THE MURDER RECORD.

Retributive Justice Claims a Hearing in the Courts.

The Murder Calendar To Be Wiped Out.

THE SCANNELL-DONOHOE SHOOTING.

The Case Begun in the Court of Oyer and Terminer, Before Judge Brady.

ONLY TWO JURORS OBTAINED.

Yesterday morning, in the Court of Oyer and Terminer, Judge Brady presiding, the trial of John Scannell, indicted for the murder of Thomas Donohoe, was commenced. The rapidity with which, unhappily, murder on murder's head accumulates and has been accumulating of late, and the public interest excited as to the result of the trials of the parties charged with the dreadful crime, in consequence of their positions in society, are tending to make our criminal law Courts and the paraphernalia and the surroundings of justice, as therein administered, subjects of attraction and interest that rarely attaches to them. The case of John Real for the murder of Officer Smedick was one in all its bearings somewhat removed from the ordinary class of homicides. It was not the result of any sudden outburst of drunken fury, but, as claimed in palliation upon his trial, a retaliation, excessive, of course, for injuries and wrongs under which it was contended Real had suffered at the hands of his victim. Then followed the car-hook tragedy, the victim in this case being a highly respectable and respected citizen passing from his place of business to his home by a public conveyance. Here the instigating cause was, no doubt, the passion imbibed by the unhappy man, who, in so short a time hence, will have to pay the penalty of that deed with his life. Then follows the Stokes-Fisk tragedy, the King-O'Neill shooting, and previous to that the shooting of Thomas Donohoe by John Scannell. The general incentive to murder, robbery and plunder is wanting in all these cases. In the present case it will be remembered that on Saturday evening, the 2d day of November, 1872, just on the eve of the election, there was a great deal of interest felt in anticipation of the result. The political pools attracted crowds for nights at Johnson's club room—the scene of the murder of Donohoe—and betting ran high and with great competition upon the favorite candidates. Upon that Saturday night the deceased, Thomas Donohoe, was one of the crowd of politicians in front of the stand. He had been there for some time among friends and acquaintances. During all the time from the opening of the pool to a little after nine Scannell had not been observed as present by any one. He made his presence known by firing at Donohoe, discharging three or four barrels of his revolver in rapid succession, the frightened bystanders fleeing from the spot, and leaving the murderer free to work his vengeance upon his foe. In connection with this terrible deed before so many witnesses memory will go back to the eve of another election, in the heat and excitement of which Florence Scannell, the brother of John, now on trial, received his death wound in Donohoe's liquor store. Since then John had harbored feelings of vengeance against Donohoe, whom he rightfully or wrongfully supposed the slayer of his brother, until those feelings found such dreadful atonement in the death of Donohoe at the hands of John Scannell.

Yesterday was the day fixed by the Court for the trial. It was intended to take precedence of the trial of King, as, indeed, the occurrence itself had precedence as to date, and being set down peremptorily no delays nor dilatory motions were yesterday interposed.

THE PROCEEDINGS—EMPANELLING A JURY.

The Court opened at the usual hour, and Judge Brady was promptly on the bench. Mr. Phelps, the District Attorney, appeared for the people, the prisoner being represented by Mr. Beach, Mr. W. F. Howe and Charles Spencer.

The first duty, after notification of readiness on the part of the people and of the defence, was to call the roll of witnesses for the prosecution. Only two of these answered to their names, and the District Attorney announced that the Court would expect a prompt attendance on their part on Tuesday morning.

EMPANELLING A JURY.

This tedious business then proceeded with the usual result, the whole session being spent in obtaining only two jurors. The first witness who answered to his name was

Mr. Anthony Saffer, but he, however, was excused on his own representations of liability to sudden attacks of sickness.

William Coulter, builder, had known and been a friend of the deceased and the prisoner; had heard a good deal about it from the friends of both parties and read the reports of the affair pretty thoroughly; he had been admitted to practice as attorney some time ago, and did not think he could act without bias.

Newman Steck, pawnbroker, knew both parties; Scannell was his next door neighbor, but all he knew about the matter was what his children had read to him in the newspapers; he had made up his mind not from the papers, "but only I don't think I can serve on that jury;" he would like to be relieved from that jury; it would be a very hard matter for him to serve on this jury; he was friendly to Scannell, and did not think he could sit impartially in the case. He was excused.

ROWDIES IN COURT.

The Court rebuked the exhibition of laughter in the audience, and which had occurred during the examination of the last witness, and took occasion to impress on the audience that no laughter would be permitted during a solemn trial involving the life of a fellow citizen. Any one whom the officers noticed so violating the rules of propriety would be excluded from Court or punished.

DID TAMMANY HALL SHIELD THOMAS DONOHOE?

Garrett Nagle was the next juror called to the stand. The juror did not know the prisoner, but did know a brother of Mr. Donohoe. He was not a Tammany man, but had a decided opinion, which it would require evidence to remove.

Mr. Howe—Where do you reside?

Juror—No. 11 University place.

Mr. Howe—On the 3d day of December, 1869, Florence Scannell, a brother of the prisoner, was murdered by being shot in Thomas Donohoe's store, and, as alleged, by Donohoe. An inquest was held on July 23, 1870, when the Coroner's jury returned a verdict of wilful murder against Thomas Donohoe, the person whom the prisoner is now arraigned for shooting. No proceedings were taken upon that verdict by the then District Attorney until the 12th day of March, 1872, nearly two years after, and then only after an investigating committee had been appointed by the Legislature of this State to inquire into the affairs of the office of the District Attorney. Were you familiar with any of those proceedings?

The District Attorney objected to the assumption in the question that Florence Scannell was murdered by Thomas Donohoe.

Mr. Howe insisted that the question was proper.

Judge Brady—Mr. Howe, you have the right to put the question, but I must overrule it.

Mr. Howe—I take an exception. (Exception noted.)

Mr Howe (to juror)—Are you not a member of Tammany Hall General Committee, and do you not know that Donohue was also a member of Tammany Hall?

