, when you left?

A No, I didn't.

Q Didn't somebody say what the time was?

A No. Well, it was along about 12 o'clock or a little after. I don't know just exactly the minute.

Q Was there any record made of the time there on the books?

A I never seen any. I never looked.

Q Was that usual and customary, to make a record of the time you go out?

A I don't think so.

Q Did Samuel Coppedge say anything after he was shot?

A Not a thing.

Q When Fodley says "I am shot, too", was there any reply made to him?

A You mean from Coppedge?

Q No, by anybody.

A Well, there was something said about going to the hospital, after we was all shot.

Q You were shot in the left arm?

A In the left arm.

Q Below the elbow?

A Below the elbow.

Q Just hold up your left arm, and let us see about where the bullet entered.

A About here. (Indicating)

Q And where did it come out?

A Come out over here. (Indicating)

Q Did it pass over that bone, or under it?

A It passed between the little bone, I suppose the little bone, there, and big bone.

Q It passed between the bones?

A Yes, sir.

Q Do you know just what position your arm was in when it was shot?

A No, I don't. I think I had my arm up on the side of the machine this way (indicating). I think I did.

Q Was Albertson on the door at that time?

A He was sitting on the door.

Q Albertson was not shot, was he?

A No, sir.

Q Was Cullinane shot?

A No, sir.

Q Was Hutter shot?

A No, sir.

Q You, and Wodley and Coppedge?

A Coppedge.

Q You are still an officer there, aren't you, Mr. Hobbs?

A Yes, sir.

Q How long had you lived in East St. Louis at that time?

A Well. I would say about fifteen years, or sixteen; something like that.

Q You knew at that time a great number of colored people, didn't you, in East St. Louis?

A Yes, sir.

Q And how close did you get to these men that were standing in the shade of that building?

A Well, I will say --- I don't know just exactly how many feet; they was on the walk, and we was down off of the curb; I don't know just exactly how many feet.

Q Well, about how far?

A Oh, five or ten --- say five feet. I wouldn't say for sure.

Q Well, now, as they stood there you could see over them, couldn't you, and between them?

A Yes, sir.

Q Did you see anybody there that you knew?

A I did not.

Q Did you look over to see ---

A Looked; yes, sir.

Q Did you see anybody since, that you could recognize as being there that night?

A No, sir.

Q How long have you known Dr. Bundy, Mr. Hobbs?

A Oh, I have known him to pass him and speak to him about three or four years, I suppose.

Q You knew where his office was, on Collinsville Avenue, didn't you?

A No, I don't believe I did.

Q You saw no automobiles around there, at all, at that time?

A No, sir.

Q Nor before nor after?

A Not that I remember.

MR. WEBB: That is all, Mr. Hobbs.

MR. FARMER: That is all. I want to re-call George Vatter for one question.

GEORGE VATTER.

having been previously sworn and having testified, was recalled as a witness on behalf of The People, and testified further as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q You are the same George Vatter that was on the stand before?

A Yes, sir.

Q I will ask you where you were standing across the street when --- at the time you say the defendant, Bundy, asked you to step into the hallway.

A I wasn't standing. I was sitting down.

Q Sitting down?

A Me and Fred Peleate, together.

Q Was Fred Peleate with you at that time?

A Yes, sir.

Q Was he with you at the time Bundy asked you to step in there?

A Yes, sir.

Q He was?

A Yes, sir.

Q Can you see that place from this window over here?

A I suppose so.

Q See if you can see the hallway.

(Witness goes to the window and looks across the street on the west side of the court house square.)

A Yes, right in front of that saloon over there on the corner of

the alley. (Pointing)

Q Is that the place?

A Yes, sir.

MR. FARMER: That is all.

CROSS EXAMINATION
by Mr. Webb

Q You say Fred Palsate went in with you and heard this conversation?

A No, sir.

Q He didn't hear it, did he?

A No, sir.

MR. WEBB: That is all.

MR. FARMER: That is all.

MR. MIDDLEBAUF: Just wait a half a minute.

MR. WEBB: Q Who has talked to you since you went out?

THE WITNESS: A Why, been nobody talking to me. Just sitting out there talking jokes; that is all.

Q Well, who told you to stay?

A Nobody. I wanted to see and hear some of the witnesses.

Q Well, haven't you talked, since you went out, about being recalled here and telling this?

A Not that I remember of.

Q Is your memory good, or bad?

A Well, I suppose it is.

Q Well, do you remember it?

A I never talked to them about it, that is all.

Q Well, why do you say not that you remember of? Why do you say that?

(Witness hesitates.)

MR. WEBB: That is all.

MR. FARMER: That is all.

EDWARD WILSON.

called as a witness on behalf of The People, and having been first
duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Ed. Wilson.

Q On and prior to July 1st, 1917, where did you live?

A 1713 Trendly Avenue.

Q East St. Louis.

A Yes, sir.

Q What business were you in there?

A Ice and coal.

Q How long had you lived in East St. Louis?

A About seventeen or eighteen years.

Q What is your age now?

A Twenty-seven.

Q On the night of July 1st, 1917, where were you?

A I were at home.

Q At what time were you at home?

A Up till 11 o'clock.

Q On Trendly Avenue, did you say?

A Yes, sir.

Q What occurred at 11 o'clock, or thereabout, that attracted your
attention, if anything?

A I heard some bells ringing.

Q What did you do then?

A I got up and went out to see what it was.

Q What made you believe it was 11 o'clock?

A I heard the Aluminum Ore whistle blow.

Q Do you know whether it was the Aluminum Ore whistle or not?

MR. WEBB: He said he heard the Aluminum Ore whistle sound.

That is what he said.

MR. FARMER: Well, did you make any observation by looking at the clock or your watch, as to the time?

THE WITNESS: A No, sir.

Q You just judged it was about that time?

A Yes, sir.

Q Could you tell where the bells were that were ringing?

A No, sir.

Q What bells?

A No, sir.

Q Could you tell whether or not they were church bells?

A No, sir.

Q Well, what did you do then?

A I got up and put my clothes on and went out and looked.

Q Where did you go?

A 15th and Piggot Avenue.

Q 15th and Piggot?

A Yes, sir.

Q When you got down to Piggot what did you see there?

A A number of people.

Q What were they doing there?

A They were talking.

Q Where were they standing, on the street, or how?

A They were standing on the street; yes, sir.

Q Was there anything there besides some people?

A Just an automobile.

Q What colored automobile was that?

A A big black car.

Q How, I will ask you if you know Dr. Bundy, here, the defendant.

A Yes, sir.

Q How long have you known him?

A About seven or eight years.

Q I will ask you whether you saw him there at the time you got down to 15th and Piggot?

A I did.

Q What was he doing?

A Standing up there.

Q Who else did you see there?

A Oh, I saw so many people there.

Q Do you know some of them? Can you name some of them?

A Yes, sir.

Q You may.

A O'Fanniel Peoples, Ray Parker, and smotherman and Willie Palmer; a great number of them.

Q What were they talking about?

A I don't remember exactly what they were talking about.

Q Did you hear any of them say anything?

A Yes, sir.

Q What did they say?

A Heard one of them say they had been shooting.

Q Just tell what he said.

A He said they had shot into an automobile.

Q Hear anything further?

A I don't remember.

Q Who else said anything? Do you know who said that?

A Yes, sir.

Q Who was that?

A O'Fanniel Peoples, for one.

Q Did anybody else say anything?

A I don't remember it now.

Q Did they say anything about where they had shot into an automobile?

A Between 10th and 11th on Wendly Avenue; somewhere down in there.

Q Do you know who was in that automobile there?

A No, sir.

Q Do you know some of them that were in it?

A In which automobile are you talking about?

Q The one there at 15th and Piggot, where these people were.

A Yes, sir.

Q Who were some of them in that?

A James Bayles, George Roberts and a fellow by the name of Meeks.

Q James Bayles, what was he doing in the car, if you know?

A He was driving it.

Q Do you know whether it is the same James Bayles that ran the saloon down near Bundy's?

A Yes, sir.

Q The same man?

A Yes, sir.

Q You knew him, did you?

A Yes, sir.

Q How long had you known him?

A Oh, for about two years.

Q How close were you to these people there?

A Oh, about fifty feet.

Q Did you hear O'Fanniel Peoples say anything there about ---

MR. WEBB: I object, now, to any suggestion, Your Honor.

MR. FARMER: Q Well, what did he say, if anything, about his nose?

THE WITNESS: A He said he had got shot, and was asking some one for a handkerchief or something.

Q what was the matter with his nose, if you could see?

A It was bleeding when I saw it.

Q what was Bundy doing there?

A He was with the crowd.

Q Was he there at the time they were saying these things that you have mentioned?

A Yes, sir.

Q Where did you go from there?

A Back to 1713 trendly.

Q How long did these people stay at that place?

A Oh, about ten or fifteen minutes.

Q Then where did they go?

A They scattered out.

Q What did they have there, if anything, in the way of firearms.

A Some of them had guns.

Q What do you mean by "guns", revolvers or shot guns or rifles, or what?

A Well, some had both.

Q Could you tell about how many were in that crowd?

A No, sir.

Q Where did you go then?

A Back home.

Q what did you do when you got home?

A Went back to bed.

Q Now, what did they say, if anything, about who was in that automobile they shot into?

A They just said it was an automobile that they shot into. That is what I heard them say. They didn't say.

Q Did they say who was in it?

A I don't guess they knowed. I don't know.

Q Well, I am not asking for their names. Did they designate in any way by which you could tell who was in that automobile?

A They was white people in it.

Q Did they say anything about officers in it?

A No, sir.

Q When they scattered there could you tell where they went to?

A They went every direction.

Q Could you tell whether Bundy had any arms?

A Well, I don't just remember right now.

Q These people that you named here, were they white people or colored people?

A Which ones?

Q Those that you named in that crowd at 15th and Piggot.

A All colored.

Q Have you any other way of fixing the time that this happened, or do you know just what time it was?

MR. WEBB: I object to that.

A I don't, exactly, just now.

MR. FARMER: Q Had you heard any shooting before you went down there?

A Yes, sir.

Q Where did that shooting appear to come from, or where did the noise appear to come from?

A I couldn't exactly say.

Q To what extent had you heard shots? Many shots, or a few, or how?

A It was several shots made.

Q Did you hear those shots after the bell rang, or before?

A It was after the bell rang.

Q About how many? Could you tell?

A No, sir; not exactly.

Q Did you hear any more shooting after that bunch of people was scattered on 15th and Piggot?

A No, sir.

MR. FARMER: You may cross-examine.

CROSS EXAMINATION
by Mr. Webb

Q What is your name?

A Ed. Wilson.

Q And how old do you say you are?

A Twenty-seven.

Q Are you married?

A I am.

Q Where is your wife?

A I don't know.

Q You don't know?

A No, sir.

Q When did you see her last?

A I don't know that?

Q you don't know when you saw her last?

A No, sir.

Q Where do you live?

A Chicago, Illinois.

Q When did you move to Chicago?

A Some time in 1917; about September.

Q Were you living in Chicago when O'Fanniel Peoples was tried at Belleville?

A I was.

Q And you appeared in Belleville at that trial, didn't you?

A I were there.

Q And you have been living at Chicago ever since?

A Yes, sir.

Q What is your address at Chicago?

A Two one four Walnut Street.

Q 214 Walnut Street?

A Two fourteen.

Q Well, that is 214, isn't it?

A I don't know what it is.

Q Well, it is a two, a one and a four; three letters in it; aren't there?

A Three letters.

Q And you don't know what that means?

A I know it is two fourteen.

Q Well, that is 214, isn't it?

A I don't know what you call it. I know what I call it.

Q You was in the ice and coal business, wasn't you, in 1917?

A No, sir.

Q I thought you said you were. Were you ever in the ice and coal business?

A I was.

Q What years?

A I was in that for several years.

Q Well, when did you quit it?

A About the last part of 1916.

Q The last part of 1916. What do you mean by "the last part"?

A The last part of the ice season.

Q What time would that be, what month?

A Well, I quit somewhere along about November.

Q And that is when you quit, in november, 1916?

A Yes, sir.

Q What business did you follow from November, 1916, to July 1st, 1917?

A All kinds.

Q Every kind?

A Anything to make the money; yes, sir.

Q Did you sell some policies in the meantime?

A I did.

Q What kind of policies?

A I don't know what kind it was. It was a policy, all I know.

Q It was a gambling policy, wasn't it?

