

INDEX.

	PAGE
Certificate of Refusal to Order Writ,	1
Writ,	2
Answer,	3
Return,	4
Judgment Record,	4
Panel of Jurors,	9-39
Louis P. Booz, direct,	39
cross,	40
Sue G. Franke, direct,	41
cross,	44
re-direct,	47
John Kelly, direct,	48
cross,	55
Thomas A. Christopher, direct,	60
cross,	61
re-direct,	63
re-cross,	64
Edward A. Hanson, direct,	65
cross,	67
re-direct,	70
re-cross,	71
John L. Suydam, direct,	72
cross,	75
William Fitzpatrick, direct,	79
cross,	81
Frederick Gowen, direct,	87
cross,	87
re-direct,	89
Elmer Wyckoff, direct,	90
cross,	90
John F. Murray, direct,	91
cross,	94
re-direct,	96
re-cross,	101
Joseph E. Stricker, direct,	105
cross,	106
Thomas F. Burke, direct,	107
cross,	107
re-direct,	108
Alicie Harris, direct,	108
cross,	110
Stephen P. Somogyi, direct,	111
cross,	112

NEW JERSEY Court of Errors and Appeals.

THE STATE OF NEW JERSEY, <i>Defendant in Error,</i> <i>vs.</i> GEORGE WASHINGTON KNIGHT, <i>Plaintiff in Error.</i>	}	On indictment and conviction in Middlesex County Court of Oyer and Terminer of the crime of murder in the first degree.
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CERTIFICATE OF REFUSAL, ETC.

(Filed April 29, 1921.)

This is to certify that application has been made to me for the allowance of a writ of error to be issued out of the New Jersey Supreme Court for review of the judgment of the Middlesex County Court of Oyer and Terminer of Middlesex County in this State, convicting the said George Washington Knight of the crime of murder in the first degree, without exhibiting to me the record of the proceedings in the cause, or any part thereof, and without alleging any error in those proceedings, and that I have refused to order a writ of error for the review of said judgment, solely because no cause, arguable or otherwise, is shown for the granting of such writ of error to the Supreme Court.

Dated April 29, 1921.

E. R. WALKER, C.

WRIT OF ERROR.

The State of New Jersey to the Honorable James J. Bergen, and Peter F. Daly, Judges of
 [L. s.] the Court of Oyer and Terminer of the
 County of Middlesex:

Because in the judgment of the Court of Oyer and Terminer of the County of Middlesex upon a certain indictment against George Washington Knight, late of
 10 the City of New Brunswick, in said County, that he did wilfully and maliciously, and with malice aforethought, kill and murder one Edith Wilson.

Pro ut the said indictment and the several counts therein, whereof, before you, he hath been indicted and is thereof convicted by a certain jury of the county, taken between the State of New Jersey and the said George Washington Knight, as it is said, manifest error hath intervened to the great damage of the said George Washington Knight, as from his complaint we have re-
 20 ceived information, we being willing, in his behalf, to correct the error in due manner, if any there shall be, and that speedy justice be done to him, the said George Washington Knight, command you that if judgment be therefore given, then that you distinctly and openly send under your seal the record and proceedings aforesaid with all things touching and concerning the same to our Court of Errors and Appeals in the last resort in all causes of law, to be held at Trenton, on the eighteenth day of May, 1921, and this writ, that the record and
 30 proceedings aforesaid being inspected, we may further cause to be done thereupon for correcting that error what of right and according to the laws and customs of New Jersey ought to be done.

Witness, Edwin Robert Walker, our Chancellor, at Trenton, this 29th day of April, 1921.

THOS. F. MARTIN,

Clerk.

WILLIAM I. GARRISON,

Attorney of Plaintiff in Error.

(Endorsed)

New Jersey Court of Errors and Appeals.

The State of New Jersey,
Defendant in Error,

vs.

George Washington Knight,
Plaintiff in Error.

WRIT OF ERROR.

10

WILLIAM I. GARRISON,
*Attorney Plaintiff in Error.*12 N. Main Street,
Pleasantville, N. J.

The answer of James J. Bergen, Esquire, and Peter F. Daly, Esquire, Judges of the Court of Oyer and Terminer, in and for the County of Middlesex, and State 20
of New Jersey within named:

The record and proceedings of the plaint whereof mention is within made, with all things touching and concerning the same, including the record of the proceedings had upon the trial of the said defendant, to the Court of Errors and Appeals in the last resort in all causes, within specified, at the day and place within contained, we certify in a certain schedule to this writ annexed, as we are within commanded.

J. J. BERGEN, 80
Judge.

NEW JERSEY COURT OF ERRORS AND APPEALS.

STATE OF NEW JERSEY, <i>Defendant in Error,</i> <i>vs.</i> GEORGE WASHINGTON KNIGHT, <i>Plaintiff in Error.</i>	}	On indictment and conviction in Middlesex County Court of Oyer and Terminer of the crime of murder in the first degree.
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RETURN TO WRIT OF ERROR.

10

The record, proceedings, with all things touching and concerning the aforesaid indictment and conviction.

WILLIAM I. GARRISON,
Attorney for Defendant.

JUDGMENT RECORD.

MIDDLESEX OYER AND TERMINER, March 21st, 1921.

Court met.

20 Present, HON. JAMES J. BERGEN, Jus. of the Sup. Court.

THE STATE <i>vs.</i> GEORGE WASHINGTON KNIGHT.	}	Indictment 3297. For Murder.
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The defendant being placed at the Bar and charged on the indictment entered a plea of not guilty. The Court ordered the Prisoner be remanded for trial.

STATE OF NEW JERSEY, }
 30 COUNTY OF MIDDLESEX, } *ss.*

I, Bernard M. Gannon, Clerk of the County of Middlesex, do hereby certify that the foregoing is true, full and correct copy of a certain plea on indictment for murder as the same is on file in my office.

[L. s.] In testimony whereof, I have hereunto set my hand and affixed my seal of said county, this 9th day of May, A. D. 1921.

BERNARD M. GANNON, *Clerk.*

MIDDLESEX OYER AND TERMINER
OF DECEMBER TERM, A. D. 1920.

MIDDLESEX COUNTY, to wit:

The grand inquest for the State of New Jersey, and for the body of the County of Middlesex, upon their oath present, that George Washington Knight, late of the City of Perth Amboy, in the said County of Middlesex, on the twelfth day of March, in the year of our Lord one thousand nine hundred and twenty-one, with force and arms, at the City of Perth Amboy aforesaid, in the County aforesaid, and within the jurisdiction of this Court, wilfully, feloniously and of his malice aforethought did kill and murder one Edith Wilson, contrary to the form of the statute in such case made and provided, and against the peace of this State, the government and dignity of the same. 10

JOSEPH E. STRICKER,
Prosecutor of the Pleas.

STATE OF NEW JERSEY, }
COUNTY OF MIDDLESEX, } ss. 20

I, Bernard M. Gannon, Clerk of the County of Middlesex, do hereby certify that the foregoing is true, full and correct copy of a certain indictment for murder as the same is on file in my office Mar. 18, 1921.

[L. s.] In testimony whereof, I have hereunto set my hand and affixed my seal of said county, this 9th day of May, A. D. 1921.

BERNARD M. GANNON, *Clerk.* 30

MIDDLESEX OYER AND TERMINER, March 21st, 1921.
Court met.

PRESENT, HON. JAMES J. BERGEN, Jus. of the Sup. Court.

Frederick Gowan
 Elmer E. Wyckoff
 John F. Murray
 Joseph E. Stricker
 Thomas F. Burke
 Alice Harris
 Stephen F. Somogyi
 Benjamin Crawshaw
 John A. Huff
 Charles Housser.

10

Court and case adjourned until 9:30 A. M. to-mor-
 row.

MIDDLESEX COUNTY OYER AND TERMINER,
 March 24, 1921.

Court met.

Present, HON JAMES J. BERGEN, Jus. of the Sup.
 Court.

THE STATE	} Indictment 3297.	20
vs.		
GEORGE WASHINGTON KNIGHT.	} For Murder.	

The Court ordered the above case come on for trial.

Joseph E. Stricker,	I. Benjamin Glueckfield,
John E. Toolan,	Atty. of Deft.

Attys. for State.	Recalled
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Witness Sworn	George W. Knight.
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Isaac S. Vanderveer.	Witness Sworn
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Dr. Charles A. Rosewater.

30

The evidence being adduced and argument submitted
 by the respective counsel, the jury upon a charge from
 the Court retired to consider their verdict; subsequently
 the jury returned into Court, answered to their names,
 and through their foreman declare and say that they
 find the defendant guilty of murder in the first degree.

And so say they all.

THE STATE	}	Indictment 3297. For Murder.
vs.		
GEORGE WASHINGTON KNIGHT.		

On motion of the Prosecutor of the Pleas, the Court ordered the prisoner, George W. Knight, be placed at the bar, whereupon all and singular the premises being understood by the Court fully, the Court doth thereupon order and adjudge as follows:

- 10 The penalty which the law fixes for the crime of which you have been convicted is death, and you will be remanded into the custody of the Sheriff of the County of Middlesex, and the Court will prepare a warrant and deliver it to said Sheriff directing him to take and deliver you to the warden of the State Prison; there you are to be kept until execution of the sentence, and the sentence will be executed upon you in the week beginning May second, 1921.

20 STATE OF NEW JERSEY, }
COUNTY OF MIDDLESEX, } ss.

I, Bernard M. Gannon, Clerk of the County of Middlesex, do hereby certify that the foregoing is true, full and correct copy of a certain proceedings re George Washington Knight as the same is on record in my office in Book Minutes of Oyer & Terminer, on pages 289-293-294-295.

In Testimony Whereof, I have hereunto
[L. s.] set my hand and affixed my seal of said
30 county this 6th day of May, A. D. 1921.

BERNARD M. GANNON,
Clerk.

MIDDLESEX OYER AND TERMINER.

December Term, 1920.

STATE OF NEW JERSEY	}	On Indictment for
<i>vs.</i>		Murder.
GEORGE WASHINGTON KNIGHT.		54—3297—9020.

Transcript of stenographer's notes of evidence in the above-entitled cause, taken before Hon. James J. Bergen, Justice of the Supreme Court, and a jury, at the Middlesex County Court House in the city of New Brunswick, New Jersey, on the twenty-third day of March, A. D. 1921, at 11:15 A. M. 10

Appearances—Joseph E. Stricker, Esq., Prosecutor of the Pleas, John E. Toolan, Esq., Assistant Prosecutor of the Pleas, attorneys for the State; I. Benjamin Glueckfield, Esq., attorney for the defendant.

Mr. Stricker—I desire to move Indictment 9020, State *vs.* George Washington Knight.

The Court—Let the Sheriff return a panel. 20

John Weller called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

Mr. Stricker—Challenge on the ground that the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict according to the evidence.

The Court—Let him be sworn.

(Juror sworn on his *voir dire*.) 30

By Mr. Stricker.

Q. Where do you reside, sir.

A. New Brunswick.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

By Mr. Glueckfield.

Q. Have you ever resided in the South?

A. No, sir.

Q. What is your business?

A. Butcher.

Q. Would the fact that the defendant is of the black race, while the decedent in this case was a white woman, influence you?

A. No, sir.

10 The Court—Do you challenge him?

Mr. Glueckfield—Yes, I do. I challenge this juror upon the ground that he has formed or expressed an opinion, or prejudice in this case, which would preclude him from arriving at a fair and impartial decision upon the evidence.

The Court—Proceed.

Q. Have you read the newspaper accounts of the crime?

A. Yes, sir.

20 Q. Have you, by reason thereof, or for any other reason, formed or expressed any opinion or prejudice?

A. No, sir.

Q. You have?

A. No, sir.

Q. Would public opinion in the matter, in so far as you may have heard or sensed it, guide or influence your decision?

A. No, sir.

30 Q. Would any fear of adverse public sentiment or opinion cause you to decide otherwise than as the evidence strictly warranted?

The Court—That is not on the line of your challenge. Your challenge is that he has expressed an opinion contrary and antagonistic to this defendant.

Mr. Glueckfield—I said opinion or prejudice.

The Court—Well, but you are not asking about that.

Mr. Glueckfield—I should like to challenge him on the further ground that he would be controlled by public sentiment in the matter.

The Court—Ask him that question, whether he would.

Q. Are you, or would you be controlled by public sentiment in this case to a decision which would not be warranted strictly by the evidence?

A. No, sir.

Mr. Glueckfield—Satisfactory.

10

(Juror sworn.)

William Daly called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion or prejudice in this case which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he is, or would be, guided by public opinion in this case, regardless of the evidence presented in court.

20

The Court—Let him be sworn.

(Juror sworn on his *voir dire*.)

By Mr. Glueckfield.

Q. Where do you reside, sir?

A. New Brunswick.

Q. How long have you lived in New Brunswick?

A. All my life.

30

Q. You have never lived in the South?

A. No, sir.

Q. Have you read the newspaper accounts?

A. Partly.

Q. Has your reading of those accounts influenced you in any way, or, do you think it would control your decision in this case, regardless of the evidence?

A. No, sir.

Q. Are you sure of that?

A. Positive.

Q. Did you know the decedent in this case, Edith Wilson?

A. No.

Q. Would public opinion, in so far as you may have heard or sensed it, influence or control your decision in this case?

A. No.

10 Q. Would any fear of adverse public opinion or criticism—

A. No, sir.

Q. (Continued)—influence you in deciding this case?

A. No, sir.

Q. Would the fact that the defendant is a black man, while the decedent was a white woman, influence you?

A. No.

Mr. Glueckfield—I will withdraw the challenge.

20

Mr. Stricker—Challenge on the ground that the juror has conscientious scruples against capital punishment, which would preclude him from rendering a verdict according to the evidence.

The Court—Proceed.

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. I have not, sir.

30

The Court—Let him be sworn.

(Juror sworn.)

William Ackerman called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

Mr. Stricker—Challenge on the ground that the juror has conscientious scruples against

capital punishment which would preclude him from rendering a verdict according to the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

Mr. Gluckfield—The defense challenges upon 10
the ground that the juror has formed, or expressed an opinion or prejudice in this case which would preclude him from arriving at a fair and impartial decision upon the evidence in the case. And also that he has been influenced by public sentiment so as to preclude him from deciding the case according to the evidence.

By Mr. Gluckfield.

Q. You reside in New Brunswick?

A. Yes, sir. 20

Q. How long have you resided here?

A. All my life.

Q. You have never lived in the south?

A. No, sir.

Q. Have you any prejudice against black men?

A. No, sir.

Q. Would the fact that the defendant here was a black man while the decedent was a white woman, influence you?

A. No, sir. 30

Q. Have you read the newspaper accounts of this crime?

A. I have.

Q. Was the reading of those accounts left an impression upon your mind which would preclude your deciding this case strictly in accordance with the evidence?

A. No, sir.

Q. Would any fear of adverse public sentiment, or criticism, influence or control your decision in this case?

A. No, sir.

Mr. Glueckfield—I will withdraw the challenge.

The Court—Let him be sworn.

(Juror sworn.)

Benjamin F. Fries called.

10

The Court—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion or prejudice in the case which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he has been influenced by adverse public sentiment and opinion so as to preclude him from deciding in strict accordance with the evidence.

20

(Juror sworn on his *voir dire*.)

By Mr. Glueckfield.

Q. Where do you reside, sir?

A. New Brunswick.

Q. What is your business?

A. Foreman for the Consolidated Cigar Corporation.

Q. How long have you resided in New Brunswick?

30 A. About twenty years or more.

Q. Have you ever lived in the south?

A. No, sir.

Q. Have you any prejudice against the negro race?

A. No, sir.

Q. Would the fact that the defendant here was a negro, while the decedent was a white woman, influence or control your decision?

A. No, sir.

Q. Did you know the decedent, Edith Wilson?

A. I did not.

Q. Have you read the newspaper accounts of the crime?

A. I did.

Q. Have you in any wise been influenced by the reading of those accounts?

A. No, sir.

Q. Do you think that the reading of them will in any way influence or control your decision in this case, 10 regardless of the evidence?

A. No, sir.

Q. Would public opinion, insofar as you may have heard of it, or sensed it, guide or influence your decision?

A. It would not.

Q. Would any fear of adverse public criticism, or sentiment, move you to decide this case otherwise than in strict accordance with the evidence?

A. No, sir.

20

Mr. Glueckfield—Challenge is withdrawn.

Mr. Stricker—Challenge on the ground that the juror has conscientious scruples against capital punishment, which would preclude him from rendering a verdict according to the evidence.

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

30

Mr. Stricker—Satisfactory.

The Court—Let him be sworn.

(Juror sworn.)

Louis R. Walker called.

The Court—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict according to the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

10

Mr. Stricker—Satisfactory.

Mr. Glueckfield—The defense challenges upon the ground that this juror has formed or expressed an opinion or prejudice in the case which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he has been influenced by public sentiment, or feeling, so as to preclude him from deciding strictly in accordance with the evidence.

20

By Mr. Glueckfield.

Q. You reside in New Brunswick?

A. Yes, sir.

Q. How long have you lived here?

A. Neighborhood of twenty-one years.

Q. Have you ever lived in the south?

A. No, sir.

Q. Have you any prejudice against the negro race?

A. No, sir.

30

Q. Would the fact that the defendant is a negro, while the decedent, Edith Wilson, was a white woman, influence you?

A. No.

Q. Have you read the newspaper accounts of the crime for which this defendant is charged?

A. Somewhat.

Q. Have you, as the result of your reading, been influenced or prejudiced in the case?

A. No, sir.

Q. Would public opinion, or sentiment, insofar as you may have heard or sensed it, guide or influence your decision?

A. No, sir.

Q. Would any fear of adverse public criticism, or sentiment, cause you to decide otherwise than as the evidence strictly warranted?

A. No.

Mr. Glueckfield—Challenge is withdrawn.

(Juror sworn.)

10

Leslie Cramer called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—The defense challenges upon the ground that this juror has formed or expressed an opinion or prejudice in the case which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he has been influenced by public opinion in the matter, so as to preclude him from deciding in strict accordance with the evidence.

20

(Juror sworn on his *voir dire*.)

By Mr. Glueckfield.

Q. Where do you reside?

A. New Brunswick.

Q. How long have you lived in New Brunswick?

A. Seventeen years.

Q. Have you ever lived in the south?

30

A. Never.

Q. Have you any personal prejudice against the negro race?

A. I have not.

Q. Would the fact that the defendant is of the negro race, while the decedent was a white woman, influence your decision?

A. None whatever.

3 G. W.

Q. Did you know the decedent, Edith Wilson?

A. I did not.

Q. Have you read the newspaper accounts of the crime with which this defendant is charged?

A. I have.

Q. Would your reading of those accounts influence or control your decision in this case?

A. It would not.

10 Q. Would public opinion, insofar as you may have heard or sensed it, influence, guide or control your decision?

A. No, sir.

Q. Would any fear of any adverse public sentiment or criticism move you to decide otherwise than in strict accordance with the evidence?

A. It would not.

Mr. Glueckfield—Challenge is withdrawn.

20 Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment, which would preclude him from rendering a verdict in accordance with the evidence.

By Mr. Stricker.

Q. What is your business?

A. I have a position with the Public Service Electric Company.

Q. Married?

A. No, sir.

Q. How long have you lived here?

30 A. Seventeen years.

Q. How old are you?

A. Twenty-six.

Q. Have you any conscientious scruples against capital punishment?

A. Inasmuch as I don't think it is sufficient punishment for a man that destroys a human life.

Q. Have you anything against the death penalty?

A. No, sir.

Q. In a case where a verdict of murder in the first degree is rendered, that being the law of the State?

A. No, sir; I have not.

Mr. Stricker—Satisfactory.

The Court—Let him be sworn.

(Juror sworn.)

Peter K. Peterson called.

The Clerk—Juror, look upon the prisoner.
Prisoner, look upon the juror. Does the State **10**
challenge?

Mr. Stricker—Challenge on the ground that the juror has conscientious scruples against capital punishment, which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment? **20**

A. No.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—Challenge peremptorily.

W. C. Roe called.

The Clerk—Juror, look upon the prisoner.
Prisoner, look upon the juror. Does the defense
challenge?

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or **30**
expressed an opinion or prejudice in this case which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he has been influenced by public sentiment or opinion so as to preclude him from so deciding.

(Juror sworn on his *voir dire*.)

By Mr. Glueckfield.

Q. Where do you reside?

A. Jamesburg.

Q. How long have you lived there?

A. About fifteen years.

Q. Where did you live before that?

A. Freehold, Monmouth County.

Q. Have you ever lived in the south?

A. No, sir.

10 Q. Ever been in the south?

A. No, sir.

Q. Have you any prejudice against the negro race?

A. No, sir.

Q. Would the fact that the defendant here is a negro, while the decedent, Edith Wilson, was a white woman, influence, guide or control your decision?

A. No, sir.

Q. Do you feel that you could decide as fairly and impartially with this negro as though he were a white

20 man?

A. I do.

Q. Have you read the newspaper accounts of this case?

A. Yes.

Q. To what extent, if any, have those accounts which you have read influenced you?

A. None at all.

Q. Do you feel equally able to decide this case upon the merits, upon the evidence, in like manner as if you had not read the newspaper accounts?

80

A. Yes.

Q. Would public opinion, in so far as you may have heard or sensed it, guide, control, or influence your decision?

A. No.

Q. Would any fear of adverse public criticism or sentiment or condemnation of your neighbors move

you to decide otherwise than as the evidence strictly warranted?

A. No, sir.

Mr. Glueckfield—Challenge is withdrawn.

Mr. Stricker—Challenge on the ground that the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

10

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

(Juror sworn.)

Richard Bechtel called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge? 20

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment, which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. Not any.

30

Mr. Stricker—Satisfactory.

Mr. Glueckfield—Challenge peremptorily.

Leo Garris called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—Challenge peremptorily.

Charles Schlosser called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment, which would preclude him from rendering a verdict in accordance with the evidence.

10

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—Challenge peremptorily.

Joseph B. Naylor called.

20

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—Challenge peremptorily.

John Gourley called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

30

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment, which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—Challenge peremptorily.

James F. Healey called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion or prejudice in this case, which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he has been influenced by public sentiment or opinion so as to preclude him from deciding in like manner. 10

(Juror sworn on his *voir dire*.)

By Mr. Glueckfield.

Q. Where do you reside?

A. New Brunswick.

Q. How long have you lived at New Brunswick?

A. All my life.

Q. Never lived in the South?

A. Never lived there. 20

Q. Ever been there?

A. I have been south.

Q. For any great length of time?

A. No.

Q. What is the longest stay you ever made in the south?

A. In any one particular town?

Q. Yes. Well, through the entire south; the entire country below the Mason and Dixon line?

A. Couldn't say that offhand. One day in a town, probably. Once in a while two days. 30

Q. Over how long a period would you make those jumps?

A. Why, a month or two.

Mr. Glueckfield—Challenge this juror.

William Martin called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

10 By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—Challenge peremptorily.

William Marsh called.

20 The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—Challenge peremptorily.

Arthur Voorhees called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

30 Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or

expressed an opinion or prejudice in this case which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he has been influenced by public sentiment or opinion so as to preclude him from deciding strictly in accordance with the evidence.

By Mr. Glueckfield.

Q. Where do you reside?

A. Highland Park.

10

Q. How long have you lived there?

A. About ten years.

Q. Where did you live before that?

A. New Brunswick.

Q. Have you ever lived in the south?

A. Never.

Q. Ever been there?

A. Never.

Q. Have you any prejudice against the negro race?

A. No.

20

Q. Have you read the newspaper accounts of the crime with which this defendant is charged?

A. I have.

Q. Has the reading of those accounts influenced or guided your opinion in this case?

A. None whatever.

Q. Would your having read those accounts in any way control, guide or influence you in the decision of this case, regardless of the evidence?

A. It would not.

30

Q. Would the fact that the defendant is a black man while the decedent was a white woman guide, control or influence you in deciding the case?

A. No, sir.

Q. Would any public opinion, insofar as you may have learned of it, guide or control you in this case?

A. No, sir.

Q. Would any fear of adverse criticism or condemnation on the part of the public or your neighbors in

any way guide, control or influence your decision in this case?

A. No, sir.

Mr. Glueckfield—Challenge is withdrawn.
(Juror sworn.)

Henry Pierce called.

10 The Clerk—Juror, look upon the prisoner.
Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—Challenge peremptorily.

J. L. Bundesen called.

The Clerk—Juror, look upon the prisoner.
Prisoner, look upon the juror. Does the State challenge?

20 Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

Mr. Stricker—Challenge.

William B. Kurtz called.

The Clerk—Juror, look upon the prisoner.
Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—Challenge peremptorily.

30 *Edgar W. Ballou* called.

The Clerk—Juror, look upon the prisoner.
Prisoner, look upon the juror. Does the State challenge?

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion or prejudice in this case which would preclude him from arriving at a fair and impartial decision upon the evidence. 10
And also that he has been controlled or would be controlled by public sentiment or opinion in the case.

By Mr. Glueckfield.

Q. How long have you lived in New Brunswick?

A. All my life.

Q. Ever been in the south?

A. No, I have not.

Q. What is your business?

20

A. I am a musical director.

Q. Would the fact that the decedent in this case had a like occupation influence you in this matter?

A. No.

Q. Would the fact that the defendant here is a black man, while the decedent was a white woman, influence you?

A. No.

Q. Did you know the decedent?

A. No, I didn't.

Q. Have you any prejudice against the negro race?

30

A. No, sir.

Q. Have you read the newspaper accounts of the crime with which this defendant is charged?

A. I have.

Q. To what extent, if any, has your reading of those accounts formulated an opinion or prejudice in your mind in regard to this case?

A. None.

Q. Would public opinion, insofar as you may have learned of it, influence, guide or control you in deciding this case?

A. No.

Q. Would any fear of adverse public criticism or condemnation guide, control or influence you in deciding this case?

A. No.

Q. You feel fully competent to decide this case in
10 strict accordance with the evidence?

A. I do.

Mr. Glueckfield—Challenge is withdrawn.
(Juror sworn.)

Matthew Hogerty called.

The Clerk—Juror, look upon the prisoner.
Prisoner, look upon the juror. Does the defense
challenge?

Mr. Glueckfield—Challenge peremptorily.

20

Samuel Kahn called.

The Clerk—Juror, look upon the prisoner.
Prisoner, look upon the juror. Does the State
challenge?

Mr. Stricker—Challenge on the ground the
juror has conscientious scruples against capital
punishment which would preclude him from ren-
dering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

30 By Mr. Stricker.

Q. Have you any conscientious scruples against capi-
tal punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—The defense challenges upon
the ground that this juror has formed or ex-
pressed an opinion in this case which would pre-
clude him from arriving at a fair and impartial

decision upon the evidence. And also that he has been guided and controlled and would be so guided and controlled by adverse public sentiment or opinion.

By Mr. Glueckfield.

Q. How long have you lived in this community?

A. Seven years.

Q. Have you ever resided in the south?

A. No, sir.

10

Q. Have you any prejudice against the negro race?

A. No, sir.

Q. Would the fact that the defendant is a negro, while the decedent was a white woman, influence or control you here?

A. No, sir.

Q. Have you read the newspaper accounts of the crime with which this defendant is charged?

A. Some of them.

Q. To what extent, if any, has your mind been influenced by the reading of those accounts?

20

A. Has not influenced me, only from what the paper read.

Q. Well, now, has the amount of reading which you have done in the newspapers in relation to this case formulated any opinion in your mind, so far as you know, as to the guilt or innocence of this defendant?

A. No, it has not formulated any opinion about it.

Q. Well, are you sure?

A. Positive.

30

Q. Why did you speak hesitatingly when you answered the previous question?

A. Well, only from what I read in the newspapers, I said.

Q. Well, finish your answer. Only from what you read in the newspapers; then what?

A. Only from what I read in the newspapers that I would go according to the case in that regard.

Q. In what regard?

A. In regard to what the newspapers had in it.

Q. You would go according to what the newspapers had in the columns, is that it?

A. Only in that particular paper that had that in.

Q. Just what do you mean, Mr. Kahn?

A. Well, I would say that if I heard the evidence in this case I would go according to the evidence in this case, and only that way.

