

0008

BOX:

463

FOLDER:

4248

DESCRIPTION:

Woffel, Barny

DATE:

12/02/91



4248

0009

BOX:

463

FOLDER:

4248

DESCRIPTION:

Woffel, Yetta

DATE:

12/02/91



4248

Witnesses:

377
March 11 for trial

L. G. A. X

Counsel,

Filed *2* day of *Dec* 189*1*

Pleads, *Myndy*

THE PEOPLE

vs.

I

Barney Woffel

and

I

Yetta Woffel

Arson in the *second* Degree. [Section 487, Penal Code.]

R. DE LANCEY NICOLL,

District Attorney.

June 7, 1892

#2 discharged on her verbal recognition

A TRUE BILL.

Myndy

Foreman.

June 7, 1892

#1 Pleads Guilty

committed suspect of the City Prison on June 8, 1892

TORN PAGE

0011

STENOGRAPHER'S MINUTES.

Third District Police Court.

THE PEOPLE, & IN COMPLAINT OF

Daniel Mitchell
vs.
Bernie Woffel
Gerta Woffel

BEFORE HON.

Dr. J. J. Gann
POLICE JUSTICE,
Nov 20th 1889

APPEARANCES:

For the People,

For the Defence,

Nov 20 1889

INDEX.

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
Chas O'Horne	1	25		
St. Charles	26	41		
Das Mitchell	42	50	54	
Mary L. Linnick	57	53		
Kate Krumholz	54	61		

J. J. Gann
Official Stenographer.

00 12

DISTRICT POLICE COURT. (1)

THE PEOPLE,
ON COMPLAINT OF

Witchell
Qui' Woffel
Yerra Woffel

Examination had *Nov 20th* 188*9*
Before *John Ryan* Police Justice.

I, *M J Treacy* Stenographer of the *Dm* District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of
the original Stenographer's notes of the testimony of *Chernar*
C. Starn all herein
as taken by me on the above examination before said Justice.

Dated *Nov 26th* 188*9*
M J Treacy Stenographer.
John Ryan Police Justice.

Hays John Nov 20th 1891
 Third District Police
 Court
 Hon John J. Gam
 Presiding Justice.

James Mitchell
 and
 Emma Hoffel
 Yetta Hoffel

Captain Wm L. O'Hara
 of 18 Church St, No 84
 Attorney at Law, being
 duly sworn deposes
 and says,

Q. You recol-
 lect the evening of
 Nov 17th?

A. Yes Sir,
 Were you called to a
 fire?

Q. Yes Sir, at
 11.14 P.M. at 110 Suffolk

2.

Next, I found the fire on the 2nd floor in the two rooms.

Q. What did you observe?

A. After breaking in the door and using the extinguisher on the fire in the kitchen, I saw the big bedroom on fire, I had no more water in the extinguisher. I got the men to break the window in the front room and pulled down; when I went in I saw the floor was wet, I thought something was wrong, I saw a wide strip of muslin stretched

Q

along the floor under the bed extending to the ~~two~~ second bed room along the edge of the bed, and strips of the same material connected with the main strip at the head of the bed and under wearing apparel, I called the man who broke the door.

Q.

Did you notice anything peculiar?

A.

Yes Sir, in examining the strips of material and the beds, and the comfortable, I handled them and they smelled of Rose oil, and both beds, just where the clothes

H.

hung over the strips
of calico and part
of the bed clothes were
met with Kerosene

Q. Did you notice any
Kerosene in the kitchen

A. No Sir, one took
an old mattress that
was on its ends in
the first bedroom,
one pulled that out
into the kitchen and
found it saturated
with Kerosene

Q. What did
you do then?

A. I made
a thorough examination
I found the window
was covered with some
light material in the
kitchen and on the
window leading to

I.

The air shaft, and
some stuff, and hung
on the knobs of the
door, covering the
key hole; a very heavy
covering hung over
the doorway, leading
into the hall

Q.

What did you do?

A. I called the
Chief's attention to
it.

Q.

Is that all?

A.

That is all, I
notified you (Mr. Mitchell)

Q.

When you went
away what did you
do?

A.

I left word not
to allow anyone in
the room till the
Store Marshal came

6.

Q. These rooms are continuous - one after another?

A. Yes Sir,
cross communication.

Q. This fire occurred at No 110 Suffolk St?

A. Yes Sir
Q. The rooms are on the first floor?

A. On the second floor in the front part of the house.

Q. You got there about what time?

A. 4.16 P.M.
Q. Had an alarm been sent to the house?

A. Yes Sir,
Q. Had the Engines responded to the alarm?

(6)

7.

A. Four companions went there, I was the first to enter the room

Q. Did you notice any peculiar smell?

A. I cannot say

Q. I did. What room did you enter, — you went to the kitchen first — the rooms are continuous?

A. Q. Yes Sir, you went into the kitchen first, was there a fire there?

A. Yes Sir, clothing all burning, close up to the bedroom fire, I entered the next room, the first bed room, there was a

7

P.

bedstead, the mattress and bedding was on fire, & found fire in the second room.

Q. Was there a kerosene lamp burning?

A. No Sir,
Q. Was there broken glass on the floor?

A. Yes Sir,
Q. Was it such as would come from a broken lamp?

A. It might be,
Q. & I do not know.

Q. Was there any kerosene near it?

A. No Sir, it was away from it.

Q. Did it appear as if a lamp had burst, or broken?

A. There appeared to

Q.

Q. be a lamp in the kitchen, in the center of the kitchen that had fallen down

Q. A. Apparently where the broken glass was, did there appear to be any reverse?

Q. A. A little. In the first bedroom you say there were strips of cloth?

Q. A. Yes Sir, along the outer edge of the bed

Q. Did you take the cloth away with you?

Marshall) You can have it

Q. You went in the

10

first bedroom and
found strips of
cloth along side the
bed?

A. On the floor
along side the
bed, that is the
cloth

Q. That is a
pillow case?

A. Yes Sir, all
these were taken in
one room; it was
pinned up on the
transom of the bed
room door, leading
into the hall, there
was a curtain
underneath, and
this was pinned over
the window (Q. A.)

Q. Was that saturated
with kerosene (Q. A.)?

50

11

Q. Where was that found?

Q. Where was that found?

Q. On the mattress, I cut off that, it was cut off and saturated with kerosene (Q.B.)

Q. What room was that found in?

Q. Bed room No 2 or the last room

Q. What part of the mattress was that taken from

Q. That was along side of the bed

Q. And this material, was that found in

11

12

Q. the game room?
 Yes Sir, on the floor, it was saturated with Kerosene Oil.

Q. What is there about this ~~refers~~ that denotes that there was Kerosene on it?

A. There was Kerosene on it, it does not smell very strong of Kerosene (Chalk & Co.) found in room 2.

Q. This (Q 11) was hung on the door, it was not saturated with Kerosene.

A. It was not saturated with Kerosene Oil.

Q. Then

(12)

13

room two men went into room one?

A. Q. Yes Sir, What was in the front room, (No 2)

A. A bedstead, two (2) chairs, or a chair or stool, a small table, two (2) pictures on the wall and some wearing apparel

Q. Was there a Lamp there?

A. Q. No Sir, Has there a broken Lamp on the floor?

A. No Sir, I made an examination to see if there was,

Q. How long after you got into the room, did you

131

14.

Q. examine it?
 About four (4)

Q. minutes
 Did it take
 but that time to
 put the fire out?

A. That is all.

Q. Was there a contin-
 -uous fire from
 one room to another?

A. All the same
 fire, all connected

Q. You examined
 room one?

A. Yes Sir, I
 found some stuff
 burning, and the
 mattress and part
 of the comfortable

Q. What
 did you take from
 that room?

A. Part of the comfort-
 -able (G E) I took

15

that from room
One it was saturat-
ed with kerosene
oil, it was hanging
a foot or half a
foot from the floor

Q. Did you see if
any of it reached
the floor?

A. None of it
did, it was hanging
on the floor

Q. You went into
the kitchen from
rooms One and Two?

A. Yes Sir,
Q. Now you say you
found the comfortable
in room one?

A. Yes Sir,
Q. Then you found a
broken lamp in the
kitchen?

15

16.

A. Yes Sir,
Q. There was a smell of
Kerosene Oil?

A. Yes Sir
Q. In the center of the
Kitchen there was a
hanging lamp

A. I saw
Q. the attachment of it

How long have

A. You been a fireman
Seventeen or eighteen

Q. Years. You have experi-
-enced with kerosene
oil lamps?

A. I saw
Q. them burst

Q. Does all the
Kerosene ignite or
does it flow away
might not the lamp
have burst?

A. No Sir

(16)

17

Q. Has anything hung over the transom in the kitchen?

A. Yes Sir, some light material

Q. Has anything hung over the knob of the kitchen door?

A. Yes Sir, some Is that it (G. F.)

Q. A. After making the examination of these three (3) rooms you supposed that fire was of incendiary origin?

A. Yes Sir, you got all these Exhibits as evidence

Q. A. Did you pick up fragments of broken

17

18

Q. Glass? No, Sir

Q. Why not?

A. I did not consider it evidence

Q. Did you not consider it evidence in favor of the Defendants?

A. Yes, Sir, Where are the pieces of glass?

A. I do not know

Q. Has any carpet on that floor?

A. No, Sir, You examined the floor?

A. Yes, Sir, it smelled of Kerosene Oil.

Q. Do you know whether the glass

(18)

19

Q. Found was Lamp glass, or, other glass
 Q. I know it was broken glass, that is all, there appeared to be a lamp hanging in the kitchen

Q. Do you know whether the glass was lamp glass or other glass?

Q. No Sir, This glass was on the kitchen floor?

U. I do not know whether it was glass or china, I can not tell, I said it appeared to be from the lamp in the kitchen, I took it to be a lamp that had fallen

19

Q.O.

From the ceiling
Mr. Mitchell, you have
described the material,
you said you found
some of the strips
strepted along the
clothing on the
wall?

A. Yes Sir, that
was room two (2)

Q. (C.H.) When you went
in first, what did
you see?

A. A fire in
the kitchen, close to
the bedroom door,
there was a great deal
of smoke and no
ventilation

Q. Your experience
made you that
combustion, in a
room nearly charged

21

Q with smoke is very
low? It would not
burn.

Q. Do you recollect
that in bedroom one
there was a ~~day~~ rug
and an ice box. Were
they burned on the
edge next to the door?

Q. Yes, Sir, the frame
of the door and the
windows were burned.
Mr. Mitchell, a officer Exhibit
A. Window casing,
that was taken from
the window of the
kitchen leading to
bedroom one.

Q. When you first ^{step}
saw it, what did you
do?

Q. I went into the
21

Q. Q.

first room, and followed along, when I left, I put a man

Q. in charge of the place. Did you afterwards visit the place with me?

A. Yes Sir, it was at your direction that I brought these things out.

Q. You exhibited all these things before they were disturbed.

Gettysburg... A. Yes Sir, How long after you first entered the room did you take these things away?

A. Nearly two (2)

Q. hours. How many times did you enter the room?

72)

Q. & A.

Q. Yes Sir, with a number of the company

Q. In room One is there a small table?

Q. No Sir
Do you recollect that

Q. Yes Sir, that was on the mattress, saturated with kerosene, behind the head of the bed (Q. & A.)

Q. You took this material from where

Q. Room One, that was saturated with kerosene and that is part of the material found in the

Q. You are not knowing that kerosene came there on this material?

Q.H.

Q. Yes Sir
Did you find a
kerosene can there?

A. One in the kitchen,
its capacity was
about a gallon.

Q. How much was in
it?

A. About a quart
of kerosene was found
in it.

Q. Was the can
on its bottom?

A. Q. Yes Sir,
Do you know
whether any fire-
man overturned a
Lamp?

A. Q. Yes Sir,
How long do you
think the fire had
been smoldering

Q.H.

0037

D. J.

Q. I cannot tell
that it might be
half an hour or (2)
two hours for all
I know.

Sworn to before me
this 20th day of Nov 1891

Police Justice

D. J.

26.

Robert E. Forrell
 being duly sworn
 deposes and says, I
 am attached to Hook
 and Ladder No 18,
 I responded to a
 fire at No 110 Suffolk
 Street, I went with
 Captain O'Shea, I
 went to the second
 floor, I burst in the
 door with an A and
 found fire in the
 kitchen near the
 window, we put the
 fire out there and
 the Captain went into
 the bedroom and he
 found a mattress at
 the foot of the bed
 on fire

Q.

Did you
 smell that?

26

Dy

Q

Yes Sir, it was saturated with kerosene oil, and a lot of wearing apparel on the wall, the Captain told me not to disturb anything, the bedding was scorched, and all the clothes at the foot of the bed were scorched, we took it out and put it on a kyeke basket or hamper, then the Captain called me in the further bedroom and I saw this stuff along the floor, and the mattress was saturated with kerosene and the Excelsior too; he left me there to watch till the marshal came

Dy

J.P.

Q. During that time
you did not allow
any one to interfere
with anything in that
room?

A. No Sir, No one
entered there, but
you came (the Marshal
came) and gathered the
things up.

Q. Did you
notice glass on the
kitchen floor?

A. I noticed
something on the floor,
I did not know it
was glass.

Q. It was
after these things
had been collected,
before anything else
had been disturbed
that you were relieved

29.

Q. Did the Defendant go to the room while you were there?

A. About twenty minutes to 10 o'clock he came there that afternoon.

Q. Where were you present when Mr. Mitchell asked him for his policy?

A. Yes Sir, Here you present when I asked him for the key of the room.

Q. Did you hear me ask him?

A. Yes Sir, he said first he did not have the keys of the room, he

So,

went through his pockets, and found them but was not sure what key would fit the door, he put the key in the door and found the lower lock was not locked, it was a spring lock, he did not know what key to open the door with.

Q. How about the spring lock?

Mr. Mitchell. I propose to put that in evidence.

Q. Was there any fire on the kitchen floor, where the lamp is alleged to have been

A. No, Sir.

Cross Examination

So

31.

Q. Did you examine the glass?

A. No, Sir,
Q. You did not examine it critically?

A. No, Sir,
I gave it a casual glance. You might say it would be from a broken lamp in the middle of the room?

A. It might

Q. Was the floor wet where the glass was?

A. It looked wet.
Q. Did you smell the floor?

A. No, Sir.
Q. You say the door was locked from the hallway into the kitchen, it (31) was

Q. Q.

Q. locked with one lock?

Q. lock Yes Sir, a spring

Q. You removed the mattress from the head of the bed?

Q. Yes Sir, I placed it on the basket, it was a small mattress, for a small bed.

Q. Was that a Mattress for a large bed or a child's bed or a Bolster?

Q. It seemed to be a small one and did not take up much room, it was soft.

Q. You could roll it up?

Q. Yes Sir, (32)

III

Q. In room one was there a table?

A. No, I am sure of that.

Q. In room two was there a table?

A. Yes Sir, there was a lamp on that table or on the floor.

Q. Were any lamps in the place?

A. Yes Sir, there was one on the mantle piece.

Q. Did you see the can of kerosene oil?

A. Yes Sir, about how large was it?

A. About a gallon or a little over.

(33)

Q. H.

Q. Where was that stand-

A. ing? Under the Wash
tub in the kitchen
upright.

Q. Was anyone
else in the room
before you saw the
kerosene oil can?

A. The members of
the company.

Q. How many members?

A. About seven (7)
besides myself, the
place was dark.

Q. How long after
you entered the room
was it that you
examined the oil
can?

A. I did not
examine it, I saw
it. I was there from

De J.

Sixteen minutes (16)
past four (4) till a
quarter past nine (9)
o'clock that night.

Q. Did you gather
together the broken
glass?

A. No, Sir.
Q. Did you not think
it necessary to bring
it here?

A. No, Sir.
Q. You cannot say
whether the Kerolene
was previously
applied on these
Exhibits?

A. No, I cannot
say.

Q. Went what
time was the defend-
ant in the room?

A. Went twenty (20)

36.

Q. minutes to six
o'clock P.M. What
was the first question
asked him by the
Marshal?

A. "What time
he went out that
day."

Q. Was it in English
or German?

A. In broken
English, he said
he went out between
two and three o'clock

Q. Concerning the
Policy, was it delivered
by the Defendant at
the time he first
saw the Marshal or
afterwards?

A. A few minutes

36) After he had the con-
=versation, when the

Q.

Marshal asked him if he (Defendant) was insured, and then handed him the Policy.

Q.

How long after he entered the room was it that he gave him the Policy?

A.

I do not think it was five minutes.

Q.

Did he go and get the Policy by order of the Marshal?

A.

Q. Is it not a fact that when the Marshal asked him for his Policies, that he said he did not have them on his person?

Q.

Yes, Sir.
Did the Defendant

I.S.

Tell the Marshal that
it would take him
twenty (20) minutes to
get them?

A. Q. Yes Sir,
Did he leave the
room before he gave
the Policies?

A. Q. Yes Sir,
How many minutes
after he left, did he
return?

A. About fifteen
(15)

Q. Before he left, did
he not say he was
going to get the
Policies?

A. Q. No Sir,
He must say and
when he returned he
brought the Policies?

A. Yes Sir,

39

Mr. Mitchell While you were there, was anyone else with you?

A.

Yes Sir, a man from the Insurance Mutual, I did not permit him to enter the house.

Q.

Did not the man ask the Agent about his Policies?

A.

He did, what did he say?

A.

He said he did not have his Policies with him, but his friend in Chicago had, and he was told to go and get them, and showed them to him.

Q.

Did you not testify that he gave

(39)

Ho.

them to the Marshal
 Q. Do you know what
 that glass was on
 the floor?

A. I saw pieces
 of glass covering
 the hanging
 lamp.

Q. You could not
 tell whether it was a
 broken hanging glass
 or not?

Q. Where did you find
 the hanging pieces
 of glass?

A. In the kitchen,
 Q. In the kitchen there
 were chairs hanging.

A. No, sir, the
 top piece was there
 but no lamp, there

Ho

H1

was no fire there,
but the floor was
damp as if rain
threw a sudden pile
of water on it.

Q.

Does it
occur by accident or
motor?

A.

I cannot
say.

Sworn to before me
this 20th day of August

Police Justice

H1

H²

James Mitchell, the
 Sheriff, being
 fully informed of the
 will of the, I received
 notice from Captain
 O'Harne to go to the
 110 Clarendon St. I
 reached there about
 6:30 o'clock or rather
 I went there on the
 evening of November
 17th, I went with the
 Captain, and found
 Mr. O'Harne in charge,
 I found present, the
 Defendant, his wife
 and the man
 representing the Insur-
 ance interest, I
 asked if they were the
 occupants of the room,
 and was told they
 were; The Defendant

H²

HB

Now one his morning
 could tell me the
 was a permit for \$500
 five hundred dollars,
 Department the
 Policy and for it it
 matter in his name,
 I told him a dozen
 keep the Policies till
 I had done with
 them (Policies of
 in England, that
 insured G.A.)

I made a clear
 explanation of all
 the names and of
 how it is done per
 which stood there
 diagrams a part
 of the Dec bot, the
 part of his paper, and
 the door and window
 frames had been

H.3

H H

H H

found, I found
 some debris which
 was lying on the
 floor about which
 I noticed strongly
 because I felt that
 there had been a
 fire on the floor of
 cloth from the floor
 of room due to room
 the ceiling the water
 pipe, that was lying
 there when I found it,
 I found some
 on the bedding; I
 found was part of
 it, the cloth, stretched
 along the side of
 the bed under the
 clothing and I
 found the clothing
 on the wall partly
 scorched by the fire,

(44)

45.