A I don't know whether it was gambling or not.

Q Who did you sell it for?

A A fellow by the name of Harry King.

Q Where did he live?

A I couldn't say that.

Q Where were you getting these things you were selling?

A Where was I getting them?

Q Yes, who provided you with them?

A He did.

Q You don't know where he lived?

A No.

Q Did he have a business?

A Sure.

Q Where was it?

A In Brooklyn, Illinois.

Q What kind of business was he running?

MR. FARMER: That is immaterial.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Your Honor, he said he was in the coal and ice business.

Now, I want to show he is in some other business.

MR. FARMER: You are asking about somebody else.

MR. WEBB: Well, that is connected with him.

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Q Weren't you engaged in the lottery business in the
fall of 1916, and the winter, and summer of 1917?

MR. FARMER: I object to that, as immaterial and improper.

THE COURT: What time was that?

MR. FARMER: Immaterial and improper.

MR. WEBB: November, or 1916, to July 1st, 1917.

THE COURT: He may answer.

MR. WEBB: Q What do you say?

THE WITNESS: A No, sir.

Q what did you do?

A I told you I did everything.

Q Well, if you did everything you was engaged in the lottery
business, wasn't you?

A I could have been.

Q Now, then, where did you live in the winter of 1916?

A In East St. Louis.

Q With your mother?

A Yes, sir.

Q At what number?

A 1713 Trendly Avenue.

Q 1713 Trendly?

A Yes, sir.

Q Is that where you lived on July 1st, 1917?

A I did.

Q And did your mother live there?

A She lived there then.

Q Did your father live there?

A He was, then.

Q I say, at that time. The first street south of Trendly is Piggot, isn't it?

A It is.

Q Which side of Trendly Avenue was your mother's house on?

A It was on Trendly Avenue. I never looked to see which side it was on. It is on the north side if you are going east.

Q Well, wouldn't it be on the north side if you were going west?

A I guess it would.

Q And yet you never looked to see; is that right?

A It is on the north side.

Q Yes. Are you sure of that?

A I know where it is sitting at. I don't know ---

Q That is about all you know, isn't it, is where it is sitting?

A That is all.

Q Yes. Who did you live with in Chicago?

A By myself.

Q Who bought your ticket for Waterloo?

A Bought my ticket for Waterloo?

Q Yes, sir.

A I paid the ticket, myself, for Waterloo.

Q Who came down here with you?

A Came down myself.

Q Who gave you the money to buy the ticket?

A Mr. John H. Hopper.

Q And he is connected with the Attorney General's office, isn't he?

A Yes, sir.

Q and he has been keeping you at Chicago, hasn't he?

A No, sir; he has not been keeping me.

Q Who has been keeping you?

A Money.

Q Where did you get the money to live on?

A There is plenty of it there.

Q I know there is lots of it there; but where did you get it?

A Worked for it.

Q What did you do?

A I have been special officer for the American Express Company.

Q Special officer?

A Yes, sir.

Q For the American Express Company?

A Yes, sir.

Q How long have you been special officer there?

A Well, I quit there the 27th day of December, 1918.

Q And how long were you special officer?

A From October 1st.

Q 1918?

A Yes, sir.

Q To December, 1918?

A Yes, sir.

Q Now, what have you done since then?

A What have I done since that? I worked at a cooper factory.

Q What kind of work?

A Cooper.

Q Making barrels?

A Yes, sir.

Q How much money were you given to come here?

A Given to come here?

Q Yes.

A I was given a ticket.

Q I thought you said you bought the ticket.

A Waterloo ticket, I said I bought.

Q Didn't you say you bought the railroad ticket to come here? Did you say that or not?

A You asked me who give me the ticket here, and I say I bought the Waterloo ticket.

THE COURT: What do you mean by "Waterloo ticket"?

THE WITNESS: The street car ticket to come to Waterloo.

MR. WEBB: Q Who bought the Chicago ticket to come from Chicago to East St. Louis?

A Mr. John H. Hopper.

Q Did he come with you?

A No, sir.

Q When was it bought?

A When was what bought?

Q The ticket.

A The ticket was bought last night.

Q And he bought it?

A He left the money at his office for me to get it.

Q And you called at his office in Chicago?

A Yes, sir.

Q How much did you get?

A Nine dollars --- I was given a ticket. I don't know what it cost. It might have cost it.

Q That is what I want to know. Did you buy the ticket or did you get the ticket?

A I got the ticket.

Q How much money did you get besides that?

A I got nothing.

Q How much did you get besides the ticket?

A I ain't got any.

Q You got off at East St. Louis?

A I did.

Q Who met you at the depot?

A Mr. John H. Hopper.

Q The same man?

A He was the same man when I left him.

Q How much money did he give you?

A He ain't give me nothing.

Q Where did you get the car at East St. Louis?

A What car?

Q To come to Waterloo.

A I got it at 12:15.

Q Did you buy your ticket?

A Yes, sir.

Q Was he with you?

A Yes, sir.

Q Did he come down with you?

A Yes, sir.

Q Who bought your dinner?

A I et dinner at home.

Q Where is your home, in Chicago?

A No, I got two. I got one in East St. Louis, too, when I am here.

Q Oh, I see. Can you describe one of those policies you were selling in the fall of 1916?

MR. FARMER: I object to it, because it is immaterial.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q You was awakened at 11 o'clock, weren't you, on that night, July 1st?

A I was what?

Q Awakened; woke up, at 11 o'clock --- or awakened --- on the night of July 1st.

A I was woke; yes, sir.

Q And there was something awakened you. What was that?

A Some bells ringing.

Q Had you been asleep?

A I did.

Q And you know it was 11 o'clock, because the Aluminum Ore whistle blew; is that right?

A I didn't say I just knowed it. I think it was 11 o'clock.

Q Because the whistle blew at 11 o'clock?

A It had been blowing every night at 11 o'clock.

Q At 11 o'clock?

A Yes, sir.

Q And that is not very far from where your house is, is it?

A What, the Aluminum?

Q Yes, the Aluminum.

A It might be the next door. I don't know. It is quite a ways from the house.

Q You say it might be next door?

A That is what you said. It is a long ways from where I lived.

Q That is what I was asking you.

A Yes, it is a long ways from where I lived.

Q It is not over a mile, is it?

A I don't know what a mile is.

Q Do you know what your name is?

A Sometimes; yes, sir.

Q Sometimes you do?

A Yes, sir.

Q Is there any time you don't know your name?

A When I am asleep.

Q Do you know it all the time when you are awake?

A I do.

Q When you were in the ice and coal business where was your stand located?

A What do you mean by "stand"?

Q Well, you had a business office, did you?

A Sir?

Q Did you have a business office?

A No, sir.

Q Did you have a place there where you bought and sold coal?

A I bought the coal anywhere I wanted to buy it.

Q And you didn't have any place, a coal office?

A No, sir.

Q You had a team did you?

A Several of them.

Q Single or double?

A You can't have a team --- a team ain't no single.

Q You can't have a team if it is one horse.

A It wouldn't be a team.

Q Well, did you have several teams?

A Yes, sir.

Q How many?

A More than one?

Q At one time how many did you have?

A I have had as high as four.

Q Four teams at one time?

A Yes, sir.

Q Mules or horses?

A Both.

Q Now, when you had that did you have any place where people could call you up and buy coal from you?

A Yes, sir.

Q Where was that, now?

A 600 Missouri Avenue.

Q What place is that, 600 Missouri Avenue?

A I don't know what place is it.

Q Well, whose place was it then?

A It was my father's place then.

Q What kind of place was it?

A Cleaning cess pools office.

Q He was a cleaner of cess pools?

A Yes, sir.

Q And he had an office there?

A Yes, sir.

Q And that is where you got orders to deliver coal?

A Yes, sir.

Q Then you would go and buy a load of coal and take it and deliver it wherever you sold it; is that right?

A Wherever they ordered it.

Q I say, wherever they ordered it.

A You said "sold it".

Q That is the way you was dealing in coal, was it?

A Yes, sir.

Q Now, you say you were dealing in ice?

A I sold it.

Q You bought it from somebody, didn't you?

A From the ice plants.

Q Yes, and would peddle it around wherever you could sell it?

A No, sir.

Q Well, did you give it away?

A I had a territory to carry it over.

Q You had customers?

A Yes, sir.

Q Were they colored?

A White.

Q All white?

A The most of my customers was white.

Q Now, then, you quit in the fall of 1916, didn't you, and you haven't since engaged in it, is that right?

A What?

Q The coal and ice business.

A Not as I know of.

Q Well, if you had engaged in it you would know it, wouldn't you?

A I think so.

Q Now, on this night that you was awakened at 11 o'clock who was at home when you were awakened?

A All of my people.

Q Well, how many were there?

A I didn't count them all.

Q Well, can you tell us now, without counting?

A Without counting them --- no, sir.

Q You don't know who was there?

A Sure I know who was there.

Q Well, tell us who was there.

A My mother, brothers, sisters.

Q How many brothers were there?

A They all were there.

Q Well, how many?

A Five, I believe.

Q And they were all at home when you were awakened that night?

A Yes, sir.

Q Where are they now? Do you know?

A Some of them is dead.

Q How many are dead?

A One.

Q And where are the others?

A One has been in the army, and others out, and some of them is home. They was a while ago.

Q Who was home a while ago?

MR. FARMER: Well, now, that is immaterial.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Who else was home that night? Was your mother there?

THE WITNESS: A Yes, sir.

Q Was your father there?

A Yes, sir.

Q How, then, you dressed, didn't you?

A I did.

Q Did your mother and father live together there at that time?

A No, sir.

MR. FARMER: Wait a minute. It is immaterial.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Well, did you say your father was there when you got

up that night?

A I said he was there.

Q Well, was he?

A Yes, sir.

Q And your mother was there?

A Yes, sir.

Q When you got up that night?

A Yes, sir.

Q And you dressed yourself and went to 15th and Piggot; is that right?

A Yes, sir.

Q About what time did you get down to 15th and Piggot?

A I never looked to see. I don't know what time it was. I know I got down there. It was between 11 and 12 o'clock.

Q And you know that, don't you --- you know it was between 11 and 12?

A Yes, sir.

Q Now, when you left your house you went west until you got to 17th Street, did you?

A No, sir.

Q When you left your house where did you go?

A My house is on 17th Street.

Q How?

A The house is already on 17th Street.

Q I thought you said you lived at 1713.

A Well, it is only a few doors. There ain't no house there.

Q Well, it is not on 17th, is it?

A It ain't on the corner; no, sir.

Q Well, then, it is not on 17th, is it?

A It is in the 17 block.

Q Well, when you left your house you went west, didn't you, to the corner?

A I went straight on across the field.

Q Well, you went west to the corner of 17th, didn't you, first?

A What way is west, this way? (Indicating)

Q Yes.

A Sure.

Q And you crossed 17th, didn't you?

A Yes, sir; I did.

Q And you went right across the block, then, in a southwest direction, through the open, didn't you?

A When I started I started that way.

Q Well, did you go that way after you started?

A Sure, I went that way.

Q And where did you strike 16th Street?

A 16th Street?

Q Yes.

A I went --- I come across it.

Q Where?

A How could I tell where it is at now.

Q I am not asking where it is at now. I am asking where you crossed it that night?

A On Piggot Avenue.

Q Well, didn't you strike 16th Street before you got to Piggot Avenue?

A No, sir.

Q You struck it at Piggot Avenue, did you, 16th Street at Piggot Avenue?

A Sure.

Q All right; and then when you struck Piggot Avenue what direction did you go?

A I told you at first I was already going down Piggot Avenue.

Q No, when you got to Piggot Avenue at 16th Street, what direction did you go?

A The same way.

Q You went west on Piggot?

A I don't know what you call it.

Q Well, toward town on Piggot, toward the bridge?

A I was going to 15th Street.

Q I understand. 15th and Piggot, wasn't you?

A Yes, sir.

Q Well, you went toward Town, didn't you, towards St. Louis, after you got to 16th and Piggot?

A I kept a going the same way.

Q Well, now, did you see anybody at 16th and Piggot?

A No, sir.

Q Did you see anybody on the street before you got up to 15th?

A Sure, I seen them on the street.

Q I say before you got to 15th.

A Before I got ---

Q Did you meet anybody on the street before you got to 15th?

A No, sir.

Q Did you meet anybody after you left your home until you got to 15th?

A No, sir.

Q Did you talk to anybody?

A No, sir.