Juror—No, sir.

The juror was excused.

James J. Mitchell had a decided opinion and could not be impartial. Excused.

William E. Bradley was in the same position, and was excused.

John W. Brecklebank had not formed or expressed an opinion.

He was challenged to the favor, and Mr. Beach suggested that the triers to be appointed be men without bias in the case.

The Court called on Mr. Oscar Frisbie and Mr. Henry Whittaker, but Mr. Oscar Frisbie had a judgment in the case, and Amos K. Hadley was called in his place and sworn.

The juror was then challenged by District Attorney Phelps for principal cause, and on being asked as to his conscientious belief on the subject of hanging he thought that the law should be carried out. He would require very clear evidence, but if a case of murder were clearly made out he thought the law should be carried out to the letter.

He was then examined by Mr. Spencer on challenge to the favor. He did not remember reading about the homicide. He was away during the Summer. He had some faint impression on his mind about it.

Mr. Spencer reminded him that the killing took place in November.

He had heard that a murder had been committed, and had an impression of the fact, and, nothing having occurred to change it, it remained and might require some evidence to remove it.

To Mr. Phelps—I have not any distinct impression on my mind as to the guilt or innocence of the prisoner. Challenge sustained.

Marcus B. Bookstaver had heard of the homicide but had not formed an opinion. He had read the accounts in the newspapers, but without believing or disbelieving them. He believed that Donohoe was killed and that Scannell killed him. He didn't think he remembered the circumstances. In fact, he did not remember much of what he read.

Challenged to the favor by Mr. Beach—He did not remember that he was killed in a pool room; he thought it was in the street; he did not know of any feud between Donohoe and Scannell; he did not know of the killing of Scannell's brother; he had read the appeals in the newspapers about the increase of homicides and had sympathized with them; he had some prejudice against those accused of murder, and had, he supposed, such a prejudice against the prisoner, but he thought it would not prevent him from trying the case impartially upon the evidence.

To Mr. Phelps—I believe the prisoner killed Mr. Donohoe.

The triers sustained the challenge.

John W. Reed, of 132 West Twelfth street, had read of the murder in the papers, and from the papers had formed some opinion. He would be compelled to find his verdict impartially on the evidence.

The challenge was overruled, and Mr. Howe excepted, taking the ground that the act of 1872 was unconstitutional.

Mr. Howe then challenged to the favor.

The juror had not formed an opinion the offence committed was murder. He had formed an opinion an offence was committed. He thought his impression was of such a nature as to require evidence to remove it.

Challenge sustained.

The Court here took a recess.

After Recess.

Henry T. Godet, broker, stated that he had both formed and expressed an opinion as to the guilt of the prisoner, but he believed he could act as an impartial juror.

Counsel for the prisoner promptly withdrew the challenge.

After being shuttle-cocked between the counsel and the Judge for twenty minutes the triers set him aside.

DRAWING A FRESH PANEL.

At this point a procession of county officers, headed by Mr. Gumbleton, Deputy County Clerk, filed into Court, and the large circular box, from which jury panels are drawn, was placed beside the Judge. Mr. Gumbleton had seized the handle and was about to set the "merry-go-round" in motion, when Mr. Spencer, on behalf of the prisoner, objected to the drawing of another panel until the present one was exhausted.

The District Attorney inquired on what ground?

THE DEFENCE WATCHING THE MOVEMENTS.

Mr. Spencer said—We claim a right, when the panel is made, to be present. Complaints have been made in reference to drawing the panel, and we prefer to watch every slip in the case jealously. We appreciate the responsibility on us, and we propose to do our best for the prisoner.

Judge Brady—As the panel is to be drawn in open Court you cannot be prevented from being present, but you cannot interfere with it in any way. The object now is to draw the panel in time to give the jurors notice.

Mr. Spencer—We object, because the prisoner wants time to find out the names of the jurors drawn. We object to another panel being drawn till this one is exhausted, or during the trial.

Judge Brady—Go on for the present; we may get a jury from this panel.

Mr. Gumbleton then relinquished his grasp on the wheel and stood aside.

FIRST PEREMPTORY CHALLENGE.

Edward H. Baxter, who had an objection to but not a conscientious scruple against the infliction of capital punishment, was found competent on his stating that though strongly of opinion that murderers should be rigorously prosecuted, he still had no bias against Scannell. The defence challenged him peremptorily.

Mr. Dryfus shook his head—he never heard or read of those parties.

MR. DRYFUS THE FIRST JUROR.

Both sides considering Mr. Dryfus' mind the desirable frame to enable him to act, he was sworn as the first juror. Mr. Dryfus is out of business at present.

JAMES M. QUIGLEY SECOND JUROR.

James M. Quigley, a retired merchant, residing in Fifteenth street, was sworn as the second juror.

Shortly after three o'clock there was another discussion about drawing a new panel. The defence objected to drawing the panel until the present one was exhausted; and, secondly, that the drawing was illegal.

Judge Brady said the second panel would not be drawn until the first was exhausted, and ordered the drawing to go on.

Mr. Gumbleton then drew one hundred tickets and read aloud the names, residences and occupations. The jurors so drawn were most of them merchants.

Judge Brady then stated that he allowed the panel to be drawn in that manner (in presence of the defence) because no other judge was available, but Court would be done before any of the other judges, and it must not be taken as a precedent.

The Court then adjourned.

THE JUVENILE SHOOTING CASE.

Inquest Yesterday by Coroner Young—How Boys Were Enticed Into a Disreputable House and One Killed—A Verdict of Death at the Hands of William W. Barker, Who Was Committed to the Tombs.

Coroner Young yesterday held an inquest, at the Thirtieth precinct station house, in the case of John Schaffer, the little boy who was shot and killed by William W. Barker, aged thirteen years, at the house of Mrs. Brown, at 522 Sixth avenue, on Friday evening last, where they were in the habit of meeting to play with Mrs. Brown's dogs, four of which she sports on the avenue every fine day.

