

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

37  
April for trial  
L. J. A. X

Counsel,

Filed 2 day of Dec 1891

Pleas, *Myself*

THE PEOPLE

vs.

I

Barny Woffel

vs.

I

Yetta Woffel

Arson in the 1st Degree. [Section 487, Penal Code.]

R. DE LANCEY NICOLL,

District Attorney.

June 7, 1892

He is charged on the verbal recognition of

A TRUE BILL.

*[Signature]*  
Prosecutor

June 7, 1892

I Plead Guilty

committed myself to the City Prison on June 8, 1892

Witnesses:

.....  
.....  
.....  
.....  
.....

0011

TORN PAGE

STENOGRAPHER'S MINUTES.

Third District Police Court.

THE PEOPLE, & IN COMPLAINT OF

Daniel Mitchell

vs.

Bennie Woffel  
Getta Woffel

BEFORE HON.

Drury J. Ryan  
POLICE JUSTICE,  
Nov 20<sup>th</sup> 1891

APPEARANCES:

For the People,

For the Defence,

Nov 20 1891

I N D E X.

WITNESSES.	Direct Ex.	Cross Ex.	Re-Direct.	Re-Cross.
Thom O'Sterne	1	25		
St. Charles	26	41		
Das Mitchell	42	50	54	
Mary Linnigan	57	53		
Kate Krumholz	54	61		

*Drury J. Ryan*  
Official Stenographer.

0012

DISTRICT POLICE COURT. (1)

THE PEOPLE,  
ON COMPLAINT OF

Matchell  
Sam' Koffel  
Yerra Koffel

Examination had Nov. 20<sup>th</sup> 1889  
before John Ryan Police Justice.

I, M. J. Treacy Stenographer of the 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  
C. Stearns all herein  
as taken by me on the above examination before said Justice.

Dated Nov 26<sup>th</sup> 1889  
M. J. Treacy Stenographer.  
John Ryan Police Justice.

New York Nov 20<sup>th</sup> 1891  
Third District Police  
Court  
Hon John J. Gan  
Residing Justice.

James Mitchell }  
Dinnie Hoppel and }  
Getta Hoppel }  
Dunn

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

Q. You recol-  
lect the evening of  
Nov 17<sup>th</sup>?

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

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

2.

Street, 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

2

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 wear-  
ing 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

hand 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 stands 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

H

F.

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

Q.

did you do? What

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 partitioned.

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. How long did you  
get 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 companies 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 bedroom, 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

9.

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 bed room 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? You can have

Q. it - You want in the

9

10

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

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

Q. That is a  
pillow case?

Q. 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 jumped over  
the window (P.A.)

Q. Was that saturated  
with Benzene (P.A.)?

50

11

Q. Where was that found?

A. In the bedroom. 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?

A. Bedroom or the last room.

Q. What part of the mattress was that taken from?

A. 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 ~~reference~~ that denotes that there was kerosene on it?

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

Q. This (Q 10) was hung on the door, it was not saturated with kerosene.

A. It was not saturated with kerosene oil.

Q.

(12)

13

room two Gen  
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,  
Was 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. Q. That is all.

Q. Has 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 (C.F.) I took

15

That from room  
 One it was saturat-  
 ed with kerosene  
 oil, it was hung  
 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 hung  
 on the floor

Q.

The girl went into  
 the kitchen from  
 room one and two?

Q.

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

Q.

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

15

16.

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

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

A. I saw  
 Q. the attachment of it

A. How long have  
 Q. you been a fireman  
 A. Seventeen or eighteen

Q. years. You have experi-  
 -mented 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. Was anything hung  
over the transom in  
the kitchen?

A. Gas Sir, some  
light material

Q. Was anything hung  
on the knob of the  
kitchen door?

A. Yes Sir, (G, F)

Q. 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. Did you pick up  
fragments of broken  
17

18

Q. Glass? No, Sir

Q. Why not? I did not consider it evidence

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

Q. Where are the pieces of glass? No, Sir, I do not know

Q. Has any carpet on that floor? No, Sir,

Q. You examined the floor?

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

Q. Do you know whether the glass

18

19

Q. Found was Lamp glass, or, other glass 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?

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

u. I do not know whether it was glass or china, I cannot 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  
 strewn along the  
 clothing on the  
 mill?

A. Yes Sir, that  
 was wool too (or)

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  
 would show that  
 combustion in a  
 room hardly changed

Q1

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

Q. Do you recollect that in bedroom one there was a stump and an ice box - were they burned on the edge next the door?

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

Q. When you first <sup>step</sup> upt, what did you do?

Q. I went into the

Q1

Q. Q.

first room, and followed along, when I left, I met 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, you  
first entered the room  
did you take these  
things away?

A. Nearly two (2)

Q. hours you were in the  
Just one to enter the  
room?

(22)

Q. & A.

Q. Yes Sir, with a  
member of the crew

Q. In room One  
is there a small table?

Q. No Sir  
Do you recollect that  
trunk?

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 mouldering

Q. You do not know  
how that kerosene  
came there on this  
material?

Q.H.

Q. Yes Sir  
 Q. 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?

Q. Do you know  
 whether any fire-  
 man overturned a  
 lamp?

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

Q.H.

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 20<sup>th</sup> day of Nov 1891 }  
Police Justice

D. J.

26.

Robert E. Forwell  
 being July 27th  
 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

D.Y.

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 wicker 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 Co; he left me there to watch till the marshal came

D.Y.

