

Police Court - 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John McLaughlin
255 W. 31 St.

Henry J. Jones

1. _____
2. _____
3. _____
4. _____

Offence, _____

Dated *December 18* 1881

Ottobring Magistrate.

McLaughlin 20 Officer.

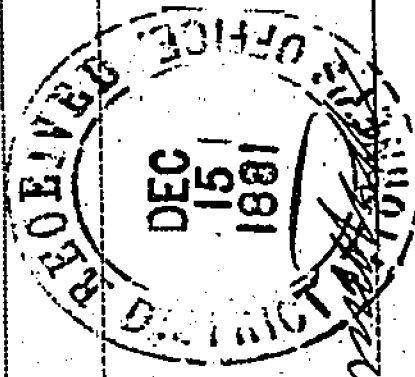
Clerk.

Witnesses _____

No. _____ Street, _____

No. _____ Street, _____

No. _____ Street, _____



Comm. Jones

BAILED.

No. 1, by _____
Residence _____ Street, _____

No. 2, by _____
Residence _____ Street, _____

No. 3, by _____
Residence _____ Street, _____

No. 4, by _____
Residence _____ Street, _____

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 *Henry J. Jones*

guilty thereof, I order that he ~~be admitted to bail in the sum of~~ *held in custody* Hundred Dollars and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated *Dec 13* 1881

McLaughlin
255 W. 31 St.

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

Dated _____ 1881

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

Dated _____ 1881

Police Justice.

0343

0344

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

THE PEOPLE OF THE STATE OF
NEW YORK,

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

committed as follows:

The said

late of the ~~twentieth~~ Ward of the City of New York,
in the County of New York, aforesaid,

on the ~~eleventh~~ day of ~~December~~ in the year of our Lord
one thousand eight hundred and ~~seventy-eight~~ ~~one~~ with force and arms, at the Ward,
City and County aforesaid, the ~~store~~ of

there situate, feloniously and burglariously, did break into and enter, the same being a
building in which divers goods, merchandise, and valuable things were then and there kept
for use, sale and deposit, to wit, the goods, chattels, and personal property hereinafter
described, with intent the said goods, chattels, and personal property of the said

then and there therein being, then and there feloniously and burglariously to steal, take,
and carry away, and

and arms, three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each: three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each: twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each: thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of fifty dollars, and of the value of fifty dollars each: fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each: sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each: eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each: ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each: one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each: one hundred and twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars: one promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars: two promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each: three promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each: ten promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each: fifteen promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each: thirty promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each: bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars. Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each: three gold coins (of the kind usually known as eagles), of the value of ten dollars each: six gold coins (of the kind usually known as half eagles), of the value of five dollars each: fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each: ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each: thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each: gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each: sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each: one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each: three hundred silver coins (of the kind usually known as

\$472.00

0345

BOX:

56

FOLDER:

639

DESCRIPTION:

Tracy, William

DATE:

12/13/81



639

0346

William Dwyer
THE PEOPLE
vs.
HOMICIDE OF THE DEGREE OF MURDER
First Degree
Filed 13 day of Dec. 1892
Counsel
Day of Trial
Pleads
Daniel C. Rollins, District Attorney
Pried and separated
the 13 day of Dec. 1892

0347

MEMORANDUM.

FROM
HOWE & HUMMEL,
COUNSELORS AT LAW,

WM. F. HOWE, 87 & 89 CENTRE ST.,
A. H. HUMMEL, AND
BENJ. STEINHARDT, 136, 138 & 140 LEONARD ST.
M. A. KOFFMAN.

To.....

New York, March 20th 1882

Joseph P. Byrne Esq^r
Dear Sir:

Permit me
to remind you that
Judge Eldredge
fixed the trial of
William Tracy before
him in Part 2 of
Wednesday morning next.

0348

I hope you will be
there and there ready
to proceed with the
trial, failing to do
which I shall have
to apply to Judge
Gilder sleeve to admit
Tracey to bail.

Very truly yours
William F. Moore

0349

DISTRICT ATTORNEY'S OFFICE,

New York, March 30th - 1882 -

District Attorney of New York
County to Wm H Betts Esq

To R Road and sleeping car fare
from Washington D.C. to N.Y. &
Return - \$18.00

Hotel bill for four days
at three dollars @ day \$12.00

Four days attendance
at court @ \$2.00 per day ~~\$8.00~~
\$38.00

Recd pay ment \$30.00
Wm H Betts Esq

Approved
J. M. [Signature]
Attest
[Signature] March 30

0350

The People

Wm Tracy

Wm H. Pett

Witness - bell

Dec 30 1882

0351

Court of General Sessions of the Peace,

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE

against

For

Homicide

William Tracy

To Hon.

John McKee

District Attorney of the City and County of New York:

SIR—

Please take notice, that a motion will be made for the discharge of the
above named ^{defendant} ~~prisoner~~ William Tracy, (who is now
imprisoned in the New York City Prison, on ~~a charge of~~ ^{an indictment for} Homicide
having been committed to said City Prison, by Justice ~~of the~~ ^{of the} General Sessions

on the ~~day of~~ ^{day of} 187, before the
Honorable Henry A. Gildersleeve one of the Justices of said Court
of General Sessions, at the opening of said Court of General Sessions, on the 10th
day of March 1882, on the ground that more than two terms of said
Court of General Sessions have elapsed since the ~~indictment~~ ^{committal} of the said William

Tracy, and that he has not been brought to trial for the offense
for which he is so ~~committed~~ ^{indicted} and detained. Said motion will be made pursuant
to Section 668 of the Code of Criminal Procedure.

DATED, this day of March 1882

Yours, respectfully,

HOWE & HUMMEL,

Of Counsel for said

William Tracy

0352

General Sessions, N. Y.

THE PEOPLE,

vs.

William Tracy

Notice of Motion for discharge
of Prisoner.

HOWE & HUMMEL,
Of Counsel,
87 & 89 Centre Street
N. Y. City.

John McKim
Dist. Atty.

0353

**POOR QUALITY
ORIGINAL
DOCUMENT(S)**

0354

DISTRICT ATTORNEY'S OFFICE.

New York, March 29 1882

WILL BE IN COURT TOMORROW MORNING.

J. M. KEON, DISTRICT ATTORNEY.

WE HAVE JUST RECEIVED YOUR DISPATCH.

XXTHREE, XII, PAIDG. BOSTON MAR XXIX 775

0355

DISTRICT ATTORNEY'S OFFICE.

New York,

March 28

188

XXVI-XXII PAIDG. BOSTON MAR. XXV. 188

JOHN MC. KEON... DIST. ATTY... CHAMBER ST. NY

AND DETAINED HERE ON A MATTER OF

IMPORTANCE. WILL IT BE NECESSARY

HE TO COME TO NEW YORK ANSWER

AT FREMONT HOUSE. GEORGE LAW.

0356

Borst

I was watching Tracy - had
my eye on him. all of
a sudden I heard a shot
and thought Miller had
shot Tracy.

Why did he not shoot as
he mentioned held the 2 & 3
seconds

Tracy salar \$40 3/4s a day

According to Holmes idea
Betts exercised the sacred
right of self defence

The Empire Garden
the seething Cauldron of
hell.

Tracy went into the bar
room to draw & cock
a pistol

0357

Richard Moore

Shooting. Shooting from

I soon as I saw Miller

Knowing Miller to be very quick
to resent ~~himself~~ an injury or
protect himself. & looked
around

Shot Tracy in his Saloon
and Miller fired at him
you dirty little rat

Moore
Knowing Miller quick

0358

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of *Coroners office*
 No. 15 *Chatham* Street, in the *4th* Ward of the City of
 New York, in the County of New York, this *15/16* day of *November*
 in the year of our Lord one thousand eight hundred and *81*. before

Person Herrmann Coroner,
 of the City and County aforesaid, on view of the Body of

Charles P. Miller lying dead at
Thirteen Upon the Oaths and Affirmations of
 good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said

Charles P. Miller came to his death, do
 upon their Oaths and Affirmations, say: That the said *Charles P. Miller*

came to his death by
 A Pistol shot ~~was~~ fired by
 William Tracey, in Darlings Saloon
 at 1217 Broadway, in the City of
 New York, on Monday night, November
 7th 1881.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
 set our hands and seals, on the day and place aforesaid.

JURORS.

Roswell C. Smith

John D. Pitcher

Samuel Grant

Simon, Schlegelmann

George Blackburn

Wm. A. Shan

Henry Holt.

August Williams

Joseph B. Browning

Edward L. Sharpe

Chas. W. Heath

Jacob H. Bellamy



CORONER, E.S.



0359

The People of the State of New York, on the
Complaint of

vs.

List of Witnesses.

William Tracey

NAMES.

RESIDENCE.

~~Aggie Miller~~

636 Lexington av

✓ Richard Darling A

1217 Broadway

~~Henry J. Rice~~

217 Mulberry St.

✓ William E. Minchin A

636 Lexington av

✓ Thomas W. Crawford

Brower House

~~Daniel Birdsell~~

~~101 West 4th St~~

✓ William W. Betts A

Brower House

✓ Richard Moore

250 ~~East~~ 52nd St

Off. E. H. Rothoff

29 Police Prec

~~George H. Bloomfield~~

254 West 34th St

~~William W. Borsh~~

~~93 Lexington av~~

✓ Capt. A. S. Williams

29 Police Prec

~~John R. Fishburn~~

~~107 West 110th St~~

~~John R. Fishburn~~

~~107 West 110th St~~

✓ R. E. Barker

269 West 34th St

William W. Rogers

13015 4th Grand Boulevard & R.

✓ John Warrick

126 Crosby St

✓ M. W. Watterman M.D.

Coroners Office

Simon W. Judice

✓ Paul + Cecily

0360

Coroner's Office.

TESTIMONY.

1.

Mellie Miller being sworn says I re-
side 636 Lexington Ave; I am
the wife of deceased; He left the
House in the morning at 9 am
and was brought home dead Feb
7 + 8 Tuesday Evening; I was in-
formed of his death Tuesday
Morning at 2 o'clock.
Mellie E Miller

Taken before me

this

1 day of

1881



CORONER.

0361

Coroner's Office.

TESTIMONY.

2

Richard M. Threling 1217 Bway
 Bigelow & Co. Keep the Saloon
 where shooting took place; I returned
 to my store when I returned from
 the Theatre; I was just taking off
 my coat, when Mr Tracey came
 in and asked for a drink; I
 took down glasses, and heard
 shot fired; I asked who fired
 that shot; I rang for the Police.
 I went to front store and saw
 Mr Miller with a Pistol in his hand
 pointed towards the back part of
 the store as though in the act of
 shooting; I told Miller not to shoot
 to go out or he would be arrested.
 He backed out of the door, Pistol
 in hand; Mr Tracey and another
 man came through the store and
 went out; I did not see a pistol
 in Tracey's hand; two men had
 hold of him; I think Mr. Moore and
 Mr. Betts were the men who had hold
 of him; I heard no words of any kind;
 When I came in Mr Miller was near the
 Cigar Case; Tracey went out after Miller
 went out; it appeared to me to have been
 fired in the front room; that was the only
 shot fired.

this

1 day of June 1881



CORONER.

0362

3

Coroner's Office.

TESTIMONY.

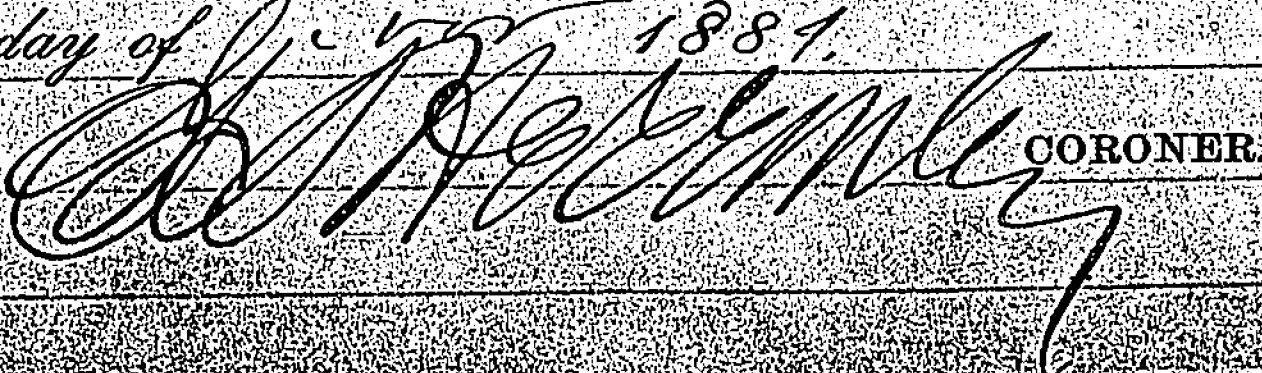
Tracy when he came in said
how do you do; he said I came
in to take a drink and to treat
you; I had my back turned to
Tracy when I heard the shot.
Miller was alone when I saw him
back out of the saloon; Tracy was
in the rear of the back room, when
Miller was backing out of the saloon
after the shooting; about 6 to 8 ft
from the partition; or about 30 ft
from the front door; The partition
door was partly open all the time.