The first witness sworn was the father of the deceased boy, John C. Schaffer, of 528 Sixth avenue—He first heard of the killing about five o'clock, and it was Barker who shot the boy; went to Mrs. Brown's house, found his boy insensible, carried him home, where he died soon after; the boy Barker had been in the habit of playing with deceased, but he had never heard of any difficulty between them, and deceased had never informed him that Barker carried a pistol; he had forbidden his son going to Brown's house on account of its reputation.

Apoline Mallet, alias Florence Brown, keeper of the house where the boy was shot, testified that she had lived there five years; knew deceased that length of time, and the boys, including young Schaffer, were in the habit of taking out her dogs; she did not see the shooting nor hear the report her evidence was of no importance.

Thomas S. Senior, a boy living at 520 Sixth avenue, testified that he was in the house on Friday afternoon; sent there by his cousin Edward M. Senior, to return a wrench which he had borrowed; Victor Picardo, his brother, and Johnny Schaffer, Barker and others were there playing; witnessed no quarrelling; Schaffer and Victor were playing, when Barker pulled out a pistol, pointed it at Schaffer, and said, "Look out, I'll shoot you;" he then put it in his pocket again; Mrs. Brown entered the room, lighted the gas and told the boys to keep quiet; Barker took the pistol out of his pocket again, and, loosening the barrel, cocked it and snapped it, but it did not go off; he pointed it at Schaffer and told him he would shoot him; Schaffer said, "Look out; you will shoot me;" he cocked it again, and, pointing it at Schaffer, pulled the trigger, and it went off, and Johnny was shot in the right temple; he had his hand up to his head when shot; Barker said, "O, my God, what will I do!" he threw the pistol under the bureau and told Schaffer's little brother to keep quiet; witness saw the pistol with Barker the night before the shooting, and he showed him and another boy, named Smith, two pistols, one of which was loaded; witness recognized the pistol produced; never heard him talk of shooting his grandfather.

Victor Picardo, of 1,270 Broadway, stated that there was no quarrelling between the boys; Schaffer and witness were playing with a fox's tail, and Barker took the tail and hit Schaffer in the face; he pulled out the pistol and put it in his pocket again; he pulled it out again, and said "Look out, Willie, you will shoot me;" Barker snapped the pistol, and it went off and shot Schaffer. He could not say whether Barker was angry with any of the boys; saw Barker with a pistol a week ago Sunday; there were no angry words between prisoner and deceased when the shooting took place; Barker never told witness where he got the pistol; witness declared that no one had instructed him as to what he was to say before the Coroner.

John Herdtfelder, the gunsmith of 352 Seventh avenue, at whose store the pistol was purchased, and his wife, were examined. From their evidence it appeared that on Wednesday Mrs. Herdtfelder took the fatal revolver in exchange for another pistol for $1 50, who showed a larger one in his pocket, saying he had to go out in the country and it was dangerous now to go without a pistol. He purchased some cartridges on Thursday; he went to the gunshop and paid Herdtfelder ten cents for repairing the weapon.

Dr. Marsh, who made the post-mortem, testified that deceased came to his death by a pistol-shot wound, and the case was given to the jury, the Coroner remarking at considerable length upon the growing evil of boys carrying pistols, and the necessity for some measures being taken to prevent dealers in dangerous weapons disposing of them to young boys. The verdict was that deceased came to his death by a pistol-shot wound received at the hands of William W. Barker, and they recommend the authorities to adopt measures to prevent the sale of firearms to children or other irresponsible parties. The Coroner committed the accused to the Tombs to await the action of the Grand Jury.

DEATH IN THE LUNATIC ASYLUM.

Yesterday morning a note from Warden Beach, of the Lunatic Asylum, Blackwell's Island, dated on the 7th inst., reached Coroner Herrman at the City Hall. The note stated that Sarah Rooney, an inmate of that institution, had died under circumstances requiring a Coroner's investigation, but it failed to give any facts concerning the manner of her death.

A DEADLY NIGHT FRACAS.

A Public School Principal Shot by a Jealous Husband.

The End of a Christening Party—Escorting Another Man's Wife Home—A Conflict in the House and a Bloody Duel in Second Avenue—Dangerous Condition of the Wounded Man.

The critical position in which William Foster, Edward Stokes and other murderers find themselves seems to in nowise deter others from a free use of the knife and pistol, and homicides occur almost daily. The latest case, that is partially shrouded in mystery, occurred about half-past twelve o'clock yesterday morning, the parties to the shooting being persons moving in good society, the one following the occupation of principal of the East Seventeenth street Grammar School, and the other that of a clerk in an importing house. Their names are respectively Dr. Hugh Williamson, of 142 West Sixteenth street, aged about forty-five years, and Martin Walmquist, of 802 Second avenue. As near as can be ascertained by the police of the Twenty-first precinct Dr. Williamson and Mrs. Walmquist met on the previous evening at a christening party up town, and remained rather later than usual. On taking her departure Williamson, who claims to be distantly related to her, escorted her home. Her husband, who had spent the evening in another part of the city, arrived home before her, and, finding his wife absent, let the green-eyed monster take possession of him. It is said he rushed through the house like a madman, breaking everything he could get his hands upon. While engaged in this demolishing process the wife and her escort arrived at the door, and the former, afraid to encounter her husband in that mood, sent the Doctor in to pacify him. On entering he was met by a torrent of abuse from Walmquist, who ordered him out. Hesitating to leave, Williamson was attacked by the infuriated husband, and the men fought all the way down to the street. Arriving there the fight was renewed, and finally pistols were drawn by both men and a number of shots exchanged, resulting in the slight wounding of the husband, and the lodging in the Doctor's groin of a ball that, it is feared, will prevent him from ever gallanting another man's wife home. The firing occurred corner of Forty-second street and Second avenue, nearly a block above the house in which the fight originated. The reports of the firearms attracted the attention of officers Kelly and Rielly, who ran up and found the men clinched in a deadly encounter and beating each other with the butts of the pistols. They were removed to the East Thirty-fifth street station house, where Police Surgeon White was in attendance, and after probing for the ball for nearly an hour unsuccessfully, Williamson was sent to Bellevue Hospital in an ambulance, arriving there about two o'clock in the morning. Walmquist's wound, which was in the hand, was dressed at the police station and he was then locked up.