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, as 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 six o'clock he came there that

Q. Afternoon. Were you present when I (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

Court. 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

Q. 1.

Q. Did you examine the glass?

A. No, Sir, you did not examine it critically?

Q. No, Sir, from a casual glance you might say it would be from a broken lamp in the middle of the room?

A. It might

Q. be was the floor met where the glass was?

A. It looked met. Did you smell the floor?

Q. No, Sir. 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

Q. roll it up?

Yes Sir,

(32)

III

Q. In room one was

A. there a table?

Q. sure of that?

Q. In room two was there a table?

Q. Yes Sir,  
Was there a Lamp  
on that table or on  
the floor?

Q. No Sir,  
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?

Q. Yes Sir,  
About how large  
was it?

A. About a gallon  
or a little over

(33)

I.H.

Q. Where was that stand-  
ing?

A. 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. Did you not think it necessary to bring it here?

Q. A. No, Sir. You cannot say whether the residue was previously poured on these exhibits?

A. No, I cannot

Q. say. About what time was the Defendant in the rooms?

A. About ten o'clock (10)

36.

minutes to six  
o'clock P.M. Q. 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.

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  
thirty (30) 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 went away and  
when he returned he  
brought the Policies?

A. Yes Sir,

39

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

A.

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

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 should show them to him.

Q.

Did you not testify that he gave

(39)

Ho.

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

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

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

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

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

A. Yes, 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 small quantity  
of water on it.

Q.

Does it  
occur by accident or  
water?

A.

I cannot  
say.

Sworn to before me  
this 20th day of August,

Police Justice

H1

H<sup>2</sup>

James Mitchell, the  
 Sheriff, being  
 duly sworn, deposes  
 that he, and received  
 notice from Captain  
 O'Harra to go to the  
 110 Chapel St. &  
 he called there about  
 6:30 o'clock or thereabout  
 & went there on the  
 evening of November  
 17<sup>th</sup>, & went with the  
 Captain, & found  
 M. J. in a room,  
 & found present, the  
 Defendant, his wife  
 and the man  
 representing the Insur-  
 ance interest, &  
 asked if they were the  
 occupants of the room,  
 and was told they  
 were; The Defendant

H<sup>2</sup>

H B

gave me his name  
 and told me they  
 was a permit for \$500  
 five hundred dollars,  
 Department the  
 Policy and found it  
 written in his name,  
 I told him a dozen  
 keep the Policies till  
 I had done with  
 them (Policies of  
 in England, that  
 marked G. H.)

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

H B

H.H.

H.H.

found, I found  
 some debris which  
 was lying on the  
 floor about which  
 I noticed a quantity of  
 because I found  
 that had been a  
 time or two of  
 cloth from the floor  
 of which was to some  
 the way the water  
 was, that was lying  
 there when I started,  
 I found some  
 on the bedding; I  
 found was part of  
 it, the cloth, stretched  
 along the head of  
 the bed under various  
 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 other side;  
I found a towel  
pinnaut over the trans-  
verse, and found a  
deep, containing a  
light material, over  
the window, looking  
out on the wall.  
Next, there were  
something turned over  
the transverse door, — I  
collected all these things  
together and reported, and  
found the keyhole  
covered by a piece of  
cloth, doublet of four  
or five 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  
 Sign (Deputy) for  
 the keys, he said he  
 did not know where  
 they were, he could  
 not find them,  
 nor could his wife.  
 Then he produced  
 two or three sets of  
 keys, I took the keys  
 from him, and took  
 the key in the entry  
 lock, and 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

47

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 candle; there  
 was no indication  
 that the lamp  
 was suspended  
 from the ceiling,  
 the floor where the  
 glass lay was perfor-  
 ated - in my opinion  
 it was attracted  
 with kerosene, but  
 the fire did not  
 originate where the

47

48

Camp fell, but  
 between the hamper  
 and Dec bot, there  
 was no burning  
 where the glass was  
 lying, these were the  
 facts — I do not  
 the record of the  
 Department (C. M.  
 Diagram)

Q. You concede  
 that the fire originated  
 in the kitchen?

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

Q. That is near the  
 hamper?

A. Between the  
 hamper and Dec bot.

Q. How far away was  
 the hamper from

48

49

Q. The glass on the floor?

A. About two (2 1/2) feet and a half.

Q. Where you first saw the Defendant, you had a conversation with him?

A. Yes Sir, he gave me the name of his insurance Co.

Q. Now you don't think the representative of the insurance Co. had a real claim for the Policy?

A. I was so informed, 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 seventeen (17)  
 feet, Was it a continued  
 fire?

A. As a result of  
 the examination, the  
 fire was set at the  
 kitchen hearth, 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 my friend  
 this 20th day of Nov 1891

A. J. Justice

Do

51

Mary L. Simon  
being duly sworn  
deposes and says, I  
am the newspaper  
of No 110 Suffolk St.  
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 <sup>and</sup> 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

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.

stairs between two <sup>and</sup> 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

Q. Did you see the Defendants 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.

stairs between two <sup>and</sup> 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, 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  
alarmed?

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.

Sworn to before me  
this 20<sup>th</sup> day of Nov 1891

Police Justice

53

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 Winnibolting  
Daily Mirror, Depose,  
and says where to

Q. your live?

A. No 112 Suffolk

Q. Do you remember the evening of

55

55

of last Tuesday Nov  
8/17<sup>th</sup> 1891?

A. Q. Do you know the  
Referendary?

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

A. Q. Yes, Sir,  
Did you see  
him at 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. 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 Amik 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 his (Defendant's) room?

A. Yes, Sir,  
Q. Did you have

J.P.

my conversation  
about the fire in  
his house?

Q. You did not ask  
him (Defendant) what  
part of the house it  
was in? No Sir,

Q. What time was it  
that the firemen  
came to put the  
fire out? After four (4)

A. One 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? (58)

59.

Q. 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 remember what time we had dinner

Exhibited before me }  
this 20<sup>th</sup> day of Nov 1891 }

Police Justice

Councillor Cottle. I ask  
for the discharge of  
the woman Getta  
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 maliciously setting fire to the rooms in No 110 Suffolk 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 statements 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—  
 and I refuse to  
 discharge her— they  
 are held in three  
 thousand dollars  
 each to answer.