10 Q. Up to this point you are going by what you read in the newspapers; is that it?

A. No, not exactly. I only read part of the newspapers.

Mr. Glueckfield—Challenge this juror peremptorily.

John Greenwald called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense
20 challenge?

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion or prejudice which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he has been and would be guided and influenced by public opinion.

(Juror sworn on his *voir dire*.)

By Mr. Glueckfield.

30 Q. Where do you reside, sir?

A. New Brunswick.

Q. How long have you lived in New Brunswick?

A. All my life.

Q. Ever been in the south?

A. No, sir.

Q. Never been there?

A. No, sir.

Q. Have you any relatives in the south?

A. No, sir.

Q. Have you any prejudice against the negro race?

A. No, sir.

Q. Would the fact that this defendant is a negro, while the decedent was a white woman, guide, control or influence your decision here?

A. No, sir.

Q. Did you know Edith Wilson?

A. No, sir.

Q. Have you read the newspaper accounts of the crime with which the State charges this prisoner? 10

A. Yes, sir.

Q. To what extent, if any, has the reading of those accounts formulated any opinion or prejudice in your mind?

A. No, sir.

Q. It has none?

A. None at all.

Q. Your mind as absolutely free and open as to the guilt or innocence of the defendant at this time? 20

A. Yes, sir.

Q. Would public opinion, insofar as you have learned of it, guide, control, or influence your decision?

A. No, sir.

Q. Would any fear of adverse public opinion or neighborhood condemnation influence or guide or control you to decide otherwise than as the evidence strictly warranted?

A. No, sir.

Mr. Glueckfield—Satisfactory. Challenge is withdrawn. 30

Mr. Stricker—Challenge.

Jacob Reiners called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

10 A. No, sir.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—Challenge.

William Van Dorn called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

20 Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion or prejudice in the case, which would preclude him from arriving at a fair and impartial decision from the evidence. And also that he has been guided, controlled or influenced, or would be guided, controlled or influenced by public opinion.

(Juror sworn on his *voir dire*.)

By Mr. Glueckfield.

Q. Where do you reside?

A. New Brunswick.

30 Q. How long have you lived in New Brunswick?

A. About thirty-five years.

Q. Have you ever lived in the south?

A. Never lived there.

Q. Been there?

A. Nearly every state.

Q. How much time of your life have you spent in the south?

A. Well, on little vacations.

Q. What part of the south did you go to?

A. Nearly every state.

Q. Mississippi and Alabama?

A. Yes, sir.

Q. Georgia also?

A. Yes, sir.

Q. What is the longest amount of time you have ever stayed in any one of those states?

A. About three weeks.

Mr Glueckfield—Challenge this juror peremptorily. ¹⁰

H. M. Seiber called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

Mr. Stricker—Challenge on the ground that the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with ²⁰ the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. I have not.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—Challenge peremptorily.

Harold Morris called.

³⁰

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—Challenge peremptorily.

George Van Note called

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

5 G. W.

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

10 A. I have not.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion or prejudice in this case which would preclude him from arriving at a fair and impartial decision upon the evidence. And also that he has been guided, or would be guided and controlled by public sentiment.

20 By Mr. Glueckfield.

Q. How long have you lived in New Brunswick?

A. All my life.

Q. Ever been in the south?

A. Never.

Q. Never travelled or visited there?

A. Never.

Q. Any relatives living there?

A. No.

Q. What is your business?

30 A. Wood worker.

Q. Have you any prejudice against the negro race?

A. I have not.

Q. Would the fact that the defendant here is a negro, while the decedent, Edith Wilson, was a white woman, influence or control your decision?

A. Not the least bit.

Q. Did you know the decedent, Edith Wilson?

A. I did not.

Q. Have you read the newspaper accounts of the crime with which the State charges this defendant?

A. I have.

Q. To what extent, if any, has that reading guided or influenced your opinion, if you have any, regarding the guilt or innocence of this defendant?

A. None whatever.

Q. Do you feel as free to decide this case strictly in accordance with the evidence, as though you had not read anything? 10

A. Certainly do.

Q. Would any public opinion, or public sentiment, guide or control or influence your decision here?

A. It would not.

Q. Would any fear of neighborhood condemnation, or public sentiment, or adverse criticism, guide or control or influence your decision in this case?

A. Not the least bit.

Mr. Glueckfield—He is satisfactory. Withdraw the challenge. 20

(Juror sworn.)

William Buckalew called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—Challenge.

William J. Nagle called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge? 30

Mr. Stricker—Challenge on the ground the juror has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No.

Mr. Stricker—Satisfactory.

Mr. Glueckfield—Challenge peremptorily.

Fred Seguire called.

10

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

Mr. Glueckfield—Challenge peremptorily.

Edward Palmer called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the State challenge?

20

Mr. Stricker—I challenge this juror on the ground that he has conscientious scruples against capital punishment which would preclude him from rendering a verdict in accordance with the evidence.

(Juror sworn on his *voir dire*.)

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

30

Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion which would preclude him from arriving at a fair and impartial decision upon the evidence; and also that he would be guided by public opinion or sentiment in the case.

By Mr. Glueckfield.

Q. You live in New Brunswick, sir?

A. Yes, sir.

Q. How long have you lived here?

A. Thirty-eight years.

Q. Have you ever lived in the south?

A. No, sir.

Q. Ever been there?

A. No, sir.

Q. Never toured or travelled through it?

A. No, sir.

Q. Have you any relatives living there?

A. No, sir.

Q. Have you any prejudice against the negro race? 10

A. No, sir.

Q. Would the fact that the defendant is a negro while the decedent was a white woman influence your decision in this case?

A. No, sir.

Q. Did you know Edith Wilson?

A. No, sir.

Q. Have you read the newspaper accounts of this crime?

A. I have. 20

Q. To what extent, if any, has the reading of those accounts formulated any opinion or prejudice in your mind regarding the guilt or innocence of this defendant?

A. None.

Q. Do you feel competent to decide this case as though you had never read anything in relation to it?

A. I do.

Q. Would public opinion in any wise control your decision in the case? 30

A. No, sir.

Q. Would any fear of public opinion or neighborhood condemnation move you to decide otherwise than as the evidence strictly warranted?

A. No, sir.

Mr. Glueckfield—Satisfactory.

(Juror sworn.)

Andrew Hellgesen called.

The Clerk—Juror, look upon the prisoner. Prisoner, look upon the juror. Does the defense challenge?

10 Mr. Glueckfield—The defense challenges this juror upon the ground that he has formed or expressed an opinion or prejudice in this case which would preclude him from deciding it strictly in accordance with the evidence. And also that he would be guided or controlled by public opinion or sentiment.

(Juror sworn on his *voir dire*.)

By Mr. Glueckfield.

Q. Where do you live, sir?

A. Sewaren.

Q. Did you know Edith Wilson?

A. No, sir.

Q. Did you attend the church in which she played as an organist?

20 A. No, sir.

Q. How long have you lived in Middlesex county?

A. I lived twenty years in Sewaren.

Q. Have you ever lived in the south?

A. No, sir.

Q. Have you any relatives down there?

A. No, sir.

Q. Have you any prejudice against the negro race?

A. No, sir.

30 Q. Would the fact that the defendant is a negro while the decedent was a white woman control you in any way?

A. No, sir.

Q. Have you read the newspaper accounts of this case?

A. Well, I read them.

Q. Have you, as the result of reading those accounts, conceived any notion or prejudice or opinion regarding the guilt or innocence of this man?

A. No, sir.

Q. Do you feel as fully able to listen to and to decide this case as though you had never read anything in relation to it?

A. Yes, sir.

Q. Would the fact that your decision, if it were favorable to the defendant and unfavorable to the public, influence your decision before you rendered it?

A. No, sir.

Q. Would any fear of public sentiment, or neighborhood condemnation guide, control or influence you in deciding this case? **10**

A. No, sir.

Mr. Glueckfield—Satisfactory.

Mr. Stricker—Challenge on the ground that the juror has conscientious scruples against capital punishment, which would preclude him from rendering a verdict in accordance with the evidence.

20

By Mr. Stricker.

Q. Have you any conscientious scruples against capital punishment?

A. No, sir.

Mr. Stricker—Satisfactory.

(Jury sworn.)

(Jury complete.)

Mr. Toolan opens the case for the State.

30

Louis P. Booz, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Toolan.

Q. Where do you live, Mr. Booz?

A. Perth Amboy.

Q. What is your profession?

A. Civil engineer and surveyor.

Q. Did you make a sketch of the streets in Perth Amboy, showing a number of streets, or, at the request of the Prosecutor's office, depicting the relation of those streets one to another?

A. I did.

The Court—Is there any dispute about the correctness of the map?

Mr. Glueckfield—None whatever.

The Court—Do you admit the map?

10

Mr. Glueckfield—I might just ask him one question; if he made that map.

Cross-examination, by Mr. Glueckfield.

Q. Did you make that map, Mr. Booz?

A. I did, sir.

Q. Does that map represent actual conditions?

A. Actual conditions; yes, sir.

Q. As they are marked on that map?

A. As they are represented there; yes, sir.

20

Mr. Toolan—I offer the map in evidence.

The Court—It will be admitted.

(Map entered in evidence and marked *Exhibit P 1.*)

Mr. Toolan—I want to offer three photographs, showing the physical conditions at the scene of the crime, which have been consented to by counsel for the defendant as representing the conditions.

The Court—At what time?

30

Mr. Toolan—On the night of the murder and up to the present date.

The Court—Have them marked as exhibits.

(Photograph entered in evidence and marked *Exhibit P 2.*)

(Photograph entered in evidence and marked *Exhibit P 3.*)

(Photograph entered in evidence and marked *Exhibit P 4.*)

Sue G. Franke, a witness produced on behalf of the State, being duly sworn according to law on her oath, saith:

Direct examination, by Mr. Toolan.

Q. Where do you live, Miss Franke?

A. Perth Amboy, 69 Jefferson street.

Q. Did you know Mrs. Edith Wilson in her lifetime?

A. Ever since she has been in Perth Amboy.

Q. How long is that?

A. I imagine about ten years. 10

Q. When did you last see Mrs. Edith Wilson alive?

A. At 9:20 P. M., March 12th.

Q. Where were you at 9:20 P. M., the night of March 12th, that you saw Mrs. Edith Wilson?

A. On the corner of High and Jefferson, known as Parisen's corner.

Q. Will you indicate to the jury on that drawing, or sketch on the wall, where you were on that evening, and where High and Jefferson street is? Will you point to it? 20

A. Right here (indicating.)

Q. On which corner?

A. This corner, right where I am pointing.

Mr. Toolan—I will mark that "A".

Q. Where had you come from, Miss Franke?

A. The last building we were in was the City Bakery, on Smith street.

Q. Where had you been prior to that?

A. Prior to that we had been to the Strand Theatre. 30

Q. Where is the Strand Theatre? Will you indicate that?

A. It is here (indicating).

Q. What street is that on?

A. On Smith street.

Mr. Toolan—I will mark the Strand Theatre "B".

Q. And what course did you take after leaving the Strand Theatre to get to the corner of High and Jefferson street, where you last saw Mrs. Wilson?

A. Coming out of the Strand Theatre we stopped in the City Bakery, coming down Smith street. There in the City Bakery, and then right around the Packer House, corner of High, down High street to the corner of High and Jefferson.

10 Q. Was there any one with Mrs. Wilson when you left her?

A. There was no one with her that evening at all except myself.

Q. If you can show us, where did Mrs. Wilson live?

A. Upstairs in that residence (indicating), second floor.

Mr. Toolan—I will mark that "C".

Q. On what street is that?

A. Center street.

Q. Do you remember the number Center street?

20 A. 78.

Q. Who did Mrs. Wilson live with at number 78 Center street?

A. Alone with her mother.

Q. Who lived downstairs in the same building from the Wilsons?

A. Mr. John Kelly and his family.

Q. How was Mrs. Wilson dressed, if you remember, on the night of March 12th, when you last saw her?

30 A. When I last saw her, she was carrying an umbrella. She had a light coat, I would call it a tan coat, such as women wear in the spring, a fur, and a red hat, a dark shade of red, a round hat. And silk stockings and low shoes.

Q. When did you next see Mrs. Wilson?

A. I next saw her when her body was brought home. The evening before the funeral service.

Q. When was that?

A. The funeral service I think was on Tuesday, then the body was brought in on Monday evening.

Q. Where did you see the body?

A. In her apartment, after Mr. Burke had arranged it.

Q. Who is Mr. Burke?

A. Mr. Burke is the undertaker who had charge.

Q. I show you, Miss Franke, a watch, and ask if you ever saw that watch before?

A. There should be a bracelet to it.

10

Q. Did you ever see that watch before?

A. Yes.

Q. Who owned that watch?

A. Mrs. Wilson.

Q. When did you last see that watch on Mrs. Wilson?

A. The last I remember seeing it on her was Friday evening.

Q. What date?

A. On March 11th.

20

Q. Do you know that watch to have been the property of Mrs. Wilson?

Mr. Glueckfield—I object to the question. You are not trying to prove title to this property by this witness.

The Court—Why?

Mr. Glueckfield—She may have borrowed it that very day, and may not have had it the next day.

Mr. Toolan—I will withdraw the question. 30

Q. You have seen that watch on Mrs. Wilson, have you?

A. She usually wore this watch. I even have snapshots of her with this watch on.

Mr. Toolan—I offer the watch for identification.

The Court—Any objection?

Mr. Glueckfield—No objection.

The Court—Let the watch be admitted.

(Watch marked *P 10* for identification.)

Q. Did you see the ring which I show you now, before?

A. Since her marriage I have never seen Mrs. Wilson without her wedding ring, and she always wore the engagement ring with it.

Q. Have you ever seen a ring like that on Mrs. Wilson, the one which you now have in your hand?

10 A. Yes.

Q. Did you ever see a ring of that description on her?

A. She wore two together like that.

Q. Two rings that looked like those rings?

A. They look like those rings. I have never seen her with them off since her marriage.

Mr. Toolan—I want to have those rings marked for identification.

20 The Court—Any objection? Do you want to ask any questions about them?

Mr. Glueckfield—They are being marked for identification. They are not offered in evidence.

The Court—Have them marked for identification.

Mr. Toolan—Cross-examine.

Cross-examination, by Mr. Glueckfield.

Q. What time did you leave Mrs. Wilson on Saturday night of which you speak?

30 A. Nine-twenty.

Q. Did she tell you where she was going?

A. She was going directly home, she was in a hurry to get home, because it was storming, and she had a cold, and her shoes were low, and she didn't want to get her ankles wet, and she was in a hurry to get home.

Q. How long before you left her had you come out of the moving picture theatre?

A. Just long enough to go into the City Bakery, which was on our way home, and buy a loaf of bread.

Q. In other words a matter of just a few minutes?

A. Just a matter of few minutes.

Q. What sort of picture had you both seen there that evening?

A. We had seen a comedy, Laurie Siemons, I thing his name is pronounced, in "School Days", and a picture entitled "Old Dad". or something of that sort. The star in it was Charlie Chaplin's wife, Mildred Harris Chaplin, and then there was a weekly picture, Pathe, or some weekly picture. 10

Q. Which, if any, of those pictures, seemed to make any extraordinary emotional appeal?

Mr. Toolan—I object to the question.

The Court—I will allow it. I do not see the advantage of it. You may answer that.

A. None whatever. We didn't even discuss pictures afterward. 20

Q. Did any of the pictures which you both saw that evening consist of a story, or plot, which would excite one?

A. No, they did not. They were light.

Q. All of them?

A. Yes.

Q. Did anything occur that evening which would make either of you somewhat nervous, or frightened, or excited?

A. Nothing whatever. 30

Q. Did Mrs. Wilson tell you of anything which would indicate she was nervous, or worried about anything?

A. Not at all.

Q. She was not living with her husband, was she?

A. She was not.

Q. How long had she been separated from him at the time of which you speak.

A. I do not know. She never spoke to me of her separation. Her mother was her only confidant in that respect.

Q. Was there anything in any of the pictures which you saw that night which depicted estrangements between husband and wife?

10 Mr. Toolan—I object to the question.
The Court—What is the purpose of it?

Mr. Glueckfield—The purpose of it is this: In view of the fact it will become material here to show just what this decedent did die of, I want to ascertain from this witness—

The Court—He has not undertaken to prove what she died of.

Mr. Glueckfield—What I am trying to ascertain is this: Whether or not anything transpired which would put her in a highly nervous state that night.
20

The Court—Ask her that question.

Q. Did anything at all transpire, or was anything said by either of you, or by anyone else, which did, or might have put Mrs. Wilson in a nervous state?

A. No. I never left her in better spirits.

Q. She was not worried at all, either?

A. Not in the least.

Q. How far from the place where you left her was her home?

30 A. I am not good at judging distances. I can show you on the map.

Q. Well, in terms of blocks, how far?

A. I left her on the corner of High and Jefferson. If you go one block you come to Fayette. If you go the second block you come to Center, and then they say it is about one hundred and fifty feet from High street, on Center, where she lived.

Q. Why didn't you go right to her home with her?

A. I was not in the habit of going to her home with her. We were frequently out later than that.

Q. Didn't your residence lie in that direction somewhere where she lived?

A. Came to my residence first, and she left me.

Mr. Glueckfield—That is all.

Redirect examination, by Mr. Toolan.

Q. Do you know how old a woman Mrs. Wilson was?

Mr. Glueckfield—I object to that. I do not suppose she can give anything better than hearsay testimony. 10

The Court—She may answer how old she looked to be. How can you tell anybody's age? A man himself is not sure of it.

Mr. Glueckfield—I suppose the best evidence would be a paper, or a birth certificate.

Q. How old did Mrs. Wilson appear to be?

The Court—As far as you know.

A. As far as I know she appeared to be in her early thirties. 20

Q. What was her business?

A. She was organist and music teacher.

Q. Where?

A. Organist in the Simpson Methodist church since the first Sunday in January. Previous to that in the Baptist church of Perth Amboy.

Q. What were Mrs. Wilson's physical proportions? Was she a big woman, or a small woman?

A. Much smaller than I. 30

Q. About how tall was she?

A. I am sorry I am not good at giving heights, but she seemed so short alongside of me. I could not say. Over five feet, of course.

Mr. Toolan—That is all.

(Diamond ring marked *P 6* for identification.)

(Wedding ring marked *P 7* for identification.)

John Kelly, a witness produced on behalf of the State, being duly sworn according to law on his oath saith:

Direction examination, by Mr. Toolan.

Q. Mr. Kelly, where do you live?

A. 78 Center street, Perth Amboy.

Q. Anyone else live in that building with you?

A. Mrs. Marshall.

Q. Who is Mrs. Marshall?

A. Mrs. Marshall is the mother of Mrs. Edith Wil-

10 son.

Q. What is your business, Mr. Kelly?

A. Plumbing and factory supplies.

Q. How long have you been in that business?

A. All my life.

Q. Have you ever held any public office?

A. I held office of alderman in my ward.

Q. What ward is that?

A. Second ward.

Q. Where?

20 A. Perth Amboy.

Q. On the night of March 12th, 1921, were you at your store that evening?

A. I was.

Q. Until what time?

A. Until about five or ten minutes after ten.

Q. And what did you do then?

A. Why, being it was raining, I took the boys who worked in the store, who live a distance from the store, home in my car.

30 Q. And after that what did you do?

A. I then stopped at the Knights of Columbus.

Q. How long did you stay at the Knights of Columbus?

A. Why, I should judge about three-quarters of an hour, or an hour.

Q. And then what happened?

A. I was called by my wife, whom I had previously called, telling her I would be at the Knights of Columbus, and would not be home as early as I expected.

Q. What did you do as the result of that telephone call?

A. The result of the telephone call, I went in search of Mrs. Edith Wilson, her absence from home was worrying her mother.

Q. What did you do?

A. I first looked in the line from Jefferson street, where she was last seen.

Q. Will you indicate on the map what you did and where you went? First, Mr. Kelly, will you show us where you live? 10

A. I live in the bottom apartment of this section here, 78 Center street.

Q. Do you recognize that picture, Mr. Kelly, *Exhibit P 2*?

A. I do.

Q. What does it show?

A. It shows the family apartment, my mother's estate and the Natal estate.

Q. Does that represent the physical condition of the property there as it was on the night of March 12th? 20

A. It does.

Mr. Glueckfield—It has not been shown that this witness saw the location there on the night of March 12th.

Q. Where do you live?

A. 78 Center street.

Q. How close is it to this picture?

A. It is next door to—there is an adjoining lot between this house and my house.

Q. Did you ever live in the house shown on this picture? 30

A. I did for fifteen or twenty years.

Q. And do you know the surroundings there, and familiar with them?

A. Very well.

Q. Does that represent the physical conditions as they existed on the night of March 12th?

A. It does.

Q. I show you a picture marked P 3. Are you familiar with the surroundings depicted by that picture?

A. I am, thoroughly.

Q. Pointing to a vacant lot there, what lot is that?

A. That is a lot adjoining part of my mother's estate.

Q. How close is that to your house?

A. That is just fifty foot from my house.

Q. Are you familiar with those surroundings?

A. I am.

10 Q. Does that depict the physical condition of that property on the night of March 12th, 1921?

A. It does.

Q. It is a true representation of conditions?

A. Yes, it is.

Q. I show you another picture marked *Exhibit P 4* and ask you what that vacant lot shown there is?

A. That vacant lot shows the same lot here from a different angle.

Q. Judging from the picture, what angle is that picture taken from?

20 A. This angle is taken, I would say, from Center street.

Q. And the picture marked P 3; what angle is that taken from?

A. That was taken, designating it from streets, from the north of the lot, or, from Commerce street end.

Q. From the rear of the lot out?

A. From the rear of the lot out.

Q. Does the picture in your hand, marked P 4, represent the physical conditions of that property as they existed on the night of March 12th, 1921?

20 A. It does.

Q. Will you take the pointer, Mr. Kelly, and point out where you live?

A. I live in the lower apartment of this house designated here (indicating).

Q. And who lives in the upper story of that house?

A. It is rented, it is owned by me, and rented to Mrs. Marshall.

Q. Who is Mrs. Marshall; that is, with regard to the deceased woman?

A. Mrs. Marshall is the mother of Mrs. Edith Wilson, who lived together, but alone with her daughter there.

Q. And whose house is the next house shown on that?

A. That is my mother's estate, and now occupied by my brother. 10

Q. Where is the vacant lot shown on these pictures, and to which you refer in speaking about your mother's estate, with regard to the house that you have just pointed to?

A. It is on this side, this lot here, of this vacant space here.

Q. Now, Mr. Kelly, when you left the Knights of Columbus on the night of March 12th, 1921, where did you go? 20

A. I went up High street.

Q. Where is High street on that map? Point to the jury. Will you stand over here, Mr. Kelly, so that the jury can see?

A. I went up High street, Knights of Columbus place is down below two blocks here; it is not shown. I went up Smith street and up along here to Center street and home.

Q. And then what did you do next? Did you go to the vacant lot adjoining your— 20

Mr. Glueckfield—I object to the leading question.

The Court—That is leading. Ask him what he did.

Q. Where did you go next?

A. The next thing I did was, after inquiring from the Mrs. here, I came back and notified an officer, whom

I met on this beat. After notifying this officer, he said he would go—

Mr. Glueckfield—Never mind what he said.

Q. Did you return to the vacant lot, which you have called your mother's estate, again that evening?

Mr. Glueckfield—I object to the question as leading.

The Court—I will allow the question.

A. I did.

10 Q. What did you find?

A. Why, I found the prostrated form of Mrs. Edith Wilson.

Q. What time was that?

A. That was, I should judge, between ten and fifteen minutes after twelve, or thereabouts.

Q. Where was she in that lot; what was her position?

A. Her position; she laid face downward in the far corner of the lot, the nearest corner to High street, just behind a bush.

20 Q. Can you see that bush on any of those pictures?

A. Yes, sir.

Q. Will you pick up the picture that shows it most clearly and indicate it to the jury?

A. This bush here, shown with an "X".

Q. Will you take that and show to the jury the bush that she was found behind?

A. This one here (indicating).

Q. Was there anyone with you at the time, Mr. Kelly?

20 A. There was not.

Q. How soon after you discovered the body did the first person arrive on the scene?

A. I should say about five minutes.

Q. Who was that?

A. My brother.

Q. What is his name?

A. James Kelly.

Q. Who arrived after that?

A. Thomas Christopher.

Q. What was the physical condition of Mrs. Wilson at the time you found her? Describe just what you saw.

A. As I saw her, she laid with her hair disheveled and her clothing very much mussed up, face downward. Her ears seemed to be bleeding, and from the mouth. And I then turned her over and found that her clothing was up, her lower clothing was up above her knees.

Q. What do you mean by her lower clothing? Tell the jury just exactly the condition that her clothing was in? 10

A. Her skirt and underclothing was turned up above her knees, and the rest of the clothing all disheveled.

Q. What do you mean by the rest of the clothing?

A. Her outer garments.

Q. Well, did you examine her any more closely than that?

A. No, I did not at that time.

Q. Did you later? 20

A. I went back later, after notifying the other people, and found that her clothing was blood stained.

Q. What part of her clothing?

A. Well, her underclothing.

Q. Anything else wrong with them?

A. Not that I could see, any more than they were very much torn. I was seeing this without a light.

Q. What was torn, Mr. Kelly?

A. Her underclothing.

Q. What do you mean when you say her underclothing? 30

A. Well, I should say her petticoat and her drawers.

Q. What part of her drawers were torn?

A. Well, the lower part of them—or the upper part of them, rather.

Q. Can you indicate? Stand up and indicate about what part of her drawers were torn?

A. Why, from here up, I would say (indicating).

Q. Did you examine her any further than that? What else did you find, if you did?

A. Well, that I couldn't say that I found anything any different than that. I couldn't explain anything any different any more than her hat was about three or four feet from her, and a loaf of bread, which lay under her, was very much mussed up.

Q. Were there any other articles lying about?

A. There was an umbrella.

10 Q. Where was that?

A. The umbrella, when I first seen it, was screening the body from the street. Aside of the bush, it was open and intact, with the handle pointing inward to the lot.

Q. Now, Mr. Kelly, with reference to the bush which you have indicated on the picture, that Mrs. Wilson was behind, was she towards the street or away from the street, with reference to that bush?

A. Do you mean the position in which the body laid?

Q. Yes.

20 A. Why, her face was headed inward toward away from the street.

By the Court.

Q. He wants to know which side of the bush the body was on?

A. On the far side of the bush.

By Mr. Toolan.

Q. That is, the side away from the street?

30 A. The side away from the street.

Q. Was Mrs. Wilson living at the time you saw her?

A. She was dead.

Mr. Glueckfield—I ask that question and answer be stricken out. I do not think a lay witness is competent to testify whether a person who is prostrate is really dead. I submit it takes medical or expert testimony to certify that fact.

The Court—I think I will allow that question to stand. As it appeared to him.

Q. How long had you known Mrs. Wilson?

A. About eight years.

Q. What was her personal appearance? Was she an attractive woman or not?

A. Well, I would not say just an attractive woman. She was a very good-looking girl, but I would not say attractive.

Q. Will you describe her personal appearance and her disposition? 10

A. Well, her personal appearance, she was about eight foot five, and dark hair——

Q. Just a minute.

A. Or, five foot eight, I meant to say. Dark hair and rather rosy, reddish complexion.

Q. What was her disposition?

A. Her disposition was very jovial at all times. Of a happy disposition.

20

Cross-examination, by Mr. Glueckfield.

Q. You say after you left your place of business you went home first?

A. No, I did not.

Q. Where did you go from your place of business that night?

A. I took some of my employees home.

Q. Took them where?

A. Took them to their home, which is in the outlying districts of Perth Amboy. 20

Q. And then you went to the Knights of Columbus?

A. I did.

Q. How did your wife know where to get you, have you any idea?

A. When I first went to the Knights of Columbus I called her up, telling her I would not be home.

Q. Now, you say you found the body face down, is that right?

A. Yes, sir.

Q. Could you observe, from looking down on her then, that the clothes were above her knees in front?

A. No, sir.

Q. It was only after you had turned her over that you recognized that fact?

A. Yes, sir.

10 Q. Might you not have turned up her clothes as you were turning her over?

A. I don't think I could.

Q. Well, you are not sure that you didn't, are you?

A. I am positive for the fact that I turned her over from her waist.

Q. Was her skirt caught upon anything, a snag or stone?

A. Not to my knowledge.

Q. Now, was the outer skirt torn?

20 A. I couldn't say whether it was or not.

Q. How do you account for the fact that you observed the underclothing so closely and yet did not observe the outer clothing?