R. M. Darling

Taken before me

this

1st day of July 1881.


CORONER.

0363

4.

Coroner's Office.

TESTIMONY.

Henry J. Rice 217 Mather St
being sworn says I was at place
of shooting; Mr Tracy came in
about 11 or 11.30 o'clock, just as
I was going out; I then heard the
Pistol shot; I was the nearest one
to the door leading to the street; I
know Tracy and Miller; I think
I was half-way out of the door when
I heard the shot; from the sound
I should judge it came from the
Cigar store. H. J. Rice

Witnessing
Return
Subpoena

Taken before me

this

14 day of

Nov 1881.



CORONER.

0364

Coroner's Office.

TESTIMONY.

5/

Wm. Minchin 636 Lexington Ave
 being sworn says I am the Step-
 father in Law of Deceased; last night
 after having been together almost all
 day, deceased and I came up
 town after we left our Rooms at
 7 P.M. and visited the Saloon of
 Richard M. Darling and we went
 in and out of his Saloon until 7
 P.M. we then went to Galey's Room, and
 met a Mutual Friend Mr. Appington.
 While talking together there, Miller ^{saw} and
 Mr. Moore and Col. Belts' and asked
 me to run over and stop there, he
 would be over shortly and meet us
 at Drunks; this was at 9 o'clock;
 we waited at Darlings over an hour
 for him and it was near 11 when
 he came in; 15 minutes after, while
 we were talking Tracy walked
 in, passed into the Bar Room and
 asked for a drink; I was engaged
 in lighting a cigar; when I heard a
 Pistol Shot; I turned around and
 Miller jumped and Tracy in the doorway
 with Pistol in hand; Moore, Belts, I and
 one or two others rushed for Tracy who
 had got to the ceiling of the Room, and

Taken before me

this 8 day of Jan 1881.


 CORONER

0365

Coroner's Office.

TESTIMONY.

6

Betts grabbed him by the throat and pushed the Pistol down; I heard some one cry dont shoot and turned around and saw Miller in the doorway pointing a Pistol; at times Miller carried a Pistol; I went towards the door and saw Miller on his knees and Betts trying to lift him up; some one called for a Carriage which was going by and Betts & I lifted him in and got in with him; just then an Officer came up and insisted upon our driving to the Station House; As we were lifting Miller into the Carriage, I saw Tracy go out of the door and run around towards 29th St; ^{Billy} Moore, Henry Rice, George Law, Col' Betts, Billy Boyce & I think was there also; the owner of the Cigar store was not there that I know of; he was serving Tracy a drink - no one to my knowledge was tending the Cigar stand; Moore, Miller & Rice were standing at the Cigar Counter the others on the opposite side of the room. Billy Temple was there also; there was no quarrell at any time during

Taken before me

this

8 day of

1881



CORONER.

0366

Coroner's Office. •

TESTIMONY.

7

A

the evening; we were all laughing & joking; there was no Political disputes at any time; Miller had only been in about 15 minutes; Miller & Tracy had a trouble in Tracy's saloon 8 or 9 months ago; Tracy Miller is a Sporting Man 29 years old; Miller & Tracy were once since their trouble in Tracy's saloon he did not frequent there again; I never heard that Tracy threatened Miller; Miller and I were the best of friends for past 5 years - we were Partners; I know Betts; I know him for 3 years - Scrapsford was there at time of the shooting - I live in the city between 4 & 5 years; I came from Boston

Wm. E. Minchin

Taken before me

this

8 day of

Sept 1884



CORONER

0367

Coroner's Office.

TESTIMONY.

Continuation of Testimony of
J. E. Hutchinson

I heard as Tracey came through
him say in a low tone, come I
will treat you, I think he spoke
to Mr Temple; I was lighting a
cigar when the shot was fired; I
thought I saw Miller resting his pis-
tol on some one's shoulder; I saw
Betts holding Miller under the arms
I asked is he badly hurt, Betts said
yes; I remained till 12.05 PM at the
Hospital where I was told there was
no hope for Miller; Miller was leaning
up against the Cigar Counter; when the
shot was fired I saw Miller in the
middle of the room facing towards
the Bar Room and Tracey.
When I heard the shot fired, I
turned and Miller's back was turned
to me; Miller said nothing to
him; Tracey had not been in
three minutes when the shot was
fired; I know that Miller, 8 or 9
minutes previous, in Tracey saloon fired
a shot at Tracey; I did not hear
of Miller threatening Tracey's life. I
think Tracey knew our party frequented
Doobins Saloon, although I have not seen
him there in a year;

Taken before me

J. E. Hutchinson

this 1 day of Nov 1881


CORONER.
shot at
Tracey

0368

Coroner's Office.

TESTIMONY.

9.

Chas. H. Crawford being sworn
 says I reside at Brower House;
 I knew Tracy and the Deacons;
 know them several years; I was at
 Dorning's Saloon prior to the shooting;
 it was 10.30 P.M. I saw 8 or 10
 gentlemen there; I was standing on
 the left hand side in the Cigar
 store when Tracy came in walking
 into the Saloon; I think he asked
 Lemphell to drink; I don't know if
 Lemphell went with him or not; Tracy
 remained in the Bar room 2 or 3
 minutes then came out and stood
 alongside of me; there had not been
 a word said up to that time. Tracy
 said he come here to kill you and
 I heard the report of the Pistol; I
 think he spoke to Miller although
 I don't know this; Miller was standing
 nearly opposite me, this was in the
 Cigar Room; I saw a Pistol in Trac-
 ey's hand as he said I come here
 to ^{kill you} ~~shoot~~; I saw a Pistol in Miller's
 hand immediately after the firing;
 Miller might have had a Pistol in
 his hand before the shot was fired
 but it was all done in a second.

Taken before me

this 14 day of Apr 1881.


 CORONER.

0369

Coroner's Office.

TESTIMONY.

10.

when I saw Miller have the Pistol
 after the firing; I don't think Miller
 had time enough between the uttering
 by Tracey of, I've come to kill you,
 to draw a Pistol, before I heard the
 shot; Miller was standing with his
 back to the case (cigar). I don't
 think Miller had time to draw the pis-
 tol between Tracey saying I've come
 to kill you, and the time I saw
 a Pistol in Miller's hands; or he must
 have drawn it pretty quick; I think
 the words as I understood them, I've
 come here to kill you, were loud
 enough to be heard by every
 one in the room I was in; before
 the shooting I did not see a Pistol
 in Miller's hands; when I saw Miller
 have the Pistol he had it pointed;
 I was facing Miller and saw him, but
 I don't know if he had a Pistol
 in his hands previous to Tracey coming
 out of the Bar room and standing
 alongside of me; I know Mr Tracey;
 we are good friends; we have had some
 words, about 6 or 7 months ago; he may
 not be friendly to me; Miller was facing
 Tracey and I when the shot was fired; they
 were 5 feet apart.

Taken before me.

C. H. Crawford

this

14 day of

1881.



CORONER

As witness of possible

0370

Coroner's Office.

TESTIMONY.

11

Daniel Birdsell being sworn
 says I reside 101 or 28th St. being
~~residing~~ ^{of Darling's Saloon} I was talking in the back
 room with a friend when Mr
 Tracey came in, and ~~went~~ ^{had} my back
 to the ~~front door~~ ^{Grady}; I saw Tracey come through
 as I turned and saw Tracey, who turned
 again and went into the front room;
 a second after I heard a shot;
 I heard no gunner nor did I hear
 Tracey say a word; I don't know
 who had the firearms, and I did
 not go out until they all had left.
 I am acquainted with Tracey;
 the shooting was I think in the front
 room. I saw nothing in the hands
 of Tracey at the time -

Daniel Birdsell
 Continuation.

I was talking to Mr Bloomfield when
 Tracey came in; when Tracey came in
 I saw Tracey in front of the Bar. When
 I heard the shot I ran into the little
 back room; I was not in the cigar store
 at all; I knew deceased and Tracey
 friendly to both of them. I am in the
 Commission business; Miller told me on

Taken before me

this

day of

1881


 CORONER.

0371

Coroner's Office. •

TESTIMONY.

17

the day of the shooting in the afternoon about from 3 to 5 that he heard Tracey was pulled yesterday, I said is that so? Miller then said I am sorry, they ought to let him alone, I'll fix him myself; that was all the conversation that passed; I did not know what Miller meant; when he said that; By pulling a place I understood as disorderly place being raided and all hands arrested;

Samuel B. Driscoll

Taken before me

this 14 day of July 1881.

[Signature]
CORONER.

0372

Coroner's Office. •

TESTIMONY,

131

W. H. Betts residing at Brower
 House Cor 28 & 29th Bway
 being sworn says last night a
 few minutes after 11 o'clock I was
 in Dick Darlings Bar Room in
 Bway bet 29 & 30th st, with Cha.
 P. Miller, Richd Moore, Mrs. Clinch
 Henry Rice, Mrs. Temple & Cha.
 Crowood and George Law; Temple
 Miller, Moore and Rice were on the
 north side of the Cigar Room, the
 rest of the party on the west side of
 the Cigar Room; Mr. Tracey who keeps
 a Liquor Saloon in 29th st bet Bway
 & 30th Ave entered the Cigar & Liquor
 Saloon on Broadway where we were
 and passed through into the Bar-
 room; he turned around in the
 Bar Room, walked back to the Cigar
 Store, which was in the front ^{part} of the
 Saloon and pointed a Pistol towards
 Miller, saying I have come in here to
 kill you and then fired; I sprang
 to Tracey and caught the Pistol and
 pushed it towards the floor, so, in
 case it went off it would go through
 the floor and pushed Tracey back in
 the Bar room also; Richd Moore

Taken before me

this

8 day of Nov 1888



CORONER.

0373

Coroner's Office.

TESTIMONY.

14

had hold of Tracy at same time
 and I think also he had hold of
 the Pistol; I heard Moore holler
 dont shoot Charly, take care Charly
 I at once looked back over my
 shoulder towards where Miller
 was, standing and said Miller
 endeavoring to shoot - and as Moore
 had Tracy, I turned him loose and
 sprang to Miller, for I was in a
 good position to get killed accidentally
 when I got to Miller he was cowering
 rapidly; I took him into a carriage
 and on the sidewalk he said I am
 shot ^{Bill} in the Belly; this was the only
 thing he said. A Police Officer
 came up as I was getting or had got
 him in the Carriage and we took
 him to the 29th Street and immedi-
 ately to the New York Hospital;
 Clinckin was with us in the Carriage;
 aft. I let go of Tracy, I said nothing
 more of him, and dont know any-
 thing more of him; Moore had Tracy
 when I last saw him; I dont know
 where the other witnesses to the shooting
 live, nor know any particulars re-
 garding them; I was inspector of

Taken before me
 this 8 day of May 1881

CORONER.

0374

Coroner's Office. •

TESTIMONY.

W. 11-18
15

Customs some time ago; I am an
 Attorney by Profession but am not
 practicing here; I am a married
 man, but my family reside South;
 I was in the Saloon one half hour
 and there was no quarrell at any
 time; Tracy seemed to have been
 drinking; Miller had no quarrel
 or any words with any one before
 Tracy came in - I know Tracy
 and I am certain he is a drunkard
 and that he fired the Pistol -
 I left Miller in the Hospital and
 was detained at the 29th Precinct
 Station House; I intended to take
 Miller home and wanted Minchin
 to go along, as he is Miller's step-
 father in law and knew where he
 lived.

Wm. J. Little

Taken before me

this

8 day of Nov 1881



CORONER.

0375

Coroner's Office. •

TESTIMONY.

16.

Continuation of Wm H Betts Testimony
 I am a friend of Miller & Tracy;
 I do not think Miller had time
 to draw his Pistol from time Tracy
 spoke until he was shot; Miller
 was leaning upon the cigar case and
 against it when he was shot —
 He was shot about an inch and
 a quarter ^{to the right} and an inch below
 the Umbilicus; I think the muzzle
 of Tracy's Pistol was within a foot
 and a half of Miller when he was
 shot; I saw Tracy and Miller 2 years
 ago when they had some words in
 Tracy's Saloon; I don't exactly
 know what it was about; I never
 heard Miller threaten to kill Tracy;
 I never heard of Miller's threatening.
 I saw them frequently.

Wm H Betts

Taken before me

this 14 day of June 1881


 CORONER.

0376

Coroner's Office.

TESTIMONY.

18.

Richard Moore 250 W 52
 being sworn says I am a
 Printer; do not work at the trade
 at time of the shooting I was in
 Darlings place in Rway I was
 there with Vol Bede, Lample, Crow-
 ford, Rice, Birdsall, George Law and
 others; Tracy was not among the crowd.
 Miller came in afterwards; I heard
 the report of a Pistol, I turned and
 saw a Pistol in Tracy's hand; I grabbed
 him, I also saw Miller have a Pistol
 in his hand; I pushed Tracy back
 into the other room; I said don't shoot,
 to Miller; I did not hold Tracy
 after I got into the back room; after
 a minute he passed out of the
 room; I did not hear anything
 said previous or just before the
 shooting; I did not know that Miller
 was shot; I had been talking with
 Lample and I did not listen to
 anything going on around me;
 I was standing next to Miller, when he
 was shot, but I had my back turned
 to him; I heard the shot and hearing saw
 Miller trying to shoot Tracy. Miller had
 the Pistol over his left arm but was shaky -

Taken before me

this

9 day of

1881.