Q Now, when you got to 15th and Piggot did anybody go with you along there?

A No, sir.

Q You was by yourself?

A Yes, sir.

Q Did you see this automobile before you got to 15th and Piggot?

A Which automobile?

Q The one you said you saw at 15th and Piggot.

A I saw it when I got there.

Q Did you see it before you got there?

A It was there when I got there.

Q How far away from 15th and Piggot did you see it?

A It was on 15th and Piggot.

Q I know, but how far away were you from 15th and Piggot when you saw the automobile?

A I couldn't been very far from it when I was there, too.

Q Well, I don't think you understand me, Wilson.

A The automobile was standing on 15th Street, about fifty feet from Piggot Avenue.

Q It was standing on 15th Street?

A Yes, sir.

Q About fifty feet from Piggot Avenue?

A Yes, sir. Going north. That is north.

Q Between Piggot Avenue and Trendly?

A Yes, sir; it was between it.

Q Yes, sir; but the automobile was facing Trendly, wasn't it?

A It was facing north.

Q Well, that would be Trendly, wouldn't it?

A There is a whole lots of streets up that way.

Q well, isn't Piggot Avenue --- isn't Trendly Avenue the first Street, now, up that way from Piggot?

A It is the first street, sure.

Q Well, then, the automobile was standing about fifty feet from the corner of 15th and Piggot, with its nose pointed towards Trendly, wasn't it?

A It was standing about fifty feet from Piggot Avenue, on 15th Street.

Q Well, with its nose pointed toward Trendly?

A It was headed that way, sure.

Q Well, that is all right. Which side of 15th Street was it standing on, the middle of the street, or on one side?

A Well, that street there you can't tell what side --- neither side to it ---

Q Was there anybody at that machine?

A At it?

Q When you got up there.

A There was a crowd there, and four or five people in it.

Q All right. When you got up to 15th and Piggot did you speak to anybody?

A Did I speak to anybody? I did.

Q Who did you speak to?

A A boy spoke to me, by the name of Willie Palmer.

Q Willie Palmer?

A Yes, sir.

Q Did you speak to anybody else?

A Not as I remember.

Q How close to Willie Palmer did you come?

A As near as I am to you.

Q About three or four or five feet?

A I ain't that far from you.

Q What did you say to him?

A "Hello".

Q What did he say to you?

A "Hello".

Q Is that all you talked about?

A Sure.

Q Did you speak to anybody else, now, except Willie?

A No, sir.

Q Did anybody else speak to you?

A Maybe they did. I don't remember.

Q How close did you get to the next person?

A I don't know who you are talking about --- the next one. There was three or four hundred there. You mean by "how close", when I got to them?

Q I am asking you, how close did you get to anybody else that was there?

A I don't know how close.

Q Well, about?

A There wasn't any "about" in it. When you got right up to them you was up to them.

Q Well, were you up to anybody else?

A Sure, I was up to somebody else.

Q Well, who?

A I didn't know. I didn't ask them what their names was.

Q You heard somebody talking there?

A Yes, sir.

Q These persons that were talking, were they fifty feet up, where this automobile was, or were they there with Palmer?

A They was all around.

Q You mean to say clear up to the automobile?

A That do you mean by "clear up to the automobile"?

Q Well, I think that is good English, and you understand it. I think.

A If I understood it I wouldn't ask you.

Q I mean to say that these people, now, from where Palmer was standing, were they in a continuous line, or a circle or crowd clear up to the automobile?

A You take about three or four hundred people and get them out there, they don't all march all up in line, or sitting down in a circle; they was just all bunched up together.

Q All right. Now, were there any of them east --- I mean south, of where Willie was; that is, on the other end of 15th Street?

A They could have been.

Q Well, were they?

A I don't know, sir.

Q Did you look?

A I didn't go to see.

Q Well, was there any of them on Piggot beyond that point where you stood on Piggot?

A I seen some, yes, sir.

Q Now, these people that did the talking, what was it you heard said?

A Something about --- one of them --- I heard O'Fanniel Peoples say he got shot.

Q Did he say it to anybody?

A He must have been talking to somebody.

Q Well, was he talking to anybody near you?

A Well, I wasn't very far from him; about three or four feet.

Q And he said that, that he got shot?

A Yes, sir.

Q And how far from you was Dr. Bundy?

A I didn't go and look for him. I know he was there.

Q You didn't go looking for him?

A No, sir.

THE COURT: Do you understand his question?

THE WITNESS: He wanted to know how far ---

THE COURT: Listen. He asked you how far Dr. Bundy was from you.

Do you understand that? Do you know what he means when he asks you that? He means how many feet. That is what he means.

THE WITNESS: I don't know.

MR. WEBB: Q You said a while ago, didn't you, that he was about fifty feet from you?

A Dr. Bundy?

Q Yes.

A I never did say he was fifty feet from me.

Q Well, tell us how far from you he was.

A Well, I was once closer to him than I am now.

Q When was that?

A July 1st, 1917.

Q Yes. Was it when you first went up there?

A Well, when I was walking around in the crowd.

Q You did walk around in the crowd there?

A Yes, sir.

Q Now, then, when you was as close to him as he is now --- you answered Mr. Farmer that you didn't notice to see whether he had any gun or not. Now, then, tell me whether he had any gun or not?

A Well, I told him I didn't notice whether he had any or not.

Q You saw other people with guns, didn't you?

A Plenty of them.

Q And they had them where you could see them? Did you see anybody with more than one gun?

A No, sir; I didn't.

Q And you didn't see Dr. Bundy with any gun, did you?

A I don't remember.

Q Is that what you are telling this jury, now, that you don't remember whether you saw him with a gun or not?

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A I am telling it to everybody.

Q That you don't remember whether he had a gun or not?

A Yes, sir.

Q Did you have a gun?

A I didn't.

Q Are you sure of that?

MR. FARMER: Well, he has answered the question.

MR. WEBB: Well, I want to know if he remembers.

Q Do you remember whether you had a gun or not?

MR. FARMER: Well, he has stated.

THE COURT: Yes, and sustained.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Q Charles Collins; do you know him?

THE WITNESS: A When I see him; yes, sir.

Q Did you see him that night?

A No, sir. I seen his machine, though.

Q I will ask you if you didn't get on the running board of his
machine that night with a pistol and hold him up?

A No, sir.

Q You didn't?

A No, sir.

Q Did you get on the running board of his machine that night?

A No, sir.

Q Did you see him in his machine that night?

A I didn't get that close, to see who was in it; but I seen the
machine.

Q Was it that machine that you say was a big black machine?

A No, sir.

Q Did you tell Mr. Farmer, a while ago, you saw more than one machine

there?

A No, sir.

Q Did you see more than one machines?

A Sure; I seen more than one.

Q How many did you see?

A When he came up there were one there at a time. There wasn't either two there at once.

Q When he came up had the other big black machins gone?

A Yes, sir.

Q Who drove it away?

A James Bayles, I guess. He was driving it.

Q Did you see him drive it away?

A I know it left.

Q Did Dr. Bundy go away with that machine?

A He went shortly after it.

Q Well, did he go away with it, at the same time?

A Shortly after it ain't the same time.

Q Now, then, you say that after the machine left that the crowd separated and went in all directions; is that right?

A Yes, sir.

Q Did you stay there until they all left?

A No, sir.

Q Was there somebody there when you left?

A Sure, because some lived there.

Q On that street?

A Lived right there; was standing in the yards.

Q How many were there in the street when you left, Ed.?

A well, I didn't count them. I couldn't exactly say how many.

Q Well, were there more than ten or fifteen?

A I suppose so.

Q Did anybody come back with you?
A I don't know; there was plenty of people coming that way.
Q Did you go the same direction that you came?
A Yes, sir.
Q The same route?
A Yes, sir.
Q Now, then, you heard no shooting after that?
A No, sir.
Q When you were dressing --- when you went to bed before 11 o'clock you took your clothes off, did you?
A Yes, sir.
Q How long did it take you to dress?
A Oh, about a couple of minutes.
Q Did you hear the shooting before you got dressed?
A Before I got dressed?
Q Yes.
A I heard the church bell ring first.
Q Did you understand what I asked you?
A No, sir, I didn't understand.
Q I asked you if you heard the shooting before you got dressed.
A No, sir.
Q Where were you when you heard the shooting?
A I was on my way to 15th street.
Q Where, now? How far?
A Just crossing 17th street.
Q Just after you had got out of the house?
A Yes, sir.
Q How long did it take you, now, to go to 15th?
A Oh, about two or three minutes.
Q About two or three minutes; and when you got down there all those

people were there?

A No, sir; they all wasn't there.

Q Well, was there a big crowd there?

A Yes, sir.

Q Now, these people that --- there were some people came up after you got there, weren't there?

A Yes, sir.

Q And O'Fanniel Peoples was in that crowd, wasn't he?

A Yes, sir.

Q And he wasn't there when you got at 15th, was he?

A No, sir.

Q But Bundy was there when you got there, wasn't he, at 15th?

A Bundy was there.

Q Yes, when you got down there.

A He was down there.

Q Now, these people that came up after you got there told these people that were there when you got there, that there had been some shooting done up on 11th and Trendly, didn't they.

A I don't know what part of Trendly. I know it was down that way.

Q You said 11th and Trendly.

A I said between 10th and 11th.

Q On Trendly?

A Yes, sir.

Q Now, that is what was told in your presence by these men that came up to this crowd after you got down there?

A They were talking; yes, sir.

Q Did you own a black machine?

A Well, it was not exactly a black one; no, sir.

Q Five-passenger or seven?

A Four-passenger.

Q Were you driving it on the afternoon of July 1st?

A No, sir.

Q How?

A It was broke.

Q Did you drive it the night of July 1st?

A It was broke.

Q Well, it might be broke, and yet be able to drive. Did you drive it?

A There wasn't any tires on it.

Q Is that what you mean by "broke"?

A Yes, sir.

Q Did you go to Dr. Bundy's place that evening?

A I was at my father's place.

Q Well, is that the place we call Dr. Bundy's?

A Well, that is what Dr. Bundy --- he took it; it wasn't his.

Q Well, it is the same place?

A Yes, sir.

Q Did you go there?

A I was at my father's; yes, sir.

Q What time was it?

A There about 11 or 12 o'clock Sunday afternoon.

Q Was your father there?

A He was.

Q Now, was you at Dr. Bundy's place about 12:10 that night, or 15?

A No, sir.

Q Didn't you bring a car there and ask for a jack?

A No, sir.

Q And wasn't your father there that night when you came?

A My father?

Q Yes, your father?

A No, sir.

Q What is your father's name?

A W. H. Wilson.

Q Now, where does he live?

A Where does he live?

MR. FARMER: Wait a minute. It is immaterial. I object to it for that reason.

THE COURT: Where he lives now?

MR. FARMER: Where his father lives.

MR. WEBB: Q where did he live at that time?

THE COURT: I will sustain the objection to that.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Well, now, I will ask you this question: Didn't you drive up this machine, a dark machine ---

THE WITNESS: A No, sir.

MR. WEBB: Wait a minute.

Q --- up to Dr. Bundy's garage there near his house where he lived at that time, on the night of July 1st, about 12:20 or 12:30 o'clock in the morning --- between 12:30 and 1 o'clock ---

A No, sir.

Q --- July 1st --- July 2nd ---

A No, sir.

Q --- and wasn't Dr. Bundy at home at that time, and your father there and other people, at that time?

A No, sir.

Q And didn't you say you wanted to borrow a jack to fix a punctured

tire?

A No, sir; because I had two jacks always in my car.

Q Well, you didn't have --- some car you were driving?

A I didn't have any car, because I was not out.

Q That is, you were not out driving?

A I wasn't out, I said.

Q Where was your car that night?

A Broke down, at home.

Q At 1713 Trendly?

A Yes, sir.

Q In the street or in the yard?

A It was in the shed.

Q In the shed. Didn't you tell Dr. Bundy, the defendant here, in the presence of your father and others, at or near Dr. Bundy's residence, on the night of July 1st, at about 12:30, between 12:30 and 1 o'clock that morning of July 2nd, that you had been at 10th and Piggot Avenue and you had seen a crowd of people down there, and that you had had a conversation with them, and you had heard O'Fanniel Peoples say that an automobile had been fired into somewhere about 10th and Trendly or 11th and Trendly, and that he, O'Fanniel Peoples, had been shot in the nose? And wasn't that on the occasion that you tried to borrow a jack to fix a punctured tire on a machine you were driving?