A. Because the outer clothing was covered by the underclothing.

Q. Then you must have seen the outer clothing first?

A. No; I said the outer clothing was covered by the underclothing.

Q. Well, didn't you see her later that evening to observe whether the outer clothing was torn or not?

A. No, I did not.

Q. Now, this blood that you observed on her underclothing, how could you tell at that time of night, in the dark, in a dark lot, that it was blood?

A. Well, I said blood; I presumed it was blood; it was reddish color and had all indications of it.

Q. Could you see a reddish color in a dark lot at twelve o'clock at night?

A. I had a searchlight.

Q. You had a searchlight with you?

A. Yes, sir.

Q. Do you carry that generally?

A. Yes, sir.

Q. In your car?

A. In the car. I went to my car and got it.

Q. What made you look upon this lot for Edith Wilson?

A. Why, I had been looking for her for an hour or so before I found her. And through the fact that there was dogs barking in the back, or thereabouts, attracted my attention. 10

Q. Was it raining then?

A. Very little. Just a drizzling rain.

Q. What sort of evening had it been from six or seven o'clock on, as to weather?

A. Well, it rained off and on right along. Around ten o'clock particularly it rained very hard.

Q. You spoke of seeing blood on her underclothing. Was there a great deal of blood there or just a little? 20

A. Well, I would not say there was a great deal. There was marks of it. I didn't look so awfully close, any more than just turned the body over, as I remarked.

Q. Did you see any part of her body itself exposed?

A. Only her legs.

Q. Only her legs? What part of her legs?

A. Her thighs.

Q. Above or below the thighs?

A. Both. 30

Q. And that was due to the fact that the clothing was torn?

A. Due to the fact that the clothing mostly was turned up.

Q. Did her drawers cover her thighs?

A. Not all of them.

Q. Did you see her sex organs at all?

A. No.

8 G. W.

Q. They were not exposed at all?

A. Not at my observation.

Q. Were her private parts covered at the time you saw?

A. Yes.

Q. Did you happen to observe whether or not she wore a cloth of the kind that women generally wear when they have their monthly periods?

A. I did not.

10 Q. You don't know whether she had such a cloth or not?

A. No, I did not.

Q. You spoke of seeing blood come from her mouth, I believe.

A. From her mouth and ears.

Q. Did you notice whether her face was lying upon a stone or not?

A. It was not.

Q. Did you see any bruise about her face?

20 A. None noticeable; no, sir.

Q. You didn't see any cuts in her flesh anywhere on her face, or neck, or head?

A. No, sir.

Q. No marks of any blunt instrument?

A. No, sir.

Q. Did she have on a skirt or a full length dress?

A. I would say a skirt.

Q. A skirt and waist?

A. Seemed a kind of a coat, I believe.

30 Q. Was she still wearing her hat at that time?

A. No, sir.

Q. Was there anything clutched in her hand?

A. None that I noticed.

Q. You said the loaf of bread was mussed up. Just what did you mean by that?

A. Well, she partly laid on the loaf of bread and it was mussed up through the—or from the weather. Heavy rain, I presume.

Q. Now, speaking of her lying face down when you first saw, was she lying squarely on her abdomen?

A. Yes, sir.

Q. Was any part of her clothes turned up, as you gazed on her?

A. Not from that standpoint; no, sir.

Q. In other words, you could not see her clothes were turned up until you had turned her over?

A. No, sir.

Q. Who helped to carry the body away from there? 10

A. I didn't carry it away.

Q. No; I say, who did carry it away, do you know?

A. I couldn't say. I turned the case over to the coroner and the police at that time.

Q. Weren't you present when the body was taken away?

A. No, sir. I was around there but I didn't see the body go away.

Q. How was it removed?

A. I couldn't tell you.

20

Q. Well, you say you were around there. Was it taken in an ambulance, or wagon, or automobile, or just carried away by hand?

A. I presume it was taken away—

Q. No. Did you see?

A. I didn't see, no.

Q. Where did you go after you had reported your finding?

A. I went to my home.

Q. How did you know it was Edith Wilson when you saw her there on that dark night? 30

A. I didn't know until I looked at her.

Q. When you turned her over could you recognize her face?

A. Yes, sir.

Q. How did you recognize it in the dark, or did you discover it by the use of your flashlight?

A. I recognized it without the use of the flashlight.

Q. How?

A. By getting close to it you could see the face.
Mr. Glueckfield—That is all.

Adjourned until 2:00 P. M.

AFTERNOON SESSION, 2:00 P. M.

Thomas A. Christopher, a witness produced on behalf of the State, being duly sworn according to law on his oath saith:

10

Direct examination, by Mr. Toolan.

Q. Mr. Christopher, did you see Mrs. Edith Wilson on the night of March 12th, 1921?

A. I did, sir.

Q. Where did you see her?

A. On the property directly opposite my home.

Q. On what property is that?

A. I don't know the number on Center street. A vacant lot.

Q. Adjoining what building?

20

A. Adjoining Mr. James Kelly's building.

Q. Where was she on that lot?

A. Right directly behind the bushes.

Q. Would you recognize the bush if you saw a picture of that lot, Mr. Christopher?

A. Yes, sir.

Q. Are you familiar with the ground that picture depicts?

A. Very familiar.

Q. What bush was it that Edith Wilson was behind?

30

A. Directly behind this and this one (indicating). Her head was here, and her feet had been toward this one.

Q. How far was that from the street, Mr. Christopher?

A. That would be a distance of about twelve feet from the walk. It is just one flag walk about twelve feet.

Q. What was her condition when you arrived upon the scene?

A. Why, it was very dark in there and I lit a match and looked at her. Mr. Kelly had come over to my home and notified me that a crime had been committed. I hustled over, lit a match and looked at her and said, that is Mrs. Wilson all right.

Q. How was she lying when you got over there?

A. Well, she was lying as I indicate here. These three bushes, her head was here, and her feet down to the last bush nearer to the Convery fence, the fence of the Convery property. 10

Q. What was her physical condition as you examined her, Mr. Christopher?

A. Why, I didn't examine her really. I lit a match. I looked at her and identified her. Her clothes were up around her knees, beyond her knees, and I saw some white lingerie with blood on it, quit some blood.

Q. What part of her clothing was that white lingerie you saw? 20

A. It might have been anything. I wouldn't say it was skirt or drawers or what I don't know. I didn't examine it closely.

Q. Was she dead or alive at the time you saw her?

A. Dead.

Cross-examination, by Mr. Glueckfield.

Q. How do you know she was dead?

A. Why, from all the indications.

Q. What indications? 30

A. Her eyes were closed, she lay there, her hair all disheveled. I just touched her.

Q. Did you listen to see whether her heart was beating?

A. I did not.

Q. Did you feel for her pulse.

A. No, sir.

Q. Did you make any of the usual, ordinary tests to see whether a person is living or dead?

A. No, sir; I did not.

Q. How do you know that which you saw on her lingerie was blood?

A. I don't know. Other than to all appearances it was blood. I consider it nothing else. Couldn't have been anything else.

1ⁿ Q. You don't know but what it might have been dirt rubbed in there?

A. Not that color.

Q. What color was it?

A. Red.

Q. What hour of night was it when you saw it?

A. Oh, about ten minutes after twelve.

Q. Was it raining.

A. No. At that time, well, just a little sprinkle at that moment.

20 Q. It had been raising very heavily during the evening?

A. Very heavily.

Q. What position was this woman lying in with reference to whether she was on her back, or on her abdomen?

A. When I saw her she was on her back.

Q. Who called your attention to it?

A. Mr. John Kelly, the man who was last on the stand.

30 Q. Did you see any blood anywhere else besides on her lingerie?

A. I did. On her face, her ears.

Q. You saw no bruises of any kind?

A. No, sir.

Q. No marks of any blows?

A. No, I didn't examine it that closely. I simply lit a match, it was dark, and I went right on down. I simply wanted to identify the woman, to make sure it was Mrs. Wilson.

Q. The moment you identified her you dropped your match and went away?

A. I did, after I looked at her. I looked at her from head to foot.

Q. Were her clothes torn?

A. I believe they were.

Q. Which, upper or under?

A. Lower.

Q. How long did you look at her altogether there before you went away?

10

A. Oh, I suppose about a minute.

Q. Well, did your match last a whole minute?

A. Well, it might have been less than a minute.

Q. Well, you struck a match, you took a look and you said, this is Edith Wilson?

A. I took a match and I held it this way, all the way from her head to her feet, so I said it was Mrs. Wilson, I saw the condition, and I stopped.

Q. And then you went away?

A. And then I went away and gave a few orders. I told them to get the coroner right away.

20

Mr. Glueckfield—That is all.

Re-direct examination, by Mr. Toolan.

Q. Were you there when the body was removed from the scene?

A. I was.

Q. Where was it taken to?

A. Taken up to Mr. Burke's morgue.

Q. Who removed the body?

8

A. Four men from Mr. Burke's morgue.

Q. How far is Mr. Burke's morgue from the scene of the murder?

A. Well about a block and three-quarters.

Q. What street is it on?

A. Same street. On the corner of State and Center.

Mr. Toolan—That is all.

Re-cross examination, by Mr. Glueckfield.

Q. How do you know it was taken to Mr. Burke's morgue?

A. Because I saw it.

Q. Did you go along?

A. No, sir; I did not.

Q. Can you see, from where you were standing, where they were taking it?

A. Yes, sir.

10 Q. How far away is it?

A. It was down right in front of where the crime was committed.

Q. How far away is the morgue from the place where you saw the body?

A. Mr. Burke's place is on the corner of State and Center, and this place is between—this is nearer to High Street, where this tragedy happened.

Q. Did you see them carry the body into the morgue?

A. No, I did not.

20 Q. How was it taken away from the lot, by hand?

A. It was taken by these four young men, they took the body up and they put it in this big wicker basket. That was after the coroner had given his permit to remove the body.

Q. How close were you at the time when they picked up the body and placed it in the basket?

A. How close?

Q. Yes.

A. I was standing right on the spot where the girl
• Q laid. Did you observe the spot left vacant by the removal of her body?

A. Nothing more than I stood there. I know where it is. I didn't have any particular desire to remain around there after that.

Q. I mean, you observed no blood on the ground?

A. No, I did not.

Q. Did you see any stones or crags?

A. Nothing more than we walked around afterward. We had a searchlight afterward and we looked for some traces of foot marks, and that is about all I saw. I didn't see any blood, no, I didn't say so.

By the Court.

Q. How far is the lot from where this deceased lived?

A. The house where she lived, from the lot?

Q. Yes, how far?

10

A. About seventy-five feet, I would say.

Q. Whose house is that, that is right next to the lot on that picture, do you know?

A. Right next to the lot?

Q. Yes.

A. The house is owned by Mrs. Kelly the mother of this young man here, I understand. They are old neighbors there.

Mr. Toolan—That is all.

20

Edward K. Hanson, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Toolan.

Q. You are a practicing physician, doctor?

A. I am.

Q. How long have you been practicing, doctor?

A. Ten years.

Q. Where?

A. Perth Amboy.

30

Q. What medical school are you a graduate of, doctor?

A. University of Pennsylvania.

Q. Do you hold any official office in the County of Middlesex, doctor?

A. I do.

Q. What is it?

A. Coroner.

9 G. W.

Q. Did you view the body of Mrs. Edith Wilson on the night of March 12th, 1921?

A. I did.

Q. What time, doctor?

A. About twenty-five minutes to one.

Q. Where was it then?

A. It was lying in a lot; a vacant lot next to the Kelly house on Center street.

Q. Where was the body taken to, doctor?

10 A. The body was taken to the morgue of Mr. Burke.

Q. Where is that?

A. That is on the corner of State and Center streets.

Q. Did you look at the body when you viewed it, doctor?

A. Yes.

Q. Did you see it after it was brought in the morgue?

A. I did.

Q. What was the condition of the body?

20 A. The woman was dead. She had bled from the ears and from the mouth. Her privates were lacerated. There was blood on the lower part of the abdomen, in the crotch of the legs, on the thighs and the middle part of her thighs had abrasions. There was a hemorrhage in the vagina, a large clot of blood in it. There were some marks about her neck and on the right side of her face. They were very faint, looking as if pressure had been put on those parts and the blood had congealed there. Faint bruises, you could say.

Q. Did you examine the condition of her clothing, doctor?

A. I did.

Q. What was the condition of her clothing?

A. Her drawers were stained with blood. Her undergarments appeared to have been rolled or folded and were up around her breasts; over her breasts, in fact; pushed clean up on her bosom.

Q. Was she dead or alive, doctor, when you first viewed her in the lot as you have described?

A. She was dead.

Mr. Toolan—That is all.

Cross-examination, by Mr. Glueckfield.

Q. Did you perform any autopsy, doctor?

A. I did not.

Q. What you are testifying to is just from your outward examination of the body?

A. Outward and inward. I examined internally the vagina. 10

Q. You speak of having examined the vagina and finding a hemorrhage there?

A. Yes. A clot of blood. A hemorrhage had taken place.

Q. Could you tell, and can you say now, from the nature of the examination that you did make, as to whether or not that clot of blood, or hemorrhage, as you call it, was not due to a period of menstruation?

A. Yes.

Q. Well, was it, or wasn't it? 20

A. It was not.

Q. How can you say?

A. Because there were tears in the perineum to show that there had been free bleeding there, and this woman had no cloth. Usually when a woman is menstruating she wears a cloth. And a clot would not remain in the vagina.

Q. Would it pass out?

A. It would be expelled, yes.

Q. You spoke of blood on the ears. Did it indicate 30 that earrings had been torn out of her lobes?

A. No.

Q. What kind of bleeding was that?

A. What kind of bleeding?

Q. I mean, what, in your opinion, caused the bleeding of the ears?

A. It was due to concussion of the brain. She bled from the external auditory meatus.

Q. This examination you are speaking of was made where, doctor?

A. In the morgue.

Q. There was ample light?

A. Yes.

Q. You spoke of the privates being lacerated?

A. Yes.

Q. Lacerated how?

A. They were torn.

10 Q. Well, in what way, to what extent?

A. Well, there was a tear in the lower floor of the vagina about an inch and a half long, and it gaped over one-quarter of an inch.

Q. In other words—

A. I didn't examine deeper into the vagina, for the simple reason that I thought the county physician and the Prosecutor's office would want to know what the contents of the vagina was.

20 Q. Doctor, can you state whether the tear of which you spoke was caused by any instrument of any kind?

A. It was due to some foreign interference. The nature of an instrument I could not say. But I don't think that a laceration could be made by the genital organs of a man, to that extent.

Q. Could it have been made by a finger?

A. Yes. I would have required quite some strength.

Q. Did she have a large or small vagina, doctor?

A. Very small vagina. When the parts were pressed together and the laceration was closed it was very small,
30 exceptionally so.

Q. Would not it be likely, that being, as you say, small, the forcible insertion of a large male organ would cause such a laceration?

A. It would be impossible to use that amount of force. The pain would be too excruciating to the individual.

Q. To which, the male or female?

A. The female was dead. To the male.

Q. I say, to whom would such pain be—

A. To both.

Q. Did you happen to examine this defendant?

A. No.

Q. You didn't see his private parts?

A. No.

Q. How do you account for the blood on the abdomen?

A. I suppose it was a hemorrhage there.

Q. Well, how did it get through the wall of the abdomen? 10

A. It didn't get through the wall of the abdomen.

Q. Was it a superficial cut or abrasion, or do you mean it came from the vagina?

A. No. It came from the vagina.

Q. Might it not have been possible that the shock of whatever may have transpired would have caused this woman to have a sudden burst of menstruation?

A. It might, but it would not cause the laceration.

Q. Aside from the laceration, though, the blood may have come from the source I have mentioned a moment ago? 20

A. Oh, yes.

Q. You speak of a concussion of the brain, doctor?

A. Yes.

Q. What brought you to the conclusion that she did have a concussion of the brain?

A. The bleeding from the mouth and from the ears.

Q. Is that sufficient to warrant a medical conclusion that she had concussion of the brain? 30

A. That is one of the diagnostic symptoms or signs.

Q. One of them?

A. Yes.

Q. It does not necessarily follow, when one has concussion of the brain, when one is bleeding from the mouth and ears, does it?

A. Either that or fracture of the skull.

Q. May not a severe blow on the head, without a fracture, or a concussion, cause bleeding from the ears?

A. No.

Q. May not a person falling or being dropped forcibly and striking the head cause bleeding from the ears, without a concussion?

A. No.

Q. Then it is an invariable rule in the medical science that bleeding from the ears and mouth——

10 A. It is generally accepted.

Q. Generally accepted as a concussion of the brain?

A. Yes, or fracture of the skull.

Q. Did you examine for any fracture of the skull?

A. Yes.

Q. There was none?

A. No.

Q. In your examination of the head, did you see any marks or abrasions?

A. No.

20 Q. Did you see any marks or abrasions or cuts or bruises on any part of the body, exclusive of the laceration of the vagina, of which you have spoken?

A. Bruises about the neck, and on one side of the face, the right side.

Q. What sort of bruises were they, doctor?

A. Looked as if pressure had been brought to bear and the blood coagulated. Just ordinary bruises.

Q. How might they have been caused, in your opinion?

30 A. By pressure.

Q. Do you say, then, doctor, that in your opinion the tear or the laceration which you found in the vagina could not have been caused by the human male organ?

A. It could not have been, no.

Mr. Glueckfield—That is all.

Re-direct examination, by Mr. Toolan.

Q. Doctor, did you examine the defendant in this case?

A. No, I did not.

Q. Doctor, assuming that the defendant in this case has an abnormal penis in that it is larger than the normal penis, and that the foreskin comes down over the end of the penis, and cannot be moved back over the end of the penis, could the male organ under those conditions cause a tear of the nature you observed on this woman?

A. Well, if a person could stand the excruciating pain, I suppose that it would, but it would be terribly painful. 10

Q. Could it be done, doctor, under those circumstances?

A. Yes. Anything is possible.

Mr. Toolan—That is all.

Re-cross-examination, by Mr. Glueckfield.

Q. Doctor, you said it could be done if the pain could be withstood. By whom? Do you mean the pain to the male?

A. Yes. 20

Q. So that a man in his normal mind, and feeling physically normal, could not stand that physical pain that it would take to insert his organ into a woman's body to the extent of causing such a laceration?

A. I didn't say that he couldn't stand it. I said it would be excruciating, that it would be terribly painful.

Q. Do you think that a normal man, possessed of his faculties and sensibilities, could stand that crucial pain and yet continue intercourse?

A. I don't think he could continue, no. 30

Q. You don't think he could continue?

A. No. He could start, but I don't think that he could continue.

Q. This answer, then, you mean to qualify the answer you made before, that the laceration could not have been made by the male organ?

A. I just said that it could be made by the male organ.

Q. But you answered me in saying that it could not be made by the organ?

A. The question was put differently.

Q. You say now that it could have been made by the male organ, but that the male would have to suffer excruciating pain, is that right?

A. Yes.

Q. And that the normal man, possessed of his faculties and sensibilities, could not continue this thing because of such excruciating pain, is that right?

A. He would not be able to continue, in my opinion.

Mr. Glueckfield—That is all.

Mr. Toolan—That is all.

John L. Suydam, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direction examination, by Mr. Stricker.

Q. Doctor Suydam, you are the county physician of this county?

A. Yes, sir.

Q. And have been such how long?

A. Going on four years this time.

Q. How long have you been practicing medicine?

A. Thirty-nine years.

A. On the twelfth day of March, 1921, or the thirteenth day of March, 1921, you performed an autopsy on the body of Edith Wilson, did you not?

A. I did.

Q. What date was that?

A. On Sunday, the thirteenth of March.

Q. At what time?

A. About quarter after ten, I began, in the morning.

Q. And when did you finish?

A. Quarter after eleven.

Q. And where was that autopsy performed?

A. At Mr. Burke's undertaking establishment in Perth Amboy.

Q. At the corner of Center and State streets?

A. Yes, sir.

Q. What was the condition of the body when you arrived?

A. There was considerable laceration around the soft parts of the genitals.

Q. Which part of the genitals?

A. The vagina and the perineum.

Q. What else?

A. There was a hit back of the head, or rather, a lump there, which indicated that she had been hit in the head, or had fallen on her head. 10

Q. Yes. And as the result of the autopsy what, in your opinion, was the cause of death?

A. Shock.

Q. Induced or superinduced by what?

A. Assault.

Mr. Glueckfield—I submit that is a conclusion which is not warranted on the part of this witness. 20

The Court—That is hardly warranted, is it?

Mr. Glueckfield—I ask that answer be stricken out.

The Court—I think I will strike that out.

Q. What is shock, doctor, in plain English?

A. The surgical definition of shock is the sudden cessation of all the vital forces of the body.

Q. Directing your attention, now, to the lacerations about the genitals, tell us what, in your opinion, caused those lacerations?

A. In this woman? 30

Q. Yes, in this particular examination?

A. I think it came from trying to insert the penis of this man Knight.

Mr. Glueckfield—I ask that answer be stricken out.

The Court—I do not think that ought to be—

Mr. Stricker—If your Honor will hear the last question.

IO G. W.

The Court—Strike out the last part of it, "this man Knight."

Q. Was it by the introduction of some foreign substance?

A. Yes.

Q. And what might that substance have been?

A. It might have been a penis.

Q. Anything else?

A. Yes. It might have been the fingers.

10 Q. And by that I understand that you are excluding any theory of a sharp instrument?

A. Yes, sir.

Q. That is what you mean?

A. Yes, sir.

Q. Now, have you had occasion to examine Knight?

A. I have.

Q. And where?

A. At the jail.

Q. Have you examined his genitals?

20 A. I have.

Q. What, if anything, have you to say about his organ?

A. I have this to say, that he has an abnormally large penis, with a condition that we call in surgery phimosis, where the foreskin is over the prepuce and cannot be pushed back.

Q. Whether it is in a condition of erection or otherwise?

A. Either erection or otherwise.

30 Q. And in your opinion could those lacerations have been brought about rather by an effort on his part to introduce his organ into the person of Edith Wilson, that you examined?

A. They would.

Q. What brings on shock, doctor, such as is fatal?

A. Sudden fright.

Q. Anything else?

A. That is one of the prime causes.

Q. What else?

A. Well, it would generally be fright, or something of that sort, that would scare the body, or scare the person, so that the vital forces would run low.

By the Court.

Q. Would an injury produce a shock?

A. Injury would produce a shock, but they would be frightened even at the injury.

10

By Mr. Stricker.

Q. Doctor, assuming that Edith Wilson was suddenly grasped, or violently taken hold of, unexpectedly, at night, would the condition of shock have taken place under those circumstances?

A. Yes, sir.

Q. Such as you found?

A. Yes, sir.

Mr. Stricker—Cross-examine.

20

Cross-examination, by Mr. Glueckfield.

Q. Now, doctor, you say you made an autopsy?

A. Yes, sir.

Q. You worked at it about an hour?

A. Yes, sir.

Q. Did you make a complete autopsy in the medical and scientific sense of the word?

A. What I thought would cover the parts we wanted to know.

Q. I ask you whether you made a complete autopsy 30 in the medical and scientific sense of the word?

A. The parts we wanted to get at.

Q. Please answer the question, doctor?

A. Well, your question is rather evasive.

Q. Well, is it? I ask whether or not you made an autopsy complete in the medical and scientific sense of the word, not merely for the purpose that you were seeking?

Mr. Stricker—I object to that.

The Court—What do you mean, the whole body?

Mr. Glueckfield—Yes.

A. No, I didn't autopsy the body.

Q. Did you examine all of the vital organs?

A. No, not all of them.

Q. Did you examine the brain?

A. I did.

10 Q. And heart?

A. No not the heart?

Q. Is it possible, doctor, to arrive at a conclusion that a person died from shock, without examining the heart?

A. Yes.

Q. It is possible?

A. Yes.

Q. Did you examine the kidneys?

A. No.

20 Q. Is it possible to arrive at such a conclusion then, without examining the kidneys?

A. Yes, under these conditions.

Q. Will you tell us, either in medical language, or otherwise, just how you arrive at the conclusion that death resulted from shock?

A. Well, from the fact that the woman had been thrown down and assaulted.

Q. Well, now, doctor, you don't know that, do you? You have been told that.

30 A. Yes, but she was assaulted, I know she was assaulted.

Q. You know that?

A. Yes, around the soft parts.

Q. You saw the body twelve hours after it was discovered, so far as you know, isn't that so?

A. Yes.

Q. So that all your information as to what took place before you saw it is upon information given to you by others?

A. Only that I saw this lacerated vagina and perineum.

Q. Now, to return to my former question: Just what did you discover in your autopsy that moves you to conclude that she died from shock?

A. Well, the very fact of the manner in which she died. There was nothing else. 10

Q. How do you know how she died?

A. She died by the heart ceasing to beat.

Q. And yet you didn't examine it?

A. No, it wasn't necessary, I didn't think it was necessary.

Q. How do you know she died from her heart ceasing to beat?

A. That is a rather peculiar question to ask anybody. When the heart ceases to beat, of course, life is extinct, my dear sir. 20

Q. Is that always so, doctor?

A. Yes, sir.

Q. Doesn't it sometimes happen that respiration ceases even before the heart stops beating?

A. Not that length of time.

Q. You were not there and you don't know what length of time transpired?

A. Well, from the time she was found, up until the time I got there, you know.

Q. Well, now, doctor, coming down to the question 30 of death, you can't say positively what that woman died from, can you?

A. In my opinion she died of shock?

Q. And you come to that conclusion how?

A. By the condition in which she was found, and the way she—

Q. In your mind the condition from which she was found. From your observation?

Mr. Stricker—The history of the case is always admissible.

The Court—I think the doctor can answer the question. Let him answer the question.

Mr. Glueckfield—I submit my cross-examination is directed to this witness' autopsy. I do not think he ought to be permitted to testify to anything prior to his making the autopsy.

19 The Court—He is answering your question now. Let him answer it, and if it is not responsive, move to strike it out.

Q. Did the laceration which you found in the vagina, in your opinion cause or contribute to her dying?

A. Laceration of itself?

Q. Yes.

A. No.

Q. Just what, in your opinion, doctor, caused this woman's death?

A. The fright.

20 Q. Fright?

A. Yes, sir.

Q. Might it not have been possible, then, doctor, that this woman died when she saw a man approaching her, before he even laid a hand on her?

A. It might have been, yes, if she thought he was going to lay a hand on her.

Q. It would be possible, then, for her to have died, if she were walking along the street on a dark, rainy night, and suddenly sees a man loom up out of the darkness,

30 whom she imagines is going to grab her?

A. Yes.

Q. She might have died then?

A. Yes.

Q. You don't know, of course, whether this woman had a strong or weak heart?

A. I do not.

Q. Or whether her kidneys were strong or weak?

A. I do not.

Q. She might have so died as I supposed in my question a moment ago, even if her heart were not weak?

A. She would be more likely to die if her heart were weak than if it were not weak. But she could die, even with a strong heart, under those conditions.

Mr. Glueckfield—I guess that is all.

Mr. Stricker—That is all, doctor.

William Fitzpatrick, a witness produced on behalf of the State, being duly sworn according to law, on his oath saith: 10

Direct examination, by Mr. Stricker.

Q. Mr. Fitzpatrick, you are a detective connected with the prosecutor's office?

A. Yes, sir.

Q. On the fourteenth day of March, 1921, did you visit George Washington Knight, the defendant at the bar, at the county jail?