 CORONER.

0377

Coroner's Office.

TESTIMONY.

18.

I know Tracy 12 or 14 years - Stuart
Miller 6 or 7 years; I was very friendly
with a Miller, not friendly with Tracy
for past 6 months -

B. Moore

18

Taken before me

this

9 day of

Nov 1881.


CORONER.

0378

Coroner's Office. •

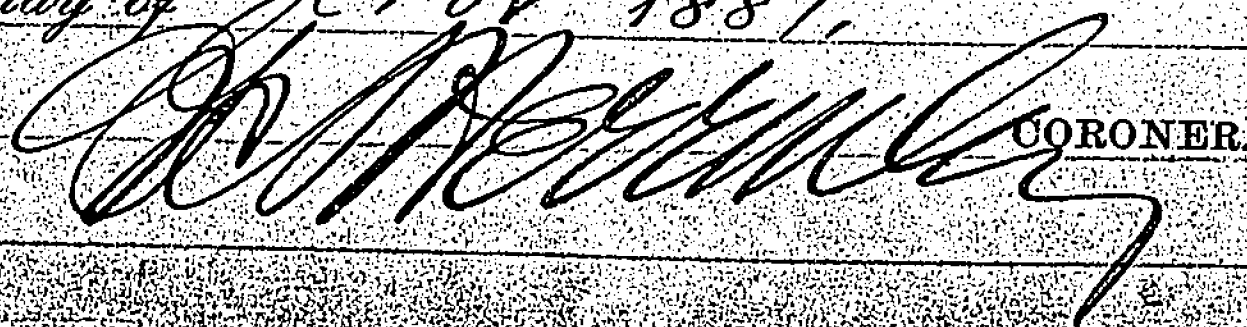
TESTIMONY.

19

19
 hearing the Pistol shot; I knew
 Miller was very quick and when I
 saw him jump, & I then saw him
 with the Pistol; when I had Tracey
 in the back room, some one came
 between me and Tracey, split us
 apart and took Tracey out; I don't
 know who they were; all this oc-
 curred in a flash; between the
 cigar case and the baskets on the
 other side was about 4 feet and
 when I saw Miller with the Pistol
 he was standing by the Baskets -
 I knew there was ill-feeling and
 ill blood between them, but I
 never heard Miller make any
 threats. I was present 6 or 7
 months ago, when Miller shot
 Tracey; they were in Tracey's Saloon,
 I and another got in an Argument,
 Miller interfered; Tracey came from
 behind the Bar and said to Miller
 what is the matter with you; are you
 always trying to make trouble! what
 have you got your hand in your
 pocket for, what do you want to
 do, you want to kill some body; do
 you want to kill somebody? you

Taken before me

this 14 day of Nov 1881.


 CORONER.

0379

Coroner's Office. •

TESTIMONY, 20-

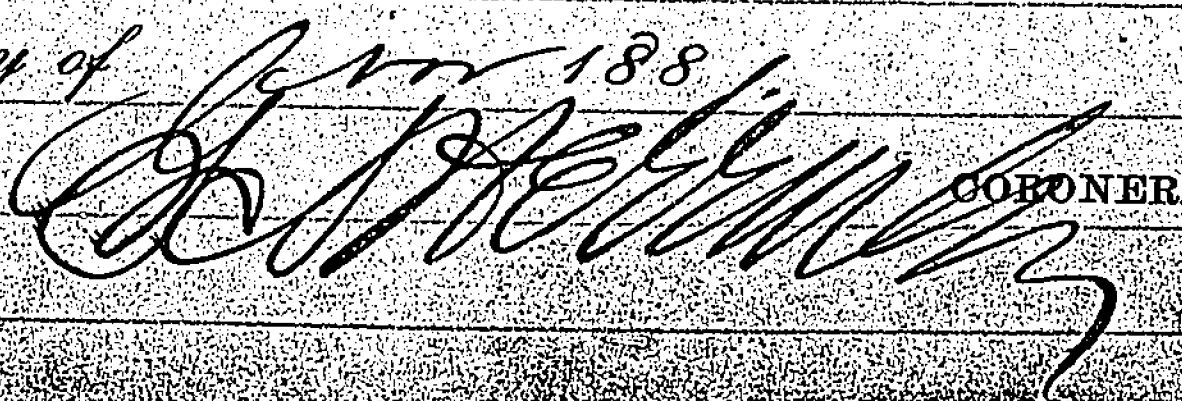
dirty little rat - Miller said I am
 no Rat and I won't allow you
 to call me a Rat and I then heard
 the crack of Miller's Pistol; I
 had hold of Burtis, and had my
 back turned; Tracey ran into the
 back room, Miller after him and
 he fired 3 shots at Tracey;
 He hit him, but I don't know that
 but one hit him; Tracey afterwards
 asked me what I thought of that;
 whether a man was going to be
 shot down for saying an ugly
 word or something to that effect.
 This was immediately after Tracey
 was shot; I told Tracey, I have
 told you to be careful, he is
 a little man and you are a
 larger man than he, and you
 must not talk that way to him
 as he won't allow it; I also
 said I am glad you are not
 hit, but he said he was and
 took down his clothes and ^{put} ~~showed~~
~~his hand when he~~ he was hit. Tracey
 was shot in the neighborhood of
 the Hip. I also told Tracey you
 have had 2 or 3 growls with Miller.

Taken before me

this

14 day of

April 188


 CORONER.

0380

Coroner's Office.

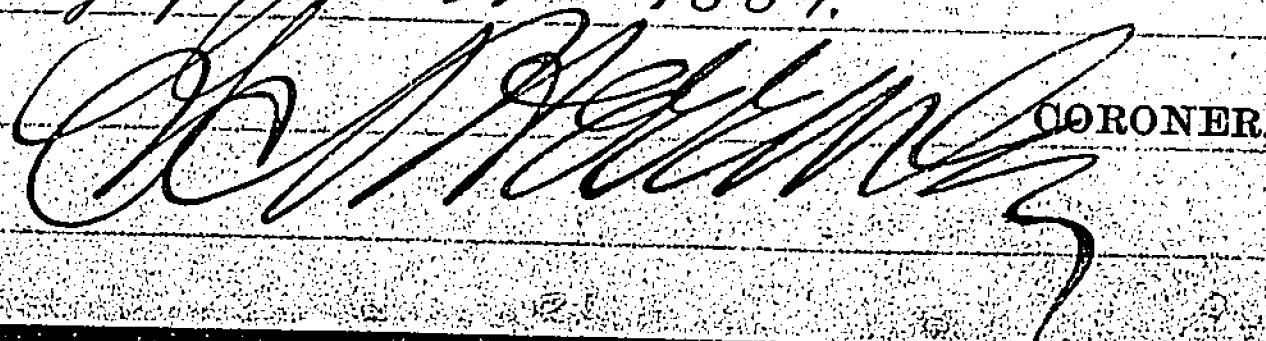
TESTIMONY.

21

before this; Miller had then left the saloon, and after he had gone I had the above conversation with Tracey. I think I have spoken to Tracey but once since the affair with Miller and that was at the Astor House; I never regarded Miller as a dangerous or desperate man; but I guess he was a man who was at all times ready to make good for himself; he generally carried a Pistol; at the time he shot Tracey he was not very sober. Miller I heard tell me, he had been in Tracey's place; I told him he ought to have been ashamed of himself, but he was under the influence of liquor and he was, as he said, ~~it~~ steered around into Tracey's by that damned little Squeor Carson, who got me drunk and took me to Tracey. I don't know of Carson and Tracey are friends; I know that Miller thought he had made what he considered a bad play by going to Tracey. I guess he would not have gone in there if he

Taken before me

this 14 day of Nov 1881.


 CORONER.

0381

Coroner's Office.

TESTIMONY.

22

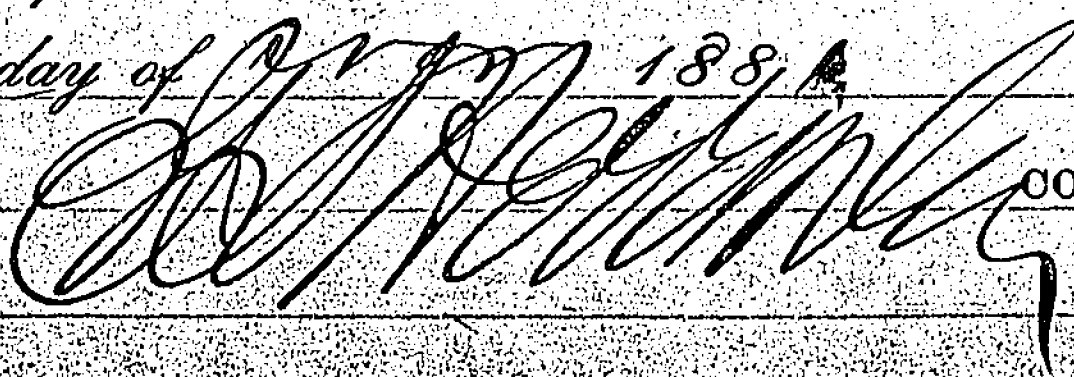
22
 had not been
~~was~~, drunk; in fact he told me
 so; he was about 5 ft 10 inches and
 weighed lately 150 lbs; Miller was
 a smaller man than Tracey; I knew
 a man named Mc Donough; I
 know Miller produced a pistol and
 shot ~~Mc Donough~~ me at Mc Don-
 ough's Saloon; it was early in the
 evening; I saw the Pistol in Miller's
 hands, but I think the pistol went
 off accidentally; Miller and Mc Don-
 ough were having some hot words;
 I stepped between them; Miller had
 his hand in his pocket and the
 Pistol was in his hand in the over-
 coat pocket, made a kick at
 Mc Donough and the Pistol went
 off and the ball struck me in
 the Breast - He was a wild
 Boy; the shot went through the pocket
 (overcoat) I am now stopping
 at the Paisly House; L. Moore
 continuation;

Taken before me

this

14 day of

1881



CORONER.

0382

Coroner's Office.

TESTIMONY.

23

23
 Fred W Posthoff Officer
 29th Precinct being sworn in
 last night about 11.35, I was
 standing on the corner of 29th
 & Bway, I saw 2 or 3 men rushing
 out of Darling's Liquor Saloon -
 supposing that there was a Row
 I hurried there and saw a car-
 riage standing in front of the Place
 which contained 3 men; Mr Betts
 and Mr Minchin with the deceased
 were in the Carriage; supposing
 there was something wrong. I took the
 party to the Station House; the Sergeant
 ordered me to go down to the Hospital
 there I found out that the man had
 been shot; I made prisoners of
 Minchin & Betts and took them
 back to the 29th precinct station -
 I heard or saw nothing of the shoot-
 ing; Mr Miller was in a lying position in the
 carriage; the men with him said Miller felt bad

Fred. W. Posthoff

Taken before me

this

8 day of

1888


 CORONER

0303

Coroner's Office.

TESTIMONY.

25

Continuation of Officer Posthoff's
Testimony -

I knew Miller and when I saw him
looking so pale I suspected
something and I saw a bloody
spot on his shirt, as I pulled
up his vest and I saw his shirt
full of blood; then I told Mr. Minchin
and Hells that I wanted take the party
to the Station House and call
the Ambulance; They did not
tell me Miller was shot; Miller was
not able to speak.

Fred W. Posthoff

Taken before me

this

18 day of

April 1881



CORONER

0384

Coroner's Office.

TESTIMONY,

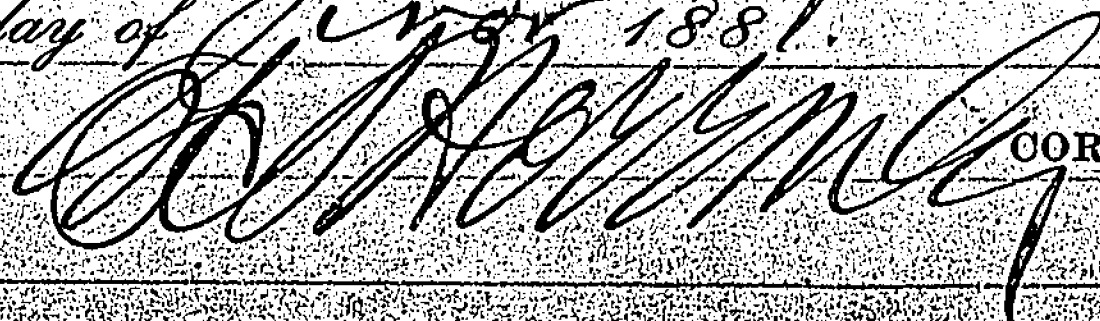
25.

