

"I DIE A TRUE AMERICAN."

THE TRUE

LIFE OF WILLIAM POOL

GIVING

A CORRECT HISTORY OF HIS GRANDPARENTS AND
HIS PARENTS,

WITH A FULL ACCOUNT OF THE



Terrible Affray at Stanwix Hall,

IN WHICH HE RECEIVED A FATAL WOUND.

CONTAINING ALSO,

AN AUTHENTIC ACCOUNT OF HIS LIFE FROM THE
AGE OF EIGHTEEN MONTHS, THE VARIOUS
KINDS OF BUSINESS HE FOLLOWED,

WITH THE OFFICIAL REPORT OF THE CORRONER'S INVE
STIGATION, AND VERDICT OF THE JURY.

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INTRODUCTION.

MY COUNTRYMEN

I come not before you to speak about ancient heroes and statesmen, that have nobly acted their part on the worldly stage, and then gently sank to rest with all the honors and eulogies that are capable of being performed or expressed by their nation's departed braves; but merely to lay before you the facts concerning the life and death of an American. Painful indeed is it to record the untimely death of one that fell in manhood's prime, and was followed to his silent grave by a multitude of friends, who deeply felt their sad loss, and stood ready to testify to departed worth. Nor yet has it been a pleasant task to me to trace the event through all its bearings, and often, reader, have I laid down my pen, to wipe away the tear that had gathered from reflecting on the bereavement of that heart-stricken family. Yet, as an American, and having a heart capable of feeling for the stranger as well as an acquaintance, I felt it my duty to endeavor to do justice to the memory of one whose greatest fault, in the eyes of some, was that he practiced the doctrine that he taught, and that doctrine was Americanism. His detractors and defamers may flourish for a while; but in time their sun will set, and long after they have sunk into endless oblivion, will the name of William Pool blaze with redoubled splendor, and ever be remembered in the hearts of his countrymen. Time, on its ever-revolving wheels, rolls on rapidly, hurrying us into eternity; still it is an act devoutly wished for by all, that such a scene may never be again enacted. His history, which I have written, being authentic, will tell of his many virtuous qualities as a man, ever thankful for the patronage and kindness of a generous public. I submit my book into their hands for perusal, hoping, thereby, that all may see that I have been advocating the eternal principles of justice and truth.

W. L. KNAPP.

New York, 1855.

Entered according to Act of Congress, in the year 1855,

BY WILLIAM L. KNAPP,

In the Clerk's Office of the District Court for the Southern District of New-York.

THE TRUE LIFE OF WILLIAM POOL.

WILLIAM POOL, (not Poole as generally written), the subject of this narrative, was born in Sussex County, New Jersey, and was the youngest of four children, the family consisting of two girls and two boys. His mother dying when he was eighteen months old, left him motherless. Although he was not sensible or capable of realizing the great loss, yet great it was; for none, let them be ever so kind of heart, or possessed of superior qualifications, are able to fill the place of a mother. Night after night will she watch by the side of her sleeping infant; trouble and hardships are but as a feather in the scale, if she can only promote the happiness of her offspring. Through summer's heat and winter's cold she will, with anxious solicitude gaze—and listen to its short breathings, ever ready to administer to its wants, fanning the fevered brow of sickness, smoothing the pillow where her hope is centered: all else is of minor importance, comparatively speaking, with the interest or welfare of her child. Its little tongue while yet in its infancy, is by a mother taught to lisp his little prayer, the influence of which is carried through life to old age, and, even then dies not with the individual, for his example is imparted and lives in others, which will continue to multiply throughout the endless ages of eternity. It matters not what station a person

may occupy in life, whether braving the storms on the ocean, or mingling in the strifes and contentions of a political life, or should stray in forbidden paths, he will at times remember the lessons of his mother, the remembrance of which often hath brought back the erring into the paths of rectitude, and gently beckoned them on to a life of happiness.

Although William's mother died while he was but a babe, still his manly, generous principles that he inherited from his parents that grew more brilliant with his growth, increasing in lustre till the day of his death, speak in unmistakable tones to his relatives and friends, as well as to those in his neighborhood whose hand was ever open to relieve want, and that when he died he left a vacancy which none of his detractors or defamers are capable of filling, for their libels on his character show an utter destitution of feeling, and that they have no sympathy with the people of this country, its laws, and its institutions, which by fearlessly defending cost William Pool his life. He was thirty-one years and eight months old when he died, and although young, he lived long enough to see those that he had befriended, seek his life, and that they accomplished their determined intention.

After his mother's death, the eldest sister took charge of the house, and continued to do so up to the time of the father's second marriage, which took place about two years after their mother's death. The two sisters after their father's second marriage left home and took up their residence in the City of New York. One of the sister's, Mrs. Mason, still resides in this city, the other sister, Mrs. Franklin, resides at Port Jarvis, N. Y. John, the brother of William resides in this city, is a mason by trade and contractor. Their father's name was John Pool, he was a boot and shoe maker by trade, and several years after his second marriage removed to the City of New York, and after settling here followed dock building the most of his time. He was considered an honest, upright and worthy man, and died in the year eighteen hundred and thirty-four. The grand parents of William Pool all resided in the same neighborhood where William was born, within a short

distance of each other, and were highly respected by all that knew them. The grandfather on his mother's side, John Sanford, was a revolutionary soldier, and a pensioner; served all through the war, was in many important engagements; after peace was declared, he received his discharge in New York, and then retired and lived on his farm in New Jersey till the war of eighteen hundred and twelve, when he enlisted as a volunteer and served three months. He died at Bloomingdale, Morris County, New Jersey, on the fifteenth of February, eighteen hundred and fifty-two, in the ninety-third year of his age. His grandfather on his father's side, whose name was William Pool, was by occupation a farmer, enlisted as a volunteer in the war of eighteen hundred and twelve, and after doing his duty as a soldier, returned to his home in Bloomingdale, New Jersey, where he died, leaving a large number of relatives and friends to mourn the loss, of a just and honorable man. The grandmothers lived to an advanced age and died, leaving a large circle of friends, many children, and a great number of grandchildren to testify to their worth.

Thus we see the forefathers of William Pool battling for their country's freedom. Look at young Sanford, at the age of sixteen shouldering his musket and taking his ranks as a soldier voluntarily to help free his country from the iron hand of a despot. After serving his country for over seven long years, see him return to his native place crowned with the never dying wreath of a true soldier. What heavenly emotions must have filled his bosom when returning to that home; when he contemplated he had helped to obtain his country's freedom; the war was over, and that now he could sit down and eat his bread in peace, as the cannon's roar and the clashing of arms had ceased, victory soared aloft with the stars and stripes, and as his country's banner floated gently in the breeze, it told him that that flag was owned by the sons of liberty, and now waved over the land he had assisted to free. Even after achieving glory and renown in the war and retiring to his home, when the war trumpet was sounded in eighteen hundred and twelve, he again shouldered his musket as a volunteer and served in that war. He was

often heard to regret that he was too old to offer his services in the Mexican war, seeming to feel, and showing that he was a pure patriot, and willing to sacrifice all ease and comfort for the advancement of his country. It is not strange then, that William Pool, descendant as he was, from a family of spotless reputation, it is not strange that the patriotic blood that he inherited from his forefathers should lead and prompt him to stand by and defend the American flag. Nor yet is it a wonder, only in the eyes of ignorant bigots, that he should stand up for his country's rights. He considered that it was the land of his fathers, that he had a right to defend the principles that had fought for. And furthermore, that as an American, he should not only speak his just convictions of his country's institutions, but as a right of freedom of the speech, that is guaranteed by the laws of his country, he would and did stand up and defend not only the institutions of his country, but her honor. He moreover, republican as he was, claimed to know, and did know from the plain and common sense rules, and the laws of right, that he as an American citizen, had a right to think as he chose, express his principles when and where he chose without being molested by a gang of bigoted, ignorant, foreign hireling paupers.

He furthermore contended, that Americans should not be compelled, in order to live, to take up with the crumbs that dropped from an alien's table; but that, in the distribution of offices by the general government, or that employers in all kinds of business, should give, at all events, the American citizen an equal chance with those that had no kindred feeling with the institutions and republican principles of this country. His dying words were true enough, "I die a true American;" for had he acted the hypocrite, pretending to one that he believed in his religion, or to another of a different sect, that he was right, being all things to all men for the sake of promotion in the political world: now a slavery man in one section of the country, an anti-slavery man in another section; now weeping over the miseries of man, and in another place lauding, praising, and showing wherein they are benefits: if Wil-

liam Pool had been such a character, his remains would not now be reposing in Greenwood. His affectionate wife would not now be mourning the loss of a kind husband, and his little boy could not now say, "I have no father." His brother and sisters could not be grieving for a brother dead, for he would have been living still. For espousing the American cause, for advocating the principles of eternal truth, and openly expressing the principles he professed, he was set upon and hunted by a gang of outlaws, and murdered, aye, murdered, in cold blood, his greatest fault being that he was an American, and too smart for any single one of the set that took his life. When William was but a small boy, he went to reside with his sister, Mrs. Mason, who brought him up. He was sent to school by her; still he could not bear confinement, and would rather work hard all day than to go to school. He was not unlike many other boys in this respect, still it showed, even at this early period of his youth, an inclination to an active life. In the early part of his life, he showed a willingness to do almost anything whereby he could make money in an honest way, which characteristic he bore with him through life. When about fourteen years of age, he went to work in a brick yard near Newburgh, Orange County, New York, and after working there nearly a year, and receiving no pay for what he had done, returned again to New York. After returning to this city, he went to learn the butchering business with Alexander Berryman. After leaving Mr. Berryman went to work for James Ford, after leaving him worked in Chrystie street. The first journey-work he done was at Clinton Market, for Thomas E. Broadway, who stated that while he was with him, he always found him a steady, industrious, hard-working man, and very attentive to his business. He was with Mr. Broadway for several years, and leaving him, he started in business for himself in Washington Market, in partnership with Solomon Haws. They were partners for about three years, when they dissolved partnership. William continued the business about eighteen months himself, and by his unceasing industry and energy of character, made considerable money; and although he lent a

helping hand to those that were in need, still he provided bountifully for his family, and did not, at his death, leave them destitute of means. He done a large business, supplied the Astor House with small meat, besides many other places. Ever prompt and attentive to his business, he gained the confidence of the public. He drew around him a host of friends, who not only deeply regret his death, but can testify to his moral worth. The dreary hard winter of 1855 is scarcely over, yet there are many families that can say that William Pool was to them as a father, and that by his generosity they were saved from utter destitution and actual want. None turned away without receiving something. Hearing from an acquaintance that there were three families in very destitute circumstances up town, he made inquiries about them, and found that they were not only destitute of food and fuel, but were in a pitiful and suffering condition. He immediately sent each family a barrel of flour and a ton of coal apiece, besides meat and other things. Come, ye calumniators of William Pool, sit down and figure up your deeds of charity, and see if you will be able to balance your other shortcomings, for we are all mortal, have our faults, liable to err. We are quick in discovering the faults of others, and look upon ourselves as perfect; whereas, if the books were properly balanced, we might at once discover that we had sinned and were in error, and that the one that we looked upon as the sinner might, upon proving the trial sheet, show a large balance against us. He was about five feet nine inches in height, and well-proportioned, possessing great agility. Although he never fought any ring fight, nor ever engaged in any other fights, except when grossly insulted for standing up for American principles, yet he always proved himself too much for any one that had the audacity to assault him. His fight with Morrissey at the foot of Amos Street, in the summer of 1854, lasted but a few minutes, when William Pool was declared the victor. Although this battle was unsought by him, and he was heard by many to say he would rather treat Morrissey than fight him, yet, when he found his opponent eager for the

battle, as well as many others, he took his position, and it took but a short time to decide which was the best man. After leaving his business in Washington Market, he started a saloon called the "Bank Exchange," at the corner of Howard Street and Broadway, which place he kept the remainder of his life. He was a man that was bold and fearless, and did not fear the face of clay. Ever ready to defend the right, and oppose the wrong, he stood forth as the champion of American principles, battling for freedom's cause. The first of his taking any active part in politics, was with the Native American party. He was a smart electioneerer at primary and general elections, and brought forth his country's flag from many a sharp contest, unscathed. He belonged to the order of United Americans, besides being a member of several other societies. He was counted gentlemanly in his conduct, never insulting, or giving an insult to any one. He was fond of the society of the ladies, which, instead of being a fault, was justly commendable; for the man that associates with intelligent females, will not only have a respect and regard for himself, and from their mild, gentle teachings, he will exhibit in his deportment, even in the busy, out-door bustling world, that he is under a happy influence, which has been imparted to him by some other source than by the hands of man. The lady that he selected for his partner through life was Elvina Lozier. They had been playmates in their childhood, and their affections ripened with their growth, and they were united in the holy bands of matrimony nine years ago last new year's eve, by the Rev. Dr. Wallace, at his residence in Spring Street. Two children, both boys, were the fruits of this marriage. One of the children is still living, a promising boy, eight years of age. William was always kind to her and his family, and his wife never knew what it was to want for anything towards contributing to her comfort, that money would purchase, as he considered that she possessed all the qualifications combined, that were necessary to constitute a good wife. As for herself, she could scarcely be made to believe that there ever was another man equal to him in kindness. What, then, must be the feelings of

her who was suddenly bereft of her partner, one whom she looked up to as her guide whilst journeying through life?

What must be her feelings when she reflects that William Pool took Baker out of the streets, put a decent suit of clothes on him, fed him at his own table, and through his influence got him appointed a policeman. Her own words will express but a faint idea of her feelings, still they speak in tones of thunder of this cowardly murdering deed. "Little did I think (said she, as the tears gushed forth from her eyes), little did I think when William took Baker and clothed and fed him and got him on the police, little did I think that the man that I had made many a meal's victuals for, that he would be one of the gang to help to murder my husband. I feel sorry for their families. I wish their families no harm, still they have murdered William, and taken from me my husband." Little did she think it, aye, little did William Pool think that he was warming and feeding a viper, that as soon as it was sufficiently warm and full of food would turn around and remorselessly sting him to death. Little would any one think that after the kindness that he had shown to Baker, and to some of the rest of the gang, that he would join in and help to take William Pool's life. Look at the circumstances, see William Pool quietly enjoying himself with a friend at Stanwix Hall, neither molesting nor interfering with any one, see that band of cowardly ruffians, neither one of them daring to go singly to commit the deed, look at one of the gang seize him by the collar and spit three times in his face, for no other earthly purpose than to get him to fight, and then could murder him without the suspicion of its being a planned or premeditated act. When they found this plan did not work, and that the deed must be done at any rate, regardless of consequences see them commence firing at him, and after shooting him down like a dog, see Baker run and jump on him, at the same time planting a pistol on his breast and fire. Did William Pool raise a hand? No! Did he fire a shot? No! Philosopher like, and as a man as he was, he undoubtedly made up his mind that they had come to murder him, and that murder him they would at

all events, and that he would give them no cause or a shadow of excuse after they had committed the murderous deed to say that he was the aggressor. See him borne home to his bed of death, and as he lay there forgetful of his sufferings, see him praying for his murderers. Hear him speak forth in tones of resignation. "I forgive them and I have to believe that I am forgiven." A short time previous to his death, being sensible that his time was near at hand, he gave directions as to the disposal of his body, and after setting his house in order, he gradually sank away and died without a struggle. I shall now proceed to give an account of his murder, his funeral obsequies, the Coroner's investigation, and the jury's verdict.

THE MURDER.

On the night of Saturday, the twenty-fourth of February, the plot that had been long formed was carried into effect. Although they did not effect his immediate death, yet his murderers can now see that they accomplished their intentions, and that William Pool now sleeps where the assassin's knife cannot harm him. On the evening above mentioned he left his saloon at the corner of Broadway and Howard, and stepped into Stanwix Hall to obtain some refreshments. While he was quietly eating, not conscious that Morrissey was in an adjoining room or that he was in the building, until he came out and addressed Mr. Pool with, "Ah! is it there ye are, ye black muzzled son of a b——h?" William Pool made no reply. Morrissey continued to insult him in the most shameful manner, and finally called him a "coward." Mr. Pool while receiving this abuse, merely remarked to him "you tasted my mutton once, and did not appear to like it." But when Morrissey applied the term "coward" to him, he immediately leaped out into the middle of the floor, and with a withering glance boldly told him he was a "liar." The other continued his

vile abuse by saying: "You God d—d cowardly American son of a b—h! you dare not fight me with pistols muzzle to muzzle." Mr. Pool cried out, "you lie you Irish b—h; I dare," at the same time springing towards him and pulling out his revolver, "Draw." Irving then jumped before Morrissey, and shouted "he aint got no weapon Pool don't fire." When Mr. Pool found that Morrissey had no pistol, he coolly put his up and returned to the former place where he was standing. Morrissey in the mean time had sent for a pistol, still continuing to use the most abusive terms, such as G—d d—d American son of a b—h," "black muzzled son of a b—h," and Mr. Pool getting angry said, "Oh shut up, you are all a set of d—d Irishmen. Mark McGuire then remarked that "an Irishman was as good as anybody else if he only behaved himself." Mr. Pool told him "there was no Irishman as good as he was, or any man that didn't eat meat on Friday." McGuire said he was as good a man as he was, and Mr. Pool asked him "in what way." "In any way replied McGuire, Mr. Pool asked him if he would fight? he said he would on "equal terms." "There lays a carving knife" said Mr. Pool, "I will get another." McGuire immediately apologized and said Mr. Pool "had been kind to his brother," and that he did not wish to fight him." By this time Morrissey had got a pistol, and immediately made a rush at Mr. Pool exclaiming at the same time, "now draw you American fighting son of a b—h!" Mr. Pool stood with perfect composure looking at him, and as Morrissey snapped his pistol at him told him to fire away. When some one called out to Mr. Pool to shoot the bully, he made answer that "if I fire I shall shoot some innocent man, but let that big loafer get away from that crowd and I will show him." The Eighth Ward police here made their appearance, Officer Rue taking Morrissey out as he said to convey him to the Fourteenth Ward police station, but after sailing around and calling at different places he let Morrissey go, as he promised he would home. Mr. Pool willingly accompanied officer Hogan of the Chief's office down to the Eighth Ward police station. After waiting there for some time, and no one appearing to make a

charge against him he was permitted to leave. Mr. Pool then returned to Stanwix Hall, feeling it his duty to do so to express his regret to the proprietors that there had been any difficulty to disturb the peace of their house, as he was not in fault, and did not wish to raise a disturbance in any one's place. While conversing with some of his friends on various subjects time passed away as it had become one o'clock on Sabbath morning. Morrissey had held a consultation with his gang, and being unfit to take any part in the tragedy that was to be enacted was taken home.