61

District Police Court.

*Edward*  
*James Mitchell*  
vs.  
*Emmie J. Mc*  
*Yetta Joyce*

STENOGRAPHER'S TRANSCRIPT.

*Rev. O. W. Mc*  
1887

BEFORE HON.

*John J. Spar*

Police Justice.

*A. J. Gray*

Official Stenographer.

0076

CITY AND COUNTY } ss:  
OF NEW YORK, }

POLICE COURT, 3<sup>rd</sup> DISTRICT.

Katie Krumholz

of No. 112 Suffolk Street, aged 22 years,  
occupation... Runsekeeper being duly sworn deposes and says  
that on the 17<sup>th</sup> 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 4:30 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 too long to get  
of what he wanted - I told him to take his  
time and I would get it - He then waited  
without 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 *19<sup>th</sup>*  
day of *November* 189*9*.

*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 Atlantic 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 19<sup>th</sup> } Thomas O'Hearn  
day of November 1898 }

[Signature]  
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 *19<sup>th</sup>*  
day of *November* 189*0*,

*Mary L. Finnan*  
*mark*

*John H. Ryan*  
Police Justice.

2/

Hook & Ladder 18  
 Thos. O'Hearn - Capt. 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. one side of bed 8 inches from floor -  
 one strip of muslin - Edge of ~~bedding~~ mat  
 also - ~~bedding~~ mattress - ~~foot~~ foot  
 of bed - saturated with oil -  
 Slips all wet - all the way along.  
 Windows covered - Transoms covered with  
 heavy muslin - 2 thicknesses -

3/

Ransom - heavy towel -  
 Keyhole - old stickup 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 have <sup>also side steps</sup> charred the <sup>oil in bed room</sup> ~~oil~~ <sup>oil</sup> ~~oil~~  
 gets air - without ox., no combustion

Farnell - in charge till Mitchell  
 came

Hanson -

0082

4/ Mitchell,

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

0083

FRIEND & HOUSE,  
COUNSELORS AT LAW,  
WORLD BUILDING,

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

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

(ROOMS 188, 189 & 190.)

TELEPHONE CALL, 2501 CORTLANDT.

*Mr. Green*

*City*

*May 19 1931*

NEW YORK.

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

*Truly  
E. M. Friend*

0084

E. M. Freund  
May 19/22

110 Suffolk Street - 11

Order of Proof

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

Was called to fire at 110 Suffolk St in afternoon of Nov. 17 at 4<sup>14</sup> P.M. - Found fire in front rooms on South side of face, on 2<sup>d</sup> 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 incendiarism. 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 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 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. Ripe 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 on afternoon of Nov. 17 at 4<sup>14</sup> P.M. - Found fire in front rooms on South side of house, on 2<sup>d</sup> floor of No. 110. Doors securely fastened, necessitating the bursting in of one of them with an axe. When the entrance place was full of a dense smoke - As soon as smoke cleared away, he quickly collected the implements of vicarious - As soon as fire was out he placed a fireman, Robert Hancock of his company, in charge of premises with instructions not to permit anyone to enter. The witnesses during the occurrence of above 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 took away with them the things of vicarious - 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 north bed-room and similarly along the edge of the bed, as in the other room. Pipe trunks were also extended along the heads of the beds in each room, connecting with the main trunk 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 a thickness 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 closed, and sealed on the inside, one with  
 a stick with tallow on the end and pressed against  
 the key hole, the other with an old stocking stretched  
 over the hole and secured against the  
 key hole. The place had been so successfully  
 secured that the fire from the kitchen, not totally  
 destroying <sup>(on the kitchen side)</sup> ~~entering~~ the rooms - It had started  
 just inside the door, opening near the kitchen into  
 the first bed-room. It had burned steadily along  
 the Trains, as said, and had burned the 2<sup>nd</sup> bed  
 room. The want of draft, however, prevented rapid  
 combustion, and although the cotton Trains were  
 partially burned, quite enough remained to show  
 their color & character, and even where they had

Around to some extent they kept a trail on the  
 floor easily followed by the oily consistency of  
 the boards, which had absorbed much of the  
 oil from the candle above. The remains of a  
 lamp were found lying in the kitchen im-  
 mediately under the spot where the burning lamp had  
 been. It was intended further that the starting  
 point fire should be attributed to the burning of the  
 lamp. Unfortunately in that arrangement, however,  
 it was found that there was no burning where the  
 lamp was or for the entire time necessary for  
 the fire to spread.

Robert Farrell

Was placed in charge of premises by  
 his partner, Thomas, 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 meantime one Dennis  
 of the Fire Patrol had arrived to take charge of  
 the interests of the Insurance Company. He remained  
 with Farrell, but was not allowed to enter the  
 rooms - at 8 o'clock after 506, (at about  
 5:30) Daffel and his wife received the rooms -  
 Daffel was asked for his remains by the Patrol-  
 man, 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 and out.

as he wanted - He was then withdrawn - He was ~~4~~  
 present, however, when the F. W. asked Duffell  
 for the key of his room & said what then took  
 place.

James Mitchell.