I found the bedding
arranged with reserve
by the entrance;
I found a towel
pinched over the trans-
verse pad. I found a
deep, cool bag of
light muslin over
the window looking
out on the wall
shelf; there were
several things turned over
the transverse pad, — I
collected all these things
together and reported, and
found the key hole
covered by a piece of
cloth, doubled five or
six times; I found
that that the key
hole of the back
door covered, I found
the door in the

46

Kitchen broken or
 must open, that
 was omitted by the
 fireman. I offer
 that as circum-
 stances - Prior to finding
 that lock, I asked
 him (Deputy) for
 the key, he said he
 did not know where
 they were, he could
 not find them,
 nor could his wife.
 Then he picked
 up or three sets of
 keys, & took the key
 from him, & took
 the key in the entry
 lock, & found it
 was the key of the door,
 I offer that in evidence,
 it is, the key of that
 lock. (Ex. M.) I found

46

H7

in the kitchen the
 gallon can which
 contained a quantity
 of kerosene - about
 1/3 full. The frame
 of the hanging lamp
 was broken, & many
 broken glass on the
 floor of the kitchen.
 I cannot tell what
 it was, - it may have
 been a lamp;
 there was no indica-
 tion that the lamp
 was suspended
 from the ceiling.
 The floor where the
 glass lay was perfor-
 ated - in my opinion
 it was, obstructed
 with kerosene, but
 the fire did not
 originate where the

H7

48

lamp felt, but
between the lamp
and Dec bot. There
was no burning
where the glass was
lying, these were the
facts — I ordered
the removal of the
debris (C. M.
Chapman)

Q. Will you state
that the fire originated
in the kitchen?

A. I do not recollect
anything, my opinion
is, that it originated
at the kitchen floor.

Q. That is near the
lamp?

A. Between the
lamp and Dec bot.

Q. How far away was
the lamp from

48

49

the glass on the
 Q floor? About two (2 1/2)

Q feet and a half —
 Q Where you first
 saw the defendant,
 you had a conversation
 with him?

Q Yes Sir, he
 gave me the name
 of his business Co.

Q Now you don't
 think the representative
 of the Assurance Co
 had a real thing
 for the Policy?

Q I was so informed,
 Q Was the fire a
 continuous one, from
 one room to another,

Q I cannot say
 that — there was
 evidence of a fire

49

Do.

for a distance of
about sixteen (16)

Q. feet, was it a continued
fire?

A. As a result of
the examination, the
fire was set at the
kitchen floor, then so
arranged that it
would catch on the
oil distributed on
the table or basin
and so it would
catch on the bed
clothing.

Given to the
this 20th day of Nov 1891

a Police Justice

Do

51

Mary L. Siman
being duly sworn
deposes and says, I
am the Newspaper
of No 110 Suffolk St.
Q. Do you remember
the afternoon and
evening of Nov 17th?

A. I was sick three
days, a little girl
ran up stairs to
me

Q. What do you
know about this
case?

A. I know
nothing

Q. Was there
any unusual
occurrence at your
house?

A. I know that
I was going up
(51)

52.

stairs between two ^{and} three o'clock, I think there was some one in the water closet, and the lady said she would go and see, she came and said the Defendant was, I asked "Are you there" he (the Defendant) opened the door and looked out.

Q. Did you see the Defendant leave the house?

A. No Sir,
Q. Was there a fire in the house that evening?

A. Yes Sir,
Q. In whose room?

A. I do not know,

52

52.

Spins between two ^{and} three o'clock, I think there was some one in the water closet, and the lady said she would go and see, she came and said the Defendant was, I asked "Are you there" he (the Defendant) opened the door and looked out.

Q. Did you see the Defendant leave the house?

A. No Sir,
Q. Was there a fire in the house that evening?

A. Yes Sir,
Q. In whose room?
A. I do not know,

52

52.

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Q. Did you see the Defendant leave the house?

A. Yes Sir,
Q. Was there a fire in the house that evening?

A. Yes Sir,
Q. In whose room?
A. I do not know,

52

53

Q. I found out
since it was in
theirs that was
between two and
three o'clock. How
long was that
before they first
alarm?

A. A little before
four o'clock, a young
man came and
said run there is
a fire in the house,
then the policeman
came. It was
more than an hour
after I saw them,
I did not see
them go away.

Spann & Co. before me }
this 20th day of Nov 1891 }

Police Justice

O.H.

Recall of Mr Mitchell.

Q. During your entire conversation, did you ask him where the (Defendant) had been?

A. He said he had been to see a woman who had been confined, and opened a bottle of Wine.

Kate Winnholtz being duly sworn, depose, and say where to

Q. You live?

A. No 112 Suffolk

Q. Do you remember the evening of

55

55

I last Tuesday Nov
8/17th 1891

A. Q. Do you know the
Defendant?

A. Q. Yes Sir,
you saw him
often?

A. Q. Yes Sir,
Did you see
him in that after
noon?

A. Yes Sir,
between four and
five o'clock

Q. What
did he do?

A. He got a bottle
of wine from us
between four (4)
and five (5) o'clock

Q. Did he go there
after the firemen

55

56

A. Went away? After they had gone, a couple of minutes, he bought a bottle of wine.

Q. Did he make any complaint to you?

A. No Sir, Did he say any thing but what you have said?

Q. No Sir, He was there at that time, after the fireman left?

A. Yes Sir
Cross Examination

Q. Who keeps this wine saloon?

A. My husband

57.

Q. You say the Defendant bought a bottle of Wine there?

A. Yes, Sir,
Q. Was it a couple of hours after dinner?

A. It was between four (4) and five (5) o'clock.

Q. Did you look at the wine?

A. Not exactly, I knew he came after the fire in the house next door.

Q. Do you know that the fire took place in this (Defendants) room?

A. Yes, Sir,
Q. Did you have

(57)

J.P.

my conversation
about the fire in
his house?

Q. Yes, Sir,
You did not ask
him (Defendant) what
part of the house it
was in?

Q. Yes, Sir,
What time was it
that the firemen
came to put the
fire out?

A. After four (4)
o'clock.

Q. How long
after that was it
that you spoke to
him (Defendant)?

A. I cannot tell

Q. exactly, Was it an
hour? (5-8)

59.

A Not quite, about
a half an hour
after they left.

Q. How long after
you had your
dinner was it that
Defendant went into
your place?

A. I do not rem-
ember what time
we had dinner

Exhibited before me }
this 20th day of Nov 1891 }

Police Justice

Counsellor Cottrell. I ask
for the discharge of
the woman Jettie
Goffel, one of the
Defendants, because
there is no evidence

60.

To connect her with
the charge in this
case; there is no
evidence to show that
she acted with the co-
-defendant, in malici-
-ously setting fire to
the rooms in No 110
Tufford St; the mere
fact that she is the
Wife of the Defendant
is not sufficient to
hold her for the Grand
Jury, I believe that
there is no case
against her —

Mr Mitchell... I can only
say that the state-
-ments made by
the prisoner that he
and she met together
and locked the door;
went off together,

(60)

61.

that they are equally
 culpable— whether
 she took part in
 it, I cannot say
 I incline to relieve
 the Wife, and rest
 the case on the
 male Defendant—
 at the discretion
 of the Court—
 cannot I refuse to
 discharge her— they
 are held in three
 thousand dollars
 each to answer.

61

District Police Court.

Edward
James Mitchell
vs.
Connie H. Hec
Yetta H. Hec

STENOGRAPHER'S TRANSCRIPT.

Rev. O. O. Hec
1887

BEFORE HON.

John J. Hec

Police Justice.

M. J. Hec
Official Stenographer.

0076

CITY AND COUNTY } ss:
OF NEW YORK,POLICE COURT, 3rd DISTRICT.

Katie Krumholz

of No. 112 Suffolk Street, aged 22 years,
 occupation Runsekeeper being duly sworn deposes and says
 that on the 17th day of November 1891
 at the City of New York, in the County of New York She was attending

in my husband's saloon at the hour of
 about 4³⁰ o'clock in the afternoon when Bennie
 Waffel, whom I had seen often in her
 saloon before, came in to buy a bottle of
 wine - I was rather long in getting what he
 wanted - He told me that it took long to get
 what he wanted - I told him to take his
 time and I would get it - He then waited
 without a further protest - Krumholz

Sworn to before me this

of

1891

day

Police Justice.

0077

CITY AND COUNTY }
OF NEW YORK, } ss.

Robert E. Farrell
aged 35 years, occupation fireman of No.
84 Attorney Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of James Mitchell
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 19th }
day of November 1899, } Robert E. Farrell

John J. Ryan
Police Justice.

0078

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas O'Hearn
aged 44 years, occupation fireman of No. 84 Attorney Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of James Mitchell
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 19th day of November 1898, } Thomas O'Hearn

John H. Ryan
Police Justice.

0079

CITY AND COUNTY }
OF NEW YORK, } ss.

Mary L. Finnan
aged 55 years, occupation housekeeper of No.
110 Suffolk Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of James Mitchell
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 19th }
day of November 1890, } Mary L. Finnan
mark

John H. Ryan
Police Justice.

0000

2/

Thos. O'Hearn - Capt. ^{Hook & Ladder 18} 17 or 18 yrs.

Nov. 17 - 11 Supper 4.14 call

4.17 arrived

Fire right in front of kitchen entrance. ~~was~~
 outside of mikes basket - smouldering - &
 extended to corner of door leading to bedroom.
 Bedroom floor was wet - I put no water
 there - smelt it - kerosene - at kitchen
 door 18 inches wide - muslin - leading
 from kitchen through each bedroom - I
 other strips connecting with main strips
 running behind the beds in both rooms -
 under clothing - rolled up muslin
 - kerosene oil - all wet with it - Both
 beds saturated with oil - Comforters saturated
 also. over side of bed 8 inches from floor -
 over strip of muslin - Edge of ~~bedding~~ mat
 also - ~~bedding~~ mattress - ~~foot~~ of
 bed - saturated with oil -
 Slips all wet - all the way along.
 Windows covered - Transoms covered with
 heavy muslin - 2 thicknesses -

3/

Hanson - heavy towel -
 Keyhole - old sticking over it -
 Lamp broken on floor - little oil
 on floor - no connection with fire -
 5 ft. away - -

4 to 6 ft. of dry place between oil
 under broken lamp & other oil on
 steps & -

No evidence at all had there been
 a draft there -

Keyhole stopped - of bed room door to hall.

all doors locked -

You could almost squeeze the oil out of steps
 Sufficient fire to burn ^{also side steps} ~~the~~ ^{in bed room} ~~the~~ ^{the} ~~oxygen~~
 gets air - Without ox., no combustion

Farnell - in charge till Mitchell
 came

Hanson -

0082

4/ Mitchell.

First spoke to Capt. - Cd not explain
the fire. He was worried - 500 - He
gave it on passing =

0083

FRIEND & HOUSE,
COUNSELORS AT LAW,
WORLD BUILDING,

EMANUEL M. FRIEND.
FRED'K B. HOUSE.

(ROOMS 188, 189 & 190.)

ROBERT A. AMMON.
MOSES H. GROSSMAN.
WM. STEELE GREY.

TELEPHONE CALL, 2501 CORTLANDT.

NEW YORK.

Mr. Greenman

Cit

May 18, 1937

Friend Dr. Will you kindly
set the Wozzel arson case down
for latter part of next week - defts
have been in Towns since November
last.

Truly
Em Friend

0084

E. M. Freund
May 19/22

110 Suffolk Street - 11

Order of Proof

Capt. O'Keane H. & E. 18 84 Attorney St.

Was called to fire at 110 Suffolk St. in afternoon of Nov. 17 at 4¹⁴ P.M. - Found fire in front rooms on South side of Hall, on 2^d floor of No. 110. Doors securely fastened, necessitating the bursting in of one of them with an axe. When he entered, place was full of a dense smoke. As soon as smoke cleared away, he quickly detected the appearance of vicariousness. As soon as fire was out he placed a fireman, Robert Harris of his company, in charge of premises with instructions not to permit any one to enter the bed rooms should the evidence of arson be detected until the arrival of the fire marshal. He then telephoned for the Marshal, and on the arrival of the latter, they, in company, made a close examination of the rooms and took away with them the tangible evidences of vicariousness. It was found that strips of cotton cloth, saturated with kerosene oil had been laid along the floor extending from a short distance within the kitchen door into the adjoining bed-room, along the bed room, just under the edges of the bed-clothing as it hung from the bed, and through the door of the north bed-room and similarly along the edge of the bed, as in the other rooms. Rifle traces were also extended along the heads of the beds in each room connecting with the main trunk and

110 Suffolk Street

Order of Proof

Capt. O'Keefe H. & E. 18 84 Attorney St.

Was called to fire at 110 Suffolk St in afternoon of Nov. 17 at 4¹⁴ P.M. - Found fire in front rooms on South side of house, on 2^d floor of No. 110. Doors securely fastened, necessitating the bursting in of one of them with an axe. When the interior place was full of a dense smoke - As soon as smoke cleared away, he quickly collected the bodies of victims - As soon as fire was out he placed a fireman, Robert Harwood of his company, in charge of premises with instructions not to permit anyone to enter. The witnesses observed the occurrence of arson episode until the arrival of the fire department. He then telephoned for the Fire Department, and on the arrival of the latter, they, in company, made a close examination of the rooms and the doorway with them the burning of victims of incendiarism. It was found that strips of cotton cloth, saturated with kerosene oil, had been laid along the floor extending from a short distance within the kitchen door into the adjoining bedroom, along the bed room, just under the edges of the bed-clothing as it hung from the bed, and through the door of the next bed-room and similarly along the edge of the bed, as in the other room. Pipe Traces were also extended along the heads of the beds in each room, connecting with the main train, and

immediately under the hooks upon which wearing
 apparel was hung. There was also at the foot of
 one of the beds an old mattress thoroughly saturated
 with kerosene. It was found also that the Corsets
 and other bed clothing, hanging over the Trains
 of cotton cloth, were saturated with oil, and were
 in some cases partially burned. The mattresses
 were also more or less sprinkled with the oil.
 It was discovered also that the windows over the
 two doors were covered, one with a large towel
 folded so that 2 thicknesses covered the window,
 the other with some material the strands of which
 above were kept around the edges, the main por-
 tion being burned. The key holes of each door was
 carefully covered and sealed on the inside, one with
 a thick cloth hung on the knob and pressed against
 the key hole, the other with an old clothing stretched
 over the knob and likewise pressed against the
 key hole. The place had been so hermetically
 sealed that the fire from inside thereby, not totally
 destroying everything in the room. It had started
 just inside the door, ^(on the kitchen side) opening near the kitchen into
 the first bed-room. It had burned slowly along
 the Trains, as described, and had burned into the 2nd
 room. The want of draft, however, prevented rapid
 combustion, and although the cotton Trains were
 partially burned, quite enough remained to show
 their course & character, and even where they had

known to come up to the top of the floor easily followed by the oily contents of the house, which had absorbed much of the oil from the collar cloth. The remains of a lamp were found lying in the kitchen immediately under the spot where the fire had been. It was intended another top - the chimney pipe should be attached to the chimney of the lamp. Unfortunately in that arrangement, however, it was found that there was no burning where the lamp was on for the oil had run down the chimney.

Robert Farrell

Was placed in charge of premises by his partner, McLean, and did not permit any one to enter the premises until the arrival of the Fire Marshal, who remained on the premises about 2 1/2 hrs. In the mean time one Sullivan of the Fire Patrol had arrived to take charge of the premises. He remained with Farrell, but was not allowed to enter the rooms. At 5:00 pm after 5:00, (at about 5:20) Waffel and his wife reached the rooms. Waffel was asked for his name by the Patrolman, and had to go out to get it, as it was not on the premises. Farrell remained in charge until the Fire Marshal had been in the premises.

as he wanted - He was then withdrawn - He was 4
present, however, when the F. M. asked Druffel
for the keys of his room & so on what then took
place.

James Mitchell.

Visited premises at about 2 P.M. - Found
Freeman Thomas, Petroleum Business, Druffel and
his wife on the premises, in the kitchen, made
a thorough examination of the rooms, and found
the conditions described by Capt. O'Hearn - Capt
O'Hearn & Asst. F. M. Jacob Thomas were with
him - Under the F. M.'s examination the traces of
certain cloth, pants & other red-staining were readily
seen taken out and preserved as evidence;
also a portion of the ground nearby - When
the prisoner was questioned by the F. M. he
said that he and his wife had left the
premises at about 2³⁰ P.M.; that they had gone
to 92 Green St. to the house of a woman, a friend,
who had just been occupied; that they had not
remained there until the time of their recent
leave, except for a short time during which he
Druffel had gone out to get a bottle of wine to
celebrate the event with; that they had not
done the fire - On the F. M.'s asking for his rooming
Druffel produced it - When questioned about the
keys of the door, rooming, the prisoner found after

rance - At first he could not find them in his pocket, asked his wife for them, and upon her showing her hand, he finally produced them, but then he could not tell which were the keys of the door - It was only upon Mr. P. M. actually trying them in the locks that the keys were found -

Miss R. F. Finner

Saw Mr. and Mrs. Drappell on their floor in the house at 11 & 12 o'clock. Did not see them go into them, and does not recollect exactly at what time they left the house.

Mrs. Kunkholz

Was attending in her husband's bar when Dr. Drappell came there some time about 4:30 on Sat. afternoon, to get a bottle of wine - It was very dark and the fireman had left the north door, the house in which Drappell lived - He said the wine was for a woman who was confined - He seemed to be in a hurry, and, although the fireman had just gone, he made no remarks about the fire - Did not, apparently, know that there had been one, -
Patrolman Simmons -

As to the only trunk in room being claimed by Mr. Drappell's mother-in-law - As to the trunk of property by the room -

Miss Connelley

Woman who was employed - Dams etc - but
 Woffels went to her house in the afternoon of
 the 2nd - While there Mr. W. went out - for a bottle
 of wine, and remained out some time - This woman
 is going to testify on behalf of the defendants

Woffels had been 2 years at the Washington St.
 5 years on N.E. River St. and 10 years
 at the 1st St.

W. J. T. T. T.

will be a copy

HC subject 10/10/10
 Woffel Case

110 Suffolk St.Measure of propertyFront Room

Dresses	2.50
Blouses	6.00
Skirts & Ties	5.00
Shoes	6.00
Coats	2.00
1 Dressing gown, with belt	1.00
5 pairs of socks	3.95
1 pair of shoes	6.00
Pictures	3.00
Artificial curls, neck	3.00
Flower vase	2.00
Pillows	4.
Map	2.50
Shampoo	1.50
Base, quilted, woolen	5.00
Miscellaneous	1.
Wardrobe clothes	2.00
Clothes in closet	5.00

71.50

Kitchen

Ice Box	4.
Coffee	6.
Wheat, Oats	5.
Onions	1.50
1 pound of butter	4.
Oil, olive	2.
Artificial, Beauty, Cooking, etc.	2.10
Other, various articles	5.00

30.50

Bed Room 1

Bedclothes	2.
2 Quilts, woolen	5.50
1 Pair of shoes	5.50
2	6.00
Pillows	3.00
1 Coat	2.50
Wardrobe clothes, etc.	5.00

30.50

Bed Room 2

Bedclothes	3.
2 Quilts, woolen	5.50
1 Quilt, woolen or cloth	8.
1 Pair of shoes	1.50
1 Sewing machine	1.00
2 Chairs	1.50
Wardrobe clothes, etc.	6.00
Wardrobe clothes, etc.	25.00

56.00

\$ 241.50

0093

Geo

v

Raffel

Inventory of

Schedule

Front Room Continued

1	1	Bureau Tidy	90.45
			50
	3	Wardrobe-Shades	1.50
		Contents of Bureau	10.00

102.40

Kitchen

1	Ice Box	6.00
1	Wash Basket	4.00
1	" Stand	1.00
1	Clock	2.50

Tin ware. Plates Pots. Etc

3.00

1 Double oil Stove

2.00

18.50

First Bed Room

2	Mattress. Excl.	4.00
2	Pictures	50

2	Comforters	3.00
---	------------	------

4	Silk shirts	7.50
---	-------------	------

1 " as velvet shirt-

6 Cashmere "

2 Gingham "

2 Cal Dresses

1 Wrap

#1 Quilt silk

#1 " Cloth

1 Cash

2 Petticoats

2 L. Cloth Gowns

2 Pants

128.40

2nd Bedroom

1	Basket Wash	5.00
1	Bedstead	5.00
2	Mattresses	4.00
1	Comforter	1.50
1	Feather Bed and Bolster	8.00
2	Copper Pans. 2 Saucepans. Etc.	8.00
3	Pictures	1.50
1	Marble Table	1.50
1	"	.50
1	Marble Curtain	<u>.25</u>
		\$35.25

Front Room
 Kitchen
 1st Bed Room
 2 " " " " Total

102.40
 18.50
 9.50
35.25
 163.65

0098

Plan
Vs
- matter
Plan of
Ms 110 (copy) K. K.

0099

ADOLF KRUMHOLZ,

Importer and Dealer in fine

WINES, LIQUORS

AND IMPORTED CIGARS,

Fresh LAGER BEER Always on Draught,

112 SUFFOLK STREET,

Bet. Delancey & Rivington Sts.,

NEW YORK.

0100

Waffee obtained a bottle of wine
about 4:30 P.M. was in a great hurry
to get the wine, said it was a
woman who was confident that
to me that she got the wine before
going to sleep. It is a very important
that Waffee should know.