The shutters of Stanwix Hall were closed, the doors shut, when suddenly the doors flew open, and in walked Patrick McLaughlin alias Paudeen, Baker, Turner, Linn and Van Pelt, all together, Paudeen locking the door after them. Mr. Pool was standing near the bar, conversing with his friends, when they entered. Turner was asked to take a drink, he refused. Paudeen then said to Mr. Pool, "What are you looking at, you black muzzled son of a b—h?" continuing his abuse with "There's the American fighting man, that licked Morrissey; look at the American fighting boy. Why don't you fight me?" Mr. Pool replied, "I would not soil my hands by touching so worthless a fellow." Turner then stepped up, *appearing remarkably friendly*, taking Mr. Pool by the arm, and saying, "Mr. Pool, don't notice what he says—he's been drinking." Mr. Pool replied, "I'm satisfied." Paudeen immediately reached over Turner's shoulders, caught Mr. Pool by the collar, saying, "Now fight me, you black muzzled American son son of a b—h," at the same time spitting in his face three times. Pool said, "That's nice, ain't it," and immediately jumped out into the middle of the room, said he would bet five hundred dollars he could whip any man in the room, and would put up one hundred dollars as a forfeit, which he immediately did, by placing five twenty dollar gold pieces in Mr. Dean's hand. The murderers not being able to raise a hundred dollars between them, and knowing the business they were on, and it must be dispatched, and money being of little consequence just then, Turner threw off his cloak and said

"Let's sail in, any way." Turner then drew a large sized revolver, and rested the muzzle against his own arm. Paudcen then stepped back, to give Turner a chance to shoot. Turner fired, shooting himself in the arm, and fell. Mr. Pool threw up his arms, and said, "For God's sake, you do not mean to murder me?" Immediately after Turner fell, as he lay writhing in agony, he again discharged his weapon, the ball this time hitting Mr. Pool in the right leg above the knee, which caused him to stagger and fall. Baker, who had been firing at him without effect, then jumped upon him, saying, "Now I'll finish you," at the same time planting a pistol to his breast, he fired. Charles Lozier, the brother-in-law of William, rushed to assist him, when Paudcen shot him in the thigh, and also in the head. Balls were now flying in all directions. Turner, as he still lay cursing on the floor, kept firing in the direction of Pool, one of the balls taking effect on Baker's head, and another in his groin. Paudcen got a bullet in his hand, they all thinking their work was accomplished, made a rush for the door; but to make it doubly sure, they halted at the door, and fired several shots towards where William Pool laid weltering in his blood, and then suddenly took to flight. After this scum of filthy murdering vipers had fled, Mr. Pool raised himself slowly to his feet, and steadied himself by holding fast to the door. Mr. Shay ran to assist him, and he exclaimed, "Cy, I am dying," and immediately fainted. Several eminent physicians were immediately called, who done all they could to alleviate his sufferings, still having no hopes of being able to save his life, as his wounds were pronounced (and it proved too true) mortal. When the police went down to Lyng's House, at the corner of Broadway and Canal Street, to search for the murderers, they were refused admittance. Capt. Turnbull arrived about two o'clock, and demanded admission. Lyng again refused, whereupon the police kicked the door open, and arrested Van Pelt, Turner, and Patrick McLaughlin alias Paudcen. Baker had either left the house, as Lyng said, he had been there, but was gone, or else he was stowed away in some corner, where the searchers forgot to search. Mr. Pool

remained at the hall till morning, and being much better, and in good spirits, it was thought safe to remove him to his home in Christopher Street, which was accordingly done with great care, receiving from his physicians the best of attention. 'Twas a sad sight for that wife to look upon the one that she prized as her life, brought home bleeding from wounds received from murderous assassins. 'Twas a sad sight for that boy to behold a kind father lay powerless and helpless. Sad, sad indeed, was it for that brother and sister, and all of his relatives and friends, to see that noble form fast, fast fade away, until his spirit burst forth from the earthly clay, and took its flight to realms above. He died not without hope, and being fully conscious he could not live, set his house in order, then calmly sank into the sleep of death.

MEETING OF HIS FRIENDS.

A meeting of the friends of the late William Pool was held at the City Hotel.

On motion, Capt. James M. Turner was called to the chair.

The Chairman addressed the meeting, stating its object—to make arrangements to join in the obsequies of Mr. Pool, on Sunday. The Chairman closed with a few words complimentary to the character of the deceased.

On motion, Messrs. W. Janeway and Thomas Bouton were appointed Vice-Presidents; Mr. C. W. Schaffer, Secretary, and Mr. Jacob Acker, Treasurer.

The Secretary presented the following:—

Whereas, it has pleased the Supreme Ruler of the Universe to remove from our midst (using the hand of an assassin) our friend and esteemed associate, the late Wm. Pool, therefore,

Resolved, That this assemblage of friends, not only of the deceased but of his sorrow-stricken family, do at once resolve themselves into an organized body, to be known hereafter

as the "Pool association"—the object of which organization shall be to co-operate with other friends in paying a just tribute of respect to his earthly remains by following them to the grave, and after so interred, to erect a suitable tablet of respect over the same.

Resolved, That we do proffer our heartfelt sympathies to the bereaved relatives of our deceased friend, sincerely praying that He who removed from their circle the doting son, affectionate husband, devoted father, and uncompromising friend, will, in His providential mercy, provide for and restore peace, health and happiness to the afflicted family.

One hundred and ninety-seven persons then came forward, and signed their names as members of the Association. The officers above named were confirmed as the permanent government of the Association.

The following Committee of arrangements was appointed: Edward Chine, Joseph Lewis, Frank McCabe, Robert W. Brush, and Joseph Smith, and the officers of the Association *ex officio*.

A committee, consisting of W. Fay, N. Bertholf, and C. W. Schaffer, were appointed to draft resolutions of sympathy to the family.

An adjourned meeting was held at the City Hotel, the evening before, the President, James M. Turner, Esq., in the chair. The room in which the meeting was held was draped in mourning. There was a large number of the Association present.

ORDER OF PROCESSION,

Band.

Grand Marshal,—James M. Turner.

Special aids—C. W. Schaffer, Wm. Janeway.

FIRST DIVISION.

S. A. Suydam, Special Aid. R. W. Brush, aid to Grand Marshal. Pool Guard, James Banner, Commandant. Poole Association, Thomas Bouton, Vice President. Engine Company No. 34. C. L. Miller, Foreman.

SECOND DIVISION.

Special Aids—Samuel Brevoort, Lewis Parker. Citizens of the Ninth Ward. Rynders Battalion—Major G. B. Hall.

THIRD DIVISION.

Hancock Chapter, O. U. A. Other Chapters of the same Order. Clergy in carriages.

BODY.

Family and friends of deceased in carriages

The Secretary presented the following letter:

OFFICE OF CHIEF OF POLICE,
BROOKLYN, March 10, 1855.

CHRISTIAN W. SCHAFER, Esq.—Dear Sir—Will you oblige me by informing the bearer at what time, and over what ferry, the funeral cortege of the late William Pool will cross to this city, as I desire to be in attendance with a body of police to accompany the same to the last resting place of the deceased at Greenwood.

With respect, I remain yours truly,
JOHN S. FOLK, Chief of Police.

The Secretary had given the required information.

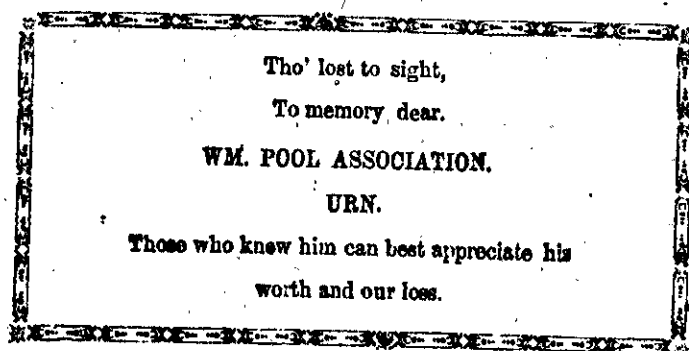
The Chair said it had been suggested to him by a person of high official station in this city, that the friends of Mr. Pool should refrain from bearing any emblem, or wearing any badge that might have a bad tendency on the minds of those who might not agree with them. The Chair had assured the gentleman that the friends of Mr. Pool were satisfied with leaving his wrongs to the law. The Chair further said in relation to charges that had been made against Pool, that he had been an election bully, that it could be proved that he was far above leading any man into place and power until he was worthy of it. He thought that the time would come when the virtues of Mr. Pool would be made known, and the errors of the press on the subject would be corrected. He would ask of one press in particular what would become of the life of a peaceful, unpretending citizen? He hoped that no member of the Associa-

tion would speak one word that could be construed into offence until the trials were over, and thus show to the public that they demanded only justice, and that they will have. The Chair, in conclusion, made an eloquent appeal in favor of placing a tablet over the remains of the deceased.

Mr. Suydam, from the Music Committee, reported that Dodworth's band (fifty-two pieces) had been engaged.

Mr. Brevoort, from the Committee on Decorations, reported progress.

The Chair presented the following form of badge which will be worn to-day :



The Pool Association meets to-day at 12 1-2 o'clock, at the City Hotel. The Rynders Grenadiers at the Cooper House, at the same hour.

The Chair said that the body, by request of the family, would be borne on a hearse instead of a bier, as at first arranged.

The Chair stated that a delegation from Albany has already arrived in town, to join the procession to-day. Also, that a Pool Association had been formed in Philadelphia, and would arrive in the ten o'clock train. A meeting had been held in Baltimore, and a delegation would be present from that city. The Forrest Light Guard have also held a meeting, and voted to attend the funeral. Also, several chapters of the Order of United Americans. Adjourned.

CORONER'S INVESTIGATION.

THURSDAY, March 8th 1855.—Coroner Hilton empaneled a jury to inquire into the causes connected with the death of WILLIAM POOL. The first investigation took place at the late residence of Mr. Pool, No. 164 Christopher Street. The following gentlemen composed the jury :—

H. N. Wild, of 458 Broadway ; G. J. Trask, of 134 Sixth avenue ; James S. Bell, of 43 Greenwich street ; John W. Moulton, of 306 Spring street ; George Bush, of 84 Roosevelt street ; James M. Byrne, of 193 West 44th street ; Wm. B. Drake, of 209 West 43d street ; James G. Sturges, of 5 Bowery ; Arch. H. Campbell, of 221 West 30th street, and E. Welch, of 49 Franklin street.

The first witness called was Cyrus Shay, who, being sworn, deposed : I reside at No 51 Troy street ; I knew the deceased personally for the last four or five years ; during the last four or five months I have been with him almost every day ; I know that he has had one or two difficulties with parties who came into his house, in Broadway, corner of Howard street, and called him "fighter," &c. ; he had one with Maurice Lunnigen four or five months ago, who came into Pool's house drunk, and they fought ; this had nothing to do with this quarrel ; Lunnigen is an acquaintance of a man named Paugene ; I have seen Paugene named in the papers as McLaughlin ; Lunnigen is also acquainted with Mr. Baker ; Baker was an officer detailed on the emigrant business ; Lunnigen is a runner ; about six weeks or two months ago Mr. Pool told me that he was in company with a man named Thomas Williams, residing in Broome street, in Vesey street, near the Astor House, when Paugene came up to him and said, "You are a pretty son of a b——," Pool laughed at him, saying, "I am too sweet for you," and passed on ; heard that Paugene went into Pool's

house one evening, a short time before this, when Pool was absent, and threw a whiskey skin into the face of the boy at the bar, saying, "You son of a b——, if your master was here I would serve him the same;" that was after twelve o'clock at night; Paugene called for the whiskey skin, and the boy, Dick, made it and handed to him, when he took the glass up, and, without drinking, threw it into the face of the boy; Thos. Williams told me he was present during the occurrence; Pool went with the boy a day or two after, and got a warrant from Judge Welch for Paugene's arrest for the assault; it was a common thing for persons to go into Pool's house, and talk about Paugene, while Pool was out, and it would get to his ears; they would say they thought Paugene could whip Pool; Irishmen would go in and say, "This is an American House, and we guess Irishmen have as good right here as natives;" the barkeeper would reply that they did not want any Irishmen there; and Pool would say the same when these things came to his ears; he would say, no man who didn't eat meat on a Friday, was wanted in that house; he didn't want their money; Pool never to my knowledge had any difficulty with Paugene; he has had four or five musses with Paugene's friends; one man, Nelson, one of Paugene's friends, was in Pool's house about three months ago, and tauntingly told Pool that Paugene could whip him, and used other insulting language; finally Pool told him that if he did not stop, he (Pool) would put him out, and he did put him out; I heard Paugene say he would "take the black muzzled son of a b—— (meaning Pool), some day or another; I should suppose he meant he would kill him; this was between seven and eight months ago, in Church street in a house called the "Senate," just after the difficulty between Morrissey and Poole, at the foot of Amos Street; several other persons heard him say so; but I do not know their names.

At this point Cornelius Linn appeared, and was committed as an accomplice.

INVESTIGATION RESUMED.—I do not think I have ever heard Paugene make use of any other threat against Pool, previous

to the night of the affray; about 9 o'clock on Saturday night, one week from last Saturday, I was in Pool's house on the corner of Broadway and Howard-st., when I heard that Mr. Morrissey was having words with Mr. Pool, up at Stanwix Hall; a man named Oliver Leon told me this; he resides, I think in Laurens-st., near Spring; I went up to Stanwix Hall; Officer Rue was in Pool's house, at the time, and although I started to go alone, he came up with me, asking by the way, what was the matter, to which I gave him no satisfactory answer; I went into Stanwix Hall alone; when I got in it was between 9 and 10 at night; Mr Pool was behind the counter—behind the end of the bar counter; Mr Morrissey was walking about the bar-room using insulting language to Mr Pool and Pool was talking back; I do not recollect the words that passed between them; the language used on both sides was threatening in its nature: James Irwin, John Hyler, Morton Fairchild, Samuel Suydam, Capt. Lorenzo Lewis, were present.

Here Officer O'Keefe brought in Chas. Van Pelt, who was present at the affray, and went to Stanwix Hall in company with the assailants of Pool. The prisoner was committed to await the result of the investigation. Several witnesses said he tried to stop Paugene from attacking Pool.

INVESTIGATION RESUMED.—John E. Dean, Lorenzo Deagle, Thos. Williams, Cornelius Campbell, William Janeway, and others were present at this time.

The investigation was adjourned to 10 o'clock on Friday morning to assemble at the office of the Coroner.

FRIDAY, March 9th 1855.—The chamber of Aldermen having been selected for holding the investigation, it was crowded on Friday, with people anxious to hear the continuation of the Coroner's Inquest.

Before the resumption of evidence, John Hyler, charged with being connected with Baker and other assailants, was brought by Capt. Turnbull from the Station House before the Coroner, and committed to the Tombs.

The examination of Mr Shay was continued:

I am satisfied that there were others I knew, but I cannot

bring them to my mind now ; when I went in Pool appeared to perfectly understand what he was doing and saying ; he drank part of two glasses from two bottles of wine ; drank by himself and with others in his house, between 6 and 8 o'clock that evening ; when I went into Stanwix Hall that evening he appeared to me be more cool and collected than usual ; a few moments after I went in Irwin requested Morrissey to go out of doors with him ; Morrissey replied, " I'm not going, because I'll be prepared in a minute to meet this American fighting son of a ——" ; Morrissey then whispered to a young man present, whom I do not know ; he went out and returned within a few minutes, and handed Morrissey a pistol—a six barrelled revolver ; Morrissey then went towards Pool ; Mr. Dean tried to get the pistol away, but Morrissey sprung from him, striking him with his hand ; Baker was all the time with Morrissey, pistol in hand.

Morrissey was here brought in and taken to the City Prison.