Visited premises at about 2<sup>30</sup> P.M. - Found  
 Fireman Thomas, Petroleum Business, Duffell 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. W. Jacob Frank was with  
 him - Under the F. W.'s direction the boxes of  
 extra cloth, pants & other bedding was removed  
 and taken out and preserved as evidence;  
 also a portion of the bread removed - When  
 the prisoner, <sup>last mentioned</sup> was questioned by the F. W. he  
 said that he and his wife had left the  
 premises at about 2<sup>30</sup> P.M. that they had gone  
 to 92 Green St to the house of a woman, a widow,  
 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,  
 Duffell, had been out to get a bottle of wine to  
 celebrate the event with; that they had not  
 departed the fire - On the F. W. asking for his room  
 Duffell produced it - When questioned about the  
 key of the door, room, the key was found upon

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 doors - It was only upon the Police actually trying them in the locks that they keys were found -

Miss R. Lewis

Saw Mr. and Mrs. Drappell on their floor in the house at 1133 3<sup>rd</sup> street. Did not see them go into them, and does not recall exactly at what time they were in it.

Miss Krumholz

Was standing in her husband's dining room when Drappell came there some time about <sup>4:30</sup> 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 as her's - As to the other property by the room -

Miss Conley

Woman who was employed - Days etc - Mr  
Woffel's went to her house in the afternoon of  
the 21st - While there Mr W. went out for a bottle  
of wine, and returned into same time - This woman  
is likely to testify on behalf of the defendants

Woffel's had been 2 years at the Washington St.  
5 years on 123 Broadway St and 1 year  
at the 1st St.

W. J. Trammes

1888

AKC subject to Mr.  
Woffel Case

110 Suffolk St

Wardrobe of property

Front Room

Dresses	2.50
Blouses	3.00
Skirts & Blouses	15.00
Coats	6.00
Coats	2.00
Blouses & blouses	1.00
Blouses & blouses	3.95
Blouses	6.00
Pillows	9.00
Woolen coats & blouses	3.00
Blouses & blouses	2.00
Pillows	4.
Blouses	2.50
Blouses	1.95
Blouses & blouses & blouses	5.00
Pillows	1.
Woolen coats & blouses	2.00
Blouses & blouses	5.00

71.50

Bed Room

Ice Box	4.
Blouses	6.
Blouses & blouses	5.
Blouses	1.50
1 Blouse & Blouse	4.
Blouses & blouses	2.
Blouses & blouses, blouses & blouses	50.15
Blouses & blouses & blouses	50.15

80.50

Bed Room 1

Blouses	2.50
2 Blouses & blouses	5.50
1 Blouse & blouses	5.50
Blouses	5.50
Pillows	2.50
1 Coat	2.50
Blouses & blouses & blouses & blouses	50.

80.50

Bed Room 2

Blouses	5.
2 Blouses & blouses	5.50
1 Blouse & blouses & blouses	1.50
1 Blouse & blouses	1.00
1 Blouse & blouses & blouses	1.50
2 Blouses	6.00
Blouses & blouses & blouses	25.00

56.00

\$ 241.50

0093

Geo

v

Kaffel

Inventory of

Schedule

0094

This statement  
was made by  
Potolman

110 Suffolk St

## Statement of Loss. B. Gaffle

Front-Room		
1	Mirror	7.00
1	Marble Top Table	6.00
4	Lace Curtains	4.00
2	Curtain Poles	5.00
1	Sofa	6.00
12	Pictures and Frames. Small	5.00
1	Clock	6.00
1	Hitchin Range	8.00
1	Bureau and Contents	20.00
	Glass Ware on Bureau	1.00
1	Lambrequin	75-
1	Hooker	2.00
2	Pillows	4.00
1	Rug	25.00
1	Table Cloth	5.00
4	Chairs Covered	3.00
1	Lamp	75-
2	Cushioners	25-
	Sunshades on Mantle shelves	75-
1	Wash Basket	2.50
1	Hitchin Table	2.50
1	L. Curtain	50-
4	Tidies	2.00
1	Dress	
3	Waist } Contents	
2	Shirts } of wardrobe	5.00
2	Rest-	
1	Wrap	
2	Parquets	

H. 9048-

0095

## Front Room Contents

1	1	Bureau Top	90.45
			5.00
	3	Window 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
		China ware. Plates Pkts. Etc	3.00
	1	Double oil Stove	2.00