George W. Bloomfield being sworn
 says & reside 257 W 34th St
 I was in Darlings' Saloon when
 shooting took place; when I came
 in, I went to the rear part and
 was there when the shot was fired.
 I did not see the shot fired;
 after it was fired, I heard a little
 scrambling; Tracey's back was
 towards me at that time, that is
 after he was pushed into the rear
 part of the store; I saw a man
 with a pistol pointing at Tracey;
 I did not see Tracey have a pis-
 tol in his hand then; I also saw
 Tracey when they passed him out.
 I don't know who the parties were
 who took Tracey out; I know
 Birdsell; he was standing near
 me; the men I saw when I came
 in were in the front part and I
 did not know them; it was about
 one ^{half} minute from the time the shot
 was fired until Tracey was shoved
 into the back end of the saloon;
 it was about a minute after the
 shot was fired before Tracey got
 out of the house; I have seen Bent

Taken before me

this

15 day of June 1881.



CORONER.

0385

Coroner's Office.

TESTIMONY.

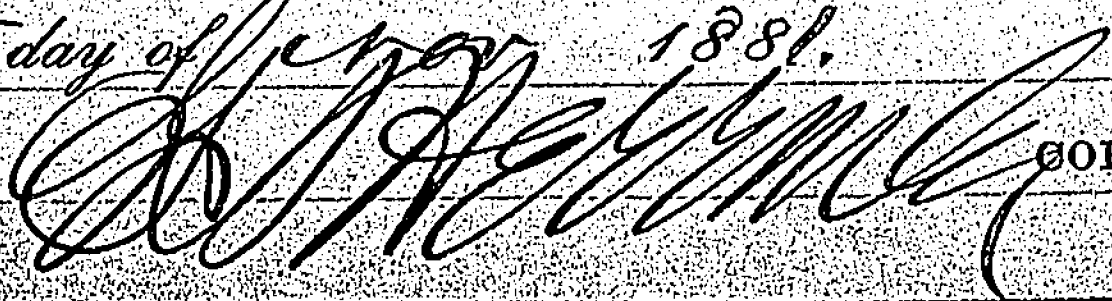
26

do not know Tracey; I saw Tracey
when he came up to the Bar and
I saw him go out of the Bar to the
front part of the Saloon, and
did not see him again until he
was pushed back into rear part -
I am a Butcher and keep in
Washington Market -
G. W. Bloomfield

26

Taken before me

this 15 day of May 1881.

 CORONER.

0386

Coroner's Office.

TESTIMONY.

27

27
 Mr. Borer being sworn says I
 reside 93 Lexington Ave; I was
 at Darlings Saloon, and came
 in with a friend a little after
 11 o'clock; I saw Col' Belts, Mr
 Moore, Dr Minchin, Dr Crawford, Billy
 Lempel all standing in the cigar
 store talking; I stood talking for
 a minute or two, and I went to the
 back part of the Place to the Urinal -
 after I left, I walked through the
 bar intending to go home; when with-
 in about 10 or 15 feet from the cigar
 stand the street door opened and
 Tracey walked in - He walked
 through the crowd and said, come
 have a drink, I'll treat - He
 walked back to the Bar, faced
 around and said Dick give
 us a drink. He then turned and
 took 2 or 3 steps into the cigar stand
 and as he did he came to a quick
 sudden halt; Miller was there when
 I came in leaning upon the cigar car-
 with his right arm facing the back
 end of the Saloon; I saw that Miller
 had a Pistol pointed directly at
 Tracey's head. This was after Tracey

Taken before me
 this 5 day of Nov 188

[Signature]
 CORONER

0387

Coroner's Office.

TESTIMONY.

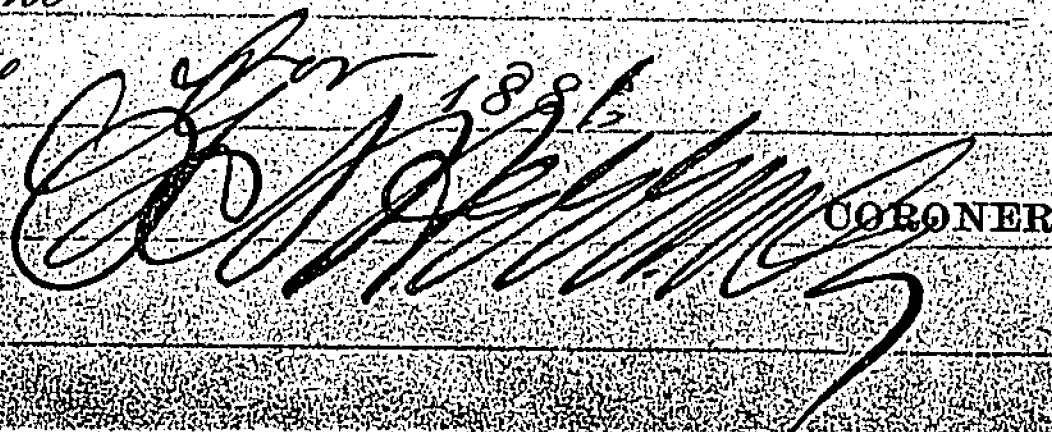
28.

came to a sudden halt; Miller
 had the Pistol in his right hand;
 I then heard the report of a Pistol.
 I supposed Miller had shot
 Mr Tracey and as I was in
 range of the shot, I turned and
 went back to the part of the room
 wherein turns to go to the urinal -
 when I got around the turn, I looked
 and saw Miller with a pistol in
 his hand, Betts had a hold of
 him and Miller pointing the
 Pistol over Betts shoulder in
 the direction of Tracey who was
 retreating back into the rear
 end of the room, and Mr Moore
 either had or was trying to get
 a hold of him - Moore said
 dont shoot Charlie or you will
 hit me; Mr Darling said I
 have rang for the Police and
 will get you all arrested -
 at the time Miller pointed his
 Pistol at Tracey's head, Tracey
 had no Pistol in his hand;
 Miller had backed out on the
 walk and Betts seemingly
 had pushed him out; Moore

Taken before me

this

15 day of

 For 1891

 CORONER

0300

Coroner's Office.

TESTIMONY.

29

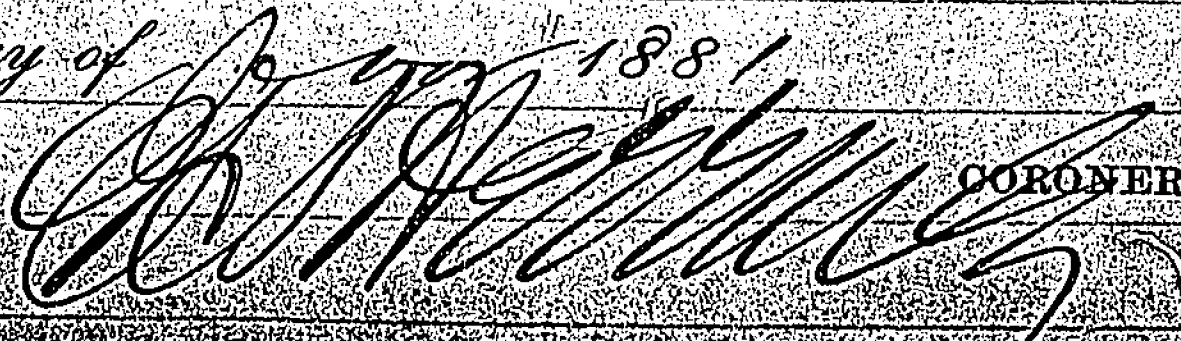
29
 Dick, had a hold of Tracey in the
 backroom and Tracey said,
 He had not ought to do that
 to me I am a decent man &
 Moore let go his hold and Tracey
 went out to the street and went
 towards 29th St. I walked directly
 out after him; I identify Rich.
 and Moore, when I got on the walk
 I heard Dr. Minchin^{per}, get a coach
 Dick, I think he's gone; they put
 him in a coach, an officer came
 and he drove to the Station House.
 I was standing in the Bar room about
 4 feet behind Tracey and about
 eighteen^{inches} to the right of him; I
 was first attracted by Tracey's
 sudden stop - Tracey was then
 just inside of the cigar stand or
 just on the line of the swinging
 doors or maybe a foot to a foot
 and a half inside; I did not
 see Tracey get a Pistol from any one
 or draw his Pistol; I saw Tracey
 have a Pistol in his hand when
 Moore had hold of him. I did
 not hear Tracey say I am come
 to shoot you, or make any remark.

Taken before me

this

15 day of

1881



CORONER

0389

Coroner's Office.

TESTIMONY.

30

except the one before testified to; I may have known Miller about 5 years; I was intimate with him; I don't know or never saw him carry a pistol before; I have heard Miller speak just after the shooting of Tracey, saying the first good chance I get I will kill him - This Miller said of Tracey; Tracey was alone when he asked for a drink; I think Mr Darling turned around to get his glasses; Tracey did not wait for his drink but went to the cigar stand; Miller was considered a very quiet man with his pistol; I did not see Tracey shoot; (Dining) if Mr Tracey drew a Pistol and fired a shot, he must have done so, after he saw a Pistol in Miller's hands; my impression is that Mr ~~Miller~~ Tracey when he stepped back drew his Pistol and that Mr Miller snapped his Pistol, but it did not go off - I have this impression from what I saw and what I have heard; from Tracey's movements, I think he drew

Taken before me

this 15 day of year 1881.

CORONER.

0390

Coroner's Office.

TESTIMONY.

31

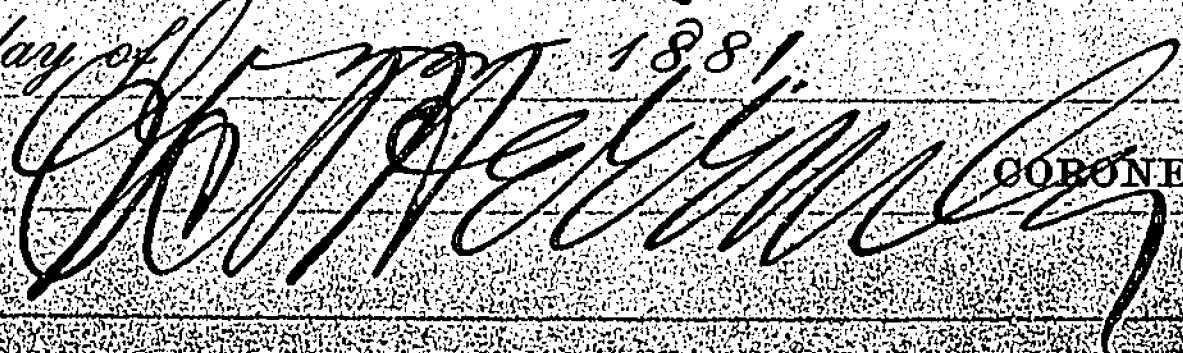
his Pistol; it was when Tracey stopped; from any thing I saw I did not think Tracey used a Pistol until I saw him with a Pistol in hand; he took a very hurried step when he went out of the Bar room; I saw nothing that indicated the possession of a Pistol by Tracey at that moment. I saw Miller pointing a pistol; I heard from Colonel Belts that Miller's pistol snapped; I heard as last Wednesday or Thursday at Darlings place I think Belts said the Pistol snapped and did not go off; he did not say anything about the time - I don't know what time Belts referred to, that the Pistol did not go off - it is not true, that one or more parties separated Moore and Tracey and took Tracey out; Tracey, if he had a pistol, I never have seen it from where I saw it - when he stopped his back was turned towards me, he might have had a Pistol in his left hand, but not when he left the bar; had he had it in his left hand I might not have seen

Taken before me

this

15 day of

May 1881



CORONER.

0391

Coroner's Office.

TESTIMONY.

32

32/ it; When I came in I saw Miller leaning on his right arm; but not at the time when I saw Tracey come to a halt; I did not see him in that position when I started to go out; I am a friend of both parties - Miller said to me he would kill Tracey the first chance he got; it was in Darlings Saloon; Miller asked me if I passed a remark that it was a wrong thing for him (Miller to have shot Tracey) I told him I did; that it was a wrong and a foolish thing to do - he said that the only thing he regretted was that he had not killed the S - - of a B - - -; I told him, he would be hung for it, he said he would take the chances of that, as he would kill the S of a B - the first good chance he got - I repeated this conversation to Mr Doyle (Joseph) Broker; also Mr Albert Smith, who resides at the Gilsey House; I afterwards told Tracey of it, about 2 or 3 ^{days} afterwards - ^{the first time I saw him} I heard that Albert Smith was arrested. The threat was made soon after the

Taken before me

this 15 day of ^{April} 1881.

 CORONER

0392

Coroner's Office.

TESTIMONY.

32/ Trouble between Miller & Gracey -
 Miller frequented Darling's Saloon;
 I saw him there occasionally; I have
 seen Gracey there occasionally; I
 don't know if Darling was there;
 I have been there with Gracey; I
 generally drop in, in the evening
 I have seen Gracey there of an even-
 ing within the past year. I was
 friendly with them both; Gracey left
 the Saloon, after the shooting of Miller,
 alone; I will go into the Hotel &
 Restaurant Business tomorrow
 or Church & Murray Jr.

Wm H. Borch

Taken before me

this

15 day of

1881

[Signature]

CORONER

0393

Coroner's Office.