Baker had one of Colt's five-shooters ; Morrissey hurried toward Pool ; a number of people interposed ; he presented the pistol at Pool's head over the heads of those present, and snapped two or three times ; I cannot say for certain whether the caps exploded or not, but I distinctly heard the hammer strike ; I was not near enough to see whether there were caps on or not ; my attention was too much drawn to Baker to notice whether the caps exploded or not ; Baker was standing with his pistol in his hand, watching Mr. Pool ; officer Rue was present, intoxicated ; after Morrissey had snapped his pistol at Pool, some Eighth Ward officers came in, when officer Rue told them that Morrissey was his prisoner ; an officer came up to arrest Pool, when I advised him to go out the back way, and go to the Eighth Ward Station House, and make a complaint against Morrissey, thinking that officer Rue would take him there, and he would meet him ; the officer in charge at the station house told Poole that he would have to get a warrant for him, and that if Morrissey was there he would take his charge ; Pool and myself went back to Stanwix hall ; Dean (one of the proprietors) was in company with us ; we

staid till about a quarter past one o'clock, when six men came in ; Paugene, Baker, Linn (the man that was committed yesterday), Turner, Van Pelt, and Hyler ; these men came in company together ; the moment he got in Paugene collared Pool ; Pool was talking with Campbell, and Paugene reached across Campbell's breast to take hold of Pool, exclaiming ; " You're a pretty American son of a ——" and " Now ain't you a pretty American ? " Pool replied, " Yes I am—I am their standard bearer ; " I told Pool not to make any reply as the party was armed with pistols ; Paugene, Baker, and Turner had pistols under their coats ; Paugene kept hold of Pool's handkerchief ; and spit in his face three times ; called him a black muzzled son of b——, and wanted to fight him ; Pool wrenched himself from him, and went behind the oyster box ; Van Pelt and Campbell tried to prevent a fight ; Turner threw his cloak on the counter, and cried out, " Let's sail in, boys ! " at the same time waving his pistol over his head ; I did not notice Hyler at this time ; Paugene, Turner, and Baker, then advanced toward Pool, with pistols in their hands ; when within eight or ten feet of Pool, Turner levelled his pistol over his left arm to take sight at Pool, and shot himself through said arm ; the pistol was a Colt revolver ; would weigh eight to twelve pounds ; Pool then threw up his hand, saying, " My God, have you come here to murder me ? " Turner staggered and fell from his shot, and then raised his pistol and shot Pool through the knee, upon which Pool staggered and fell ; Baker sprung on top of him, when Charles Lozier, brother in law to Pool, attempted to interfere, and Paugene shot him in the back of the head ; at this time Baker was astride of Pool, and on his knees on the floor, having hold of his collar with his left hand, presenting his pistol to Pool's breast with his right hand ; at this time I jumped to catch hold of Baker, when he exclaimed, " I guess I'll take you, any how, " at the same time shooting Pool, through the breast ; Turner was yet lying on the floor, firing his pistol ; the third time he fired he shot Chas Lozier through the fleshy part of the thigh ; I think it was the left thigh ; I saw him, and jumped for him ; he shot

at Pool when he shot Lozier ; as I jumped for him, the pistol went off, and scattered some of the powder in the palm of my left hand ; Baker and Paugene then started to go out, when a Mr. Jacob Acker caught hold of Baker ; Baker freed himself from Acker, and, as he went out of the door, exclaimed, " I have taken the son of a b——, anyhow ; Turner followed about four feet behind Baker ; after they got out, I heard as many as two or three pistol shots in the street ; I recognized one of the reports as if from Turner's pistol, the report being louder than the rest ; after they went out, Pool raised upon his feet ; I told him to sit down that he was dangerously wounded ; he said, " No, I guess I'm only shot in the leg ; " I said " You are shot in the breast ; " he took hold of the handle of one of the inside doors, and supporting himself, said, " They may as well come in again ; " he stood a few minutes, when he exclaimed to me " Cy I am dying, " and fainted away ; Doctors were then sent for ; Police officers then came in ; I cannot say whether others shot at Pool or not ; I think Paugene discharged his pistol three or four times during the affray ; a man whom I know by sight, but don't know by name, afterwards told me, that some of the party came and went away in a coach ; when Paugene wanted to fight Pool he refused ; George Harpell keeps the City Hotel ; a man by the name of Lewis heard the conversation between the party.

CORNELIUS W. CAMPBELL, sworn, deposed ; I reside at No. 438 Broadway : about six weeks ago, I heard Mr. Pool tell Paugene to keep out of his house (corner of Howard Street and Broadway), or he would have to send him up to Blackwell's Island ; Paugene pulled off his coat, saying, " You can't disfigure me any more than I am, " and wanted to fight him (Pool) ; Paugene's name is Patrick McLoughlin ; this was about nine o'clock in the evening ; he called Mr. Pool outside the door ; I went and followed them to see what was going on ; they had some conversation Paugene commenced to talk loud, and Pool then spoke loud, and told him to keep out of his house, and that he did not want him to come there again, and if he did come, he (Pool) would send him to Black-

well's Island ; Paugene jumped out into the street, and pulled off his coat, and said, " I will fight you ; you can't disfigure me any more than I am ; Pool said to the boy, " Dick, go and get the policeman ; " a party of his (Paugene's) friends, who were standing on the sidewalk on the other side of the street, took hold of Paugene, and carried him off to the City Hotel opposite, and then they all went down Broadway ; I don't know any of the men excepting Lyng ; Mr. Pool and I went into the Exchange Saloon ; I never heard any one else threaten Pool up to the night he was shot at Stanwix Hall ; I heard part of Mr. Shay's statement, on the evening of Saturday, the 24th of February, I left Pool's bar-room, about nine o'clock, in company with Pool, and went up to Stanwix Hall ; Pool had two friends with him from New Rochelle ; Mr. Janeway was also with us ; we took supper at Stanwix Hall together, this was about nine o'clock in the evening ; after we had got through supper, some gentleman came to Mr. Pool while we were sitting at the eating counter, and said, " Morrissey is in the back room ; " I think it was Mr. Janeway who told him ; I am not certain ; he spoke in a low tone, so that I heard him ; it was not said in a whisper ; Pool replied, " As long as Morrissey leaves me alone I will not molest him ; " some five or six minutes elapsed, when Morrissey came out ; we had got through eating, and Mr. Pool was standing between the two bars, with his back to the wall, in conversation with Mr. Janeway, and the captain from New Rochelle : Morrissey came out of the back room and stood in front of Poole, and said, " It's there you are, you black-muzzled son of a b—— ; " Pool made no reply, and Mr. James Irwin, who was there, got between Morrissey and Pool, and got Morrissey away to the other side of the room ; the next I saw was Morrissey whispering in the ear of a young man, and then the young man left ; went out of the door in a hurry ; shortly he (the young man) came back, and went behind Mr. Morrissey, and I saw Mr. Morrissey take a pistol from behind him, and present it at Pool (a six-barreled revolver) ; he snapped several times, I think three times, at Mr. Pool, over the heads of some of

his (Morrissey's) friends, who were standing between them. [Here the Coroner read over the testimony of Shay on this point.] Witness thought Morrissey had one of Allen's six-shooting patent pistols; the witness corroborated Shay as to the details of the affair; I think I saw caps on the pistol, but I think they did not explode; I was twelve or fifteen feet from them when he snapped the pistol two or three times; I didn't know anything about the pistol until I saw it in Morrissey's hand; a good many parties—Mr. Irwin and Mr. Dean—got between them; about this time the policemen came; I never heard Morrissey threaten to kill Pool; as Mr. Shay testified all that I know about and saw, I concur with him. By a juror—I can't say that I ever saw the young man before who went after the pistol.

A recess was taken for half an hour.

At half-past two o'clock, P. M., the Jury re-assembled, and after waiting about an hour for witnesses, and none appearing, the Coroner was compelled to adjourn the investigation, to meet at ten o'clock this morning. In the mean time he has issued warrants for their arrest.

SATURDAY, March 10th, 10 A. M.—The Chamber of the Board of Aldermen was thronged this morning with the friends of Pool, and other persons interested in the development of this case, and the proceedings were listened to with profound attention. Several witnesses were called, but failed to appear. After a detention of about half an hour, the absent witnesses made their appearance, and the investigation was proceeded with informally—two of the Jurymen being absent.

LORENZO DEAGLE said: I am one of the proprietors of Stanwix Hall, No. 579 Broadway; the time of the shooting of Pool in my house was on Saturday, the 24th of February; I was in the whole evening, from six o'clock.

At this point the Coroner and the Jury were suddenly called out by Dr. Putnam, and went into the Governor's room to view Pool's heart. The bullet had lodged between the ventricles.

EXAMINATION CONTINUED.—About half-past ten o'clock, Mr.

Morrissey and John Hyler came in and took a drink, and passed in the back room, where Mr. Suydam and others were drinking wine; a few moments after they had gone in, I heard Mr. Morrissey exclaim, "Go away from me, I don't want to have anything to do with you," or something to this effect; I would state here, that in the mean time, while Morrissey and Hyler were in the back room, Mr. Pool and Mr. Janeway came in; Mr. Campbell and Mr. Leon, and two gentlemen from New Rochelle, and one or two others whom I did not know, came in shortly afterward; I think one of Mr. Pool's friends, I think Mr. Bartolf, went into the back room; and then Mr. Pool and Mr. Janeway, I think, sat down to the eating-counter, in the bar-room, and got their supper; Mr. Bartolf remained in the back room with Mr. Morrissey and Hyler; Mr. Pool was sober at the time, to the best of my knowledge and belief; Mr. Morrissey had, I think, been drinking, but did not appear to be excited when he came in; I could perceive that he had been drinking, but he was in no way excited; while eating supper, some one informed Pool that Morrissey was in the back room; Pool got up from the eating-counter, after eating supper, and stood in the space between the counter and the bar, and said to me, "Old man, I did not know that that party was here, or I would not have come up—I only came in for a drink, and not for a disturbance;" I thought that Pool and Janeway then made a movement as if to go out; I heard Janeway say, "Come, Pool, let's go;" he then paused, as if to wait for the rest of his friends; he had not made more than two steps from his former position, when Morrissey walked into the bar-room, and half-way down the floor, and stopped—[the whole of the jury having arrived, the testimony was read over, and the witness sworn]—and said to Pool, "Hallo, you here," or something to that effect; Pool did not make any reply, and I think Morrissey continued, "You are a pretty fighting son of a b——;" he kept on talking in this strain for about a minute; Mr. Pool only replied by putting his finger to the side of his nose; Morrissey ended by saying that he could lick Pool; Pool replied, "You said that once

before, down at the City Hotel, and, Honey, you tasted me and did not like me;" Morrissey said, "Pool, you are a cowardly son of a b——;" to which Pool replied, "You are a d——d liar;" the excitement then assumed a more serious aspect, and quite a large crowd had gathered around the parties, when James Irwin came in, and went immediately up to Mr. Morrissey, and took hold of him by the coat, and tried to get him away; the excitement somewhat lulled for a minute, and I thought it was all over, and I said to Morrissey, "I don't want you to create any disturbance here that would give the house a bad name." He answered that he did not come in to injure my house. Mr. Irwin had, I think, been talking with him, and asking him to go out, but Morrissey did not heed him; about this time, a young man came in; he was a light young man, with light moustache, light whiskers under his chin, and a light goatee; I should think he was between twenty-four and twenty-eight years of age; he went behind Mr. Morrissey, and then turned around and went out at once; Morrissey then drew a pistol, and rushed into the centre of the room, when James Irwin passed in front of him, saying, "You d——d fool, what are you about?" The pistol was a small five or six-barreled revolver; Mr. Pool, Mr. Irwin, and Mr. Janeway were standing in a line; Irwin had hold of Morrissey's coat, and his arm was around his neck, trying to stop him; Mr. Pool was standing on a platform behind the eating-counter, with his arms folded, about five feet distant from Morrissey; the excitement grew to be very great indeed; all of us, except Pool, were excited; Mr. Irwin and Mr. Dean, I think, were trying to get the pistol away; I can't state if Morrissey fired; I next saw Mr. Dean, my partner, getting up from the floor; he said Morrissey had struck him; by that time the police, who had been sent for by myself and Mr. Dean, came in; officers Ross and Moore, and two or three other policemen came in; Mr. Dean told them he wanted the house cleared; Rue went toward Morrissey and said, "You are my prisoner;" I believe officer Hogan arrested Pool, and took him back into Mercer Street, and down to the Eighth Ward

Station House; that quelled the excitement; officer Rue took Morrissey out, and, we were informed at the time, took him to the Fourteenth Ward Station House; Mr. Dean went around to the Eighth Ward Station House to prefer a charge against Morrissey, but he was not there; about ten minutes after it was common talk in the bar-room that Morrissey had been released; I did not hear that he had stopped into Chas. Abel's; this was, as I suppose, eleven or half-past eleven o'clock; a few minutes after Pool and Mr. Janeway came in; Pool said to me, "I'm d——d sorry this affair has occurred here—I did not come up for this" (meaning the affray); he said to Mr. Dean, "Old man, you don't blame me for this," or words to that effect; then he called for a bottle of wine, and then said, "Hold on, here—two bottles;" Pool, Janeway, and five or six others drank the wine, and then Janeway said to Pool, "Come, let's go down;" Pool replied, "No, I am going home;" Janeway answered, "So am I," and bade him "Good night," and left; Pool remained talking with some of his friends at the end of the counter; the time wore on from this time (half-past eleven o'clock) until at or about a quarter to twelve o'clock, when we told the boy to put up the shutters. [Here witness handed in his deposition made at Jefferson Market Police Court, on the Sunday afternoon following the affray, which he said was all he knew about it.]

AFFIDAVIT.

LORENZO DEAGLE, of No. 579 Broadway, being duly sworn, says: That he is one of the proprietors of Stanwix Hall, at the above number; and at or before twelve o'clock we told our help to put up the shutters and close the house; at this time Mr. Pool and a number of his friends were in the house, and had been drinking wine; I was then outside of the bar talking to one of our help; I heard Mr. Pool ask Mr. Dean, one of the partners, for a bottle of wine; Mr. Dean replied, on looking at the clock, that the account had closed—meaning to say his business was done; then I went from the bar-room to a store-pantry or closet off from the bar-room, on the same floor; I

took my overcoat and got on to an ice-box, and covered myself up and lay down ; then one of my helps came in, and asked if I intended to pay him weekly or monthly ; I asked him how he would like to have it, and told him I would prefer paying him weekly, and to wait until Mr. Pool and his friends had left and I would pay him, and to let no person into the store ; I then got into a sleep or stupor, and I should think in about twenty minutes or half an hour, not to exceed half an hour, one of the helps came in and roused me and stated there was likely to be a difficulty in the house ; I got up and came out immediately, and told him to go and fetch Captain Turnbull, with a posse of officers ; on going into the room I saw Patrick McLaughlin alias Paugene, having hold of Mr. Pool by the lappel of the coat, and talking in a loud and rough manner about fighting ; Mr. Pool asked him several times to let him go ; during this time James Turner was between Pool and McLaughlin ; Mr. Turner after a few seconds, got between them, and took hold of McLaughlin's coat and turned him around ; Mr. Turner then walked towards the middle of the room and threw his coat open, disclosing a belt around his person, which contained a large sized revolver ; during this time Lewis Baker stood on an angle of about forty-five degrees by the oyster box ; then McLaughlin broke away from Charles Van Pelt, who had hold of him, and ran up to Mr. Pool, crying out, " You son of a b—h, fight ; " Mr. Pool, McLaughlin, and Turner were on a line ; McLaughlin stepped on one side, leaving Mr. Pool exposed to Mr. Turner, who was next in line ; Mr. Turner then said, " Draw ; " he also said, " Go in, " or some such remark, and then pulled his pistol out from his belt, and made a sight, with his pistol resting on his left arm ; Mr. Pool threw up his arms, and exclaimed, " Do you wish to murder me ? " Mr. Turner fired, and by some accident he either let his pistol fall, or raised his arm, and shot himself through the arm, breaking it ; this was the first shot fired, and Turner fell on the floor ; he either fired the second shot while falling, or while on the floor, and shot Mr. Pool through the leg, which caused him to stagger and fall ; I then saw Mr. Baker either on or over Mr.

Pool, with a pistol in his hand, and while Pool was lying on the floor Mr. Baker shot him in the left side, near the region of the heart ; after this, and while Turner was still lying on the floor, he kept firing his pistol indiscriminately, and must have shot Mr. Baker, if he is shot ; while this was going on, McLaughlin was striking at everybody near him who was opposed ; Charles Lozier ran to Pool to raise him off the floor, and while aiding him, part of the crowd who were opposed to Pool, and who were around while passing out, turned and fired at Mr. Lozier, who was aiding Pool to raise him from the floor ; at about this time the police came, and I heard two or three shots fired outside of the house ; and this is about a full relation of the circumstances as they occurred, to my knowledge.

In answer to further questions, witness said : While Pool was there, after this time, he called for another bottle of wine ; I do not state positively whether this was the third or fourth bottle ; I do not know whether he got the wine or not ; I did not wait on him.

Q. You say Turner, McLaughlin and Baker were in a line with Pool ; were they all facing him ? A. No ; Pool stood at the inner corner of the bar, and Baker at the opposite angle of the oyster box ; Paugene stood at the other corner of the bar, opposite to and about three feet distant from Pool ; Turner stood behind Paugene ; at this time I saw two pistols in the hands of Baker and Turner—[witness showed the position of the parties]—I thought I saw Paugene look over his shoulder, and seeing that he was in a line with Turner's pistol and Mr. Pool, he stepped aside, leaving Pool, Baker and Turner standing in a position of a triangle, Turner and Baker with their pistols levelled at Pool ; Turner put his hand over his shoulder, and, looking toward Pool, said " Draw " and " go in. " he brought a heavy revolver down into the hollow of his left arm ; I did not see Pool have any pistol.

Q. Which leg did he shoot him in ? A. Turner shot Pool in the right leg, about two inches above the cap of the knee, while he (Turner) was falling, or had fallen down.

Q. You say you then saw Baker on or over Pool; did you see Baker go to him? A. Baker and others rushed toward Pool, when he was falling—the others, friends of Pool, to save him, and Baker to do what he has done, murder him; Baker was down upon one knee, and Mr. Pool up about his breast somewhere; Baker with a pistol in his right hand, pointed at at Pool's breast; I think he was trying to get up from the floor, and Pool, who was lying on the floor, had hold of him; he was leaning over him, and when he shot Mr. Pool in the breast you could hardly see the space between Pool and the muzzle of Baker's pistol; I don't think the muzzle was over three or four inches from Pool when he fired, but when it was about nine to twelve inches, Baker fired his pistol three times; if Baker be shot, from the position in which Turner lay, he is the man who shot him, for he fired his pistol several times in that direction; I don't now whether Baker was shot or not; McLaughlin was striking at everybody; I don't know if he had a pistol; he said something like, "Why don't you shoot."

Cyrus Shay here said that Paugene said to one of the parties, "Why don't you shoot Shay?"