18.50

## First Bed Rooms

	2	Mattress. Excl.	4.00
	2	Pictures	5.00
	2	Comforters	3.00
	4	Silk shirts	7.50

1 " w/ belt shirt-

6 Cashmere "

2 Kingham "

2 Cal Dress

1 Wrap

#1 Quilt silk

#1 " Cloth

1 Cash

2 Petticoats

2 L. Cloth Coats

2 Pants

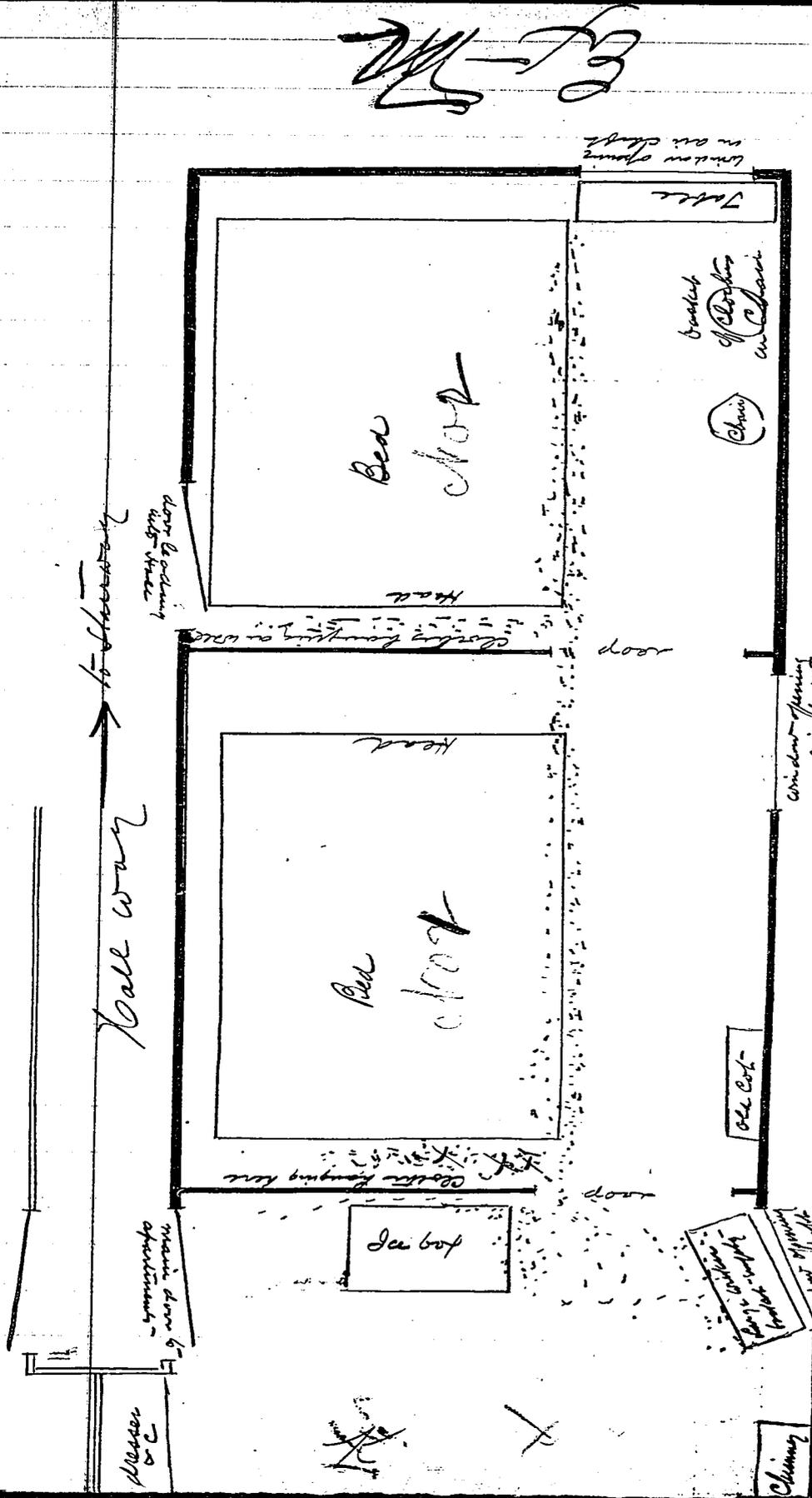
# 128.40

2<sup>nd</sup> 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	.25
		<u>35.25</u>

	Front Room	102.40
	Kitchen	18.50
1	3 <sup>rd</sup> Bed Room	9.50
2	" " " " Total	<u>35.25</u>
		168.65

ET-13



dotted red. Shows where burning was following the strips of cloth laid in floor and saturated with kerosene. Old bed-tick found under clothes hanging in wall. Feet saturated with oil

1/2 Scale

Exp. A  
P.M.

0098

Plan

250

- profile

Plan of

MS-110 (copy) K. K.

0099

ADOLF KRUMHÖLZ,

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

Waffle 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 coming to  
me that she got the wine before  
going to court. It was a  
that would be all right.

0101

Police Department of the City of New York.

Precinct No. 12

New York, Nov 27 1891

Mr James Mitchell  
Fire Marshall  
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 sub ch 26

RECEIVED

1

18 yrs a fireman

Smoke no ventilation

No kerosene lamp burning

Broken lamp on floor

Was it dark?

little kerosene near lamp & no fire near broken lamp - kerosene can 1 gal about 19<sup>th</sup> in air.

Exp A. Transoms

Exp B. <sup>on</sup> Mattress

Exp C. Material on floor

Exp D. Hung on door shaft

Exp E. Pair of Comforters

Exp F. <sup>covering over</sup> <sup>transoms in kitchen</sup>

Exp G. Material under wearing apparel

Exp H. Window casing

Exp I. <sup>positioning of</sup> <sup>mattress standing</sup> <sup>in room</sup>

Capt Thos O'Hearn - 18 Truck. 84 Atty St called to fire Nov. 17. @ 4.14 P.M. - 110 Suffolk

Fire on 2<sup>nd</sup> floor <sup>front</sup> ~~2~~ Broke in door Used Extinguishers 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 2<sup>nd</sup> 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 <sup>(look it up)</sup>

Made thorough exam - Window in kitchen covered with light material & same material on windows looking out on air

Material on knobs of doors } Heavy covering over transoms leading to hall } Called chief's attention to it. Notified the fire marshal Who did you have in charge? Farrell?

No lamp in other rooms. Afterwards visited place with fire marshal & took exhibits at fire marshal's direction

0103

The fire might have been snow  
melting an hour or two hours.

2

✓ Robert E. Farrell - W + L 18 -  
 Went to fire 110 Suffolk Nov 17/91  
 Burst in door with axe.

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 <sup>to</sup> <sup>Exclusion</sup> <sup>too</sup>

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

Dept came to rooms about  
 20 min to 6 P.M.

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

Notes.

No fire on kitchen floor where  
 lamp alleged to have fallen

No lamps in room 2 - (A lamp on mantel)

Saw can of kerosene. - 1 gallon about

standing under wash tub, in kitchen

(upright)

1  
 Conversation with Sumner & Dept regarding  
 policies before Mr. Mitchell arrived

3

James Mitchell - fire marshal  
 Recd notice from Capt @ Kearne  
 Isor there about 6:30 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 Lampes - 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

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

Exp K. Poling

Lock Exp. 78

Exp 78

XX

Diagram Exp 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 10:15 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 on that afternoon

at 4 + 5 o'clock

Got a bottle of wine

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

① People v. Whaffle,

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

Fire in kitchen - 2<sup>nd</sup> in one bedroom  
 3<sup>rd</sup> in other bedroom - & in nearby apartment  
 on bedroom no 1. & also no 2.