Walmquist was arraigned before Justice Coulter at the Yorkville Police Court yesterday morning and was committed to await the result of his victim's injuries. His wife and child accompanied him into Court and took a seat beside him while he was waiting for the magistrate to arrive, but of the many women in the Court at the time she looked the most unconcerned. She has a handsome pale face and jet black eyes, which twinkle with a strange light, that would be very disturbing to the nerves of an impressionable young man. The little boy is only about eight years of age, too young to be able to realize the unfortunate position in which his father was placed.

At the invitation of the Court the accused stated that

WILLIAMSON WAS AN OLD ACQUAINTANCE,

who for some reason or other had several times attempted to turn his wife against him. Two years ago the prisoner got into a difficulty with Williamson, who had told his wife some ugly stories about him, and on that occasion

WILLIAMSON FIRED AT HIM

with the intention of killing him. But he did nothing to him, on account of his wife, whose name he did not want to have publicly spoken of in connection with that of Williamson under any circumstances. Last night, he said, Williamson again interfered between him and his wife, and after adjourning to the sidewalk they had some hot words with each other. Williamson drew his revolver, and before Walmquist had the least conception of his intention fired three shots. One took effect on the forefinger of Walmquist's left hand, with which he threw up the muzzle of Williamson's pistol, as it was pointed at his head and in the act of exploding. Another ball grazed the thumb of his right hand, causing a slight wound. The third shot passed. After being fired at by Williamson the prisoner said

HE GOT OUT HIS PISTOL

and returned the fire of his intended murderer three times. One of the shots, he believed, took effect.

"What," said the Court, "do you suppose will be the consequence if he dies from this wound?"

"I do not know,

NOR DO I CARE,"

said the prisoner. "He deserved it, he had no right to fire at me first."

Before going down stairs to prison he conversed with his wife about a minute in an under tone, and then walked out of court quietly. His wife also left the court without appearing in the least affected, causing it to be said that she had not much feeling. Officer John Kelley and Officer Reilly, of the Twenty-first precinct, who arrested Walmquist, say that they found both men on the sidewalk at the corner of Forty-second street and Second avenue, where the shooting occurred, and that

THEY WERE FIGHTING DESPERATELY.

Each seemed to be trying to throw the other, and Walmquist was at the same time using the butt end of his pistol on his antagonist with telling effect. They believe that but for their sudden appearance on the scene one or the other would have been killed, there and then. The accused, in his statement to the Court, seemed to avoid saying anything that would reflect upon his wife's character, but the impression left on the minds of those present was that Williamson's intentions were anything but honorable toward Mrs. Walmquist.

WILLIAMSON AT BELLEVUE HOSPITAL.

Williamson, who is a large, full blooded man, with finely developed head and gray hair, was quite easy yesterday afternoon when a HERALD reporter called at the hospital about four o'clock. Dr. Sayre, who had been summoned for consultation with the hospital physician, arrived and after probing for a short time succeeded in removing the only one of the three balls that took effect. Dr. Sayre expresses the belief that if inflammation does not set in Williamson will recover. An effort was made to converse with him to get his side of the story, but the physicians positively refused to allow him to converse with any one. To Professor Hunter, of the Normal College, who called, Williamson said he was a relative of the woman, had had a previous quarrel with her husband, who had attacked him, and was on his way to attend upon a patient when he encountered Walmquist, who made the assault upon him. Mr. Hunter is not aware of any of the facts of the quarrel, but reports that Williamson, who is a physician, has been out of practice nearly twenty years, following the occupation of a grammar school teacher. Both men are quite reticent, but from words dropped it is quite evident that jealousy was the cause of the encounter that may yet result in the arraignment of Walmquist to answer for life-taking.

THE HOBOKEN MURDER.

Charles Berger, the car driver who was suspected of having murdered the unknown traveller on the snow, near Washington street, appeared at the police station yesterday and informed Chief Donavan that he (Berger) was not the author of the charges made by a tribe of Germans to the effect that the police authorities had treated him brutally while in custody. Whether Berger made this statement or not it was believed by no one, except by a number of clannish Germans, that the police authorities had overstepped their duty. They found blood and hair on the switch-turner; they knew ex-Officer Woodfine could swear, to the best of his knowledge and belief, that deceased was on the horse car at the very hour of the assassination; they knew that Berger when arrested could not say when he left the ferry; and in view of those circumstances they could do nothing else than to hold him in custody until some new light could be thrown on the case. Nevertheless, a meeting of Germans is called for this evening to protest against the action of the police in having the audacity to accuse a German of murder. These Germans seem to forget that the public mind is yet far from being settled as to the manner in which the man was brutally murdered, and that they have no right to attempt by furious howls at a meeting to overawe the lawful authorities. Many of them seem to forget that a German deserves the same treatment as any other American citizen when just suspicion of guilt attaches to him. The narrow-minded gentry who are to meet to-night exclaimed in several places yesterday that Mayor Schmersahl would have to attend their meeting, and that he should do as they said. Whether this is so or not remains to be seen. The people will not soon forget the terrible pressure brought to bear on the authorities by Berger's friends. A point worthy of notice is the testimony of Dr Buck, the County Physician, whose evidence at the inquest was far from being consistent. He spoke more like a lawyer of Berger than like a medical authority on the nature of the wounds.

THE SLAUGHTERED SHOEMAKER.

A Tragedy Enveloped in Greater and More Startling Mystery Than the Nathan Murder.

LITTLE NECK'S HORRIBLE NEMESIS.

The Theory of the Manner in Which the Crime Was Committed.