I think Mr. Lozier was shot (I can't say by whom) in the head and thigh, when he ran to the assistance of Pool; Mr. Ackerson ran and took a hold of Baker, when the latter jumped away from him; Paugene then left, followed by Baker and Turner; after they got into the streets I heard several pistol shots fired; it was one of the three who shot Lozier when they were passing out; they went out in a crowd together, and turned and fired at Lozier; I did not hear anybody say this, but know it personally; Morrissey was not with this party; the young man who came in to Morrissey early in the evening wore a black frock coat and a flat-brimmed hat.

By a Juror—Mr. Lozier ran to Mr. Poole, exclaiming, "Do you wish to murder my brother?" and, while in the act of stooping to assist Pool was shot; he told me afterward that Paugene was the man who shot him; I did not hear any one say, in going out, "I have taken the son of a b— any how," but I think I did hear Baker say, "Now I will take you;" I

am not prepared to say that officer Rue was intoxicated, but he acted rather foolishly; Mr. Dean sold him a pair of chickens, after he came back from taking Morrissey out; I believe that the party went away in a carriage; I was told that Baker drove it away.

Direct resumed—Linn was there and also Van Pelt; I saw Van Pelt try to stop Paugene; Mr. Hyler was there, but only as a looker on; he did not take any part in the affray.

JOHN E. DEAN, the other proprietor of Stanwix Hall, was called and sworn—The Coroner said it would be necessary to go over the same ground again; he would read over Deagle's evidence, and the witness could make such corrections or additions as were within his knowledge. Witness corrected the former witness by saying: "I think Linn and Van Pelt came in after the shooting, and tried to get Baker and the others out; I was there when the first party came in." I should think that the first quarrel occurred about half past ten, and Pool came back in about three-quarters of an hour; he was in company with Messrs. Lozier, Shay, and brothers Ackerson, who were all present at the time these others parties came in; they came in about half-past twelve o'clock; Turner and Hyler came in, followed by Paugene, and immediately after that, Lewis Baker, Linn and Van Pelt came in; they did not say anything; when they came in, Pool was standing with his back against the counter, and asked Turner when he came in, to take a drink; he did not drink with him but declined; Paugene came in next, and stood out in the middle of the floor, and asked Mr. Pool what he was looking at; Mr. Pool made no reply, and Paugene asked Mr. Pool if he would go out in the yard and fight; Pool replied, "No; you are not worth it;" on that, Mr. Paugene took hold of Pool by the coat, and Turner pushed him away and got between them; Paugene got his finger into the button holes of Pool's coat, and reaching over Turner's shoulder, spat three times in the face of Mr. Pool; he dared Mr. Pool to go into the yard and fight him; Mr. Pool said there was no man in New York who could lick him (Pool) for \$500; Turner said, "You say there's no man

in New York who can lick you for \$500?" With that I turned my back to come out of the bar, and when I got along to the other end, Turner had his cloak open and showing his pistols; as I turned around, I heard Turner say, "Now Pool, draw;" just before that, he threw his cloak off, and drew his own pistol and presented it (a six-inch revolver) at Pool; at this time Paugene was squaring off at Pool (who had backed to the extreme end of the counter), and Pool was shoving him away, Paugene exclaiming, "You son of a b—, you shall fight;" Turner had levelled his pistol over his left arm, and, in waiting for Paugene to get out of the way, he had levelled his pistol at the middle of his own arm; it went off, and he shot himself through the left arm; he fell upon the floor and fired again while on the floor, and shot Pool through the leg; Mr. Baker was then standing with his back against the door; at the same time that Pool was shot through the leg, Baker aimed his pistol at Pool and fired it twice; Pool was standing at the end of the counter, and Baker was standing with his back to the door; while Turner was falling, Baker fired twice at Pool, neither of his shots taking effect; Turner then fired right away after at Pool, and this shot took effect in Pool's knee; Pool staggered and fell over against the wall; Baker went across and laid down over him, threw himself on Pool, and presenting his pistol at Pool, said, "I will settle you anyway," and then he fired and shot him in the breast; Mr. Charles Lozier then stepped forward to pick him up and in stooping down he got shot.

Q. Do you know who shot him?

A. Yes; Paugene; he first shot him in the head; Paugene was at the door when he shot Lozier; he was about two feet from the door when he shot him; Turner shot round indiscriminately while he lay on the floor; Turner was firing his pistol toward Pool; by this time, Turner had worked himself along by the front door; when he first fell, he was about twelve feet distant from it; Baker and Turner were firing all the time Paugene was firing; I think he fired more than once; I won't be certain; I don't know who shot Lozier in the leg; Hyler.

went and hid himself under the pantry stairs before they got to firing; Linn came in, I think, and pulled Baker out; I don't think Van Pelt did anything except try to stop Paugene, and Paugene struck him; I don't think Van Pelt or Linn had anything to do with this affair, though they came in with the party; Paugene and Turner were the first who went out; I think Linn and Paugene came in and got Baker out, by pulling him backward; I don't know how they went away; after they went out, I heard several shots in the street.

Q. Was there anything about Pool's wanting to fight a man with knives? A. Pool said, while the officers had Morrissey in a corner, that he would fight a man named McGuire with knives; in the first quarrel, while I was trying to get the pistol away from Morrissey, he knocked me down and pointed his pistol at me; Morrissey snapped the pistol twice, certain, and, I think, three times, at Pool; after Turner fired at Pool, Pool threw his hands up, saying, "Do you want to murder me?" At the early part of the evening, Pool had a pistol in his hand, after Morrissey drew his, and offered to fight Morrissey with it breast to breast; it was about half-past twelve when Baker shot Pool. [By a juror.] It was, I believe, the intention of Pool to go to the Eighth Ward Police Station, and make a complaint against Morrissey; officer Hogan, I think, told me that officer Rue went with Morrissey, after he had him in charge, to Charley Abel's, to take a drink, and from there they went to the City Hotel, and while Morrissey was in the City Hotel, Baker, Paugene, and somebody else entered.

The Coroner then adjourned the inquisition for half an hour.

AFTERNOON SESSION.

JAS. ACKERSON, and his brother, Jacob Ackerson, being sworn, deposed to being present during the affray that resulted in the death of Pool, and concurred with the testimony as given by Cyrus Shay.

CYRENIUS HARRIS, sworn—Was present at the affray in

question, and concurred in the testimony given by the witness Deagle.

CHRISTOPHER HOGAN, sworn—I am an officer attached to the Chief's office; I was present at the time of the altercation between Morrissey and Mr. Pool, at Stanwix Hall. I took Pool to the Station-House; at the time I took Mr. Pool to go to the Station-House, he had a revolver in his hand, and was standing between the eating counter and the bar; I had gone to Stanwix Hall on business, and was sitting in the back room, when I heard angry and loud conversation between some persons in the bar-room; I went out there, and saw Pool standing, as before stated, with a revolver in his hand; Morrissey was in the crowd, apparently without any pistol; I went into the street, and told the officers on that beat to go around the corner and give the alarm-rap, as I expected that a serious difficulty would ensue; when I came back, Pool was standing in precisely the same position, and Morrissey was standing nearly opposite to Pool, with a loaded pistol pointed directly at Pool; the pistol in Pool's hand was not pointed toward Morrissey, but toward the floor; some ten or fifteen policemen came in with me, and I told one of them to arrest Morrissey; some one sung out, "You ain't going to let Pool go, are you?" I went up to Pool, and, laying my hand upon his shoulder, asked him if he would go to the Station-House; he accompanied me at once, and I took him out of the back-door, because that way was nearer to the Station-House; when going out of the door, some persons pushed between me and Pool, and he ran off to the Eighth Ward Station House, and I after him; we got there at the same time; I waited for some time for Mr. Dean to appear and make a charge against him, but he did not appear; Pool wanted to make a charge against Morrissey, saying his life was in danger, but they refused to entertain it there; I wanted to see Captain Turnbull, to warn him to have an extra force on hand, as I apprehended there would be a serious difficulty; the lieutenant told me he could not be found; I did not tell Mr. Dean that officer Rue and Morrissey went into Charley Abel's that night, while Rue had him in charge;

when I went into Stanwix Hall with the other policemen, I saw Rue shoving Morrissey up into a corner; I do not know whether Pool had a pistol when I took him to the Eighth Ward Station-House; after I took Pool to the Station-House, I went home.

JOHN LYNG, sworn, deposed: I reside at No. 39 Canal-street, corner Broadway; I keep a public house at that place; I know that bad feelings existed between Baker and the deceased; I never heard Baker threaten to take Pool's life; I never heard Morrissey or Paugene speak in a threatening way against Pool's life; never knew anything more than their having a fight together; about eight or nine o'clock on the evening of the fight at Stanwix Hall, Baker and myself were sitting together in my house, when a young man, whom I know by sight, but do not remember by name—I believe he is from Philadelphia—came in, and told me that Pool and Morrissey had a difficulty at Stanwix Hall, that Pool had drawn a pistol on Morrissey, and he wanted to get a pistol for Morrissey; I told him that I had no pistol, and the young man went out; Baker asked me what the young man said, and I told him; about four or five minutes after Baker went out—I suppose to Stanwix Hall, though he did not say where he was going; about four or five minutes after, Mr. Turner came in, and asked me if I had heard the news; I told him yes; he said some one had been to him to go there, but he had told them he would not go; he said he was in one trouble, and wanted to get out of that; he gave as a reason for not going, that Morrissey was a little tight, and if he saw him it would only make him worse, and the affair wouldn't be closed so soon; he asked me to take a drink, and I did so; he was sober at the time; I invited him to smoke with me, and we both went into the front room, and sat down by the fire; he sat there ten or fifteen minutes, and then went out, without saying where he was going; Joseph Schaffer and my brother-in-law were in my house at the time Turner went out; about fifteen minutes after this, Baker came back to my house, with several others, but I don't know their names; soon after this, Morrissey came in

with officer Rue; I think Linn was there; I don't think Van Pelt was in at that time; Morrissey called for a bottle of wine, and, while they were drinking it, I think Turner, Hyler, Paugene and Lewis Baker came in; I know they were there, from the fact that Paugene and Morrissey had a talk about something that occurred at Allen's No. 60 Lispenard street, and I suppose that they came from that place; and that Morrissey had put some little slight upon Paugene; they had two or three drinks apiece after this; some drank wine, some brandy, and others sarsaparilla; Morrissey then left the house to go home in company with a man named Cunningham; after Morrissey had gone, Hyler made the remark, "New York is nearly played out;" this was merely a phrase; he said he wanted to go home and go to bed with his wife, and he did not dare to; Mr. Turner said, "I will go home with you;" Hyler lives in the other part of Stanwix Hall; Baker then said he would go along too; Turner and Baker asked Paugene to go along, and he refused them both; then Hyler invited him, and he went; Turner, Baker, Paugene, Hyler, and Van Pelt left at the same time; I presume Linn left at the same time, though I am not positive; I do not know if they went in a carriage, I presume they walked; in about half an hour Baker and Turner came back; Turner went to protect Hyler, who was a small man; Hyler did not have to go through the Stanwix Hall bar-room, but through a private entrance, at the side of the bar-room; I heard no threatening language used in any way, shape, or manner, toward any one; I did not see any arms on that occasion; they went with Hyler, because he having been with Morrissey in the early part of the evening, Pool's friends might give him a thrashing; I did not see any arms; Baker and Turner were mostly armed; but I don't know any one else to have been armed; in about half an hour Baker and Turner came back; Turner was in a perfect gore of blood from a wound in his arm; Baker was also bleeding from a wound in the head, on the left side, where he said Cy Harris had shot him, and also from a wound in his right groin, where he said Pool had shot him; the wound in his head was round, and such

as a bullet would make; he said Pool had shot him in the belly; he seemed to be somewhat excited; he said he was always afraid of being shot at before, but having had a taste of the battle-royal, he didn't mind trying it again; Turner was faint and weak, and staggered and fell down on the floor in the front room; I was afraid the party who had wounded them would follow, and I went to the Sixth ward Station-House for a file of men; they came, about ten or twenty, in charge of officer Lord, and left after a short time, saying there was no necessity for staying; they detailed two men to watch down by my door; the police did not see Baker nor Turner, who were in the front room; I closed the folding doors on them; I sent for several surgeons; only Dr. Clark, of Walker or White street, came—not Professor Clark; this man was pretty light paper; Turner stayed there two or three days, but was arrested there that night; Captain Turnbull, of the Eighth Ward Police, came in and arrested Paugene, Turner, and Van Pelt that night, soon after the affray; the last I saw of Baker, he was lying on the table, and the doctor was probing his wounds; I don't know whether the officers were aware of Baker's presence or not; he must have got away at the time the officers arrested Paugene; when Turnbull came, I am rather deaf, so I went to the door to see what was the matter; he demanded admission, and I refused it, when he burst the door open; he asked me who was in the house; I replied, a wounded man, and took him in, when he arrested Paugene, Turner, and Van Pelt; Baker was lying on the table; he had only his undershirt, drawers, and boots on; Dr. Clark was probing his wounds when I went out of the room; I returned from the hall, after an absence of two or three minutes, to see who was ringing the bell so violently, and, on my return, Baker was gone; Dr. Clark was there all night, I think, waiting on Turner; I think he was out of the house before Turnbull came in; I don't know at what time Baker went away; there is no way for him to get out on my roof; he would have broken his neck if he had tried, for it is a steep slate roof; I have not heard of him since.

Q. Do you know of any person who can tell where he is?

A. That's a question I decline to answer.

Coroner—Then I shall commit you; that's plain.

Lyng—I don't know where he is, and I haven't heard from him.

Coroner—You are not bound to criminate yourself; but it is a criminal offence to harbor him.

Lyng—I don't know any person who knows where he is, but I have heard various persons say they knew his whereabouts, but I don't think they do; I think he was not in the house when Turnbull came in; Turnbull, I think, manifested a good deal too much anxiety to find him; I do not think I could find him if I tried; I know that Morrissey was in charge of Rue when he came into my house; I have heard nothing about Baker since he was last in my house.

Q. Why did you say you declined to answer if you knew any one could tell you where Baker is?

A. I don't know that I can give you any reason; I don't want to accuse anybody; I don't know who could tell where Baker is; the young man who came for a pistol for Mr. Morrissey is in Philadelphia; he went there I think, the next day; *Baker told me that he had shot Pool in the breast.*

The investigation was then adjourned to Monday morning, at half-past nine o'clock.

MONDAY,—March 12 A. M.—The whole of the jurors, with the exception of Ald. Drake, having arrived, the Coroner said he heard, on Saturday night, of the whereabouts of the man who drove the coach on the night of the 24th of February, and so he remained out the whole of last Saturday night to take him. He succeeded in arresting "Lively," and another; and Lively told him that a man named "Shunghai," in the employ of the same person as himself, was also charged with being the driver of the coach. The Fourteenth Ward Police were in search of Shunghai, with what success he (Mr. Hilton) was unable to say. The Coroner also said he was continually receiving anonymous letters in relation to this affair; but, unless they were authenticated by the signature and address of

the parties sending them, he could not notice their contents:

LEON OLIVER—I reside at No. 99 Laurens street; I was with Mr. Pool when he left his house in the first part of the evening, of Saturday the 24th of February; it was about nine o'clock when we reached Stanwix Hall together; we went in there, and a party was in there in the back room, singing; I walked out the back room, and I and Mr. Pool both looked into the back room; Morrissey, Suydam and others were in the company; I tapped Pool on the shoulder and said, "This is private company," and we both turned around and walked up to the counter in the bar-room; some one of our company asked us to drink, and we did so. [The whole of the jury having arrived, the witness was sworn, and the testimony was read over.] Mr. Janeway then suggested that we should have something to eat; Mr. Pool sat down with Janeway and the rest of the company, except myself, (I having just supped,) to the eating counter, and ate. I sat upon one of the high stools at the other end of the counter, with my back to it, and Mr. Pool sat by my side; some one came in and said something to Pool, but what it was I can't say; Pool had got through eating when Mr. James Irving came in at the street door and sat down on the opposite side of the room, facing to Mr. Pool; he did not say anything to any person, and none of our company, that I know of, spoke to him; then Mr. Deagle, proprietor of the saloon, came up to Mr. Pool and spoke to him, whereupon Mr. Pool got down from his stool and went with Mr. Deagle between the eating and drinking counters, and stood with his back toward the back room and entered into conversation with Mr. Deagle; then I heard a noise in the back room, and some one said "I know what I am about; let me alone," &c.; I then got down and leaned against the end of the counter; it was Mr. Morrissey's voice that I heard; in the room with Morrissey I saw Mr. Lewis, Mr. Suydam and others; Morrissey came out of the back room, and as he came out Mr. Janeway got up from the eating counter, and standing with his back opposite to Pool, placed both his hands across the space between the two counters; Mr. Morrissey

walked past, saying, "You needn't try to hide him," or something like that; he then said, addressing Pool, "Ah, ah! it is there you are, you d—d thieving murdering son of a b—," or something like that; Pool then looked up at him; Morrissey then called him a "coward," and said he didn't dare to fight him "muzzle to muzzle," or something like that; Mr. Pool then stepped out into the floor toward Morrissey, and the friends of both parties got between them; James Irving did all he could to stop Morrissey; some one of the crowd called out to Irwin, "Why don't you stop Morrissey?" he answered, "Why don't you come and help me? I can't;" I didn't see any pistols; there was such a hubbub that I went out by the door, and that was the last I saw of it; when the policemen came, Mr. Dean told them to go in, and I went in with them; when they got in, one party went to clinch Morrissey, and another to take Pool.

Q. By Mr. Wild—if Mr. Pool had a pistol I might have seen it; I did not see it; when I came back I did not see any pistol; but I heard the talk that Morrissey had snapped a pistol at Mr. Pool two or three times.