A. I did.

Q. Did you have a conversation with him? 20

A. I did.

Q. In reference to the offence with which he is charged?

A. Yes, sir.

Q. Did you tell him who you were?

A. I did.

Q. What did you tell him?

A. I told him that I was a county detective from the prosecutor's office and that I wanted a statement, if he wanted to make one. But he didn't have to, if he didn't want to. But if he did make one, that anything he said I would use against him. 30

Q. Was that statement reduced to writing?

A. Yes, sir.

Q. After the statement was reduced to writing state whether or not the same was read to him?

A. It was.

Q. By whom?

A. By Anthony Silzer.

Q. Is Anthony Silzer the clerk in the prosecutor's office?

A. Clerk in the prosecutor's office.

Q. And what happened after that statement was read to him?

A. He said that was all right. Then we told him we would take it back—

10 Q. We? Who did the talking?

A. Silzer.

Q. You said you would do what?

A. We would have it transformed into typewritten copy.

Q. Was it taken down stenographically by Silzer first?

A. It was, yes.

Q. And after it was transcribed from the stenographic notes, what was done with the statement?

20 A. We took it back over to the jail and had a notary with us, the undersheriff, Mr. Gowen, it was read to him.

Q. Read again?

A. Read again to him and he said it was all right. That was true?

Q. Did he sign it then?

A. He signed it there.

Q. Who witnessed it?

A. Elmer E. Geran, the sheriff.

30 Q. Elmer E. Geran?

A. Mr. Wyckoff, the sheriff.

Q. Did you see Mr. Knight sign this?

A. Yes, sir, I did, in my presence.

Q. Where? What's signature?

A. Yes, sir.

Mr. Stricker—I want this marked for identification.

(Paper marked *P 5* for identification.)

Mr. Stricker—Cross-examine.

Cross-examination, by Mr. Glueckfield.

Q. Did you give it to Knight to read?

A. No, sir.

Q. Why not?

A. We handed it to him, but he didn't take it. He said, all right, what else.

Q. He said all right even before he looked at it?

A. No, sir. After we read it he said it was all right. It was true.

Q. Why didn't he take it in his hand, don't you **10** know?

Mr. Stricker—I object.

The Court—I suppose he cannot tell why he did not take it in his hand.

Q. Do you know why he didn't take it in his hand.

A. No. It was there.

Q. Could you gather any reason for his not taking it in his hand because of anything he may have said or done at that moment?

Mr. Stricker—I object to that question. **20**

The Court—I will allow it.

A. No, sir. It was laid on the table for him, and if he wanted to pick it up he could pick it up.

Q. How many of you were in the room at the time?

A. Mr. Silzer and myself.

Q. No one else?

A. No, sir.

Q. Did you do the writing?

A. I done part of it.

Q. Who did the other part of it? **30**

A. Mr. Silzer.

Q. Between the two of you you wrote this thing?

A. Yes, sir; I—

Q. What was Knight doing during the time **were** writing?

A. He was sitting by the table.

Q. You wrote continuously, narratively, and when it was all finished you handed it to him. He didn't take it and you read it to him, is that right?

A. To who?

Q. Knight?

A. No.

Q. Just what did happen?

A. I wrote it out in long hand until Silzer came in. What I wrote I read and asked Knight if it was right, and he would shake his head yes, and said that was all right, yes. I said to Silzer: "Silzer, take hold of it now and proceed with it."

Q. Did you ask him any questions before you got—

A. Who, Knight?

Q. Yes.

A. I asked Knight as I went along if the statement was right, and he said yes; everything that I said was right.

Q. He was ready to admit everything you said?

20 Mr. Stricker—I object.

A. Absolutely.

Mr. Stricker—I object to that, what he was ready to do.

The Court—Do you want the answer stricken out?

Mr. Stricker—Yes.

The Court—Strike it out.

Q. Did he object to any sentence at all?

A. Objected to nothing. He said that he made a complete confession in Perth Amboy and he was willing to make a confession to me there.

80 Q. Didn't he say, "Well, I have signed one paper, I might just as well sign another"?

A. Not that time; no, sir.

Q. Did he say it any other time?

A. No, sir; he did not.

Q. Did he use the word "confession"?

A. I used the word "confession."

Q. He didn't use it, did he?

A. No, I don't believe he did.

Q. Did you tell him that he was signing a confession?

A. Yes, sir; I did.

Q. You used the word?

A. I used the word. I said, "You are signing a complete confession of the deed," and he said yes.

Q. Did he indicate to you in any way that he knew what the word confession means?

A. I don't know whether he did or not. 10

Q. What did you do to make sure that he understood the word "confession"?

A. I told him that what he done he was confessing to us.

Q. How long did it take him to sign, from the moment you handed it to him?

A. Well, he picked up the pen and he signed, about five minutes.

Q. The moment you handed him the paper, after reading it to him, he picked up the pen? 20

A. Yes, sir.

Q. No hesitancy?

A. No, sir.

Q. How was he dressed at the time?

A. He was dressed in a white suit in jail.

Q. A prison suit?

A. Yes, sir.

Q. Smoking?

A. Yes, sir; he was smoking a cigarette.

Q. How did he act? Did he act worried or concerned over his fate? 30

A. No, he did not at the time.

Q. How did he act?

A. He acted in a normal way, as he is acting now. I said to him, "You are pretty keen about it," and he didn't say nothing.

Q. Well, he acted unconcerned?

A. Unconcerned; yes.

Q. Didn't he act as though it didn't make any difference to him what you wrote in the paper?

A. No, sir; it did not. He paid particular attention what he said to me.

Q. He didn't object to anything you wrote in it?

A. No, sir; not after I read it to him; he said it was all right.

Q. How long did this whole affair last?

A. Two hours.

10 Q. How much of that time was consumed in actually writing?

A. All the time.

Q. How long did it take you to get him to tell his story before you commenced to write?

A. Didn't take me five minutes. I told him who I was and he said "All right; I will make a clean breast of it, as long as I made a clean breast of it in Perth Amboy."

Q. Did he use those words "clean breast?"

20 A. No, sir.

Q. Why are you using words he didn't use?

A. Well, he said, "I will make a complete confession of it. I made complete confession."

Q. You told me before he didn't use the word confession.

A. Well, he said, "I will make a complete case," whatever it was.

Q. What did he say, Fitzpatrick?

30 A. He said, "I am willing to confess, so long as I confessed in Perth Amboy, I am willing to confess now."

Q. Did he say, "I confess?" Haven't you said he did not use the words?

A. I think he did say confess.

Q. Do you want to take a couple of seconds to get your mind clear on that as to what he said?

Mr. Stricker—I object.

The Court—I think it is fair.

Q. Several seconds have elapsed and I ask you now to tell me what he said when you first approached him with regard to giving you a statement?

A. He said he was willing to tell everything.

Q. You are sure that is what he said?

A. I am positive.

Q. What was the first thing you said to him?

A. I said to him that I am from the Prosecutor's office.

Q. Did you tell him you were a detective? 10

A. Told him I was a detective in the Prosecutor's office.

Q. Where was this, in the cell?

A. No, sir. Next to the warden's office.

Q. In the county jail building?

A. Yes, sir.

Q. So that within a very few minutes after you entered the room you were already writing?

A. Not until he started.

Q. Well, assuming that he did start just as soon as you wanted him to? 20

A. Yes, sir.

Q. It was only a few mintes after you entered the room when you were writing?

A. Yes, sir.

Q. Have you seen the other paper, or speak about the one he said he signed in Perth Amboy?

A. Yes, sir; I did.

Q. You did see it?

A. Yes, sir.

Q. Did you have it before you as you wrote this paper? 30

A. No, sir.

Q. Do you remember what was in the other?

A. No, sir. I saw it at Perth Amboy.

Q. You read it down there?

A. Yes, sir.

Q. Did you see the other one signed?

A. No, sir; I did not.

Q. You saw the signature on it?

A. Yes, I saw the signature.

Q. Now, Fitzpatrick, why did you want a second paper signed by him when you saw the first one signed by him?

A. At the instigation of Mr. Stricker, the Prosecutor.

Q. Mr. Stricker told you to get a second one?

A. Yes, sir; he did.

10 Q. Where is that first one now?

A. I don't know. I suppose in the papers there.

Mr. Stricker—It is here, sir, Mr. Glueckfield.

Q. You got the second paper signed purely at the direction of Mr. Stricker?

A. Yes, sir.

Q. Was there any reason assigned to you for getting the second paper?

A. No. At Perth Amboy police headquarters Mr. Stricker said, you had better go back and get a complete
20 confession.

Q. You read the first one?

A. No, I didn't read the first one.

Q. Have you read it since?

A. I don't know whether I have or not, to tell you the truth.

Q. Don't you know whether you have read that first confession or not?

A. No, I do not. I may have. I won't be positive about it.

30 Q. Do you think if you had read it, Mr. Fitzpatrick, you would now be uncertain as to whether you had or not?

A. I may have read it.

Q. You can't say positively whether you read that first confession or not?

A. No. I saw the signature on it.

Q. Did anybody tell you what was in the other one?

A. No, they did not.

Q. Have you compared them since?

A. No, I have not.

Q. Were you told to get anything particularly in this second paper that was not in the first?

A. No, sir. I was told to get a complete confession, if I possibly could.

Q. But you had no trouble getting it?

A. No, sir; I had no trouble getting it.

Mr. Glueckfield—That is all.

10

Frederick Gowen, a witness produced on behalf of the State, being duly sworn according to law, on his oath saith:

Direct examination, by Mr. Stricker.

Q. Mr. Gowen, you are the deputy sheriff of this county?

A. Undersheriff.

Q. And the gentleman whose name appears to be affixed to this writing, signed by George Washington Knight, contains your jurat?

20

Yes, sir.

Q. Were you present when the defendant, George Washington Knight, signed this paper?

A. I was.

Q. Was the paper read to him?

A. It was.

Q. And after it was read to him did you ask him whether he swore to the contents to be true?

A. I did.

Q. And what was his reply?

30

A. They were.

Mr. Stricker—Cross-examine.

Cross-examination, by Mr. Glueckfield.

Q. Were you in the room while it was being written?

A. Yes, sir. Being written?

Q. While the paper itself was being written?

A. Not while it was written.

Q. Was it all finished and signed when you came in?

A. It was a typewritten copy.

Q. Was it signed when you were brought in the room?

A. No, sir.

Q. Signed in your presence?

A. Yes, sir.

Q. What was Knight doing when you entered the room?

10 A. What was Knight doing?

Q. Right.

A. Knight was standing in the corner.

Q. Doing what?

A. Standing.

Q. Smoking?

A. Smoking a cigarette.

Q. Did he say anything, Knight?

A. No.

Q. What did you ask him?

20 A. What did I ask him?

Q. Yes.

A. After the statement had been read to him by Mr. Silzer they asked him to sign it, and asked him whether the contents in the typewritten copy was correct. And he said it was. He affixed his signature to it and I took his affidavit.

Q. Just what did you say to him in taking his affidavit?

30 A. I asked him whether the contents of this paper that has been read to him by Mr. Silzer was the truth, and he said it was.

Q. Read to him in your presence?

A. Yes, sir.

Q. How did he act while it was being read to him?

A. He listened very intently, and as we were proceeding along with it—as Mr. Silzer proceeded along to read the various paragraphs they would ask him—Mr. Silzer

would ask him whether that was correct, until we finished the copy.

Q. What did he say each time?

A. Shook his head.

Q. Said nothing, just shook his head?

A. Shook his head.

Q. He was quite calm throughout?

A. Seemed to be.

Q. He wasn't at all moved by the enormity of the thing that he was confessing? 10

Mr. Stricker—I object to the question in that form.

The Court—I will allow the question.

A. Well, he smoked quite incessantly, seemed to move a little now and then as it was being read to him, with a cigarette to his mouth very frequently.

Q. But he sat quietly, didn't he? He didn't pace around the room, did he?

A. To my recollection he wasn't sitting, he was standing. 20

Q. Standing in one place during the entire time?

A. He stood there while they were reading. It was only a matter of a short time.

Q. Was he looking at anything particularly as they read to him?

A. He paid particular attention to Mr. Silzer as it was being read.

Q. He was looking at Mr. Silzer?

A. He was.

Mr. Glueckfield—I think that is all. 30

Redirect examination, by Mr. Stricker.

Q. Was Sheriff Wyckoff present?

A. He was.

Q. Do you know the sheriff's signature?

A. Yes, sir.

Q. Is that the signature attached to that paper?

A. It is.

Mr. Stricker—I offer that paper in evidence.

Mr. Glueckfield—I should like to look at it.

Mr. Stricker—Yes.

Mr. Glueckfield—May this be withheld until I look at it?

The Court—It is held out until you look at it.

Elmer Wyckoff, a witness produced on behalf of the State, being duly sworn according to law on his oath, 10 saith:

Direct examination, by Mr. Stricker.

Q. Mr. Wyckoff, you are the sheriff of this county?

A. Yes sir.

Q. And I show you here a document purporting to contain your signature?

A. Yes.

Q. Is that your signature?

A. That is mine.

Q. Did you see George Washington Knight affix 20 his name to this paper?

A. I did.

Q. Were you present when it was read to him?

A. Partly.

Q. Which part?

A. The latter part. I came in when it was partly through.

Q. Were you present when he was sworn to it by Frederick Gowen?

A. I was.

30 Mr. Stricker—Cross-examine.

Cross-examination, by Mr. Glueckfield.

Q. What was Knight doing when you entered the room?

A. Standing in the corner.

Q. Smoking a cigarette?

A. Smoking a cigarette; yes, sir.

Q. And he was still standing there smoking when you went out?

A. No. He signed the paper and backed away a little bit just before I went out.

Q. He backed away towards the place where he had been standing?

A. Yes.

Q. When Gowen gave the oath to him did he say anything, or merely shake his head?

A. Merely shook his head yes. 10

Q. Did he say yes, or merely shake his head, Mr. Sheriff?

A. He shook his head meaning yes.

Q. He shook his head, but that is all he did?

A. That is all I saw.

The Court—That is not all he said. He may shake his head no, or shake his head yes. He shook his head indicating yes.

Q. But he said nothing?

A. Nothing. 20

Mr. Glueckfield—That is all.

John F. Murray, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Stricker.

Mr. Stricker—I offer that paper now.

The Court—Any objection?

Mr. Glueckfield—I want to read it through 30 before it goes in.

The Court—He wants to look at it first.

Mr. Stricker—All right.

Q. Officer Murray, you are connected with the Perth Amboy police department?

A. Yes, sir.

Q. I show you here a paper dated March 14th which purports to contain a statement made by the defendant. I ask you whether this statement was written by you?

A. Yes, sir.

Q. State whether or not the defendant signed it in your presence?

A. Yes, sir; he did.

Q. Where was this statement taken?

A. In the detectives room at police headquarters,
10 Perth Amboy.

Q. And you were doing detective duty on that day?

A. Yes, sir.

The Court—What day was it?

Mr. Stricker—March 14th, this is dated.

The Court—Let the witness say.

A. March 14th.

Q. Before you took any statement from this man, what, if anything did you tell him?

A. I read that sheet to him.

20 Q. Well, that is, what appears on the top of the sheet?

A. Yes, sir.

Q. And after reading that to him what did he say to you?

A. The questions were asked by Lieutenant Long, and I wrote it down.

Q. Just state to this court and jury what you read to him before you began making—before starting to take the statement?

30 A. Statement of George Washington Knight.

Q. No. You didn't tell him that. Tell us what you told him in reference to this?

A. I am a police officer of the Perth Amboy police department.

By Mr. Glueckfield.

Q. Are you reading something, or are you telling us?

A. I am reading what I read to Knight at police headquarters in Perth Amboy.

Mr. Glueckfield—The question was, what did you say to him before you wrote this statement?

The Court—He says he told him this before he read that—he read that to him before any of the statement was taken down. Proceed.

A. "I am a police officer of the Perth Amboy police department. I am going to ask you some questions in reference to the crime for which you are arrested. You may answer them or not, just as you wish; but what you do say must be of your own free will, a voluntary statement, as it will be taken down in writing and used at your trial." 10

Q. Did he tell you what appears subsequent to that on that paper?

A. Yes, sir.

Q. What time of the day was this taken down?

A. About one-thirty.

20

By Mr. Glueckfield.

Q. Night or day?

A. In the afternoon.

By Mr. Stricker.

Q. I show you here a second paper and ask you whether you wrote this?

(Paper marked *P 8* for identification.)

Q. I show you here another statement purporting to be in your handwriting; is that so?

A. Yes, sir.

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Q. And bearing your name as a witness?

A. Yes, sir.

Q. How was that statement obtained?

A. The same way as the first one.

Q. And before you took down what is contained in that statement, what, if anything, did you say to the defendant?

A. I read off what is on the statement there.

Q. Read off what is on that statement.

A. "I am a police officer of the Perth Amboy police department. I am going to ask you some questions in reference to the crime for which you are arrested. You may answer them or not, just as you wish; but what you do say must be of your own free will, a voluntary statement, as it will be taken down in writing and used at your trial.

10 Q. Why did you obtain this second statement from the defendant?

A. One statement was sworn to and one is not.

Q. Was the first one sworn to?

A. The first one was sworn to.

Q. Are you sure about that?

A. Positive; yes, sir.

Q. Well, if you had a sworn statement why did you get one that was not sworn to?

A. There was a question whether a sworn statement would be permissible at the trial.

20 Q. Who raised that question?

A. Mr. Somogyi.

Q. Was Mr. Somogyi the acting recorder?

A. Yes, sir.

Mr. Stricker—I offer paper marked *P 5* for identification and which contains a statement made to Detective Fitzpatrick.

30 Mr. Glueckfield—I hoped we would be able to suspend for five minutes until I read the thing. I have not seen it before and Your Honor suggested we go on with the testimony until I read it later.

The Court—You may look at it. It ought not take you five minutes to read that piece of paper.

(Statement marked *P 9* for identification.)

Cross-examination, by Mr. Glueckfield.

Q. How far apart in point of time were those two statements taken by you?

A. About five minutes.

Q. Finished one and five minutes later started on the second?

A. Yes, sir.

Q. Have any trouble getting them?

A. No.

Q. Have to use any third degree methods?

A. No, sir.

Q. Didn't have to knock him down or use a gun or blackjack?

10

A. No, sir.

Mr. Stricker—I object to this.

The Court—He denies it.

Q. Did you have to use any threats at all?

A. No, sir.

Q. Did you have to use any promises?

A. No, sir.

Q. How long did it take him to make up his mind to tell you what you wanted, after you asked him?

A. About five minutes.

20

Q. What was he doing during those five minutes?

A. Sitting in a chair, talking.

Q. What do you mean, then, he answered you right away?

A. Yes, sir.

Q. How many people were in the room?

A. About six.

Q. Weren't there about fourteen or fifteen?

A. No, sir.

Q. Were these six officers in uniform?

30

A. No, sir.

Q. All plain clothes men, or in civilian clothes?

A. Civilian clothes. Chief of police came in during it with his uniform on.

Mr. Glueckfield—That is all.

Re-direct examination, by Mr. Stricker.

Q. Officer, after Knight's arrest, did you take his clothes from his person?

A. I was there when the clothes were taken from him and I packed them up.

Q. Where are those clothes?

A. In that box. That is the box I packed them in.

10 Mr. Stricker—Do you want them exposed now, Mr. Glueckfield? He says they are in there. I don't know whether they are or not.

Mr. Glueckfield—What are they?

Mr. Stricker—Knight's clothes. The clothes that were worn by the defendant on that day. The officer says he packed them into this box.

Mr. Glueckfield—I do not care anything about them.

Q. You say they are the clothes that you found on Knight that day?

A. Yes, sir.

20 Q. Nothing else in this box?

A. Penknife in there and a handkerchief.

Q. Is that the penknife?

A. Yes, sir.

Mr. Stricker—I offer these clothes.

The Court—Any objection to them?

By Mr. Glueckfield.

Q. How many garments are in there?

30 A. A pair of shoes, a pair of socks, a unionsuit, a jumper, a coat, a pair of pants, a cap and a handkerchief and a penknife.

Q. The penknife was closed when you found it?

A. Yes, sir.

Q. Didn't look to you as though it had been used?

A. No, sir.

The Court—Any objection?

Mr. Glueckfield—No.

The Court—There being no objection it will be admitted.

Mr. Stricker—May I read this?

The Court—Yes.

(Statement heretofore marked *P 5* for identification entered in evidence and marked *Exhibit P 5*.)

(Statement read to the jury by Mr. Stricker.)

(This *Exhibit P 5* is copied into the record at this point, consisting of five typewritten pages, numbered pages 122 to 126, inclusive.)

: 10

EXHIBIT P 5.

County Jail,

New Brunswick, N. J.,

March 14, 1921.

Statement of George Washington Knight, made to William Fitzpatrick, County Detective, Prosecutor's office.

"I was born at West Cornell, Va., June 26, 1898. West Cornell is in Richmond, Va. I lived there until I was about ten years old when my mother took me to Newport News. I was there until I came north.

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"I left Richmond, Va., about the time the State was going dry. This, I believe, was about 1915. I went to Derby, Conn., worked for the N. Y., N. H. & H. R. R. as a laborer. Worked for that company for about three months. From Derby I got a job in New York working as a deck hand on the Kill von Kull, running from New York to Keyport, N. J. I worked for this company until I volunteered in the old 15th N. Y. Regiment. This was before the U. S. troops went over. I was stationed at Camp Upton for about eight months, then we went to Spartensburg, South Carolina, and stayed there six or seven weeks. From Spartensburg we came to New York, to Hoboken and sailed on the transport for France. I spent eighteen months in

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13 G. W.

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France, been in all the important battles; I was gassed once. Sailed for America in the spring of 1919, and I was mustered out at Camp Upton, L. I. After I was discharged from the army I went back to Richmond, Va., to see my mother. I stayed there about two days, I came back and started to work for the New York and New Jersey Steamboat Company on the steamboat Industry; worked for this company on and off for about two months. I quit steamboating and went to work at Cregan's brickyard at Cliffwood, N. J. At the present time I am not working at the brick yard but I am staying there and am working at Morgan, living at one of the company houses there at Cliffwood. I did not work Saturday, March 12th, because I did not feel like working. I got my pay the day before. I laid around all day Saturday until I, together with Richard Henderson, Robert Bates and Rogers Fulse, we got on the trolley car at Lee's Arie Crossing at 6:30 P. M. (This is green car that goes to Perth Amboy.) We got to Perth Amboy around seven-thirty or eight o'clock. We got off where the car goes to Newark. (I don't know the name of the street.) We went up the street the same way as the Newark car goes; we walked up the street as far as Mrs. Stern's place. I know this place as I have been there before about twenty-five or thirty times all together. Every time I came to Perth Amboy I stopped at Mrs. Stern's. I bought drinks there every time I went there—gin, whiskey and beer. When we got to Mrs. Stern's we bought a pint of gin; Bates and Henderson paid for it; they paid, I think, \$2.00. We all drank the pint of gin. We sat around for about five or ten minutes before we all chipped in and bought another pint.

We all drank this bottle, then we chipped in again and bought another pint of gin. About this time Washington Jackson came in; he bought a pint of gin, paying \$2.00 for it. Jackson stayed about five minutes after he bought the pint of gin. Then went out and left us in there. This made four pints that we had. Mrs. Stern told us that we could not get any more, so we came out. In the meantime there was an argument started between Bates and Fulse over some money and a watch. This was on the outside of the saloon. After the argument we split up; I remember Dicky (Henderson) saying he was going to catch a train. I remember when leaving, Bates and Rogers said they were going to some Joe Brown's house. I don't remember if they went or not. I went down the street; how far I don't know. When I walked down the street I grabbed a woman. I don't know whether she was coming in the same direction as I was or not. She had an umbrella over her head. When I grabbed her she made no outcry. I must have dragged her near the bush in the yard. I do not know what time that was. When I got her in there I laid her on the ground, raised up her clothes, I took my privates from my pants and got on top of her. I do not know whether I got my privates in or not, but I tried to. I do not know how many times I tried. I think she was too tight. After I got off of her I left her on the ground. Then I took rings off her finger, took the wrist watch off her wrist. I don't remember whether I buttoned my pants or not. I then went and got a car; I don't know the name of the street where I got the car, and got home sometime around 11 o'clock. After I got home I sat around and talked a while. I gave the rings to the woman whom I

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lodge with, and then went to bed. I did not tell her where I got the rings. On Sunday I went to Matawan and met a fellow named Jim Dawson and sat and talked and then got a car and came back home. I was there at Matawan about four hours. After I got home I sat around home and started to play cards a while and had supper, sat and talked until bed time, went to bed about half-past ten o'clock. I got up this morning at ten minutes to seven, fixed my breakfast, went over to Morgan and was laid off and went back home and got home about half past nine. I had worked a while before the boss came and was laid off. After I got back home I had breakfast again. While I was at Matawan yesterday, I was shooting crap. I had the boarding boss's coat and pants on on Sunday. When I got home Saturday night my clothes were so wet I took them off and hung them behind the stove and took a pair of Joe Harris's pants and put them on. I borrowed some money from Ben Grimshaw at Matawan on Sunday to shoot crap. I lost this money, too. When I went to Matawan I had 70c., which I lost. I told the conductor on Saturday night to put me off at Cliffwood Avenue. Officer Mount, of Keyport, came down to the house this morning and I was standing by the table washing dishes. When he came in first and asked for Washington Jackson and went back out. Then he came back again and asked for George Washington and I answered him and he told me there was some trouble this morning on the trolley car; he wanted to take me over to town and to get ready. Mount took me to Perth Amboy Police Station and there I told my story to the police.

GEORGE WASHINGTON NIGHT.

ELMER E. WYCKOFF, *Witness.*

Sworn and subscribed to before me this 15th day of March, 1921.

FREDERICK GOWEN,
Notary Public of New Jersey.

Re-cross-examination, by Mr. Glueckfield.

Q. This is in your handwriting, these two?

A. Yes, sir.

Q. I quote a line: "I layed her down beside the bush and then I ravished her." Do you mean to say he used the word "ravished"? 10

A. Yes, sir.

Q. He used that word?

A. Yes, sir.

Q. Or did you say, did you ravish her? and he shook his head yes?

A. I said the word and he said yes, he ravished her.

Q. You said it first then?

A. Yes, sir.

Q. It wasn't his word, was it? 20

A. It was after he said it.

Q. It wasn't his word to begin with?

A. Not to begin with, no.

Mr. Glueckfield—That is all.

Mr. Stricker—I now offer *P 8* and *P 9* for identification.

The Court—Any objection?

Mr. Glueckfield—No objection.

The Court—Let them be received.

Mr. Stricker—I would like to be relieved from taking the stand, and if I do, I would want to state that I did direct Officer Fitzpatrick to obtain this statement marked *Exhibit P 5*, as I did not consider the former two sufficiently complete. 30

The Court—Do you want that to go on the record?

Mr. Stricker—If my adversary desires me to take the stand to corroborate Detective Fitzpatrick.

Mr. Glueckfield—I do want to ask possibly two questions in reference to it.

The Court—I think you had better be sworn, if you want to offer yourself as a witness.

Mr. Stricker—All right.

10 (Statement heretofore marked *P 8* for identification entered in evidence and marked *Exhibit P 8*.)

(Statement heretofore marked *P 9* for identification entered in evidence and marked *Exhibit P 9*.)

(*Exhibit P 8* is copied into the record at this point, consisting of two typewritten pages, numbered pages 129 and 130.)

20 (Following this *Exhibit P 9* is copied into the record, consisting of two typewritten pages, numbered pages 131 and 132.)

EXHIBIT P 8.

POLICE DEPARTMENT

PERTH AMBOY, N. J., March 14th, 1921.

Statement of George Washington Knight.

Residence Cliffwood, N. J.

Made to William Calvin, John F. Murray and
30 L. A. Long.

I am a police officer of the Perth Amboy Police Department. I am going to ask you some questions in reference to the crime for which you are arrested. You may answer them or not, just as you wish, but what you do say must be of your own free will, a voluntary statement, as it will be taken down in writing and used at your trial.

Q. What is your name?

A. George Washington Knight.

Q. Where do you live?

A. Cliffwood, N. J.

Q. How old are you?

A. 22 years old.

Q. What is your occupation?

A. Laborer at Morgans, N. J.

Q. How long have you worked there?

A. Last Tuesday. 10

Q. You are charged with

Statement taken in the Detectives Room Perth
Amboy Police Station on March 14 - 1921 at
1.10 P. M.