Mattress bed from kitchen draped 1<sup>st</sup> to 2<sup>nd</sup>  
 bedroom - mattress under clothes, quilt  
 over bed & mattress - all saturated with  
 Kerosene oil - windows covered with curtain  
 & cloth - trunks covered with towel &  
 cotton cloth - Keyholes by sticking - & cotton  
 cloth. Dye seen in house at about 3 PM,  
 No 1 bed ticking & ex. bed saturated with oil -  
 Had been thrown out -

Key on his possession -  
 Broken lamps - - No connection with fire  
 in kitchen -

Mitchell

Diagram.

Henry Simmons - Am attached to  
 Patrol No 2. - 31st Jones St. On Nov  
 17-1891- a fire occurred at No 110 Suffolk  
 St. 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~~ <sup>through</sup> 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 <sup>front</sup>  
 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 <sup>inside</sup>

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 or 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



0111

COURT OF OYER AND TERMINER.

-----X  
 :  
 T h e P e o p l e , e t c . , :  
 :  
 vs. : Before  
 : Hon. George L. Ingraham, J.  
 : and a Jury.  
 :  
 B a r n e y W o f f e l . :  
 :  
 -----X

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 ?

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.

8 1/2

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 roon 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.

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:

I

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 <sup>door</sup>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.

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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:

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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 mattresses 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 ~~wk~~ 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 ~~pm~~ 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 <sup>bed</sup> 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 ~~wax~~ 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.

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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 too 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-

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. FARRELL, 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.

- 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 MR. 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. Yes, sir.

J A M E S M I T C H E L L , 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.

Q. 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.

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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~~ 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 remanants 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 <sup>into</sup> 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, <sup>that</sup> 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.

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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 10<sup>30</sup> o'clock.

Police Court, 30 District.

City and County of New York, } ss.

James Mitchell

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, <sup>at or before the found of a fire</sup> the said Bennie Woffel and his

wife Yetta Woffel, 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. 487 of the Penal Code of the State of New York -

That deponent believes that the said Bennie Woffel 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 Woffel and his wife were found securely locked; that when first open the Captain of the Fire Company one Thomas Ahearn 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 the bed clothing saturated with kerosene oil, the said strips being also so saturated; that the deponent's 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 Bennie Woffel. 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 Bennie Woffel and two hundred in that of one Fannie Bassman, who, the deponent

0160

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

J. 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 One 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.

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

1  
2  
3  
4

Offense, \_\_\_\_\_

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.

INDICTMENT

For

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.

0162

District Attorneys Office  
City & County of  
New York

Order of Proof

Capt O'Hearn

Fireman Farrell

Patrol Simmons

W. S. Mitchell

Jacob Frank

Mary L. Simon

Kate Krumboltz

~~D. Stone~~  
~~Insurance~~

0163

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK } ss

*Getta Woffel* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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  
1888

Police Justice.

0164

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

Thoby 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 1891 Sam 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.

0169

146 3rd 1465  
Police Court--- District.

THE PEOPLE &c.,  
ON THE COMPLAINT OF

James Mitchell

vs.  
1. Benni Woffel  
2. Yetta Woffel

3. Plead guilty at  
4. Ct on 2 day of trial

Dated June 12 1891  
R. Sullivan & E. Chalms  
Magistrate.

R. Sullivan & E. Chalms  
Officer.  
Precinct.

Witnesses Robert E. Farrell  
No. 14 Attorney Street.

Thomas O. Straker  
No. 14 Attorney Street.

Manly L. Fisher  
No. 14 Suffolk Street.

3000 Lack  
to answer



3000 Et Tor

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

0166

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*Berni Woffel* 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. *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

*[Signature]*

Police Justice.

0167

50 M. 2-190

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

*Aug. 25 1902*

PREMIUM \$

*200*

*Wm.*



0169

Standard Fire Insurance Policy of the State of New York

EXPIRES <sup>R</sup> JANUARY 21<sup>st</sup> 1892.

PROPERTY *110 Suffolk St.*  
AM'T \$ *500* PREMIUM \$ *in cond of Pol 1395382*

*Bernie Waffel*  
No. 1395382 *4K*

BRANCH OFFICE, 15 BIBLE HOUSE, N.Y.

THE  
NORTH BRITISH  
AND  
MERCANTILE  
INSURANCE CO.

OF  
LONDON AND EDINBURGH.

*Landau Esq. D. P.*

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.

**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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WM. A. FRANCOIS, *Ass't Manager.*  
ROBERT H. WASS, *Gen'l Agent.*

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**London.**

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QUINTIN HOGG, Esq.  
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HON. CHARLES NAPIER LAWRENCE  
CHARLES ALEXANDER CATER, Esq.  
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*Manager of Fire Department, G. H. BURNETT.*  
*Secretary, F. W. LANCE.*

**Edinburgh.**

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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.*



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 Bannerman*

No. 1458839

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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RALPH DUNDAS, Esq.  
JOHN WHARTON TOD, Esq.  
SIR JAMES H. GIBSON-CRAIG, Bart.  
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*, 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 *Raymond Johnson*, 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*, 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 *Manly S. 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

Plen'g,

August 17

THE PEOPLE

vs.

*R*

Maurice Wolff

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL,

Quander B. Bloomington

F. L. Du S. 1892 Foreman.

Printed and certified

S. P. 19 yds.

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

*108 L. de B...*  
*L. de B...*

Police Court - 2<sup>nd</sup> District.

CITY AND COUNTY OF NEW YORK, } ss

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 deponent by force and violence, without her consent and against her will, the following property, viz:

A. Pocket-Book - containing Gold 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<sup>00</sup>/<sub>100</sub>)

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 Hoey (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.