TESTIMONY.

34

Alexander S. Williams Capt.
 ain of 79th Prec^t, being sworn
 says I arrested James Gornley
 of 1562 3rd ave, who I understood
 handed the Pistol to Mr. Tracey, with
 which Tracey shot Chas. P. Miller at
 1832 Bowy across 7th St. at 11.40 P.M.
 I got my information from Mr.
 Richard Darling; Gornley is a half
 brother of Mr. Tracey; Gornley had
 previously taken the Pistol from Tracey
 who was in the habit of carrying
 a Pistol and Gornley afterwards
 handed the Pistol to Tracey, when he
 went into the Saloon; Gornley re-
 mained outside;

Alex. S. Williams
 Continuation

I attempted to find Tracey; on the morning
 of the 8th. I went to Tracey's mother's res-
 idence in 3 ave & 87th St and arrested
 James Gornley, a relative of Tracey, about
 7.40 P.M. Mr. Tracey came in and
 surrendered himself; he said he was
 afraid to come through the streets in
 daylight; he said he either lost or his
 pistol was taken from him.

Taken before me

this 8 day of Nov 1881.

[Signature]
 CORONER

34
 Gornley
 said the
 pistol

0394

Coroner's Office.

TESTIMONY.

35

35/ I have a pistol represented as Miller's Pistol; I got it when in the station house, in searching the person of Col. Betts, he had a Pistol and he said he took it from Miller; I have it and carry it for identification; it is a 5 Barrel Pistol and I think a 42 calibre - (objected to -) the Pistol which I received was loaded; all 5 Barrels. I saw no indication of the hammer of the Pistol having come down upon any one of the metal cartridges. Counsel for defense, moves that all the testimony regard Gormanly and the Pistol be was said to have handed to Tracey, be stricken out - as hearsay and incompetent -

Alex. S. Williams

Taken before me

this 15 day of

1888



CORONER.

0395

Coroner's Office.

TESTIMONY.

36

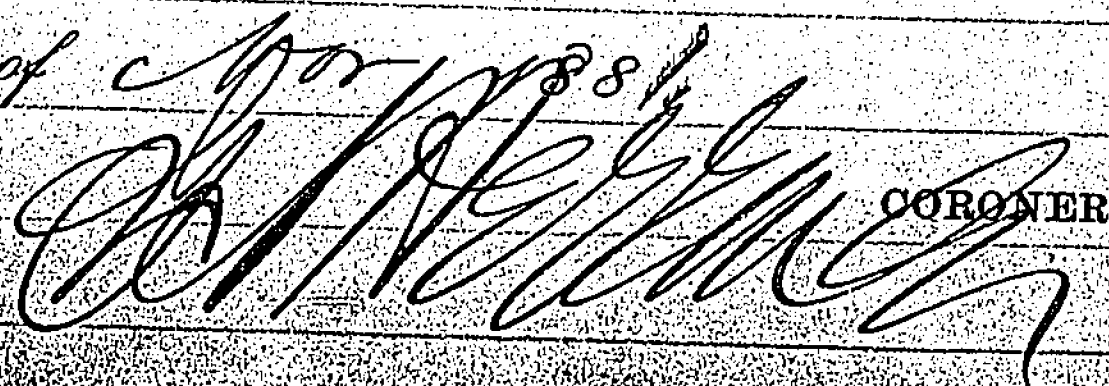
John Fishburn being sworn
 dep. at 102 W 40th St. I was
 not in the saloon at time of the shooting.
 I know nothing of the case; know
 Tracey 4 or 5 years; a friend
 of his; know Miller 6 or 7 years
 am a friend of his; friendly to both;
 have met Mr Miller often; never heard
 him make threats; never saw him
 in any difficulty; never saw Tracey
 or Miller have a Pistol.
 J. B. Fishburn

Taken before me

this

15 day of Apr

1881



CORONER.

0396

Coroner's Office.

TESTIMONY.

37

Wm E Muirhead recalled, says
 I was in Darlings Saloon
 before Darlings returned, on the
 night of the killing; Mr Darlings
 Bar Keeper was in charge during
 Darlings absence. Wm Ferris
 is the name of the Barkeeper; I
 don't know if he is here; I have
 not seen him; I did not see
 Ferris after Darlings came in. I do
 not know if Ferris was there
 during the shooting; Ferris tended
 both Bar & Saloon. When Darlings
 came he took charge of both.
 I have been ^{about} 5 nights out of a room
 during past months ^{in Darlings}. I have not
 seen Tracey at Darlings until
 the evening of the shooting for a year.
 I usually come from there off and
 on for 2 hours, sometimes for 8
 hours, sometimes until morning at
 until 4 o'clock, in need out. I saw
 Tracey come out of the door and run
 towards 29th St. I was on the side
 walk endeavoring to lift Miller
 up; I saw no one with Tracey;
 the blinds of the saloon generally are
 down; I don't know how it was.

Taken before me

this 16 day of April 1881

CORONER

0397

Coroner's Office.

TESTIMONY.

38

38 that night; I considered all of the parties there that night, friends of Miller; Tracey came in and went out alone; all that came in previous to Tracey, were on speaking terms with both Tracey and Miller; the majority of the Party were there frequently; I don't know if Miller was known, & frequent that Place, by Tracey; Darling's was the most likely place to find Miller, by note or personally; Tracey's place is on "29" ft half way between 6th Ave & Bway, about a little over a block from Darling's Saloon;

W. O. Hinchin

Taken before me

this

16 day of

1881



CORONER

0398

39

Coroner's Office.

TESTIMONY.

George Law for being from that
reside at No 259 Fifth ave, I
have known Tracy 5 or 6 years, &
Miller am year or little over
Have had no close acquaintance
with either of them the least
with Miller.

On Monday Evening 7th inst, coming
from up town on my horse, I
stepped in Darlings place to get a
legar - I was not there more
or longer than 5 or 7 minutes. There
were then a number of persons in
the room, but I cannot tell who
they were.

I saw Tracy come in, pass through
the Legar room, go inside, walk up
to the bar. I did not go inside
as I wanted to get away & did not
wish to drink. While standing in
front part of the store near the door
I heard the report of a pistol, that
threw my attention towards it, I looked
then, I noticed Miller with a pistol
in his hand, in a raised position, high
enough that I could see it.
I noticed several men around
Tracy, having hold of him, I came

Sworn to before me

this 15 day of Oct 1881



CORONER

0399

40

Coroner's Office.

TESTIMONY.

40
 that Mr Tracy alone enough to make
 whether he had a pistol or not.
 I heard of no quarrel or argument
 between them prior to the shooting.

Right after the shooting I left the
 Room & walked away.

I don't know of my personal knowledge
 whether the two men quarreled before.
 I don't recollect of having seen
 Tracy & Miller together at any time.
 My Residence is in the neighborhood
 of dearling place & after that, along Alley
 & having to pass through there often in going
 to & coming from my business. I
 notice the two men as well as many
 others - often.

The reason I cannot attend the
 inquest personally - is that my father
 being very sick.

George Law Jr

His witness need not be
 called unless his testimony
 is deemed important.

D.G.R.

Sworn to before me
 this 15 day of May 1881

[Signature]

CORONER

0400

Coroner's Office.

TESTIMONY.

41.

Richard Moore recalled; says:
 At the time I had a hold of
 Tracey, a man or if there was
 more than one, who came between
 Tracey and I, said nothing; I only
 know that some one came between
 Tracey and I and took him out
 of the Bar room; Tracey was
 followed out by Borst. I lost
 sight of Tracey the minute he went out
 of the Bar room; who the party or
 parties were who took Tracey out,
 I do not know; Temple and I were
 arguing in a loud tone of voice
 and the first thing that attracted
 my attention was a Pistol shot.
 There was no commotion or excitement
 produced when Tracey came into
 the room; Temple's back was turned
 towards Tracey; when the shot
 was fired it created quite a commo-
 tion; ~~was~~ argument. While talking
 to Temple, very animated, I did not
 hear the other parties present; Mr
 Tracey was not the subject of conversat-
 ion of the Party in the room; it was
 the night before Election and rain-
 ing and that accounts for the crowd.

Temple
back to
Tracey

Taken before me
 this 16 day of Nov 1881

[Signature]

CORONER

0401

Coroner's Office.

TESTIMONY.

42
4

That was in the Saloon, there
 were more there than usual.
 Miller had an umbrella in his
 that night and I walked under
 it, and he had it in his hand
 when he walked into the room, I
 don't know if he was smoking
 cigar at the time of the firing.
 I know he had a cigar 2 or
 3 minutes before.
 B. Moose

42

Taken before me
 this 16 day of Nov 1886



CORONER

0402

Coroner's Office.

TESTIMONY.

43

R. R. Carden 26 y W 34" ft
 being sworn says I knew Miller;
 not particular friend of his;
 I knew Tracey; I have seen
 Miller in front of Tracey's saloon
 about between 2 and 5 weeks ago.
 I was between Bow & Tracey's
 door bet 8 & 10 o'clock one even-
 ing within the specified time above.
 there were 2 gentlemen with me,
 Mr Perry was one, the others' name
 I do not know; Miller accompanied
 by 2 friends passed by and went
 towards Care; one of them remarking
 I hope he does not go & Tracey;
 I think it was Mr Perry, but am
 not certain - as I think Tracey
 is in the house; and they will have
 trouble; they walked straight by
 I had never heard of this trouble
 inquiring what the trouble was -
 seeing friends they (Miller party)
 went as far as the 2nd stoop and
 returned towards Tracey's, stood in
 front of Tracey's door; I was standing
 alone then; at the door Miller wanted
 to go in (Tracey's door), but his 2
 friends asked him not to do so;

Taken before me
 this 16 day of Nov 1881



CORONER.

0403

Coroner's Office.

TESTIMONY.

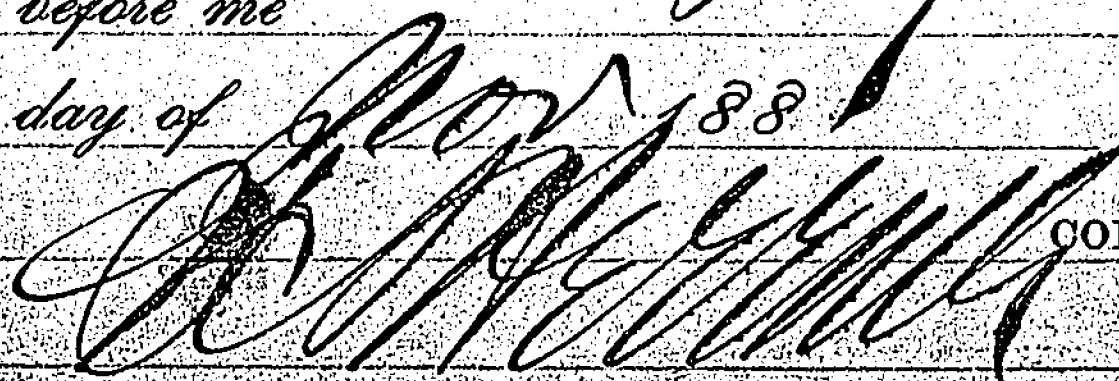
44.

the whole party entered, Miller first. Miller opened the door with his left hand, followed by the others; they were not in the place, less than a minute, when the 3 came out - they spoke together at the door, Miller again insisting upon re-entering; saying, I will make Tracy raise from his chair and give me a drink; he spoke louder than the others, and I understood by the conversation that they did not want him to go in there - He then said I am prepared and can do him; I can fix him as quick as he can me; they re-entered and were there long enough to have a drink, probably 4 or 5 minutes - when they came out Miller remarked it is good, that the S. of a B. --- was not there; the party walked towards Broadway, and 4 or 5 minutes after Tracy drove up to the door in a Carriage. I told him what I had heard; he said to me had I better go away? will they come back? my answer was

Taken before me

this

16 day of Nov 1881



CORONER.

0404

Coroner's Office.

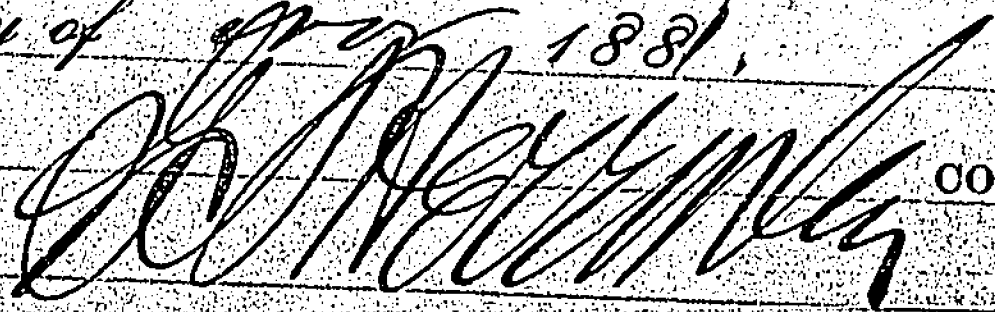
TESTIMONY.

you know your business best -
 just then my friend I had been
 waiting for came along, and we
 went off together - at the time he
 said he would make him raise from
 his chair and give him a drink,
 Miller said if he doesn't I will
 fix him; He had his right hand
 in his right overcoat pocket and
 opened the door with his left hand.
 He opened the door both times with
 his left hand; I was there for about
 1/2 hour and all this conversation
 took up about 10 minutes; I was
 about 6 or 8 feet from Tracy's
 door, towards Bway; I am a life
 Insurance Agent; am not for
 a particular company now; have
 no office. My last position I had
 was in last January, as Assistant
 Superintendent of Metropolitan Life
 Ins Co - I was to meet George E. R.
 Farnham. He was also a life Insur-
 ance Agent for Mutual and State Cos.
 I know nothing of the shooting of Miller
 by Tracy.