I came to Perth Amboy on Saturday night on
March 12, 1921, at 7. P. M. I got off the car at
State & Smith St. The following men were with
me Robert Bates, Dick Henderson, Roger Fault.
We went to Mrs. Sturm's store and we had some
drinks, the four of us drank four pints of gin. 20
We got in the store between 7.30 and 8.- P. M.
We were in the store about one hour and fifteen
minutes. We left the store and we had an argu-
ment and we split up. I wandered away from
the crowd. Met a woman on the street I
grabbed her with my hands; she made no outcry
and seemed to faint away as she did not struggle.
I laid her down beside the bush and then I
ravished her. I then got up and got the a Jersey
Central Trolley Car for Cliffwood, N. J., my 80
home. I have told my story to nobody until I
told it in the presence of you people today.

Signed GEORGE WASHINGTON

Witness

LUNT LONG

WM. CALVIN.

ASBURY MOUNT.

Statement taken by

JOHN F. MURRAY

March 14 - '21.

EXHIBIT P 9.

POLICE DEPARTMENT

PERTH AMBOY, N. J., March 14th, 1921.

Statement of George Washington Knight.

Residence Cliffwood, N. J.

Made to William Calvin, John F. Murray and
L. A. Long.

10

I am a police officer
of the Perth Amboy Police Department. I am
going to ask you some questions in reference to
the crime for which you are arrested. You may
answer them or not, just as you wish, but what
you do say must be of your own free will, a vol-
untary statement, as it will be taken down in
writing and used at your trial.

Q. What is your name?

A. George Washington Knight.

20

Q. Where do you live?

A. Cliffwood, N. J.

Q. How old are you?

A. 22 years old.

Q. What is your occupation?

A. Laborer at Morgans, N. J.

Q. How long have you worked there?

A. Last Tuesday.

Q. You are charged with

30

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me Robert Bates, Dick Henderson, Rogers Fault.
We went to Mrs. Sturm's store and we had some
drinks, the four of us drank four pints of gin.
We got in the store between 7.30 and 8 P. M.

We were in the store about one hour and fifteen minutes. We left the store and we had an argument and we split up. I wandered away from the crowd. Met a woman on the street I grabbed her with my hands; she made no outcry and seemed to faint away as she did not struggle. I laid her down beside the bush, and then I ravushed her. I then got up and got the a Jersey Central trolley car for Cliffwood, N. J., my home. I have told my story to nobody untill I 10
told it in the presence of you people today.

Signed GEORGE WASHINGTON NIGHT.

Sworn and subscribed to before
me March 14 - 1921. Witness

A. E. GRAHAM,	Asbury Mount Keyport,
City Clerk	N. J.
WM. CALVIN	F. A. Long
	John F. Murray.

This statement was read in the presence of
the undersigned to George Washington Knight 20
by Arthur E. Graham and sworn to by him.

G. W. K.

ASBURY MOUNT
LUNT LONG
JOHN F. MURRAY

Joseph E. Stricker, a witness produced on behalf of
the State, being duly sworn according to law on his
oath, saith:

Direct examination, by Mr. Toolan. 30

Q. Mr. Stricker, you are a member of the bar of
this State?

A. Yes, sir; and Prosecutor of this County.

Q. Did you, on or about the 14th day of March, 1921,
give any instructions to detective Fitzpatrick, of your
office, in regard to a statement?

A. I did.

Q. What were those instructions?

A. To proceed to the county jail and obtain a statement from George Washington Knight in reference to the charge of murder then pending against him, he being accused of killing Edith Wilson.

Q. Do you know whether anything was done under that instruction?

A. I do.

10 Q. Was there any physical result of the instructions that you gave at that time?

A. Physical result I know of is the paper which has been marked in evidence.

Cross-examination, by Mr. Glueckfield.

Q. You then already knew that the other two *Exhibits P 8* and *P 9* for the State had already been obtained?

A. Yes, sir.

20 Q. Now, will you tell us, Mr. Stricker, why you wanted this third statement?

A. Because in my judgment as Prosecutor of the County that statement was not complete.

Q. In what regard?

A. In the regard that it did not sufficiently recite the defendant's movements on that particular night, and because it was limited, as I saw it, in my judgment, to the alleged attack upon the deceased woman.

30 Q. Was it your instruction also that statement be obtained tracing his movements after the day, or to following the alleged commission of this crime?

A. No, sir. My instructions were that my examination of the two statements obtained by the police department, in my judgment, were not sufficiently complete. I directed Fitzpatrick to get a complete statement, if such a thing were possible.

Mr. Glueckfield—That is all.

Thomas F. Burke, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Stricker.

Q. Mr. Burke, you are the undertaker who buried Edith Wilson?

A. I prepared the body.

Q. You prepared the body for burial?

A. Yes sir.

Q. State whether or not the clothing contained in this box was upon the body when it was brought to your morgue? 10

A. Yes, sir.

Q. Did this umbrella come with it, too?

A. Yes, sir.

Mr. Stricker—I offer the umbrella and box of clothing.

Cross-examination, by Mr. Glueckfield.

Q. Did you personally remove the clothing, Mr. Burke? 20

A. Yes, sir.

Q. You did not accompany the body from the vacant lot where it was found, to your place, did you?

A. No, sir. My assistants brought the body up.

Q. When you delivered them to the Prosecutor, or to his representative, were they in exactly the same condition in which you removed them from the body?

A. They are in the same box that they were placed in on the night that they were taken off, at the present time. They were never touched since. 30

Q. Who took them off the body?

A. I did.

Q. You yourself?

A. Yes, sir.

Q. And you placed them in that box?

A. Yes, sir.

Q. And then you kept the box intact until you delivered it to the Prosecutor's office?

A. Yes, sir.

Mr. Glueckfield—That is all.

Re-direct examination, by Mr. Glueckfield.

Q. Been in your possession until today, isn't that so?

A. Yes, sir.

Mr. Stricker—That is all.

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Alice Harris, a witness produced on behalf of the State, being duly sworn according to law on her oath, saith:

Direct examination, by Mr. Stricker.

Q. Mrs. Harris, you live at Cliffwood, New Jersey, do you not?

A. Yes, sir.

Q. Married?

A. Yes, sir.

20 Q. And live there with your husband.

A. Yes, sir.

Q. Do you know George Washington Knight?

A. Yes, sir.

Q. On the 14th day of this month was he living at your house?

A. Yes, sir.

Q. How long had he been living there?

A. About five months.

Q. Was he home Saturday night the 14th?

30 A. Yes, sir; he come home.

Q. What time did he come home?

A. About eleven o'clock.

Q. About eleven o'clock?

A. Yes.

Q. And when he came home did he give you anything?

A. Yes, sir.

Q. What did he give you?

A. He gave me two rings.

Q. Are these the two rings?

A. Yes, sir.

Q. Take a look at them, please?

A. Yes, sir; these are the two rings.

Q. Who was present when he gave you those two rings?

A. My husband.

Q. Do you know whether George Washington Knight, on the following day, borrowed any wearing apparel from your husband?

A. He borrowed a pair of pants and a coat.

Q. And what became of the pants that George Washington Knight wore?

A. He had them hung up behind the stove.

Q. Would you know those pants if you saw them?

A. Yes, sir.

Q. Do you see these trousers?

A. Yes, sir; them is the ones.

20

Q. They belong to George Washington Knight?

A. Yes, sir.

Q. When George Washington Knight came in that night and gave you those two rings, what was his condition?

A. He was drunk; all I see.

Q. He was drunk?

A. He was drunk; yes, sir.

Q. Well, he spoke to you, didn't he?

A. Yes, sir.

30

Q. And what did he say to you?

A. He just said, "I am drunk; and I said to him "Go to bed"; and he said "All right."

Q. Did he go?

A. Shortly after he went to bed.

Q. And when was it that he gave you the rings?

A. Directly after he come in he gave me the rings.

Q. What did he say when he gave you those rings?

A. He just said, "Here is two rings you can have."
And I said, "All right, thanks."

Q. Did he tell you where he got them?

A. No, sir.

Q. Did anybody come home with him, or did he come home alone?

A. He come home alone.

Q. Do you live in—what kind of a house do you live
10 in down there, madam?

A. Live in a little shanty house.

Q. Do you live on the first floor, or second floor?

A. On the first floor.

Q. Had you ever seen the defendant drunk before?

A. Yes, sir; once in a while.

Mr. Stricker—Cross-examine.

Cross-examination, by Mr. Glueckfield.

Q. What time of night was it when Knight came in?
20 A. Well, about between eleven and twelve o'clock, or,
eleven o'clock; somewhere along there.

Q. How do you fix the time in your mind?

A. Well, I don't know. I never exactly looked at the
time. It was around that time, around eleven or twelve
o'clock. It was about eleven o'clock when he come in.

Mr. Glueckfield—That is all.

Mr. Stricker—I offer the two rings in evi-
dence.

The Court—They may be admitted, there be-
30 ing no objection.

(Diamond ring heretofore marked *P 6* for
identification entered in evidence and marked
Exhibit P 6.)

(Gold watch heretofore marked *P 7* for
identification entered in evidence and marked
Exhibit P 7.)

Stephen F. Somogyi, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Stricker.

Q. Mr. Somogyi, you are a counsellor at law of the State of New Jersey?

A. Yes.

Q. And former official interpreter of this court?

A. Yes.

Q. On the 14th day of March the acting recorder of the City of Perth Amboy?

A. Yes, sir.

Q. Were you present during the taking of a statement by Officer Murray of the defendant George Washington Knight?

A. I was.

Q. Would you know that statement if it was shown to you?

A. Yes.

Q. I show you here *Exhibit P 9*, purporting to bear the signature of George Washington Knight, and a certificate purporting to contain an affidavit taken before Arthur E. Graham and ask you whether you saw that paper at that time?

A. I did.

Q. Now, after that paper was signed, did you raise any legal question as to the possible admissibility of that paper?

A. I don't know if it was after, or just before the signing; but it was at that time.

Q. Yes?

A. I did.

Q. What legal question did you raise?

A. Well, I said that there was a question whether that would be proper proof; whether it would be evidential.

Q. Because of the purported affidavit on the reverse side?

A. Yes, sir.

Q. And what happened then after you gave the police the benefit of your legal advice; what happened then?

A. That wasn't legal advice.

Q. Well, your opinion then?

A. Then this other statement, *Exhibit P 8*, was signed.

Mr. Stricker—That is all I have of this witness.

10

Cross-examination, by Mr. Glueckfield.

Q. You were present when both were signed?

A. I was.

Q. Were you present also at the writing of them by the scrivener?

A. I came in when the first statement, *Exhibit P 9*, was being prepared.

Q. While it was in the course of being written by Officer Murray?

20 A. He was just about completing it, yes.

Q. What was Knight doing?

A. Sitting in a chair.

Q. Smoking?

A. No, not to my knowledge.

Q. Did he seem quite calm and collected to you?

A. He did, yes.

Q. He showed no reluctance or reticence in answering any questions?

A. None whatsoever.

30 Q. His answers generally consisted of a nod of the head, indicating yes?

A. I didn't pay much attention to his nods.

Q. Well, you didn't hear him give any detailed discussion, did you, or detailed description?

A. No. Because I came in when that thing was just about being completed.

Q. The first or second?

A. The first statement; then it was re-written; it was re-written from the first one into the second.

Mr. Glueckfield—That is all.

Benjamin Cranshaw, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Stricker.

Q. Mr. Cranshaw, where do you live?

A. Keyport.

10

Q. Do you know the defendant here, George Washington Knight?

A. Yes, sir.

Q. How long have you known him?

A. Why, I have known him about three or four years, I guess.

Q. And on the 15th day of March, which was Sunday, did you see him?

A. Yes, sir.

Q. Where?

20

A. Seen him Sunday morning; seen him on the corner of Broad street and Front street.

Q. What town?

A. Keyport.

Q. Keyport, New Jersey?

A. Yes, sir.

Q. I show you here a watch.

A. Yes, sir.

Q. And ask you whether you saw the watch at that time?

30

A. I guess that is the watch; yes, sir; he had it in his hand.

Q. What did he do with it?

A. Why, he had it open, and he brought it over and showed it to me. I said, "Where did you get that." He said he bought it. So he put it in his pocket. Me and him and Wash Jackson—

Q. When did you get that watch?

A. Where did I get it?

Q. Did you get it? Did it come into your possession?

A. After we got to Matawan.

Q. Yes.

A. We went to Matawan on a trolley car, us three.

Q. Yes.

A. We got off; we went around through the alley;
10 so we went in an old house there and they were shooting crap. So we started to shoot crap too, see. So I guess Washington had two or three dollars; so he pulled—he lost two or three dollars and he come over—

Q. Without going into detail of that; did that watch come into your possession; that is, did you get the watch into your hands?

A. When?

Q. At that time?

A. Up in Matawan?

20 Q. Yes.

A. I didn't get it until after he went broke and he asked me—

Q. All right, if you insist on telling us what happened.

A. Yes.

Q. Well, after he went broke, did he sell the watch to you?

A. No, he didn't sell it. He asked me to loan him.

Q. Did he pawn it with you then?

30 A. He asked me to loan him two dollars and a half on it.

Q. Did you loan him two dollars and a half on it?

A. Yes, sir.

Q. Did he thereupon give that watch to you?

A. Sir?

Q. Did you take the watch?

A. After I give him two dollars and a half.

Q. And afterwards the police took the watch away from you?

A. Yes, sir.

Mr. Stricker—Cross-examine.

Cross-examination, by Mr. Glueckfield.

Q. How do you know that is the same watch?

A. How do I know it?

Q. Yes.

A. It looks like the one.

10

Q. Don't you think all watches of that size look alike?

A. I don't know.

Q. Look at that watch and tell me one thing about it that was the same as the other watch?

A. Sir?

Q. Take a good look at this watch and tell me one thing about it that was the same as the watch he showed you that Sunday morning?

A. That looks like the same watch to me.

20

Q. Point out something that makes you believe it is the same watch?

A. Well, there is nothing on there that I can point out; but it looks like the same watch.

Q. Have you ever seen watches like this before?

A. No, sir; I don't believe I ever seen another one of them.

Q. Never saw another one like it?

A. No, sir.

Q. Have you been confined in the county jail?

30

A. No, sir.

Q. Where did the police take away that watch from you?

A. Why, I give it to him on Broad street, Keyport.

Q. Have you been under arrest at all?

A. No, sir.

Q. Whom did you first tell this story to?

A. Why, I told it to the detective. I don't know who he was.

Q. Do you know the man?

A. That fellow sitting there. The man come with Topsy there. He is the man brought the man down with me.

Q. Which man?

A. The man sitting behind Topsy, the colored man.

Q. Didn't tell you where he bought the watch, did he?

10 A. I asked him where he got it, before I gave him two and a half, and he told me he bought it.

Q. Have you been promised anything by anybody to tell this story in court?

A. No, sir.

Mr. Glueckfield—That is all.

John A. Huff, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

20 Direct examination by Mr. Stricker.

Q. Mr. Huff, you are a detective connected with the Perth Amboy police force?

A. I am.

Q. I show you here a watch and ask you whether prior to its delivery to the Prosecutor's office, whether that was in your possession?

A. It was.

Q. And who did you get it from?

A. I got it from the last witness here, I can't just
30 pronounce his name.

By the Court.

Q. Cranshaw?

A. Yes.

By Mr. Stricker.

Q. When?

A. On Monday afternoon, the 14th.

Q. No, not the 14th.

A. Yes, sir.

Mr. Stricker—Yes, that is right. Cross-examine.

Cross-examination, by Mr. Glueckfield.

Q. How did you come to ascertain that he had this watch?

Q. Why, Mrs. Harris told me in Cliffwood that he had it. That he had given it away in Keyport. Hocked it. 10

Q. You were in Harris' Home?

A. I got the rings from Mrs. Harris. I and two other officers.

Q. How do you identify this watch?

A. Why, it is a wrist watch, and had no chain, it has none yet. It is a watch that has been in the police department ever since. I brought it back in my pocket.

Mr. Glueckfield—That is all.

Mr. Stricker—I offer the watch in evidence. 20

(Watch heretofore marked *P 10* for identification entered in evidence and marked *Exhibit P 10*.)

Charles Hauser, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Stricker.

Q. Mr. Hauser, what is your first name?

A. Charles. 30

Q. Charles Hauser?

A. Yes, sir.

Q. And where do you live?

A. Keyport.

Q. And what is your business?

A. Conductor.

Q. Conductor on what?

A. On Jersey Central Traction Company trolley car.

Q. Were you working on Saturday night, March 12th?

A. Yes, sir.

Q. Subsequently to ten o'clock that night were you in Perth Amboy with your car?

A. Ten-eleven.

Q. And where did that car start for at 10.11?

A. Why it left the ferry at 10.11 running towards the Highlands, Highland Beach.

10 Q. That is the green car?

A. Yes, sir.

Q. That goes to Keyport and the Highlands. Do you know the defendant, George Washington Knight?

A. I don't know him.

Q. What is that?

A. I say I don't know him.

Q. Do you know him when you see him?

A. Yes, sir.

20 Q. On that night state whether or not he was a passenger on your car?

A. He was.

Q. On the trip that you have just mentioned, 10.11 from Perth Amboy?

A. Yes, sir.

Q. Have you any recollection where he boarded that car?

A. Yes, sir.

Q. Where?

A. In High Street on the far side.

30 Q. Your car starts and travels on Smith Street, does it not?

A. Yes, sir.

Q. On High Street at the corner of what?

A. Corner of High and Smith.

Q. Do you recall where he was bound for?

A. Why, he told me where he wanted to go.

Q. What did he say to you?

A. He got on the car and he asked me if we were going to Keyport, and I told him yes.

Q. Did he stop the car?

A. No. We already started on the near side.

Q. Yes.

A. I was looking out of the doors and I saw this man coming down the road, down High street, right by the Packer House.

Q. Towards the car?

A. Towards the car. He hollered.

10

Q. How was he moving?

A. Well, he was moving fast to get the car.

Q. Was he walking or was he running?

A. No. He was running for the car.

Q. He was running for the car?

A. Yes, sir.

Q. You stopped the car?

A. I stopped the car.

Q. And he got aboard?

A. Yes, sir.

20

Q. Where did he alight? Where did he get off?

A. He got off at Cliffwood avenue?

Q. At Cliffwood?

A. Cliffwood avenue; yes, sir; at Cliffwood.

Q. And Cliffwood is just this side of Keyport?

A. Yes, sir.

Q. Did you subsequently tell anyone about the defendant's presence on your car that night?

A. Did I, that night?

Q. No. After that night, did you tell anybody that this defendant had been a passenger on your car?

80

A. I told Officer Mount Monday morning.

Q. Monday morning?

A. Yes, sir.

Q. You didn't go with Officer Mount after that, did you?

A. I went with him Monday morning?

Q. Where did you go with him?

A. To Cliffwood.

Q. And did you there in Cliffwood point out to Officer Mount this defendant as the man who had been on your car?

A. Yes, sir.

Mr. Stricker—Cross-examine.

Cross-examination, by Mr. Glueckfield.

Q. How many people did you have on your car when
10 this man got on?

A. Why, about fifteen.

Q. About fifteen?

A. Yes, sir.

Q. The whole fifteen hadn't gotten on at one time, had they?

A. No, sir.

Q. Now, what was there about this man that fixes in your mind the point where he got on exactly, the side of the street he got on?

20 A. What was it?

Q. Yes; what was there about this man that fixes all this in your mind so clearly?

A. Why, I was looking out of the side of the car. We made a stop at the near side of High street and I got on—or, there was a passenger got on to the car, and I was looking out of the car and I saw this man running down by the Packer House and hollered for the car and I stopped the car and he got on.

Q. Was he drunk?

0 A. Not to my knowledge.

Q. You don't know whether he was or not?

A. Well, I don't think he was. He didn't look like a drunken man to me.

Q. Can you tell me where any of the other fifteen passengers got on.

A. Well, we generally picked them up from Smith street, going down to the ferry.

Q. Could you identify each particular corner where each of the other passengers got on?

A. No. I could not.

Q. What is it that makes you so sure as to the exact street where this man got on, and whether it was the near or far side?

A. Why? Because I stopped the car. I saw the man coming running for the car and hollered.

Q. That was the only time you had occasion to do that that entire night?

A. Why, yes; stop on the far side. We are not supposed to stop there and pick up passengers or let them off, either one. 10

Q. Now, Hauser, isn't it true that when this man got on he sat in the corner of the car and immediately fell asleep?

A. No, sir.

Q. How do you know it is not?

A. How do I know? Why, I know he wasn't. He wasn't asleep all the time, from the time he got on my car until he got off. Never closed his eyes.

Q. Did you take on any more passengers after he got on? 20

A. I think I did.

Q. By the time you got to Cliffwood avenue how many passengers did you have on your car?

A. By the time I got to Cliffwood avenue I don't believe I had over four or five passengers on the car.

Q. What part of the car was Knight sitting in?

A. He was sitting in most every seat on the car before he got off it.

Q. Do you mean he was shifting around from place to place? 30

A. Yes, he was shifting.

Q. And there was nothing about him that made you think he was drunk?

A. No; I don't think he was drunk.

Q. How, in your mind, do you account for his shifting around from seat to seat?

A. Well, I thought he had something on his mind.

Q. The fact that he is charged with a crime here does not give you that happy thought, does it.

A. No, but I thought so when I read the paper Monday morning, didn't I?

Q. But what did you think that night, I am asking you, not what you thought Monday?

A. Well, I thought he had something on his mind.

Q. Just a minute. What were you thinking Saturday night when you saw him shift from seat to seat?

10 A. What was I thinking?

Q. Yes.

A. I thought he had something on his mind.

Q. Had something on his mind?

A. Yes.

Q. Whenever you see a passenger who shifts in his seat once or twice you think he has something on his mind?

A. Well, no, not always.

Q. Only this particular case?

20 A. No. This man was all over the car, and he even——

Q. How many times did he change his seat?

A. What is that?

Q. How many times did he change his seat?

A. Well, I can't tell you just how many times, but the car seats forty-eight passengers, and there is twenty-two seats in the car, and I guess he was in nearly every one of them.

Q. He wasn't asleep at any time?

30 A. No, sir; never closed his eyes.

Q. You were attending to your business?

A. Well, I think I was.

Q. You are sure of that, are you?

A. Yes, positive.

Q. Have any reports to make out?

A. Who?

Q. You.

A. Why, I had my register readings to take all the way from Perth Amboy to Keyport; had all my fares to collect.

Q. You did all your duties?

A. I think so. I know so.

Q. Made out your reports, rang the bell for the stop and start, and yet so firmly observed everything this man was doing in the car?

A. Why, you couldn't help it. A man who has been handling the public for ten years.

10

Mr. Glueckfield—That is all.

Mr. Stricker—That is all.

Asbury Mount, a witness produced on behalf of the State, being duly sworn according to law, on his oath saith:

Direct examination, by Mr. Stricker.

Q. Mr. Mount, what connection have you with the police department of Keyport?

A. I am one of the officers there. There are three of us and I am one of them.

Q. You are patrolman, are you?

A. Yes, sir.

Q. And on the 14th day of March did you arrest the defendant?

A. Yes, sir.

Q. And where did you arrest him?

A. Brickyard in Cliffwood, Cregan's brickyard, I believe.

Q. Who pointed him out to you?

A. Mr. Hauser.

30

Q. At the time of his arrest do you know how he was dressed?

A. Had on a dark coat and cap, blue jumper, pair of tan shoes.

Q. Just a moment. Will you kindly step down here and take the garments that you say he had on and see if you can recognize them?

A. They are his pants.

Q. Yes.

A. Cap.

Q. Yes.

A. Coat.

Q. Yes.

A. That is the jumper.

Q. Yes.

A. That is his shoes.

10 Q. Were you present when the clothes were taken from him in the station house?

A. No, sir.

Q. Perth Amboy?

A. No, sir.

Q. Where did you arrest the defendant?

A. Where?

Q. Yes.

A. He was in a little shack there over in the brick-yard.

20 Q. Did you go into the shack?

A. I did.

Q. Did you see him in that shack?

A. When we first went in I didn't. There was three other colored men in there. I found out afterwards there was four with this man. So we came out and we inquired around if anyone saw a colored man answering the description that Hauser was telling. One man told us that there was a man answering that description living in that house we had just come out of.

30 Q. Then you found him and took him into custody?

A. We inquired then what his name was and we went back.

Q. What was he doing at the time when you arrested him?

A. He was combing his hair.

Q. And what time of the day was it?

A. Well, I should judge it was between—we left Keyport on the 10.20 trolley, it would take about ten

minutes to get to Cliffwood. And we left Cliffwood with this man on the 11.20 car out of Keyport, which would be about half-past eleven at Cliffwood. Somewheres between half-past ten and eleven o'clock we made the arrest. Probably a little later. A little after eleven.

Mr. Stricker—That is all I have with this witness.

Cross-examination, by Mr. Glueckfield.

Q. What did you say to him when you made the arrest? 10

A. I asked him if he had been in Perth Amboy Saturday night and he said yes.

Q. Anything else?

A. I told him there had been a little trouble on the car, that some windows broken, and I thought he was the person done it, and we were going to take him over and find out.

Q. What did he say when you said that?

A. He said all right. 20

Q. Did he say whether or not he had broken any windows or taken part in any fracas that had resulted in that?

A. He said he had not.

Q. He said he had not?

A. Yes.

Q. Was he excited over your taking him to the lockup?

A. Apparently a little nervous, yes.

Q. Why do you say apparently, what made you think— 30

A. Well, he was shaking. He wasn't feeling any too pleasant, I think, about the situation.

Q. And he went along quite willingly?

A. He did, yes.

Q. What did he say? Did he say anything more on the way?

A. I didn't question him on the way at all.

Q. You merely told him there was a little trouble in Perth Amboy about some broken windows in the trolley car and you asked him to come along and he went?

A. Yes.

Q. Where have those clothes been since they were taken off his body?

A. I don't know.

Q. How do you know those are his clothes?

A. I can tell they were the clothes he had on him
10 when I made the arrest.

Q. Nothing about them particularly that you identify?

A. Only the pair of overalls and shoes.

Q. Well, you have seen lots of other pairs of overalls and shoes?

A. Never seen any shoes looked like those. Kind a large pair of shoes, and all run over on the side.

Q. Only pair of shoes like that you have ever seen?

A. That is the only pair of shoes like that I ever
20 saw, yes.

Mr. Glueckfield—That is all.

Joe Harris, a witness produced on behalf of the State, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Stricker.

Q. You are the husband of Alice Harris?

A. Yes, sir.

Q. You are the man with whom George Washington Knight boarded at Cliffwood on March 12th?

30 A. Yes, sir.

Q. State whether or not on his return home that night, or the following morning, you loaned him a pair of trousers or not?

A. Yes, sir; I loaned them to him that Saturday night.

Q. Saturday night?

A. Yes, sir.

Q. What did he do with his trousers?

A. He hung them up behind the stove to get dry?

Q. And then did he get his own trousers the following day?

A. No, sir. He wore my pants all day Sunday.

Q. Did he get his pants again on Monday morning and return yours?

A. Yes, sir.

Mr. Stricker—That is all.

Cross-examination, by Mr. Glueckfield.

10

Q. When did he borrow these pants?

A. On Saturday night, sir.

Q. What time?

A. Just after he got in the house.

Q. What time?

A. About eleven o'clock, or quarter past eleven, I guess.

Q. Quarter past eleven?

A. About eleven, or quarter past eleven.

Q. I say, when did he borrow the pants from you? 20

A. On Saturday night, after he came home.

Mr. Glueckfield—That is all of this witness.

Mr. Stricker—I have another photograph which I desire to introduce in evidence. I understand Mr. Glueckfield will not admit it, so I will have to produce the photographer. I am in no position to do it this afternoon. I can do so tomorrow morning, and I should like to reserve the right to introduce this photograph.

The Court—Why can't you prove it now? 20

Mr. Stricker—Because the photographer who took it is not here; but he will be here tomorrow morning. And but for the evidence of that photographer the State rests.

The Court—You reserve the right to call him?

Mr. Stricker—If Your Honor will grant me the permission.

The Court—Proceed with the defense.

Mr. Glueckfield opens the case for the defendant.

DEFENDANT'S CASE.

George Washington Knight, the defendant, being duly sworn according to law on his oath, saith:

Direct examination, by Mr. Glueckfield.