WILLIAM JANEWAY, sworn, deposed—I reside at No. 35 Greene street; I heard some portions of the testimony of the last witness. [The Coroner read over the testimony of Oliver.] Witness corrected—I saw a pistol in Morrissey's hand; the rest is correct, as I saw the circumstance; when I went into the house I did not know that Morrissey was there, or I should not have gone in, neither would Mr. Pool; I should not have gone in, because I knew that there was a disagreement between Morrissey and Mr. Pool; when Morrissey came out of the back room and passed me, I did not see him have a pistol; I never heard any party threaten to take Mr. Pool's life; I saw a pistol in Morrissey's hand some minutes after the altercation between him and Pool; I saw Morrissey snap the pistol three times at Pool; I saw him do so twice; the sound, to me was as if there were no caps upon the nipples; I heard it distinctly snap.

Q. By Ald. Drake—I think Morrissey procured the pistol after he came out of the back room; I was under the impres-

sion that Morrissey was in liquor; when Mr. Pool stood behind me I thought he had a pistol, because his right hand was under the left breast of his coat; but I did not see him have any weapon; I did not see Officer Rue in the room; Morrissey spoke two or three times to Pool, before Pool replied other than by smiling; at length he said, "You have tasted my mutton once, and you didn't like it;" when Morrissey called him a d—d coward, Pool replied "You are a d—d liar." This first difficulty occurred somewhere about nine o'clock, or a few minutes after nine; Mr. Pool might have had a pistol and I not have seen it; if I had known that Morrissey was in the house, I should have got Pool out if possible.

JAMES IRWIN, deposed—I reside at No. 177 East Twenty first street; I went into the bar-room at Stanwix Hall, while Mr. Pool was between the eating and drinking counters, talking with Mr. Janeway, and, I should judge, six or eight others; among the others were Fairchild, Capt. Lewis, and I couldn't specify the rest of the names; Pool stood with his right hand in his pantaloons pocket, and I heard Morrissey speak, from the back room, "I never assaulted a man without reason." I did not hear him say "Go away from me." Then, directly, Morrissey came out of the back room, and walked right opposite to where Pool was standing; he said, "You are there, are you," to Pool; he continued, "how have you been?" Pool said, "You tasted me, you ought to know." "Yes," said Morrissey, "you black muzzled son of a b—, you and your gang tried to murder me." Pool replied, "You are a d—d, lying, Irish son of a b—;" with that Morrissey stepped up to the corner of the drinking bar, within two or three feet of Pool, and I stepped right between them; both of them were saying something in a growling manner; I could not say what; Pool with his left finger on his nose by-the-bye; and said, "You have tasted me, and did not like me;" while I stood between them, Pool held a pistol (Colt's revolver) presented at Morrissey's breast, I think; he took the pistol from his pocket, when he took his hand out; he did not take his hand from his pantaloons' pocket until that time; I spoke to Mr. Pool in this way: "Pool," says I, "won't you put that

away, Morrissey hasn't got any weapon"—that's just the way I spoke to Mr. Pool; Mr. Pool did not put the pistol away, but jumped out on the floor to Morrissey, saying; "You Irish son of a b—, I'll fight you breast to breast with pistols;" I says to Pool again: "You know he ain't got any weapon;" with this Morrissey made the reply: "You are a coward, and dare not fight any way;" Pool rushed up to Morrissey, and pushing forward his pistol, said, "Yes, I dare"—and then there was a crowd of ten or a dozen who got between them; Officer Rue tried to stop it; Pool backed between the oyster box and the drinking bar, his pistol out all the while, and Morrissey and a crowd following him; the place where pool got is near the door; with that Mr. Hogan, police officer, jumped in and tried to stop it, and the crowd tore his scarf from his neck; he did not arrest Pool at that time; the crowd and wrangle was so much that the muzzle of Pool's pistol struck me in the shoulder; there was no other pistol out except Pool's; Mr. Mark McGuire who was there, said, "Pool, Don't you go to murder that man in cold blood;" Pool then jumped on top of the washstand, from there he got on to the drinking bar, and there he levelled the pistol at Morrissey again; he did not snap the pistol at any time that I am aware of; he pointed it at Morrissey, and held it at him for about a minute; then Pool got down behind the bar; when he got behind the bar he continued to call Morrissey names; I then got hold of Morrissey and shoved him against the wall saying, "Won't you go away—you'll get shot;" Pool was calling him at this time, "An Irish son of a b—" "an Irish bastard," &c.; Morrissey, at the same time was calling him a "d—d cowardly loafer;" then Pool got along behind the eating bar, and called names; and Mr. McGuire said "An Irishman is as good as anybody else, as long as he behaves himself;" upon which Pool replied, "You are a d—d liar," and they gave the lie several times, when Poole dared him to fight; McGuire said "he would fight on equality;" with that, Poole caught up a big carving knife and threw it upon the counter, and then said, "Now, you son of a b—, give him another one!" McGuire said, "You have got the advan-

tage of me with knives—you are a bigger and stronger man, than I am;" Pool picked up the knife, and said, "I have got the best of you, and I will keep it;" McGuire replied, "I don't want to quarrel with you, I always liked you because you liked my brother;" with that Jerry Haley commenced to laugh, and said, "That's a good way to get out;" I then turned around, and I think I saw a man come in, and give Morrissey a pistol; I am not sure; there was such a flurry, that I could not speak positively; the pistol was a "Syms" pistol (revolver), with holes all around it; Morrissey had said before that if he had a pistol, he would give him "equality;" Morrissey then rushed toward Pool, and I and I and Captain Lewis endeavored to stop him; Dean rushed out, and got a hold of Morrissey, who, in spreading his hands, knocked Dean's hat off (did not knock Dean down) and Dean stepped to pick it up; there was a crowd of about fifty in the corner with Pool, and all of them I know, were opposed to Morrissey, from the way they acted; Morrissey pointed his pistol at Pool; Pool did not have his pistol out of his hand all the time; even when he picked up the carving-knife, he took it up with his left hand; Pool suddenly thrust his pistol into his left breast, and kept his hand there, and stood looking at Morrissey, as he (Morrissey) held his pistol at Pool, but I did not hear any pistol snapped on either side; the moment I saw Pool's pistol put away, I jumped in, and caught Morrissey by the neck, saying: "You d—d fool, what are you doing?" He replied: "Pool is trying to kill me;" then the officers, a squad of policemen, came in; they appeared all to rush around Morrissey, while Pool was saying something still; I said, "Why don't you arrest both of these men?" and then Rue took Morrissey off, and Hagan took Pool away; I never heard Morrissey or any other person threaten to take the life of Pool; but, on an occasion when I was suffering with bilious colic, some time since, I heard that Pool and a crowd were going to attack me, and advised me to stay away from my stall; I said I would go, and all I wanted was to have no more than one person attack me at a time; then Morrissey spoke up: "If any more than one goes with you, I'll be on him!"

that's all I heard Morrissey or any of these person say, in reference to attacking Mr. Pool; I have not heard any of these persons threaten to whip him of late.

By a Juror—Did you go to Stanwix Hall on Sunday morning?

A. On Sunday morning, an officer and Mr. Hyde told me that nineteen persons had been locked up for playing Vingt-un; Hyde wanted me to go his bail; I did; coming up Broadway, I met Mr. Shay, who said, "Pool is a dying," and then he told me all about the affray of the night previous; I felt bad, and I walked up past the hall, and I saw the blood around the door, and then I went back to Florence's, got some breakfast, and met a friend named Goodheart, and went up with him to Stanwix Hall at about nine o'clock, A. M., to see him; I felt sorry about him, and I do still; Hyler and Pool's brother were present; Pool leaned upon his arm, and I asked how he was; he said, "There's another of them murdering sons of b—es;" I replied, "Pool, I came here out of kindness," for I felt bad. "I didn't come here through fear," said I; he said, "I'll taste you one of these days;" I said, "When you are able, come on. I came here only through pure feeling;" I stayed there some time after Pool was taken away in a carriage; I never knew where Baker was; never heard where he was; I have heard where he was thought to be; I knew Baker; am acquainted with him; he was at Stanwix Hall when the first fracas took place; he was sitting on a stool at the eating-counter then, but I did not see him do anything; I left Rue and Morrissey at the corner of Spring street and Broadway; I did everything that a man could do to stop the first fracas, and, if the rest did as much, there would not have been any more disturbance, for I tried to get them both locked up in the station-house; when I went into Stanwix Hall, I knew that Morrissey was in; some one told me that he was; I did not see Baker after the police came in.

DANIEL CUNNINGHAM, sworn—I reside at No. 12 Lispenard street; I don't know anything about the muss, nor anything about the matter, except taking Mr. Morrissey home and put-

ting him to bed; I was in the "Belle of the Union" public house in Lispenard street, when a young man came in, and said that Morrissey and Pool had had a slight difficulty in Broadway; this young man was a stranger; he told me that it was in Broadway somewhere; I started out then to look for Morrissey; that I should judge was somewhere along about ten; I saw Morrissey coming down and crossing over, at the corner of Canal and Broadway, with officer Rue, Charley Van Pelt, and I think Paugene; they were crossing to Lyng's house; I won't state for certain that Paugene was along; I he said, "I'll go home with you as soon as I go up stairs and take a drink;" we all went in; they drank a bottle of wine, but I did not drink with them; I won't be certain that Paugene was in the room; Turner I saw there a few minutes after we had got in; Baker was also there.

Q. Was Linn there? A. There's three or four Linns, I don't know which one you mean.

Q. Was Cornelius Linn there? A. I did not see him, he might have been there; Hyler was there at this time; I could not bring to mind the precise time; the conversation was about the difficulty at Stanwix Hall, I should think, from the little I heard; I couldn't say who was talking most about this thing; Hyler's voice was most prominent; he seemed to want to let this muss drop, and was talking about a match he had made for \$100, on Morrissey, in Philadelphia; I couldn't say whether the match was for fighting, running, or anything else; I suppose they would keep that among themselves; I can't say whether Baker was in Lyng's when I first went in; I can't say that Turner was in there, when I first went in; I could not say that Hyler was in then; I could only for certain say, that Morrissey was down stairs and went in when I did, for my whole attention was directed to Morrissey, and I didn't speak to nor care for anybody else; I have never heard any person threaten to take the life of Mr. Pool; I first learned of the second affray at Stanwix Hall about twenty minutes after I had put Morrissey to bed; after Morrissey had drank he went home with me, stopping by the way at the "America,"

in Lispenard-street, where he drank wine ; I did not ; we went alone from there, to his home in Hudson street ; in the "America" he treated the party to wine ; none of the parties in question being there, we then went back to Lyng's, much against my wish ; he was intoxicated ; he took a drink up there again, and in about ten minutes we came out ; when we went into Lyng's I could not say that I saw Baker ; he might have been there ; I was coaxing Morrissey and trying to get him home ; and that was about as much as a little fellow like me could do to a big fellow like him ; Morrissey wanted to stop and drink, and my attention was turned only to him ; from Lyng's we went down Broadway to Leonard street, and down Leonard to the "Belle of the Union" drinking saloon, where he dragged me in, and Morrissey had another drink, or two, or three ; we saw none of the party in question there ; I took him from there to his home, and I never left him until he was undressed and sound asleep, and then I left him ; that was about one o'clock ; I then came back to the "Belle of the Union," and met a young man named Case, who told me that a shooting scrape had occurred up at Stanwix Hall, and that Pool had been killed, and Turner and Baker shot ; Case is a carpenter residing in Norfolk street ; he goes by the name of "Gabe ;" I know he did not see the affair, for he was in the Belle Union when I took Morrissey home ; I met this young man in the street, and asked him where Turner was ; he said he had heard that he was in John Lyng's house, and I went over there, and saw him lying on the floor, on a mattress, in a back room, a gunshot wound in his arm, and a doctor attending him ; I did not see Baker there, nor hear that he had been there ; nor did I hear anything about the affair at Stanwix Hall ; I board with Mr. Petrie and his wife, No. 12 Lispenard street ; Mr. Hughes was in Lyng's house ; he boards with me in Petrie's house ; I don't know where Baker is, did not hear any one say where he is, or who helped him to escape ; I am acquainted with Mr. Turner and Mr. Morrissey only ; I was in California three years with Turner ; Turner never knew Baker or Paugene until he arrived in New York here, and was introduced to

them, and he never knew them only in common courtesy ; when I first met Morrissey, I did not say anything to him about the affair at Stanwix Hall ; I only wanted to get him home to his wife and family ; he was too drunk on the road going home to talk about anything ; he was let in by his father-in-law, Levi Smith.

Q.—By a Juror—What is your occupation ?

A.—I decline answering that question.

Coroner—You need not answer that question, if it will degrade you in any way.

A. It would degrade many men to tell their occupation, and I don't want to tell many little things ; I don't steal or rob for a living.

Witness was then put in charge of an officer, to find bail in five hundred dollars, to appear as a witness in the case.

FRANCIS MCCABE (was not sworn, on account of the absence of the jury)—I reside in Crosby street, No. 43 ; shortly after the trouble between Pool and Morrissey, I met Morrissey at Lyng's house ; I did not hear anything about where the firearms were got, or taken to be loaded, that Mr. Pool was killed with ; I am acquainted with Mr. Morrissey, Mr. Baker, Mr. Turner, and Paugene ; I know Linn slightly ; I was acquainted with Pool ; I never heard any of these parties threaten to take Pool's life ; I don't think I ever have ; I am sure that I never have ; I saw Mr. Pool in the beginning of the evening of the 24th of February, at his own place, corner Howard street and Broadway, at about seven o'clock ; I saw the others in Mr. Lyng's house at about eleven o'clock that night ; I did not see any of the parties before that time ; I heard some one say that Mr. Pool and Mr. Morrissey had a quarrel, and went into Ack-er's "Bank Exchange Saloon," where Mr. A. told me that it was so ; I then went down to Mr. Lyng's, and saw Morrissey, Hyler, Lewis Baker, Turner, Paugene, Cornelius Linn and Van Pelt ; all these seemed to be in company together ; I heard Mr. Morrissey say that they (Pool and Morrissey) had a difficulty together, and that both of them drew pistols ; I got into conversation with Hyler, and asked him what the dif-

ficulty was about; he said that Morrissey went into Stanwix Hall with him to get some supper, and while there Pool came in; Morrissey came out, and they had some words, and the quarrel took place; Hyler said that he lived in the upper part of Stanwix Hall, and that he had been out of town, and during that time the proprietors of Stanwix Hall had not treated his family well, in wanting them to move out while he was away; Paugene asked him if he was going home; he said presently; then Turner and Baker came in, and told Hyler that Morrissey was over in Lispenard street, and that he had better go over and see him, but did not say what for; we all had a drink together, and they started out of the house; I did not go; I heard they went to the City Hotel, and from there to Stanwix Hall; they went out at nearly twelve o'clock; Hyler did not ask Paugene to go up street; I heard Paugene ask him several times to go up street; I did not hear any person give any reason for going out; they had some talk among themselves, which I did not hear. [Witness was sworn.] Mr. Lyng was there; I could not say if they had a common understanding about where they were to go; they spoke in a low tone, so that I could not hear; Morrissey had gone out at this time, and he was not present when there was low talk going on; he appeared intoxicated when he went out; I did not hear any threats while I was there; I did not see any weapons with any of them; Mr. Hyler told me that in the first fracas he sent and got a pistol for Morrissey; I heard Hyler say that he was very sorry for what had happened; I did not hear any of the company say they had any weapons; Mr. Williams, the barkeeper, did not make any remarks to me nor to any one, when they went out; I then went home; I had no reason to think that the party intended to go to Stanwix Hall; I have seen Hyler and Morrissey since, but have had no conversation with Hyler; I had a conversation since with Mr. Morrissey about Pool; he wanted to know his condition, and I told him I thought he would not live; he seemed sorry to hear it; some time ago Mr. Morrissey said he would have satisfaction out of Pool as soon as his term of bail had expired; this was about

a month after the Amos Street fight; he did not say after this occurrence that he was satisfied.

Q. By a Juror—You say that you and Mr. Andrews started out to go to Stanwix Hall; why did you not go? A: Because I anticipated that some disturbance would take place.

Mr. Janeway became security in \$500 for the appearance of McCabe.

Adjourned to half-past nine o'clock Wednesday morning.

WEDNESDAY, March 14th.—The first witness placed upon the stand was John Quinlan, who, being duly sworn, deposed that the affidavit he made before Justice Brennan at the Second District Police Court, Jefferson Market, embodied all the facts that he knew in relation to the case. In that affidavit he states that he was present at an affray that occurred at Stanwix Hall, No. 579 Broadway, on Sunday morning, about one o'clock, when Paudene and five others came into the bar-room, and called Mr. Pool "a black-muzzled son of a b—h," and spat three times in his face; and a man by the name of Linn went to take hold of Paudene, to prevent him from striking Mr. Pool; when Paudene kicked said Linn; Paudene then seized hold of Pool by the collar, and said, "There is no son of a b—h in the house could make me let go of Pool;" Mr. Van Pelt and Mr. Campbell then stepped in between them to part them, when James Turner took off his cloak and threw it on the counter, and drew a pistol, and said, "Now sail in, boys;" and rested his pistol on his arm, and discharged it at Pool, receiving the contents in his own arm; Pool threw up his hands, and said, "For God's sake, you are not going to kill me, are you?" Turner, after shooting himself in the arm, fell on the floor, and shot Pool in the knee; Pool then staggered and fell; Mr. Baker then got on Pool and discharged a pistol at his breast, and then retreated to the door, saying, "I have got you." Deponent further says, that he saw Turner fire a pistol at Charles Lozier, and shoot him in the leg, and then the parties left the house; Pool then went to the door, and stood holding the door, and said, "I am shot in the leg," and fell; he was then laid on the counter.

Q. Did you ever hear any one threaten the life of Pool? A. I did not; but I heard through a friend of mine, last night, that on one occasion, while Mr. Baker was in Mr. Brewer's saloon, corner of Perry and Greenwich street, he pulled a pistol out of his breast, knocked it against the counter three times, and said, "That will be the pistol that will take Pool's life."

By a Juror.—Q. Did you see a pistol in Pool's hand? A. I did not.