A No, sir.

Q No conversation of that kind?

A No, sir.

MR. WEBB: We want about a couple of minutes, Judge, to lay a foundation to ask these following questions.

THE COURT: I can't give you any more time. I gave you twenty minutes for recess.

MR. WEBB: Well, this man was not on the stand then.

THE COURT: I can't help it. We must work this afternoon.

MR. WEBB: Well, Your Honor, I don't think our request is unreasonable.

THE COURT: Well, I have passed on it, Mr. Webb.

MR. WEBB: All right. You are the doctor.

(To which ruling of the court the defendant by his counsel
then and there excepted.)

MR. WEBB: Q Do you know a man by the name of Hennington?

A No, sir.

Q That lives next door to your mother in East St. Louis ---

A There is nobody by that name as I know of.

Q --- St. Louis? Does your mother live in St. Louis, since the
trial of Palmer?

A No, sir.

Q And just after the riot didn't she live over in St. Louis a while?

A She lived over there a while; yes, sir.

Q Now, didn't she live next door to a family named Hennington?

A I don't know what the fellow's name was. I never was there.

Q You never was there?

A I was there several times, but I didn't stay there.

Q I will ask you if you didn't say to Hennington, a man named
Hennington, a colored gentleman who lived next door to your mother
while she lived in St. Louis, shortly after the trial of the suit of
The People of the State of Illinois against Palmer and others, in
October --- rather, in August, 1917, after you got out of jail at
Belleville, while in St. Louis, if you didn't state to him there
that you were compelled to make a statement that you had seen Dr. Bundy
at 15th and Piggot Avenue, in order to get loose from the charge;
that or words to that effect, or in substance?

A I never was in Belleville.

Q You never were in Belleville?

A No, sir; not in jail.

Q Well, at the city jail at East St. Louis?

MR. FARMER: Just a minute, now. That is wholly improper, and it was improper for Mr. Webb to put that into his question, and I object to it.

THE COURT: Yes, it is not necessary to go into that, I think, Mr. Webb. You may ask him about the statement, if he made any.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Do you know where 2425 Good Avenue, St. Louis, is?

THE WITNESS: A No, sir.

Q I will ask you if your mother didn't live within the next door to that number, after the riot a little while, in St. Louis, and if you didn't visit her there?

A What number?

Q 2425 Good Avenue.

A No, sir.

Q St. Louis.

A No, sir.

Q All right. Now, then, I will ask you if you didn't say to Goodman --- or, Hennington, at that place, a member of the family who lived next door to where your mother resided in August, or thereabouts, in 1917, after you were released from custody ---

MR. FARMER: Now, just a minute. That is objected to. It is improper, and Mr. Webb knows it.

MR. WEBB: Well, now, I submit, Mr. Farmer, I don't. I think it is proper.

MR. FARMER: It certainly is not proper, and Mr. Webb knows it is

not proper. He is trying to fix the time, now, and he can fix the time and the place without interpolating in the question that sort of an assumption, like he did a while ago, that this witness was in the Belleville jail, which the witness took occasion to deny before he answered the question; and it is improper to put anything like that in it.

THE COURT: Now, frame your question.

MR. WEBB: Just a minute, Your Honor. I don't want to be left in this light. I am saying to you, Your Honor, as a lawyer, that I don't know that that question is improper. I think, with all my knowledge, that it is proper.

THE COURT: Well, we will not discuss it; but you just frame your question, now, and I will pass on it.

MR. WEBB: I don't want these imputations from Mr. Farmer. That is what I am objecting to.

THE COURT: All right.

MR. WEBB: I know he is a better lawyer than I am. I am willing to admit that.

MR. FARMER: Now, that question is not an issue here.

MR. WEBB: I am willing to admit that. Now, my question is this:

Q I will ask you if you didn't tell a man, or a boy --- or a man, a colored man by the name of Hennington, in August or thereabouts, in 1917, in St. Louis, at about number 2425 on Good Avenue, in St. Louis that you were compelled to make a statement connecting Dr. Bundy with this transaction at 15th and Piggot, in order to be released from the charge, yourself?

THE WITNESS: A No, sir.

Q Or words to that effect, or in substance?

A No, sir.

Q You didn't?

A I never seen any man there to make that statement to.

Q Well, you didn't make that statement, or that in substance?

A No, sir.

Q Do you know George T. Kyle?

A I know two Kyles. I don't know what their names is, though.

Q I will ask you --- Well, he is sometimes called Tom Kyle; George T. Kyle, or Tom Kyle; George Thomas Kyle, do you know him?

A I know both of the Kyles when I see them, but I don't know either one of them by their names.

Q Do you know the one that ran a saloon in St. Louis --- runs it in St. Louis now, George T. Kyle?

A Well, I ain't been in St. Louis. I don't know.

Q Were you not in his saloon in St. Louis upon coming from Chicago to the trial, in October, 1917, at Belleville, of The People against Palmer and others? Weren't you in his saloon in St. Louis at that time?

A No, sir.

Q And weren't you there in that saloon after the trial?

A No, sir.

Q Now, didn't you state to George T. Kyle, or sometimes known as Tom Kyle, in his saloon or about his saloon in St. Louis, in October, 1917, before and after the trial, or before or after the trial, that you had been made to say --- that you had been beaten up and made to say the things that you had testified about Dr. Bundy, and connecting him with the 15th and Piggot Avenue matter, while you were in the city jail, in East St. Louis, that you had been made to say that, by the officers, in order that you might be discharged, yourself, from the same charge; or words to that effect or in substance? Did you, or not?

A I didn't.

Q Have you any feeling against Dr. Bundy?

A Feeling? How do you mean?

Q You understand English, don't you?

A Sure.

Q Well, have you any ill-feeling against Dr. Bundy?

A He haven't did anything to me, to have any.

Q Didn't you buy things from him during the year 1917, automobile supplies, for which you didn't pay him?

A No, sir. Dr. Bundy owe me now.

Q He owes you now?

A Yes, sir.

Q How much does he owe you?

MR. FARMER: Well, just a minute. It is not important.

THE COURT: Sustained.

MR. FARMER: And immaterial.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q You say you have no feeling towards him?

THE WITNESS: A No, sir.

Q Were you arrested some time in May, between ---

MR. FARMER: I object to it. Oh, I thought you were through.

MR. WEBB: Q --- between May 28 and July 2nd, while coming across the bridge, or after crossing the bridge, with guns and ammunition in your possession?

THE WITNESS: A No, sir.

MR. FARMER: I object to it, as immaterial and improper.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Now, then, in 1917, and July 1st, 1917, were you

not canvassing in East St. Louis and selling numbers to different people, called policies, and if the number turned on a certain wheel the party won, if not, the party lost --- on a slip of paper?

MR. FARMER: I object to that. It is immaterial.

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel then and there excepted. Thereupon the following offer was made, and the following discussion and ruling by the court, up to the time the next witness was called, occurred out of the hearing of the jury:)

MR. WEBB: I offer to show by this witness, on cross examination, that during the winter of 19 --- during the fall and winter of 1916, and the early winter of 1917, and spring of 1917, until July 1st, 1917, the witness was engaged in canvassing among the colored people in East St. Louis and selling a number printed on a card that he called a policy, and that the game was that a certain wheel would be turned at some time and place, and if that number showed up on the wheel, why, the party buying the number would win; otherwise would lose. "Numbers", instead of "number".

MR. FARMER: I object to that. Is that all of it?

MR. WEBB: Yes.

MR. BAXTER: It is on the theory that the personal history of a witness is always proper.

MR. WEBB: And that the Supreme Court said this was a business man, in a certain opinion.

MR. FARMER: I object to that. That is not cross examination. It is incompetent, irrelevant, improper, and not material to any issue involved in this case.

THE COURT: Objection sustained. And for the further reason, the Court cannot allow the counsel for the defendant to resort to three.

or four different occasions during the cross examination of the witness to inquire into the business that this man has been conducting. If it is not necessary. Eliminating that, it is not necessary.

Let this record show that this order is made, and the ruling of the court, out of the hearing of the jury.

(To which ruling of the court the defendant by his counsel then and there excepted.)

THE COURT: Is that all you want to ask this witness?

MR. WEBB: That is all.

THE COURT: Is that all, Mr. Farmer?

MR. FARMER: That is all.

THOMAS BARRETT,

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A Thomas Barrett.

Q Where do you live, Mr. Barrett?

A 1120 Tudor Avenue, East St. Louis.

Q Where did you live on and prior to July 1st, 1917?

A The same place.

Q Is that near an electric railway track? How far is it from an electric railway?

A A block and a half from the Main street line.

Q Had you been out of town that night?

A Yes, sir.

Q Where had you been?

A Maplewood Park, Cahokia.

Q How had you gone there?

A On the street car.

Q What street car?

A East St. Louis and Columbia Railway.

Q What time did you get back to East St. Louis?

A In the neighborhood of about 11:30 or 11:45.

Q Where did you get off of the car?

A 15th Street and Bond Avenue.

Q From there which way did you go?

A Come in Bond Avenue to 12th Street.

Q Tell what happened there, if anything.

A Well, we intended to turn down 12th Street, over to our home at 12th and Tudor --- 1120 Tudor I lived --- and as we started to turn south, as we got to the curbstone, three colored fellows headed us off from the other side of the street and asked us where we was going. I told them we was going home. He said "Well, get home, you S.B's."

Q What did they say?

A "Get home, you S.B's".

Q What do you mean by "S.B's"? You will have to speak it out.

A Sons of bitches.

Q Well, what happened then?

A Well, at the same time they started shooting at us.

Q How many were there?

A Three.

Q Could you tell from their appearance who they were?

A Well, the man that was standing in front of me was a short black man.

Q And how were the others?

A Well, the next man was a medium size man.

Q Do you know Bundy, here.

A No, sir. I might have seen him before.

Q Do you know whether you saw him that night?

A Well, he resembles one of the men; yes, sir.

Q Well, what happened then?

A Well, we run, as they told us to, and I run to the house on the corner at 12th and Market and went in the back way.

Q Did they shoot?

A Yes, sir.

Q How many shots did they fire?

A Well, I couldn't tell exactly. It was in the neighborhood of twelve or fifteen.

Q How many colored people were there in that chase then, do you know?

A Three men.

Q Do you know what kind of guns they were firing with?

A Revolvers, they had.

Q Where is the point where they first stopped you? At what place?

A 12th and Bond Avenue, right on the corner.

Q And what direction did you go from there? On what street?

A Down 12th.

Q Did you run?

A Yes, sir.

Q Who was with you?

A William Tojo and a brother of mine, Andrew Barrett.

Q Where is Andrew now?

A He is in France.

Q In the army?

A Yes, sir.

Q Did you all three go together from that point, or not?

A All three went together; yes, sir.

Q And state what the men that were shooting at you did?

A Just kept right behind us, firing.

Q Well, how far did you run?

A I ran to the house on the corner. There is two houses on the corner, one facing Bond Avenue and one facing Market; and I went in the back way, in the alley, and ran under the porch, and I left them there; they kept on running.

Q Who kept on running?

A My brother and Tojo.

Q What became of the colored people that were pursuing you?

A There was one come in the yard behind me, and was firing under the porch at me.

Q You say he followed you into the yard?

A Yes, sir.

Q Well, then what?

A Well, I stayed under the porch there for a while, until he left. After things quieted down a little bit I started around the side of the house, between the two houses, and out the front, and I seen a crowd out in front, and I went back ---

Q What sort of a crowd was that?

A Five or six men. I don't know who they were.

Q Were they white or colored?

A I couldn't tell.

Q Could you tell whether they had arms or not?

A No, sir.

Q Well, what did you do then?

A I went right back down by the house again, and went in the side of the house.

Q How long did you stay there?

A A couple or five minutes; maybe ten minutes.

Q Then where did you go?

A Went to 11th and Market.

Q Well, what happened there?

A Well, I wanted to get home, and I seen another crowd coming down Market, in the direction of 10th Street.

Q How big a crowd?

A Oh, maybe fifty or seventy-five men.

Q Could you tell whether they were white or colored?

A No, sir; they were too far away from me.

Q Could you tell whether they were armed?

A No, sir.

Q Were they shooting any at that time?

A No, sir; not at that time.

Q Well, then where did you go?

A I ran in to a house at 11th Street and Market Avenue.

Q Well, go on and tell what you did then.