The murder of James Graham, the shoemaker, of Little Neck, by some unknown persons on Friday night is one of the most mysterious tragedies that ever were recorded in the annals of dark and bloody deeds, even surpassing the death of Nathan in its terrible and singular details. The whole district of Long Island surrounding the fatal spot is full of excitement of the most intense kind, and the greatest perplexity exists as to the identity of the cowardly perpetrators of the crime, for it is now assured that there was more than one person to do the brutal work. The constable of the place, George Roe, is very properly quite reticent on the subject of theories in regard to the murderers. He is a tall, sinewy individual, with whiskers of a rich brown hue, growing in their native wildness, and sharp black eyes.

THE ABSENCE OF A CLEW.

On Sunday Constable Roe searched the woods, fields and paths surrounding the village for some traces of the criminals, but without any success. Yesterday he groped with a pair of long tongs in all of the cisterns near the murdered man's house with the hope of discovering the heavy iron implement or piece of iron with which the awful blows were dealt which sent a soul into eternity. Nothing at all of a suspicious character came to light.

Descriptions heretofore published of the scene of the murder have been in not a few particulars incorrect. The house is a small one, two stories in height, painted without a gloomy brown color and having four windows in front and a door which opens into the workroom or shop of the shoemaker. This apartment is about fourteen feet square, and contains a bench, lasts, boxes, boots, shoes, sides of leather and many other articles which it would be impossible briefly to describe. In the corner of the room towards the woods at the rear of the house is a door, behind which is the flight of stairs leading to the garret where Graham slept, always in solitude. In the corner of the workroom in which is the door which opens upon the Lakeville road is the other door, the entrance of the salesroom, where the deed was done and the body was found.

THE MANNER OF THE ATTACK

upon the unsuspecting victim has now been placed almost beyond a doubt by a careful linking of facts. The theory owes its origin to Judge Lawrence, of Flushing, who is very deeply interested in the case. According to this idea, the murderers, who were two in number, must have entered the shop at about nine o'clock on Friday evening. The crime occurred between that time and the hour of eleven. Constable Roe and John Bennem left the tavern, which is opposite the shoe shop, at about half-past nine, shortly before the barroom was closed, and took the Lakeville road toward their homes, which led them in the direction of the house of 'Squire Prevost, which is about a mile distant. When a little way beyond Graham's shop they met two unknown men, whose appearance they could only dimly discern in the darkness. They at the time thought nothing of this circumstance. Either a little earlier or a little later in the evening a man named William Bosworth was standing on the back stoop of the grocery store next to Graham's shop, and noticed through its garret windows that his light was burning and flickered against the rafters. It was his custom to keep this burning till morning, and Bosworth thought that he must have gone to bed. While still standing on the stoop, however, he saw two men go by, having come from the direction of the railroad, opposite to that from which the two men came who were seen by Constable Roe and John Bennem. They walked from the road to the door of Graham's shop and entered, the lock apparently not being turned. He then concluded that after all Graham could not yet have gone to bed, and turned and went home and to bed himself. The next link in the chain is the supposition that the men found Graham in his workroom, and that one of them stated his desire to purchase a pair of boots. It is probable that the first object they had in view was to keep engaged the attention of the shoemaker as long as possible, he being lonesome and perfectly willing to talk, until every one else had gone to bed and to sleep, when they could accomplish their object, which was to kill him and to pillage the house. After some lengthened conversation, the man whose expressed desire was a pair of boots, was led into the salesroom by Graham, who carried with him in his hand the kerosene light. The work room was then left in the dark and the other man remained in it, making ready his weapon for the terrible deed which was to be done. He stood in the darkness glowering out of its glooms upon his unconscious victim, who stood in the other room with the full glare of the light upon his handsome form. The accomplice, meanwhile, was inspecting the boots which were shown him with extreme deliberation, no doubt, and Graham was good-naturedly seeking to suit his wants. He must have been a poorly dressed man, for the indications were on the morning of the discovery that the first pair which were shown him were very coarse and heavy brogans. Then there were evidently a better pair taken from the case as they were found on the floor. There may also have been others exhibited; but finally Graham showed his customer a pair of comparatively fine boots which were composed of what is called "kip" leather. These the man was satisfied with, and they were done up in a bundle and handed to him. Then came the critical point in the execution of the plans which had been carefully laid by the murderers. The purchaser showed an intention of leaving without paying for what he had purchased, and Graham stepped between him and the door, demanding his money, and with his back turned towards the darkened workroom in which stood his assassin with murder in his heart. It was the moment for

THE FATAL BLOW,

and it came from out the dark into the light, crushing into the brain of the unthinking victim, who probably never spoke again. The iron instrument which was used broke through the skull, behind the ear, at the base of the brain, severing, as the examination by the doctors showed, the large artery which passes in this region from the neck to the interior of the cranium. The terrible force of the blow not only felled the doomed man, but, being given with the right hand on the right side of the back of the head, turned him partially about as he went down, rubbed his bloody head against the door and it is daubed with gore. The manner of the blow caused him to lie, when discovered, with his face upward. When he was struck from behind Graham was struggling with the accomplice to take the boots away from him, as a piece of the paper in which they were wrapped was firmly held in his cold and stiff hand. Just as the terrible blow was given he was also stabbed from the front with a dirk or dagger, causing the wound at the bridge of the nose, which bears the indications of having been caused by such a weapon. When he fell another and most tremendous blow was given with the iron instrument, which struck in its descent the knob of the open door and broke it off, and cut a fearful gash in the forehead of the murdered man, who had probably even then breathed his last breath. Another blow was given on the forehead with the same instrument, and then the villains seem to have been satisfied that their bloody crime was complete. They next searched for money, turning his pockets inside out, and, doubtless, they then tumbled through the papers in the garret, although the evidence must be confused on this point, because of the unexampled conduct of Justice Prevost in permitting them to be afterwards disturbed. When they left the house the murderers left, as has been seen, no further clew to their actions.