By the same.—Q. Did you see a pistol in Morrissey's hand? A. I did not, but I heard from Mr. Theodore Allen that Morrissey had snapped a pistol at Pool two or three times. Q. Did you go to the station house along with Pool? A. I did. Q. Did the officers at the station house refuse to take Pool's charge? A. I don't know the fact of my own knowledge, but Mr. Pool told me so afterward. Q. Did you see the captain at the station house? A. I did not. Q. Do you know who took Morrissey away? A. I do not. Q. Do you know who took Pool away? A. I understand that officer Hogan brought him to the station house—that's all I know about the occurrence.

Richard Slack, the bar tender, formerly in the employ of Pool, at the Bank Exchange, being duly sworn, deposed as follows:

Q. Did you hear any one threaten the life of Pool? A. About two or three months ago, Paudene came into the saloon, and called for a whiskey skin; I gave him the drink, whereupon he threw it in my face, and said, "If your master was here, I would scald his eyes with it, too." Q. Did the liquor scald you? A. It did; my face and eyes were quite sore. Q. When Paudene threw the whiskey skin in your face, was he alone? A. No; he was in company with two others; one of them was named Murphy. Q. Did Paudene go out immediately after throwing the whiskey skin in your face? A. he did.

By a Juror.—Q. Did he pay for those drinks? A. No, he did not. Q. Did you ever hear Paudene threaten Mr. Pool on

any other occasion? A. No; except on the occasion already testified to by former witnesses.

George W. Harpell, being duly sworn, deposed that he was the proprietor of the City Hotel; on the night of the occurrence, Morrissey came into my place, as I thought, in the custody of officer Rue. Q. What time was this? A. About ten o'clock, I should think. Q. Did they say anything? A. They talked among themselves. Q. Who else was along with Morrissey? A. Baker, Hyler, Paudene, and about four or five others; the latter came in after Morrissey came in, and I supposed they met there by appointment; there was about ten persons in the company. Q. Were they all sober? A. No, sir. Q. Who was intoxicated? A. Morrissey. Q. Did he stagger? A. He did, so much so that he could hardly keep on his feet; I never saw him so intoxicated. Q. What occurred? A. They drank several times, and talked to each other. Q. What were they saying? A. I could not say; Morrissey was blowing about something or other, while his friends were trying to get him to go home. Q. Who were trying to get him home? A. Officer Rue and a big stout man with black whiskers; Morrissey said that he did not intend to go any farther up town that night, whereupon this stout man, whose name I do not know, said, "Very well, if you will promise not to go up town, why I will leave you, as I have some other business to attend to." Q. What were the others talking about? A. I could not exactly say, but I suppose they were conversing about the Stanwix Hall difficulty. Q. Well, what followed? A. This stranger friend of Morrissey's then left the saloon, bidding him good night. Morrissey, followed by his friends, soon after left the premises. Q. What else do you know in relation to the matter? A. About one o'clock, Hyler, Turner, Baker, Paudene, and three others, whose names I don't know, entered the bar-room.

Question by a Juror.—When they came in, did you hear them make any threats? A. Not a particle of one, for I knew nothing of the transaction up town at the time. Q. Well, what took place? A. They drank and staid there about fif-

teen minutes, and after I shut up the house, they stood outside for a few minutes. Q. What were they saying? A. I don't know; they were talking in an under tone among themselves. Q. Did you see any arms with them? A. I did not. Q. Did they seem to be excited? A. No, quite the other way; they seemed in deep conversation among themselves; when they first came in, they all stood together talking, but afterwards divided off in squads. Q. Who seemed to take the most active part in the conversation? A. Baker; he seemed to be the most active member of the party. Q. Were they sober? A. They appeared to be. Q. All of them? A. I should judge so. Q. Do you know whether they went away in a carriage or not? A. I do not. Q. Did your porter see them get into a carriage? A. I don't think he did. Q. Was officer Rue there the second time they came in? A. He was not. Q. He was there the first time, though? A. He was, and I asked him to take the party out, as I was fearful some of the opposite party would come in, and a row would follow. Q. What did Rue do? A. He spoke to Morrissey, and then went away. Q. Who was the last man to leave your house? A. Paudene, and as he left he bade me good night.

Cornelius Linn was here brought into court, in order to see if the witness could identify him as being one of the party that entered his place the second time on the night of the affray, along with Baker and others.

Coroner—Is that the man who was along with the party? A. I cannot recognize him as being the person, but he was a man about that size.

Officer John Rue, being duly sworn, deposed—That he was a policeman attached to the seventeenth patrol district; on Saturday evening I was going up Broadway on business, and stopped at Pool's house, to see if the man was there that I wanted; I had a warrant for the man; I got into conversation with a young man, Ingerson, and while conversing with him, several persons came into the house, and commenced whispering together. Q. Did you know the party. A. I did not. Q. How many came in? A. Three. Q. Who did they whis-

per to? A. To those who had already been in the saloon.

Witness, in continuation—They went out of the house at a quick pace, and as they came out I went out to the front stoop and stood there a few moments; while here the rest of the party came out, and I asked them what was the matter; one of them, whom I think was Cyrus Shay, said there was nothing the matter, and then started up Broadway after the remainder of the party; I immediately followed behind them, and arrived at Stanwix Hall just after them. Q. Well, what did you see there? A. Morrissey and Pool were calling each other names. Q. Where was Pool standing? A. Inside the counter, at the far end; Morrissey was at an angle from him, on the outside of the counter; towards the door. Q. How far was he from Pool? A. I should think about fourteen feet. Q. Well, what happened? A. I took a look around the room to see what was going on, when I heard the snap of pistols; I then turned around and saw Morrissey and Pool presenting something at each other; I could not say whether they were pistols or not. Q. How far were you from Morrissey? A. Right beside him. Q. How far from Pool? A. Considerable distance, as he was behind the counter. Q. Whose pistol did you hear snapped? A. It must have been Morrissey's as I stood behind him, and besides, it sounded much like his? Q. Did you hear Pool snap his pistol? A. I did not; I only heard the snapping of Morrissey's pistol. Q. Well, what happened? A. Pool and Morrissey then pointed pistols at each other; I did not see either of the pistols, as I stood behind Morrissey; but from their position, and the appearance of things, I should think they had pistols in their hands. Q.—Well, what did you do when you heard the pistol snapping? A. I caught hold of Morrissey's right arm with one hand, and with the other grasped him around the waist, and succeeded in getting him into a recess that is formed by the boxing of the door, when the crowd rushed forward; some policemen then came, and coming towards Morrissey were about taking him away when Mr. Irvin said, "He is already in the custody of an officer," one of the police asked me for my star; I let go

of Morrissey and putting my hand in my pocket brought out my star ; Mr. Irwin then asked these policemen why they did not take some of the rest of the prisoners. Q. Where was Pool at this time ? A. I don't know ; I had all my attention directed to Morrissey. Well, state what followed. A. Some one in the crowd cried out " Take that man out of the house ;" we then went out, and on our way down Broadway, as far as Prince street, I asked several times if there was any one there to make a charge against Morrissey, but did not receive any answer ; we then walked down as far as Mr. Abel's, when Morrissey went in to have a drink ; I told him he had better not go in there, but he insisted on doing so ; Morrissey went up to the bar and got a drink ; he asked me to drink with him, but I refused to do so ; we staid there but a few minutes, and then started down Broadway ; on my way down I told him he was foolish to get into such a disturbance, and advised him to keep away from that place ; he asked me to let him go home : he promised me by all that was sacred, If I would let him go, he would go home, and not return to Stanwix Hall again ; we proceeded down Broadway as far as the corner of Canal street, when he stated that he wanted to see Johnny Lyng ; we went up stairs to Lyng's place ; Morrissey was not intoxicated, but was a little excited ; when he got to Lyng's place, Morrissey went up and spoke to him ; I did not hear what was said ; Morrissey then went up to the bar in the back part of the room, and called for a bottle of wine. Q. Who was present at the time ? A. I do not remember seeing any one that I knew, except Hyler ; I know Baker ; he was not there ; I don't know Turner ; Hyler and Morrissey drank the wine together ; after they had finished, I went down stairs, called Morrissey after me, and insisted on his going home, or else he would get himself and me into trouble ; he promised me faithfully he would go home, and I then left him on his way home ; I then started up Broadway again to Stanwix Hall again, and there I saw Pool and some of his friends drinking wine together. Q. What time did you take Morrissey away from Lyng's place ? A. It must have been about 11 o'clock.

Witness in continuation—When I entered Stanwix Hall Pool said to me—" Old man, take a drink ;" I refused, and told Pool he had better go home ; he said he would be going directly ; he forced me to take the wine, and I took it from him, put it to my lips and then placed the glass down upon the counter ; some one took hold of Pool by the collar, pulled him into the recess opposite the counter, and commenced talking to him ; I did not hear what this person said to Pool. I then turned to Mr. Campbell and said, " I'll be going home, as it is getting late." I then went up to one of the proprietors of the place and bought a pair of chickens from him ; I then went out, got on the box of carriage that was outside, and was driven to the corner of Allen and Houston streets, where I lived.

By a Juror—When you left Lyng's place, did you notice any man of small stature endeavoring to get Morrissey home ? A. I did not.

Q. By another Juror—Did you not stop at the City Hotel after you left Abel's place ? A. We did ; I forgot to mention that fact.

Q. By another Juror—How came you to take him down Broadway, instead of taking him to the station house ? A. Well I thought that it would be the easiest way to calm the excitement and subdue the disturbance.

Q. By another Juror—Did you search Morrissey for a pistol after you left Stanwix Hall ? A. I did not. Q. Did you see a pistol in his possession at all ? A. I did not. Q. Do you recollect any one in Lyng's place saying to Morrissey that he should go home ? A. I did not ; but some one might have said so ; I may as well remark here, that the next morning I went over to Morrissey's father-in-law to see if he had gone home, and upon inquiry, found that he had come home that night ; I then told his father in law that there was a process out for him, and that he had better come over to the tombs, and give himself up ; that day Morrissey came over to me at the tombs, and delivered himself up. I brought him before Justice Osborn, who said I had better bring him

up to the Jefferson Market Police Court ; this I did and here he was bailed out. Q. What is his father-in-law's name ? A. I think it is Smith. Q. Where does he reside ? A. In Hudson street, I think.

John Wildey, being duly sworn, deposed that he resides at No. 140 Sullivan street. Q. Where were you on the evening of the affray at Stanwix Hall ? A. I was at my place of business until two o'clock on the morning of Sunday. Q. Were any of the parties there on the above evening ? A. Mr. Linn might have been there, but I have no recollection of any one else being present. Q. When did you hear of the difficulty ? A. About one and a half o'clock two officers came to my place. Q. What did they say ? A. Mr. Idyton called us to the kitchen, and said that there had been a murder committed. Q. Where did he say the murder had been committed ? A. In Stanwix Hall. Q. Well, what did he come to you for ? A. To arrest Baker. Q. Did Baker stop at your place ? A. He had rooms at my house ; the officer told me that Baker had shot Pool, and that the latter was dead at Stanwix Hall ; I walked up Mercer as far as Grand, and then went home in Sullivan street. Q. Were you alone ? A. I was ; on my way I met an officer in Thompson street, near Prince street ; I asked him if he had heard of the murder, he said he had not ; I then told him what had been told me ; he then said it was quite likely that Baker might come back to my house, and that it would be well to set another officer, and watch for him in the alleyway ; I then went to my home and told my wife if Baker came there not to open the door ; I locked the place, put the key in my pocket, and went up to Stanwix Hall, where I found Pool dying ; I went from there up to the Eighth Ward station house, and while there Paugene and Van Pelt were brought in ; I then went down to Lyng's, and saw Turner there in the front room, off the barroom. Q. Was Baker there ? A. I understood he was from the conversation going on. Q. Was Lyng there ? A. He was, as I was given to believe that Baker was up stairs. Q. Did you hear Lyng say that Baker was up stairs ? A. I am pretty positive that I did. Q. Did you hear him say that

he was wounded ? A. I did. Q. Where did he say that he was wounded ? A. In the belly and the head. Q. Was Mr. Linn there ? A. He was. Q. How do you know he was ?— A. Because when I went in I asked for Linn, and was told that he was up stairs ; as I was not a friend of Baker's I did not ask to see Baker ; I asked for Linn, for the purpose of getting him away, as I thought that perhaps Linn would endeavor to secure Baker. Q. Do you know any others that were there besides Linn ? A. I do not remember. Q. Did you see Harvey Young there ? A. I did. Q. Did you see Councilman Kerrigan there ? A. I did ; he is councilman of the sixth ward. Q. Well what took place ? A. I went out with Linn, Harvey Young and another man, whose name I do not remember. Q. Who was this third person you speak of ? A. I do not know his name ; he was an acquaintance of Harvey Young's. Q. What was the conversation that took place between you when you left Lyng's place ? A. We went down Broome towards the North river, and on our way a policeman looked us in the face ; I was fearful that Linn would be arrested, either as a witness or as principal ; I spoke to the officer, and said it was a cold night, or something to that effect ; we then passed on, and when we got as far as the corner of Church and Canal streets, I invited them to come to my house and take a drink ; they refused, and we parted ; I turned back to go up Wooster street, when I was accosted by office Layton, who asked me who were the persons that I had just parted with, and I said they were not known to him, and that the man that he wanted was at Lyng's, I meaning Baker ; I told him that he had better go back and surround the house ; I passed on, and he gave information to Captain Turnbull ; I went to the Eighth Ward station house, expecting to see Baker brought in, but after waiting some time, I got tired and started for Lyng's again, and met Cornelius Linn on my way ; I went with him down to his sister's, who lived in some street near the National Theatre, and told him to stay there until I came back ; I then went back to Lyng's. Q. What conversation took place between you and Linn on your way to his sister's. A. Nothing, except

that I said it was a bad case ; Linn said that he did nothing and that before the firing commenced he and Van Pelt were outside the building, taking Paudene along with them. Q. Was this all that he said? A. This is all that I can remember. He might have said more, but I cannot remember it ; he said that Baker asked Paudene to go up to Stanwix Hall several times, and that he refused, but at last consented. Q. Did he say with what intention he came there? A. No. Q. Did he say that they knew Pool was there? A. I did not hear him say so. Q. After you came back to Lyng's, what took place? A. I went up to the bar-room, looked in at the front door, and saw officer Layton in there, sitting beside Turner. Q. Who else was in there that you knew? A. Councilman Kerrigan was there then, and this, I believe is the first time I recollect seeing him there. Q. Was Linn there? A. No. Q. Harvey Young there? A. He was. Q. Was Daniel Linn there. A. I refuse to answer whether he was or not. Q. Do you refuse to answer on the ground of fear of implicating yourself in this affair? A. No. Q. On what ground do you refuse to answer the question? Is it for fear of implicating him or yourself? A. Well I will answer the question; I did not see him there. Q. Who else was there? A. None others than those I have mentioned that I know either by name or sight. Q. Did any of those you have mentioned go up stairs to see Baker? A. Lyng called Daniel Linn to come up stairs, and I should think he did so. Q. Did Young or Kerrigan go out? A. Well, all that were there seemed to be passing in and out all the while, and they talked together, so that I could not hear what was said. Q. Do you know anything else about it? A. Before I went out of Lyng's I saw Daniel Linn in the bar-room, where I told him the best thing he could do was to go out of the place, as he knew as well as I did the penalty in such cases. Q. Were Baker and Daniel Linn friends together? A. So I understand. Q. Did you ever hear Baker threaten the life of Pool; if so, under what circumstances? A. Baker was loading his pistol at my house one night, (he always carried a loaded pistol with him,) when he said he would take Pool's life; Baker

said that he had some difficulty with Pool, and would make him pay for it; I told him that he had better not get into any difficulty with Pool, whereupon he replied, if ever Pool laid his hands upon him he would shoot him like a dog. Q. Did he often say this? A. I heard him say so on several occasions; he and I used to have many arguments relative to Pool, I being a friend of the deceased, and opposed to the other party. Q. Did you see Baker in your second visit to Lyng's? A. I did. Q. Where was he when you saw him? A. He was coming out of Lyng's side door in Canal street.

Q. Where were you? A. On the Fourteenth Ward side of Broadway and Canal street; I walked up and down the street to find a policeman, but could not see any; I wanted to have Baker arrested without his knowing I was the cause of it. Q. Was any one with Baker when you saw him? A. Councilman Kerrigan, Harvey Young, and another man whose name I do not know, but I would know him if I saw him. Q. Was it Hyler? A. I do not know. Q. Which way did they go? A. Through Canal street to Centre; I followed them; I saw them going up Walker street to Baxter; I think that on the corner of Orange street I met Harvey Young and the man I did not know coming back; Baker and Kerrigan continued on their way towards the Bowery, while Young and the other man went in a different direction; I went to the Eighth ward station house, and gave information of the affair to Lieutenant Stage. Q. Where was Daniel Linn all this time? A. With me. Q. Did he go into the station house with you? A. No. Witness in continuation—I asked Lieut. Stage where Captain Turnbull was, and he replied that he did not know; I then gave him all the facts I was in possession of, and advised him to telegraph to the various station-houses; he did not use the telegraph while I was there, saying he would wait to see the Captain first; I understood him to say that the Captain was gone up town; I then went up to Stanwix Hall along with a friend of mine, and showed him the blood on the sidewalk; from there we went home, and I went to bed, having been up all night. Q. How was Baker dressed? A. He wore a glaze

cap, and short drab sack overcoat. Was it his clothing that you saw on him? A. The clothes I don't think belonged to him. Q. Who do you think they did belong to? A. To Daniel Linn; he told me he bought them the day before from somebody on board of a ship. Q. What coat did Linn wear? A. Cornelius Linn gave me a coat to give to Harvey Young, and Harvey Young gave it to Daniel Linn; Harvey Young gave me Cornelius Young's coat, which I put on afterwards; gave it to Daniel Linn; then Daniel Linn changed coats, and gave his to Baker. Q. Did you ever hear Linn threaten the life of Pool? A. No. Q. Did you ever hear of Paudene threatening the life of Pool? A. No; I heard him threaten to whip him one day.