0 10 1

Police Department of the City of New York.

Precinct No. 12

New York, Nov 27 1891

113 James Mitchell
Fire Marshal
I have not been able to get
any track of the woman as
yet. if I do I will immediately
notify you.

Respectfully

Edw Sharkey

Det- 12th Precinct

Headquarters
Fire Department
of the City of New York.
Office Fire Marshal
157 & 159 East 47th Street.
Official Business

113 East 47th St

RECEIVED

1

18 yrs a fireman

Smoke no
ventilationNo kerosene
lamp burningBroken lamp
on floor

Was it dark?

little
kerosene
near lamp &
no fire nearbroken lamp -
kerosene can 1 gal
about 19th in air.

Ex A. Transom

Ex B. ^{on} Mattress

Ex C. Material on floor

Ex D. Hanging on door

Ex E. Pair of Comforters

Ex F. ^{covering over} ^{transoms in kitchen}Ex G. ^{Material under} ^{wearing apparel}

Ex H. Window casing

Ex I. ^{Material of} ^{mattress standing} ^{in room}Capt. Thos O'Hearn - 18 Truck. 84 Atty St
called to fire Nov. 17 - @ 4.14 P.M. - 110 SupplyFire on 2nd floor ^{front} Broke in door

Used Extinguisher on fire in kitchen

Saw fire in Bedrooms - Floor wet

Saw wide strip of muslin stretched

along the floor under the edge of the beds
in the 2nd bed room.Another connecting strip at the head of
the beds under wearing apparel.Strips of muslin, beds & comfortable
smelled of kerosene oil. ~~There~~ Bed
clothes hung over the strips of muslin
both wet with kerosene.Old mattress in first bed room
on end saturated with kerosene oil ^{(look it} ^{up)}

Made thorough exam - Window in

kitchen covered with light material & same

material on windows looking out on air

shaft

Material on knobs of doors

Heavy covering over transoms leading to hall

Called chiefs attention to it.

Notified the fire marshal

Who did you leave in charge?
Farrell?

No lamp in other rooms

Afterwards visited place with fire marshals & took
exhibits at fire marshals direction ^{over}

0 103

The fire might have been smoldering an hour or two hours.

2

✓ Robert E. Farrell - W + L 18-

Must have fire 110 Suffolk Nov 17/91
Burst in door wash area.

Found fire in kitchen near window
X Capt went in bed room - found
mattress at foot of bed on fire.
mattress smelled of kerosene

Bedding searched & clothes
at foot of bed searched

Capt called him in further bed
room & I saw this stuff along
floor. - mattress saturated & ^{Exhausted}

Left me to watch until Fire M came
X Did not allow any one to interfere
with or disturb anything in the rooms.

Deft came to room about
20 min to 6 P.M.

Present when Mr. Mitchell asked for
Police keys - Said he did not
have keys.

Notes.

NO fire on kitchen floor where
lamp alleged to have fallen
No lamp in room 2 - (A lamp on mantle)
Saw can of kerosene. - 1 Gallon about
standing under wash tub, in kitchen
(upright)

1
Conversation with Sumner & deft regarding
police before Mr. Mitchell arrived

Front
window

3

James Mitchell - fire marshal -
 Recd notice from Capt O'Leary
 Isor there about 630 P.M. Nov 17/81
 Farrell in charge -

Deft Wife & Insurance Patrolman there
 Deft says he occupied the room & gave name
 Told me he was insured for \$500.

Gave me policy

Examined Rooms

2 Lampers - See bot

(Door & window frame burned)

Debris smelled strongly of kerosene.

Trail of muslin through room
 Kerosene on bedding

Cloth along head of bed under wearing
 apparel - Clothing on wall partly scorched

Bedding saturated with kerosene

Towel pinned over transoms

Covering over window to above shaft

Cloth burned over the other transoms

1 Key holes covered

Lock burst off - kitchen door

Key of lock

Kerosene can found $\frac{1}{3}$ full

Frame of hanging lamp broken

Floor where glass lay darkened

NO burning where glass lay.

Glass about ~~1~~ feet away from lamp

Evidence of a fire for a distance of 17 feet

Ex K. Poling

Lock Ex. 78

Ex 78

XX

Diagram Ex 78

(P.V.W.)

4

Mary L. Simon - housekeeper
at 110 Suffolk - Was sick on
Nov 17 - Little girl ran up stairs
to me

Between 2 & 3 P.M. -

There was some one in closet

Fanny said she would go see
who was there

Left opened the door & looked out

About 10 P.M. before 11 P.M. a
young man came up & said
there is a fire in the house

Kate Krumholz - 112 Suffolk

Remembers Tuesday Nov 17/91

Saw fire at that afternoon
at 4 & 5 P.M.

Got a bottle of wine

After firemen had gone - a few minutes
No conversation about the fire
in his house

① People v. Whapple.

Nov. 17th - 22 families -
2nd floor front - 4 rooms - 4 o'clock -

Fire in Kitchen - 2nd in one bedroom
3rd in other bedroom - & in nearby apartment
on bedroom no 1. & also no 2.

Murdered from kitchen through 1st & 2nd
bedroom - murder under clothes, quilt
over bed & murder - all saturated with
Kerosene oil - windows covered with curtain
& cloth - transoms covered with towel &
cotton cloth - Keyholes by sticking - & cotton
cloth. Pyro. seen in house at about 3 PM,
no 1 bed ticking & exhalation saturated with oil -
Had been thrown out -

Key on his possession -
Broken lamp. - No connection with fire
in Kitchen -

Mitchell

Diagram.

Henry Simmons - Am attached to
 Patrol No 2. - 31 St Jones St. On Nov
 17- 1891- a fire occurred at No 110 Suffolk
 St. ^{on the second floor front. 88. house facing West} I got there between 6 & 7 P. M.
 When I got to the place I found
 Abni Syall & John. — a fireman -
 I saw in my opinion what
 must have been a half gallon
 of kerosene oil to have wet the
 bed, carpet and floors of the
 rooms. - I also saw the remnants
 of unbleached muslin or cotton cloth
 that had been burned. which
 extended from the ice box in the
 kitchen ~~to~~ ^{through} the bed rooms to the
 rear of the building & also - I
 also saw a broken lamp on the floor
 of the kitchen - A part of the lamp
 I think was on the mantel - The
 fire was about 7 feet away and
 there was no burning whatever
 about the place where the
 broken lamp fell

Distinctly recollect one window ^{front}
 had pieces of unburned remnants that
 had been burned away & the ashes
 had dropped down -

X In the kitchen was a piece of
 carpet unburned but soaked

with kerosene - this was between
the kitchen window and the
stove - Bed clothes & mattress sat ^{inside}

Trunk found in sitting room
unburned, packed locked & placed
near window - Belonged to defts
mother

Value of goods in premise

I saw defts about bet 6 & 7 P.M.
He said that he had been to get
his Ins Policies at his relatives on
Clinton St but as the parties were
not home & he remained there until
Mr Mitchell came however & gave
him the policy.

He told me that he was a
peddler & was away when the
fire occurred

Summary
Statement

0110

The People
v
Barney Woffel

Before

Hon Geo. F. Ingraham
and a jury

New York, June 6th 1892

INDEX.

[illegible]

MORSE BUILDING,
No. 140 NASSAU STREET, NEW YORK.

COURT OF OYER AND TERMINER.

-----x
: The People, et c., :
: vs. :
: Barney Woffel. :
: -----x

: Before
: Hon. George L. Ingraham, J.
: and a Jury.

New York, June 6th, 1892.

A P P E A R A N C E S:

Francis L. Wellman and Charles E. Simms, Jr., Assistant
District Attorneys, for the People.
Levy, Friend & House, for the Defendant.

The Jury having been duly empaneled, Mr. Simms
opened case on behalf of the People, and called as
a witness:

J A M E S M I T C H E L L, who, being duly sworn, testified
as follows:

Q You are the Fire Marshall of the City of New York ?

A I am.

Q And have been for over three years ? A A little more
than three years.

Q Did you make a diagram of a portion of the premises occu-
pied by the defendant, Barney Woffel, at 110 Suffolk
Street, this City ? A I did.

Q (Handing Diagram) Is that the plan ? A This is the diagram.

Q Will you please state what that shows ? A This shows a portion of the kitchen, about one half of the kitchen, and the two bedrooms of the suite of rooms occupied by the defendant. There was one additional room to that, a front room, sitting-room, which was in the front of the house.

Q Is that drawn to a scale ? A Yes, sir, a scale of half an inch to the foot.

Q Is it a correct diagram of the two bedrooms and part of the kitchen of the premises occupied by the defendant ?

A It is.

Mr. Simms: I offer the diagram in evidence.

CROSS-EXAMINED BY MR. HOUSE:

Q Who was present when you made this diagram ? A I don't know that anybody was present when I drew that. That is drawn from a pencil sketch made on the premises, and upon which I noted the measurements, and I think my assistant was present at the time those measurements were taken.

Q Did you have an ordinary tape line or rule with you when you made the measurements ? A I had an ordinary tape line.

Q How soon after the fire had been extinguished was it that

you made the pencil lines from which this ink diagram was afterward made ? A My recollection is, the next day.

Q Who had been in charge of the premises from the time the fire was extinguished down to the time you made your pencil diagram ? A Fireman Farrell was in charge up to the time I concluded my examination on the evening of the fire; subsequent to that and up to the time this diagram was made, a patrolman named Simmons, in the employ of the underwriters, fire patrol, was in charge.

Q Did you complete the pencil draught from which this was made, on the evening of the fire, or the next day ?

A That is my recollection, the next day.

Q This is a building on Essex Street ? A The building fronts on Suffolk Street ; that is the southwest corner of the building on that floor.

Q How many flights up ? A One flight up.

Q A basement to this tenement house ? A Yes, a high stoop house with a basement.

The diagram was received in evidence and marked Exhibit A.

Q I show you the diagram, the dotted red lines. Will you kindly state to the jury what they represent ? A The dotted red lines in that kitchen represent about the area of burning that was in the kitchen ; the burning had

caught on this wicker basket that stood there and burned up on the window casing and burned that. It was caught on this ice-box and burned up on the casing and ice-box. The other dotted line represents the line upon which these strips of muslin, saturated with kerosene, was found by me; some portion of those strips had been partially burned and some entirely burned, but the connection was not broken from the kitchen door to rear end of the bed in the rear room. This dotted line here represents where the muslin was laid along the head of the bed and under the clothing hanging on the wall. This dotted line here represents where there was evidence of burning at the foot of the bed, and I did not find any muslin there. I was informed there was a tick saturated with kerosene at that point, but I didn't find it. It had been removed before I reached there.

T H O M A S O ' H E A R N, called on behalf of the people, being duly sworn, testified as follows:

Direct Examination by Mr. Simms:

Q You are a member of the fire department of the City of New York ? A Yes, sir.

Q And have been for how long ? A 17 or 18 years -- 18 years.

- Q (By the Court) What position do you hold ? A Captain of Hook and Ladder 18.
- Q On the afternoon of November 17th, 1891, were you called to the fire, No. 110 Suffolk St., ? A Yes, sir.
- Q At what time did you receive the alarm ? A 4:14 -- 14 minutes past four in the afternoon.
- Q At what time did you arrive there ? A About 17 minutes.
- Q Upon your arrival at that place, what did you do ? A I went to the second floor and the people kept hollering "Fire !" I went to the second floor to the front of the building. The door was locked..
- Q What side of the building ? A The front, on the south side.
- Q The apartments of this defendant ? A Yes, sir. I found the door locked. I called for the axeman to break the door in ; after I had it broken in I had an extinguisher convenient.
- Q What did you do with it ? A I crawled down on my hands and knees. The place was very smoky.
- Q Very heavily charged with smoke ? A Yes, sir, no air at all.

Mr. House: I object to the District Attorney

stating that it was very heavily charged with smoke.

Witness: It was very heavily charged with smoke ; right in front of the door the fire was.

Q Right in front of what door ? A The door in the kitchen leading from the hall ; a willow basket there, and some wearing apparel, a large willow basket all a-fire, smouldering, not a big blaze ; it didn't have any air at all. After, I put out the fire with the extinguisher.

By The Court:

Q You say the fire was in a wicker basket filled with clothes?
A On the outside of it.

Q Clothes burning in the inside ? A No, sir , on the outside.

By Mr. Simms:

Q Where was it burning ? A Up to the corner of the floor leading to the bedroom ; the fire extended leading from the kitchen into the bedroom.

Q What did you do with the fire extinguisher ? A I called for a man to break the window to get air, and after a second or so when that was gone, I looked in the bedroom and saw the floor wet, with the light of the lamp ; I went in and examined ; I said I put in water in here ; I put my hand on the floor and I took it up and smelled it and it smelled of kerosene oil. I commenced at the kitchen

door into the bedroom ; there was a strip about 18 inches wide in several places all along the floor for the length of the two bedrooms.

Q A strip of muslin or cloth ? A Muslin.

Q Leading from the kitchen right through the two bedrooms ?

A Yes, sir.

Q In the apartment of this defendant ? A Yes, sir, and right under the partition was hanging wearing apparel and other strips connected with the main strip leading under the clothing behind the bed.

Q That is in both bedrooms ? A Yes, sir.

Q A connecting strip from this strip that ran through the two bedrooms right under the clothes hanging on the wall behind the bed ? A Yes, sir.

Q I show you a diagram and call your attention to some red dotted lines. Does that correctly represent the strip of cloth ? A Yes, sir.

Q The location of it ? A Yes, sir; there is where the wearing apparel hung and the strips along here.

Q That is the location of the fire ? A Yes, sir, and there is the entrance/ That is a correct representation.

Q Did you take those strips of muslin in your hand ?

A Yes, sir, rolled them up.

Q Did you discover anything on the strips of muslin ?

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A Yes, sir, kerosene oil very plain, all wet. You couldn't touch it without wetting yourself.

Q In bedroom number one was anything in addition to the strips of muslin discovered ? A Yes, sir, the windows was covered and the tramson.

Q I mean on the floor of that room ? A Nothing but the strips.

Q Bedroom number one. Did you examine the beds ? A Yes, sir, both beds were saturated with oil, the edges of them next to the sideboard.

Q Did you examine the comforters ? A Yes, sir, the comforters also.

Q Were they on the bed ? A They were lying on the bed, and they were black where the smoke caught.

Q Any part hanging over the side ? A All hanging over the side, maybe three inches.

Q Did they touch the floor ? A No, sir, not within 8 or 10 inches of the floor.

Q Hanging over the side of the bed ? A Yes, sir.

Q Over this strip of muslin that had been burning ? A Yes, sir.

Q Some 8 or 10 inches above it ? A Yes, sir.

Q And the comforters were saturated with kerosene oil ? A Yes, sir.

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Q What about the ticking ? A The edge of the ticking saturated also, whether from the effects of the comforter or not I don't know ; it was wet.

Q In this bedroom number one, did you see a ticking ?

A Yes, sir.

Q Where was that ? A Lying behind the bed, right behind the head of it.

Q Not in the bed ? A No, sir.

Q Did you examine that ? A Yes, sir.

Q It was a mattress ? A Yes, sir, all rolled up together.

By the Court:

Q Do you mean the cover of the mattress ? A Yes, sir.

By Mr. Wellman:

Q Was there something in it ? A Yes, sir, mattress with short straw.

Q Did you examine that ? A Yes, sir, turned it up and saved a piece.

Q What did you discover ? A It was saturated with oil.

Q How much ? A Maybe two or three feet of it.

By the Court:

Q That was behind the bed ? A Yes, sir.

By Mr. Simms :

Q That was at the head of the bed ? A Yes, sir.

Q Foot of the bed in room number one ? A Yes, sir, foot of

the bed.

Q How were those muslin strips arranged along the floor ?

A Spread level from the kitchen door away back the length of the two rooms on the floor right under the edge of the beds ; another white strip connected onto that at the head of the bed, connected with the wearing apparel about the same width, -- about that wide (Illustrating).

Q You said this was a continuous strip of muslin between the two rooms ? A Yes, sir, but in two or three pieces laid on one another all connected.

Q Was there oil the entire length of that strip ? A Yes, sir, and the floor all wet.

Q Did you examine the windows and transoms ? A Yes, sir.

Q Will you tell the jury what you discovered ? A Found two coverings on the windows and the key-holes covered; another key-hole covered with a stocking.

Q You found coverings on the windows. Point out the windows (Referring to diagram) ? A It was on that one.

Q The rear window ? A Yes, sir.

Q And on the two windows leading out into the light shaft ?

A Yes, sir, and one into the hall; the one in the hall had the key-hole covered.

Q How was the window in the rear covered ? A Light covering all the way across, some light material ; I couldn't

tell you what it was.

Q Unbleached muslin ? A I couldn't say ; some kind of muslin.

Q The windows looking out on the air shaft, with what were they covered ? A Muslin also, dark light material.

Q The door leading from the kitchen into the hallway, the transom of that door, was that covered ? A No, sir, I broke that.

Q Was it covered at any time that you know of ? A I couldn't say; I broke it in.

Q You are speaking of the door ? A The door leading from the hall into the kitchen.

Q Was the transom of that door covered ? A Yes, sir, that was covered.

Q With what was that covered ? A Heavy muslin, two doubles.

Q Two thicknesses ? A Yes, sir, two thicknesses.

Q Was there a transom over the door leading from the bedroom into the hallway ? A Yes, sir.

Q In what condition did you find that ? A That was covered with a kind of gauze muslin, but a heavy towel covering over that again.

Q As to the key-hole of the door ? A That was stuffed.

Q Anything hanging over it ? A An old stocking.

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Q As to the door of the kitchen, do you remember how that was, the key-hole ? A No, I broke that.

Q Did you examine the kitchen after the smoke had cleared away ? A Yes, sir.

Q What did you see in there ? A I saw part of a lamp on the floor that had broke, that apparently fell from the ceiling.

Q Did you see any kerosene oil from it ? A Yes, sir, a little on the floor, very little.

Q Had it any connection with the fire ? A No, sir.

Q How far away was it from the fire in the kitchen ?
A Six feet.

Q Will you kindly locate on this diagram about where you found the lamp ? A About here (Opposite the chimney).

Q And had the oil that had apparently flown from that lamp, any connection with the fire or with this muslin, the oil on this muslin ? A No, sir.

By the Court:

Q That was not on fire ? A No, sir, the broken glass was there.

Q Had the oil from that lamp reached the muslin, any indication on the floor ? A No, sir, it was dry between, as dry as possible between that place and the muslin.

Q How large a dry place ? A From four to six feet.

Q Did you discover a lamp in any of the other rooms ?

A No, sir.

Q A lighted lamp there ? A No, sir.

By the Court:

Q Any fire in the kitchen stove ? A No, sir.

Q What date was this ? A The 17th of November.

Q Was there a range in the kitchen ? A Yes, sir.

Q Last November, 1891, this was ? A Yes, sir.

Q The fire was out ? A Yes, sir.

By Mr. Simms:-

Q After the fire was over, did you make an examination of the kitchen for an oil can ? A Yes, sir.

Q Did you discover one ? A A small oil can under the wash-tub.

Q Any oil in it ? A No, sir.

Q None that you recall ? A No, sir.

Q Had it been knocked over, or standing on the bottom ?
A Standing on the bottom.

Q In your opinion, how long had this fire been smouldering there ?

Objected to.

The Court: You can describe the condition you found the fire in.

A The fire was not blazing up } it was only smouldering.

charged terribly with smoke, there was not much fire of any account, and what was in it was in the kitchen, very little when the extinguisher put it out.

By the Court:

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Q Was the wood floor burned at all ? A The wood-work of the window, the wood-work of the floor was not burned at all ; the window where the willow basket lay was burned.

Q Had the fire run along this window ? A No, sir, that was in the bedrooms.

Q It had not got to the bedrooms ? A No, sir.

By Mr . Wellman:

Q Any light in the place at all ? A No, sir.

Q Any gas ? A No, sir.

By Mr. Simms:

Q Will you describe the condition of the atmosphere in there ? A It was impossible for a man to stand up. I had to get down on my hands and knees; I couldn't stand up until I asked a man to hand me a hook to break the window.

By The Court:

Q One of those Babcock's extinguishers ? A Yes, sir.

Q No water in it ? A All water in it.

Q Water comes out of the extinguisher ? A Yes, sir, and partially by air.

By Mr. Simms:

Q Whom did you leave in charge ? A Fireman Farrell.

Q Did you afterwards notify the Fire Marshal ? A I did.