Q. What is your full name?

A. George Washington Knight.

10 Q. Where were you living before you were arrested in this case?

A. In Cliffwood, New Jersey.

Q. With whom?

A. With Alice Harris and Joe Harris.

Q. Have you any occupation?

A. I was working at Morgans.

Q. What were you doing?

A. Working as laborer, tearing down houses.

Q. Did you have any regular occupation?

20 A. No, not at that time, any more than working at Morgans.

Q. Did you ever have any regular trade or occupation?

A. No, I never had no trade.

Q. How old are you?

A. Twenty-two.

Q. Where were you born?

A. I was born in Newport News; lived with my mother, 618 Twentieth street.

30 Q. What is your mother's name?

A. Catherine W. Knight.

Q. Where is your father?

A. Father is dead.

Q. What was your father's name?

A. Jesse, that is all I ever knowed; Jesse Knight, I guess.

Q. Did somebody tell you his name was Jesse?

A. My mother told me his name was Jesse.

Q. Did you know your father?

A. Did I know him?

Q. Yes.

A. No.

Q. Did you ever see him?

A. Not to my—if I see him I didn't know him.

Q. Got any brothers or sisters?

A. No.

Q. When did you leave Newport News?

A. When did I leave Newport News? Left Newport News 1914. 10

Q. What kind of work were you doing down there before you left?

A. What kind of work? I was working in a ship-yard.

Q. What doing?

A. Riveting.

Q. Were you doing anything else down there?

A. Yes, I used to beat bones in a saloon.

Q. Do you mean those castinets? 20

A. Yes.

Q. When you left Newport News where did you go?

A. Went to Derby, Connecticut.

Q. What did you go there for?

A. Work on a railroad.

Q. How long did you work?

A. Three days.

Q. Were you fired, or did you quit?

A. Quit.

Q. Why? 30

A. Because I could—

Mr. Stricker—I object.

The Court—I do not think it makes any difference why he quit. I do not think it is material why he quit.

Q. After you left Derby where did you go?

A. Came to New York.

Q. How long did you stay there?

- A. Oh, I stayed in New York about five months.
- Q. Where did you go from New York?
- A. Work on the New York and New Jersey steamship.
- Q. How long did you work at that?
- A. Worked at that for three months.
- Q. Well, after you quit, or were discharged from there, where did you go?
- A. Drive a truck for J. B. Price, 597 Water street,
 10 corner of Water and Montgomery, New York City.
- Q. When did you come to New Jersey?
- A. When did I come to New Jersey? I don't just remember the day and month; but I can tell you how long I have been in Jersey. I have been in Jersey five months and two weeks now; that is last past two weeks.
- Q. Where, in Jersey, have you been during all that time?
- A. Cliffwood, New Jersey.
- Q. Living all the time with the Harrises?
- 20 A. Yes, sir.
- Q. Did you ever serve in the army?
- A. No.
- Q. Were you ever at Camp Upton?
- A. No.
- Q. Were you ever in France?
- A. I was in France, but not to fight.
- Q. What were you doing in France?
- A. I was in France on a steamship; S. S. Caledonia.
- Q. Were you there any length of time, or just until
 20 the ship returned?
- A. Was in port for about eighteen days.
- Q. You didn't serve there in the army?
- A. No.
- Q. Did you ever take part in any battles?
- A. No.
- Q. Were you ever gassed anywhere?
- A. No.
- Q. By any kind of gas?

A. No.

Q. Now, Knight, coming down to the night of March 12th, the night upon which you are charged with having committed a crime, what do you remember doing?

A. After leaving the saloon I remember going down some street—

Q. Just a minute. Where did you come from when you went to the saloon?

A. Where did I come from?

Q. Yes.

10

A. I came from Cliffwood, New Jersey.

Q. You went direct to the saloon?

A. Yes.

Q. Meet anybody there?

A. Was nothing there but white people there when we went in there.

Q. Well, after you got in did any other colored people come in?

A. Oh, after we was in there a while some colored people came in.

20

Q. Where is that saloon?

A. I don't know what street it is on, but it is on a street car go to Newark, that is all I know.

Q. What did you do in the saloon?

A. We got in the saloon and went back in a room and set down and we ordered a pint of gin.

Q. Who is "we"?

A. Well, not me, but Dick Henderson and Robert Bates ordered the first pint of gin.

Q. There were three of you?

30

A. Yes. Four of us.

Q. Did you all four go in together?

A. Yes, sir.

Q. Where had you met these companions of yours?

A. We all came from Cliffwood, New Jersey, together.

Q. And headed direct for the saloon?

A. Yes, sir.

Q. Were you sitting at a table, or standing at the bar?

A. Sitting at a table.

Q. Did you drink?

A. Yes, sir.

Q. What?

A. Gin.

Q. How do you know it was gin?

A. Well, it was white, all I know. Must have been gin.

10 Q. Did you ask for gin?

A. Yes, sir.

Q. Do you know the taste of gin?

A. I know the taste of gin all right.

Q. Did that taste like gin that you drank that night in that saloon?

A. Taste like water when you were drinking it. It was gin all right, though, because it had the taste of gin.

Q. Well, it tasted like water while you were drinking it and what about it after you had it down?

20 A. After you get it down you feel fine all right.

Q. Feel what?

A. After you get it down you feels it all right.

Q. You feels it all right?

A. Yes, you feel it.

Q. How many bottles of gin did you have between you?

A. Between the four of us we had four bottles of gin, four pints of gin.

Q. Four pint bottles of gin?

30 A. Yes.

Q. Now, Knight, how much of it did you drink?

A. Well, I am satisfied of saying that I drink over a pint and a half myself.

Q. Do you think you drank any more?

Mr. Stricker—I object to that question.

The Court—That is not the question.

Mr. Glueckfield—I will withdrawn the question.

Q. Is that as much as you remember drinking?

Mr. Stricker—I object to that.

The Court—I will allow that.

Mr. Stricker—All right.

Q. Is that as much gin as you remember drinking?

A. Yes, sir.

Q. After you left the saloon where did you go?

A. Came outside and started a little dispute between Robert Bates and Rogers Fulse and Dick. I remember Dick Henderson said he was going to catch a train to go home, so he leave. And Fulse and Bates was to go around to some Joe Brown's house, but whom I don't know. They left me, and what street I went down I couldn't really tell what street I did go down, but I can remember grabbing someone. 10

Q. Some what?

A. I can remember of grabbing someone.

Q. Someone?

A. Yes.

Q. Do you know what street it was on? 20

A. I do not.

Q. Well, what else do you remember about what you did that night?

A. Well, now, I couldn't go on and tell you what I remember about it, because I remember grabbing someone, but who, whether a woman, or who she was, I really didn't know whether I fooled with her or not, but as I signed—

Q. Wait a minute. Was this person that you made a grab for coming toward you or going from you, or what? 30

A. That I don't know.

Q. Do you know whether you followed this person or not?

A. I do not.

Q. Haven't you any recollection whether it was man, woman or child?

A. I couldn't say.

Q. You told us that you remember walking down some street whose name you don't now know, and making a grab for someone. Now, what else, Knight, do you remember about the night's occurrences?

A. That night's occurrences?

Q. Yes. Do you remember anything else about that night?

A. Do I remember anything else about that night? I don't remember anything else about that night, no
10 more than what I have been told Monday after I was arrested.

Q. Who told you?

A. This officer, the fellow that you had up here.

Q. Fitzpatrick?

A. No, not Fitzpatrick. I haven't seen Fitzpatrick. It was the fellow in Perth Amboy, but the fellow who arrested me from Keyport, he never mentioned anything to me at all, not until I was brought into the detective's office in Perth Amboy.

20 Q. Up to that point you didn't know what had occurred Saturday night except that you made a grab for somebody?

A. Yes.

Q. Do you remember anything that happened right after you made this grab?

A. I do not.

Q. Have you any recollection of what you did with this person that you grabbed?

A. I have not.

30 Q. After this man arrested you in Keyport where did he take you?

A. Took me to Perth Amboy.

Q. Where to?

A. To the police station.

Q. What did he say to you when he arrested you?

A. The first time he came in the house he asked for Washington Jackson. So he left from there, she told him that Washington Jackson didn't live there. So he

didn't know where Washington Jackson lives, so he goes down the street about twenty-five or thirty minutes. So he comes back again and asked for George Washington. I stood there and I had a comb in my hand. I said to him, "Yes, sir." He said, "some trouble up on a trolley car Saturday night, get ready, I want to take you down." I told him all right. So I took my coat to put it on first. He said, "no, put your jumper on too." The fellow that came in here with him say "yes, he had a jumper on." So I put the jumper on too, 10 and come out with him and come on to Perth Amboy to the police station. So when we gets in the police station the detective said to me, he said, "was you in Perth Amboy Saturday night, March 12th?" I said "Yes, sir." "Say, do you realize what you done?" "No, sir." He said, "well, you is charged with murder." I looked at him. Well, I don't know how to believe him. I thought the man was trying to fool me, trying to kid me up that I was charged with murder. He said, "are you guilty or not guilty?" He said, "what do you 20 know about it?" "I don't know nothing about it." He said, "pull your pants down." I pulled my pants down. Well, I had blood on my drawers. On my pants. "You did it, didn't you?" I don't know whether I did it or not." "But, didn't you do it?" "Yes, sir; I did."

Q. That is the way it happened, I mean, he asked you if you did do it?

A. Yes, sir.

Q. And you said yes, sir?

A. Yes, sir. 20

Q. Why did you say yes, sir?

A. I said yes, sir, because that I was scared.

Q. You were what?

A. I was scared.

Q. Scared of what?

A. I was scared of being in a room with about fifteen men, with one man in there was charged with murder, if I didn't get up and admit that I had did a crime,

when they had found the blood on my clothes, if I had continued to say no, that I would have been beat up by—it is natural any man that had any gumption would be in a house like that, in a room amongst people like that, nothing but detectives in there, that would have said yes; and more besides me saying yes. I am sitting down in a chair by a desk, and after he had found the blood on my clothes, getting ready to be questioned, this big fellow goes down stairs, comes back upstairs with his hand in this shape (indicating). With a blackjack up his sleeve, which I could see, with leather around it. Well, whenever a question was put before me, then I answered yes, whether I knowed anything about it or not.

10

Q. Do you remember signing these two papers?

A. I remember signing those two papers.

Q. Why is one signed George Washington and the other one George Washington Knight, do you know?

A. I really don't know why it is.

20

Q. Can you read?

A. Can I read? A very little bit.

Q. Very little?

A. Yes, sir.

Q. Can you read what is on this piece of paper?

A. I cannot.

Q. See if you can read these words here (indicating)?

A. "Where do you have."

Q. Where do you have?

30

A. Yes.

Mr. Glueckfield—The words are "Where do you live."

Q. Can you read this (indicating)?

A. I can make out them three words there, but I don't know what that is there (indicating).

Q. Did you ever go to school?

A. Went to school two terms.

Q. Two terms?

A. Yes.

Q. Do you mean two half years or two whole years?

A. Two half years.

Q. Do you remember when these two papers were made out in Perth Amboy?

A. Yes, sir.

Q. You tell us what happened when they came to you and got you to sign this first paper?

A. After the paper was made out——

Q. Wait just a minute there. Was the paper brought to you all made out? 10

A. No.

Q. It was written while they were with you?

A. While they were with me.

Q. They asked you questions as they wrote?

A. Yes.

Q. What questions did they ask you?

A. The questions was asked to me in this way: When you grabbed the woman you pulled up her clothes. I said, I don't know whether I did or not. Didn't you; 20 you know she didn't pull them up. I said, yes, sir.

Q. And that is the way the rest of the examination was made?

A. That is the way the whole thing was made out, besides, and when I came to Mr. Fitzpatrick, after I had told this story like I did in Perth Amboy, I confessed to all to the same story by saying yes. No, first he forced me to say anything already in it, as I only—he forced me to say in there. I said the same thing to Mr. Fitzpatrick as I had signed these papers in Perth 30 Amboy.

Q. Well, now, the first statement in your first confession is this: "I came to Perth Amboy on Saturday night on March 12th, 1921, at 7.00 P. M. I got off the car at State and Smith street. The following men were with me, Robert Bates, Dick Henderson, Roger Fault. We went to Mrs. Sturm's store and we had some drinks." Is that all right? Is that all correct?

18 G. W.

A. That is right.

Q. "The four of us drank four pints of gin," is that correct?

A. That is right.

Q. "We got in the store between 7.30 and 8.00 P. M.," correct?

A. That is right.

Q. "We were in the store about one hour and fifteen minutes," is that right?

10 A. I would not say that is right, because I don't know exactly how long we was in there.

Q. You don't know how long you were in there?

A. No.

Q. "We left the store and we had an argument and we split up," is that right?

A. We did.

Q. "I wandered away from the crowd, met a woman on the street, I grabbed her with my hands," did you say you grabbed a woman by the hands?

20 A. No, sir; I did not.

Q. What did you say?

A. When I was asked that question, how did I grab the woman, I said I did not know. You grabbed her with your hands. Said yes, I didn't know. Didn't you grab her with your hands. Yes, I did.

Q. Well, did you grab a woman with your hands?

A. I grabbed her, but how I grabbed her I don't know. I wouldn't say.

Q. Did you grab a woman?

30 A. I grabbed a woman, I guess must have been a woman by the rings and the wrist watch I had, must have been.

Q. Never mind those things. I am speaking about what you have got up here in your head.

A. Do I know it was a woman? That is what you want to know?

Q. Yes.

A. I don't know whether it was a woman or no, and I wouldn't say.

Q. What makes you think it was a woman?

A. Well, what makes me think it was a woman, that I don't feel as I could have got a wrist watch and lady's rings off a man.

Q. That is how you fix in your mind that the person you grabbed was a woman?

A. Yes, sir.

Q. When did you find those things, or, where did you first see those rings and wrist watch? **10**

A. When I woke up Sunday morning, March 13th, I put my hand in my pocket and I takes that wrist watch. I was thinking where did—what I did, or where I got this watch from. I goes out doors around the house and I stands and looks at it. In the meantime goes back in the house, not thinking yet what I had done, but knowing that I had done something. What I had done I didn't know.

Q. What made you think you had done something? **20**

A. Because I know I didn't have no wrist watch.

Q. And did you have any recollection where you got it from?

A. I did not.

Q. Do you remember giving either one or both of those rings, or any rings, to Mrs. Harris Saturday night?

A. I don't.

Q. You don't know whether you gave them to her or not? **30**

A. I do not.

Q. Now, you say also in this first confession that when you grabbed her—"I grabbed her with my hands, she made no outcry." Do you remember anything like that?

A. I remember them asking me that.

Q. Do you remember whether that is true; that you grabbed a woman and no outcry was made?

A. I do not.

Q. "And she seemed to faint away, as she did not struggle." Do you remember anybody having any struggle with you?

A. No, sir; I do not.

Q. "I laid her down beside the bush and then I ravished her." Did you say that?

A. No.

Q. Did you do it?

10 A. I don't know whether I did or no; as I said first, I do not know whether I did that or no; but I wouldn't say that I didn't do it.

Q. How did you come to sign it and say that you did lay her down and ravish her?

A. How did I come to sign it?

Q. Yes. Did you say yes to that question too?

A. Which; that I did lay her down and ravish her?

Q. Yes.

A. I did.

20 Q. You did say yes to that?

A. I did.

Q. "I then got up and got a Jersey Central trolley car for Cliffwood, New Jersey." Do you remember getting on a trolley car?

A. I do not.

Q. Do you remember going back to Cliffwood that night?

A. Do I remember going back to Cliffwood?

Q. Yes.

30 A. I remember getting home that night.

Q. Do you remember getting in the house?

A. Yes, in the house.

Q. Do you know how you got there?

A. I do not.

Q. Do you remember running for a trolley car?

A. No, no.

Q. Do you remember saying anything to any conductor on the trolley car?

A. No, sir.

Q. And when the detective who wrote this asked you, "You got on a trolley car for Cliffwood," you said yes?

A. Yes.

Q. The last statement is: "I have told my story to nobody until I told it in the presence of you people today." Is that true?

A. That is what he written down. I don't know. I don't think I said to him—he asked me, "have you told anybody about this until you told it to us." I said, "No, 10
sir." So he written down and he read it off.

Adjourned until tomorrow, Thursday, March 24th, 1921, at 9:30 A. M.

MIDDLESEX OYER AND TERMINER, 20
December Term, 1920.

STATE OF NEW JERSEY	} On Indictment for
vs.	
GEORGE WASHINGTON KNIGHT.	} Murder.
	} 54—3297—9020.

Transcript of stenographer's notes of evidence in the above entitled cause, taken before Hon. James J. Bergen, Justice of the Supreme Court, and a jury, at the Middlesex County Court House, in the City of New Brunswick, New Jersey, on the twenty-fourth day of March, A. D. 1921, at 9:30 A. M. 30

Appearances—Joseph E. Stricker, Esq., Prosecutor of the Pleas; John E. Toolan, Esq., Assistant Prosecutor of the Pleas, Attorneys for the State; I. Benjamin Glueckfield, Esq., Attorney for the Defendant.

George Washington Knight, resumed.

Direct examination (continued), by Mr. Glueckfield.

Q. We concluded yesterday, Knight, by asking you the truth of certain statements embodied in the confession you signed at Perth Amboy. Now; directing your attention to the statement or confession which you signed in New Brunswick on March 14th, I ask you if it is true that you volunteered in the Old 15th New York Regiment?

10 A. I told you I did not.

Q. Did you volunteer in any regiment?

A. I did not.

Q. Did you go over with U. S. troops?

A. No.

Q. Were you ever stationed at Camp Upton?

A. I was not.

Q. Did you go to Spartansburg, South Carolina, with the troops?

A. No, sir.

20 Q. Did you spend six or seven weeks in the army anywhere?

A. No, sir.

Q. Did you spend eighteen months in France?

A. I did not.

Q. Did you take part in the important battles?

A. No.

Q. And were you gassed?

A. No.

30 Q. Did you return from France in 1919 and get mustered out at Camp Upton, Long Island?

A. I did not.

Q. Why did you sign a statement setting forth all these things which you have just denied?

A. Why did I say it? As the questions was asked me, first in Perth Amboy, I said I did. Until I signed the last one and I say I did.

Q. Yet you knew all the time that they were not true?

A. I did. I known that I hadn't been in no army.

Q. Did you say these things and the detective wrote them, or did he ask you these things and you said yes?

A. The question as you asked me the question they was asked to me the same way, and not me saying those questions out of my own mouth; those questions, as I say, was put in my mouth and then I answered to them yes.

Q. In the same way that I have been asking you this morning?

A. Yes. 10

Q. You say further that when you were walking down the street after leaving your friends you grabbed a woman. Did you say that in so many words?

A. Did I say it in so many words?

Q. Yes.

A. Leaving the saloon he asked me what I then did, I going. I did not know. But, in going down the street, he says to me, you meets a woman coming across the street, and when she had got to this open lot you grabbed her, didn't you. 20

Q. What did you say?

A. I don't know whether I grabbed her or not. I wouldn't say I didn't and I wouldn't say I did.

Q. What did he say?

A. He said, "Didn't you grab her." I said, "Yes, I grabbed her."

Q. Did you tell the detectives she had an umbrella over her head?

A. Did I tell him she had an umbrella over her head?

Q. Yes. 8

A. I did not.

Q. Did you acknowledge the truth of that statement in the same way that you assented to the other statements?

Mr. Stricker—I object to that question.

Mr. Glueckfield—I will withdraw the question.

Q. Why did you say that the woman had an umbrella over her head if you don't remember whether it was a woman or not?

A. Why did I say so?

Q. Yes.

A. Because when I was asked did I leave this woman with an umbrella over her head, I told him I didn't know whether I did or not, I didn't know whether she had an umbrella or not.

10 Q. Now, your next statement is "When I grabbed her she made no outcry. I must have dragged her near the bush in the yard. I do not know what time that was. When I got her in there I laid her on the ground, raised up her clothes, I took my privates from my pants and got on top of her." Do you remember doing those things?

A. I do not.

Q. Why did you sign this paper saying that you do remember doing those things?

20 A. Why did I sign the paper? I signed the paper under this occasion because that I was scared and that I had never known until that I was brought to Perth Amboy that this woman was dead until it was told to me in the court house, and naturally I was naturally scared, and after these people was run out, and this man goes downstairs from leaving the room that I was in, sitting the chair, making my statement to that little fellow over there, I guess he is here this morning, and when this man came back upstairs he came back up-
30 stairs with his hand in this shape, which I could see in his hand something covered with leather, but what it was I couldn't see. And then didn't he ask me whether I am going to sign these papers, I said yes.

Q. Whose words were these that I have just read to you?

A. Whose words was it?

Q. Yes.

A. Well, I couldn't really say they was my words. They was words that was put to me to say.

Q. Did you say yes, or did you answer yes to the questions?

A. I answered yes to the questions.

Q. Did you tell the detective that you took rings off this woman's finger?

A. I did not.

Q. Did he ask you whether you did?

A. He asked me, when I was leaving this woman you took the two rings off her finger and taken a wrist watch off her wrist, did you or did you not. I did not. If I did I don't know anything about it. Didn't you do it. Yes, sir; I did it. 10

Q. And the same way about the watch?

A. Same way about the watch.

Q. Do you know this man Cranshaw, or Grimshaw?

A. I know of him. I doesn't know him personally. I know of him.

Q. Did you sell him that watch up there? 20

A. I wouldn't say that is the watch, but it was a watch like it. I wouldn't say it is the same watch. I didn't sell it to him. I borrowed two dollars and a half from him.

Q. Did you give him that watch, or any other watch?

A. I did.

Q. Was it that watch?

A. Well, I wouldn't say it was this watch, because I haven't seen any special marks on it that I could say it was. 30

Q. Now, you say you have no recollection of what took place Saturday night?

A. I do not.

Q. Tell, me, if you will, when did you first recover your senses, or your consciousness so that you knew where you were and what you were doing after Saturday night?

Mr. Stricker—I object to that on the ground that he has not testified that he had lost his senses, or his consciousness at any time.

The Court—I do not hear you.

Mr. Stricker—I say the ground of my objection is that this witness has not testified that he at any time lost his consciousness.

Mr. Glueckfield—I will change the form of the question.

10 Q. When did you first recover your memory after Saturday night so that you knew where you were and what you were about?

A. What I were about?

Q. When did you first recover your memory so that you knew where you were and what you were doing?

A. Sunday morning?

Q. Sunday morning?

A. Yes, sir.

Q. About what time?

20 A. I guess around about half-past eight when I woke up.

Q. Where were you when you woke up?

A. In bed.

Q. Where?

A. In Cliffwood, New Jersey.

Q. In your home?

A. Yes, sir.

Q. How did you get there, do you know?

A. If you can tell me, I can tell you.

20 Q. If I tell you, then you will tell me?

A. Sure will.

Q. What did you do Sunday morning when you woke up?

A. I woke up, got up and washed my face, ate my breakfast, put pants and coat on and goes to Matawan, New Jersey.

Q. Did you feel sick at all?

A. Feel sick? I felt rotten from drinking that rum gut whiskey.

Q. Was there anything on your mind, anything bothering you Sunday morning?

A. Wasn't anything bothering me no more than when I looked in my pocket I found this wrist watch I knowed that I had done something, but what I had did I don't know.

Q. Did you have any pains or aches anywhere Sunday morning?

10

A. I did not.

Q. Have any headache?

A. Oh, I had a headache all right.

Q. Had a headache?

A. Yes, I knows that was from drinking that rum.

Q. Have you ever been arrested before in your life?

A. Yes, I have been arrested.

Q. You have been?

A. Yes.

20

Q. Where?

The Court—How is that competent, whether he has been arrested or not?

Q. Have you ever been convicted of any crime before?

A. No.

Mr. Glueckfield—Cross-examine.

Cross-examination, by Mr. Stricker.

Mr. Stricker—Doctor Rosewater, will you kindly stand up?

30

Q. Did you ever see this gentleman before?

A. I did.

Q. Was he in to see you or speak with you yesterday afternoon after Court adjourned?

A. After court had adjourned?

Q. Yes.

A. No.

Q. He was in to see you yesterday morning, wasn't he?

A. Morning.

Q. Did he speak to you in Court here?

A. In Court?

Q. Yes, while you were sitting here?

A. He did not.

Q. This rot gut rum, or this whiskey that you drank was really gin, was it not?

10

Mr. Glueckfield—I object to that question. He is not posing as a competent authority on gin. He may have understood it to be gin.

The Court—He has testified that he bought gin and it tasted like gin.

Mr. Glueckfield—Counsel's question is, was it really gin.

The Court—I will allow the question.

Q. It was gin, wasn't it?

A. It tasted like gin, it must have been gin.

20

Q. And it went down like water, didn't it?

A. It did.

Q. You drank it out of a bottle?

A. Out of a glass.

Q. You testified yesterday that there was more than one bottle of that purchased.

A. Yes, sir.

Q. How many bottles were there purchased?

A. Four.

Q. And up to the time that the fourth bottle was
30 purchased your memory and reason was perfect, wasn't it?

A. Was fair.

Q. Speak up, please.

A. Was fair, that I know.

Q. And you also remembered sufficiently to make the estimate that you yourself drank about one and one-half bottles of the four, you remembered that, didn't you?

A. That is to my motion, because I—

Q. You remember that, don't you?

A. Yes, I remember that, sure I remember it.

Q. And then you remember leaving your companions, don't you?

A. Yes.

Q. And you remember walking down the street, you remember that, don't you?

A. Yes.

Q. And you remember meeting a woman?

10

A. A woman.

Q. You remember that, don't you?

A. I remember meeting a woman?

Q. Yes. Well, you remember seeing a woman?

A. Seeing her. I remember seeing someone, but who it was I don't know.

Q. And from the moment that you saw that someone whom you say was a woman, why, your mind became a blank, that is right, isn't it?

A. I don't say my mind became a blank at that.

20

Q. Well, you lost your memory from that time on, didn't you?

A. Lost my memory?

Q. Yes.

A. I don't say I lost my memory.

Q. What do you say?

A. What would I say?

Q. Well, now, I want you to tell me?

A. Now you want me to tell you?

Q. Yes. I want you to tell me whether or not from the moment that you saw that woman you lost your mind or your memory?

30

A. I lost my mind or my memory?

Q. Yes.

A. Well, I couldn't say that I lost my mind. I couldn't say that I lost my memory.

Q. You do remember meeting a woman, don't you?

A. I don't know whether I met a woman, or how she was coming to me. I couldn't say that.

Q. Well, you remember seeing a woman, don't you?

A. Seeing a woman?

Q. Yes, on the street in Perth Amboy?

A. It is hard for me to say whether I seen a woman, or who she was. All I remember grabbing someone.

Q. You remember grabbing her, do you? How far from the saloon where you got this liquor was it that you grabbed a woman?

A. How far was it?

Q. Yes.

A. I couldn't tell, because I don't know anything about them streets.

Q. Well, was it one block, two blocks, or three blocks?

A. I couldn't say.

Q. Well, how long had you been out of the saloon when you met the woman?

20 A. I couldn't say that because I didn't have no time.

Q. Then the point at which you lost your memory was when you grabbed the woman, that is right, isn't it?

A. That is what you say is right.

Q. No. I am not on the witness stand. I am asking you. Is that right?

A. I wouldn't say it is right or no. I don't know whether I lost my memory, or lost my mind, or not. I don't say I lost my mind, or lost my memory. But I say I doesn't remember of doing anything to this woman.

30 Q. You remember grabbing her though, don't you?

A. Yes, I remember grabbing someone.

Q. And you remember knocking her down, or falling down with her, you remember that?

A. Knocking her down?

Q. Or falling down with her, yes, either one?

A. I do not, sir.

Q. You don't remember that?

A. No.

Q. And you remember either having or attempting to have connection with her, you remember that, don't you?

A. I remember that?

Q. Yes.

A. I do not remember that.

Q. Why did you say so then?

A. Why did I say so?

Q. Yes.

10

A. Most reason that I say that I did was when the blood was found upon my clothes, the detective said to me, when you have laid this woman down that you pull up her dress and raped her.

Q. Then you didn't know that you had committed this act, if you did commit it, until your attention was directed to the blood on your clothes?

A. Right.

Q. Your mind was all right on Sunday morning, wasn't it?

20

A. Yes, sir.

Q. And that is the time you found the watch in your pocket?

A. Yes.

Q. Did you take any trouble to find out how you came in possession of a lady's gold watch?

A. I did not.

Q. Why not?

A. Because after I had taken the watch out of my pocket I didn't feel anyways bad about it, I didn't know where I had got the watch from; all I known I had did something, but what I did I didn't know.