R. E. Carden

Taken before me

this 16 day of April 1881.



CORONER

0405

Coroner's Office.

TESTIMONY.

46

Wm C. Rogers being sworn says
I reside 130 ft bet Grand
Boulevard & River; I am a whole-
sale dealer in wines, cigars & Grocer-
ies 560 Bway - I know Gracey;
I supply him with liquors; I have
visited Gracey at his place of busi-
ness; He told me he had been
shot by Miller;
(Query) Did he ever communicate to
you, that he had been shot by
Mr Miller.

Answer - Yes -

(Query) Tell us what he said.
to which there was an objection;
Counsel for the defendant offered to
prove the defendant communicated to
the Witness as the result of his having
been shot by deceased, that he, the
defendant was in actual fear of
his life, at the time deceased met
his death

Excluded by counsel
for defense

Offer overruled, question disallow-
ed and exception taken.

Taken before me

this

16 day of

1887

[Signature]

CORONER

0406

Coroner's Office.

TESTIMONY.

47

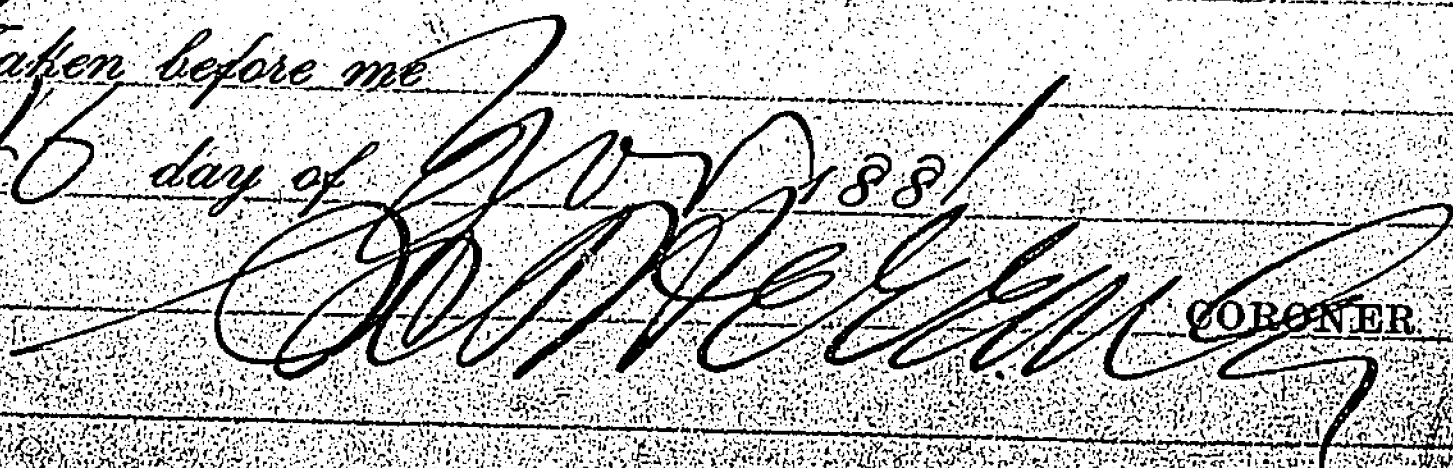
Robert P. Carroll 388 1/2nd Ave
 being sworn says I know Mr Tracy;
 I knew Chas P Miller; I have
 visited Tracy's Saloon, while Miller
 was present; Tracy was there;
 I was at Tracy's, when Miller came
 up to me, and said did you
 ever say you would kick my
 a--- I said no; if you don't
 stop talking about me - just at
 that moment, he stabbed me in
 the left side; it passed near the
 region of the heart; it penetrated
 2 coats, vests and a shirt and
 just grazed my flesh, but drew
 blood; it was all in a second,
 and Tracy said to Miller, what
 are you doing there; every time
 you come to my house you are
 trying to raise a quarrel; I don't
 want you here, I don't want you to
 come into my house, I don't want
 you in here; Miller reply was Oh
 go to Hell; I did not see Miller
 draw the knife from his pocket -
 there were from 15 to 18 to 20 people
 there at the time. Overcoat was a
 heavy winter coat - thick undercoat.

Taken before me

this

16 day of

Nov 1881



CORONER

0407

Coroner's Office.

TESTIMONY.

48-

~~that~~ my shirt was bloody and the thrust was a violent one; This occurred about a year and a half ago - Motion made to strike out above evidence by District Attorney; and which was taken under objection;

In opposition to the motion to strike out testimony Counsel for the Defendant insists that the Coroner has no legal power to order the testimony to be stricken out or to strike out the testimony and refers the Coroner to sections 777, 778 & 780 of the new Code of Criminal Procedure of New York, in opposition to the motion to strike out the evidence here received.

The above testimony was ruled out by the Coroner;

Exception taken;

Counsel for defense move that the testimony of Robt P Carroll having already been sworn to by him and reduced to writing, be subscribed by him and filed with the return & inquest.

Taken before me
this 11 day of May 1881

[Signature]
CORONER

0408

Coroner's Office.

TESTIMONY.

49

it is according to law;

The testimony having been ruled
out of order by Coroner, the motion
is denied.
Exception taken.

49

Taken before me
this 16 day of Nov 1881

[Signature]
CORONER

0409

Coroner's Office.

TESTIMONY.

50

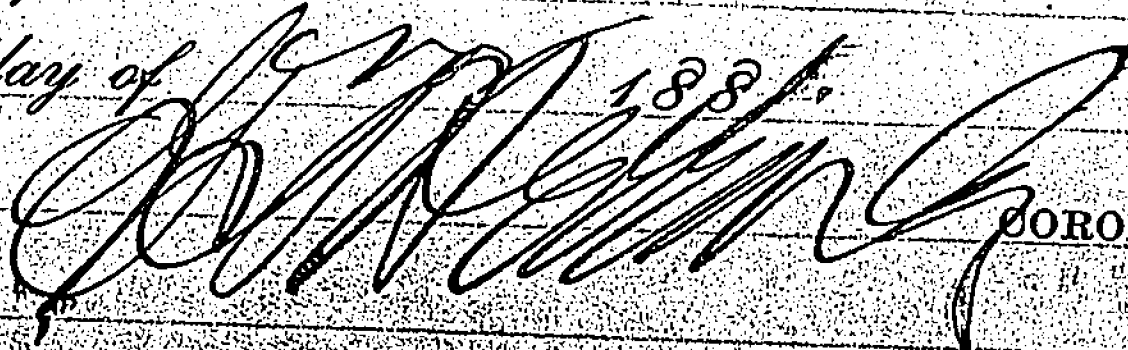
John Harrihan 126 Crosby St
 being sworn says I knew the
 deceased; I was in his Com-
 pany 3 or 4 weeks ago - I was
 coming down to see with a lady
 when I met him; he came up
 (objection taken by Counsel for District
 Attorney) to us and spoke to the lady
 putting out a roll of money; when
 he saw me he said, excuse my
 Jack, come take a drink; I said
 no, I had business; he asked me
 where I was going; I said around
 to Tracy; He said I'll ride that
 S-- of a B-- and putting his
 hand to his back pocket, saying I am
 always killed for him; I did not
 tell Tracy this; am a friend of
 Tracy; not related to him;
 John Harrihan

Taken before me

this

16 day of

1881



CORONER

0410

Coroner's Office.

TESTIMONY.

57.

6 W Crawford recalled, &c.
 I swore I lived at the Brower
 House; I live and lived there
 when I swore I did; I registered
 at the Brower House, the morning
 I swore to where I lived; I had not
 lived there the day before. I did not
 live at ~~the~~ a house of Prostitution up
 the street;

Query; did you not register at the
 Brower House for the purpose
 of swearing, ^{at this examination} here, that you lived
 there.

Answer; I don't want
 to answer this
 question; no, I had other reasons.
 (Query) Then, as Mr Brocheron, infor-
 med you yesterday, that you did not
 live there, you had no right to say
 you lived there; question objected to
 by District Attorney;

Answer by witness;

Q. Mr Brocheron asked me are
 you aware that you are going to be
 examined to day; I said to him I
 am aware of it; I asked him if he
 was aware I was stopping in the house;
 he said no; I told him I was; that I
 had registered and paid for my room;

this

16 day of April 1881.

[Signature]
 CORONER

Query; before you ~~leave~~ ~~further~~
had the Conversation with Mr Cochran
had you paid for your room for 8
days?

Adams No -

~~Quincy~~; I paid for one day when
I registered;

I am a single man, without any fixed habitation and go where I please; I was at Darling's Saloon on the night of the shooting, and related circumstances just as I saw them;

objection sustained as to the question if Witness had clothes, underclothing, work robe, &c, and where they were.

Admission for Gracey make an exception;

Crawford is my real name; I have gone by other names; I object to tell you what other names I have gone by, for reasons known to my self - ^{to answer} objection, sustained.

I am a sporting man; accustomed to business transactions with cards and games.

C. H. Crawford

Taken before me
this 16 day of

1881

Ch. Heim COR

CORONER

0412

Coroner's Office.

TESTIMONY.

53

✓
 I Mr Watson being sworn & I
 have viewed and made an
 Autopsy on the Body of Chas.
 P Miller at the New York Hospital
 and the following are the results
 of said Examination;
 Body of deceased was well nour-
 ished;

53
 There was a Bullet hole in the
 right abdominal wall, one inch
 below and one and one half inch
 to the right of the Umbilicus;
 said wound upon probing showed
 that the ball passed through the
 Mesentery, passing down towards
 the sacrum where it lodged, just
 below the Prominence of sacral Bone,
 in its course cutting, and containing
 the right Common Iliac Artery;
 The Intestines were not injured by
 the ball;

In my opinion Death was due
 to Hemorrhage into and beneath
 the Peritoneal cavity and the Peritoneum
 caused by the wounding and rupture of
 the Right common Iliac Artery by
 a Pistol Bullet;

(W. M. Watson M.D.)

Taken before me

this 1 day of Nov 1881.

CORONER.

0413

Coroner's Office.

TESTIMONY.

An exception is taken by Counsel
for Wm. Gracy to the verdict as
the jury consisted of thirteen
jurors;

54

Taken before me
this 16 day of May 1881

[Signature]
CORONER

04 14

TORN PAGE(S)

0415

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

William Tracy being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.—

William Tracy

Question.—How old are you?

Answer.—

thirty seven years

Question.—Where were you born?

Answer.—

New York City

Where do you live?

Answer.—

747 - 6th ave

Question.—What is your occupation?

Answer.—

Boiler Maker

Question.—Have you anything to say, and if so, what, relative to the charge here preferred against you?

*In Prisoner made the
advice of his Counsel
declining to make any
further statement at this
time*

William Tracy

Taken before me, this *16* day of *July*

E. J. [Signature]

04 16

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE When Reported.
Years.	Months.	Days.			
27			U.S.	Wyo. State	Nov 8 1887

HOMICIDE

AN INVESTIGATION

BY J. H. BROWN

CHAS. J. BROWN

CHAS. J. BROWN

CHAS. J. BROWN

CHAS. J. BROWN

0417

HOMICIDE

AN INQUISTION

VIEW of the BODY

Charles P. Mc

only to be found that he was

Death by the hand of

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

William D. J.

MEMORANDUM.

AGE

Years

Months

Days

PLACE OF NATIVITY

WHERE FOUND

DATE

When Reported

over 100

over 100

over 100

over 100

0418

Order of Proof

Date Nov 7, 1881

People 10

Tracy

Proof of Death: Wm Waterman M. 53

abdominal wall one inch below. and one
and 1/2 inches to the right of the Umbilicus.

Cutting illac artery
Death - Hemorrhage

What position must the slayer have been in as respects the
deceased to have so wounded him.

Identity of Dead Man

✓ Sellie Miller widow - as to death

Call Betts to prove identity of
Millers pistol - follow with Capt
William & offer pistol in evidence.

✓ 12 R M Rawling -
did Tracy frequent
the saloon

moving call for drinks and not
talking Prove Model.

6 & 37 W E Muchie

no talk with Tracy - shooting no provocative
flight 6 & 37
vc. murder in hands

Case as
to calling

✓ 11 Samuel Brasall

Saw Tracy come in - turn in his tracks & go out

was Borst
in Bar Room

Quere. as this witness will say he heard Miller the day
before his death assert "he would get Tracy" is it worse to seek
& Executions.