Q Were you there after the fire was extinguished ? A Yes, sir.

Q With the Fire Marshal ? A Yes, sir.

By a Juror:

Q In what condition did you find the muslin strip on the floor ? A Stretched out very level.

Q Floors burned ? A It didn't catch fire at all.

Q If muslin was charged with kerosene it would burn with a flame ? A Yes, sir.

Q It was not smoked ? A No, sir.

Q Or any bed or any such articles ? A Yes.

Q It would burn with a flame ? A It will not burn unless it gets air.

Q And if they burned they would burn with a flame ? A Not if it has not got air. It would dry up and smoulder like paper.

By Mr. Wellman:

Q Was there any air in this place ? A No, sir, I couldn't stand up.

By a Juror:

Q No draught ? A No, if there was a draught there would be a blaze.

By Mr. Simms:

Q Where there is no draught, no air whatever, even though the muslin might be saturated with kerosene oil, it would not blaze, but it would smoulder? A That's all; there would be no evidence if there was air there.

By Mr. Wellman:

Q Explain that. A Had the window been broken or the transomes, so that the ^{air}light was let in there, it would blaze up, there would be no evidence. It wouldn't take three minutes to burn up what evidence we got.

Q (By a Juror) And heavily charged with kerosene, it wouldn't burn in a flame? A No, sir, not unless there is an air there.

By Mr. Simms:

Q It would burn but not blaze up? A It would smoulder.

Q (By a Juror) Was there much damage done? A No, sir, there wasn't.

By the Court:

Q The floor casing was a-fire? A The casing of the window was about all the damage done.

Q What kind of a house is this? A A tenement house, 25 feet by 75.

Q Did you see other people living in the house at the time?
A Yes, sir.

By Mr. Wellman:

Q The muslin strips, how much were they burned ? A None of them burned at all ; the fire did not reach the muslin at all.

By a Juror:

Q The fire was in the kitchen ? A Yes, sir; the muslin strips was in the two bedrooms leading up to the edge of the kitchen.

By another Juror:

Q How many stories to this house ? A Five stories and basement.

By Mr. Wellman:

Q How close were the muslin strips ? A About six feet to the south of the muslin.

By the Court:

Q Six feet away from the muslin where the fire was burning ?
A Yes, sir.

CROSS-EXAMINED BY MR. LEVY:

Q You say you received your notification to go to the fire about 4:14 on that day ? A Yes, sir.

Q Can you call to mind the kind of day it was, whether a bright day or wet day ? A Foggy in the afternoon.

Q When you got to the place did you see any smoke escaping from the windows ? A No, sir.

- Q. How were you informed as to the place of fire ? A The people were all hollering.
- Q You simply knew there was a fire because the people were making an outcry ? A Yes, sir.
- Q Any indication about the building that would indicate there was a fire in that place ? A Not from the outside of the building.
- Q No smoke coming out of the building at all ? A No, sir.
- Q Did you inquire about where the fire was located ? A Yes, I heard the people hollering on the second floor.
- Q Above or below ? A Second floor up.
- Q You ran up to the second floor ? A Yes, sir.
- Q Did you see smoke escaping from any place ? A Coming out of the transom over the door leading into the kitchen.
- Q Was that transom open ? A No, sir.
- Q Was it closed ? A Yes, sir.
- Q Was it broken ? A No, sir.
- Q The smoke did escape from above the transom ? A Yes, sir.
- Q Large quantities of smoke ? A Just a little.
- Q Sufficient smoke escaped from above the transom to fill the hallways ? A No, sir.
- Q Was there sufficient smoke escaping from the transom to

- indicate there was a fire inside ? A Yes, sir.
- Q What was the first thing you did ? A Caught hold of the door to see if it was open.
- Q You found it locked ? A Yes, sir.
- Q What did you do ? A Called for a man to break it in there with an axe.
- Q You did not attempt to break it yourself ? A Yes, with my back.
- Q You found you could not break it ? A Yes, sir.
- Q You brought the axe, or did the man have to go for it ? A It was alongside of me.
- Q He had it with him ? A Yes, sir.
- Q And broke in the door ? A Yes, sir.
- Q And when he broke in the door the smoke escaped ? A Yes, sir.
- Q What was the first thing you did after the door was opened ? A Get hold of the extinguisher.
- Q Had you brought it up with you ? A No, one of my men did bring it up.
- Q You took the extinguisher ? A At the door I took it.
- Q What did you do then ? A Started out on the fire.
- Q What was the first thing that met your gaze when you got in that door ? A A fire on a willow basket alongside of the window.

- Q Were there shutters on the house ? A No.
- Q It was light in the room ? A Yes, the light of this fire was there.
- Q Was there not a light of the sky, the street ? A No.
- Q Was it dark ? A No, it wasn't dark. There was another building up against this, only an air shaft.
- Q Didn't you tell the District Attorney that this faced the street, these rooms ? A No, I didn't.
- Q Where did they face ? A The side -- the windows right to the side.
- Q Was there not any windows that led into the street ?
A Yes, a front room.
- Q The front room connected with the kitchen ? A Yes, sir.
- Q And the door was open at the time you came in ? A The kitchen door.
- Q The door between the kitchen and the front room ? A Yes, sir.
- Q That was open ? A That I do not know, not between the kitchen and front room.
- Q Did you go into the front room at all ? A No.

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- Q. You made your investigation of this fire, simply confined your investigation to the kitchen and bed rooms and did not go into the front room? A. Yes, sir.
- Q. That is positive? A. That is positive.
- Q. So you are not in a position to testify as to whether the transom over the door between the kitchen and the front room was open or whether the door between the front room and the kitchen was open? A. There is no transom between the kitchen and the front room at all.
- Q. You remember that but you don't remember whether the door was open between the kitchen and the front room? A. Two folding doors.
- Q. Were they closed or not? A. I could not tell you when I went in.
- Q. Were you the first one to go into those rooms? A. Yes, sir.
- Q. You saw the basket hamper burned where? A. Near the window in the kitchen.
- Q. Where does that lead? A. Into the air shaft.
- Q. Was the hamper itself burned or the substance burned about it? A. Part of the hamper burned and some wearing apparel on the hamper burned.
- Q. Clothes hamper? A. Yes.
- Q. To put clothes in? A. Yes, sir.
- Q. Where was this burned? A. On top and to the side of the window casing and the hamper.

Q. These substances which you have designated as muslin, did you examine them to see what the clothes was?

A. Yes, sir.

Q. Were not they the usual covering or matting they have upon the flooring in tenement houses? A. No, sir.

Q. Were they not in the nature of coverings? A. No, sir; they were not.

Q. Were they white? A. Yes, they were and thin.

Q. Too thin for that purpose? A. Yes, sir.

Q. Will you swear they were not used for the purpose of covering the floors in place of matting? A. I cannot swear to that.

Q. There was a strip of this stuff that led from the kitchen into the bed room? A. Yes, sir.

Q. It was laid absolutely flat on the floor? A. Yes, sir.

Q. Not hanging up? A. No.

Q. Not attached to the walls? A. No, sir.

Q. It laid perfectly flat upon the floor? A. Yes.

Q. Quite a long strip laid from one room into the other? A. Yes, sir.

Q. That struck you as being unusually clean? A. No, sir; it did not.

Q. It struck you as dirty? A. Like all the rest; about the same.

BY THE COURT:

Q. How wide was that strip? A. About 18 inches wide -- about so wide (illustrating), and as thin as paper.

Q. Common muslin? A. Yes, sir.

BY MR. LEVY:

Q. No carpets on the floor? A. Indeed there were not.

Q. Something to take the place of carpets? A. They did not; they were too narrow for that; they were too close up to the edge of the bed.

Q. After you got in the re you took the extinguisher from one of your men? A. Yes, sir.

Q. And the first thing you observed was the hamper burning -- what did you do the first thing? A. Turned the extinguisher on and put it out.

Q. Didn't you testify in answer to the District Attorney on your direct examination you found one of the transoms broken? A. Certainly not.

Q. Did you find any of the transoms in the room broken? A. No, sir.

Q. None of them? A. No.

Q. They were not closed? A. Yes, sir.

Q. And this piece of material you have talked about covering the transom, was that lose? A. Yes, sir.

Q. It was the usual small piece of lace people have in those apartments for covering the transom and to prevent observation in the rooms? A. Yes, with a towel over that

- Q. No keys sticking in any of the other doors? A. No, sir.
- Q. It was not a door for use apparently? A. No, sir; they did not use that door that was stuffed.
- Q. When you put out the fire with your extinguisher and you discovered this cloth upon the floor and you discovered the massive stocking covering that key hole of the door, what else did you do? A. I gave it in charge of a man and told him not to allow anybody in there until I got the fire marshall.
- Q. Did you continue your investigation further? Did you go into the front room? A. No, sir.
- Q. Did you push up the windows? A. No, sir; I had men to open them.
- Q. Did you open the folding doors? A. No.
- Q. You did not search for kerosene in the front room?
A. No, sir.
- Q. You knew you would find it in the bed room? ~~xxxxxxx~~
A. I saw it there.
- Q. Didn't make any investigation to discover whether there was kerosene in any other portion? A. No, sir.
- Q. Did you lift up the mattress from the bedsteads?
A. Yes, sir.
- Q. Did you notice where the slats usually fit in in the bedsteads? A. Yes, sir.
- Q. And saw kerosene in the crevasses where the slats usually

fit in? A. No.

Q. Didn't find any kerosene there? A. No.

Q. Absolutely clean? A. I don't know how clean it was.

Q. Did you lift the mattress up at all? A. Yes, sir.

Q. Took it right up? A. No, I lifted up the ends.

Q. You said it was dirty? A. Yes, sir.

Q. Did you put your hand under it? A. Yes, sir.

Q. What did you look at? A. At the ticking and comfortable.

Q. Did you see the slats? A. Yes, sir.

Q. Did you lift any of them up? A. No.

Q. Did you look to see whether any kerosene was at the corners or the edges of the slats that fit into the bedsteads? A. No.

Q. Did you look to find any? A. No.

BY THE COURT:

Q. Did you look at the slats? A. Yes, sir.

Q. Can you say whether there was any there? A. None at all.

BY MR. LEVY:

Q. You mean you looked at the upper surface of the slats?

A. Yes, sir.

Q. No window looked upon the street except the windows in the front room? A. That is all.

Q. And the bed room, so called, in which these beds or bedsteads were placed were dark bed rooms? A. No, sir.

Q. The only light they had was from the air shaft?

A. Yes, sir.

- Q. They were dark bed rooms? A. I don't call them such.
- Q. What else did you discover there outside of this immense stocking? A. The cover on the bed, the comfortable and the ticking.
- Q. Did the comfortable lay perfectly even on the bedstead?
- A. Yes, sir.
- Q. As though it had been properly arranged after the bed had been made up? A. Apparently so.
- Q. Nothing about the bed to indicate it had been disturbed that day? A. No, sir.
- Q. Was there anything about the mattress that would indicate that it had been disturbed that day? A. No.
- Q. And the mattress that you saw you saw standing on end at the foot of the bed; you didn't see any bedstead in which that would fit? A. No.
- Q. You did not know how many members that family consisted of? A. No, sir.
- Q. You did not know how many members required the use of beds there? A. No.
- Q. Did you see a little cot bed there? A. No.
- Q. Look at your diagram and see if you did not see one.
- A. Yes, behind the door.
- Q. And this cot bed you discovered in room 2 had no mattress upon it? A. No, sir.
- Q. Will you swear that the mattress you saw at the foot of

the bed which was not in use was not the mattress that fitted that cot bed? A. No.

Q. What else did you do? A. Cut off pieces of the mattress and comfortables.

Q. The moment you came in you determined there was kerosene there? A. No, I did not.

Q. What led you to imagine kerosene? A. Seeing the strips on the floor and they were all ~~wet~~ wet, and I put no water there.

Q. Didn't you answer there was water from the extinguisher? A. Yes, sir.

Q. Did you use that before ~~you~~ you found the water on the floor? A. Yes, sir.

Q. You don't know whether the liquid flowed over the floor? A. I know it could not flow in that direction.

Q. Where did you find what was supposed to be kerosene oil? A. In the two bed rooms.

Q. I am talking about the liquid on the floor. A. That ^{bed} was on the muslin in the two rooms.

Q. Did you see any wet substance upon the floor in the kitchen? A. Yes.

Q. A large quantity of it? A. No.

Q. So that the floor looked wet? A. Yes, sir.

Q. You saw the place from which was suspended or had been suspended a lamp? A. Yes.

Q. And there was no lamp suspended from that ~~wall~~ place when you came into that place? A. No.

Q. Did you see any substance besides this wet stuff on the floor? A. Yes.

Q. What did you see? A. A little oil; apparently kerosene.

Q. What else? A. Broken glass.

Q. Evidently the glass of a broken lamp? A. Yes, sir.

Q. As though a lamp had fallen to the floor? A. Yes.

Q. And had scattered the kerosene? A. Yes, sir.

Q. Pieces of glass scattered around and in different parts of the room? A. All in the centre of the room.

Q. The pieces of glass scattered in different parts of the room? A. I don't know.

Q. You did not make so minute examination? A. Yes.

Q. You did not go into the corners? A. No.

Q. Nor into the corners to see whether there was any scattered oil had come from that lamp? A. No, it all lay in the middle of the floor.

Q. You concentrated your attention upon that one spot in the middle of the floor? A. Yes.

Q. How high from the ceiling to the floor was the distance that that lamp, if suspended, must have fallen?

A. The ceiling was about nine and a half feet, I don't know how far the lamp hung.

Q. Was there not anything to hold it? A. Yes, sir; but how

it hung I know not; whether one foot or three feet or ten. There was a hook there.

Q. Was it a foot long? A. I didn't see it.

Q. You said there was a hook there? A. I say so yet.

Q. You didn't see anything that held the lamp suspended?

A. The hook was in the ceiling.

Q. What distance was there between that hook and the floor?

A. About 9 1/2 feet.

Q. If the lamp came down with a crash the glass of the lamp necessarily must have scattered around?

A. Yes, sir.

Q. And scattered to a great distance? A. I do not know about that. If it hung on a chain it would come down two feet closer.

Q. It is usually suspended to the height of about eight or nine feet? A. Oh, no; about seven feet.

Q. About six feet? A. About that.

Q. It is quite a fall for a lamp to fall? A. Yes, sir.

Q. How close to the stove was this lamp? A. About four feet

Q. Are you prepared to testify under oath that none of the oil coming from the lamp, assuming the lamp had fallen and had scattered the oil, that none of that oil had been scattered to such a distance as to have started that hamper burning? A. No, I would not swear to that.

BY THE COURT:

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Q. Still the oil that fell directly under the lamp was not on fire? A. No, sir.

Q. That was there? A. That was there.

BY MR. LEVY:

Q. You talked about wearing apparel lying in close proximity to the burning hamper. Did it lie so closely there -- were they placed there in any particular way? A. They were lying on the hamper.

Q. That was not burning, was it? A. Yes, sir/

Q. I am talking about the wearing apparel. A. Yes, sir.

Q. They were burned? A. Yes, sir; smouldering.

Q. Tell this jury how far from the position in which the lamp must have hung to the hamper was the hamper -- what distance was there between them? A. May be eight or nine feet.

Q. I am not talking from the top. I am talking from immediately directly under the hook to the place where the hamper stood, what distance was that? A. From the hook in the ceiling?

Q. No, from the floor. A. About six feet.

Q. Cannot you be more accurate than that? A. No.

Q. Do you know how wide that room is? A. About 8 x 12.

Q. 12 feet long or 12 across? A. 12 across.

Q. That is in a straight line? A. Coming from the hall, yes

Q. About six feet? A. Yes, sir.

Q. May be a little less? A. Yes.

Q. You say there was no fire in the stove that day?

A. I examined it.

Q. When did you examine it? A. About five or ten minutes after I got done.

Q. What did you do? A. Put my hand on to it.

Q. Did you lift the lid? A. No..

Q. And you made a very minute examination of those premises and you are prepared to testify that you found but one means of illuminating those rooms, and that was a broken lamp -- no other illumination there? A. That was all I saw.

Q. And that this one lamp was used for the sole purpose of lighting the four rooms there? A. That I don't know.

Q. There was no other method of illumination? A. I only saw that one lamp.

Q. Where did this oil can stand? A. Under the wash stand.

Q. You mean under the sink? A. Yes sir.

Q. The most natural place for it to be? A. Yes, sir.

Q. Now to sum it up, what was there suspicious outside of the cloth that lay upon the floor and the fact that the hamper was burning and yet the place directly under the broken lamp, that induced you to cause the arrest of this defendant? A. I could not see any better evidence than the floor saturated with oil and the clothing.

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Q. The fact you discovered kerosene oil there justified you in believing that the place was set on fire there?

A. Not altogether.

BY THE COURT:

Q. The statements you have made here justified you?

A. The way the strips of muslin were laid down and the bed full of oil.

Q. And the general appearance of the whole thing? A. Yes, sir; and the strips connected with the wearing apparel that was hanging.

BY A JUROR:

Q. Did you make your observation by day light? A. No, sir; by lamp light, it was to smokey.

Q. After you put out the fire? A. Yes, sir.

BY MR. LEVY:

Q. Do you mean to tell us there was not sufficient means of ventilating that place to have caused that fire to blaze? A. Certainly I do.

Q. How do you account for the escaping smoke which warned the tenants of the house there was a fire? A. The smoke would escape without having air there. The smoke came out of the edge of the transoms, a little gradually coming out to show the fire there. Had there been air there there would have been a blaze there.

Q. You want the jury to understand a piece of cloth saturat-

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ed with kerosene oil with no air, cannot possibly burn but must smoulder? A. No, I don't mean that at all.

Q. It is possible for a piece of muslin saturated with kerosene, it is possible for that to blaze even though there is no air in the apartment in which it is burning?

A. I mean to tell the jury that that place was saturated so it could not blaze for the want of air.

Q. Question repeated. A. If the apartment is large enough it will burn.

BY THE COURT:

Q. If there was sufficient fire to vitiate the oxygen to prevent anything else burning? A. Yes, sir.

Q. And I suppose it is a matter of pretty general knowledge without oxygen there can be no combustion? A. Yes, sir.

BY MR. LEVY:

Q. Was there a window that led into the shaft? A. Yes sir.

Q. How was that fastened? A. A stopper on to it.

Q. No nail driven in it? A. No.

Q. No lock? A. No.

Q. Simply the ordinary catch? A. That is all.

Q. There was not any indication about an attempt being made to improperly lock that place? A. No.

BY A JUROR:

Q. Did you notice the front room? A. No.

BY MR. SIMMS:

Q. You did not go in there? A. No sir.

Q. you say this cloth was lying on the floor? A. Yes, sir.

Q. Will you describe how it was lying on the floor?

A. The strips were about 15 inches wide, laid close up towards the kitchen door in the bed room and that strip went close to the edge of the bed.

Q. It was spread on the floor? A. No, sir.

Q. Upon which you would walk? A. No, sir, up close to the bed.

Q. And was it spread out at all? A. It was spread out very nicely on the floor, close to the edge of the bed.

It was not on the middle of the passage leading into the bed rooms.

Q. But under the coverlid as it hung over? A. Yes, sir.
BY THE COURT:

Q. And you are sure this strip was all wet with kerosene oil? A. Yes, sir; you could almost squeeze the stuff out of it all the way along.

Q. You are sure of that? A. Yes, sir; and another strip laid from that under the partition at the head of the bed.

Q. The same material and the same way? A. Yes, sir.

Q. All the way up along the head of the bed? A. Yes, sir; and all the wearing apparel over it.

Q. And that was all wet with kerosene oil too? A. Yes, sir; two rooms.

Q. And this strip ran between the head of the bed and the wall and underneath these clothes? A. Yes, sir.

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Q. How near was the head of the bed to the wall?

A. May be two feet.

BY A JUROR:

Q. About how long were the strips? A. May be in two or three parts, 18 or 19 feet long, all connected, one led on to the other.

BY ANOTHER JUROR:

Q. How far was this hamper from the bed room door?

A. Between five and six feet.

Q. Any connecting link for the kerosene to draw the fire?

A. No, sir. The bed rooms ran west and east and the kitchen ran north and south.

BY MR. LEVY:

Q. Those cloths that lay on the floor were placed in the position a person would naturally walk on in going through the bed rooms? A. Yes, sir.