30

Q. You didn't think that someone had slipped that watch into your pocket?

A. No.

Q. Did you go to your companions of the night before and ask them whether they could not assist you in ascertaining how you came in possession of that watch?

A. I didn't ask anyone.

Q. Why not?

A. Well, I couldn't really say why, because I was told about these rings before I had found the watch in my pocket.

Q. Who told you about the rings?

A. The lady I was living with.

Q. What did she tell you?

A. She told me I had given her two rings.

10

Q. Did you ask to see the rings?

A. I did.

Q. Did you notice one of them was a wedding ring?

A. I noticed one was a little round ring, and the other one had a setting.

Q. Didn't you notice the other one was a diamond ring?

A. I did not.

Q. Did you ask your boarding mistress to give you back these rings?

20

A. I did not.

Q. You knew that you started out without them the night before?

A. Started out without them?

Q. Yes, you didn't have these rings when you left Cliffwood, did you?

A. Oh, no.

Q. And you had learned that you had given them to your boarding mistress Sunday morning?

A. Yes.

30

Q. How did you think you came in possession of them?

A. I didn't have any idea how I came in possession of them, but I knowed that I didn't have no wrist watch when I went to Perth Amboy, or no rings, either one.

Q. But you did know on Sunday morning that these two rings had been given by you to Mrs. Harris, you knew that, didn't you?

A. After she told me.

Q. Why didn't you take those rings away from her and turn them over to the police, or, why didn't you make an attempt to find who the owner of those rings was?

A. Well, I didn't know where I had got them from, and I didn't try to run away anywhere with them.

Q. You didn't find those rings, did you?

A. No, not to my knowings, I didn't find them.

Q. You made no attempt to find who the owner was 10
on Sunday morning, did you?

A. I did not.

Q. Now, Knight, you know that you got hold of this woman and either ravished or attempted to ravish her, don't you?

A. I do not. If I knowed I would tell you.

Q. Didn't you tell me?

A. Didn't I tell you?

Q. Yes.

A. No, I did not tell you. 20

Q. Do you remember, after you were brought to the jail somebody coming to the cell door while you were in the act of writing a letter, and speaking to you?

A. Speaking to me?

Q. Yes, speaking to you?

A. So many people been in the cell to speak to me I couldn't say you or somebody else.

Q. Were you writing a letter to your mother Tuesday afternoon?

A. I never written a letter to my mother since I have 30
been in jail.

Q. Did you tell anybody that you were writing a letter to your mother?

A. I wrote a letter to Alice Harris.

Q. Did you tell anybody, while you were in the jail, that you were writing a letter to your mother?

A. I did not, because I haven't written any to my mother.

Q. Do you remember, when you were first locked up in your cell, after you had been there about an hour, or an hour and a half?

A. Do I remember? Yes.

Q. Somebody coming to the cell door and speaking with you?

A. Somebody?

Q. Yes, somebody?

A. That is one alone?

10 Q. Well, one alone then?

A. So many ones come there I couldn't say really it was you or who it was.

Q. Within an hour after you got into your cell were you in the act of writing a letter or not?

A. Whether I was in the act of writing a letter?

Q. Yes, weren't you writing a letter?

A. I don't think I was an hour after I was in my cell.

Q. Well, two hours?

20 A. Two hours I was in the act of writing a letter.

Q. And didn't somebody come to the cell door and ask you who you were writing to, and didn't you in response to that, say, I am writing a letter to my mother?

A. No, sir; I don't think they did. I don't think I told anybody I wrote a letter to my mother.

Q. And wasn't the question then asked of you, are you telling her about this trouble you are in; and wasn't your response, no, I am not, I am simply telling her I am in jail, but I am in bad enough, or words to that

30 effect, and I don't want to let her know?

A. No, I don't think I—

Q. That didn't take place, did it?

A. I didn't tell you that remark.

Q. How did you know it was me that asked you?

A. You said that you were the one.

Q. What is that?

A. You said that you was the one.

Q. When did I say I was the one?

A. You said that you come up to the door at the time I wrote a letter.

Q. No. I asked you whether it wasn't a person. Now you know it was me. Now, then, since you know it was me, didn't you tell me then and there that you tried to have connection with the woman, but that you could not accomplish it, or hadn't accomplished it?

A. I might as well have told you that as to have told the rest of the people.

Q. Just answer the question. Did you, or did you not say that to me in substance? 10

A. Yes. I don't know whether it was you or no. Out of my own mouth. And you not the only one that I told that.

Q. Then I am not the only man that you told that. At that time there was nobody standing over you with a blackjack; was there?

A. It was not.

Q. You were securely in your cell?

A. Yes. 20

Q. Nobody could harm you in there?

A. No.

Q. That is, I could not harm you, could I, from where I stood?

A. No.

Q. You have no recollection of getting on a trolley car that night, have you?

A. I have not.

Q. And you don't remember; your memory was so blank that night that you don't know whether you rode home or whether you walked home, do you? 30

A. I wouldn't say whether I rode home, or whether I walked home, or how I got home. I wouldn't say that.

Q. You don't know, do you?

A. No. I wouldn't say.

Q. I am not asking you whether you will say it or not. I am asking you whether you know how you got home that night?

A. I do not.

Q. Who was the man that had the blackjack down at the police station when you signed those confessions? Is he here?

Mr. Stricker—Is Mr. Huff here? Is Mr. Long here?

Q. Is that the man?

A. No.

Mr. Stricker—Larry.

10 A. No. He is the one writing.

Mr. Stricker—Calvin, step up here, please.

A. That is the one.

Q. Is that the man?

A. That is the man.

Q. He stood over you with a blackjack; he put the words into your mouth?

A. He didn't put the words in my mouth.

Q. Who did?

A. The man was writing.

20 Q. Yes, but that is the man had the blackjack?

A. Yes.

Q. And they said to you, "Why, you know you did this; you are the man, and there is blood on your clothes," and because they told you that, why, you signed this written paper, didn't you?

A. Yes, sir.

Q. The fact is that you were scared to death, weren't you; you were scared, weren't you?

A. I was scared all right; sure, I was scared.

3) Q. And, of course, while you were talking to them you didn't have in mind these two rings or the watch, did you?

A. No.

Q. You didn't tell them that you were so drunk that you didn't know what you were doing Saturday night, did you?

A. I did not.

Q. What is that?

A. Told them I didn't know what I was doing Saturday night?

Q. I say, you didn't say to them, "I was so drunk Saturday night I didn't know what I was doing." You didn't say that to them, did you?

A. I didn't say anything to them.

Q. Why not?

A. I didn't say anything to them until he asked me.

Q. But that is the truth, isn't it?

A. Sure it is the truth.

10

Q. The truth is that everything you did after you saw that woman is a blank in your mind; that is true, isn't it?

A. I don't remember where you could say it was a blank in my mind.

Q. Isn't that so? That is true, isn't it? After you grabbed hold of that woman you don't remember anything, do you?

A. I don't remember anything I did to the woman.

Q. You don't remember anything you did to her?

20

A. I do not.

Q. Why didn't you tell the police in Perth Amboy then that you had met a woman; that you grabbed hold of her, and that after that everything was a blank to you?

A. Why didn't I tell them that?

Q. Yes; why didn't you?

A. I never told anyone anything any more than they asked me.

Q. I know; but you told them an untruth; didn't you?

A. Told them untruth?

30

Q. Yes.

A. How would you say I told them an untruth?

Q. Why, you said to them, and signed a paper to the effect that you had knocked down a woman and attempted to have intercourse with her, and you didn't, because your mind is a blank. Why weren't you telling an untruth then?

A. I may have been telling an untruth that way all right. But you know, here is the question, that a man; you take a man and put him—take one, say one negro and put him in a room with fifteen detectives—fifteen men in a room, and then tell him of him having murdered a white woman; you know it would make any man scared; and where there is a man standing over top of him with something in his hand, it would make any man scared enough to sign any paper.

19 Q. Yes, that is true; I understand that; but that is not what I am asking you. You signed a paper to the effect that you had ravished, or attempted to ravish, a woman. You signed something which was untrue; isn't that so?

A. It must have been untrue; because I don't know whether I did these things or not.

Q. Is it untrue now? Do you deny that you took hold of a woman and either ravished or attempted to ravish her that Saturday night after you left your three
20 friends?

A. I wouldn't say it is untrue of taking hold of a woman, but I say this part, I say that I really doesn't know what I did to this woman.

Q. You don't know whether you did it or not?

A. I do not.

Q. That is correct, isn't it?

A. That is correct.

Q. When Mr. Fitzpatrick came to the jail, you signed this paper, nobody had a blackjack then, did they?

30 A. No, they did not.

Q. There was nobody attempting to scare you or frighten you?

A. No.

Q. Was there?

A. No.

Q. The paper was read to you?

A. Read to me.

Q. And that part of the transaction was perfectly fair and square, wasn't it?

A. Yes, sir.

Q. So far as you knew?

A. Yes.

Q. They took your statement, they read it to you slowly so that you understood every word?

A. Yes.

Q. And when they got all through you signed your name to it? 10

A. Signed my name.

Q. And said it was correct?

A. Yes.

Q. And it was correct, wasn't it?

A. Correct to what I told them.

Q. What is that?

A. It was correct what I told them.

Mr. Stricker—That is all, your honor.

Re-direct examination, by Mr. Glueckfield. 20

Q. Why do you say now what you told them was correct, when you said before, when I asked you the questions about that, that it wasn't so, that you merely said so because they put the words into your mouth?

Mr. Stricker—I object to that question. This is his witness.

The Court—I will allow that.

A. Why did I say so? I said at first that if I had made my statement in Perth Amboy when I was in the room with Mr. Fitzpatrick, that I told him the same thing that I had answered in Perth Amboy by these men, and I have told him the same thing; and when he had written it down and read it to me I said it was right and I signed it. 30

Mr. Glueckfield—That is all.

Re-cross-examination, by Mr. Glueckfield.

Q. You know where the trolley car for Keyport runs through Perth Amboy, don't you?

A. Where it runs through Perth Amboy?

Q. That is, you have been to Perth Amboy before in a trolley, haven't you?

A. Yes.

Q. And you know the streets on which the car ran that went to Cliffwood, where you lived?

A. Did I know the street where it runs to go to Cliffwood?

Q. You knew where the tracks were?

10 A. Yes.

Q. You could find your own way to the car in Perth Amboy, couldn't you?

A. To the car? Oh, yes, I found my way to the car.
Mr. Stricker—That is all.

Charles A. Rosewater, a witness produced on behalf of the defendant, being duly sworn according to law, on his oath saith:

Direct examination, by Mr. Glueckfield.

20 Q. Doctor, where do you reside?

A. 40 Milford avenue, Newark, N. J.

Q. What is your profession?

A. I am a physician.

Q. How long have you been practicing medicine?

A. Since 1899.

Q. Are you a graduate of any medical school?

A. Graduate of the College of Physicians and Surgeons, New York.

Q. Any hospital experience?

30 A. Mount Sinai Hospital, New York, and I am now connected with the Newark City Hospital, the Newark Beth Israel Hospital, and the St. James Hospital, the Bureau of Mental Hygiene of the City of Newark.

Q. Have you specialized in any branch of the practice of medicine?

A. I have, sir.

Q. In what branch?

A. Alcohol and drug addiction, mental and nervous diseases.

Q. How long have you been specializing in those phases?

A. Over fifteen years.

Q. Did you, doctor, at my request, make an examination of this defendant?

A. I did.

Q. When and where?

A. Yesterday morning at the jail.

10

Q. At what time yesterday morning?

A. About half-past nine.

Q. Was anyone else present with you when you made that examination?

A. Doctor Henry was present.

Q. Doctor Henry, so far as you know, was representing whom?

A. Prosecutor.

Q. Since you spoke with and examined the defendant yesterday morning in the county jail, in the presence of Doctor Henry, have you again spoken with Knight?

20

A. No, sir.

Q. Did you speak with him here yesterday afternoon?

A. No, sir.

Q. Did you speak with him anywhere else?

A. No, sir.

Q. Do you know what time court adjourned yesterday afternoon?

A. About four forty-five, almost.

Q. What did you do thereafter?

30

A. Took the 4:48 train.

Q. Back to Newark?

A. Newark.

Q. Did you speak with the defendant this morning?

A. No, sir.

Q. You have not spoken with or seen him, outside of here in Court, since yesterday morning in the county jail?

A. No, sir.

Q. Now, then, doctor, coming to the matter of your examination of him, tell us the kind of test you made and your findings?

A. My test yesterday morning was to—

Mr. Stricker—I would like to know a test for what?

10 Mr. Glueckfield—I qualified the doctor as an expert on mental and nervous diseases and drug and alcoholic addiction.

The Court—You do not ask him about that. He might be making the test as to whether he had a sore toe. That would not be competent.

Mr. Glueckfield—I will withdraw that question.

Q. Doctor, did you make any test of this defendant with reference to his mental capacities?

A. Yes.

20 Q. Did your test concern the reaction of his mentality to alcoholic indulgence?

A. Only in a general way.

Q. Tell us the nature of your test and your findings along the lines that I have indicated.

A. Do you mean my conclusion, or what I did?

Q. Give us your conclusions?

A. He is a mental defective.

Q. In what way?

A. Below the mental age that he ought to be and he is what I would call an imbecile; a feeble minded person.

20 Q. What have you to say, or what were your conclusions in relation to his mental reaction to alcoholic indulgence to excess?

A. He is the type of man who will become maniacal, under the use of alcohol to excess.

Q. When you say that he is the type of man likely to become maniacal under the use of alcohol to excess, will you explain just what you mean?

A. There are certain types of individuals who react different to alcohol, especially to the class and grade of alcohol which is now being purchased.

Mr. Stricker—I move that be stricken out.

The Court—Strike it out. Do not volunteer.

(Question repeated by stenographer.)

A. Certain types of men will, under the influence of alcohol, become drunk in different ways; some men become drunk, in common language, in their legs; others will become drunk in their brains. The type of man who becomes drunk in his brain will become maniacal; whereas the man who becomes drunk in his legs will simply stagger around like a drunken man will, and go to sleep. He is the type of man who will become drunk in his brain. 10

Q. Now, doctor, speaking of your knowledge and experience on the subject and from your examination of this individual, the defendant in this case, would you say that it is possible for Knight to have been so drunk as to have committed the crime of rape, or murder, or both, and yet not know that he was doing it, and not recollect it the following morning? 20

A. It is possible.

Q. What form of drunkenness is that called?

A. Maniacal drunkenness.

Q. Is it a condition recognized by the authorities in your profession?

A. It is.

Q. Can you refer us to any particular authority?

A. Yes. 30

Q. Will you mention it?

A. Find that description in almost every book on mental disease, and it is particularly referred to in the last book published by Rosanoff, which has just been published, in which the condition of maniacal drunkenness is described.

Q. Have you that book with you?

A. Yes, sir.

Q. Where is it?

A. In my bag.

Q. Will you please turn to the section referring to maniacal drunkenness?

Mr. Stricker—I object to this.

The Court—You do not expect him to read it, do you?

Mr. Glueckfield—No, but I say if it is a recognized authority——

10

The Court—He is called as an expert and now he is giving his testimony as an expert. He tells you what he has observed in examining this man and the authorities he relies on, but he cannot take those authorities and read them.

Q. Is this subject of maniacal drunkenness one treated only by this authority in this latest book on the subject of drunkenness, or is it generally accepted in the science?

A. It is generally accepted in the science.

20

Q. What are the general symptoms of maniacal drunkenness?

A. A man who becomes maniacally drunk will, in plain language, go out of his head and do things which are the act of a mad man. He will be destructive, he will fight, he may commit murder, he may commit any crime you can think of under the condition of madness. It is just simply madness caused by alcohol. It is madness, and that covers whatever a mad man might do, could be done by a man who is under the influence of

30

alcohol.

Q. Is it a symptom of that kind of drunkenness, or mental disease, or whatever you call it in technical language, that abnesia follows?

A. Loss of memory, do you mean?

Q. Loss of memory?

A. Loss of memory is a very common symptom in association with this form of maniacal drunkenness. It may be a complete loss of memory, it may be a partial

loss of memory, or it may be a memory in which certain things are forgotten and certain things are remembered, and out of that a new story is born. The man may tell you things that he remembers, which is a false memory brought on by the fact that he remembers a little of this and a little of that.

Q. Doctor, what have you to say with regard to Knight, when you consider his saying on the one hand that he does not recall his conduct on a certain night, and then confesses it three separate times?

10

A. He is very suggestible.

Q. What do you mean by suggestible?

A. He will respond to whatever you tell him. If you ask him a question and keep at it he will agree with you after a little while and it will not require much urging. He is suggestible, like a child.

Q. Has that condition or attribute of suggestibleness any technical designation in the science?

A. Well, I think we simply say suggestibility.

Q. Is there any scientific or medical term comprehending the use of the word confessional relating to a man's readiness to confess or to accede to suggestibility?

20

A. I do not think there is any single term to cover that subject, but it is recognized that certain types of individuals are very suggestible and will easily respond to suggestions and will make confessions, sign them, just under the influence of the suggestion of the person who is asking these questions.

By the Court.

30

Q. Now, you are speaking of this man as not under the influence of liquor, but his natural condition, is that it?

A. Either under the influence of liquor or as an imbecile, a feeble-minded person, he has that property.

Q. My understanding is that you are testifying that this man's mental condition is such that even without

using liquor he would agree to suggestions made to him?

A. Yes, sir.

By Mr. Glueckfield.

Q. From your examination of the man, doctor, would you say that he is a man who is inclined to atrocious conduct, given to the commission of crimes?

A. I would not think so; no, sir.

10 Q. I am speaking now of his normal condition. I am speaking, doctor, of Knight in his normal condition, as you see him here this morning, or at any other time when he is free from alcohol?

A. I think that he is more inclined to commit a crime than a man of a higher mentality would be, but from my observation of him I should say he was not anything but a peaceful man.

Mr. Glueckfield—Cross-examine.

20 Cross-examination, by Mr. Stricker.

Q. Doctor, do you know Doctor Beling?

A. I do.

Q. Do you know Doctor Cotton?

A. I do.

Q. Prior to your arrival here yesterday, did you know that Doctor Cotton, on behalf of the State, and Doctor Beling, on behalf of the defendant, had examined him at the county jail for the purpose of determining the prisoner's insanity or sanity?

30 A. I was told so, sir.

Q. You knew that when you started in?

A. Yes, sir.

Q. Your mission in this case, or, rather, your retainer, if I may depict it correctly, is one to develop to this court and jury upon the question as to how alcohol affects different minds, isn't that so?

A. I don't know if I can answer that.

Q. Answer that yes or no.

A. I cannot answer that question truthfully by yes or no.

Q. Wasn't that the purpose of your mission here?

A. No, sir.

Q. Were you retained as a sanity expert?

A. I think I might say yes, in a sense.

Q. And, of course, you are, aren't you?

A. I think I qualify as such, sir.

Q. Assuming this man to be everything that you say he is? 10

A. Yes, sir.

Q. Does he know the difference between right and wrong?

A. He does.

Q. Now, doctor, you are not a drinking man yourself, are you?

A. No.

Q. Then you don't know anything about the exhilarating influences of the mirthful cup, so to speak, do you? 20

A. Oh, yes, I do.

Q. From your own knowledge?

A. Yes.

Q. Have you ever drunk liquor yourself?

A. No.

Q. Then you don't know the effect of it, do you?

A. Oh, yes, I do.

Q. From your own personal knowledge?

A. Why, yes.

Q. Oh, no, you mean observation, doctor? 30

A. Oh, no, I don't mean that at all. I mean my own personal knowledge.

Q. Have you ever taken any liquor into your system?

A. Why, I have taken a few drops at a time, but I am not a drinking man.

Q. Have you ever taken a few drinks at a time?

A. No, sir.

Q. Then you don't know the sensation of a crying drunk, or a maudlin drunk, or a fighting drunk, or a morose drunk, or a confidential drunk, or the embracing drunk that wants to tell you all about his good mother, do you?

A. I know all about those drunks.

Q. You do?

A. Yes, sir.

Q. But from your own personal observation?

10

A. From my own personal observation.

Q. But, from your own personal experience—

A. I have never been drunk.

Q. You have never spent any time around barrooms?

A. Lots of times. I have spent fifteen years with drunks.

Q. In barrooms?

A. Yes. I have taken more drunks out of barrooms and made men out of them than any man I know.

Q. As an ambulance surgeon?

20

A. No, sir. As a doctor in practice.

Q. As a doctor in practice.

A. Yes, sir.

Q. You as a doctor in practice went around barrooms?

A. When I was called.

Q. For the purpose, I should say, of psychological research?

A. No, sir. I was called and told by a woman—

Q. Answer the question. Never mind what a woman

30

told you. Just answer the question.

A. I never went into a barroom for the purpose of psychological research.

Q. Did you go in for the purpose of taking a drink?

A. Yes, but not liquor.

Q. Then you went in for purpose of taking out some drunk who was pretty far gone?

A. That is true.

Q. Now, doctor, don't you know as a matter of fact that so far as the quantity of rum or liquor that the human anatomy can partake of depends upon conditions, isn't that so?

A. Depends upon conditions, and the quality of the liquor.

Q. Well, now, let us start in with good liquor then. Some men can drink more than others, isn't that so?

A. That is true.

Q. Some men can take it and become exhilarated, isn't that so? 10

A. Yes, sir.

Q. You have known professional men who could make a better speech under the slight influence of liquor, haven't you?

A. That is true.

Q. And you have even heard of physicians who, before commencing an operation, would take a stimulant, haven't you?

A. Yes, sir. 20

Q. And have done that with considerable success?

A. Yes, sir.

Q. You have also heard of people taking liquor as a result of which their legs would become paralyzed?

A. Yes, sir.

Q. Isn't that so?

A. Yes, sir.

Q. You have heard of people taking liquor who would commit acts and forget all about it?

A. Yes, sir. 30

Q. Does not the system itself, does not the person who takes that liquor control that situation?

A. No.

Q. Do you mean to tell me that you can pick me up, or rather, take me out, and take my friend the stenographer, for instance, and give us three drinks of liquor apiece, and that the result would be identical?

A. Oh, no.

Q. Why not?

A. Depend upon many conditions. It would depend, for example, whether or not the stomach was empty or full.

Q. Oh, I see, assuming that both of our stomachs were empty, doctor?

A. Both of your stomachs are empty?

Q. Yes.

A. The effects of those three drinks upon you might
10 be very different.

Q. If I was a loquacious sort of a chap, and I got those three drinks, it would make me talk more, wouldn't it?

A. If you were really loquacious, or if you were apparently loquacious? There is a difference.

Q. Do not let us split any hairs. Supposing I was ordinarily loquacious, for instance, would not the three drinks accelerate my loquaciousness?

A. It would.

20 Q. On the other hand, if my friend the stenographer was a reticent sort of a chap, wouldn't it be more likely that the three drinks—or isn't it possible it might make him morose and keep to himself?

A. If he were usually reticent, yes.

Q. Therefore, if a man ordinarily had any vicious propensities, such as he would want to fight, and you have seen fighting drunks, of course, if he got those three drinks of liquor they might stimulate him on to conflict, wouldn't they?

30 A. Yes.

Q. In other words, if a man has a streak of yellow in him it will assert itself more under the influence of liquor than it would if he were sober; isn't that right?

A. That is right.

Q. Is that right?

A. That is correct.

Q. What effect has alcohol upon the sexual senses?

A. That depends upon the individual. In the case of an imbecile it has a tendency to do the very thing that you brought out. An imbecile is an individual—

Q. Wait a minute. Don't start in with any imbecile, doctor, because this imbecility is an element that you have brought into the case, and you have probably observed that I have refrained from using that word in my questions. I want to ask you what effect alcohol has upon the normal man as regards to his sexual senses or propensities?

10

A. I think that an answer could not be given without more information as to the nature of the alcohol, the conditions under which it was taken.

Q. Are you a married man, doctor?

A. I am.

Q. How long have you been married?

A. Nineteen years.

Q. During your practice have you had this proposition propounded to you as to the effect of alcohol upon the sexual senses?

20

A. I have had, and the answer always is it depends upon the individual.

Q. Wait a minute.

A. Yes, I have had that question put to me.

Q. Now, isn't it true that in a certain state of intoxication the sexual senses are stimulated or incited?

A. In some cases, yes.

Q. And in other cases the alcohol, or a sufficient quantity, or a large enough quantity of it, will have a depressing effect?

30

A. Yes, that is correct.

Q. If a man took an abnormal quantity of alcohol into his system he would disqualify himself, so to speak, from having intercourse?

A. Some men, yes.

Q. And, as I say, others, under a certain quantity, would be stimulated; that is correct?

A. That is true.

Re-direct examination, by Mr. Glueckfield:

Q. Doctor, all these questions that you have been answering on cross-examination at the behest of the Prosecutor, do they relate to persons of normal, abnormal or subnormal minds?

A. We have been discussing probably the normal mind.

Q. Are your answers based upon the proposition that the type of persons inferentially mentioned by the
10 Prosecutor are normal, subnormal or abnormal?

A. Normal people.

Q. Then your answers do not apply directly to the case of this man, do they?

A. No, sir.

Q. Why not?

A. He is in a class which is not normal.

Q. Therefore, these questions which you have answered for the Prosecutor, relative to the divergent action of alcohol upon different types of men do not
20 apply to this man because of his subnormality; is that right?

A. True.

Re-cross-examination, by Mr. Stricker.

Q. You do not know the actual quantity of liquor that Knight drank?

A. I do not; no.

Q. And you don't know; that is, you have never had him under your observation as to determine his capacity
30 of how much liquor he could take, have you?

A. No, sir.

Q. And it also depends to a great extent as to the strength of the liquor; does it not?

A. True, sir.

Q. Liquor that went down like water he could stand more than if it was 110 or 120 proof; isn't that so?

A. Yes, sir.

Mr. Glueckfield—That is all.

We rest.

STATE'S REBUTTAL TESTIMONY.

Isaac S. Vanderveer, a witness produced on behalf of the State, in rebuttal, being duly sworn according to law, on his oath saith:

Direct examination, by Mr. Stricker.

Q. What is your business, sir?

A. Photographer.

Q. Where, in New Brunswick?

A. Yes, sir.

Q. Do you do the work for the prosecutor's office?

A. Yes.

Q. Did you ever see the defendant?

A. Yes.

Q. I show you here a photograph and ask you whether you took that?

A. Yes.

Q. Is that a photograph of the defendant?

A. Yes.

Mr. Glueckfield—I object to its admission. 20
Are you offering it?

Cross-examination, by Mr. Glueckfield.

Q. When did you make that Photograph?

A. Tuesday a week ago, March 15th.

Q. Where?

A. In the jail.

Q. At whose request?

A. Prosecutor's office.

Mr. Glueckfield—No cross-questions.

Mr. Stricker—I desire to offer this photograph. 30

Mr. Glueckfield—I object to it upon the ground that is not the best evidence.

The Court—Is that the only objection?

Mr. Glueckfield—Yes. If there is any particular reason for exhibiting the body of this man he is here and he can be exhibited to the jury in another room.

The Court—Upon what theory do you think it is competent?

Mr. Stricker—Corroboration of certain conditions about the defendant's person that have been testified to in the trial, your honor.

The Court—I think I will refuse to admit it.

Mr. Stricker—We have nothing further.

17 Mr. Glueckfield sums up the case for the defendant.

Mr. Stricker sums up the case for the State.

MIDDLESEX OYER AND TERMINER.

December Term, 1920.

	STATE OF NEW JERSEY	} On Indictment for Murder.
	<i>vs.</i>	
20	GEORGE WASHINGTON KNIGHT.	} 54—3297—9020.

Charge to the jury by HON. JAMES J. BERGEN, Justice of the Supreme Court, as follows:

30 Gentlemen of the Jury—I suppose it is hardly necessary for me to say to this jury that this man is entitled to an absolutely fair trial. The fact that he is a colored man, the fact that he is poor or uneducated, is no reason why his case should not be fairly and impartially heard and determined by this jury; and I have no doubt that you will so treat this case as to see that he has a fair trial.

