THE COURTS.

Trial of the Brooks Assistants.

QUARTER SESSIONS—Judge Allison.—The Court met at the appointed hour yesterday afternoon, and the taking of testimony was resumed.

Thomas Hughes, sworn—I was in the city on the day Mr. Brooks was shot; I know James Dougherty; I see him in the dock; I also know Hugh Mara, and see him in the dock; I saw them on the day Mr. Brooks was shot, in Front street, west side, above Arch; they were then standing in front of the entrance of the lager beer saloon just below Keenan's store; that was from ten to fifteen minutes past twelve o'clock; I saw a carriage standing on the east side of Front street, and I saw Mara and a young man called Neil McLaughlin, and I spoke to him; while I was talking with McLaughlin, Dougherty and Mara were standing on the other side of the way; I did not speak to them at that time; I saw a young man in Front street I saw them on the east side, on the pavement of the barber shop; I think the second day after the occurrence, below Arch street; I went down and spoke to Mara, saying, "How do you do, Hugh?" he made some reply which I did not understand; Mara and Dougherty were together; I didn't see Dougherty on that occasion talking with Mara; this was not more than five minutes after I saw him with McLaughlin; I subsequently saw Neil McLaughlin standing in Christian street, above Seventh; next I saw them standing on the west side of the street, above Fitzwater; I judge it was about three o'clock; I saw Mara and Dougherty; Mara was sitting in a chair in front of a tavern; Neil McLaughlin was going up Eighth street; on the east side; I next saw Dougherty coming down Fifth street, below Fitzwater; I did not speak to them; I was two or three minutes after I had seen Mara in Front street, Dougherty was on a dark coat and dark pants; I am positive these things I have described occurred on the same day Mr. Brooks was shot, the 6th of September; I saw Dougherty, Mara and McLaughlin on the 2d of September, Thursday; they were carriage with two horses in it, in Seventh street, between Sansom and Walnut streets; I saw McLaughlin drive the carriage away; I saw Dougherty and Mara crossing from the east to the west side of New York over one of the lines of carriage, and Neil McLaughlin drove it away from Seventh into Walnut, and down Walnut; this was about four or five o'clock; I am not positive that I saw them between Thursday and Monday.

Cross-examined—I am a cooper by trade; I follow it when I get work at it; I haven't had work for about seven weeks; I have done nothing since then; about eighteen or nineteen months past I was drinking a back; since then I have worked at my trade and sold oysters; I had a little money to live on in the meantime; I am a married man and four children; I gave this information the morning after the occurrence; I didn't know nothing of the reward; I never heard I am to receive; I have been living at Woodbury; went to board there about a week ago; I don't know who is paying for my board; I have been in Philadelphia; I went there with a gentleman from Gloucester, who, I believe, is a relative of Benjamin Franklin; I have said nothing of this to any other officer than Franklin or Tryon.

Examined—Before I went to New Jersey I was arrested by process from; as I understand, Alderman Devit.

Mr. Mann objected to this.

Mr. Dwight offered to prove that the prisoner had been arrested by process from Alderman Devitt; that his constable handed him over to a man named Bob Lyster Smith, who got some money to go to Tyrone, with a man named Fraliey, who conducted him to the Fourth Ward station house and there had him locked up, and while he was changing, he slipped away and went to Gallitzer Tryon.

The court overruled the offer, and the witness was discharged.

McLaughlin being called, was led to the box by Lieutenant Killacky, and being sworn, testified—I remember that Mr. Brooks was shot on Monday, September 6; I know James Dougherty; (looking at the prisoners) I have not met the man mentioned in the carriage that day; they were bigger men than these; I got acquainted with these prisoners in New York; the first place where I saw these men was New York; at Mr. Brooks' office; I go there three weeks ago; I was introduced to them by a young man named Hottles; I never knew a Hugh Marr or James Dougherty in Philadelphia; I did not see them on the morning of Sept. 2; the day Mr. Brooks was shot; I did not see them at Seventh and Christian streets on the same day after Mr. Brooks was shot; I did not see these two men in the dock on the day Mr. Brooks was shot; I never saw them in Philadelphia before; I saw Mr. Brooks; I never saw them was at Johnny Murray's, in Amity street, below Broadway, in New York; we were out, one Sunday morning, to take a walk, and they were arrested and locked up with me in a station-house, and I was taken over to see them; I was in Front street on the day Mr. Brooks was shot; I was in that neighborhood half-past eleven o'clock; I was in Front street, above Arch, with my carriage; I was engaged; I drove a couple of by two gentlemen, at Walnut, street where; who told me to drive to Second and Arch streets; I have never the two men before, but I would know them if I should see them again; was the first time I had ever seen them; after I had been waiting there half an hour or an hour, they came and got in the carriage, and told me to drive as fast as I could to Fairmount Park; I don't know where they came from; a gentleman came waiting after them; I drove off as fast as I could; I couldn't tell what the man; intention were with the pistol; I drove to Fairmount Park, where the two men got out and paid me.

Question by Mr. Dwight—Did you ever make a statement about this matter before?

Ans. No.

Mr. Mann objected to the question, on the ground that the Commonwealth could not cross-examine or impeach her own witness.