John Hyler was then brought in, to see if he could be identified by the witness as being one of those who accompanied Baker from Lyng's place, but witness swore he never saw him before to his knowledge. Q. Do you know where Baker is now? A. The last I heard of him was his sailing in the brig Isabella Jewett; I packed up Baker's clothes, and sent them to the Belle Union, according to Harvey Young's orders; this happened four or five days after the occurrence.

Question by a Juror—Why did you look up and down Canal street for an officer to arrest Baker, when officer Daniel Linn was standing beside you? A. I wanted to have him arrested, but did not want to let him know who it was that caused his arrest.

Question by another Juror—Did you see the place where Baker was concealed in New Jersey? A. I did. Q. Was the bed bloody? A. It appeared so.

Question by another Juror—Did you go to Hermitage Hall, in Bayard street, along with Baker, on the morning that he left Lyng's? A. No.

Question by another Juror—Did you see a man named McLaughlin, who keeps a livery stable, in Jersey City? A. I did. Q. Had you any conversation with him on the matter of Baker's whereabouts? A. I had not; Judge Stuart had some conversation with him. Q. Did you see a Mrs. Scott in Jer-

sey City? A. I did. Q. Did she tell you of Baker's concealment? She at first denied all knowledge of it, but subsequently made an affidavit before Judge Stuart, admitting the whole facts.

At three o'clock the Jury took a recess until five o'clock.

Wm. H. Leeds, being duly sworn, deposed—That he was in Stanwix Hall on the evening of the occurrence in question; about 9½ o'clock, while he was in there, he saw Pool standing beyond the end of the eating-counter, near the bar; there was loud talking; I was told by a friend that came in with me that Morrissey was standing in the middle of the floor; I turned around and saw him; he was calling Pool a "coward," and the latter was saying that "no foreigner was as good as an American;" shortly after this a young man was called by Mr. Morrissey, who wanted him to bring him something, which he refused to do, but, on asking him a third time, he consented, and went out; in about five minutes afterwards I heard Morrissey say that he had sent for a pistol; Pool continued standing in the same position, until the young man came in again; some one came up and tried to get Morrissey away; Morrissey said he would not go away—that he was going to wait for his pistol, and see if the d—d coward would fight him, muzzle to muzzle, or something to that effect; Morrissey then went towards Pool, when the latter tipped his nose, and said, "You tasted of my mutton once, how did you like it?" they were talking about fighting each other at the time; the next thing that I remember seeing, was some one calling out to Morrissey not to shoot; some one said to him, "You d—d fool;" I then retreated towards the side door, fearing I would be shot, when I saw Morrissey bring his pistol levelled towards Pool, and snap it at him, but I don't think there were any caps on the pistol, for if there had been, I should have heard more noise. Q. How many times did you hear the pistol snapped. A. Only once. Q. What was Pool doing at this time? A. He was standing, with his arms folded before him, at the back of the counter. Q. Did Pool say anything? A. I think he said to Morrissey, "Fire, you cowardly son of a b—h;" I think he said

this before and after the pistol was snapped. Q. If Pool had presented a pistol at Morrissey, would you have seen it? A. I think I should. Q. Did you hear that Pool had presented a pistol? A. I did, from some one there, who said he presented a pistol first. Q. What happened after that? A. A rush was made, and Morrissey was taken back, and then started to go out, when the police came in and took him away. Q. Did you see Pool on the top of the counter while you were there? A. I did not. Q. If he had been so would you have seen him? A. I think I should. Q. Did you remain there after Morrissey was taken away? A. But a few moments; when I did go back I asked where Pool was, when some one told me he had been taken out the back way, along to the Eighth ward station house. By a Juror. Q. Do you know what Morrissey asked this young man to do for him? A. I do not; but my impression was that he wanted to get a pistol. By another juror. Q. Did you see Mr. Irvin there? A. I did. Q. What part did he take in the affair? A. He tried to get Morrissey out of the place. He seemed to do all in his power to prevent the disturbance, but Morrissey being stubborn, he would not go out for him.

George L. Green, of the Fourth ward Police, being duly sworn, deposed—That he went into Stanwix Hall along with officer Hogan. In a back room were a number of persons drinking along with Morrissey. The first words that I heard proceeded from Morrissey, who said, "Come, drink a bottle along with me." I then heard officer Wallace saying, Pool is outside here, and there will be difficulty. Morrissey said he did not mean to have one, but would not go out; Morrissey then went into the front room, and commenced talking about codfish aristocracy. Q. To whom did he address this language? A. To some one that was talking to him. Morrissey then went towards where Pool was standing, and called him "a cowardly son of a b—h;" Morrissey acted as though he wanted to get at him; Pool did not reply, but smiled at him; Morrissey kept on talking in this way, when Pool replied that Morrissey had tasted his mutton, and did not like it; Morris-

sey said, "You cowardly son of a b—h, you dare not fight me across this counter with pistols;" Pool said, "Yes, I dare;" Morrissey then exclaimed, "Draw;" Pool then drew his weapon out; Morrissey had no pistol in his hand at this time; Morrissey then made a rush towards Pool, who jumped right on the counter to get clear of him; he then went back to his first position again. Q. When Pool got on the counter, did he present a pistol at Morrissey? A. He did; Mr. Irvin caught hold of Morrissey then, and asked him what he meant; Pool commenced talking loudly, and said he could "lick any Irish son of a b—h;" Mark McGuire then came up to Pool and said "he was as good a man as Pool was;" Pool asked him in what way he was as good a man as he was; McGuire said, "in any way you have a mind to take it;" a big knife that lay on the counter was picked up by Pool, who told McGuire to pick up another one and fight with it; McGuire, however, would not do so; said that he would be murdered if he did; ended by saying that he had done wrong, and said something about Pool's being kind to his brother; soon after this, Baker and five or six others came into the place. Q. Who were those that accompanied Baker? A. I don't know them by name. Q. Was Paudene there? A. I could not say. Q. Was Hyler there? A. I think he was. Q. What followed? A. Morrissey then came forward and said, "now draw." Pool drew his pistol, standing at the time in the recess between the counters; officer Rue got in front of Morrissey, and said he should not fight, and caught hold of him; Pool seemed to be the coolest man in the crowd, while Morrissey seemed much excited, and threw his pistol over Rue's shoulder and snapped it at Pool, when two of the latter's friends, who were standing beside him, immediately left him; Morrissey then snapped the pistol again twice in quick succession. Q. Were there any caps on Morrissey's pistol? A. I should think there were, so far as I am capable of judging; after Morrissey had snapped the pistol at him, some one in the crowd asked Pool why he did not fire at Morrissey, whereupon Pool replied that he was afraid of shooting some innocent man; and he also said that

if the big loafer would get out of the way from those that were standing around him, he would show him what he would do. Q. Did you ever hear who it was that brought the pistol to Morrissey? A. Yes, I heard that Captain Rynders had done so, but I guess it was only said in a joke.

By a Juror—Did Hyler take any part in the affair? A. He did not. Q. How long was Pool on the counter? A. Not more than a second or two. Q. Were you there when Morrissey was taken away? A. I was not. Q. Were you there when Pool was taken away? A. I was. Q. Did Baker do or say anything while he was there? A. He did not. Q. Was Daniel Linn there? A. I did not see him.

Samuel A. Suydam, being duly sworn, deposed—That he resided at No. 10 Warren street; on the afternoon of the occurrence I went to Stanwix Hall, and staid there from about dark until 12 o'clock; I went in company with Brevet Major Morton Fairchild, Captain Lewis, of the Louisiana Dragoons, and Colonel Field of Kentucky; we went into the back room or saloon, and had some little refreshment; after discussing two or three bottles of wine we had a song; about an hour after dark Mr. Morrissey came in; he came into the room; I bowed to him, and asked him if he would take a glass of wine; he sat down and partook of the wine; in about fifteen minutes afterward I saw Mr. Pool coming into the place; I saw him before Morrissey saw him; I said, "There's Pool, Morrissey, what does this mean?" I then said, "This quarreling is disgraceful in a thousand ways. Why cannot you let me settle it?" Morrissey then said, "Mr. Suydam, I have been very badly treated, and cannot do it." During this time, Pool was taking his supper in the other room. Morrissey walked out of the room towards Pool, and the first that I heard was the expression, "You are a liar," and, as I supposed, by Pool. I got up and went out then, and Pool said he could whip Morrissey and the thief along side of him. Pool then moved towards the recess near the oyster stand. While here Pool drew his pistol, and held it over his head. The landlord, Jack Rue, and Jim Irvin coming in between him and Morrissey, tried to

stop the disturbance. Morrissey then sent some one out on an errand, and I got hold of Pool and brought him into the recess between the eating and drinking counter. While here, Pool told Morrissey to come up to him, and he would fight him on an equality; at this time the young man that Morrissey sent out on an errand returned, and handed, as I supposed, a pistol to Morrissey; Morrissey then advanced to the middle of the floor with his pistol in his hand; the weapon was capped; he walked up to Pool along with Irvin and some other man whom I don't know; Morrissey raised his pistol, and presenting it at Pool, snapped it at him twice; the caps did not explode; as soon as Mr. Irvin saw that the caps did not break, he stepped up between Morrissey and Pool, and caught the former around the waist; Mr. Dean then came forward, and while trying to hold Morrissey, he was knocked down by the former's open hand, as he did not strike him with his fist; I sent a man around to the Eighth ward station house for twelve policemen, with word also to Captain Turnbull; I then went up to Morrissey, and asked him if I could not settle the matter; he said no, that he had been too badly treated by those men; I then asked him if he would fight Pool on Wednesday with pistols; Morrissey said he would with the greatest pleasure; I then went to Pool, and said, "Mr. Pool, will you fight Morrissey on Wednesday next at ten paces with pistols?" Pool said he would; I told the officers to arrest these men, when they said they had no right to do so unless I made a charge; I said I would not make a charge; the officers then went up to Morrissey, who was up in a corner, and took him away; I went up to him, and when I returned after seeing him taken away, I found that Pool had been taken away also; in a few minutes afterwards Pool returned to Stanwix Hall, and stood at the oyster box for some time; he asked me to take some wine with him; at five minutes before 12 o'clock I left him in that position, and bidding him good night, went home, saying as I parted, that I would see him to-morrow; I visited him the next day at his residence, and saw him every day up to the evening before his death; he told me that Baker had shot him in the chest, and

that Turner had shot him in the leg. Q. Did you see Pool jump on the counter? A. I did not. Q. Would you have seen him if he had got up there? A. I most certainly would, as I was watching all his movements carefully; deceased also stated that he believed the pistol that Morrissey snapped at him belonged to Mr. Irwin; I wish to state here that Captain Lewis did not strike Morrissey, as has been testified to by one witness; a dozen others can corroborate my statement.

The case was here adjourned until ten o'clock the following morning.

THURSDAY, March 15—The inquest was resumed yesterday morning at 10 o'clock, in the Court of Special Sessions at the Tombs. The attendance of spectators was not by any means large, there being but a slight sprinkling of hearers mixed along with the witness subpoenaed.

William Goodheart, being duly sworn, deposed that he resides at No. 25 Jane street; that on the night of the affray at Stanwix Hall he was there at the first difficulty between Morrissey and Pool, on the evening of the 24th ult. Q. Who did you go there with? A. I was coming down Mercer street, I met a man named Charlie; he told me that there was likely to be a difficulty at Stanwix Hall. Q. What did you see there? A. When I entered I saw Pool standing in the room; Morrissey was in the back room at the time; soon after the latter came out of the back room, and coming out to where Pool was standing, addressed him by saying, "You are there are you," or something to that effect; they commenced to abuse each other, calling each other cowards and liars; Pool said he could lick any Irishman like him, denied that he was a coward, and would fight him muzzle to muzzle; Pool, who was standing behind the counter, rushed out with a pistol in his hand into the middle of the floor; this was the first I saw of his having a pistol in his hand; Mr. Morrissey put up his hands before him, when Irwin said that he had no weapon, or something similar to that; Irwin then got in between them and told Pool that if he would put his pistol up he would do all he could to stop the muss; Pool then went towards the front door, backing up at

the time; Morrissey appeared to be following him, a crowd followed close behind him; a bustle then took place, when Pool jumped on top of the counter, but I judge he got up there to get out of Morrissey's way; there was something said by Pool while on top of the counter, but I don't know what it was; there was so much talk and bustle that I could not hear what was said. Q. Did he have a pistol in his hand? A. He did. Q. What hand? A. In his right. Q. Was he aiming it any one? A. I could not say, but I supposed he was pointing it at Morrissey; the crowd appeared to be going towards the front door. Q. Did Pool snap the pistol snapped then? A. No; Pool walked towards the middle of the counter, and then jumped down on the floor. Q. How long did this occupy? A. Pool went into the little recess, between the eating and the drinking bar, where he first stood; heard words then pass between them; Morrissey said that if he had a pistol, he would show that Pool was a coward; Pool said that he was no coward, and that he would not let any Irish son of a b—h lick him. Q. How far was Morrissey from Pool at this time? A. About eight or ten feet; Morrissey asked John Hyler for a pistol. Q. What did Hyler say? A. He said he had none; Morrissey then asked him to go and get him one; Morrissey asked him the question two or three times, when finally Hyler said no, that he would not go.

By a Juror—Q. Did he say he would send for one? A. I did not hear him say so.

Q. Did Morrissey speak to any one else? A. He did, to three or four others, and I should judge he was asking for a pistol.

Witness in continuation—Pool then said that he could lick any Irish son of a b—h; Mark Maguire stepped forward and said that an Irishman was as good as he was, if he behaved himself; Pool said no Irishman was as good as he was, and asked Maguire if he wanted to fight.

Q. Did you see Morrissey with a pistol? A. In about ten or fifteen minutes after, Morrissey snapped a pistol at Pool once or twice. Q. Do you know whether or not there were

caps on the pistol? A. I do not; if there had been any explosion I should have heard it; Pool continued to stand in the position he had been in all along. Q. Did he present a pistol at Morrissey at this time? A. I did not see any with him at this time.

Witness, in continuation—After this the police came in and took the parties away.

Q. By a Juror—Do you know where the pistol came from? A. No more than that I heard Hyler say, when Morrissey presented the pistol, that he gave him that, and that it was a good one. Q. Did you see Morrissey after he was taken away? A.—I followed the crowd as far as Prince street; I did not go to Lyng's that night; heard of the shooting while in the Ninth ward; saw Mr. Irwin there; he did in all his power to stop the disturbance; did not see Hyler give the pistol to Morrissey; Mr. Irwin was there when Morrissey asked for a pistol; did not see him go out; Pool was on the counter for a few seconds; did not hear Pool tell any one to get out of the way; heard him say something, but could not tell what it was; saw Baker there; he did not participate in the disturbance; do not know of any one that helped Baker to escape; do not know of any money being raised for Baker, except what I heard at Judge Stuart's office yesterday; Hyler did not say that he got the pistol for Morrissey, but he said that the weapon belonged to him; I knew Pool, and have not been on bad terms with him; was not bail for Paudene; went bail for Irwin yesterday.

George Andrews, of 80 Franklin street, being duly sworn, deposed—That he was in Lyng's house between nine and ten o'clock on the night of the difficulty. This was after the first fracas; Morrissey was in the house, and they were all talking about the "muss" at Stanwix Hall. Q. Who else was there? A. Mr. Lyng, Mr. McCabe, Mr. Lyng's brother-in-law, and Hyler; Morrissey left the place, and left Hyler behind him, who was talking along with me and Mr. Lyng; Hyler was talking about the difficulty that he had seen with Messrs. Dean and Deagle, who had given his wife notice to quit the upper part of the premises at Stanwix Hall, while he was in Philadelphia; Hyler said that he had given Morrissey the pistol, and did not care who knew it; while he was talking to us Paudene and Turner came in. Q. Was Hyler intoxicated? A. He had been drinking. Q. Was Morrissey intoxicated? A. He was very much so; he went out with a small-sized man, who, I think, was Dan Cunningham; he said he was going to

Mr. Allen's, in Lispenard street, to pay him \$50; when Turner and Paudene came in, Mr. Hyler asked them to take a drink; Turner took a drink, but Paudene took a segar; he hit me on the back in a playful manner, and said I was big enough to be one of the sparrers—that I ought to go out and spar a little; I think Paudene was not acquainted with Hyler, and it strikes me that Hyler was introduced to him by Turner; after taking the drink they all left the house, and I presume they went over to Allen's after Morrissey, as they said they were going to see him there; Harvey Young was there, and they were talking about a fight that was to take place in Philadelphia; Lyng said that Morrissey would not have fair play, and that Morrissey was apt to be led astray, particularly when he was in liquor.

To Jurors—Was in Lyng's about three quarters of an hour; heard Morrissey speaking of the difficulty, and saying that Pool jumped on the counter; he described in a drunken manner the particulars of the affray; left Lyng's about ten minutes to 11 o'clock; I then left Lyng's and went up Broadway; did not see Morrissey come back. Q. State what you knew about the second transaction? A. Mr. McCabe and myself left Lyng's about ten minutes to eleven; he went home, and I went up Broadway as far as Grand street; I then went to Stanwix Hall, and arrived between half past eleven and twelve. Pool, Shea, Campbell, the two proprietors, the barkeeper and others were there drinking wine; had some with them; Pool was talking to Mr. Rives about his trip to Charleston, and in about two hours afterwards—about one o'clock—Paudene, Turner, Baker, Cornelius Linn, Hyler, and Van Pelt came in together; Pool was then standing at the near end of the drinking bar; I was by his side; Campbell and Shea were standing there too; there were some six or seven of them entirely; Mr. Rives had left before these parties came in; Pool had treated; he very seldom allowed any one else to pay for anything; Hyler went up to the counter and asked the party to drink; Paudene got to the counter and saw Pool, when he said, "There is the American fighting boy; there's the man that whipped all California; there's the man that whipped Morrissey—look at him, the black-muzzled son of a b—h; you are the only man on top of earth that I want to fight;" Pool made no reply, but stood with his hands in his pockets; Paudene continued, "Why don't you fight me?" Pool replied, "I don't think you're worth it;" Turner then stepped up to Pool, and took him by the hand, saying, "Mr. Pool, you must not

pay attention to him, he has been drinking;" Pool replied, "that is sufficient," meaning that, if Paudene was in liquor, he was satisfied; Paudene still continued to use threatening language to Pool all the time; he did not appear to be drunk; it seemed to me he was perfectly sober; Turner and Pool then let go hands, and Pool stepped out and said "he could lick any man in the house for \$500, and would say \$100 forfeit;" he then took five twenty dollar gold pieces out of his pocket, and placed in the hands of Mr. Dean; the other party did not seem to have \$100; Paudene asked Turner if he had money, and Turner asked Baker, and they all said "no;" I then came round the edge of the counter, near the oyster box; Paudene, when he could not raise the money, said to Pool, "You durst not fight for less;" with that Turner stepped back, threw off his coat, and said, "Let us sail in."