✓ 17

Richard Moore: Prove shooting - but will say Miller had a
pistol in his hands but was shaky.
Saw him jump and then with the pistol

✓ Charles H Crawford Shooting and threats

0419

2

13-16 ✓ W. H. Betts. Prove killing & threats.
5 feet apart

25 Geo W Bloomfield. Prove Traceys visit to
bar room and immediate return.

Officer F W Posthoff

Alexander Williams. Did you find pistol upon him
when was he arrested. How to prove that Journey
took pistol and gave it back to him.

Geo Law. Jr. Prove entrance of Leary
no quarrel or argument prior to the
shooting.

0420

The reason of the law is to life.

The admission of character of decedent, is justifiable where there is an assault made. where one finds a thing & on ones premises attacking ones person &c

"The general principle, then is this: not that it is lawful coolly & coolly to attack and kill a person of ferocious and blood thirsty character, for it is as much murder in such manner to kill the most desperate of men as to kill the most inoffensive." Wharton on Homicide

et seq

Second Edition 606

He must first ~~show~~ prove that he was attacked; and this ground being laid, it is legitimate for him to put in evidence that he would show he had ground to believe such attack felonious

Wharton on Homicide 609

W & L 76d 641

Character of Decedent W & L 641

0421

Law

In Stokes' Case. ~~unconscionable threats~~ admitted because the allegation of the defence was that ~~Stokes~~ actually assaulted the Prisoner Stokes.

People vs Shuster & Bonaparte 193

"must show that he was in imminent danger"

"The belief that a person designs to kill me, will not prevent my killing him from being murder, unless he is making some attempt to execute his design," ~~and~~ ~~least is in an apparent danger~~

State vs Scott
14 Dells
86 SR 409

When a man expects to be attacked, the right to defend himself does not arise until he has done everything to avoid that necessity

One must not
have courage
at one's hand
People vs Scott
15 Ohio State
47

8 vs Mingo 2 Cases C.C.I. People vs Sullivan 3 Selden 396

8 Cases quoted 7/18 Rosever C.C. People vs Lamb 46 Barb 62

Sub head Killing in
defence of Person or
Property

The party must be committing a felony.

We start by proving Miller to be a peaceable and quiet man. W.C.S. 641

0422

Hints for opening or closing up

Flight - Mucha Page 6 - or 37
who was there? Richard Moore Henry Rice. George
Law. Col. Betts, Billy Borst. - Harry back room.
Billy Temple. Crawford. Richard Moore Ferris (see note)
As quarrel Birmall, Bloomfield

Timing of Moore 41
Temple's back was to Tracy when shot fired.
William say page 34 - that Gormley
gave him the pistol outside of Harry's 34

Mucha 8
Shot at Tracy, Malice and Motive

2
Kamel Birmall kill more Ray before shooting
Mulla said he was saying Tracy was killed.

0423

People vs Lamb 54 Barb 342
Peop vs Austin 1 PCB 154

We may call
witnesses to
sustain both
W.C.L. 821

The aggression must be proved:- See W.C.L.
7 Ea 641 Et seq.

Get People vs Mung 10 Cal 309

People vs Mathew
4 Wendell
257

Evidence of ~~Precedents~~ had character an exception to the
rule something must be done to bring it within
the rule

The great plea is that the deft was pushed
to the wall.

Presumption of innocence shifts W.C.L. 708

Roman law
Civiliter mortuus

The fact of killing being proved - ones probanda are
deft

as to witnesses
+ Et see
Cases
W.C.L. 841

Read Obituary XIX 10 to 13 inclusive

Look at Brandone vs People 3 Wend 42 et seq 265
as to deft testifying

Read law
which makes
witness a person
a witness.

witnes (deft) waives right to answer any question
See W.C.L. 782

Burdock
vs
People
58 Barb
51

See Brandale vs People 2 Leamy 309
W.C.L. 782 Page 744

If Prisoner contradicts on a question of fact -
Counsel may say "You had an opportunity to testify
and did not do so"

as to contradiction
on witness testimony

W.C.L. 782 Page 745

0424

Where ~~it~~ to take life &c
Over act must be made to
from which intention &c

Wilson vs People
94 Ill 299

Motive R vs Gleason 4 Cr 221

0425

Necessity

Dupre vs State	33 Ala	380	} The necessity must be actual, imminent, and apparent;
Kennedy vs Leorn	14 Ark	341	
Lewis vs Leorn	24	363	
Leorn vs Drum	58 Pa	1	

with no other probable or possible
means of escape

State Shuprey	10 Minn	223
Peep vs Sullivan	7 N.Y.	396
Leorn vs Drum	58 Pa	1

The necessity must not have been created by the fault
of him who pleads it

State vs Leorn	12 Mo.	220
State vs Leung	52 La	400
State vs Munderund	57 "	400
Heagren vs State	17 Geo	445
Roark vs State	77 Ill	25

Character

Nick Hamilton

Shea Short	} Tracy
Jim Collier	

0426

Notes of Speech

Proofs

Clarling

293

Tracy came in "Heard a drunk" as I was turning round to set the glasses, and as I was handling them I heard a shot"

He then saw Miller

No discussion dispute

Miller was a habitue of my Saloon
Tracy not.

Minchin

7

Came I will treat. Went to light a cigar. heard shot Miller had jumped from his position 6 or 8 inches - his hand & knee wiggling

8

9

flight

11

within 3 feet of him. I did nothing when I was lighting the cigar. Miller had jumped from his position - made no motion till after shot

McFarland
Betts Stokes
Tracy
Corroboration
by Minchin

Passed in. I spoke to him - went to beer &c. returned "I came here to kill you" - forced Miller jumped out - never flinched & never cried &c

if you had depended

Miller was leaning against the glass case at the time the shot was fired. I did not see Miller do anything. 3 feet from me

Moore

25

Saw no pistol until after the shot

24 Tracy's arm protected in front of me

Quasall:

Not a record

20

0427

Crawford

5

"I have come here to kill you"
all place. Miller in an impressive position

Contra

Lies: The shifting
into the pistol
packet - in
the time
impossible

Temple who sealed his mouth
from the people -

Best murderer of youth

30 feet away.

"Better a millstone were cast
around your neck and cast into the sea
than pervert one of my little ones"

0428

William Tracy was arrested Nov 28th 1873
By Detective Rogers who charged him
with being drunk and disorderly at 30th & 6th Ave
he was fined 5.⁰⁰ By Justice Sherrard at
the Jefferson Market Police Court

Tracy was arrested on January 9th 1871 by
Detective Heidelberg while in company with
Molly Harris aka. Henry Harris a professional
thief Tracy was charged with attempting to
pick pockets on a 4th Avenue Car at 11th St. London
the way to Police Headquarters he broke away
from the Officer but was subsequently arrested
and reprimanded by Superintendent James
Kelso who discharged him

Tracy was arrested By Detective Rogers while in
company with Walter Brown and Tim O'Brien
on 13th St. Tracy when ordered away by the Officer
Tracy was very abusive in his language and disorderly
in his conduct he was charged with disorderly
conduct but not held by Sergeant Tuck who was
on duty at the Central Office at the time

Tracy was arrested By Detectives Dusenbury Keene
& M. Douglas for stealing a pin from a man on a
Ferry Boat running to New Jersey the date of
this arrest was about Dec 30th 1864 or 1865

0429

People
v
Hacey

Dr Waterman -

Death from Jan Shot

The bullet landed in the Sacrum.

Hellie Millers testimony read

The corpus delicti admitted

✓ R S Downing sworn

✓ W E Michie

✓ W V Betts

✓ W J Moore

✓ Daniel Bissale

Lehus Crawford

People v

Defence

Mr Howe opens.

anxiety that a jury might be
empannelled.

21 peremptory challenges

arraign the Dist Atty.

The prisoner should challenge.

Corruption has eaten into the very vitals of the State.

The law gives us 30 challenges.

Irish peremptories

0430

2

Miller said I have some trouble - I shot a man
named ~~Car~~ Hacy. - If I had your Hunter
pistol the S - of - B would never get
away.

8th & Broadway Sell me your Hunter I will
give you \$50 - for it.

I am liable any moment to meet Hacy:-

the duty to call all the witnesses examined before
the Coroner

~~He came and~~

~~John H Daly~~ ~~Post~~ ~~Post~~

John H Daly: 1 Milligan Place. 726 Bdy
* what sort of Hotel 5th & Clinton Place -

Superintendent

1 Ly 79 to Aug 81

I heard Miller talk of Hacy. the next day for
that duck I'll know him.

Theatre Cornique.

would not
tell Dist Atty

You Temple. - 4th 24th. -

* I asked you if you would give me a
Statement.
what is your business.

Come and take a drink - or I come to drink
I saw Miller as Hacy passed. He asked him

0431

3

Darling
&
Kelley

Counted - Lyons, Russell, Pollock.

as I turned to look at Miller he had
a pistol in his hands I heard the report
of another

Betty hollered don't shoot, I heard -

(Pat Kelley 1237 or 1239
Richard Darling -

R Pat Carroll 388.4th. Arm -

1 1/2 years ago -

what is your business. Distiller by profession

Empire Salem

Wm Post 93 Lexington Arm - Int with
R Darling. Kemp 34 Murray St Empire Garden

Where did he halt?

Post testimony is in direct contradiction
to Temple - 18 to 2 feet

Wm Lester Carroll: 160 E 27th

I knew Miller.

Rott E Garden 116 E. 28 Life Insur.
x 92 what sort of trading

0432

4

I was in west 29th - with

Mr. Nammahan - I remember the night before
the last election.

Oct 14 2 of AM
I am sorry to hear. I'll kill that As
son of a bitch
Kept a Saloon in violation of law

225

229

625

1179

0433

Call Moore as recollection

Gravford

He came & stood
beside me.
the best position to hear.

What was Huey doing
I have ~~to~~ come to treat
you. —

Whom have you been talking to. —

Dracey ought to have put the law in motion

The shooting threat shows that ~~Dracey~~ Dracey
took the law in his own hands

Dracey's place pulled

Miller saw him come in, made no
motion — this rebuts all idea of carrying
out the threat.

Why did Dracey ^{want to be} hailed if he was in
— fear of his life. —

0434

The crime how it affects society

Nacey should have sought protection
of the Law. He elected to kill.

Italian Pharo &c -

Leonard
Rogers
Hearnshaw

Comment on coroner made of
downy business.

Stand up to Dist Attorney.
Only - &c -

The Greek Dr Karty

" Roman Corrotoe

" Meddled Reba Drunk

But by Law

Quote Law

Nacey's Motives.

Who is Nacey

0435

Howe

Former Dist
Atty. —

Temple was not before the coroner.

Glaring denial of Justice

Call all the notecap
his mouth.

Temple would not open

Temple vs People & Lang 124

There are cases — retreat he might
have retreated. —

0436

Mr P Miller 855 Broadway.

I know the account intimately;

therefore I don't know Tracy

0437

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

THE PEOPLE OF THE STATE OF
NEW YORK,

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

William Tracy
of the crime of

committed as follows:

The said

William Tracy
late of the *Twenty first* Ward of the City of New York, in the County
of New York, aforesaid,

on the *Seventh* day of *November* in the year of our Lord
one thousand eight hundred and *seventy one* at the City and County aforesaid,
with force and arms, in and upon one *Charles P. Miller*
in the peace of the People of the State, then and there being, wilfully, feloniously, and
with a deliberate and premeditated design to effect the death of *him*
the said *Charles P. Miller* did make an
assault, and that the said *William Tracy*
a certain *pistol* then and there charged and loaded
with gunpowder and one leaden bullet, which said *pistol*
the said *William Tracy* in *his* right hand then and
there had and held to, at, against, and upon the said *Charles P. Miller*
then and there feloniously, wilfully, and with a deliberate and premeditated design to
effect the death of the said *Charles P. Miller* did shoot off
and discharge, and that the said *William Tracy* with the
leaden bullet aforesaid, out of the *pistol* aforesaid, then and there, by
force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, the
said *Charles P. Miller* in and upon the *belly*
of *him* the said *Charles P. Miller* then and there
feloniously, wilfully, and of *his* "malice aforethought," did strike, penetrate,
and wound, giving to *him* the said *Charles P. Miller*
then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth,
and shot out of the *pistol* aforesaid, by the said *William*
Tracy in and upon the *belly* of *him* the said
Charles P. Miller one mortal wound of the breadth of *one* inch "or"
and of the depth of *twelve* inch "or," of which said mortal wound *he* the
said *Charles P. Miller* at the *Ward*, City and County
aforesaid, "from" the day first aforesaid
and in the year aforesaid, "until the *eighty* day of *November*
in the same year aforesaid, did languish, and languishing did live, and on which
eighty day of *November*
in the year aforesaid, the said *Charles P. Miller* at the *Ward*,
City and County aforesaid, of the said mortal wound" did die.

And so the Jurors aforesaid, upon their oath aforesaid, do say that *he* the said
the said *William Tracy* in the manner and form, and by
the means aforesaid, at the Ward, City, and County aforesaid, on the day aforesaid, and
in the year aforesaid, wilfully, feloniously, and with a deliberate and premeditated
design to effect the death of *Charles P. Miller* the said
Charles P. Miller did kill, and murder, 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.