What the State claims is this: That this defendant assaulted Edith Wilson this night, March 12th, 1921, in Perth Amboy, and not only committed a rape on her, causing her death, but robbed her. If the State has proved that to your satisfaction beyond a reasonable doubt, except as you may be influenced by the testimony

given by the defendant, then this defendant would be guilty of murder, and, under the law of the land, of murder of the first degree. I will read you the statute on this subject: "Murder which shall be perpetrated by means of poison, or by lying in wait, or by any other kind of willful, deliberate and premeditated killing, or which shall be committed in perpetrating or attempting to perpetrate any arson, burglary, rape, robbery or sodomy, shall be murder in the first degree." That is the law of the State, and the law you are bound by your oath to observe. So that if you find from the evidence in this case, beyond a reasonable doubt, that this defendant assaulted this woman with intent to commit a rape, and in attempting to perpetrate or in perpetrating that rape killed her, then, under the law of the State, your only verdict should be murder in the first degree. If you find that this defendant is guilty of murder in the first degree, you have the authority, by virtue of the statute of this State, if you so agree upon, and after consideration of the evidence, to recommend by your verdict and as a part thereof that the punishment be imprisonment at hard labor for life, in which case no greater punishment can be inflicted. Without such recommendation the punishment would be death, if you find the accused guilty of murder in the first degree.

The State claims to have proven its case, not only by the confession of this defendant, but by other circumstances, such as the finding of this woman's jewelry in his possession after her death, and other facts which you will undoubtedly recall. It is the contention of the State that all that has been shown to you beyond a reasonable doubt, but you must enter upon the consideration of the evidence with the assumption that the defendant is innocent until the State has proven his guilt beyond a reasonable doubt, and the defendant is entitled to the benefit of any reasonable doubt you may have of his guilt upon the whole case, or as to the grade of the offence. If you are satisfied that the defendant is guilty

of unlawfully taking the life of the deceased, but you have a reasonable doubt as to the particular grade of the offence, the defendant is entitled to the benefit of the doubt, and you should not convict him of the grade as to which such doubt exists. That is, if you are convinced that he is guilty of murder, and have a reasonable doubt about it being murder of the first degree, the defendant is entitled to the benefit of that doubt. So, if you have any such doubt regarding the question of
10 whether it is murder at all, but only manslaughter, then the defendant would be entitled to the benefit of that doubt. I cannot see in this case any evidence which would justify a verdict of manslaughter. It seems to me the only verdict in this case would be either murder in the first degree, or murder in the first degree with a recommendation of imprisonment for life, or acquittal.

Reasonable doubt is not a mere possible doubt; it is that state of the case which after entire comparison and consideration of all the evidence leaves the minds of
20 the jurors in that condition that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge made against the defendant, or of his guilt of a particular grade of the offence charged.

The defense, as I understand it in this case is first, that this confession was not a voluntary one. The law on the subject is this: The confession must be voluntary and not extorted by threats or obtained by any direct or implied promise relating to some benefit to be derived by the prisoner in the criminal proceedings.
30 If made under threats or upon reliance upon a promised benefit it is not competent, because an accused may have been induced by fear, or hope, to admit facts without regard to their truth; and my instruction to you is that if the evidence does not satisfy you beyond a reasonable doubt that the confession was voluntary, then you should reject it.

Here are three confessions. Can you say, under this evidence, that they were not voluntary? The confes-

sions were made when he was first arrested. He made one confession which he signed and swore to, the oath was administered. Then one of the officers had an idea that that was not competent, that you could not use it as sworn to and that there ought to be another statement, so he made another statement. Later on he was brought up here and he made an even fuller statement of all the facts which he said to these officers he remembered. Look at that statement carefully and see whether you do not find in that statement things that these officers could not have known, things that were afterward proven to be true, that these officers could not have known unless he told them. Could they have suggested, as he seems to indicate, things that he was to say yes and no to, if he had not told them these things? In other words, how would these officers know a great many things which he confessed to, which were things known only to himself, unless he had told them? I understand in this statement he says he put an umbrella in front of this woman to shield her body, and that umbrella was found there in that place protecting that woman's body from the casual gaze of people as they went by. 10 20

You must remember, in my reference to these facts I am not undertaking to say that you are to be bound by any facts which I relate. I am only doing this in the hope that I may help you to a proper conclusion of the facts, but if I omit anything, or if I misstate anything, that you must correct, because that is a part of your duty as jurors to determine the facts; only so far as the legal rules are concerned, those you must accept from me. 30

The next point, I believe, is that this man was so drunk that he did not know what he was doing. The law on that subject is this: Intoxication is no excuse for crime, but it is important and relevant upon the the question of degree, because if its effect upon the

mind of the defendant was such as to deprive him of the power to form a specific intent to take life, then one of the necessary elements to murder of the first degree is absent and to that degree the statutory requirement of murder in the first degree has failed. Partial intoxication may not be sufficient, but it must appear that defendant's mental condition resulting from intoxication was such that he was incapable of forming a specific intention to kill, and while it is no defense to the crime of murder, it mitigates it to that of second degree; if the proof only goes to the extent of raising a reasonable doubt whether the defendant's condition was such that he could not form a specific intent to take life, then he is entitled to the benefit of such a doubt. But in connection with that I again call your attention to the fact that in this case the State relies upon the fact that this defendant killed this woman in attempting to commit a rape on her, and that he after that committed robbery, and I have said to you that under the statute that is murder in the first degree. So it seems to me the only question for you to determine is whether the man's mind was in such a state of prostration, due to intoxication, that he could not determine to commit rape. If you determine that he was able to decide to commit rape, and that he had mind enough to do that, and in its perpetration killed his victim, then under the law of the land he is guilty of murder in the first degree.

What happened, in determining this question whether he had formed an intent to commit rape? Apparently, according to his own admission, he seized this woman, carried her into the bushes, undertook to have intercourse with her, or partially, and failing in that, he took the rings off her finger, her wedding ring and other rings, and he took her watch. Can you say that if a man has sufficient mind to do all that, that his mind is so prostrated by drink that he did not have mind enough

to form an intent to attempt to commit a rape, or to commit a rape, or the various things that he admits he did on that occasion?

It was argued here, some question about what caused this woman's death. The law on that subject is this: Whenever a person assaults another under circumstances sufficient to render the party inflicting it criminally responsible, if death follows, he will be deemed guilty of homicide, though the person injured may have died from other causes, provided the blow really contributed either mediately or immediately to the death. Therefore, if you find from the evidence in this case, beyond a reasonable doubt, that this defendant committed an unlawful assault and battery on the deceased, for the purpose of committing a rape, and because of her enfeebled condition, or a weak heart, or other disease, her death was caused or accelerated, you would be justified in finding the defendant guilty of the crime of committing a criminal homicide, and this would be so even if the deceased, when the assault was made, was likely, or even sure to die because of her physical condition. If you so find, and in addition thereto, that the homicide was committed in perpetrating a rape, then the defendant is declared by our law to be guilty of murder of the first degree.

The other ground I believe is insanity. The question for you to determine on that ground is whether the evidence—because the defendant must prove this, this is a part of his defense—satisfies you that he was in such a mental condition that he did not know the difference between right and wrong. As I recall it, his own physician, his own expert, their own witness, who, while he calls him an imbecile, testifies that his mind is such that he would know the difference between right and wrong. If this man, under this evidence, knew the difference between right and wrong, and knew that he was assaulting this woman and committing rape on her,

was criminal, and he knew it was wrong, a wrong thing to do, then he has not, in my judgment, satisfied you, or you ought not to be satisfied that he has established that defense. But this is for you to decide.

That is about all that I think it is necessary to call your attention to. You have heard all the evidence and the argument of counsel. You may retire.

10 I hereby certify that the above is a true, full and complete record of the proceedings and testimony in the case of State of New Jersey *vs.* George Washington Knight, on indictment for murder.

GEORGE D. ZIEGLER,
*Official Stenographic Reporter, Fifth Judicial
District of New Jersey.*

I hereby certify that the foregoing is the entire record of the proceedings had upon the trial of the indictment of the State *vs.* George Washington Knight for murder.

20

J. J. BERGEN,
Judge.

NEW JERSEY COURT OF ERRORS AND APPEALS.

THE STATE OF NEW JERSEY,
Defendant-in-Error,

vs.

30 GEORGE WASHINGTON KNIGHT,
Plaintiff-in-Error.

On indictment and conviction in Middlesex County Court of Oyer and Terminer of the crime of murder in the first degree.

This is to certify that application has been made to me for the allowance of a writ of error to be issued out of the New Jersey Supreme Court for review of the judgment of the Middlesex County Court of Oyer and Terminer of Middlesex County in this State, con-

victing the said George Washington Knight of the crime of murder in the first degree, without exhibiting to me the record of the proceedings in the cause or any part thereof and without alleging any error in those proceedings, and that I have refused to order a writ of error for the review of said judgment, solely because no cause, arguable or otherwise, is shown for the granting of such writ of error to the Supreme Court.

EDWIN ROBERT WALKER,
Chancellor.

10

Dated Trenton, New Jersey, April 29th, 1921.

MIDDLESEX COUNTY COURT OF OYER AND TERMINER

THE STATE OF NEW JERSEY,
Defendant-in-Error,
vs.
GEORGE WASHINGTON KNIGHT,
Plaintiff-in-Error.

20

ORDER TO STAY JUDGMENT.

A writ of error having been issued in the above entitled cause, it is on this 30th day of April, nineteen hundred and twenty-one, ordered that execution of the sentence imposed upon the said George Washington Knight be stayed until the determination of the proceedings on said writ of error, or the further order of the Court.

30

JAMES J. BERGEN,
Justice Supreme Court.

On motion of

WILLIAM I. GARRISON, Esq.,
Attorney of Plaintiff-in-Error.

CHARGES TO THE JURY REQUESTED BY
THE DEFENDANT.

1. If you find that the defendant is of such low, subnormal, arrested or undeveloped mentality as to be incapable of weighing the difference between a criminal act and a lawful act, then he cannot be guilty of murder in the first degree.
- 10 2. If the defendant at the time of the commission of this crime was in such a state of intoxication that his mind was incapable either of premeditating the crime or of the power to think and realize the enormity thereof and its consequences, then the offense committed cannot be more than murder in the second degree.
3. If the defendant was at the time of the commission of the crime intoxicated to such a degree as to have been unable to form a design to commit the crime with which he is charged, then you cannot find him guilty of
20 murder in the first degree, but only of murder in the second degree.
4. If you have a reasonable doubt as to whether the degree of the defendant's intoxication was such as to render him incapable of forming or entertaining the specific, actual intent to commit the crime, then you cannot find him guilty of murder in the first degree.
5. Before you can find this defendant guilty of murder in the first degree, you must be satisfied beyond a reasonable doubt that because or in spite of his mental
30 capacity he appreciated the nature and quality of his act and the wrongfulness thereof; otherwise you must give the defendant the benefit of your doubt and find him guilty of murder in the second degree or of such lesser crime as the evidence warrants.
6. If at the time of the commission of the crime you are satisfied from the evidence that the defendant was so weak- or feeble-minded or subnormal that his faculties were either prostrated or incapable of forming a

specific intent to kill, with its willful, deliberate and premeditated character, then, although it is no defense or justification, the offense would be murder in the second degree.

7. If you find from the evidence that the decedent lost her life through the defendant's attempt to do her bodily harm only, then you cannot find the defendant guilty of any crime greater than murder in the second degree.

8. If you find from the evidence that the decedent 19
died from natural causes, superinduced by fright, fear, nervousness or excitement, before the defendant actually assaulted her, then he cannot be guilty of murder in the first degree.

9. In order to find this defendant guilty of murder in the first degree, you must be satisfied, beyond a reasonable doubt, that Edith Wilson died because of the willful, deliberate and premeditated act of the defendant, or that she died as a result of the defendant's having committed or attempted to commit some other crime upon 20
her, and that his act and her death are co-related.

10. In considering the confession and in weighing its value you may consider the manner in which the confession was obtained, especially with a view to determining whether it was the voluntary act of the prisoner. Before you can give full credence to the confession, you must be satisfied that it was not obtained by means of threats from persons having authority or by means of promises or hopes extended of some benefit in the criminal prosecution. 30

11. If you are satisfied from the evidence that the confession was not the voluntary act of the prisoner, or that it was obtained by means of inspiring fear or voicing threats, or by holding forth the hope or promise of some benefit or advantage in the criminal prosecution, then you may reject the confession in its entirety.

The Court—Each of the above requests is refused, excepting so far as they have already been covered in

the Court's charge, and an exception will be allowed to the defendant.

NEW JERSEY COURT OF ERRORS AND APPEALS.

10 THE STATE, <i>Defendant-in-Error,</i> <i>vs.</i> GEORGE WASHINGTON KNIGHT, <i>Plaintiff-in-Error.</i>	}	On Indictment and Conviction for Murder.
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ASSIGNMENT OF ERRORS.

20 Afterwards, to wit, etc., in the New Jersey Court of Errors and Appeals comes the said George Washington Knight, the plaintiff-in-error, by his attorney, William I. Garrison, and says that the judgment herein should be reversed because in the records and proceedings herein and in the matters contained and noted in the several bills of exception herein and also in the finding of the verdict and the giving of the judgment herein, there is manifest error to the great injury of the plaintiff-in-error whereby he was prejudiced in maintaining his defence upon the merits in the case, as well as in other respects, to wit:

30

I.

1. Because the verdict is clearly against the weight of evidence.

2. Because the testimony does not show that George Washington Knight committed the crime of murder, if any crime was committed, it was a crime of lesser degree.

NEW JERSEY COURT OF ERRORS AND APPEALS.

THE STATE OF NEW JERSEY,	}	On Indictment and Conviction of Murder.
<i>Defendant-in-Error,</i>		
<i>vs.</i>		
GEORGE WASHINGTON KNIGHT,		
<i>Plaintiff-in-Error.</i>		

SPECIFICATION OF CAUSES FOR REVERSAL. 10

The plaintiff-in-error specifies the following causes in the record relied upon for a reversal of this judgment:

1. Because the verdict is clearly against the weight of evidence.

2. Because the testimony does not show that George Washington Knight committed the crime of murder, if any crime was committed, it was a crime of lesser degree.

20

NEW JERSEY COURT OF ERRORS AND APPEALS.

THE STATE,	}	In Error. On Indictment and Con- viction for Murder in the Middlesex County Court of Oyer and Ter- miner.
<i>Defendant-in-Error,</i>		
<i>vs.</i>		
GEORGE WASHINGTON KNIGHT,		
<i>Plaintiff-in-Error.</i>		

30

JOINDER IN ERROR.

And thereupon, afterwards, to wit, on the twenty-first day of June, in the year of our Lord one thousand nine hundred and twenty-one, the said State of New Jersey, by Joseph E. Stricker, Prosecutor of the Pleas of the County of Middlesex, comes into court and says

24 G. W.

that there is no error either in the record and proceedings aforesaid, or in giving the judgment aforesaid, and he prays that the Court here may proceed to examine as well the record and proceedings as the matters aforesaid assigned for error, and that the judgment aforesaid, in manner aforesaid given, may in all things be affirmed, etc.

10

JOSEPH E. STRICKER,
The County of Middlesex in
the State of New Jersey.
Prosecutor of the Pleas.

JUN. 1, 1921

New Jersey Court of Errors and Appeals

STATE OF NEW JERSEY,

Defendant-in-Error.

VS.

GEORGE WASHINGTON KNIGHT,

Plaintiff-in-Error.

SUPPLEMENTAL BRIEF FOR THE STATE

Statement

The defendant in error was convicted of murder in the first degree on March 28th, 1921, and sued out a writ of error which was argued at the present term of this Court. Only two assignments were alleged, the first being "because the verdict is clearly against the weight of evidence."

The right to submit this assignment is claimed by an Act approved April 12th, 1921, which provides:

"In all cases where the plaintiff in error shall elect to take up the entire record with his writ of error, as provided in the act to which this is a supplement, he may assign as error, that the verdict was against the weight of evidence, whether any exception has been taken or not, or whether any motion to acquit has been made or not, and if it shall appear from a consideration of the entire evidence, that such verdict was against the weight of the evidence the Appellate

Court shall remedy such wrong by reversing such verdict and awarding a new trial."

(P. L. 1921 P. 951.

The constitutionality of this act was not considered by counsel on the argument nor in their briefs and the Court requested that supplemental briefs be submitted dealing with this phase of the case.

Argument

It is respectfully submitted that the act under discussion is controlled by *Flanigan vs. Guggenheim Smelting Company*, 63 N. J. L. P. 647, in which the Act of 1899, page 323, was declared unconstitutional because it provided

"that whenever a writ of error shall be sued out of the Court of Errors and Appeals to review a judgment found upon the verdict of a jury the plaintiff in error may assign error that the verdict is against the clear weight of evidence and is excessive and directs said Court to consider grounds so assigned as fully as like grounds are considered in the Supreme Court on a rule to show cause why a new trial should not be granted, and if it shall appear that such verdict is against the clear weight of evidence and is excessive, to set aside the verdict and reverse the judgment."

The Act of 1921 now under discussion creates the identical situation as was dealt with by this Court in the Flanigan case above quoted. The matter is there summed up in the following language:

"The purpose, speaking generally, is to obtain in this Court a review, not of matter of law, but of matter of fact that has been given in evidence in a civil action that has gone to judgment in a Court of inferior jurisdiction. The procedure through which this result is to be reached is by writ of error, and by assignment, not of error in law, but of error as to fact. Speaking specifically of this case, the proposition is that this Court, by virtue of this Act, under the statutory procedure, must thus review fact given in evidence in a civil action that has gone to judgment founded upon the verdict of a jury in the Supreme Court.

"It is evident to any mind acquainted with legal procedure that this act declares a novel purpose, and seeks to secure it through the novel use of an old instrumentality. The purpose is novel, for, in such a case, the review has hitherto been of matter of law, and never of matter of fact. The use is novel, for the instrumentality is a writ of error, 'whose sole ability,' in the words of Chief Justice Beasley, 'always has been and is to bring before the higher Courts, for review in matter of law, the judgments of inferior jurisdictions.' *Falkner vs. Dorland*, 25 Vroom 409, 410. It is evident also that if this act be valid, its necessary effect will be to deprive the judgments of such inferior jurisdictions of the attribute of finality as to fact. This attribute has characterized such judgments since the earliest age of the common law. They have been final as to fact, though not final as to law. It is now

proposed that they shall henceforth be final as to neither."

Although the Court of Oyer and Terminer is now and always has been a statutory, not a constitutional, tribunal, as was held in *State vs. Taylor*, 68 N. J. L. P. 277, nevertheless the Act of 1921 deals with all cases where the plaintiff in error shall take up the entire record, which of course, includes any indictment which may be removed into the Supreme Court by certiorari as provided in Sections 6 and 8 of the Certiorari Act, Compt. Stat. PP. 404-5. In that case if the Supreme Court "shall determine that the indictment is sufficient in law, may in its discretion retain the same in said Court, to be carried down for trial before the proper Circuit Court," &c.

The Act of 1921 includes "all cases where the plaintiff in error shall take up the entire record" and this being so it will in its necessary effect deprive the judgment of a constitutional Court of the attribute of finality as to fact.

Respectfully submitted,

JOSEPH E. STRICKER,

Prosecutor of the Pleas.

NEW JERSEY

Court of Errors and Appeals

The State of New Jersey, Defendant-in-Error, vs. George Washington Knight, Plaintiff-in-Error.	}	On Indictment and Con- viction in Middlesex County Court of Oyer and Terminer of the crime of Murder in the First Degree.
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SUPPLEMENTAL-BRIEF OF THE PLAINTIFF-IN-ERROR

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The above cause was argued before this Court on the twenty-ninth ultimo, and a brief was at that time submitted to the Court, but during the progress of the argument, it was suggested that the Act, an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of 1898)", is unconstitutional.

STATUTE IN QUESTION.

- | | | |
|---|--|----|
| 1 | Be It Enacted by the Senate and General As- | 20 |
| | sembly of the State of New Jersey: | |
| 1 | 1. In all cases where the plaintiff in error shall | |
| | elect to take up the entire record | |
| 2 | with his writ of error, as provided in the act to | |
| | which this is a supplement, he may | |
| 3 | assign as error, that the verdict was against the | |
| | weight of evidence, whether any ex- | |
| 4 | ception has been taken or not, or whether any mo- | |
| | tion to acquit has been made or | |

5 not, and if it shall appear from a consideration of
the entire evidence, that such ver-

6 dict was against the weight of evidence the Appel-
late Court shall remedy such

7 wrong by reversing such verdict and awarding a
new trial.

1 2. This act shall apply to all cases now pending
but unargued in any Appel-
2 late Court.

10 1 3. This act shall take effect immediately.

STATEMENT.

Due to a mistake in the revision of the Criminal
Procedure act of 1898, the right of an appellant in
a criminal case to have his conviction reviewed on
the evidence of the whole case was taken away.
This is the effect, at least, of Justice Swayze in a
number of decisions of the Supreme Court and
Court of Errors and Appeals.

20 The object of this supplement is to enable a de-
fendant convicted in a criminal case to have his
case reviewed in the same manner as a defendant
in a civil case, who on a rule to show cause alleges
that the verdict was against the weight of evidence.

30 *Note:* The statement referred to above appears
on the advance sheet sent out after the passage of
the act in question by the Custodian and is not the
result of the subscriber's investigation. However,
there is no doubt that the Criminal Procedure act of
1898 did omit the act of May 9, 1894 (Gen. St. p.
1154), and that the matter has received considera-
ble discussion by our Judges, and there is no doubt
a replacing of that wholesome and humane statute
ought of necessity to be again reincorporated into
law.

The statute of 1894 (Gen. St. p. 1154) reads as
follows:

"That the entire record of the proceedings had upon the trial of any criminal cause may be returned by the plaintiff in error therein with the writ of error, and when so returned shall form a part thereof, and on the argument such entire record shall be considered and adjudged by the appellate court; and if it appear from such record that the plaintiff in error on the trial below suffered manifest wrong or injury, whether by rejection of testimony or in the charge made to the jury, or in the denial of any matter by such court, which was a matter of discretion, or upon the evidence adduced upon the trial, the appellate court shall remedy such wrong or injury and give judgment accordingly, and order a new trial". 10

The leading case in our State involving the above statute is Kohl vs. State, 36 A. 931, decided in our Court of Errors and Appeals on March 2, 1897, Mr. Justice Dixon writing the opinion for the Court, said:

"After a careful investigation of the record, we find no fault in it, except that the evidence does not justify the verdict. To warrant a conviction of crime the testimony should prove the guilt of the accused beyond a reasonable doubt. If it fails to do this,—i. e., if it be of such a nature that, when fully and fairly considered, it will not satisfy any thoughtful mind beyond reasonable doubt, of the guilt of the accused, then a conviction does manifest wrong, according to our system of administering criminal law. Jurors compose the appropriate tribunal for the determination of controverted questions of fact; but in a civil case, they cannot justly find a verdict for the plaintiff without evidence capable of leading a prudent person to believe in plaintiff's claim, and, in a criminal case, they cannot justly find a verdict for the State upon evidence which, viewed in any rational aspect, must leave reasonable doubt of guilt in every considerate mind. Against such verdicts, the party aggrieved can, by the common law, appeal to the trial court for a new trial, and under the statute above cited, such an appeal can now be made in criminal cases to the Appellate Tribunal". 20 30

Justices Gummere and Magie dissented and raised two points: First, as to the legislature's intention, and second, that the verdict in that particular case was not against the weight of evidence; but the constitutionality of the act was not questioned.

- 10 On September 16, 1898, the Court of Errors and Appeals decided the Winters' case (41 Atl. p. 220) which also involved the above statute. In that case the opinion was written by Mr. Justice Garrison, but the question of the constitutionality of the act was not considered although the weight of evidence was the matter at issue.

As early as 1857 the Supreme Court of our State in *State vs. Ross* (26 N. J. Law p. 125) conceded that even trial courts had the power without statutory authority to set aside a verdict, and the Chief Justice in dealing with the evidence in that case declared that there was nothing in the evidence to warrant such a verdict and said:

- 20 "Under the peculiar circumstances of the case, this Court can with propriety do more than say that the Court of Oyer and Terminer would be justified, in the exercise of a sound discretion, in setting the verdict aside, etc."

Without their right being questioned trial courts set jury verdicts aside in criminal cases whenever a verdict does manifest wrong either to the State or to the defendant, and numerous cases may be cited in support of the above contention.

- 30 Nowhere can we find the right questioned of the Court of Errors and Appeals to set aside verdicts in civil cases where such verdicts cannot be justified by the weight of evidence. This power they derive from statute or by inherent right, but wherever they derive it, the power exists, and if it exists in civil cases, where in law, or in common sense, or reason can the courts find an excuse to refrain from giving the defendant the benefit of the same practice when his liberty is at stake.

Our judgment is that a constitutional question cannot arise in dealing with the statute of 1921 as

the statute does not seek to abridge the function of the Supreme Court or to interfere with its original jurisdiction, but rather provides a method of procedure and the legislature has that power. See *Public Service Gas Company vs. Board of Public Utilities Commission*, 87 Atl. p. 651.

In an appeal to the Supreme Court from a District Court, the procedure is statutory (P. L., 1902, p. 565). But the statute limits the findings to questions of law and the Court would not pass upon the facts but no one would question the power of the legislature in directing the Supreme Court to also consider the weight of evidence and if a manifest wrong had been done to either of the parties, to grant a new trial. 10

Ordinarily the Court of Chancery has no jurisdiction to pass on legal titles, but the legislature may give the remedy. *McCarter v. Lehigh Valley R. R.*, 78 N. J. Eq. 346. The reasoning is obvious. 20

A jury is only one branch of a trial court, and while it is a fact that in our State they are the sole judges of the facts the same as the Court is the sole judge of the law, yet it would be folly to say that the sole province of the Court could be reviewed and the province of the jury could not. If a jury, through prejudice which often arises especially in cases like the one in question, should deliberately come to a conclusion decidedly against the weight of evidence and do the defendant manifest wrong and injury and there was to be found no relief either in the inherent power of the court or in any statutory procedure, the laws of our State would fall short of being able to meet a most crucial situation. 30

Respectfully submitted,

WILLIAM I. GARRISON,

Atty. of Plaintiff-in-Error.

The first part of the book is devoted to a description of the life of the author, who was born in 1793, and died in 1861. The second part is devoted to a description of the life of the author's wife, who was born in 1795, and died in 1863. The third part is devoted to a description of the life of the author's daughter, who was born in 1800, and died in 1865.

The fourth part is devoted to a description of the life of the author's son, who was born in 1805, and died in 1867. The fifth part is devoted to a description of the life of the author's daughter-in-law, who was born in 1807, and died in 1869. The sixth part is devoted to a description of the life of the author's son-in-law, who was born in 1810, and died in 1871.

The seventh part is devoted to a description of the life of the author's daughter, who was born in 1815, and died in 1873. The eighth part is devoted to a description of the life of the author's son, who was born in 1818, and died in 1876.

The ninth part is devoted to a description of the life of the author's daughter-in-law, who was born in 1820, and died in 1878. The tenth part is devoted to a description of the life of the author's son-in-law, who was born in 1823, and died in 1881. The eleventh part is devoted to a description of the life of the author's daughter, who was born in 1825, and died in 1883. The twelfth part is devoted to a description of the life of the author's son, who was born in 1828, and died in 1886.

The thirteenth part is devoted to a description of the life of the author's daughter-in-law, who was born in 1830, and died in 1888. The fourteenth part is devoted to a description of the life of the author's son-in-law, who was born in 1833, and died in 1891. The fifteenth part is devoted to a description of the life of the author's daughter, who was born in 1835, and died in 1893.

The sixteenth part is devoted to a description of the life of the author's son, who was born in 1838, and died in 1896. The seventeenth part is devoted to a description of the life of the author's daughter-in-law, who was born in 1840, and died in 1898. The eighteenth part is devoted to a description of the life of the author's son-in-law, who was born in 1843, and died in 1901.

The nineteenth part is devoted to a description of the life of the author's daughter, who was born in 1845, and died in 1903. The twentieth part is devoted to a description of the life of the author's son, who was born in 1848, and died in 1906. The twenty-first part is devoted to a description of the life of the author's daughter-in-law, who was born in 1850, and died in 1908.