To a Juror—No time was named for the fight to take place; I suppose it was discretionary.

Witness, resuming the narrative, Turner threw off his coat, took out a pistol, placed it over his arm this way (inclining), and said, "Let us sail in;" his pistol must have slipped somehow, as he shot himself in the arm and fell on the floor; I then went into the side pantry, thinking it time to get out of the way; what Pool then did I can't say; but when I got into the pantry and looked out, I saw Pool standing with his back to the washstand, and Paudene in front of him, both in the attitude of sparring; Campbell and Shea were near Pool, on each side of him, I think; I only put out my head occasionally, as the pistols were banging, one like a small firearm, and another like a big gun; it might have been at the time that Pool said, "You ain't going to murder me." I heard somebody halloo out, while Turner was on the floor, that he had shot himself; his pistol went off twice, whether accidentally or intentionally I cannot say; one of the balls struck Mr. Pool in the leg, I believe; Hyler was standing in the pantry, alongside of me; he appeared to be much alarmed; Mr. Cy., or Sirenius Harris, was in the pantry too; when Pool was shot in the knee, he staggered across the floor and fell over Turner, or near where he lay; that is all I saw distinctly of the affair; I cannot say what Baker was doing at this time; I saw Paudene, but cannot say what he was doing; I was dodging in and out all the time, and could not see anything else distinctly, some ten or eleven shots were fired, and I noticed myself more than any other body, lest I should get one of the balls; in two or three minutes afterwards, I looked out of the pantry and

found that the party had left; when I came out, I saw Pool with the knob of the door in one hand, and a knife in the other; he did not appear to know he was shot, except in the leg; I did not see a pistol with him, but learned that one of his was picked up; I did not see Baker fire at all. Q. What sort of a knife was it? A. It looked to me like a butcher's knife used for chopping meat, or it might have been a carving knife; after Pool stood there for some minutes, he fell, and said to Shay, "Cy, I am killed;" he was then picked up and placed on the counter; the only one of the party I saw since was Turner; he was lying at Lyng's with his arm shot; I did not see officer Rue that night at all; I reside permanently in the city. I am in the brokerage business at 174 Greenwich street.

A Juror—Did you see Paudene spit in Pool's face. A. Yes, two or three times; he spit in his face, and caught him by the collar.

A Juror—You did not say so in your direct narrative witness—No, it escaped my memory at the time.

To another Juror—Pelt was endeavoring to prevent the fight.

A Juror—Did Turner appear to be friendly with Pool when he took him by the hand and apologized for Paudene? A. Yes, he appeared to be so.

Another Juror—Did you expect that the fight for which the money was to be staked was to come off there? A. I could not say so.

A Juror—Do you think the policy of Mr. Pool in offering the one hundred dollars was to get rid of the present difficulty? A. I do not understand what his object was; he was quite cool and collected.

A Juror—Did you ever go to Pool's house after he was shot? A. I did, the Sunday before his death; he did not say what the cause of the quarrel was; I heard some twelve shots; some of them went in the direction of Pool; all of them did not; heard the loud report (from Turner's pistol) three times; did not see a carriage at Stanwix Hall, but I heard, after the affair, that the party had come in a carriage; I remained there till a quarter of six o'clock in the morning; I have not seen Baker since that, nor do I know of any person that has seen him; Pool was taken away between nine and ten o'clock in the morning; while remaining at Stanwix Hall, Pool said, sitting up in his bed, "Who came here to murder me? I'll bet \$1,000 to a cent they have not done it;" Irvin came to see him through good feeling, and Pool thought he was concerned in

it, and said, "You are one of these murdering sons of b—s too;" I heard Irvin speak about it.

Jeremiah Haley sworn—Reside at No. 5 Essex street, in Jersey City; was present at the first affray; the circumstances are substantially the same as those narrated by other witnesses; don't know of the second affray, nor of any threats made by the party against Pool. I called on Mr. Hyler after the first affray, and then went home.

William E. Allen sworn—Keep the house 60 Lispenard st.; was not present at either of the affrays; I was leaving my house, between 9 and 10 o'clock on the evening of the fracas, and met Baker between my house and Broadway, and he asked me if Turner was in the house; I told him I believed he was; he then asked me if I would go and tell him that Morrissey and Pool had some difficulty at Stanwix Hall, and if he would not come up right away; Baker said he would wait for me, and he did wait, near the corner of Broadway, in Lispenard street; I went in, and told Turner that Baker wanted to see him; he asked me "what for?" and I told him that Morrissey and Pool were in some difficulty; said he, "I am in one difficulty now, and do you tell Baker that I aint here;" I went out and told Baker that Turner was not there; I walked as far as the corner with him; he stopped a stage, got into it, and went up Broadway, and I went down; I got back some time afterwards, and about 12 o'clock some one came up stairs and told me that Morrissey wanted to see me down in the bar-room; I came down and found Morrissey there—Turner, Baker, Paudene and several others were with him; Morrissey said to me, "I want to give you \$50 for Mr. Burtis;" he gave me the \$50, and said he would take a drink with me; he, and Baker and I drank at the bar; after we had drank, he said, "Now you'll take a drink with me"—and he called for a bottle of wine; he was then pretty well in liquor, but he knew what he was about; while we were drinking the wine Hyler came in; after I had a glass I went up stairs, leaving them in the bar, and I saw no more of them; neither of the Lyngs were there; I am not positive whether Cunningham was.

To Mr. Wild—Overheard no conversation about this matter while they were there.

To a Juror—I am positive it wanted ten minutes to twelve when I went up stairs; Morrissey was then in the bar with Hyler, Paudene and Baker; I am not positive whether Turner was there or not; I am not positive whether Turner was

in the house when I returned; after twelve o'clock a young man named Parker came in and said that Pool was shot.

The court of inquest here, at 2 P. M., took a recess of an hour.

EVENING SESSION.

Wm. Mitchell deposed—I reside at Stanwix Hall, and am in the employment of the proprietors of that establishment; I was in the City Hotel, Broadway, between the hours of 9 and 10 o'clock on the evening in question; Morrissey, Turner, Hyler and Baker came in in company together; Morrissey was drunk; Baker was sober, and told me that Morrissey and Pool had had a quarrel in Stanwix Hall, and had drawn pistols; a few moments after, Paudene, Cornelius Lyng and others came in; all the parties drank together; some of them went out of the door facing Howard street, and some out of the door facing Broadway; all the party left with the exception of Baker, Hyler, Paudene and Van Pelt; from the conversation, I judged that some of the party had had a difficulty; Hyler got into conversation with Morrissey and Cornelius Lyng, and I heard him distinctly say this; "I will say it now and will say it before any person, that I offered you the pistol;" Morrissey said, "Did not I tell you that I did not want the pistol?" and he then said, "What do you think of me? did I not tell you that he (meaning Pool) was a coward?" Morrissey then asked Hyler for \$30; Hyler said he would not give it to him if he wanted to spend it for rum; Morrissey said he did not, but he wanted to pay a debt of \$50, which he owed, and he was going right home; Hyler gave him the money; after that Morrissey went out of the barroom into the front room; I think he went out before Hyler did; Hyler lighted his segar and left too; I sat for about twenty minutes longer, and they were not in the front room when I passed out; I went from that up to Stanwix Hall, in company with Mr. Edward Cline; I went behind the bar and was there when the difficulty commenced.

To a Juror—From ten to half-past ten I was at the City Hotel, and went from there to Stanwix Hall; I am a bar-keeper; I was there when Hyler, Turner, Baker, Cornelius Lyng, and Van Pelt came in; Paudene was the last to come in, perhaps half a minute after the others; this was about an hour and a half after I saw them in the City Hotel; when they came in they got drinks before Paudene came in—and Baker paid for the drinks; Pool, Shea, and others were there at the time; Paudene commenced at Pool, calling him a black-muzzled son

of a b—h, and that he had to leave Charleston for robbery ; Turner took hold of Pool's hand, and told him they came to drink, and not to fight ; Paudene took hold of the lappel of Pool's coat, and said he was the only man he wanted to fight ; Pool said he did not think him worth fighting ; Paudene then spit three times in Pool's face ; Turner then drew his pistol and aimed it at Pool ; Pool drew back, and Paudene followed him up ; Turner fired at Pool, and shot himself in the arm ; he reeled twice and fell ; witness then got into the pantry for safety, with Hyler, Andrews, Campbell, and Ingersoll ; heard the firing after that, but did not see who was firing ; did not hear Turner say, "Come, boys, let us sail in ;" corroborates substantially the testimony of the other witness, Andrews, which was read to him by the Coroner ; was not present at the first difficulty ; when I looked out of the pantry, I saw Baker leaning on the counter ; Lozier came up, caught him by the hair and struck him, saying that he (Baker) was the cause of all the difficulty ; Pool had a carving knife in his hand.

Mark McGuire, sworn, deposed—I reside at No. 275 Elizabeth street ; I was in Mr. Florence's eating house, corner of Houston street and Broadway, when a gentleman from Philadelphia, named Charles — (I do not know the other name) came in, and said that there was a difficulty between Morrissey and Pool at Stanwix Hall ; I went up, and saw Mr. Pool sitting between the eating and drinking counters ; I asked Pool "how he did," not having seen him since his return from Charleston ; Morrissey was in the back room, and I heard him use the expression, "I never injured a man who did not insult me ;" after a little time Morrissey came into the bar where Pool was ; shortly after, I heard him call Pool a coward, and say he dare not fight ; Pool said that he dare fight—that he (Morrissey) had "tasted of his mutton, and did not like it ;" before this Morrissey had rushed towards Pool, and told him to "draw ;" then Pool partly drew his pistol from out of his right hand pocket—that was the first that I saw of a pistol ; at this time Pool stood between the eating and drinking bars ; Mr. Irvin caught hold of Morrissey and tried to keep him away from Pool, and to make peace between them ; he told Pool that Morrissey had no pistol ; Pool told him to "go away from him ;" Mr. Janeway was trying to keep Pool still ; he advised him not to say anything ; Morrissey kept talking to Pool, and Pool was replying back to him ; Morrissey said that Pool dare not fight him, "muzzle to muzzle ;" I then told Pool not to shoot Morrissey, or he would commit murder, as Morrissey had

no weapon ; Mr. Irvin and officer Rue were then seeking to restrain Pool ; he (Pool) either jumped on a stool behind the counter, or on the counter itself, and levelled his pistol over the counter at Morrissey ; he was then standing in some high position ; then some one came in and gave Morrissey a pistol, I did not know the man, nor see him hand a pistol to him ; Morrissey then said, "Draw, you son of a b—h," and pointed a pistol at Pool ; Pool drew his pistol from his trousers pocket, and put it in his breast, and stood so ; during this time Morrissey had his pistol pointed at Pool ; I did not see the man hand the pistol to Morrissey ; I heard that a man did so ; Mr. Irvin, Mr. Janeway, and officer Rue were trying to make peace between Morrissey and Pool ; if all Pool's friends had so exerted themselves as they did, I think the man would have been alive to-day ; Mr. Pool and myself had some words that evening ; before Morrissey got the pistol, Pool made use of insulting remarks about Irishmen ; he said "that all of them were d—d sons of b—s ;" I replied that "all men are equal in the world, and that God had created the world for all, not for a nation ;" he said not, and that "no Irishman was as good as he was ;" I said they were ; he said I was a liar, and I returned the compliment ; Pool asked me to fight him, and I said I would, "on an equality ;" he then laid down a large carving-knife, and told me to take it up, and he would get another ; I refused, as I thought I could not well handle a knife so large ; Mr. Pool and I never had a word before that night ; I saw Baker there at the first fight, but was not there myself at the second ; I did not hear Morrissey's pistol snap ; I think the knife was given to Pool by a Philadelphia man called Charley ; I do not know his other name.

THE VERDICT.

The Jury came into the Court about six o'clock, and returned the following verdict.

We find that the death of Mr. Pool was caused by a gunshot wound from a pistol in the hands of Louis Baker, at Stanwix Hall, in Broadway, on the morning of the 25th of February, 1855.

We find that James Turner and Patrick McLaughlin alias Paudene, were guilty of aiding and abetting in the murder of Mr. Pool.

We find John Hyler, Cornelius Linn, and Charles Van Pelt, guilty as accessories before the fact.

We likewise find John Morrissey guilty of an assault with an intent to take the life of William Pool, and that he was accessory to the murder of said Wm. Pool by association the evening preceding the murder.

We likewise find James Irvin accessory before the fact.

Thus have we hastily traced this painful transaction through, until we find from the evidence that it took eight to plan and execute the murder. Thus we see a band of murderers walking the streets with deadly weapons day and night,

thirsting for the blood of an American, wanting the course clear for themselves, and to be rid of one that dare call himself an American in any place—one that dare to stand up and face any crowd alone, and defend the institutions that his forefathers had fought for, and had been handed down to him as a rich legacy of their patriotism, for him, when he had left this world, to endeavor to leave to his posterity, untarnished, the bright laurels that encircle the banner of freedom, and above all, to watch the stealthy movements of the serpents that would gradually coil themselves about the heart of the republic, uproot the tree of liberty, placing a rack of torture in its place, dancing like fiends in human blood, and shouting for joy to see the miseries they had inflicted, and the dark pall of desolation that overshadowed the land that once was happy and free. For defending the never-dying principle of truth, did William Pool die. For being a true American, he died. For being born in this country, and advocating their creed, and taking sides with his murderers to suppress the growth of his native land, in her upward, onward march, they murdered him. Almighty God! has it come to this? Are Americans to be murdered because they are Americans? Is the freedom of speech to be suppressed? Are we to take paupers to our bosoms, like William Pool did Baker, clothe and feed them, and then be murdered by the wretches we have fed? If so, 'tis time to know it. If we have got to fight for independence the second time, to sweep off such dastardly, cowardly, murdering villains, the sooner the better. America belongs to Americans, 'tis theirs by inheritance. No other nation owns a handful of the soil, and there are no other people, of whatever nation they may be, that are entitled to more privileges in this country than an American citizen. This country is open to the people of all nations to come and settle, which they do, and remain here out of choice. Still they should remember, after being welcomed and favored by Americans, and allowed a hundred fold more freedom than ever existed in their own countries, that that does not argue that they have a right to form themselves into bands, to insult and murder American citizens. If the country does not suit those that come here to live, the distance is no greater back than it was when they came. If there is too much freedom here, there are plenty of countries where there is none. It shows a contemptible, base, niggardly, low-born spirit, for any person or persons that are living on the fat of this land, to make any pretensions that there is any country better, and to sneer and curse everything that's American; for the people of America are well posted up as to the kind of fare that different people receive in their own countries. It is not my intention here to discuss the merits or demerits of the different kinds of creeds, advocated by different kinds of people. My task is to record and to do justice to the memory of one who now sleeps in peace, and is free from all care and trouble. 'Tis sad to think of not only him that's gone, but there's his wife and orphan boy, left evermore to think and grieve for a father lost, and a husband dead. Yet she has the inexpressible comfort of knowing, and great reason to hope that he was fully prepared to meet his God. How little do we know of the future. William Pool, intended to have sent his boy to the country to attend school the coming summer. Undoubtedly, as a kind father, he looked forward to the time when that son would not only be a blessing but a comfort to him. But now William Pool is no more. The father, the husband is gone. Surrounded by an interesting family, and all that tends to render life happy, in the prime of life, when all is joyous, he died. Not as a fool dieth, cursing his God, and those that sought his life, but praying for himself, for them, for his family. His remains now repose in Greenwood, and his spirit has winged its way through the immensity of space to the God who gave it.

THE END.

"I DIE A TRUE AMERICAN."

"I die a true American," he said,
 And I am bound to eternity's shore;
 How quickly has my short existence sped,
 My friends, I shall be with you no more.
 I must go! angels beckon me away
 To a bright land of crystal light,
 Where night is not known; for 'tis always day,
 And my father's mansion is shining bright.

All things are fast receding from my view,
 Except sweet spirits that I see above,
 That are chiming sweet anthems to me new,
 Yet their words speak of peace and heavenly love.
 I long to be with them; still there are here,
 Those that I prize much more than my own life;
 Although they're of earth, yet still to me dear,
 Is my darling boy and that sweet loved wife.

See them now fluttering with their golden wings—
 They're singing of nought but heavenly joys,
 And the worthlessness of all earthly things,
 For the bright seraphs lay their souls employs.
 I must go! for they tell me there is rest
 For the weak, weary, worn traveller there,
 And those that are clothed in robes of the blest,
 Strike their high harps of praise, void of all care.

My wife and boy, farewell! for now I see
 Troops of shining spirits poised in the air
 They're waiting—they motion—it is for me!
 Oh! joy unspeakable and blessings rare.
 Farewell, then, friends, dear wife, my boy and all,
 I fully trust that I am forgiven;
 I must away, for the bright spirits call,
 And we part only to meet in heaven.