1891

Sumner

Police

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 "Stop 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.

Done in before me this } Tressie A. Rogers  
 12<sup>th</sup> day of December 1891 }  
 J. M. 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 \_\_\_\_\_  
 I have admitted the above named \_\_\_\_\_  
 to bail to answer by the undertaking hereto annexed.  
 Dated \_\_\_\_\_ 188 \_\_\_\_\_  
 There being no sufficient cause to believe the within named \_\_\_\_\_  
 guilty of the offence within 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—ROBBERY.

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 *13* day of *December* 189*9*, } *John Cottrell*

*John S Keel*  
Police Justice.

0178

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*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*

*John S. Kelly*  
Taken before me this  
13  
1888

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 1891 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. James*  
*Mancei Poloff*

*Robbery*  
Offence

2  
3  
4

Dated *Dec 13* *91* 19*98*

*Kelly* Magistrate.

*Attolls* Officer.

*C.O* Precinct.

Witnesses *Dynam*

No. Street.

No. Street.

No. Street.

No. Street.

No. Street.

\$ *5.000* number



*[Handwritten signature]*  
*[Handwritten signature]*

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.

Yours truly,  
 J. B.

COURT OF GENERAL SESSIONS.

City and County of New York.

-----x	:	
The People	:	
	:	before
vs	:	
	:	Hon. Rufus B. Cowing,
Morris Wolf.	:	
-----x	:	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

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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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0192

Sing Sing Prison. Sept. 20. 1895.

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

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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, irrisicability 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 mercifful 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 does any good, by bars, only.

Did, is, in your power to trust my words; if so, help me and you will never regret, I feels; that I am, another man ready to sustain, my parole, 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 "understand" 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 repush 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, sank 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. 7<sup>th</sup> 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 2nd degree, committed as follows:

The said Maurice Woods

late of the City of New York, in the County of New York aforesaid, on the 11th 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 Jessie 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 Jessie A. Rogers, from the person of the said Jessie A. Rogers, against the will and by violence to the person of the said Jessie 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.

Indicted and returned by the Grand Jury of the City and County of New York, this 11th day of December, 1891.

0196

**BOX:**

463

**FOLDER:**

4248

**DESCRIPTION:**

Wynne, Thomas

**DATE:**

12/23/91



4248

0197

POOR QUALITY ORIGINAL

Witnesses

Katie Gormley

Counsel

Filed 23 day of Dec 1891

Pleas

THE PEOPLE

Teaching, L. I.

vs.

Thomas Wynne

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

DE LANCEY NICOLL,

District Attorney.

Pr 3 Jan 12, 1892 -  
commission as deputy  
scurity appointed

A TRUE BILL.

Emmanuel Dooanpde

Part 2 - Dec 30, 1891 Foreman.

Book into Court

Wm S. Messer

April 24/92

POOR QUALITY ORIGINAL

Witnesses:

Katie Gormley

198 <sup>702</sup> ~~Wedgefield~~ <sup>Van Meter</sup>

Counsel,

Filed <sup>23</sup> day of <sup>Dec</sup> 1891

Pleads,

THE PEOPLE

33 <sup>vs.</sup>

Flushing, L.I. vs. Thomas Wynne

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

DE LANCEY NICOLL,

District Attorney.

743. Law 12, 72 -  
Commission as to debts  
society appointed

A TRUE BILL.

Emanuel D. Doolittle

Part 2 - Dec 30, 1891 Foreman.  
Jury and Court

1407 S. Mass St  
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 *Tues* day, the *Twelfth* day of *January*, in the year of our Lord One Thousand Eight Hundred and Ninety-*two*

**PRESENT.**

The Honorable Frederick Smyth  
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 30<sup>th</sup> 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 Laury Nicoll, District Attorney, and pursuant with the Statute in such case made and provided

Ordered that William Lambert 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. Foster  
Commissioners

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:

(2)

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

(3)

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.

4.

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.

5.

- 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.

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 ?

7.

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 ?

9.

★

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?

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

12.

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

13.

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

I4.

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)

15.

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

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?

17.

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,

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 What was the second day, do you remember what your counsel said to the Court that day.?

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19.

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.

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?

21.

A Yes sir.

Q Was that the only time you weremarrested ?

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.

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.

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

24.

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?

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.~~

- 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.

Q Did you ever see any snakes?

A The devil a one.

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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 defendad~~t~~ 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.

29.

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

0231

30

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.

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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.

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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?

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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

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

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35.

punish him,he just stood there and grinned at me;he seems  
to have a mania for pilfering.

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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

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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 .

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Commission adjourned to Friday April 8th, 1892, at  
3:30 P.M.

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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 consultation 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 WYNNNE.

REPORT OF COMMISSIONERS.

William J. Lardner,

Frank P. Foster M.D.

Commissioners.

*Report of Confess  
L. H. W. Sept 1. he  
brought up for  
evidence on May  
22<sup>nd</sup> Inst. & brought  
w. given to types  
Aug.  
April 18 1892 JY*

Flushing January 2<sup>d</sup> 1892

Jacob Van Gemant Esq  
 District Attorney Office  
 N.Y. City

My Dear Friend

Yours of Dec 31<sup>st</sup> 1891  
 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.

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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 Mrs 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 make her; the police know nothing about him he has never been arrested to their knowledge.

Very Respectfully Yours

Dr M. Clapfe

201 Comity St -

Washington D.C.

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**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.]

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 L. Boyle  
of No. 57 East 84<sup>th</sup> Street City

*Common Pleas*  
YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace *duly appointed* 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 of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Kingman with the surety of Thomas Wynne & Joseph Luntz

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.*

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GLUED PAGE

Ask to see Mr. Madonna  
at 3 o'clock P.M.