A Well, I ran in the house at 11th Street and Market Avenue, and the folks was up there, and I knew the folks, and I stayed in there until the crowd went by, and after they went by I went on home.

Q Do you know what became of Tojo and your brother after they separated from you?

A Not then, I didn't.

Q Now, when you got off the car there and had started home were you saying anything to these people that stopped you?

A Not a thing; no, sir.

Q Had you done anything to them in any way?

A No, sir.

Q What did they say, now, other than you have stated, if anything?

A Nothing only what I stated; wanted to know where we were going.

Q How close were you to those three?

A Standing right in front of them; maybe three, maybe five feet.

Q Now, then, look at Bundy, here, and state, if you can, whether he is one of them or not, to the best of your knowledge?

A He looks like one of the men; yes, sir.

Q What is your business, Mr. Barrett?

A Railroad clerk.

Q Clerking for whom?

A No place at present. The Illinois Central up to the last month.

Q How old are you?

A Twenty-nine.

Q Are you married or single?

A Single.

MR. FARMER: You may cross-examine.

CROSS EXAMINATION
by Mr. Webb

Q How were these men dressed?

A I couldn't say that. Dark clothes, to the best of my knowledge.

Q In their shirt sleeves?

A No, sir.

Q Have on coats?

A Yes, sir.

Q What kinds of guns did they have?

A Revolvers.

Q Did either one of them have a shot gun?

A No, sir.

Q Or a rifle?

A No, sir.

Q Did they have on straw hats or felt hats?

A Well, I didn't notice no straw hat, in particular. They must

have had on felt hats.

Q You didn't notice a straw hat?

A No, sir.

Q And the man nearest to you was a short, stubby fellow?

A Yes, sir; just about my size.

Q And the one next to him was how?

A A little bit bigger.

Q And the one next to the other?

A Was a tall man.

Q How long have you lived in East St. Louis?

A All my life.

Q Had you ever seen either one of those men before?

A No, not before that time.

Q Not before that time?

A No, sir.

Q There were several tall negroes in East St. Louis at that time, weren't there?

A Yes, I suppose there were.

Q How?

A Yes, sir; I suppose there were.

Q Speak a little louder.

A Yes, sir.

Q You testified in October, 1917, at Belleville, in the case of The People against O'Panniel Peoples and others?

A Yes, sir.

Q I will ask you if you testified there substantially as I read:
(Reading) "I never identified them. I have looked at these men here in the court room the last three days. I am not able to say any of them were there". Dr. Bundy was not in the court room;

but did you recognize any of the others there in the court room as any one of those three?

A No, sir.

Q I will ask you if you made this statement --- Well, are you positive none of them had on straw hats?

A I wouldn't say. Might have had a straw hat on. I said I didn't notice whether they had a straw hat on.

Q Did you notice whether they had hats on or not?

A No, sir.

Q They weren't bare headed?

A No, sir.

Q Couldn't they have had on caps?

A They could; yes, sir.

Q Did you notice and see whether they did? Did you notice whether they had a cap on or not?

A No, sir.

Q You didn't? Are you positive of that?

A I wouldn't say I am positive.

Q Didn't you say "They had their caps pulled down over their eyes"?

A Yes, sir; the man in front of me had a cap before his eyes.

Q Oh, the fellow in front of you? The man in front of you had a cap pulled down?

A Yes, sir; he had a cap, I remember. I remember that.

Q Now, the man behind him?

A There wasn't any man behind him.

Q Well, the one next to him, then.

A I wouldn't say what kind of a hat he had on.

Q Well, did he have it pulled down over his eyes, the second one, the tall fellow, did he have one pulled down over his eyes?

A No. it wasn't exactly over his eyes; no, sir.

Q Well, did he have a cap on?

A I wouldn't say what kind of hat he had on.

Q I will ask you if you didn't say, at the last trial, this or this in substance: "The two I saw with revolvers, I could not identify the men. They had their caps pulled down over their eyes. We were about three feet away from them." Did you say that, or that in substance?

A No, sir, I couldn't identify them.

Q Well, did you say that, that I read to you, or that in substance -- just answer it "yes" or "no" --- at that trial?

A I said he had a cap pulled down over his eyes, the man in front of me.

Q Did you say what I have read to you --- that is the question --- or that in substance? "The two I saw with revolvers, I could not identify the men. They had their caps pulled down over their eyes. We were about three feet away from them." Did you say that?

A I never said no two. There was three men.

Q I wish you would answer my question, whether you said it, yes or no?

THE COURT: You may answer it the best you can.

MR. WEBB: And then make any explanation you want.

THE WITNESS: A I said they had caps pulled down over their eyes. I didn't say two had caps pulled down.

Q Well, "They", these three men? "They had their caps pulled down over their eyes". Did you say that at the last trial? Did you say that?

A No, I didn't say that.

Q Or that in substance? You didn't say that or that in substance?

A No, sir.

Q All right. Now, they were --- you were standing within two or three feet of them, weren't you?

A Yes, sir.

Q And one of them said for you to "Beat it, you son of a bitch, or you sons of bitches", and you turned and walked, didn't you, started off:

A Started off; yes, sir.

Q How far did you walk before they shot?

A Oh, maybe ten feet or so.

Q Did they say anything else to you before they shot at you?

A Kept hollering "run", "run", "run".

Q They said "run"?

A Yes, sir.

Q And did they shoot before you ran?

A Yes, sir; shot before we turned and ran.

Q And when they shot you ran?

A Yes, sir.

Q You ran south on 12th?

A Yes, sir.

Q And about what time was that, Barrett?

A In the neighborhood of 11:45 or 35.

Q Well, was it --- when you say "in the neighborhood of 11:45" do you mean that it might be after 11:45 or before 11:45? What do you mean?

A We left Cahokia at 11:20. I don't know what time it was; somewheres in the neighborhood of 11:30 or 11:45.

Q Well, it would take you about 15 minutes, wouldn't it, to run from Cahokia up to 15th and Bond Avenue, or twenty minutes?

A I don't know their running time.

Q Then you walked from 15th three blocks, didn't you?

A Yes, sir; to 12th.

Q On Bond Avenue, to 12th?

A Yes, sir.

Q Wouldn't you say it was about 12 o'clock when this happened, from the time you left Cahokia?

A No, I wouldn't say that.

Q You won't. Then you ran down 12th street and turned off of 12th Street where?

A Turned into an alley.

Q Into an alley between what two streets?

A Between Bond and Market.

Q Market is the first street south of Bond?

A Yes, sir.

Q And you went west in that alley, did you?

A No, sir; I went right in the back way.

Q Well, the alley runs east and west, don't it?

A Yes, sir.

Q The alley runs the same direction as Bond Street?

A Yes, sir.

Q Well, did you go west in that alley or did you go east in it? Did you go toward 10th Street when you turned in the alley?

A No, sir; I kept right on the way the street runs, and right in back of the house.

Q Does the alley run the same direction 12th street runs?

A No, sir; the same as Bond Avenue.

Q Then you went west towards 10th street, didn't you, if it runs with Bond Avenue?

A Bond is going over towards Market Avenue.

Q The alley, then, that you was in, runs the same direction 12th street runs?

A No, sir; it runs the same direction as Bond Avenue runs.

Q Then you would have to go towards 10th, wouldn't you, if you ran down the alley, and the alley runs in the same direction as Bond Avenue does? You would have to go towards 10th, wouldn't you, if you are in the alley?

A I didn't go towards 10th. I went towards Market Avenue; going right for Market Avenue.

Q Well, isn't Market Avenue south of Bond Avenue, the next street south?

A Yes, sir.

Q And you were on 10th street, now, when you turned into the alley between Bond and Market, didn't you?

A On 10th street?

Q I said you turned into the alley that leads off of 12th Street, and that alley is between Bond Avenue and Market Avenue, isn't it?

A I went across the alley, right inside of the fence, and up in back of the house.

Q Well, you crossed the alley?

A Yes, sir.

Q How far did you travel in the alley before you crossed it?

A Maybe two or three feet; maybe four feet.

Q Then did you cross it toward Market Street? Did you cross into the yard toward Market street?

A Yes, sir.

Q Whose house did you go in?

A I don't know the people's house that I ran into.

Q Well, were they white or colored?

A White people.

Q Were they at home?

A Yes, sir.

Q How long did you stay there?

A Maybe five minutes, or ten minutes.

Q Well, did these three men come down that way and pass that house on 12th Street?

A Two of them did.

Q Well, when they got to 12th Street where did they go?

A I couldn't say.

Q Well, did you see the other one?

A There was one followed me in the yard, shooting at me.

Q He didn't hit you, did he?

A No, sir.

Q Did you see him any more?

A No, sir.

Q After he turned around and went back you didn't see him any more?

A No, sir.

Q The other two you didn't see after they got to Market, did you?

A No, sir.

Q Then did you later see a crowd coming up Market?

A Yes, sir.

Q About where were they when you saw them on Market, about 15th?

A This side of 10th Street. I was at 11th. They was this side of 10th.

Q You saw the crowd on west Market, then, towards 10th street?

A Yes, sir.

Q They were this side of 10th street?

A Yes, sir.

Q And you were in this house between 12th and 11th street on Market, was you?

A Corner of 11th.

Q And were this crowd standing still or coming toward 11th street?

A Coming toward 11th Street.

Q Did you wait until they got down there?

A I was in the house.

Q Did they pass the house?

A Yes, sir.

Q Going east on Market; is that right?

A Coming east on Market; yes, sir.

Q Did they pass 12th Street?

A Went down 11th.

Q They went south on 11th Street?

A Yes, sir.

Q Towards Piggot?

A Trendly.

Q Toward Trendly and Piggot?

A Yes, sir.

Q Did you see them any more after that?

A No, sir.

Q Then you went out of the house and went where?

A Home.

Q Where did you live at?

A 1120 Tudor Avenue.

Q Did you go down 11th Street, the same street they went down?

A Yes, sir.

Q You followed them right down that way, did you?

A I didn't follow them. I waited a while.

Q How long did you wait?

A Maybe ten minutes.

Q Why didn't you go down 12th Street toward Tudor, instead of 11th?

A I don't know.

Q Did you wait ten or twenty minutes and then go down 11th Street

towards Tudor?

A Yes, sir.

Q And that is the street that that crowd had gone down?

A Yes, sir.

Q And did you see any more of them down there?

A No, sir.

Q Did you see or hear any shooting down there?

A No, sir.

Q That is the last shooting you heard, was it?

A After I left that house; yes, sir.

Q Well, did you hear some shooting while you were in the house?

A No, sir.

Q The last shooting you heard, then, was this fellow that was in the yard after you, wasn't it?

A No, sir; I heard some shooting on my way from that house up to 11th street.

Q That is just what I am asking you, if you heard any shooting after you left that house:

A Yes, sir; I heard shooting after I left the first house, at 12th street; yes, sir.

Q Were you in two houses?

A Yes, sir.

Q Where was the other house you went into?

A The second one?

Q Yes.

A 11th and Market.

Q 11th and what?

A Market Avenue.

Q Well, isn't that the first house you went into?

A No, sir.

Q Where is the first house you went into?

A 12th and Market.

Q 12th and Market. Is that where the negro chased you in the yard?

A Yes, sir.

Q 12th and Market?

A Yes, sir.

Q You didn't see anybody that night, any colored men that you recognized, did you?

A I saw one man.

Q Who?

A I seen three men.

Q Who were they?

A Then three men that come up in front of us.

Q I mean that you knew who they were. You didn't know them, did you, those three.

A I say that man resembles one of them, right there. (Indicating the defendant Bundy.)

Q Yes. Did you ever see two men resemble each other?

A I have, a little, yes.

Q The question is, Mr. Barrett, do you identify this man as one of those three men?

A I will say that he resembles one of them.

Q Yes. That is not the question. Do you identify him as one of those three men --- positively identify him?

A I won't say that.

Q All you can say is, he looks something like one of those men?

A Yes, sir.

Q You knew several men, or had seen several men in town before that, that looked tall like that man you had seen there that night, hadn't you?

A No.

Q You say no?

A No, sir.

MR WEBB: All right. That is all.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q At the time you testified in the Circuit Court at Belleville,
in the trial of these other men, Bundy was not on trial then, was he?

MR. WEBB: That appears in this testimony. I put that in my
question, that he was not there in court; and he said no.

THE COURT: I think he did, but I will allow you to ask the question.
I think Mr. webb made that clear, though.

MR. FARMER: Q Is that true? Mr. Bundy was not on trial at that
time, was he?