Q. Where were they? A. Right close to the edge of the bed.

Q. A person would walk on them in going to the bed? A. No.

Q. You do not mean to say they were under the bed? A. Yes, sir; partly.

Q. The outer edge extending out into the place where the people would walk? A. No.

Q. Does not your testimony differ to what you testified to before? A. No, sir.

Q. Didn't you say the cloth lay flat upon the floor?

A. Yes, sir.

Q. Extending from one bed room into the other? A. Yes, sir.

Q. They would have to lie in the centre of the floor?

A. Yes, in the door way -- only in the door way.

Q. In answer to the question put by a juror as to whether there was any connecting link of the oil between the place burned and this kerosene -- is it not possible that this burning oil might have been scattered on to the hamper by the falling of the lamp? A. That I don't know.

Q. Will you swear that it was not? A. No, but that is only in the kitchen.

BY A JUROR:

Q. How heavy was the cloth over the fan light? A. Like a gauze, but over that again a common hand towel right across.

Q. Covering all the cracks? A. Yes, sir.

ROBERT E. FARREL, called on behalf of the People, being duly sworn, testified as follows.

DIRECT EXAMINATION BY MR. SIMMS:

Q. You are a member of the fire department of this City?

A. Yes, sir.

Q. And connected with Hook and Ladder 18? A. I was with 18. I am with 21 now.

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- Q. You were on November 17th? A. Yes, sir.
- Q. Did you go to the fire 110 Suffolk Street on the afternoon of November 17th? A. Yes, sir.
- Q. About what time did you arrive there? A. About 4.17, I should judge.
- Q. Where did you go when you arrived at 110 Suffolk Street? A. Up on the front stoop, up on the second floor through a hall way until I got to the front room.
- Q. Were you present when Captain O'Hearn was there? A. Yes, sir.
- Q. Did you go into the apartment of the defendant? A. Yes, sir.
- Q. What did you discover there? A. It was me that broke the door in.
- Q. Did you at his request open the windows in the front room? A. No, sir; a man went in and he come out on the fire escape and broke the windows there.
- Q. You were left in charge of those premises? A. Yes, sir.
- Q. By the Captain? A. Yes, sir.
- Q. Did you remain there until the arrival of the fire marshall? A. Yes, sir.
- Q. Did you permit anything to be disturbed or interfered with then until his arrival? A. No, sir.
- Q. Did anybody enter the premises after the firemen left until the arrival of the fire marshall? A. Only one of the insurance patrol.
- Q. Do you remember his name? A. No, sir.

Q. He was not allowed to disturb anything? A. No, sir.

Q. And did not? A. No, sir.

Q. About what time did the fire marshall arrive? A. I should judge about twenty minutes to seven or half past six.

Q. Who was with him? A. Captain O'Hearn and the assistant, Frank.

CROSS EXAMINATION BY M. LEVY:

Q. Do you recollect what time you were first called to go there? A. The alarm came in at 4.14.

Q. When did you leave that place? A. I should judge about a quarter to eight.

Q. You remained there during the interim? A. Ye, sir.

JAMES MITCHELL, recalled, testified as follows
BY MR. SIMMS:

Q. You went to the premises on the evening of November 17th, 1891, 110 Suffolk Street? A. Yes, sir.

Q. The premises belonging to this defendant? A. Yes, sir.

Q. State to the jury what you did and what you discovered.

A. When I went up to the room the defendant and his wife and this fireman, Mr. Farrell, and the patrol man were in the premises. I first spoke to the defendant, asked him if he was the person who occupied the premises. He told me he was.

BY THE COURT:

Q. Whom did you find in the apartment when you got there?

A. Fireman Robert Farrell, the patrol man, insurance patrol man named Simmonds. --

Q. Fire patrol? A. Yes, sir; the defendant and his wife.

Q. Were they in the apartment? A. Yes, sir. I asked him if he could explain the fire. He said he could not.

I asked him if he was insured. He said he was. I asked him what amount. He said \$500.00. I asked him for his policy. He demurred at first to give it, but on pressing him he handed me his policy, which I examined, asked him if that was the policy in his name on the premises.

He said it was and I then took possession of it, having already, as I thought, sufficient grounds to take action in the matter.

Defendant's counsel moves to strike out the last part of the answer.

Motion granted.

BY MR. SIMMS:

Q. I hand you a paper. What is that? A. The policy that he gave me.

Q. He said it was in force at that time? A. Yes, sir; that he was then insured and this was his policy, covering the goods in the premises.

MR. SIMMS: I offer the policy in evidence.

Objected to by Mr. House upon the ground that the policy has not been properly proven; second

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that there was no evidence introduced here on the part of the People that the insurance company has any authority under the laws of this State to transact business here. Objection overruled. Exception taken.

The policy was then received in evidence and marked Exhibit B., R. B.

- Q. You say he handed you this policy and said it covered the property in these premises? A. Yes, sir; of which he was insured in those premises. I then, the defendant still being in the premises, made a very careful examination of those premises. I went into the bed rooms. I first noticed there was a fire ~~extending~~ at the door leading from the kitchen into the bed room, that it had partially burned a large wicker hamper that stood at the window opening on the air shaft; part of it was burned and some articles lying on the top were partially burned; it extended and got on the casing of the window and also on the casing of the door leading from the kitchen into the bed room; it had extended across and got on to the ice box and had burned up that side of the ice box and had burned the casing of the door on that side. I then entered the bed room and I found strips of a light sheet of muslin, very light, an open fabric, stretched along the floor of the bed room immediately under the bed clothes which hung over the

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bed towards the side; this was stretched partially under and a little extending outside. That extended all the length from the kitchen door through the first room, through the door of the second bed room and along the edge of the bed in the second bed room immediately under this bed, comfortables and coverlids which hung over and came within ten inches of the floor. I found similar material had been stretched from this line along the partition wall at the head of the bed ~~at~~ out to the partition wall separating the rooms from the hall. That was immediately under some clothes that hung on the wall at the head of the bed. I found in the other room that there was evidence of burning at the head of the bed immediately under where other clothes hung on a small partition wall. I found that these strips of muslin were thoroughly saturated with kerosene oil, they were then wet with kerosene; portions of them had been touched by fire, but the connection from the kitchen door to the extreme end of the bed in the second bed room, a distance of some 17 feet was broken. I found that the comfortables and other clothes hanging over the edge of the bed and immediately above where the strips were laid were also saturated with kerosene oil and the wet ticking along the edge of ~~the bed~~ that also saturated with oil.

Q. How as to the transoms? A. I found that the transom over the door leading from the rear bed room into the hall up against which the bed was placed was covered with a towel, some thick material had been pinned up all around the transom and under that was a little lace material; I found that the key hole of that door was covered on the inside by a piece of cloth wound around the handle and pressed up against the key hole. I found in the kitchen room the door leading from the hall into the kitchen -- I noticed the remains of some material which had been similarly pinned over the transom, a portion of that at the ice box had been burned; some pieces of it were still there attached by the pins to the edges of the transom frame. The key hole of that door was covered and filled by a stocking, the leg of which was run on the length, and the foot of which had been crushed up against the key hole of the lock. I found the tick, which had been lying, as I was told, at the ~~foot~~ ~~of~~ head of the bed, pulled out on the floor and found that saturated more or less with kerosene oil. I found that the windows opening from the kitchen and the first bed room had been similarly covered with this light material which had been pinned around the window frame, a portion of that had been burned away, but remnants still left around the edge of the frame attached by the

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pins; the window opening into the air shaft and of the window in bed room No. 1 -- the other window at the extreme end of the rear room had a common dark colored blind pulled down closely. I noticed, lying in about the centre of the kitchen floor, some glass which resembled portions of a broken lamp. I found a part of the frame work which holds a lamp which was intended to be suspended from the ceiling lying near there; there was some darkening of the floor immediately under which this hook in the ceiling was, and that was caused by oil. I smelled it and I felt it with my hand, but there was no connection whatever between the oil spilled in the middle of the floor and any of the burning in the rooms. The distance between that outer limit of the oil and the nearest burning I should say there was a dry floor between which must have been two and a half feet, if not more; but to be conservative I should say two and a half feet, but no burning whatever from this oil, or that portion of the floor, nor any of the intermediate space between that and the burning, it started at the door leading ^{into} the bed room. No burning in any other part of the kitchen or in the front room. They were perfectly free from fire.

BY MR. WELLMAN:

Q. Between the hamper where the fire was and these muslin

strips what connection was there? A. There was burning on the kitchen floor across between the hamper and the ice box, some burned material there, what it was I could not say because it had been burned to ashes.

Q. There had been a connection? A. Yes, between that hamper and the ice box, and that was apparently the starting point of the fire. I questioned the defendant somewhat further. I asked him where he had been. He said he had left the premises about half past, between half past two and three; that he had gone to a friend's at 92 Essex Street, a woman who had been recently confined, he had gone there with his wife to celebrate this event, ^{that} and ~~wxkx~~ his wife had remained there, and he had remained there with the exception of a short time he had been out to purchase a bottle of wine with which to celebrate this event; that he knew nothing of the fire and did not know anything about it until he returned with his wife later.

BY A JUROR:

Q. Did he say what time he left his apartment? A. To the best of my recollection between half past two, between that and three. I had portions of those materials. I had all the strips that extended along the floor.

Q. What, if anything, was said about the keys of the apartment? A. I asked him if he carried the keys. He said

Yes. I asked him for them. He fumbled in his pocket for a moment and then shook his head and turned to his wife and asked her something in German which I did not understand. She shook her head. Then he fumbled in his pocket again and produced a bunch of keys with four or five on it. I asked him to point out the key of the door which had been burst in. He professed to be unable to do so. I took the bunch and tried them. I tried one of the ordinary keys and found it fitted that door, unlocked it. This is the lock (producing lock) which had been mortised into that door. I found that on the floor inside; it had been forced out of the door and I picked it up and fitted it to the door and found it was the lock that had been in the door. I asked for the key and he could not point it out. I took the bunch again and fitted the key and took possession of that key.

BY MR. SIMMS:

Q. (Handing key) Is that the key? A. Yes, sir.

Q. You say he left the premises that afternoon and locked them up? A. Yes, sir.

Mr. Simms then offered in evidence the lock and key referred to.

They were admitted and marked Exhibit C., R.B.

Q. you testified you brought with you the articles taken from the apartments. A. They were brought away with me.

They were carried by my assistant.

Q. I show you an article. Will you tell me what that is?

A. This is the stocking which had been taken from the knob of the ~~door~~ kitchen door. This portion had been pulled from the knob and this portion pressed against the lock.

The stocking was put in evidence and Marked Exhibit D., R. B.

Q. Are these the original papers in which they were wrapped?

A. To the best of my knowledge.

Q. Was that taken by you from those premises? A. This was cut out in my presence.

Q. From a mattress? A. From a mattress in the bed room, No. 1, as marked on the diagram.

Q. And at that time was that saturated with kerosene oil?

A. Yes, sir; and now it has a very strong smell.

The article referred to was put in evidence and marked Exhibit E., R. B.

Q. I show you another bundle of goods. Tell the jury ~~where~~ where that came from? A. From the same place.

The article was then put in evidence.

Q. I ~~show~~ you another bundle. A. That is another portion. This is part of the stuff that was hanging about; a woman's clothing.

Q. What is that (handing another article)? A. Part of the

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coverlid.

Q. Where was that coverlid? A. In room No. 1. That was the edge that hung over the strip.

The part of the coverlid referred to was then put in evidence.

Q. I show you a bundle of goods partly burned. Please state what they are and where they came from. A. That is the lower part that was stretched along the bed room, room No. 2, under the edge of the bed; and that is also a part of it, part of it having burned, and part not.

Q. Is that the full width? A. Yes, sir; just as it was taken up.

Q. I show you another article. State whence that came. A. From over the transom in room No. 2.

Q. Pinned up? A. Yes, sir; over an inner and lighter cover, and this is the cloth wrapped around the handle of the door of room No. 2 and pressed up against the key.

Q. I show you a piece of ticking. Where did that come from? A. From the bed in No. 2.

Q. I show you two pieces of wood partly burned and charred. Will you state to the jury what part of the ~~xxx~~ apartments those were taken from? A. From the window of the kitchen, the window frame of the kitchen.

BY A JUROR:

Q. Consisting of the casings upright? A. Yes, sir; what is called the trim.

BY ANOTHER JUROR:

Q. Where the hamper was? A. Yes, sir.

BY MR. SIMMS:

Q. The fiber is burned? A. Yes, sir.

Q. From the side of the window looking out into the air shaft? A. Yes, sir.

The burned and charred wood was put in evidence and marked Exhibit F., R. B.

THE COURT: I understand that one of the jurors asked permission to investigate the premises. Would the jury like to go and investigate the premises?

A JUROR: No.

THE COURT: It would be improper for you to go and look at the premises, Gentlemen, except under an order of the Court and in company with the officers of the court.

JUROR WOOD: I withdraw my request.

The Court, after duly admonishing the jury, adjourned until to-morrow morning, ~~May~~ June 7th, 1892, at 10³⁰ o'clock.

Police Court, 30 District.

City and County } ss.
of New York,

of No. 159 East 67th Street, aged 57 years,
 occupation Fire Marshal being duly sworn, deposes and says,
 that on the 17th day of November 1887, at the City of New
 York, in the County of New York, ~~at or before the time of the fire~~ ^{the Benjamin Waffel and his}

wife Yetta Waffel, did now present, did wilfully
 and maliciously set fire to and burn the house
 No 110 Suffolk Street - in the 13th Ward of
 the City of New York, a dwelling house in which
 there were human beings at the time, one Mary
 Simon and others, the same being in violation
 of Section No. 287 of the Penal Code of the
 State of New York -

That deponent believes that the said Benjamin
 Waffel and his said wife Yetta did set fire
 to and burn said house, from the fact that
 when the firemen reached the premises the
 doors of the rooms occupied by the said Waffel
 and his wife were found securely locked; that
 when first opened the Captain of the Fire Company
 one Thomas O'Brien found fires burning in three
 rooms; that he found the bedding in two of
 said rooms saturated with kerosene oil and
 also found strips of a cotton or other cloth laid
 along the floors stretching from one room to
 another and so arranged that the flame
 from said strips would reach ^{clothing hung in the rooms and} the ~~best~~ clothing
 saturated with kerosene oil, the said strips
 being also so saturated; that the defendants
 were seen ^{by one Mary Simon} in the premises about an hour
 before the discovery of the fire and that
 the keys to the premises were subsequently found
 in possession of the said Benjamin Waffel.
 Deponent further says that the property
 in said rooms was insured for the sum of
 seven hundred dollars, five hundred of
 which were in the property of Benjamin
 Waffel and two hundred in that of
 one Fannie Bassman, who, the deponent

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is informed, is a sister of the aforementioned
Yetta Woffel, and that defendant believes
that said property is not worth one-half
of the amount of said insurance; all
of which is stated in information and
belief -

Sworn to before me
this 19th day of
November 1891

Jas. Mitchell

John Ryan
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars,
Prison of the City of New York, until he give such bail.
Dated _____ 188____ Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated _____ 188____ Police Justice.
There being no sufficient cause to believe the within named
guilty of the offense within mentioned, I order he to be discharged.
Dated _____ 188____ Police Justice.

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Offence,

Dated _____ 188____

Magistrate.

Officer.

Clerk.

Witnesses,

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer _____ Sessions

0 16 1

Court of General Sessions, PART.....

THE PEOPLE

vs.

For

INDICTMENT

To

M.....

No.

Street.

The indictment against the above-named defendant for whose appearance you are bound, has been placed upon the Calendar for at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House, in the Park of the said City, on the day of NOVEMBER instant, at eleven o'clock in the forenoon.

If the defendant is not produced at that time, your bond will be forfeited.

DE LANCEY NICOLL,
JOHN R. FELLOWS

District Attorney.

District Attorneys Office
City & County of
New York

Order of Proof

Capr O'Hearn

Fireman Farrell

Patrol Simmons

Was Mitchell

Jacob Frank

Mary L. Simon

Kate Krumholz

O. Stone

Insurance

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Sec. 198-200.

CITY AND COUNTY
OF NEW YORK

District Police Court.

Getta Woffel being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *h* right to
make a statement in relation to the charge against *h*; that the statement is designed to
enable *h* if *h* see fit to answer the charge and explain the facts alleged against *h*
that *h* is at liberty to waive making a statement, and that *h* waiver cannot be used
against *h* on the trial.

Question. What is your name?

Answer. *Getta Woffel*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Russian Poland*

Question. Where do you live, and how long have you resided there?

Answer. *110 Suffolk St at a year*

Question. What is your business or profession?

Answer. *Married Woman*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer. *I Am not guilty*
Getta Woffel
Frank

Taken before me this

day of

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Police Justice.

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It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

Therby guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Three Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated November 20 18 91 John Ryan Police Justice.

I have admitted the above-named _____ to bail to answer by the undertaking hereto annexed.

Dated _____ 18 _____ Police Justice.

There being no sufficient cause to believe the within named _____ guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

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BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Witness

Kate Kinnholz

112 Suffolk Street

146 321 1465
Police Court---

District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

James Mitchell

vs.
Bernie Woffel

Yetta Woffel

Pleaded guilty at

6 & 7 on 2 day of trial

Dated June 17 1891

by an

R. Sullivan & E. Chalmers

Magistrate.

Witnesses Robert E. Farrell

J. H. Attorney

Thomas O. Strawn

J. H. Attorney

Manly L. Simon

No. 112 Suffolk Street

Boyd & Co.

to answer

Boyd & Co.



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Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Berni Woffel being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *his* right to
make a statement in relation to the charge against *him*; that the statement is designed to
enable *him* if he see fit to answer the charge and explain the facts alleged against *him*
that he is at liberty to waive making a statement, and that *his* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer. *Berni Woffel*

Question. How old are you?

Answer. *32 Years*

Question. Where were you born?

Answer. *Russia Poland*

Question. Where do you live, and how long have you resided there?

Answer. *110 Suffolk St about a year*

Question. What is your business or profession?

Answer. *Peddler*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer. *I am not guilty Berni Woffel*Taken before me this
day of

Police Justice.

0167

British & Mercantile
Insurance Company,
London and Edinburgh.
S. Branch, 54 William St.,
NEW YORK.



Branch Office, No. 103 Second Ave. cor. Sixth St. N. Y.

HENRY FELDMANN, Agent.

Jimmie Bassman
111 Suffolk St.

EXPIRES

PREMIUM \$

Aug. 28 1902
200

Wm.

0169

Standard Fire Insurance Policy of the State of New York

EXPIRES ^R JANUARY 21st 1892.
 PROPERTY 110 Suffolk St. in corp of Pol 1395382
 AM'T \$ 500 PREMIUM \$
 Benzie Waffel
 No. 1395382 4K

BRANCH OFFICE, 15 BIBLE HOUSE, N.Y.
 THE
NORTH BRITISH
 AND
MERCANTILE
INSURANCE CO.
 OF
 LONDON AND EDINBURGH.

It is important that the written portions of all policies covering the same property read exactly alike. If they do not they should be made uniform at once.

Landau *Ex. D.*
Norbert Landau,
 INSURANCE,

203 East 4th Street,

bet. Aves. A & B. New York.

United States Branch,

Office, 54 William Street,
 Cor. Pine Street, NEW YORK.

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 DAVID DOWS, Jr., Esq.,
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 Sir THOMAS CLARK, Bart.
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 Secretary, PHILIP R. D. MACLAGAN.

0171

1054
Standard Fire Insurance Policy of the State of New York

EXPIRES *August 28/99*
PROPERTY *110 Suffolk*
AM'T \$ *200* PREMIUM \$ *2-*
Fannie Barmann

No. 1453839

THE
NORTH BRITISH
AND
MERCANTILE
INSURANCE CO.
OF
LONDON AND EDINBURGH.

Grauer

It is important that the written portions of all policies covering the same property read exactly alike. If they do not they should be made uniform at once.

HENRY FELDMANN, Agent,

H. GRAUER 03 2nd Avenue, N. Y.
Insurance Agent,
Suffolk St. N.Y.

United States Branch,

Office, 54 William Street,
Cor. Pine Street, NEW YORK.