Judge Ludlow said this was an exception to the rule, and the Commonwealth had a right to cross-examine the witness.

Mr. Dwight asked for an indulgence until he should send to Tyrone the Judge's court. This was, of course, allowed, notwithstanding the objection of the counsel, who said he thought the object was to intimidate the witness by the presence of the Mayor.

The witness continued—The carriage I drove belonged to Mr. Kirwin, in Fitzwater street, above Seventh; I was engaged about three or four days; I saw these two men that I drove on Monday; they engaged me at Walnut street wharf, and I drove them in Front street; I had seen them the Thursday before, and had driven them to the same place; they got out and paid me; on Saturday afternoon these men got me at Walnut street wharf, and I drove them to Front and Arch and Front and Race, then to Seventh and Walnut; I was the same men on Friday afternoon at Walnut street wharf, and drove them to Point Breeze Park; I stayed there until the races were over, brought them back to Ninth and Race streets, where they got out and paid me; on Thursday I was doing a funeral; in the afternoon I drove them along Front street to Callowhill, then to Chestnut, then to Ninth and Race streets; I saw them on Tuesday before that at Walnut street; that was the first day I ever saw them; I drove them in Front street every day from Tuesday until Monday afternoon; I don't know who they were; I have never told anybody who they were, for I didn't know; I now say these two men were not Hugh Marr nor James Dougherty; I made a statement, and I don't did say they were, I was scared at the way I had been arrested; I told anybody that the men I drove around were Hugh Marr and James Dougherty; outside of my statement I never said these men were the prisoners; I made a statement to the Mayor, Mr. Tryon and Mr. Franklin; in part of my statement I told the Mayor the men I drove on those six days were Mara and Dougherty, and in another part James Dougherty and Henry Stratton; I made oath to this statement; I told him that Jones and Stratton were arrested with me in New York; afterwards, when the name was mentioned, I told him that Jones and Dougherty were arrested with me in New York; I knew the prisoners in New York as James Dougherty and Hugh Marr; I did not see them at Coney Island before I went up to New York; I told the Mayor I was at Coney Island; I did not tell him I had seen some persons at Coney Island.

Mr. Mann again raising an objection to this and arguing it at length, Judge Ludlow said it was competent to prove the statements made before the Mayor, and if they were contradictory to what was now stated, to prove the statements themselves.

The witness resumed:

I will say the first time I ever saw these two men in the dock was in New York the Friday before I was arrested; I don't know what I told the Mayor; I don't know whether I told him they were with me at Coney Island; I might have told him so, but I didn't see them; I don't recollect; I never saw these men at Coney Island; I don't know what I told the Mayor; I don't know what I said; after I left the Fourth Ward station house I went to the Baltimore Depot and there to the stable; I had only been there a little west of Front, with the two men inside, when one of them, he had a pistol; I said: "Driver, hold up; turn up Front street;" he stopped by their order in Front street, in front of a tavern; they got out; he drove first to one side, then the other, waiting for his company; for several hours; I understood the two men came running to the carriage; one of them got in, in a great hurry; the other got in; he had a pistol; this happened just as a stunning noise occurred; one of these said: "Drive on," and swore at him; I came to suddenly upon him that he did not great; his reins firmly, but struck his horses with the point of a whip; just as he started he looked around, and observed a short, stout gentleman hastening towards them, with a pistol pointed, and he started with his horses as fast as he could; the men continually kept pointing that way; I heard the shots; I heard the reports; he charged the direction he took; he turned from Spring Garden down to Seventeenth; I heard the stout gentleman announcement from them to stop; he slackened his speed; he stopped when they had got out; while the carriage was moving; at that time he did not mention the names of the two men; as he stopped the first statement he said he had more participated; has yet to give me; in the second statement he said he had been employed by Hugh Marr and James Dougherty, on the morning of the 6th of September; I had driven for Marr; I and Arch streets, where they got out; he said they had been in the house; I don't know; they had directed him where to place his carriage—sometimes on the east, sometimes on the west side; that they (Marr and Dougherty) shortly after 12 o'clock, hastened back to the carriage; that it was Mr. Marr and James who on Thursday I was doing a funeral; in the afternoon I drove them along Front street to Callowhill, then to Chestnut, then to Ninth and Race streets; I saw them on Tuesday before that at Walnut street; that was the first day I ever saw them; I drove them in Front street every day from Tuesday until Monday afternoon; I don't know who they were; I have never told anybody who they were, for I didn't know; I now say these two men were not Hugh Marr nor James Dougherty; I made a statement, and I don't did say they were, I was scared at the way I had been arrested; I told anybody that the men I drove around were Hugh Marr and James Dougherty; I said to Mr. Tryon and Mr. Franklin; in part of my statement I told the Mayor the men I drove on those six days were Mara and Dougherty, and in another part James Dougherty and Henry Stratton; I made oath to this statement; I told him that Jones and Stratton were arrested with me in New York; afterwards, when the name was mentioned, I told him that Jones and Dougherty were arrested with me in New York; I knew the prisoners in New York as James Dougherty and Hugh Marr; I did not see them at Coney Island before I went up to New York; I told the Mayor I was at Coney Island; I did not tell him I had seen some persons at Coney Island.

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