THE WITNESS: A No, I never seen him there.

Q He was not in court at that time, was he?

A No, sir.

Q At that time had you any opportunity to see him at that trial
in which you testified?

A No, sir.

Q Do you know where that church is located down in there, in that
section of the city?

A I know a couple of churches that are.

Q Well, how many are there in there?

A There is two that I know of.

Q Where are they located?

A well, there is one about --- not quite a block from my house.

Q Well, on what street?

A About the corner of 13th and Tudor.

Q 13th and Tudor?

A Yes, sir.

Q What kind of a church is that?

A A concrete church ---

Q Colored people or white people?

A Yes, sir.

Q Colored people?

A Yes, sir.

Q Has that a church bell?

A Yes, sir.

Q Now, where is the other located?

A One at about 14th Street, I think.

Q 14th and what?

A I think it is 14th or 15th; I believe it is Piggot, or Brady;
I have seen it out there. I wouldn't state on what street.

Q Do you know what street that church is located on, the last one
you mentioned?

A No, sir; I don't.

Q Has that a church bell, too?

A I have never seen one.

Q You don't know. Do you know whether it is a church for colored
people or not?

A Yes, sir.

Q Did you hear any bell that night ---

A No, sir.

Q --- after you got into East St. Louis?

A No, sir.

MR. FARMER: That is all.

THE COURT: That is all. Step aside.

(Whereupon the court adjourned to Monday, March 24, 1919,
at 9 o'clock A. M.)

Monday, March 24, 1919
9 A.M.

(Court convened pursuant to adjournment.

Present: same counsel as before, and the defendant, in person.)

DR. C. P. RENNER,

called as a witness on behalf of The People, and having been first duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A C. P. Renner.

Q Your profession?

A Physician and surgeon.

Q Your residence?

A Belleville, Illinois.

Q Your official position?

A Coroner of St. Clair County.

Q How long have you been coroner of St. Clair County?

A 1912.

Q Since 1912?

A Yes, sir.

Q Were you the coroner of St. Clair County in July, 1917?

A Yes, sir.

Q Do you remember to have held an inquest on the body of Samuel Coppedge?

A I do.

Q Did you examine the wounds on that body?

A I did.

Q What wounds did you find? Describe them.

A I found a wound that entered the right shoulder blade in the center, ranging to the left and upward, and coming out at the sterno-

mastoid muscle. It severed the left carotid artery, which caused the hemorrhage and his death.

Q Would you explain in perhaps less scientific language just where the bullet came out.

A Why, it is a muscle here that is next to the trachea, or wind pipe, the muscle that leads from the back of the ear down to the collar bone. The bullet came out an inch and a half above the collar bone.

Q On the left side of the neck?

A On the left side; yes.

Q When did you make that examination?

A That was on the second day of July, 1917.

Q You stated that that severed the carotid artery. Explain what artery that is.

A That is the artery that comes from the arch of the aorta; that is the large curved blood vessel leaving the heart, that ranges up and then supplies the different parts of the face and then going into the brain.

Q Could you tell about how long a man could live with that severed?

A Why, just as long as it would take him to bleed to death. The time it would be pretty hard to state.

Q A few minutes?

A Yes, the blood pressure would be lowered, and death would be caused.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q Doctor, indicate on me about where the bullet entered.

A About here. (Witness indicating the right shoulder blade.)

Q How far is that to the back of the shoulder blade?

A That is right in the center of the shoulder blade.

Q In the center of the shoulder blade?

A Yes.

Q And how far below the top of the shoulder?

A Well, that would be about five inches; five or six inches.

Q And ranged so that it came out an inch and a half above the collar bone?

A Yes.

Q On the left side of the neck?

A Yes.

Q What is the angle there, what degree, from the entrance to the exit of the ball?

A Oh, I should judge from thirty-five to forty degrees.

Q And was there more than one wound in that locality?

A In that --- there were two external wounds of the body, one here and one on the left side.

Q I mean more than one shot?

A That is all.

Q Just one shot. How did you determine, doctor, that it came out in the neck instead of entering at that point?

A Why, I found particles of clothing in this right wound. The point of entrance into the skin had also been dented in, and up; and here (indicating) it was just the opposite --- sticking out.

Q That is the proof that you had that it entered in the shoulder blade and came out in the neck. Did you probe ---

A No, I held a post mortem.

Q You cut it open?

A Yes.

Q Could you determine the size of the canal?

A I should judge it would have been probably a thirty-eight caliber, or probably a little larger, probably; pretty hard to ---

Q Fired by a pistol?

A Yes, a pistol.

MR. WEBB: That is all, Doctor.

WILLIAM TOJO.

called as a witness on behalf of The People, and having been first
duly sworn, testified as follows:

DIRECT EXAMINATION
by Mr. Farmer

Q State your name.

A William Tojo.

Q Where do you live?

A 815 South 10th Street, East St. Louis, Illinois.

Q Where did you formerly live?

A East St. Louis, Illinois; born there.

Q Did you always live at the place you named?

A Why, I wasn't born there. I have been there for the last twenty-four
years.

Q Did you live there on Sunday, July 1st, 1917?

A Yes, sir.

Q Where had you been the afternoon of that day?

A Maplewood Park.

Q Where is that?

A About four miles south of East St. Louis.

Q Down towards Cahokia?

A South, towards Cahokia.

Q What time did you return home?

A Why, I should judge we left there about 11:15 or 11:20.

Q Who was with you, if anyone?

A Thomas Barrett and Andrew Barrett.

Q Was Thomas Barrett the young man who testified here last Friday?

One-armed man?

A One-armed man; yes, sir; Thomas Barrett.

Q How did you get back to East St. Louis?

A Came back on a Waterloo car.

Q Street car?

A Yes, sir.

Q Where did you get off the car?

A 15th and Bond Avenue.

Q What did you do when you got back?

A Walked down Bond Avenue to 12th Street.

Q Well, tell the jury what happened there, if anything?

A Why, we walked down Bond Avenue to 12th Street, and was stopped by three negroes, and they asked us where we was going, and we told them we was going home; and they said "Beat it, you white sons of bitches, and beat it fast"; and started shooting at us, and we ran. We ran to 12th and Market, up Market Avenue to 10th street and over 10th Street to the engine house, and met two officers there and told them what happened, and asked them if they would go back with us. They wouldn't go back with us, and Andrew Barrett and myself went back there about between 11th and 12th on Market, and then went back to the engine house again. We seen about forty negroes standing on the corner of 12th Street when we went back the second time.

Q Could you tell what they had, if anything?

A No, sir; I couldn't. It was too far away.

Q How close were these three men to you when you got off the car?

A Oh, when we got off the car they were three blocks away, I guess.

Q How close did you get to them up at 12th?

A About four feet.

Q Is that when they said the things to you that you have mentioned?

A Yes, sir.

Q Could you tell who they were?

A Why, I wouldn't positively say that I could.

Q Did you know their names?

A No, sir; not at that time.

Q Have you seen anyone since, that you could say was there?

A Yes, sir.

Q Where is he?

A Sitting right there. (Indicating the defendant)

Q The defendant in this case?

A Yes, sir.

MR. FARMER: You may cross examine.

CROSS EXAMINATION
by Mr. Webb

Q Mr. Tojo, Mr. Farmer just asked you in the last four or five questions if you knew anybody that was there, and you said no, didn't you?

A I said I couldn't positively identify them; but that is the gentleman that looks like him.

Q And that is what you mean?

A Yes, sir.

Q That is what you mean, is it, that Dr. Bundy looks like one of the men that was there?

A Yes, sir.

Q You were asked by Mr. Farmer, Mr. Tojo, ---

A Yes, sir.

Q --- if you could now say if anyone of those --- if you know anyone of those men, or if you now knew who was there, and you said "that gentleman there", didn't you? You said that a while ago?

A I said I could not positively identify them, but there was a gentleman in the crowd that was in this court room, that looked like him.

Q Mr. Tojo, didn't you point to him and say "that gentleman was there"? Didn't you say that to this jury?

MR. SCHAUMLEFFEL: I object to that. The jury heard what he said.

THE COURT: Well.

MR. WEBB: I want to know what he remembers about it.

Q Didn't you say that, Mr. Tojo?

THE WITNESS: A I don't remember whether I did or not.

Q If you said that you didn't mean that, did you, Mr. Tojo? You meant this man looked like one of the men that was there, didn't you?

A I will say I --- he looks exactly like him.

Q But you are not swearing under oath that Dr. Bundy was one of those men, are you, Mr. Tojo?

A I wouldn't positively swear that he looks like him --- or, that it is him, but he certainly looks like the gentleman.

Q Now, you saw many negroes and knew many negroes during the last five and ten years in East St. Louis, didn't you?

A No, I don't know many of them.

Q How?

A I don't know a whole lot of them.

Q You knew Dr. Bundy, didn't you, before that night?

A No, sir.

Q Now, Mr. Tojo, didn't you know Dr. Bundy before July 1st, 1917?

A No, sir.

Q Well, you knew many tall negroes in East St. Louis --- that is, you knew they lived there in East St. Louis, at that time, didn't you?

A Well, I never seen a lot of tall negroes in East St. Louis.

Q Don't you know that it is very difficult to recognize negroes one from another, even if you know them? Don't you know that? Isn't that your experience, Mr. Tojo, that even if you know them it

is difficult to recognize one from another?

A I don't know whether it is or not.

Q Well, what would you say about that?

A Well, I can recognize a lot of them.

Q Those whom you know you can recognize, negroes whom you know; is that the idea? Now, Mr. Tojo, was there a light at 12th and Bond?

A No, sir.

Q And there wasn't any moon that night, was there, July 1st?

A I don't remember.

Q Well, you would know, wouldn't you, that on July 1st there would be no moon?

A I don't remember.

Q You had no lights with you, did you?

A No, sir; we didn't.

Q These three negroes had no lights?

A No, sir.

Q And you gentlemen were walking west, weren't you, when you came up to them?

A Yes, sir.

Q 12th Street is not paved south toward Market, is it?

A No, sir.

Q There was just a traveled --- a wagon traveled route, about six or eight feet, along on 12th, wasn't there? That is, about six or eight feet wide.

A About fifteen or twenty feet wide.

Q Where the wagons and vehicles ---

A And a cinder walk.

Q Now, where did these men hold you up, in Bond Avenue or in 12th Street, or on the sidewalk of one or the other of the streets?

A On Bond Avenue.

Q On the pavement?

A Yes, sir.

Q Bond Avenue is paved along there?

A Yes, sir.

Q Was it near the west side of 12th Street or about the center of 12th Street, or where?

A It was the southeast corner.

Q At the edge of 12th Street?

A At 12th Street.

Q And you fellows walked west on Bond Avenue, near the south side as you walked, is that right, or in the center of the street?

A We came down the south side of the street, going west.

Q And just as you got at the corner ready to turn south, or just as you got to the corner of 10th Street, they stopped you?

A Not 10th Street; no.

Q I mean 12th Street --- they stopped you?

A Yes, sir.

Q Were they on the paved portion of Bond when they stopped you?

A Were they where?

Q Were they on the paved portion of Bond Avenue when they stopped you? The negroes, themselves, were they on the brick?

A Yes, sir.

Q Were they in front of you?

A Yes, sir.

Q And when you returned did you turn between them and the corner of 12th Street, and go down 12th Street, when they told you to run, did you turn between them, now, and the corner of 12th Street and go south on 12th Street, or did you go on the sidewalk of 12th Street?

A Why, we was on the south side of Bond Avenue.

Q I know; but you went south, now on 12th, didn't you, when they told you to run?

A Yes, sir; south.

Q Now, did you turn between where they stood on Bond and the corner of 12th Street, as you went south on 12th?

A Turned between them?

Q Yes; between them, the negroes, and ---

A Why, they was in front of us.

Q Yes; now, on which side of ---

A We turned and ran south.

Q Did you turn to your left?

A Yes, sir.

Q Now, as you went did you go in the street or on the sidewalk?

A Why, I don't know what way I went.

Q You was pretty excited, wasn't you?

A No, I wasn't very excited.

Q Then, why don't you remember what way you went?

A Why, I went south.

Q Well, can't you tell me whether you went in the street or on the sidewalk, if you were not excited?

A Well, I don't know whether I went down the street or on the sidewalk, either.

Q Well, you didn't fly, did you?

A Pretty near it.

Q Well, now, then, tell me, if you remember, whether you went on the sidewalk as you ran that way?