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Right Hon. THE EARL OF ELGIN.
SIR THOMAS CLARK, Bart.
CHARLES B. LOGAN, Esq.
Manager, A. GILLIES SMITH, F. R. S. E.
Secretary, PHILIP R. D. MACLAGAN.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Benny Woffel and
Netta Woffel*

The Grand Jury of the City and County of New York, by this indictment accuse

Benny Woffel and Netta Woffel

of the CRIME OF ARSON IN THE *second* DEGREE, committed as follows:

The said *Benny Woffel and Netta Woffel*
Woffel, both —

late of the *Fifteenth* Ward of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *November*, in the year of our Lord one thousand eight hundred and ninety- *one*, at the Ward, City and County aforesaid, with force and arms, in the *day* time of the said day, a certain *dwelling-house* of one *Benjamin Friedman*, there situate, there being then and there within the said *dwelling-house*, — some human being, feloniously, wilfully and maliciously did set on fire and burn, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said

Benny Woffel and Netta Woffel

of the CRIME OF ARSON IN THE *second* DEGREE, committed as follows:

The said *Benny Woffel and Netta Woffel*
Woffel, both —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, in the *day* time of the said day, a certain *dwelling-house* of one *Mary D. Simon*, — there situate, there being then and there within the said *dwelling-house*, some human being, feloniously, wilfully and maliciously did set on fire and burn, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

DE LANCEY NICOLL,

District Attorney.

0173

BOX:

463

FOLDER:

4248

DESCRIPTION:

Woolff, Maurice

DATE:

12/16/91



4248

Witnesses:

Counsel,

Filed

day of

189

Plaint,

August 17

THE PEOPLE

vs.

2

Maurice Wolff

Robbery, (Sections 224 and 228, Penal Code.)
Degree.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL,

Quander Broomingdale

P. L. Van S. 1899 Foreman.

Fried and convicted

S. P. 19 yrs.

Police Court 2nd District.

CITY AND COUNTY } ss
OF NEW YORK,

Jessie A Rogers -
of No 63- Vandam Street, Aged 21 Years

Occupation None being duly sworn, deposes and says, that on the
12 day of December 1891, at the 9th Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
ponent by force and violence, without ~~his~~ ^{her} consent and against ~~his~~ ^{her} will, the following property, viz:

A. Pocket-Book - containing Good and
lawful money of the United States of the
Amount of fifty-cents - and two gold bangles
of the amount and value of Two dollars:
in all of the amount and value of
Ten dollars. (\$10 ⁰⁰/₁₀₀)

of the value of Ten (10) DOLLARS,
the property of - Complainant -

and that this deponent has a probable cause to suspect, and does suspect, that the said property was
feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Maurice Hoef (now here) from the following
facts to wit: That between the hours of 4
and 5 o'clock, P.M., of the aforesaid date, Deponent
was walking along and down Sixth Avenue
when at the corner of 10th Street and said
Avenue the defendant came up to her
and took hold of and grabbed deponent
by the arm and forcibly and feloniously
took and stole the aforesaid pocketbook
containing said property from her hand,
and that deponent then took hold of the
defendant and he dropped the said
pocketbook containing the aforesaid property -

Subscribed and sworn to before me this 12th day of December 1891.

Police Justice

on the sidewalk and broke away from deponent and ran away, and that deponent is further informed by Detective Sergeant John Cottrell of the Central Office that his attention was attracted by the cries of Shop Thief! and that he saw the defendant running with an open knife held in his hand and that he followed him and placed him under arrest. Deponent therefore charges the defendant with having committed a Robbery and asks that he may be held and dealt with as the Law may direct.

Subscribed before me this } Tessie A. Rogers
12th day of December 1841,
John L. Kelly
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated 188
Police Justice.

I have admitted the above named to bail to answer by the undertaking hereto annexed.

Dated 188
Police Justice.

There being no sufficient cause to believe the within named guilty of the offence mentioned, I order he to be discharged.

Dated 188
Police Justice.

Police Court, District,		Offence—ROBBERY.	
THE PEOPLE, &c., on the complaint of			
1			
2			
3			
4			
Dated 188		Magistrate.	
		Officer.	
		Clerk.	
Witnesses,			
No.	Street,		
No.	Street,		
No.	Street,		
to answer General Sessions.			

0177

CITY AND COUNTY }
OF NEW YORK, } ss.

John Cottrell
aged _____ years, occupation *Detective Sergeant* of No. _____

Central Office Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Jessie A Rogers*

and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this

day of *December* 189*0*, } *John Cottrell*

John S Keef
Police Justice.

0178

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

Maurice Hooff being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h— right to
make a statement in relation to the charge against h—, that the statement is designed to
enable h— if he see fit to answer the charge and explain the facts alleged against h—
that he is at liberty to waive making a statement, and that h— waiver cannot be used
against h— on the trial.

Question. What is your name?

Answer. *Maurice Hooff*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *France*

Question. Where do you live, and how long have you resided there?

Answer. *None at Present*

Question. What is your business or profession?

Answer. *Barber*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer.

I am not guilty—
Maurice Hooff

Taken before me this
13th day of December 1908

John S. Kelly

Police Justice.

0179

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

Fifty ~~guilty~~ thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifty Hundred Dollars, ~~and be~~ committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated December 13 18 91 John S. Kelly Police Justice.

I have admitted the above-named _____
to bail to answer by the undertaking hereto annexed.

Dated _____ 18 _____ Police Justice.

There being no sufficient cause to believe the within named _____
_____ guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

Police Court---

District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Leslie A Rogers
63 vs. John Ham
Mamie Wolff

2

3

4

Offence

Dated

*Dec 13**91*

Magistrate.

Officer.

Precinct.

Witnesses

Dynam

No.

Street.

No.

Street.

No.

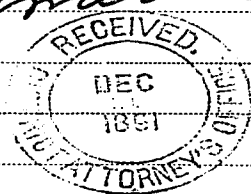
Street.

\$

5.000

number

Mr



BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

District Attorneys Office,
City & County of
New York.

My dear Sir,

I have the honor to
acknowledge the receipt of
your letter of the 19th
inst.

COURT OF GENERAL SESSIONS.

City and County of New York.

-----x
The People

vs

Morris Wolf.
-----x

before

Hon. Rufus B. Cowing,

and a jury.

Indicted for Robbery in the First degree.

Indictment filed December 16th, 1891.

Tried January 5th, 1892.

- 0 -

Appearances:

Assistant District-Attorney Townsend for the People.

C. J. Goldsmith, Esquire, for the Defense.

Tessie A. Rogers testified that she lived in the City of New York and that on the afternoon of the 12th of December, 1891, between four and five o'clock, she was in Sixth avenue, near the corner of Tenth street. Her sister accompanied her. They were walking down the avenue. She, the complainant, held a pocket book in her hand. The pocket book contained two gold dollars, a check for a solid silver

bracelet, a small sum in currency, some newspaper clippings and some cards. The pocket book cost \$12, originally, and was worth on the day in question fully \$10. She carried the pocket book in her left hand. She had her right hand in the side pocket of her jacket. Her sister was walking on her right side. She was walking on the Jefferson Market Police-Court side of the avenue. She, the complainant, was walking on the outer side of the sidewalk. As she and her sister were walking quietly along, chatting, the defendant came up behind her, the complainant, and suddenly she felt a tug at her left hand. She grasped her pocket book tighter. The defendant grasped her left wrist with his left hand and wrung the pocket book out of her hand. She, the complainant grasped his arm with her right hand, and cried to her sister, " Oh Lizzie, my pocket book !" Her sister screamed " thief". The defendant dragged her, the complainant, about twenty feet down the avenue, and her sister cried out "Tessie, let him go. He has dropped it". Then the defendant ran a short distance down the avenue, when he was caught by Detective-Sergeant Cottrell, who brought him back to her, the complainant, and she identified him.

She, the complainant, saw the pocket book in the

defendant's hand. She got a good look at his face, because, after grasping her left hand, he got around in front of her in his struggle to wrench the pocket book out of her hand. After he first tugged at her left hand from behind, he struck her hand down, as though he intended to knock the pocket book out of her hand, and then, failing in that, he grasped her left hand and tried to wring it out of her hand. Her left hand and wrist were still so sore and painful that she could not use them. It was a bright afternoon, and she could plainly see defendant's face. When her sister cried to her to let the defendant go, because he had dropped the pocket book, she saw the defendant lay it down at the defendant's feet, and she saw the pocket book lying on the side walk, and then the defendant released his grasp upon her hand and ran away. The defendant ran down towards Eighth street, or Greenwich avenue, as Eighth street begins at that point, after it crosses Sixth avenue. Within less than five minutes, however, he was brought back to her, for identification, by Detective-Sergeant Cottrell.

Under cross-examination the complainant testified that she lived at 63 Vandam street. She and her sister had been out shopping on the afternoon of the 12th of Dec-

ember, and were returning to their home in Vandam street, when the defendant robbed her. She, the complainant, did not drop the pocket book on the sidewalk, and the defendant did not pick up the pocket book and return it to her. The defendant did not bump against her and suddenly knock the pocket book out of her hand, and then pick it up and hand it to her. He came up behind her and struck her hand, as she had said before, and then seized her left hand and tried to wrench it out of her hand. In the struggle for the pocket book the defendant struck her with his elbow in the breast and also in the face, until her nose bled. It was the defendant who dropped the pocket book on the sidewalk. She, the complainant, had hold of his arm with her right hand, and when her sister cried out to her that the defendant had dropped the pocket book on the sidewalk, she, the complainant, let go her hold on the defendant's arm and he ran away. The small change or currency that she had in the pocket book, in addition to the two gold dollars, amounted to 50 cents.

David C. Ingraham testified that he was employed by an electric light company as a lineman. He was walking down Sixth avenue, and was between four and five o'clock in the afternoon of the 12th of December, near Tenth street.

He saw the defendant struggling with a lady on the sidewalk. He dragged her between twenty and twenty-five feet along the sidewalk. He also saw the defendant strike the complainant twice, while he was dragging her along the sidewalk. The complainant's pocketbook fell from the defendant's hand on the sidewalk, and then the complainant released her grasp upon the defendant's arm and the defendant ran down Sixth avenue towards Greenwich avenue. He, the witness pursued the defendant. When the defendant was almost in the middle of Sixth avenue, near Greenwich avenue, Detective-Sergeant Cottrell came out of a house and arrested the defendant. He, the witness, asked the officer to hold the defendant while he, the witness, went after the two ladies and brought them back. At that time they were walking up Christopher street. He was present when the complainant and her sister identified the defendant and he went with them to the police central office. His attention was first attracted to the defendant by seeing him jerking and tossing a well-dressed young lady about, and almost as soon as he saw him, he saw the defendant strike the young lady, and then run away.

Under cross-examination the witness testified that

he was walking home from his work, through Sixth avenue, when he saw the defendant struggling with the complainant.

Detective-Sergeant John Cottrell testified that he was attached to the Police Central-Office. Between four and five o'clock on the afternoon of December 12th, he jumped off a Sixth avenue car, and was about to enter 31 Sixth avenue when he saw heard a cry of "stop Thief!". He turned around and saw the defendant coming down Sixth avenue, on the run. Mr. Ingraham was chasing him. The defendant had a knife in his hand. He, the witness, caught hold of the defendant's hand, and knocked the knife out of his hand. The defendant's knife was open in his hand. When he, the witness, first caught hold of the defendant, the defendant struggled hard. He kicked the defendant in the shins, and knocked the knife out of his hand. Then the defendant submitted to arrest. He took the defendant back to the corner, and the complainant and her sister identified him. The complainant said that the defendant had struck her, dragged her about twenty feet and taken her pocket book from her. He took the defendant to the Police Central-Office, and asked Ingraham to escort the complainant and her sister. He,

the witness, tried to speak to the defendant in English, but the defendant appeared to be able to speak only a few words of English. The defendant said that he was a barber and had been out of work for two days. When he arrested the defendant, the defendant did not attempt to use the knife. He, the witness, discovered that he held it in his hand, when he attempted to put the nippers on his wrists.

Lizzie Rogers testified that she was the sister of the complainant. She recollected the afternoon of the 12th of December, 1891. She had been shopping with her sister that afternoon, and was walking down town, on the west side of Sixth avenue, on her way home, with her sister, between four and five o'clock, when, near Tenth street, her attention was attracted by seeing her sister struggling with the defendant. She asked her sister what was the matter, and her sister said, "Oh Lizzie, he has my pocket book." She saw the pocket book in the defendant's hand, and she screamed "Stop thief!". Then the defendant dropped the pocket book on the sidewalk. She, the witness, saw him drop the pocket book, and pick it up from the sidewalk. The pocket book fell on the crossing to which the defendant had

dragged her sister. Then the defendant, after he had dropped the pocket book, ran away. He ran down Sixth avenue, but was captured by Detective-Sergeant Cottrell.

Under cross-examination the witness testified that she saw the pocket book in the defendant's hand, while her sister was still holding on to him and he was struggling to get away from her. She did not see him wring the pocket book out of her sisters hand. When her attention was first attracted the defendant was struggling with her sister for the possession of the pocket book.

Morris Wolf, the defendant, testified through the official interpreter, that he had been in the United States only about twenty-four hours when he was arrested. He was walking in Sixth avenue, and he was in a hurry. He ran against the complainant suddenly, and her pocket book fell upon the sidewalk. He had no intention whatever of robbing her, the complainant. It was a pure accident that he ran against her and jostled her and her pocketbook fell upon the sidewalk. Detective-Sergeant Cottrell arrested him fully three hundred feet from where the accident happened. He could not testify against him, the defendant, because he did not see anything that occurred. He did

not strike the complainant at all, and the testimony that he had struck her twice was false. He did not have an open knife in his hand. The knife that had been produced by Detective-Sergeant Cottrell did not belong to him, the defendant. He, the defendant, had no knife in his possession that day. He never had the complainant's pocket book in his hand at any time. Ingraham was fully one hundred and fifty feet from where the accident occurred, and saw nothing of it. Both Ingraham and Detective-Sergeant Cottrell had deliberately falsified when they testified. The knife that Detective-Sergeant Cottrell pretended he had found in his, the defendant's, hand was Cottrell's own knife probably. Certainly it never belonged to him, the defendant. If he had had a knife it would be of French manufacture. If it was of English or American manufacture, that was proof that it did not belong to him, the defendant.

In cross-examination the defendant testified that he came to the United States from Cronstadt, in Russia. On his way to the United States he stopped in England and worked in London for a month. He was a barber by trade. He was a Frenchman by birth. He ran away after bumping

10

against the complainant because, being a stranger and unable to speak English, he was afraid that he would be arrested as a vagabond, and would be unable to tell who he was. The pocket book was at his foot when he ran away, and, if he had desired to steal it, he could have. He worked on board the ship as a sailor, when he came to the United States and brought no baggage with him. He had no passport. The captain of the ship on which he sailed to the United States was a Frenchman. The captain did not ask him for a passport, or say that one was needed. The name of the ship that he came to the United States on was the "Alexander," a three-masted sailing vessel. She arrived here on the 9th of December.

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0 192

Sing Sing Prison. Sept. 20. 1895.

From. Maurice Wolf. to
Hon. Rufus B. Coving. New York City.

Dear sir.

Excuse me the liberty I take to write you myself this humble suplication. I came to you, to day with honest sentiments, as a man came to another: to told him the truth. It is the reason, whom, lead my hopes towards you, if prison as ever been good for a man, it is, in my case.

A kind hearted Lawyer, Mr. R. J. Leconte, will, in a few weeks, presente my case before you, in the hope, that you will sign it. Now, sir, I will be frank with you, and told to your impartial judgement the whole verity.

Since the age, of twelve I am, an errand creature, a ragabond by birth. Excuses; I have none, I have had the best chances, son of an honourable family, it was in my power to do good, and rise in a laborious situation. The, irascibility of my bad character, has brought, for me, and all mine; shame, and suffering; and latter; while coming to this country; was a fugitive, deserter of my native land. And, it is, a man like I am, who dare to hope in your mercy. If, only you should knows; how shameful, and miserable I feel; how, sincere is my repentance; you would be mercyful to me. I have nobody to accuse, all the wrongs, have been mine; do not deny, nothing.

2

During the two first years of my internement in this institution, nothing has been done for my good: I was yet blinded by false principles, and worst inclinations of my earliest years. I have suffered much for it. For to day, I considere the severest of all punishment for a human being, is to live in the "dissimulation". I have been conquered, by the general kindness, which surround me since I am in this prison; and trust, that, the prison by itself had done nothing: cannot do any good, by bars only.

Did, is in your power to trust my words; if so, help me and you will never regret, I feel; that I am, another man ready to sustain my paroles, by "work" and eat in the future the bread of a laborer. It is, only 18 months, that I can write you so; that I am ashamed of myself, and of my past life, that, I work, and "improve" and am able to write you my errors; honestly, regretful of them. It is confident in the loyalty of your justice, the goodness of your heart, that I beg you; not to refuse me, I am true; and I am willing to remain all my life, worthy of your decision.

But, if you can't trust in the parole of a condemned, I shall remain in my convictions; do, my duty as possible, work, and remain firm in promises. I wrote the same thing, to the French Consul, to my lawyer; to all the benevolent persons, interested at me. Hon. if you, are willing to help me, does it, on the belief of my conviction word, he is good, I shall die of starvation, but never, sink again. Friends, are waiting, and ready to receive me, all, in my trust; and since only I know, how, to forgive, I am as well as a man can be. I hope all from you, and whatever you shall decide of me, you shall always be, my benefactor.

If I was guilty for the crime I am locked up; I will tell you without hesitation. Mr. the French consul. will see you, or my Lawyer; I told them, to tell everyones; what I have been; also, what, I am willing to do. be.

I am to day twenty eight years of age to day, and if I ask you my liberty it is more for my health; much improved; than for self-contentement. Of life, I have no more illusion, and know, that I shall never be better anywhere, than I am here, to day; for learning and moral treatment. I also, claims for my old parents, with which I am conciliated, and forgiven from all.

It is, the last demarche I shall ever made, and if, it is the will of God, that I serve my whole sentence, I will do it, with the supreme consolation, to have done my duty.

Hoping that you will find way to be merciful.

I remain sir yours obedient servant

Maurice Wolf. . 217.

Maurice Wolf. Sentenced

Jan. 5 1892. 19 years.

Court of General Sessions

for high-way robbery

Judge. Hon. R. B. Cowing.

Sing. Sing. Prison. 7th 20. 1895.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Maurice Woods

The Grand Jury of the City and County of New York, by this indictment, accuse

Maurice Woods

of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *Maurice Woods*,

late of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *December*, in the year of our Lord one thousand eight hundred and ninety- *one*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Ferris A. Rogers*, in the peace of the said People then and there being, feloniously did make an assault; and

one pocket book of the value of fifty cents, the sum of fifty cents in money, lawful money of the United States of America and of the value of fifty cents, and two trunks of the value of one dollar each,

of the goods, chattels and personal property of the said *Ferris A. Rogers*, from the person of the said *Ferris A. Rogers*, against the will and by violence to the person of the said *Ferris A. Rogers*, then and there violently and feloniously did rob, steal, take and carry away, *the said*

Maurice Woods, being then and there armed with a dangerous weapon, *to wit: with a certain dangerous knife.*

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*Deputy Clerk,
District Attorney*

0 196

BOX:

463

FOLDER:

4248

DESCRIPTION:

Wynne, Thomas

DATE:

12/23/91



4248

POOR QUALITY
ORIGINAL

0197

Witnesses

Katie Gormley

Counsel,

Filed 23 day of Dec 1891

Pleads,

THE PEOPLE

vs.

Thomas Wynne

Burglary in the Third Degree.
[Section 408, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

{ Pt 3. Jan 12, 1892 -
commission as deputy
sentry appointed

A TRUE BILL.

Emanuel D. Bloomfield

Part 2 - Jan 30, 1891 Foreman.

Book into Court

Wm. S. Moss

April 24/92

0198

POOR QUALITY
ORIGINAL

Witnesses:

Katie Gormley

Counsel,

Filed 23 day of Dec 1891

Pleads,

THE PEOPLE

33 vs.

Flushing, L.I.
Thomas Wynne

Burglary in the Third Degree.
[Section 498, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

pt 3. Law 12, 92 -
Commission as to depts
sanity appointed

A TRUE BILL.

Emanuel W. Bloomfield

Part 2 - Dec 30, 1891 Foreman.

Rich and Courtist

1401 8. Moss

April 24/92

At a Court of General Sessions of the Peace,

holden in and for the City and County of New York, at the City Hall of the said City, on ~~Thurs~~ day, the Twelfth day of January, in the year of our Lord One Thousand Eight Hundred and Ninety- two

PRESENT.

The Honorable Frederick Ingham
Recorder of the City of New York, } Justice of the Sessions.