Two men, named John and Thomas McCreary, in the employ of Squire Prevost, Justice of the town of North Hempstead, and who claim to be half-brothers of the deceased, were allowed by him, upon assuming charge of the case early on Saturday morning, to change the whole order of things in the house before the jurors came, and to take away some clothing. What else they may have done is not known, except that they gave to Squire Prevost some bank books and papers, which he has yet failed to deliver to Coroner Reimer. The neighbors are very indignant about the action of Prevost, and especially Judge Lawrence, who, when he arrived, caused the place to be guarded and forbid any further molestation of its contents until the Coroner came. Some of the evidence given by the assumed half-brothers at the inquest on Saturday was rather confused in regard to their conduct and claim of relationship to Graham, who, it is said, always asserted that he had no relatives. A man, claiming to be his uncle, with his daughter, were also at Little Neck yesterday viewing the remains.

THE CONSTABLES AT WORK.

Marshal Frederick Smidt and Constable James Smith, of Flushing, were engaged all day yesterday in looking for the clew. A man was arrested in Jamaica by the authorities there on suspicion, and on examination of papers in his pocket it was found that he was an officer in the British army. He was under the influence of delirium tremens and knew neither himself nor his surroundings.

The supervisors of the town are to hold a meeting and offer a reward for the capture of the murderers.

Coroner Reimer, who has had full charge of the case from the time it was resigned into his hands by Judge Lawrence, who acted in his absence, will continue the investigation on Wednesday, when Justice Prevost will be examined in relation to his unofficial conduct. The names of the jury empanelled are as follows:—Isaac Pool, William Anderson, Cornell B. Smith, William B. Stevens, George Herrick, Stephen Wright, James R. Chapman, Louis Bennem, Augustus Perry.

Another post-mortem examination is to be made, and the body will not be buried until after the close of the inquest. It is at present lying in a coffin in the room where the tragedy occurred and where the floor is still stained with frozen blood.

THE JERSEY CITY MURDER.

Trial of John Doris for the Murder of Thomas Donnellan.

The trial of John Doris for the murder of Thomas Donnellan, at Jersey City, on the night of November 14 last, was commenced at Jersey City yesterday, Judge Bedle presiding. The following jury was empanelled after a great many challenges on the part of the defence:—William Taylor, foreman; Robert Shannon, Daniel Ward, Frederick Spargeman, Andrew Selcrig, William Midmer, James Higgins, Thomas J. Hagen, Charles Drescher, August Boemeke, Michael Brady and Hugh O. Johnson.

District Attorney Garretson appeared for the State and Leon Abbett and A. S. Clake for the defence.

The first witness was Michael Dogherty, who testified:—I keep a liquor saloon corner of Railroad avenue and Henderson street; was in my saloon on the night of the 14th of last November; Doris tended bar for me; he and I left together after we closed up the place; on the way we met Donellan; Doris called him a loafer and struck him; Donellan staggered back into the street, but did not fall; Donellan followed us and asked if the two of us were going to lick him; I said that no one was going to touch him, and Donellan then shook hands with Doris and asked us to go over and

HAVE A DRINK

in Roche's; we went in and Donellan at once threw off his coat and said, "You licked me outside when two of you were there, now you can't do it here;" he added further, "Are the two of you going to lick me?" I said no; he then shook hands with Doris and said, "Let us be friends;" when Donellan accused Doris of striking him outside Doris said he did and could do it again; Doris asked me to have a drink and before I had time to take it Donellan stepped back and struck Doris over my shoulder; I turned round and

THE SHOT WAS FIRED;

Donellan stood for a moment and then exclaimed that he was shot; somebody asked him if he was sure he was shot, and he said he was, that he felt it; he then pulled up his shirt and showed the wound; he laid down on the floor, called for police and asked if he was going to be left there and

DIE LIKE A DOG;

I put my finger on the wound and said, "This is a bad job, the man is dying;" when I got up Doris was gone; he left his coat upon the bar and I picked it up; Roche was calling for a policeman; I whistled, and a policeman came; we were all taken to the station house, where we were locked up till twelve o'clock next day; when Donellan shook hands with Doris he said something like "It's all right, we are friends;" Donellan took his coat off in the middle of the room and threw it on the bar; he struck Doris in the nose and I

SAW THE BLOOD

come; when the shot was fired and Donellan sat down on the barrels Doris said, "Served him right," or something to that effect; Donellan seemed to be under the influence of liquor.

Patrick Roche testified:—I keep a liquor store at the corner of Steuben and Henderson streets; Doris and Dogherty, his boss, came in on the night of the 14th of November last, about twenty minutes before twelve o'clock; four persons and myself were there at the time; Donellan came in after them; Donellan took his coat off, threw it on the bar and said to Doris, "Now you can't fight me here as you did out on the street;" Doris turned round, looked at him, and said, "Get away;" Donellan said, "I want you to fight me now;" I spoke to a man named McMahon to get between them; Donellan asked for a drink, and I had not time to give it to him when he came up and struck Doris on the nose, after which he stepped back on the floor; previous to this Dogherty asked Donellan what he wanted to call the police for outside, and he answered, "To have ye arrested;" when Donellan said,

"I'M SHOT,"

I said, "Are you sure you're shot?" and he pulled up his shirt and showed me the wound; he kept his hands on his abdomen, and asked me if I could not do something for him; I sent for a clergyman and a doctor; I went out to give an alarm, and when I came in Doris was gone and his coat lay on the bar; an officer came and took Donellan to the hospital.

Thomas McMahon was the next witness, and he corroborated the foregoing testimony.

A NEW ARMORY FOR "THE SEVENTH."

Colonel Clark Explains Why the Regiment Ought to Have a New Armory.

NEW YORK, Feb. 10, 1873.

TO THE EDITOR OF THE HERALD:—

An article in one of the daily newspapers unfavorable to a project in which every officer and member of this regiment is deeply interested suggests this communication.