A I will say, down the street.

Q All right. You went down the street, then?

A Yes, sir.

Q Then you --- when you passed to go down the street you left them

to your right, didn't you? These negroes you left them standing in Bond Avenue, to your right, as you went down south?

A No, sir; I left them directly in front of me.

Q Yes; well, then you left them. They followed behind you when you went south?

A Behind me; yes, sir.

Q Which one of you three fellows got the closest to these three?

A Why, I was standing in front of the gentleman that looks like that man. (Indicating the defendant.)

Q Well, who was closest to you, he or one or two of the others?

A Well, I wasn't paying much attention to the other two.

Q Which one of them said this to you?

A Why, I don't remember which one said that.

Q There was a short colored negro there, wasn't there, a short colored fellow?

A There was two short colored fellows.

Q Now, the shortest one, wasn't he next to you, and wasn't he the one that spoke to you and told you "run, and run fast, you sons of bitches"? Wasn't he the one that said that?

A They said that when they was about the middle of the street.

Q I am not asking when they said it. I am asking you if it wasn't the short negro that said that?

A I don't remember.

Q And wasn't he closest to you?

A No, sir; not closest to me.

Q Well, now, then, when they stopped you how long was it, now, between the time they stopped you and the time you commenced to run?

A Well, from the time they stopped us and the time we started to run off, was about three minutes.

Q Do you mean to say you stood there and talked with them three minutes?

A Yes, sir; they asked us where we was going, and I told them we was going home; and they wanted to know where we came from.

Q And you told them?

A Exactly.

Q Then what did they say?

A They told us "Beat it, you white sons of bitches, and beat it fast".

Q Did you immediately beat it, then?

A Well, did we beat it?

Q Yes, immediately. Did you immediately start when they told you to beat it and beat it fast?

A We told them "all right", and started to walk away.

Q Well, that wouldn't take you --- you could do that before you could count thirty?

MR. SCHAUMLEFFEL: I object to that, as being argumentative.

THE COURT: Overruled.

MR. WEBB: Q You say you were there three minutes, Mr. Tojo?

A About two or three minutes.

Q Do you know how far you would ordinarily walk in a minute, how many feet you would ordinarily walk in one minute?

A No, I don't.

Q You don't know that?

A No.

Q Do you know how many seconds there are in a minute --- how many you can count in a minute, one, two, three, four, five, like that; how many seconds you can count in a minute?

A Why, certainly I know how many seconds I can count in a minute.

Q Well, do you still think you were talking to those men three

minutes before they told you to get away?

A Why, about that; yes.

Q And that is all that was said in those three minutes that you have told me about. Did you all run south on 12th Street?

A Yes, sir.

Q And what street did you come to then?

A Market Avenue.

Q And then where did you go when you got to Market?

A Why, I and Andrew Barrett ran up Market Avenue to the engine house on 10th Street.

Q You went straight west on Market?

A Straight west on Market to 10th.

Q Till you got to 10th?

A Yes, sir, and south.

Q On 10th until you got to the engine house?

A To No. 3 engine house.

Q Now, where did you leave the other Barrett?

A Never seen him.

Q You don't know where he went?

A No, sir.

Q Now, when you turned west on Market where were the colored men?

A When we turned west on Market?

Q Yes.

A I never turned around to look.

Q You never saw them any more, did you?

A No, I never seen ---

Q These three men any more?

A These three men any more.

Q You went over to the engine house?

A Yes, sir.

Q And you asked a couple of officers --- you told a couple of officers what happened.

A Yes, sir.

Q And asked them to go down there, and they didn't do it?

A Yes, sir.

Q Were they policemen?

A They were officers; supposed to be policemen.

Q Well, did they have on uniform?

A Yes, sir.

Q And they refused to go?

A Yes, sir.

Q And then you and Andrew turned around and went back on 10th Street to Piggot?

A No, sir; not on Piggot.

Q Well, where did you go?

A Back to Market, down Market ---

Q I meant Market. You went back north to Market, and then went east?

A Went north on 10th Street.

Q Until you got to Market?

A Yes, sir.

Q And then you turned and went the same way you had come, east on Market? I mean --- yes, Market. How far did you go on Market?

A Between 11th and 12th.

Q And about half way?

A Well, I should judge a little better than half.

Q And then you stopped?

A Yes, sir.

Q And you saw at the corner of 12th a body of colored people?

A 12th and Market.

Q 12th and Market; that is what I say; at 12th and Market a body of colored people.

A Yes, sir.

Q And you then turned around and went back to the engine house?

A Yes, sir.

Q What time was it when you got back to the engine house?

A Why, about 12 o'clock, I suppose, or five minutes to 12; something like that.

Q Then where did you go from there?

A Went home.

Q Where did you live?

A 815 South Tenth.

Q Where is that, now, with reference to --- where is 815 with reference to the engine house?

A Why, it is ---

Q How far from the engine house?

A Four blocks.

Q Is it beyond Piggot?

A One block north of Piggot.

Q Well, the engine house is just a block north of Piggot, isn't it?

A Well, ain't that what you asked me, where the engine house was?

Q No; I asked you how far you lived from the engine house.

A Well, from the engine house I told you that I lived four blocks.

Q You lived four blocks south of the engine house?

A No, sir.

Q On 10th Street?

A No, sir; north.

Q North?

A Yes, sir.

Q You lived up above the church?

A No, sir; I didn't live above the church. I lived south.

Q Of the church?

A Of the engine house.

Q Well, now, that is just what --- you just now said you lived north of the engine house.

A No, I never; I said I lived south of the engine house.

Q And you lived four blocks south of the engine house?

A I lived at 815 South 10th Street.

Q Well, that is what I want to get you to tell me, where that is. Where is it with reference to Piggot Avenue?

A From Piggot Avenue? You asked me if the engine house wasn't there.

Q Well, I am asking you, now, from Piggot Avenue where did you live, from Piggot Avenue?

A Where did I live from Piggot Avenue?

Q Yes.

A Three blocks.

Q Which direction?

A South.

Q Well, do you know where Markuly's store is?

A Yes, sir.

Q You lived still farther south than that?

A I lived south, on 10th Street.

Q Yes, sir; and can't you tell us about what street runs the other direction, nearest to you?

A Nearest to me?

Q Yes.

A Why, certainly.

Q Well, tell us.

A Valentine Avenue and Goodrich Avenue and Piggot Avenue.

Q Do you live over the railroad tracks?

A No, sir; on this side of the railroad tracks.

Q Do you know where Baker Avenue is?

A Yes, sir.

Q Do you know where the south end of the base of the entrance to the bridge is?

A Exactly.

Q How far do you live from that point?

A I face that.

Q That is two blocks from Markuly's store, isn't it?

A No, sir.

Q How many?

A Three.

Q You live on the west side of 10th Street?

A West side; yes, sir.

Q Does your house face the bridge? Front the bridge?

A No, sir; it faces Baker Avenue.

Q Well, Baker Avenue runs east and west, don't it?

A Baker Avenue runs east and west.

Q Which side of Baker Avenue is your house on?

A My house is not on Baker Avenue.

Q Well, you say you front Baker Avenue. Which side is it on?

A Why, it is on the west side of 10th Street.

Q And it fronts Baker Avenue?

A Yes, sir.

Q And which side, now, of Baker Avenue, are you on, the south or north side?

A I ain't on Baker Avenue.

Q Mr. Tojo ---

A Baker Avenue does not run through 10th Street.

Q All right. Does any street run east and west that connects with 10th street there near your house?

A Baker Avenue.

Q Well, you say it don't run through 10th Street. You just now told us that.

A It does not run through 10th.

Q It stops at the bridge, don't it?

A Yes, sir.

Q Where --- now, get on the other side, where you live, on 10th Street --- is there any street that runs east and west near your house, that comes into 10th?

A Runs east and west?

Q Yes, sir; like Baker Avenue.

A Near my house?

Q Yes, sir; that runs east and west near your house.

A Valentine Avenue.

Q Is that the nearest one, now?

A That is the first block.

Q Which side of Valentine Avenue do you live on?

A I live on the south side ---

Q Your house, then, fronts toward Valentine Avenue?

A No, sir.

Q Does it front 10th Street?

A Yes, sir.

Q That is 815?

A 815 South 10th.

Q Any houses between you and Valentine Avenue?

A Yes, sir.

Q How many?

A Why, I should judge about six or seven.

Q Six or seven?

A Yes.

Q Yet your number is 815?

A It is.

Q Is 813 north of you or south of you?

A 813?

Q Yes.

A Why, it is north.

Q And 811 and 809, and so forth, up to the 700 block?

A Yes, noth.

Q Now, when you went home about what time was it, Mr. Tojo?

A Why, I left Maplewood Park about ---

Q No, from the engine house you went down to your house about what time, now, from the engine house?

A About five minutes to 12.

Q Did you go to bed?

A I did when I got home.

Q That is what I asked. I didn't suppose you went to bed before you got home.

MR. SCHAUMLEFFEL: We object to what the gentleman supposes.

MR. WEBB: Well.

Q What is the name of the other Barrett boy, that didn't go to the engine house with you?

A Thomas Barrett.

Q Did you see either one of those Barrett boys any more that night after you left the engine house to go home?

A Why, I went as far as 10th and Piggot Avenue with one of the Barrett boys.

Q With Andrew?

A Andrew Barrett.

Q Where did Andrew live at that time?

A Tudor Avenue.

Q And you left him over at Piggot?

A Yes, sir.

Q Now, what were these colored men at 12th and Market doing when you and Andrew stopped about half way in the block there?

A They wasn't doing anything. They was all congregated around.

Q How close did you get to them, Mr. Tojo?

A Why, about a half a block, or a little better.

Q How many feet would that be from where you were?

A About seventy-five feet.

Q And you didn't have --- you didn't see any guns or anything except just a congregation of people there?

A That is all.

Q I believe you said they were colored people, did you? Or could you see?

A Yes, sir.

Q They were colored people? Any automobiles around there?

A No, sir.

Q You didn't see any?

A No, sir.

Q Do you know the names of these officers there at the engine house?

A I know one of them.

Q What is his name?

A Mr. Goetz; Officer Goetz.

Q You mean Joe Goetz?

A Joe Goetz. That is the man.

Q He was in uniform, was he?

A Yes, sir.

Q Do you know the other one?

A No, sir; I don't.

Q In October, 1917, Mr. Tojo, did you testify in the case of The People of the State of Illinois against Fayette Parker, O'Fanniel Peoples and others, at Belleville, Illinois?

A I did.

Q Did you know anybody at the engine house there besides Joe Goetz when you went up there?

A Yes, sir.

Q Who was he?

A Andrew Barrett and Thomas Walsh.

Q Well, Andrew Barrett went with you.

A Yes, sir. Thomas Walsh.

Q Thomas Walsh, he was a fireman there?

A Yes, sir.

Q Was he present when you told the officer what happened?

A Yes, sir.

Q He heard you, did he?

A Yes, sir.

Q Now, then, I will ask you if you didn't testify in that trial, to which I have called your attention, in substance as follows:

"I don't know the three that shot at us?"

A I didn't.

Q You didn't testify to that?

A I did, yes. I didn't know them at the time.

Q And that is your answer now. Did you testify --- well, when you asked these officers to go with you did one of them go with you?

A No, sir.

Q I will ask you if you didn't testify in that case that "when we

told them about it one of them got a shot gun and came on back, with twelve shells"?

A That was told to me by that fireman, Thomas Walsh.

Q Well, did you testify that one of them came back with you, with a gun or twelve shells?

A No, sir.

Q You didn't testify to that. Did you see Gus Masserang?

A No, sir.

Q Did you see Gus Masserang in a machine, with two fellows with him?

A No, sir.

Q I will ask you if you didn't testify, on that trial "This fellow by the name of Masserang had a couple of fellows in the machine with him"?

A That was also told to me by that fireman, Thomas Walsh.

Q Well, did you testify that you had seen him?

A No, sir; I never.

Q And that he had two fellows in a machine with him?

A No, sir.

Q Did Officer Goetz give you any directions at all?

A No, sir, only once, to go home.

Q Was that after you went back there the second time or the first time?

A The second time.

Q How many crowds of men did you see that night?

A Two.

Q You mean you have described the three in one crowd, and those at 12th ---

A No, the three, if you call that a crowd, three, why, I seen three crowds.

Q When did you go to Maplewood?

A About two o'clock in the afternoon.