DANIEL C. ROLLINS,

~~JOHN J. LEECH~~ District Attorney.

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BOX:

56

FOLDER:

639

DESCRIPTION:

Varnens, James K.

DATE:

12/12/81



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BOX:

56

FOLDER:

639

DESCRIPTION:

Mason, Charles

DATE:

12/12/81



639

Mason is an
old thing
Hanson is a
Knox & Co
Cummings -
appears for himself in Court

Dec 9
F. E. Hayes
Counsel,
Filed
Dec 12 day of
Plead
Nov 13

INDICTMENT.
Grand Larceny of Money, &c.

THE PEOPLE

28.

James K. Varners
Diaper Macon

DANIEL G. ROLLINS,
BANK

District Attorney.

No Bond without see me
9003

A True Bill.

Part No. Dec 20. 1872
Bord Head Ferry

Foreman.

407 1.96 May
408 4.96 May
409 N.P. both
F.S.

0441

POLICE COURT—SECOND DISTRICT.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

John N. Lambkin 28 yrs
of Bordham Street, being duly sworn, deposes
and says that on the 25th day of November 1887
at the City of New York, in the County of New York,

there was feloniously taken stolen and carried away from the possession of defendant by James R. Varner and Charles Mason (now dead) and who were acting in concert the following property to wit: Three drafts for fifty pounds Sterling each one draft for forty pounds Sterling all drawn by the Bank of Ireland on the Bank of England and payable to the order of defendant thirty-five pounds Sterling in English bank notes and fifty dollars good and lawful money of the issue of the United States and in all of the value of Eleven hundred and thirty-nine dollars.

~~The property of defendant~~
in the following manner to wit: While defendant was passing along Union Square he was met by the above named Varner who told defendant that he had met him on the steamer coming to this County and asked defendant to go with him to No 92 Clinton Place where he said Varner wanted to get a prize cashed which he had brought in Paris. Defendant went with said Varner to said number and there saw in a room at said number in Clinton Place the above named Charles Mason. Said Varner asked said Mason to cash the prize which said Varner had told defendant he had drawn. Said Mason then handed said Varner one hundred dollars, and told said Varner there was to be another drawing on Dec 15, 1887. Said Varner said he was going to San Francisco and would

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not be here on that date. Said Masun then
 said to said Varneus that the directors of the said
 lottery would allow him to draw in another way
 and then presented a cloth lying upon a
 table and which had certain numbers and
 squares upon it. Said Varneus then sat down
 to play at the table and won a sum of money
 from said Masun. Said Varneus then asked said
 Masun if his friend (meaning deponent) could play
 for him when said Masun replied yes. Deponent then
 sat down at the table when said Masun told
 deponent that he must put his money up.
 Deponent put up the within described drafts
 which said Masun told deponent he must endorse
 as it was a mere matter of form. Deponent endorsed
 said drafts, when said Masun placed them by
 his side with other money or what seemed to deponent
 to be money. Said Masun repeatedly told
 deponent that the putting up of his money was
 but a matter of form and that in any event
 he would receive it back. Deponent then threw
 some cards (which said Masun gave him) once
 or twice, when said Masun took the cards from
 deponent and turning one down called out
 "No 28". And then told deponent he had
 lost his money, and at the same time taking

POLICE COURT - SECOND DISTRICT.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

Offence,

Dated

187

Witnesses,

Committed in default of \$ surety.

Bailed by

No.

Street.

0443

deposited money from the table and carried
it away with him. Wherefore deponent Chas
said Varners and Mason with acting in
concert and with felonious taking stealing
and carrying away from him the within
described money.

J. H. Robertson

Seen before me
this 8th of December 1873

Soloe Smith

Police Justice

POLICE COURT - SECOND DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Offence,

Dated

187

Witnesses,

Committed in default of \$ surety.

Bailed by

No.

Street.

0444

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2 DISTRICT POLICE COURT.

Charles Mason 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. Charles Mason

Question. How old are you?

Answer. Forty one.

Question. Where were you born?

Answer. US

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

Answer. 365 E. 12-15 St. Two days

Question. What is your business or profession?

Answer. I have the lease of some Billiard table

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

Taken before me, this 8th

day of Dec 1881

Charles Mason.

Solomon B. Smith
Justice.

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BAILED,

No. 1, by _____
Residence _____ Street, _____
No. 2, by _____
Residence _____ Street, _____
No. 3, by _____
Residence _____ Street, _____
No. 4, by _____
Residence _____ Street, _____

Dec. 209, 200, 210 & 212.

Police Court - 2 - District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John H. & Charles H.
Horsesham

James K. Varnum

Charles H. Varnum

Offence, Grand Larceny

Dated December 8 - 1881

Samuel Smith Magistrate.

Byrnes Joseph C. Officer.

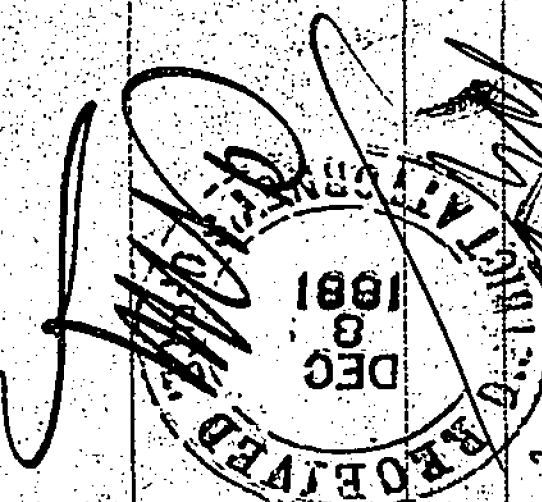
Clerk.

Witnesses _____

No. _____ Street, _____

No. 1311 Street, _____

No. _____ Street, _____



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 James K. Varnum and

Charles H. Varnum guilty thereof, I order that he ^{held to answer the same and} be admitted to bail in the sum of Twenty-five Dollars each and be committed to the Warden or Keeper of the City Prison until he give such bail.

Dated Dec 8 1881 Samuel Smith Police Justice.

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

Dated _____ 1881 _____ Police Justice.

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

Dated _____ 1881 _____ Police Justice.

9440

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated Dec 8 188 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 admitted to bail in the sum of \$1000 and be committed to the Warden or Keeper of the City Prison until he give such bail.

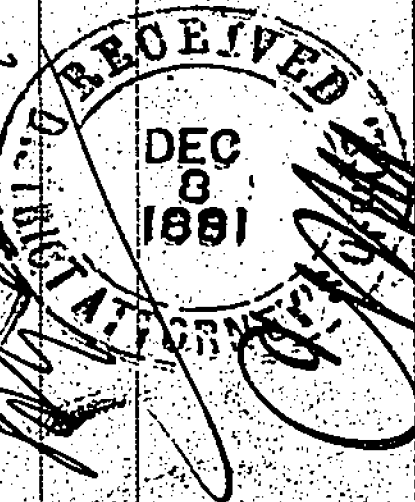
Charles Williams James & Varnum

59
Police Court District,

THE PEOPLE, &c.
ON THE COMPLAINT OF
John H. Lamberton
Hord & Co.
James H. Varnum
Charles Williams
Charles Williams

Dated December 8 1881
Sworn
By James H. Varnum
Clerk.

Witnesses
No. Street
No. Street
No. Street



BAILED
No. 1 by
Residence Street
No. 2 by
Residence Street
No. 3 by
Residence Street
No. 4 by
Residence Street

0447

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2 DISTRICT POLICE COURT.

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

Question. What is your name?

Answer.

James K Varnes

Question. How old are you?

Answer.

Twenty six

Question. Where were you born?

Answer.

U.S.

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

Answer.

181-6th ave. 2 weeks.

Question. What is your business or profession?

Answer.

Engineer

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

Taken before me, this

8th

day of

Dec 188

James K Varnes

Edmund Smith
Police Justice

Court of General Sessions of the Peace for the City and County of New York
THE PEOPLE OF THE STATE OF NEW YORK

James K. Varrens vs. Charles Mason
The Grand Jury of the City and County of New York by this indictment accuse
James K. Varrens and Charles Mason

of the crime of *Extortion*
committed as follows:
The said *James K. Varrens and Charles*

Mason each

late of the First Ward of the City of New York in the County of New York, aforesaid, on the *twenty fifth* day of *November* in the year of our Lord one thousand eight hundred and eighty *one* at the Ward, City and County aforesaid, with force and arms, three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one thousand dollars, and of the value of one thousand dollars each; three promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five hundred dollars, and of the value of five hundred dollars each; twenty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one hundred dollars, and of the value of one hundred dollars each; thirty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of twenty dollars, and of the value of twenty dollars each; fifty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of ten dollars, and of the value of ten dollars each; sixty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of five dollars, and of the value of five dollars each; eighty promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of three dollars, and of the value of three dollars each; ninety promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of two dollars, and of the value of two dollars each; one hundred promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury Notes), of the denomination of one dollar, and of the value of one dollar each; one promissory note for the payment of money (aid of the kind known as bank notes), being then and there due and unsatisfied, of the value of one hundred dollars; one promissory note for the payment of money (aid of the kind known as bank notes), being then and there due and unsatisfied, of the value of fifty dollars; two promissory notes for the payment of money (aid of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars each; three promissory notes for the payment of money (aid of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars each; ten promissory notes for the payment of money (aid of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars each; ten promissory notes for the payment of money (aid of the kind known as bank notes), being then and there due and unsatisfied, of the value of three dollars each; fifteen promissory notes for the payment of money (aid of the kind known as bank notes), being then and there due and unsatisfied, of the value of two dollars each; thirty promissory notes for the payment of money (aid of the kind known as bank notes), being then and there due and unsatisfied, of the value of one dollar each; bank bills of banks to the jurors aforesaid unknown, and of a number and denomination to the jurors aforesaid unknown, of the value of one thousand dollars; Two gold coins (of the kind usually known as double eagles), of the value of twenty dollars each; three gold coins (of the kind usually known as eagles), of the value of ten dollars each; six gold coins (of the kind usually known as half eagles), of the value of five dollars each; fifteen gold coins (of the kind usually known as quarter eagles), of the value of two dollars and fifty cents each; ten gold coins (of the kind usually known as three dollar pieces), of the value of three dollars each; thirty gold coins (of the kind usually known as dollar pieces), of the value of one dollar each; gold coin of the denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of one thousand dollars. Sixty silver coins (of the kind usually known as dollars), of the value of one dollar each; sixty silver coins (of the kind usually known as half dollars), of the value of fifty cents each; one hundred and fifty silver coins (of the kind usually known as quarter dollars), of the value of twenty-five cents each; three hundred silver coins (of the kind usually known as half dimes), of the value of ten cents each; six hundred silver coins (of the kind usually known as three cent pieces), of the value of three cents each; silver coin of a denomination to the jurors unknown, and a more particular description whereof cannot be given, of the value of fifty dollars. Three thousand coins (of the kind known as cents), of the value of one cent each; five hundred coins (of the kind known as two cents), of the value of two cents each. One hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of twenty-five cents each; and of the marketable value of twenty-five cents each; five hundred due bills of the United States of America, the same being then and there due and unsatisfied (and of the kind known as fractional currency), of the denomination of ten cents each, and of the marketable value of ten cents each,

Three certain instruments commonly called Drafts and Bank Bills were for and of the value of fifty pounds sterling, of money of the United Kingdom of Great Britain and Ireland made under and drawn by the Bank of Ireland and a Bank organized under the laws of the aforesaid Kingdom of Great Britain and Ireland (a more particular description of which Bank Bills and Drafts and Bank of Ireland is to the Grand Jury aforesaid unknown) upon the Bank of England a Bank also organized under the laws of the aforesaid Kingdom of Great Britain and Ireland, the aforesaid Bank Bills and drafts being current as money in the aforesaid Kingdom and in the United States and each of them being worth and there of the value of two hundred and forty two dollars of the lawful money of the United States.

One other instrument of the kind commonly called a draft and Bank Bill for and of the value of forty pounds sterling, of money of the aforesaid Kingdom, made under and drawn by the aforesaid Bank of Ireland so organized as aforesaid (a more particular description of which Bank Bill and Draft is to the Grand Jury aforesaid unknown) upon the aforesaid Bank of England so organized as aforesaid, the aforesaid Bank Bill and draft being current as money in the aforesaid Kingdom and in the United States and being then and there of the value of one hundred and ninety three dollars and sixty cents of the lawful money of the United States. Gives promissory note for the payment of money the same being then and there due and unsatisfied and of the kind known as Bank of England note (a more particular description of which is to the Grand Jury aforesaid unknown) the same being current money of the aforesaid Kingdom of Great Britain and Ireland and in the United States and being then and there of the value of one hundred and sixty seven dollars and forty cents of the lawful money of the United States.

of the goods, chattels, and personal property of one *John H. Lambson* then and there being found, feloniously did steal, take and carry away against the form of the Statute in such case made and provided and against the peace of the People of the State of New York, and their dignity.
DANIEL C. ROLLINS, District Attorney.

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