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*

*duly appointed* 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 *after*noon 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 Thomas*

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.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material to the case has been omitted, please state the same to the one of his Assistants.  
If you know of more testimony than was produced before the Magistrate, or if a fact which you think material to the case has been omitted, please state the same to the one of his Assistants.  
If you know of more testimony than was produced before the Magistrate, or if a fact which you think material to the case has been omitted, please state the same to the one of his Assistants.

THE COURT ROOM IS IN THE SECOND FLOOR.  
If this Subpoena is disobeyed, an arrest may be made.  
Bring this Subpoena with you, and show it to the Court Room door, that your attendance may be known.  
[SEE OTHER SIDE]

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Act of General Sessions.

If you know of more testimony than was produced before the Magistrate, or if a fact which you think material to the case has been omitted, 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 to the case has been omitted, please state the same to the District Attorney or one of his Assistants.

THE PEOPLE

vs.

Thomas Myrnes

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 O'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, but 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

Louis Leavitt  
Subpoena Server.

Thos A. Maguire  
Clerk of Court

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Thomas Wynn

Offence:

JOHN R. FELLOWS,

District Attorney.

Witness of  
Paul Bennett

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 W<sup>m</sup> J. Lardner Esq. <sup>Quartermaster</sup>  
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.

W. J. Lardner  
Esq.

Chief of Equal Housing

The People

vs

Thomas Weying

Order of existing case  
mission to eliminate as  
defendants' parity.

January 5th 1891.

Hon. Frederick Smyth,  
Recorder.

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.*

Police Court \_\_\_\_\_ District.

City and County }  
of New York, } ss.:

of No. 956 2<sup>d</sup> John Gormley Street, aged 43 years,  
occupation Plumber being duly sworn

deposes and says, that the premises No. 956 2<sup>d</sup> ave Street, 19 Ward  
in the City and County aforesaid the said being a four story brown  
stone building and which was occupied by deponent as a plumber shop  
and in which there was at the time a human being, by name

attempted to be  
were BURGLARIOUSLY entered by means of forcibly unscrewing  
the latch from the door  
leading from the street into said  
shop. And attempting to enter said shop with  
the intent to commit a crime

on the 19<sup>th</sup> 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 attempted to be and the aforesaid property taken, stolen and carried away, by

Thomas Wynne (crossed out)  
for the reasons following, to wit: that deponent is  
informed by his daughter Katie  
Gormley that between the hours  
of 5 and 6 o'clock P.M. said date  
she the deponent working on the  
latch of said door with a screw  
driver.  
Deponent is further informed by Officer  
Thomas H. Doyle that the said

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

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 1888 Police Justice.  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888 Police Justice.  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 1888 Police Justice.

Police Court, District

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

1  
2  
3  
4

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

to answer General Sessions.

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CITY AND COUNTY }  
OF NEW YORK, } ss.

*Katie Gormley*  
aged 13 years, occupation School girl of No. 956 2<sup>nd</sup> 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 30 day of December 1897 } Katie Gormley

Henry Goady  
Police Justice.

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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* 188*7*

*John A. Brady*

Police Justice.

*Thomas H. Doyle*

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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. *812 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

*20*

*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 2* 18*91* *John H. 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

1865  
Attorney General  
Office

THE PEOPLE v. c.,  
ON THE COMPLAINT OF

John Gornley  
956 2nd Avenue  
Thomas Wynne

1  
2  
3  
4

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated Dec 30 1891

Grady Magistrate

Off. Thos H Doyle Precinct.

Witnesses Katie Gornley

No. 956 2d Ave Street

Off. Thos H Doyle Street

No. 23rd Precinct

No. \_\_\_\_\_ Street.

\$ 1000 to and for \_\_\_\_\_



Chm

Att. Gen. B. M. 13

B

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.

[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 1892 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 the defendants etc. the society of 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. Macdonald*

*28th*

0260

GLUED PAGE

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 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.

THE PEOPLE

vs.

*Thomas Hays*

City and County of New York, ss:

*Frank Dowling* 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 *9th* day of *March* 18*92*

*Frank Dowling*  
Subpoena Server

*John J. Buckley*  
Clerk of Court

GLUED PAGE

# Court of General Sessions.

THE PEOPLE

vs.

*Thomas Hyman*

City and County of New York, ss:

*Frank Dowling* being duly

sworn, deposes and says: I reside at No. *409 West 25<sup>th</sup>* 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<sup>th</sup>* day of *March* 18*92*, I called at *232 South 1<sup>st</sup> 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 4<sup>th</sup> St. but she did not know the number*

Sworn to before me, this *28<sup>th</sup>* day of *March* 188*2* } *Frank Dowling*  
of *John J. Buckley* } Subpoena Server.  
*John J. Buckley*  
*Com. of Sec. N.Y.C.*

Office of the District Attorney  
If you know of more testimony than was produced by the witness, or if a fact which you think material was not 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 witness, or if a fact which you think material was not brought out, please state the same to the District Attorney's Office.  
If it is convenient to remain in the District Attorney's Office, please inquire in the District Attorney's Office about it, and you may save time.  
If it is convenient to remain in the District Attorney's Office, please inquire in the District Attorney's Office about it, and you may save time.

**Court of General Sessions.**

THE PEOPLE, on the Complaint of

vs.

*Thomas Hagan*

~~JOHN R. FELLOWS~~  
*De Lancey Rice* District Attorney.

Affidavit of

*Frank Downing*  
Subpoena Scrips.

**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 Gorinlay*

committed as follows:

LARCENY

of the CRIME OF

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

SECOND COUNT—

and their dignity.  
in such case made and provided, and against the peace of the People of the State of New York  
aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute  
there situate, then and there being found, in the

in the  
of the said

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 <sup>attempt to</sup> 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*