The People

vs
Thomas Wynne

On conviction by verdict of an attempt to commit Burglary in the third degree

The above named Thomas Wynne, who was heretofore indicted by the Grand Jury of the City and County of New York for the crime of Attempting to commit the crime of Burglary in the third degree and who after trial in this Court was on the 30th day of December 1891 found guilty of the said crime, and who is now in confinement awaiting sentence upon such conviction, appearing to be insane, it is now upon motion of De Launcys Coll, District Attorney, and pursuant with the Statute in such case made and provided

Ordered that William L. Warner Esq., Counselor-at-Law, and Frank P. Foster M.D. all of the City and County of New York be and they hereby are appointed a commission forthwith to examine the said Thomas Wynne, with all convenient speed, as to his sanity at the time of such examination, and that due notice of the time and

Court of General Sessions of the Peace
in and for the City and County of New York.

----- x
P E O P L E :
against :
T H O M A S W Y N N E. :
----- x

To the Court of General Sessions of the Peace in
and for the City and County of New York.

The undersigned, a commission duly appointed by
this Court by an order duly made and entered on the 12th
day of January in the year One thousand eight hundred and
ninety-two, to examine the above named defendant, Thomas
Wynne, as to his sanity, do respectfully report:-

FIRST:- That before proceeding with their examin-
ation each of the undersigned duly took and subscribed as
a commissioner, his oath of office.

SECOND:- That due notice of the hearing before
the undersigned as commissioners herein, was duly given
in advance to the District Attorney of the City and County
of New York.

THIRD:- That since the appointment of the under-
signed as such commissioners, they have, with the aid of
said District Attorney, held several sessions and examined
several witnesses and personally examined the above named
defendant, Thomas Wynne as to his sanity.

FOURTH:- That as a result of said examination of
said witnesses and of said defendant both physically and

orally, the undersigned have come to the conclusion and hereby respectfully report, that they do not believe the above named defendant to be insane, but do, however, say that he is a person of weak and defective comprehension and a person who does not appear to be troubled with the duties and responsibilities of life, all of which is respectfully submitted.

FIFTH:- That annexed hereto is the testimony of the witnesses, taken by the undersigned as commissioners herein.

Dated, New York April 16th, 1892.

William J. Lardner
Dean R. V. Baxter
Commissioners

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COURT OF GENERAL SESSIONS OF THE PEACE
Of the City and County of New York

-----X
IN THE MATTER

of

Thomas Wynne, a supposed
Lunatic.

-----X
March 21, 1892

Examination before Commissioners William J.
Lardner, Esquire, Counselor at-Law, and Frank P.
Foster, M.D.

The Commissioners having duly taken the
oath required by Statute.

APPEARANCES:

Whitame K. Van Meter,

Attorney for Thomas Wynne;

DeLancey Nicoll,

District Attorney, for People.

THOMAS WYNNE, being first duly sworn, testified as follows:

Examined by his counsel, Vanmeter:

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Q What is your full name ?

A Thomas Wynne.

Q Where were you born?

A In Ireland.

Q How long have you been in America?

A Seven years here 26th of last August.

Q During that time have you been working around New York?

A Yes sir.

Q All that time ?

A Yes sir.

Q Were you working last June for Mr. Hamburger, a contractor?

A I was.

Q What was the nature of your work?

A Carrying brick and mortar up a building.

Q Were you carrying that up to the upper stories of the building from the ground?

A Yes sir.

Q Going up a ladder? Did you testify that you were carrying brick from the ground to the upper stories?

A No sir; they had a machine that used to hoist up the stuff

Q One day you had a fall there ?

A I had sir; the first story; I was coming down and tripped

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and fell in the cellar and got a bad fall.

Q At the time that you got this fall were you carrying anything?

A No, I had the empty hod on my shoulder.

Q In striking, how did you land?

A In fact, I could not tell you; my head came against a rock in the cellar, after striking in the cellar.

Q Did you have consciousness about you?

A I didn't, I was lying there until I was picked up.

Q Were you informed, or do you know what length of time you lay there?

A Only a few minutes.

Q Who was the foreman there?

A James Flynn.

Q Where does he reside?

A East 37th Street.

Q Do you know whether he works for Mr. Hamburger yet?

A I could not tell you now.

Q After that how long did you work for Mr. Hamburger?

A I only worked for him a few weeks altogether.

Q During that time were you residing in the city?

A Yes sir.

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Q With whom?

A In three places I was living--in 34th Street, I was moving around.

Q Have you been living with Mr. Patrick Kelly?

A Yes sir; lived going on three years.

Q I mean subsequent to this time ?

A No sir, I was not.

Q Have you been living with Mr. James Boyle of Flushing, Long Island ?

A No, I was living with Phil Carroll.

Q How far is his house from Mr. Boyle's?

A Next door neighbor.

Q Is Mr. Carroll a relative of yours?

A Yes sir, married an aunt.

Q Is Mr. Boyle a relation of yours ?

A First cousin.

Q How long were you living with them after this happened?

A About three months.

Q Do you remember the 19th day of December being on Second Avenue?

A I do.

Q Do you remember Mr. Gormley's plumbing shop?

A I do.

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Q How many times were you in Mr. Gormley's plumbing shop that day?

A Twice, I was there about four o'clock; I took a walk down as far as-- and came back again.

Q You say you were there at four o'clock in the afternoon, were you there in the morning of the day?

A No sir; it was in the afternoon.

Q How long were you in the place altogether, the plumbing shop?

A I was only about an hour altogether.

Q Had you known Mr. Gormley any length of time?

A I knew him since I came to the country.

Q About seven years?

A Yes sir.

Q Was it a fact that Mrs. Gormley was a cousin of yours?

A Yes sir.

Q Did you state that to Mr. Gormley at the time?

A I didn't say anything at all about it.

Q Did you attempt to break into those premises that day?

A I only tried the door after leaving the place. I was sitting down there for an hour; this man's son gave me a chair to sit down until his papa came in.

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- Q You had just come in from the country that day, where from?
- A From Flushing ,Long Island.
- Q From Mr.Boyle's house ?
- A From Mr.Carroll's house.
- Q How long had you been living at Mr.Carroll's house prior to that time?
- A Three months.
- Q Since this time have you been locked up in the Tombs?
- A Yes sir;ever since.
- Q Did you see Mrs.Gormley's daughter there ?
- A Yes sir,I did,and the son.

EXAMINED BY Mr.SIMMS:

- Q Is your mother and father alive?
- A My mother is alive.
- Q Is your father alive ?
- A He is dead last five years.
- Q What did he die of Mr.Wynne?
- A I could not tell you.
- Q How old was he when he died?
- A I could not tell you;I hadn't his age.
- Q When did you last hear from your mother ?

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A I didn't hear from her in three years; I hear from a sister of mine came out, they were all well.

Q When did you hear from your sister that they were all well?

A She was to see me the other day.

Q Do you know how old your mother is?

A I don't know, I would give a guess, guess fifty or fifty-five.

Q Your father was very much older than your mother?

A Yes sir.

Q How many sisters have you?

A One in this country and another home.

Q Where is the one on this country employed?

A She has been living out in Flushing, Long Island.

Q With whom?

A Man named Cox.

Q Where is your other sister?

A Home in Ireland.

Q Is she with your mother?

A Yes sir.

Q How old is she?

A She is about twenty-two or thereabouts.

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Q How old is your brother that is abroad?

A About thirty-three.

Q Do you know whether they are working or what they are doing?

A I guess they are, they have a farm of land.

Q Are they in good health?

A Except something very sudden happened; they were when I was there .

Q Never been in an insane asylum?

A No sir.

Q Your father?

A No sir.

Q Your mother ?

A No sir.

Q Any of your brothers ?

A No sir.

Q When was you injured by this fall that you speak of?

A Sometime in July this happened?

Q What year?

A 1891.

Q Where was it ?

A 43rd Street.

Q What Avenue ?

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A Between 8th and 9th.

Q What hour of the day, do you remember?

A About eight o'clock in the morning.

Q Just after you started in to work?

A About nine o'clock.

Q Had you been drinking that morning?

A I had not.

Q You say that you went up the ladder with an empty hod?

A I was coming down; I was right down; there was a bit of a board that was fastened on the rung; I came down, I tripped myself and fell down.

Q You went from the first floor into the cellar?

A Yes sir.

Q You struck your head where?

A Against a big rock.

Q What part of your head?

A The side of my head.

Q How long did you lay there ?

A I lay there until I was picked up.

Q Were you unconscious ?

A Yes sir .

Q Where did you go after you was picked up?

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A They carried me on the sidewalk, and got me a drink of whiskey.

Q How long after you got your drink of whiskey ?

A About a quarter of an hour after.

Q Did you go up to the top story to tend to the mortar?

A I was not feeling good; I felt all sore, and came back down.; so the little drop of drink went to my head and I came down and had another drink of whiskey and took the cars home.

Q Did the doctor sew up the wound in your head?

A There was no wound, it was all black.

Q How long after that did you go to work again?

A The following week after; I was asked to go to work in 58th Street, and I worked three days and a half there.

Q Has this ever troubled you since then ?

A No sir.

Q Do you feel any pain ?

A No sir; I was feeling a kind of stiff and sore.

Q Was your memory affected?

A My head was a kind of dizzy for a few weeks.

Q You knew where you were going?

A Yes sir.

Q Do you know where you are now?

II.

Q Where are you ?

A In the City Hall.

Qc What part of the City Hall?

A I don't know.

Q Is this the building in which you were tried?

A Yes.

Q Do you know where the District Attorney's Office is ?

A Up stairs further on the other side, I guess.

Q Do you know that the City Hall is in the white building,
or do you think all the building are the City Hall ?

A That is the name it goes by.

Q You know your counsel Mr. Vanmeter?

A Yes sir.

Q Do you know what this proceeding is for?

A I do.

Q What is it for?

A I got taken, and I didn't know what I got taken for; a man
came up and told him to take me down for trial.

Q Did Mr. Vanmatter tell you what this is for?

A He was up the other day to see me last week, he said he
would try to get me out of this trouble; I don't know
anything about it at all; this man told me that I was

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coming down here for trial.

Q Do you know this is a proceeding brought to inquire into your sanity?

A I guess I am all right.

Q Have you good recollection?

A Pretty fair, sir.

Q You remember being at the door of Gormley's plumbing shop ?

A I do sir.

Q Where di you get that screw-driver ?

A I didn't have any.

Q What did you have in your hands?

A I had nothing at all.

Q What hour of the day was that ?

A About ten minutes past five-- I only took one glass of lager beer that day.

Q Do you know Mrs. Gormley?

A Yes sir .

Q What relation is she to Mr. Gormley?

A She is his wife--Mr. Gormley is married to her.

Q When did you see her before that day ?

A I didn't see her in six years-- I guess since that time

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a cousin of mine sent me to see Mrs. Gormley; he was going to have a party, he sent me to her; I brought a note to her.

Q He told you that Mrs. Gormley was your cousin ?

A Yes sir .

Q What his name ?

A William Boyle , he resides at 45th Street and 9th Avenue

Q It was because he told you that Mrs. Gormley was your cousin that you supposed it?

A I knew those folks before; I knew I had an uncle in this country before I came to it.

Q You say you first met her here six years ago?

A Yes sir.

Q Did you ever see her since that time?

A No sir.

Q What led you to go there that night ?

A I knew them; I wanted to see my cousin.

Q Did you want to borrow from her?

A I wanted to get a loan of five dollar bill from her.

By COMMISSIONER LARDNER:

Q Do you remember when you were arrested?

A Yes sir; they told me the 20th day of January; I know it

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was in the latter part of January.

Q Do you remember you were arrested by a policeman?

A Yes sir.

Q Where did he take you to ?

A To 57th Street Court.

Q Do you remember the name of the Judge who was sitting that day?

A I don't.

Q Do you remember the charge the officer made against you?

A I do.

Q What kind of a charge did he make ?

A He said I was breaking into a plumbing shop, with a screw-driver in my hand.

Q Did you have a screw driver in your hand?

A No sir, I had not.

Q Did you open the door?

A No sir, I did not.

Q After you were arrested and brought before the police magistrate, do you remember what was done with you then?

A I do; I got some papers and pen and ink and signed my name.

Q Is this the name you signed? (Papers shown to witness)

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A That is.

Q After these papers were signed what was done with you ?

A Sent down stairs.

Q How long did you remain down stairs?

A No, I was put back in the seat, this Gormley appeared against me.

Q When you left 57th Street, where were you conveyed to then?

A I was put in the Black Maria and brought to the Tombs.

Q Did you retain this gentleman, Mr. Vanmeter, as your lawyer?

A Yes sir.

Q You know him very well ?

A Yes sir.

Q Do you remember the name of the Judge before whom you were tried in the General Sessions?

A No sir

Q Do you remember his appearance ?

A Yes sir; he is an oldish gentleman.

Q Do you remember anybody telling you that his name was Recorder Smyth?

A Yes sir.

Q Do you remember when you were tried that there were

I6.

witnesses examined?

A Yes sir.

Q How many ?

A Two.

Q Give their names, please?

A John Gormley's daughter.

Q Who else?

A The boss himself.

Q What is his name ?

A John Gormley.

Q In as brief a way as you can, tell me what they said you done up there ?

A This little girl --

Q How old was she?

A About twelve or fourteen years of age .

Q She was against you?

A The Judge asked her, did she see me trying the door, she said she did; and he asked her what time was it, she said it was about ten minutes past five.

Q Was that the correct hour?

A I could not tell you.

Q What time were you sitting in front of the door?

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A It was sometime about that time.

Q Did you go inside the store ?

A I was sitting inside the store; I came to the door and the door was open, I was invited into the plumbing shop.

Q What did the other witness say, the boss ?

A He didn't say anything at all.

Q Do you remember anything he said to the Judge ?

A No; he said nothing at all.

Q Were you tried by a jury ?

A Yes sir .

Q Do you remember how many there were ?

A Twelve, I guess.

Q Did you go on the stand yourself ?

A I did, I was directed around.

Q Mr. Vanmeter, was present then as your counsel ?

A Yes sir.

Q Do you remember what you said in your defense before the Recorder ?

A I didn't say anything the last day.

Q Did you say anything at all ?

A He asked me if I was guilty or not.

Q Now, Wynne, listen to me, you remember those two witnesses who went on the stand the first day in this building,

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after they were through testifying, did you testify that day?

A I did.

Q You testified didn't you; didn't Mr. Vanmeter ask you questions that day?

A Yes sir.

Q In reply, what did you say; did you deny?

A I did; I said I was not guilty.

Q Did you explain why?

A I did.

Q Tell me what you said?

A The Judge didn't say much to me; I didn't say nothing at all; that I was not guilty.

Q Did your counsel examine you?

A Yes sir; he asked me my age and where I was born.

Q Were you convicted that day?

A I was found guilty in the third degree.

Q After you were convicted were you sent back for sentence?

A I was .

Q Do you remember another day here?

A Yes sir.

Q That was the second day, do you remember what your counsel said to the Court that day?

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A He said,not guilty.

Q I mean the second day when you were brought down before the Recorder; do you remember what your counsel said to the court?

A I do not sir.

Q Give me the date again of the time when you met with this accident up at the building ?

A It was sometime in July,the latter part of July.

Q You were arrested in December on this charge?

A Yes sir.

Q You met with the accident in July Mr.Wynne,you were arrested on this charge in December,now,from July to December were you drinking ?

A I used to drink temperate stuff.

Q Did you drink any hard stuff?

A No sir;only a drop of cider.

Q Do you really understand the nature of this proceeding Mr.Wynne?

A No sir;I do not.

Q Do you know that Dr.Foster and myself have been appointed a Commission to examine as to your sanity?

A No sir;I don't,nothing about it.

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Q We are to determine whether you were capable of committing a burglary on that date. Have you been told that this Commission was appointed to find out whether you were insane or sane?

A No sir.

Q Did your counsel tell you the object of this Commission?

A He did not .

Q How many times have you seen him since you were convicted?

A Only twice.

Q Were you ever arrested before Wynne ?

A I was sir.

Q When ?

A About last February twelve months.

Q What were you arrested for then?

A For "faking".

Q What do you mean by that ?

A I was hard up and I struck a fellow for some money, and he pulled me in.

Q Were you arrested ?

A Yes sir; I got a month.

Q Were you begging on Sixth Avenue for money and the policeman arrested you?

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A Yes sir.

Q Was that the only time you were arrested ?

A I got taken again.

Q What for ?

A For being drunk.

Q How long after the accident?

A About two or three months I guess.

Q Was this before or after the accident ?

A Before the accident.

Q What time in the year?

A In the winter time, 1890.

Q What month in the year ?

A February 1890.

Q Ypu say your mother is alive ?

A Yes sir .

Q Did you ever hear your mother say that any member of your family was insane?

A No sir.

Q During your father's lifetime did you ever hear of any of his family being insane?

A No sir.

Q Do you consider yourself sane?

A Yes sir; I think I am all right.

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Q You know what you are doing?

A Yes sir.

Q Do you know that after you were convicted on that day that you were liable to be sent to State Prison.

A I did, if I was sentenced I would know.

Q Do you know now why you were not sentenced?

A I have a fair idea; I done nothing.

Q You remember the jury found you guilty?

A Yes sir.

Q You understood that when they came in?

A I did, I was remanded back for trial.

By Counsel, Vanmeter 2:

Q You remember the day of that trial, you remember me asking you what explanation you had to make to me in order that I could present your defense to the jury, what defense did you tell me you had ?

A I didn't say anything at all about what I had.

Q Do you remember when you got on the stand?

A I remember, yes.

Q Why did you commence to laugh when I asked you a question?

A Everything was jolly and social around me, I began to laugh.

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By the COMMISSIONER:

Q How long have you been in the Tombs?

A Since the 28th of January .

Q How do you like your apartments up there ?

A I would rather be out if I could; a man could be in a worse place; it is nice and warm and comfortable enough.

Q Are you friendly with the Keepers up there?

A They are all right; they know I am not convicted; I am only waiting for trial; I am well acquainted with the whole of them.

By Mr. SIMMS:

Q Do you know you were tried by a jury?

A Yes sir .

Q Do you know that they found you guilty?

A Yes sir .

Q Do you expect to have another trial ?

A I got another trial after that; this man was there; the Judge asked me if I was guilty or not guilty, and this man said I was innocent.

By the COMMISSIONER:

Q Do you know that it is a fact that the Recorder remanded you back to prison before sentencing you, to find out

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whether you were sane or not?

A I don't know anything about it.

Q Didn't your counsel say you were insane in Court ?

A No sir;he din't.

Q Didn't you hear the Recorder say anything about it?

A I didn't;there was not a word about it.

By Mr.SIMMS:

Q You say you laughed on the stand?

A It was kind of funny going all around;it was when I was remanded back again.

Q What were they talking about ?

A He took me so easy;I only put up my hat and laughed;I was laughing at the idea of being taken,that is all.

Q Being taken where ?

A Being taken to the Court.

Q Was there anything funny in your being taken to Court?

A It was all funny,all the way through,taking a man innocently,I was only laughing at them.

Q It was because you were innocent you laughed?

A Yes sir; I guess they were all laughing,as well as me.

By the COMMISSIONER:

Q What relation is Mrs.Gormley to you?

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A Her father was my mother's brother.

By Counsel VANMETER:

Q You remember James Boyle of Flushing?

A Yes sir .

Q Is he a cousin of yours?

A Yes sir, he is.

Q Did you ever accuse him of having any one after you?

A I did, sir.

Q How did he come to have any one after you? what was his object?

A He didn't like it very well.

Q What explanation did he give for it.

A He said I had a right to stay in New York.

BY Mr. SIMMS:

Q Did he tell you that he didn't want to see you in Flushing?

A He didn't say nothing, I didn't bother him for nothing; I got a job there .

Q Did you go to see him there ?

A Once in a while.

Q He told you to keep away?

A He told me I had a right to stay in New York.

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Q How was it he happened to have somebody after you?

A I don't know.

Q Do you know who it was he had after you?

A I don't know, I partly guess.

Q Did he insult you?

A Yes sir.

Q Did you ask him if he hired these men?

A No sir.

Q Didn't he tell you that he hired these men?

A He did not.

Q Is it not a fact that you got angry at him?

A Oh, yes it is.

Q What did you get angry at him for ?

A I got angry, he didn't please me so very well, I thought he had a right to treat me better.

Q Did you used to talk to yourself?

A They were all talking to themselves as well as me; used to go out and have a drink.

Q How long have you talked to yourself

A It was a noisy town anyhow as ever I struck.

Q What were you talking about ?

A I was talking about nothing at all; I would go up and have a smoke; they were talking always; said I had snakes.

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Q Did you ever see any snakes?

A The devil a one.