Q Is Maplewood near Jean Dars's place down there?

A It is up this way about a mile and a half from Dars's.

Q Did you get on the electric car there at Maplewood?

A Coming home?

Q Yes.

A Yes, sir.

Q Did Charlie Roach run a saloon there at that time?

A There was a Roach. I don't know whether his name was Charlie,
or what it was.

Q Was he the fellow that was afterwards killed in an automobile?

A Yes, sir.

Q There is where you got on the street car?

A Yes, at Roach's.

Q Right there where the car crosses the public road?

A Yes, sir; at Roach's.

Q Now, what time was it you got on there?

A About 11:20.

Q The street car runs into East St. Louis and runs over 19th
and strikes Bond?

A I don't know what way it comes in. It comes into Bond Avenue.

Q How long have you lived in East St. Louis, Mr. Tojo?

A Thirty-one years.

Q And you don't know what street that car runs in on?

A No, sir; I never paid much attention to it.

Q Well, how many miles is it from Maplewood to Bond Avenue?

A About three miles and --- well, very near four miles.

Q Then if it turns in on Bond at 19th street, you rode west
on Bond Avenue until you got to 15th, didn't you?

A Came west; yes, sir, to 15th street.

Q That is four blocks on Bond Avenue. When you walked from 15th Street to 12th Street?

A Yes, sir.

Q That is two blocks?

A Three blocks.

Q Three blocks. Those are very long blocks, aren't they?

A Well, they are ordinary blocks.

Q Well, now, what would you say was the time when you got to 12th Street, where you were held up by these colored men?

A Between 11:30 and 12 o'clock.

Q Is that as close as you can get to it?

A Yes, sir.

Q Would you give us your best judgment as to the length of time that was taken from the time you left Maplewood until you got to 15th Street?

MR. FARMER: Just a minute. I object to that, as repetition.

THE COURT: Yes.

MR. FARMER: He has stated the time when he left, and when he got there.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q After you got off the car --- before you got off the car at 15th and Bond did you see any crowd any where?

A No, sir.

Q Did you observe --- did you know at that time where Dr. Bundy's house was, and his garage?

A No, sir.

Q Did you see anybody congregated on Bond Avenue after your car

turned in on it. before you got to 15th?

A No, sir; I never.

Q Did you see any crowd after you got off at 15th and before you were stopped by these three negroes at 12th?

A Before I was stopped?

Q Yes.

A On Bond Avenue?

Q Yes.

A No, sir.

Q Did you see any crowd of people after you were told by these men to run and to run fast, and while you were running on 12th and on Market and on 10th, before you got to the engine house?

A Did I see any crowd?

Q Yes.

A No, sir.

Q Did you see any crowd while you were at the engine house except those you have told us about, Walsh and Goetz and the other officers?

A Yes, sir; I seen a crowd while I was there at the engine house.

Q Who was it?

A A bunch of negroes.

Q At the engine house?

A No, sir; going down 10th Street.

Q What direction were they going?

A South on 10th Street.

Q How?

A Going south on 10th Street.

Q And about where were they?

A They came south on 10th Street and went down to Market Avenue and went east on Market Avenue.

Q While you were at ---

A While I was at the engine house.

Q They came south on 10th?

A Yes, sir.

Q How far on 10th did you see them?

A Why, they came off of Bond Avenue.

Q They came off of Bond Avenue?

A Yes, sir.

Q Is that right?

A Yes, sir.

Q Well, when these three negroes held you up at 12th did you see any other negroes west of you on Bond Avenue, between there and 10th, when they held you up?

A No, sir.

Q Could you see up to 10th?

A Yes, sir.

Q Was there anybody on Bond Avenue except these three negroes?

A Not that I know of.

Q Now, when you got to the engine house you saw some colored people coming on 10th. Where is the first place you saw them on 10th, now, that you remember?

A I never seen them when I was at the engine house the first time.

Q Well, that is what I asked you, now, a while ago. I will ask you this question: if you saw any crowd --- now, listen --- from the time you commenced running over 12th and up Market and down 10th, when you got at the engine house, during that trip, now, did you see any crowd of people?

A No, sir.

Q And after you talked to these officers ---

A Yes, sir.

Q --- you turned around and came back on 10th ---

A Yes, sir.

Q --- to Market. Now, did you see any crowd on that trip back until you got half way between 11th and 12th and saw that crowd at 12th and Market?

A That is the crowd I seen.

Q You saw that crowd; is that right?

A That is the first crowd.

Q That is the first crowd?

A Yes, sir.

Q Excluding these three colored fellows?

A Yes, sir.

Q Now, then, when you turned around and went back ---

A Yes, sir.

Q --- up Market and into 10th ---

A Came on Market west.

Q Yes --- up Market, west, into 10th Street, and you turned south at the engine house again, did you see any other crowd?

A I met a crowd at 11th Street.

Q How?

A 11th.

Q Well, why didn't you tell us that a while ago, and Mr. Farmer, too? You say you met a crowd at 11th Street?

A Certainly.

Q Is that true?

A Coming back from the second time we went down Market Avenue, looking for Thomas Barrett.

Q You stopped, you said, about half way between 11th and 12th on Market?

A Yes, sir.

Q Now, you turned around, and when you turned around ---

A I saw about ---

Q Wait a minute. When you turned around, now, what did you see?

A Well, when we turned around and started back to the engine house I met a bunch of colored men again.

Q Where?

A On 11th Street.

Q Then you were between two bunches of colored people, one at 11th and one at 12th?

A Exactly.

Q Now, did you pass by those at 11th?

A No, sir.

Q Well, where did you go?

A Went in Mr. Grenigan's house.

Q Why didn't you tell us that a while ago when you were giving a history of where you went?

MR. SCHAUHLIFFEL: I object to that, Your Honor.

THE COURT: Sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Well, why, Judge?

THE COURT: Objection sustained.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q You went into Mr. Grenigan's house?

THE WITNESS: A Went up in Mr. Grenigan's house; on his porch; that is the same as in his house, I expect.

Q Which street does he live on?

A On Market Street.

Q Which side of Market Street?

A Lives on the south side of Market Street.

Q And between what streets, 10th and 11th, or 11th and 12th?

A Between 11th and 12th. He lived right on the corner of 11th and Market Avenue.

Q His house, then fronts Bond Avenue; Bond and Market?

A No, sir; the front of his house faces Market Avenue.

Q If it fronts Market it fronts Bond, don't it?

A No, sir.

Q Well, isn't Bond immediately north of Market?

THE COURT: Just a minute, now; I want to interrupt here. When you speak of fronting Bond the witness may get the impression that you mean that it is on that street. If you would say that it fronts in the direction of Bond, a block or so away from there, he might understand it.

MR. WEBB: Well, it fronts in the direction of Bond, don't it?

THE WITNESS: A No, sir; the front of his house fronts on Market.

Q Yes. Well, you got up on his porch?

A Yes, sir.

Q Now, if you would turn around you could look toward Market, couldn't you?

A I was facing Market.

Q Yes, facing Market. Then you would be facing Bond, too, another block away, wouldn't you?

A No, sir.

Q How?

A Yes, sir. Yes, sir.

Q Well, that is what I am asking you.

A Facing Bond.

Q Now, who did you see there at that house?

A Mr. Grenigan.

Q Is he a colored man?

A No, sir.

Q What is his first name?

A I don't know.

Q Does he live there?

A Yes, sir.

Q Now?

A Yes, sir --- I don't know whether he lives there now, or not.

He lived there at that time.

Q Can you spell that last name?

A Grenigan?

Q Yes.

A No, sir.

Q Grenigan?

A Grenigan.

Q Did you talk to him?

A Why, no, I never spoke to him; just went in there and sat on the porch until the bunch passed us, and then got out of there and went back to the engine house.

Q You didn't speak to him at all?

A Just told him "hello".

Q Did he say anything to you?

A No, sir.

Q Did anybody come up on the porch with you?

A Yes, sir.

Q Who?

A Andrew Barrett.

Q And was there anybody on the porch with Grenigan besides you two?

A No, sir; not that I seen.

Q Did you go in the house?

A No, sir.

Q How long did you stay there?

A About four or five minutes, I suspect.

Q Until this crowd passed. Which way did they pass?

A They passed, going north on 11th.

Q They went by you on your left?

A No, they was on the right side of the street; on the east side of the street; east side of 11th Street.

Q Well, that would be on your left, if you were looking toward ---

A On the left, yes.

Q They went straight south on 11th?

A No, they wasn't going south; they was going north.

Q Well, were they standing at 11th Street when you went into Granigan's house, 11th and Market?

A No, sir; they was coming down 11th Street.

Q From what direction? What street?

A Down 11th Street.

Q Well, from what direction?

A They was coming from the south.

Q That would be trendy, then, wouldn't it?

A No, sir.

Q Well, what street would it be?

A I met them on 11th Street, right at 11th and Market.

Q Mr. Tojo, will you tell me what is the street just south of Market?

MR. FARMER: Just a minute.

MR. WEBB: Q If you can.

MR. FARMER: It seems to me that is wholly irrelevant and unimportant, and simply wastes time.

THE COURT: Yes.

MR. WEBB: Your Honor I want to know what this man knows about the transaction he is testifying about.

MR. FARMER: You are not asking about what he has testified about.

THE COURT: You can ask how far on 11th Street ---

MR. WEBB: Q How far on 11th Street, away from Market did you see this crowd first?

THE WITNESS: A About 100 feet.

Q Now, which direction was it from Market that you saw them, south or north?

THE COURT: He has testified to that. He said they were coming from the south, didn't you?

THE WITNESS: A Yes, sir.

THE COURT: He has testified to that. He covered it.

(To which ruling of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Q Now, then, you waited on the porch until they passed?

THE WITNESS: A Yes, sir.

Q Now, then, when they got to Market Street what direction did they go?

A They went straight up 11th Street.

Q Still north toward Bond Avenue.

A Yes, sir.

THE COURT: He has covered that, Mr. Webb. He has testified to that.

MR. WEBB: Well, I didn't so understand it, Your Honor.

THE COURT: Well, I understood it. The record shows.

MR. WEBB: Well, I think it is for somebody else to determine what the witness has testified to; and I want an exception noted.

THE COURT: The record shows that they were going north and went up

11th Street. There is no question about that.

MR. WEBB: Well, I except to that, if the court please.

THE COURT: Well, go on.

(To which ruling and remarks of the court the defendant by his counsel then and there excepted.)

MR. WEBB: Well, I am going.

Q Now, then, when they had passed you got off the porch, you and Andrew, and went on on Market and to the engine house?

THE WITNESS: A Yes, sir.

Q Now, those are the crowds that you saw?

A Yes, sir.

Q Now, before you went home did you hear any firing, any shots?

A Yes, sir.

Q Where were you when you heard them?

A The first place I heard shots was on 12th and Bond Avenue.

Q I asked you where you were; not where you heard shots. Where were you when you first heard the shots?

A 12th and Bond Avenue

Q Now, those were the shots that the three colored men shot at you?

A Yes, sir; I don't know whether three of them shot or one of them shot --- shots that was fired at us.

Q Now, where did you next hear any shots? Where were you when you next heard any shots?

A At the engine house, No. 5 engine house, 10th and Trendly Avenue.

Q Was that your first time at the engine house, or the second time?

A The second time.

Q And were these officers there at that time when the shots were fired; Goetz and Walsh?

A Goetz and who?

Q Fireman Walsh.

A The fireman was.

Q Was he there?

A I don't know whether Goetz was there or not.

Q And what direction did those shots come from?

A Why, they came from the direction of between 10th and 11th on Bond Avenue.

Q 10th and 11th on Bond. About what time was that, then, that these shots were fired?

A Well, I should judge about 12 o'clock or a little after 12; around that time.

MR. WEBB: That is all.

RE-DIRECT EXAMINATION
by Mr. Farmer

Q Mr. Tojo, do you know where Andrew Barrett is?

A Yes, sir.

Q Where is he?

A He is in the army.

Q These men that you saw at the engine house, did they have on firemen's uniform or policemen's uniform?

A Why, two of them had policemen's uniform; one of them had a fireman's uniform.

Q At the time you testified in the case against those other men that Mr. Webb named here ---

A Yes, sir.

Q --- over at Belleville, was Mr. Bundy on trial in that case?

A No, sir.

MR. WEBB: Now, just a minute.

MR. FARMER: Was he in court at that time, at all.

MR. WEBB: Just a minute. I think that has been established here, that he was not there.