The movement in favor of an armory for this regiment in Reservoir square has the united support not only of its present members but of the many thousand business men of this city who, during the past fifty years, have served in its ranks. The petitions for this object have also been signed by thousands of the largest taxpayers in the city, and the enthusiastic favor with which the measure has been received by leading and influential men of every profession and business pursuit is as remarkable as it is gratifying. The important fact in the case is simply this—that a new armory in a central location is positively necessary to secure the continued efficiency and prosperity of this regiment. A very large majority of the members of this regiment reside between Thirtieth street and the Harlem River, and the centre of the population which it represents is constantly moving northward. To attend weekly drills at a place so distant from their residences as Tompkins Market is extremely burdensome. For the same reason it is almost impossible to obtain new members to fill the places of those who are discharged at the expiration of their term of service, and in case of riot or disorder it is difficult to assemble the regiment promptly at a place so distant from the residences of its officers and members.

The reasons for locating the new armory at Reservoir square are as follows:—

First—It is central, and an armory in that location would be accessible to a large majority of the regiment during the next half century.

Second—Reservoir square is not large enough to be of any great service as a public park, and is not necessary for that purpose on account of its proximity to Central Park.

Third—The occupation of a small portion of Reservoir square for this purpose would not injure it as a "breathing place," as only that part actually occupied by the building would be used for military purposes.

Fourth—The value of adjacent property would not be injured by the erection in the centre of Reservoir square of such a building as is proposed.

Fifth—There is no other property belonging to the city which is properly located or available as a site for an armory for this regiment.

To authorize a lease of the ground in the desired location to be occupied for an armory an act of the Legislature is believed to be necessary. But the act proposed leaves with the Board of Supervisors the subject of appropriation for armory as well as the entire control of plans for building. That Board has the confidence of the taxpayers as well as of this regiment, and in leaving the whole subject of expenditure to the wisdom and discretion of the Board of Supervisors it is believed that this regiment will receive all assistance that may be necessary and that nothing will be done in the matter prejudicial to the public interests. The officers and members of this regiment have not deemed it expedient to ask the Board of Supervisors to purchase or lease lands in the upper part of the city sufficient in extent for an armory, with drill rooms on the ground floor; but have believed it to be the interest of all concerned to ask for a lease of a small part of Reservoir square, now the property of the city.

The erection of an armory in this square would leave vacant the Tompkins Market Armory, which would afford ample and excellent accommodation for any regiment whose members reside below Twentieth street. The rental of one armory would thus be saved to the city, and no additional expense would be incurred by the transfer of the Seventh regiment to a location convenient to its members and necessary to its prosperity and existence.

It is earnestly desired by every officer and member of this regiment that every newspaper in this city should publish the memorial to the Legislature upon this subject as well as any bill which the Committee of the Assembly may favorably report. The greater the publicity the more certain is this measure to secure public approval and consequent success. The valuable services of this regiment on many occasions during the past half century in preserving the public peace and protecting the lives and property of the citizens have always been appreciated, and it is confidently believed that the people of New York will not allow this regiment to languish or to die for the want of a suitable armory in a central location. Nor will the public forget that the regiment has been mainly self-supporting; that its rooms at Tompkins Market have been fitted up at the expense of its members to the extent of nearly one hundred thousand dollars, and that its members voluntarily give their time and many thousands of dollars annually to maintain a military organization which is a reliable and valuable aid to the civil authorities, and which is generally conceded to be an honor to the metropolis of the country. To maintain the efficiency and reputation of the Seventh regiment in the future is the object of those who petition for a new armory at Reservoir square. Very respectfully, yours,

EMMONS CLARK,
&c.,
Colonel commanding Seventh regiment N. G., S. N. Y., and Chairman General Committee of New Armory.

HIGHWAY ROBBERY IN BROOKLYN.

Mr. John Flower, residing at 172 Nevins street, was on his way home, about nine o'clock last night, when he was suddenly set upon by a party of four ruffians, who struck him on the head, stunning him and knocking him senseless to the sidewalk. The highwaymen then rifled the pockets of the prostrate man and decamped with his wallet, which contained $11. The assault was committed within a few feet of Mr. Flower's residence. The injured man was subsequently attended by Dr. Tucker, who pronounced the patient's case critical.

JEALOUSY, RELIGION AND MURDER.

Luigi Lusignani, an Italian, and Solomon David Moon, an Irishman, Arraigned at the Morris County Court, N. J., for the Murders of Their Wives.

STORY OF THE CRIMES.

Jealousy the Motive in the Case of the Italian—Religion and Drunkenness in the Other.

For the first time in the history of Morris county two murderers are awaiting trial at the same term of Court. What makes the circumstance the more remarkable is the strange coincidence that both the cases are cases of wife murder and both of atrocious and revolting barbarity. The first is that of Luigi Lusignani, an Italian, whose trial was commenced yesterday afternoon. The story of the crime is as follows:—About three years ago Giovanni Bercotti, an Italian, came to Dover, N. J., a town of about 6,000 inhabitants, six miles from here on the line of the Morris and Essex Railroad. He was in search of employment, and succeeded in getting work at his own trade, that of a shoemaker. By industry and economy he, in about a year, saved enough money to purchase a store of his own, and when he had got started in business he went to New York for a short time, returning with an Italian woman named Johanna Moosi, who lived with him as his housekeeper. The woman was twenty-four years of age, and Bercotti about one year older. The pair lived happily together until the 7th of last November, when there arrived at Dover on the early train from New York two men. On arriving they inquired the way to Bercotti's store. The individuals were

LUIGI LUSIGNANI,

of No. 18 Baxter street, New York, and Mariello Phillipi, a fellow laborer, who lodged with Luigi in the same house. When the two men came to Bercotti's store Luigi claimed the woman Moosi as his wife, and demanded that she should at once return to her home. She refused to do so, alleging that when she was at home she was so ill treated she had to go away. She went outside the store and for some time conversed with the man who claimed to be her husband, Phillipi in the meanwhile remaining with Bercotti, who was at work. After talking some time outside the store Luigi and the woman came inside again, and the former reiterated his demand that Johanna should accompany him. She again refused to do so, and at this point Bercotti interposed and said that if Luigi would return to the city he would persuade the woman to follow him. Johanna spoke again and said she would never go, when

LUIGI DREW A KNIFE

from his coat and plunged it into the unfortunate woman's breast. He then tried to escape, but Barcotti laid hold of him, receiving in the conflict two terrible wounds in the abdomen. The desperate assassin was, however, despite his struggles, secured. The woman died instantly, but Bercotti, though his life was for some time in danger, has recovered, and will be able to testify at the trial. Phillipi, who did not interfere while the terrible affray was in progress, has been held for a witness. He and Luigi were street laborers, and, owing to the short time they have been in New York, they speak no English. At the time of the occurrence the excitement was so intense that it was with great difficulty the people could be prevented from lynching Luigi, and the trial has been looked forward to with great interest.

The other case is one of even more revolting barbarity. It is that of David Moore, who stands charged with the murder of his wife on the 29th of November. The couple lived in a lonely shanty, in a wild place, called Irishtown, about two miles from Dover. On the 29th of November two youths, who were out squirrel shooting, passed near the shanty of Moore, and in the rear they found the body of a woman, who was recognized as Mary Ann Moore, the wife of Solomon David Moore. The body was covered with wounds and bruises and was fearfully disfigured. It was without covering, with the exception of a linen undergarment, and this was frozen. When the interior of the house was examined the rooms on the ground floor were found to be

COVERED WITH BLOOD,

and other tokens were revealed which showed that there had been a fearful tragedy. The marks in the freshly-fallen snow denoted that the dead body had been dragged from the house to the brook side. Moore had returned home the night before the body was discovered and was nowhere to be found, but a pair of overalls which he had worn were found in a closet smeared with blood. It was supposed that the man had come home drunk, and that there had been a quarrel on account of religious difficulties, she being a Roman Catholic and he a Protestant. A week after the crime had been committed Moore was traced to Orange, and from thence to New York, where his track was lost. He returned to Dover in about three weeks afterward, pretending entire ignorance of the death of his wife. He was immediately arrested and lodged in the County Jail at Morristown. As there is no direct evidence to implicate him it is believed that this trial will be an interesting one, and his counsel claim that they will be able to produce a good defence; but the chain of circumstances relied upon by the prosecution is very strong, and the attorneys for the people assert that they will make a strong case to fasten the deed upon the prisoner.

The trial of the Italian was set down for half-past two o'clock yesterday afternoon, and at that hour a great number of people assembled in the vicinity of the Court House, a handsome structure on a rising ground in the heart of the town. When the doors were opened

THE CROWD SURGED IN,

and in a few moments the court room, which holds about three hundred persons, was crowded to suffocation. The audience included a large number of females, who wished to gratify their curiosity by the unusual exhibition of the two wife murderers. Chief Justice Dalrymple, a keen-looking little man, was the presiding Judge, and with him were the two associate Judges of the district. As counsel for the people appeared La Motte, Prosecuting Attorney, assisted by Attorney General Gilchrist. For the prisoners appeared the counsel assigned by the Court two weeks ago, when the indictments were found by the Grand Jury—Messrs. Church, Wurts and Mills. A small army of reporters, through the courtesy of Sheriff Vandever, were furnished with seats at the same tables with the lawyers.

At three o'clock the prosecuting attorney called on the case of the people against Luigi Lusignani, and moved for an immediate trial.

Mr. Wurts, one of the counsel for the defence, asked for a postponement, as the defence were not ready to proceed, owing to the fact that they had only just

PROCURED AN INTERPRETER

and had only once communicated with the prisoner. In addition there was a material witness for the defence absent, and the senior counsel, Mr. Vanetta, was sick. Under these circumstances Mr. Wurts asked for a postponement, which, after some consideration, was granted, the trial to come off on Thursday morning.

The case of the people against

SOLOMON DAVID MOORE,

for the murder of his wife, was then called and trial asked for.

Mr. Mills, of counsel for the defence, requested that a short delay might be granted in order that the defence might more fully prepare for trial. This important testimony on behalf of the prisoner which could not be forthcoming for a day or two.

This motion was resisted, but Judge Dalrymple, taking into consideration the fact that the prisoner was a man without money and his counsel assigned to him, consented to adjourn the case until Wednesday, when it will be properly called. The Court was then adjourned and the crowd of people filed out, eagerly discussing the chances of the prisoners.

It is generally believed that the result of the trials will be verdicts of murder in the first degree, and as Jersey justice is proverbial the exploits of the two men will, in all probability, be expiated on the scaffold. The defence of Lusignani will, it is expected, develop some interesting features, the alleged seduction of the wife of Lusignani by Bercotti.

MORE VIOLENCE.

A Woman Brutally Beaten By Her Husband.

John C. Smith, of 310 Bleecker street, was arrested yesterday by a policeman of the Ninth precinct, and taken before a Justice at Jefferson Market Police Court, charged with brutally beating his wife, Maria T. Smith, in a manner that endangered her life. It appeared from the story told by Mrs. Smith that her husband kicked as well as beat her, and she is now lying at the time in a critical condition the violence was considered more than brutal. Mr. Smith has several times before been charged with the same conduct, but he is likely this time to be punished for his misconduct. When arrested he was taken to the Ninth precinct station house. Captain Washburne inquired into the merits of the case, and then sent a physician to examine the wounds and state of the lady. The doctor reported Mrs. Smith badly beaten, and the husband was sent to Court for examination. The case turning up to be a most flagrant outrage, Smith was by the presiding Justice in the sum of $1,000 to answer. Not being able to procure the amount Mr. Smith was locked up, and his case will no doubt be a warning to many gentlemen in the city who indulge in the same method of correcting imaginative irregularities in their households.