COMMISSION ADJOURNED TO
Monday, March 28, 1892, at 3:30 P.M.
Same place.

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March 28th, 1892.

Pursuant to adjournment, Commission resumed.

APPEARANCES:- The Same.

WHITAM VANMETER, being called and duly sworn testified as follows:

I defended the defendant in this case, December 30th I asked the defendant what his defense was, and he simply stated that he was not there. I asked him for an explanation of what he had been doing previous to the time on which he was arrested, and he simply commenced to laugh; got no satisfaction out of him, or anything further. I called him as a witness, and in answer to the questions he commenced to laugh; he didn't seem able to make a defense to his case, or state anything about his case.

By the COMMISSIONER:

Q Who employed you Mr. Vanmeter?

A The prisoner wanted to see my partner, Westfield, About that time my partner was taken sick, I went into the case.

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Q Why did he want to see Westfield?

A Wanted an attorney, I guess.

Q You stated a moment ago when you asked him what his defense was, he laughed?

A That was at the time of the trial.

Q Did you ever have any conversation with him before he was called up to trial?

A I probably did have.

Q What is your best recollection?

A It is my custom to; I should say I did have. I got no statement from him what his defense was; I could not get anything out of him.

Q Why didn't you plead insanity.

A I had no intimation at that time; after the trial I was informed by the policeman that the defendant acted very strange. The Recorder made the remark himself. Then I was informed by this George Boyle that the defendant was not sane, as he expressed it: something loose about the defendant. I suggested to him that he should call at the office and furnish me further information. Since that time I have been utterly unable to see or find him. I called at his house, 667 Lexington Avenue near 85th Street

he has always been out. Then I wrote to his relatives. I received a letter from 78 Amity Street, the man he claims is his cousin.

Commission adjourned to Monday April 4th, 1892, at 3:30 P.M.

This matter is set down finally for said date. Commission as asked the counsel for the prisoner to have present at that time all witnesses that he desires to have examined on this hearing.

31

April 4th, 1892.

Pursuant to adjournment, Commission resumed.

APPEARANCES:

Commissioners Foster, & Lardner

Counsel for Deft., VanMeter.

Asst. Dist. Atty. Macdona/

EDWARD DONNELLY, being called and duly sworn, testified as follows:

By ASST. DIST. ATTY. Macdona:

Q What is your business ?

A Keeper in the Tombs.

Q How long have you been there ?

A Fourteen years.

Q Since the 20th day of last December has Thomas Wynne been in your charge as Keeper ?

A Yes sir.

Q You have had occasion daily to watch and notice him ?

A Yes sir; every day.

Q Have you noticed anything strange in his conduct?

32.

A Well, yes.

Q What is it ?

A I have noticed his actions in different ways, entirely different from the actions of other prisoners--as idiotic his general behavior; he laughs and smiles when he has nothing to laugh at walking around exercising, he has got a habit of jumping on the exercise walk--about 150 men walking--he will jump into a cell and grab tobacco. He would do that and the other prisoners watching him, and jump out.

Q Does he do that in their sight?

A Yes sir; they think he is off. He talks to himself a good deal and laughs to himself.

Q Does he laugh audibly?

A Laughs right out so you can hear him.

Q You have noticed this condition ever since he has been there ?

A Ever since; it is just the same.

By Defendant's Counsel?--

Q Did you notice anything peculiar about his walk ?

A He has a kind of a halt; he looks like if he was lame in the right leg.

Q Did he seem to recognize his sister that called there at

33.

the Tombs ?

A He would not notice her at first; she commenced to cry; then he got in conversation with her .

By Asst .Dist.Atty.Macdona:

Q Was that his sister ?

A Yes sir.

By Defendant's Counsel:

Q What is your opinion; does he seem to realize the position he is in?

A I don't think he does; he don't show it in any way. The prisoners who were in the cell with him do not want to remain with him on the ground that he was acting strange.

By Commissioner Foster:

Q Do you know anything about his eating his food ?

A He takes his food.

Q Do you know anything about how he sleeps ?

A Sleeps well, I understand; he don't take his exercise as often as the others.

Q Is he cleanly about his person?

A Yes sir he has been cleaning his old clothes and washing his shirt and drawers.

WILLIAM EVERS, being called and duly sworn, testified as follows:

By Asst. Dist. Atty. Macdona :

Q You are a Keeper in the City Prison?

A Yes sir .

Q You have heard the testimony of the other Keeper; you alternate on the corridor with him ?

A Yes sir, we work together there .

Q Have you seen this defendant Wynne all the time since he has been there ?

A Yes sir.

Q You have heard all the testimony of the other Keeper ?

A Yes sir.

Q You have noticed all the things that he noticed about this prisoner ?

A Just the same.

Q Have you anything to add to that?

A This man has a mania for pilfering; there was a couple of prisoners there one day that made a complaint about his going into their cell and taking their tobacco; I went and spoke to him, and told him I would punish him if I caught him doing that any more. When I spoke to him about it, and told him I would

0236

35.

punish him,he just stood there and grinned at me;he seems
to have a mania for pilfering.

36.

GEORGE BOYLE, being called and duly sworn, testified as follows:

By Asst .Dist. Atty. Macdona:

Q Where do you live ?

A 667 Lexington Avenue, New York City.

Q Have you known Thomas Wynne?

A I have known him about six or seven years.

Q Do you remember an accident happening to him, his falling from a scaffold, during that time?

A I met him about a year and a half ago, he was lame, or something.

Q When you first knew him was he apparently all right mentally?

A The way I should judge, he didn't act like an ordinary man

Q Never since you knew him?

A About the same way every time I met him; I met him about seven times altogether.

Q Always the same ?

A Always acted funny, throwing his head.

Q Have you ever known him to do anything peculiar?

A I know him to be an honest upright, poor unfortunate laboring man.

37.

Q Did you ever see him do anything peculiar?

A He is always laughing kind of peculiar that way.

By Counsel for defendant:

Q Is Wynne any relation to the complainant's wife?

A Not to my knowledge.

By Commissioner Foster :

Q Mr.Gormley is some relation of yours ?

A Yes sir.

Q If Mrs.Gormley acknowledged him as her cousin,you would know it ?

A Certainly,there is no such relationship whatsoever.

Q How did you happen to know him Mr.Boyle?

A I got an introduction to him through my brother,a policeman at the present time.

By Counsel for defendant :

Q You were present at the trial ?

A Yes sir.

Q What was your opinion about the defendant on the trial?
Did he seem to realize his position?

A I don't think he did.

Q Do you know whether the complainant is acquainted with

38.

this man Wynne at all?

A That I haven't found out.

By Commissioner Foster :

Q Do you know anything about his family at all Mr.Boyle ?

A No sir .

Q You don't know James Boyle,do you?

A No sir .

Commission adjourned to Friday April 8th,1892, at
3:30 P.M.

0240

29

April 8th, 1892.

Pursuant to adjournment, Commission resumed.

APPEARANCES:

COMMISSIONERS FOSTER & LARDNER.

Counsel for Deft.

Asst. Dist. Atty. Macdona.

Dr. Foster, one of the Commissioners made a
personal examination of the defendant Wynne,
and Commissioners agreed to meet for consulta-
~~tion make report.~~
tion to make report.

Commission closed.

place of executing such commission be

Court of General Sessions

in and for City and County of N. Y.

PEOPLE

against

THOMAS WYNNE.

REPORT OF COMMISSIONERS.

William J. Lardner,

Frank P. Foster M.D.

Commissioners.

*Deposited
with the Sec'y. he
brought up for
discharge on May
22nd Inst. & wrote
he. given to types
Aug.
April 18/92 Jy*

Flushing January 24/1892

Jacob Van Gemachten Esq
District Attorney's Office
N.Y. City

My Dear Friend

Yours of Dec 31st 91
received, and in answer would say
in making the Investigation in Case
of one Thomas Wynn Convicted at
Court of General Sessions N.Y. City
that it is the opinion of those who
know him here that he is of unsound
mind, and believe him to be Crazy.
Mr John Wilson a Builder and
also one of our Village Trustees
says that he always found Wynn
to be a sober and industrious man
and never heard anything against him.

Mr Phillip Carrell his
Cousin says that some time since
while working in N.Y. City, he fell
from a ladder and hurt his head
and since that time has not
been himself, he says Wynn
would sit around the house
all day and talk in the most non
sensical manner, as if in conversation
with some woman, one day he called
to the window to show him a lot.

0243

in the Back yard who were waiting for him to go out, Mr Carnell told him there was no women there but he insisted there was, and Mr Carnell then would go out with him. Wynn said it would be of no use as the women would run away, he at last became such a nuisance that Mr Carnell could not have him in the house any longer and was compelled to put him out.

Mr James Boyle says he has no doubt but that Wynn is Insane; he boarded with Boyle for some time, he would sit about the dining room all day talk nonsense and act in a very strange manner - he would take spells of laughing and when asked what he was laughing at would say that the dressmaker wanted him to marry her; the police know nothing about him he has never been arrested to their knowledge.

Very Respectfully Yours
J. M. Clappe

201 Comity St -

Flushing Id

0244

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer of the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

431

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To John C. Boyle

of No. 57 East 84th

Street City

~~YOU ARE COMMANDED~~ to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of March 1892 at the hour of 3 in the ~~forenoon~~ afternoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Guerguian with the surety of Thomas Wynne & Sons Limited

Dated at the City of New York, the first Monday of March

in the year of our Lord 1892

DE LANCEY NICOLL, District Attorney.

*Asks to see Mr. Macdonald
at 9 o'clock P.M.*

0245

GLUED PAGE

one of his Assistants.
brought out, please state the same to the
If you know of more testimony than was produced be-
fore the Magistrate, or if a fact which you think material
to the case, please state the same to the District
Attorney's Office.
If when served, please send timely word to the District
Attorney, and you prefer another day,
and you may save time.
Please inquire in the District Attorney's
Office for trial, and no reason
[SEE OTHER SIDE]

THE COURT ROOM IS IN THE SECOND
FLOOR. If this Subpoena is disobeyed, an
arrest may be made. Bring this Subpoena with you, and
Room door, that your attendance may be known.
481

FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

Name of the People of the State of New York.

Patrick Kelly

of No. *57 East 84th St. or 200 East 85th* Street *City*

YOU ARE COMMANDED to appear before the Court of General Sessions of the
Peace in and for the City and County of New York, at the Sessions Building, adjoining the
New Court House in the City Hall Park, in the City of New York, on the
day of *March* 189*2* at the hour of *3* in the *afternoon* of the same day,
as a witness in a criminal action prosecuted by the People of the State of New York, against
to inquire into the sanity of Thomas McGovern & Richard Smith

Dated at the City of New York, the first Monday of *March*

in the year of our Lord 189*2*

DE LANCEY NICOLL, District Attorney.

Ask to see Mr. Macdonald
at 3 o'clock P.M.

Act of General Sessions.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

THE PEOPLE

vs.

Thomas Myrone

City and County of New York, ss :

Louis Leavitt
125 Walker

being duly

sworn, deposes and says: I reside at No.

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of

the City and County of New York. On the 26 day of March 1892
I called at 57 East 84th Street and 200 East
85th Street

the alleged Residence of John P. Boyle and Patrick Kelly
the complainant herein, to serve them with the annexed subpoena and was informed by

The tenants of 200 East 85th Street that
know such persons lived there, also called
at 57 East 84th Street and found same
number to be vacant, and made
inquiries of neighbors if any such persons
had lived there and was informed
that they never lived there to the best
of their knowledge.

Sworn to before me, this 28th day
of March 1892

Thos A. Maguire
Clerk of Court

Louis Leavitt
Subpoena Server.

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Thomas W. Jones

Offence:

JOHN R. FELLOWS,
District Attorney.

Witness of
Paul Jones

Subpoena Server.

Failure to Find Witness.

At a Court of General Sessions of the Peace, "Part II," holden in and for the City and County of New York at the City Hall of said City on Tuesday the twelfth day of January in the year of Our Lord One Thousand Eight Hundred and Ninety-two

Present,

Hon. Frederick Smyth, Recorder of the City of New York, and Judge of the Court of General Sessions.

The People
vs
Thomas Wynne

On conviction by verdict of an Attempt to commit the Crime of Burglary in the Third degree.

The above named Thomas Wynne, who was heretofore indicted by the Grand Jury of the City and County of New York, for the Crime of Attempting to Commit the Crime of Burglary in the Third degree, and who after trial in this Court was, on the thirtieth day of December, 1891, found guilty of the said crime, and who is now in confinement awaiting sentence upon such conviction, appearing to be insane, it is now upon Motion of De Lancey Nicoll, District Attorney, and pursuant with the statute in

such case made and provided,

Ordered, that ^{Esq. Resident} W^m J. Lardner
at Law & Frank. M. D. and P. Foster. Esq.

M. D. all of the City and County of New York,
he and they hereby are appointed a commission
forthwith to examine the said Thomas Wynne
with all convenient speed, as to his sanity
at the time of such examination, and that due
notice of the time and place of executing such
commission be given to the said District Attorney.

Enter
By
[Signature]

Chief of Equal Housing

The People

vs

Thomas Weying

Order of existing court
mission to eliminate as
defendants' sanity.

Hon. Frederick Smyth,
Recorder.

January 5th 1891.

Sir:-

Pusuruant to your request I beg to submit the following report on the character of THOMAS WYNN, found guilty of burglary on the 3rd degree. I went to see him and had two conversations with him and ascertained ~~th~~ that he had friends and worked in Flushing, L.I. On this statement I communicated with Flushing and annexed hereto is a letter received from there.

From conversations that I had with defendant I am of the opinion that he is simple minded.

Very respectfully,

Jacob Von Gerichten
Det Supt.

0252

Police Court— District.

City and County } ss.:
of New York,

of No.

occupation

deposes and says, that the premises No.

in the City and County aforesaid the said being a

stone building and which was occupied by deponent as a

and in which there was at the time a human being, by name

attempted to be

were BURGLARIOUSLY entered by means of forcibly

the latch from the door
leaving from the street into said
shop. And attempting to enter said shop with
the intent to commit a crime

on the 19th day of December 1899 in the night time, and the
following property feloniously taken, stolen and carried away, viz:

the property of

and deponent further says that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Thomas Wynne (known as)

for the reasons following, to wit:

informed by his daughter Katie
Gormley that between the hours
of 5 and 6 o'clock P.M. said date
she the deponent was working on the
latch of said door with a screw
driver.

deponent is further informed by Officer
Thomas H. Doyle that the said

0253

Defendant admitted and confessed to him. that he had Burglariously attempted to enter said premises wherefore defendant prays the said Defendant may be held and dealt with according to Law.

Sworn to before me } John Gambley
this 20th day of Dec 1891

Wm. Brady

Police Justice

[Signature]

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated _____ 188__ Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated _____ 188__ Police Justice.
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated _____ 188__ Police Justice.

Police Court, _____ District, _____

THE PEOPLE, &c.,
on the complaint of

vs.

1. _____
2. _____
3. _____
4. _____

Offence—BURGLARY.

Dated _____ 188__

Magistrate.

Officer.

Clerk.

Witnesses, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____

\$ _____ to answer General Sessions.

0254

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 13 years, occupation School girl of No.

956 2nd avenue Street, being duly sworn deposes and

says, that she has heard read the foregoing affidavit of

John Gormley
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

1887

20 } Katie Gormley
Dec

Wm. J. Brady
Police Justice.

0255

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas H. Doyle
aged _____ years, occupation Police Officer of No. 23. Peach Power Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of John Formley
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 30

day of Dec 1887

John H. Brady

Police Justice.

Thomas H. Doyle

0256

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Thomas Wynne being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him, that the statement is designed to enable him, if he see fit to answer the charge and explain the facts alleged against him, that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Thomas Wynne*

Question. How old are you?

Answer. *33 years old*

Question. Where were you born?

Answer. *Ireland*

Question. Where do you live, and how long have you resided there?

Answer. *312 E. 24th St. New York*

Question. What is your business or profession?

Answer. *Labourer.*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

I am not guilty

Thos Wynne

Taken before me this

day of

Nov 24 1892

John J. Brady

Police Justice.

0257

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Alexander

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *25* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *Dec 20* 18*91* *Thos M. Brady* Police Justice.

I have admitted the above-named to bail to answer by the undertaking hereto annexed.

Dated 18 Police Justice.

There being no sufficient cause to believe the within named guilty of the offence within mentioned. I order he to be discharged.

Dated 18 Police Justice.

Police Court---4 District

THE PEOPLE v. c.,
ON THE COMPLAINT OF

John Gormley
936 2nd Avenue
Thomas Wynne

2
3
4

1865
Attorney General

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Dec 30* 18*91*

Grady Magistrate.

Thos H Doyle Officer.

23rd Precinct.

Witnesses *Katie Gormley*

No. *936 2nd Ave* Street.

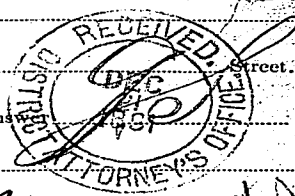
Off. Thos H Doyle

No. *23rd Precinct* Street.

No. _____ Street.

\$ *1000* to undersigned

Chm



Att. Bm 3

0259

PART I.

THE COURT ROOM IS IN THE SECOND STORY AND FRONTING THE PARK.
 If this Subpoena is disobeyed, an attachment will immediately issue.
 Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

431

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Mrs Michael Tracey

of No. 232 South 1st St Brooklyn Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of March 1894 at the hour of 3 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

He is required to enter the security of the court by depositing with the
 Dated at the City of New York, the first Monday of March

in the year of our Lord 1892

DE LANCEY NICOLL, District Attorney.

At 3 o'clock P.M. to see Mr. Macdona

0260

GLUED PAGE

General Sessions.

THE PEOPLE

vs.

Thomas Hymn

City and County of New York, ss:

Frank Dawling being duly sworn, deposes and says: I reside at No. *409 West 25th* Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the *26th* day of *March* 18*92*, I called at *232 South 1st St. Brooklyn*

the alleged *residence* of *Mrs. Michael Tracy* the complainant herein, to serve her with the annexed subpoena, and was informed by *the house keeper*, that the said *Mrs. Michael Tracy*, had moved to *South 4th St.* but she did not know the number

Sworn to before me, this

day

of

188

Frank Dawling
Subpoena Server.

John J. Buckley
Jury of Peace N.Y.C.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to District Attorney or one of his Assistants.
If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to District Attorney or one of his Assistants.
If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to District Attorney or one of his Assistants.

GLUED PAGE

Court of General Sessions.

THE PEOPLE

vs.

Thomas Hyman

City and County of New York, ss:

Frank Dawling being duly sworn, deposes and says: I reside at No. *409 West 25th* Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the *26th* day of *March* 18*92*, I called at *232 South 1st St. Brooklyn*

the alleged *residence* of *Mrs. Michael Tracy* the complainant herein, to serve her with the annexed subpoena, and was informed by *the house keeper*, that the said *Mrs. Michael Tracy*, had moved to *South 4th St.* but she did not know the number

Sworn to before me, this

day

of

188

Frank Dawling
Subpoena Server.

John J. Buckley
Jury of Peace N.Y.C.

Office of the District Attorney
If you know of more testimony than was produced by the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.
If you know of more testimony than was produced by the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Thomas Wagoner

Offence:

~~JOHN R. FELLOWS~~
De Lancey Wood District Attorney.

Affidavit of

Frank Downing
Subpoena Scrip.

Failure to Find Witness.

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Wynne

The Grand Jury of the City and County of New York, by this indictment, accuse

Thomas Wynne
of attempting to commit the crime
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

Thomas Wynne

late of the 19th Ward of the City of New York, in the County of New York aforesaid, on the
nineteenth day of December in the year of our Lord one
thousand eight hundred and ninety-one in the night-time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the shop of
one

John Gormley

committed as follows:

LARCENY

of the CRIME OF

And the Grand Jury aforesaid, by this indictment, further accuse the said

SECOND COUNT—

there situate, then and there being found, in the
 aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute
 in such case made and provided, and against the peace of the People of the State of New York
 and their dignity.

of the said

in the

of the goods, chattels and personal property of one

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
 at the Ward, City and County aforesaid, in the
 time of said day, with force and arms,

The said

there situate, feloniously and burglariously did ^{attempt to} break into and enter, with intent to commit some
 crime therein, to wit: with intent the goods, chattels and personal property of the said John
Gornley in the said shop
 then and there being, then and there feloniously and burglariously to steal, take and carry away,
 against the form of the statute in such case made and provided, and against the peace of the
 People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney