

1093

BOX:

539

FOLDER:

4912

DESCRIPTION:

Indelli, Pietro

DATE:

11/24/93



4912

1094

BOX:

539

FOLDER:

4912

DESCRIPTION:

Lobio, Pietro

DATE:

11/24/93



4912

POOR QUALITY
ORIGINAL

1095

Witnesses:

William Lyman
Peter Serry
John L. Ferguson
Rebecca Johnson
Off Price

Ordered to the COURT
GENERAL SESSIONS

Ordered to the COURT of
GENERAL SESSIONS
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)

June 29th 1897

Ordered to the
SUPREME COURT
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)

Dec: 6th 1897

Ordered to the COURT of
GENERAL SESSIONS
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)

Dec: 17th 1897

Ordered to the
SUPREME COURT
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)

Feb 24, 1898

Counsel:

Filed:

Read:

THE PEOPLE

Pietro Indelli

Pietro Soler

June 13-1898

4 (Charles) Paul Schuyler

DE LA CROIX

of the COUNTY of NEW YORK

for trial (Entered in the Minutes.)

Dec: 17th 1897

Ordered to the COURT of
GENERAL SESSIONS
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)

Dec: 17th 1897

Ordered to the COURT of
GENERAL SESSIONS
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)

Dec: 17th 1897

MANSLAUGHTER

Section 195 of Penal Code

SUPREME COURT

of the COUNTY of NEW YORK

for trial (Entered in the Minutes.)

Feb 24, 1898

POOR QUALITY
ORIGINAL

1096

Witnesses:
William Lyman
Peter Seery
Wm P. Ferguson
Rebecca Johnson
Off Price

Ordered to the
SUPREME COURT,
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)
Dec. 6 1897

Ordered to the
SUPREME COURT,
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)
Feb 24, 1898

B 3/4 Nov 24/204
Counsel,
Filed, 24 Nov 1893
Pleads, 1. Nymity. Deed

THE PEOPLE
vs.
Pietro Indelli
Pietro Lobio
June 13-1898
41 (Indelli) Bail discharged
DE LANCEY NICHOLS
District Attorney.

Ordered to the
SUPREME COURT,
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)
Dec 17 1897
Ordered to the
SUPREME COURT,
of the COUNTY of NEW YORK,
for trial (Entered in the Minutes.)
Feb 24 1898

MANSLAUGHTER.
[Section 195 of Penal Code]

SUPREME COURT OF THE STATE OF NEW YORK,
County of New York.

-----X
THE PEOPLE OF THE STATE OF NEW YORK:
on the relation of

PIETRO INDELLI,

vs.

JOHN F. CARROLL.
-----X

On all the papers and proceedings herein and on the annexed affidavits of William A. Roeckel, Charles O'Connor and Eugene Van Schaick, duly verified the day of March, 1894,

Let John F. Carroll, Clerk of the Court of General Sessions of the Peace of the City of New York show cause before me, or one of the Judges of this Court, at a Special Term thereof, to be held at Chambers on the 28th day of March, 1894, at ~~10.30~~ ¹¹ o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, why a peremptory writ of mandamus should not issue directing him to allow Messrs. Cantor & Van Schaick, the attorneys for the relator herein, or their clerks, to inspect the commission and return issued in said Court of General Sessions of the Peace for the City of New York, on the 31st day of January, 1894, to Frank A. Dean, and by him returned to the Clerk of

said Court, and to furnish copies of the same, or any part thereof, on payment of his legal fees, pursuant to Section 656 of the Code of Criminal Procedure.

And sufficient reason appearing therefor, service hereof and of the annexed affidavits on or before the 26th day of March, 1894, will be deemed sufficient.

Dated at Chambers of the Supreme Court of the State of New York, County of New York, on the 26th day of March, 1894.

Charles F. Thomas
J. E. L.

SUPREME COURT OF THE STATE OF NEW YORK,
County of New York.

THE PEOPLE OF THE STATE OF NEW YORK:
on the relation of

P I E T R O I N D E L L I,

VS.

J O H N F. C A R R O L L.

CITY AND COUNTY OF NEW YORK, ss:

EUGENE VAN SCHAICK being duly sworn, deposes
and says:

2 I . That he is a member of the firm of
Cantor & Van Schaick, attorneys for the relator herein,
who is the defendant in an action now pending in the
Court of General Sessions of the Peace for the City of
New York, in which The People of the State of New York
are plaintiffs and this relator is defendant, and wherein
said relator is indicted for manslaughter in the second
degree.

I I . That on the 19th day of March, 1894, he directed William A. Boeckel, the Managing Clerk of Cantor & Van Schaick, whose affidavit is hereto annexed, to ask for an inspection of the commission issued in said action on the 31st day of January, 1894, and was informed that said request had been refused by John F.

Garroll, the Clerk of said Court.

I I I . That on the 21st day of March, 1894, he instructed Charles O'Connor, a Clerk in the office of Cantor & Van Schaick to make demand of said John F. Carroll that he furnish to said Cantor & Van Schaick copies of said commission and return, and was thereafter informed by said O'Connor that such demand had been refused.

I V . That deponent is informed and believes that said case of The People of the State of New York vs. Pietro Indelli may be reached any day on the trial calendar of the Court of General Sessions, and deponent avers that it is necessary for him to be allowed to inspect and be furnished with copies of said commission and return, for the proper preparation of this case.

W H E R E F O R E deponent asks for an order returnable in less than eight days, directing said John F. Carroll to show cause why a peremptory writ of mandamus should not issue, directing said John F. Carroll to permit Messrs. Cantor & Van Schaick, the attorneys for the relator herein, or their clerks to inspect said commission and return, during business hours, and to furnish them with copies of the same upon their payment of the lawful fees provided for in Section 656 of the

1101

3

Code of Criminal Procedure.

Sworn to before me this :
24th day of March, 1894.:

Eugene Van Schaick

WILLIAM A. BOECKEL
NOTARY PUBLIC, KINGS CO.,
CERTIFICATE FILED IN N. Y. CO.

Fol. 1

SUPREME COURT OF THE STATE OF NEW YORK,
County of New York.

-----X
THE PEOPLE OF THE STATE OF NEW YORK:
on the relation of

PIETRO INDELLI,

vs.

JOHN F. CARROLL,

-----X

CITY AND COUNTY OF NEW YORK, ss:

WILLIAM A. BOECHTEL being duly sworn, deposes
and says:

2 I . That he is a member of ~~the~~ bar and the
Managing Clerk for Cantor & Van Schaick, the attorneys
for the relator in this proceeding.

I I . That Pietro Indelli is under indict-
ment in the County of New York, being charged with man-
slaughter in the second degree, and that the case is
about to be reached for trial in the Court of General
Sessions of the Peace.

3 I I I . That on the 14th day of December,
1893, said Pietro Indelli's attorneys, Messrs. Cantor
& Van Schaick, duly made a motion for a commission to
take the testimony in Italy of a witness in the said

case and an order was entered herein, duly signed by Judge Cowing, allowing said commission to issue.

I V . That said commission was duly issued on the 31st day of July, 1894, upon interrogatories and cross interrogatories which were consented to be settled at the trial, and duly mailed to the Commissioner therein named, to wit, the Hon. Frank A. Dean, at Naples, Italy.

4 V . That on the 10th day of March, 1894, between the hours of 11 and 12 A. M., deponent went to the office of the Clerk of the Court of General Sessions of the Peace for the City of New York, and asked the said John F. Carroll, the Clerk of said Court, if said commission to take the testimony of said witness, issued to said Hon. Frank A. Dean at Naples, Italy, in said action pending in said Court, had been returned.

X
5 V I . That said John F. Carroll informed deponent that said commission had been returned, and that same was duly opened by said Carroll in his office in deponent's presence.

V I I . That deponent, on behalf of the attorneys for Pietro Indelli, requested permission to inspect said commission and return, but said John F. Carroll refused to allow the deponent to inspect said commission and return.

Sworn to before me this

24 day of March, 1894.

: William H. Broderick
Wm B. Friedman
Notary Public (12) N.Y.C.

Pol. 1

SUPREME COURT OF THE STATE OF NEW YORK,
County of New York.

-----X
THE PEOPLE OF THE STATE OF NEW YORK:
on the relation of

PIETRO INDELLI,

vs.

JOHN F. GARROLL
-----X

CITY AND COUNTY OF NEW YORK, ss:

CHARLES O'CONNOR being duly sworn, deposes
and says:

2 I . That he is a Clerk in the office of
Cantor & Van Schaick, the attorneys for the relator
herein.

3 I I . That on the 21st day of March, 1894,
he made a demand of ~~John F. Carroll~~^{Clerk}, the Clerk of the
Court of General Sessions of the Peace of the City
of New York, for a copy of the commission and return,
issued in an action in the Court of General Sessions,
wherein The People of the State of New York are plain-
tiffs and Pietro Indelli is defendant, on the 21st day
of January, 1894, and offered to pay the legal fees
therefor, but that said ~~John F. Carroll~~^{Clerk} refused to fur-
nish deponent or Messrs. Cantor & Van Schaick, the

attorneys for the said defendant Indelli, the relator
herein, with copies of said commission and return.

Sworn to before me this :
day of March, 1894. :

Charles O'Connor

WILLIAM A. BOECKEL
NOTARY PUBLIC, KINGS CO.,
CERTIFICATE FILED IN N. Y. CO

N. Y. SUPREME Court.

THE PEOPLE OF THE STATE OF
NEW YORK, on the relation of

PIETRO INDELLI,

against

JOHN F. GARROEL.

and

AFFIDAVITS AND ORDER TO
SHOW CAUSE.

CANTOR, LINSON & VAN SCHAICK,

Attorneys for Relator,

96 Broadway,

New York City.

To _____, Esq.

Attorney for _____

Due and timely service of a copy of the within
is hereby admitted.

Dated _____ 189

Attorney for _____

Sir

Take notice that the within is a copy of

made in the within entitled action, and this
day duly entered in the office of the Clerk of

in his office in the

in the City of New York.

Dated New York, _____ 189

Yours, etc.,

CANTOR, LINSON & VAN SCHAICK,

Attorneys for

To

Esq

Attorney for

Vol. 1.

SUPREME COURT.

CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK, ex rel :
 P I E T R O I N D E L L I :
 vs. :
 J O H N F . C A R R O L L . :

City and County of New York, ss:

John F. Carroll being duly sworn, says: That on or about the 19th day of March, 1894, he received, by mail, from the City of Naples, Italy, the commission and return thereto issued upon the application of the above named relator Pietro Indelli, upon the trial of a certain indictment, against said Indelli, for manslaughter in the second degree, now pending in the Court of General Sessions of the Peace, holden in and for the City of New York; together with a communication from the Hon. Frank A. Dean, United States Consul at Naples, the commissioner duly appointed therein, to the effect that the fees and expenses incurred in the execution of said commission were \$60, which sum of \$60. deponent was directed to collect before delivering such commission and return.

2.

S.B.R.
N.Y.

That deponent informed one of the clerks of Cantor & Van Schaick, Esqs., the attorneys for the relators herein, that upon the payment of said sum of \$60 he, deponent would file said commission and return in the office of the Clerk of the said Court of General Sessions; and although such clerk or representative of the attorneys for the relator promised to pay said sum of \$60, the same has not yet been paid.

3.

That while deponent refused to permit the attorneys for the

x

1108

(2)

relator, or their representatives, to examine or inspect said commission and return, he did so for the reason that the fees of the commissioner had not been paid, and the said commission filed.

That deponent now holds said commission and return as the agent of said commissioner, and the same has not been actually filed.

Sworn to before me this:

27th day of March, 1894:

Isaac B. Cipinsky.
Notary Public,
N.Y. Co.

John A. Carney

Supreme Court

The People & ex. rel.

Pietro Indelli

vs

John J. Carroll,

Affidavit in Opposition
to Motion for Writ of Habeas Corpus

John R. Bellows,
District Attorney.

1109

Supreme Court

THE PEOPLE OF THE STATE OF NEW
YORK.

ex rel.
Peter Indelli

against

John V. Canoe

Returning Affidavit
to Order of Court

John V. Canoe
Defendant

DISTRICT ATTORNEY,

No. 32 CHAMBERS ST.,

NEW YORK CITY.

1110

Fol. 1

COURT OF GENERAL SESSIONS OF THE CITY
OF NEW YORK.

-----x
: THE PEOPLE OF THE STATE OF NEW YORK;
: vs.
: P I E T R O I N D E L L I.
: -----x

S I R : -

Take notice that on the affidavit of Pietro Indelli, of which a copy is herewith served, and on all the pleadings and proceedings in this cause, the undersigned will move this Court at a Special Term thereof, ^{but of general session} to be held at the ~~County Court House~~ ^{Park} of the City of New York, on the 19th day of December, 1893, at 11 o'clock in the forenoon, or as soon thereafter as counsel can be heard, for an order granting a commission in this action, directed to some proper person or persons for the examination under oath of Carmena Altieri of Muro Lucano, Provincia Basilicata, Italy, as a witness herein on behalf of the defendant, upon interrogatories to be annexed, in which the plaintiff will be at liberty to join, and that the trial of this action be stayed until the return of such commission, and for such other and further relief as may be just.

Dated N. Y. Dec. 14th, 1893.

CANTOR & VAN SCHAICK,
Attorneys for Defendant,
98 Broadway, N.Y.

To
Hon. DeLancey Nicoll,
District Atty., N. Y. County.

1112
Fol. 1

COURT OF GENERAL SESSIONS OF THE CITY
OF NEW YORK.

-----x
THE PEOPLE OF THE STATE OF NEW YORK: :
vs. :
P I E T R O I N D E L L I . :
-----x

CITY AND COUNTY OF NEW YORK, ss:

PIETRO INDELLI being duly sworn, deposes
and says:

2

I . That he is the defendant in this action.

I I . That on or about the day of
1893, he was indicted for manslaughter in the second
degree, it being charged in the indictment that deponent
was guilty of culpable negligence in causing certain
rocks to be blasted.

3

I I I . That issue of fact was joined herein
on the day of December, 1893, by defendant's
plea of not guilty herein, and as deponent is informed
and believes the cause is now on the calendar of this
court for trial.

I V . That deponent has fully and fairly stat-
ed the facts in this case to Jacob A. Cantor, Esq.,

who resides at No. 137 West 120th Street in the City of New York, and Eugene Van Schaick, Esq., who resides at Southern Boulevard and Decatur Avenue, in the City of New York, his counsel, and has fully and fairly disclosed to them the facts which he expects to prove by the witness hereinafter named.

4 I V . That deponent is advised by his said counsel after such statement, and verily believes, that he has a good and substantial defense to this indictment on the merits thereof, and that Carmena Altieri is a material witness for deponent on the trial of this action, and deponent cannot safely proceed to trial without the said witness's testimony.

V . That said Carmena Altieri is now in a seminary at Muro Lucano, Provincia Basilicata in Italy, where he resides and will reside for a considerable length of time.

5 V I . That by reason of these facts deponent desires to avail himself of the provisions of the Code of Criminal Procedure contained in Sections 836 to 857 thereof, and prays this Court for an order granting a commission in this action, directed to one or more commissioners, for the examination under oath of said Carmena Altieri as a witness herein on behalf of the defendant, upon interrogatories to be annexed, in which

1114

plaintiff will be at liberty to join, and that the trial of this action be stayed until the return of said commission, and for such other and further relief to may be just in the premises.

Sworn to before me this

13th day of December, 1893.

Pietro Lindell

William A. French

NOTARY PUBLIC, KANSAS

Sir:

Take notice that the within is a copy of
made in the within entitled action, and this
day duly entered in the office of the Clerk of
in his office in the
in the City of New York.

Dated, New York, 189

Yours, etc.,

CANTOR & VAN SCHAICK,
Attorneys for

To

Attorney for

N. Y. GENERAL SESSIONS Court.

THE PEOPLE OF THE STATE OF
NEW YORK,

against Plaintiff

PIETRO INDELLI,

Defendant

AFFIDAVIT and NOTICE OF
MOTION.

CANTOR & VAN SCHAICK,

Attorneys for Defendant,

96 Broadway,

New York City.

To, Esq.,

Attorney for

Due and timely service of a copy of the within
is hereby admitted.

Dated Dec 14th 1893

Do Lancy McNeil

Attorney for

Do Lancy McNeil

Do Lancy McNeil

Do Lancy McNeil

Do Lancy McNeil

1116

At a Court of General Sessions
of the City of New York, held
in said City on the 20th
day of December, 1893,

Present:

HON. RUFUS B. COWING,

Judge.

-----x
: THE PEOPLE OF THE STATE OF NEW YORK: :
: vs. :
: PIETRO INDELLI & another. :
-----x

On the pleadings and proceedings herein, and
on reading and filing notice of motion and affidavit of
Pietro Indelli, verified the 13th day of December, 1893,
on motion of Cantor & Van Schaick, counsel for the de-
fendant Pietro Indelli, and after hearing DeLancey Nicoli
Esq., district attorney,

O R D E R E D that a commission issue in this
action directed to Frank A. Dean Esq.,
United States consul at Naples, to examine under
oath, upon interrogatories to be annexed thereto, Carmine
Altieri of Muro Lucano, Provincia Basilicata, Italy, a
witness on behalf of the defendant; that the plaintiff
be at liberty to join in the said commission, and that
the trial of this action be stayed until thirty days from
Jan'y 2^d 1894

1117

2

~~after the issuance of the commission,~~ with liberty to
the defendant, Pietro Indelli, to apply for a further
stay of proceedings upon proper affidavits, in case the
commission be not returned to the Clerk of this Court
within said thirty days.

Enter.

RBC
J

Sir:

Take notice that the within is a copy of
made in the within entitled action, and this
day duly entered in the office of the Clerk of
in his office in the
in the City of New York.

Dated, New York, 189

Yours, etc.,

CANTOR & VAN SCHAIK,
Attorneys for

To

Esq
Attorney for

N.Y. GENERAL SESSIONS Court.

THE PEOPLE OF THE STATE OF
NEW YORK,
Plaintiff
against

PIETRO INDELLI & another,
Defendant s

ORDER GRANTING MOTION FOR
COMMISSION.

CANTOR & VAN SCHAIK,

Attorneys for Deft. Indelli,
96 Broadway,
New York City.

To _____, Esq
Attorney for _____

Due and timely service of a copy of the within
is hereby admitted.

Dated _____ 189

Attorney for _____

1119

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Thos L. Feitner Police Justice
of the City of New York, charging Angelo Squilanti Defendant
with the offence of _____

Manslaughter

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

WE, Angelo Squilanti Defendant of No. 421 E 112 St
Street, by occupation a Laborer; and
Giuseppe Maffia of No. 338 East 63 Street,
by occupation a Sailor Surety, hereby jointly and severally undertake
that the above-named Angelo Squilanti Defendant
shall personally appear before the said Justice, at the 5 District Police Court in the City
of New York, during the said examination, or that we will pay to the People of State of New York the
sum of Fifty Hundred Dollars.

Taken and acknowledged before me this 31
day of July 1893

Angelo his Squilanti
Mark

Giuseppe Maffia
Thos L. Feitner Police Justice.

City and County of New York, ss.

Sworn to before me this 15th day of July 1891
Police Justice

Giuseppe Maffia

the within named Bail and Surety, being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Free Seventy Hundred Dollars,

exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and

that his property consists of a house and lot located at 338 E 63 St NY City and worth
Seven thousand dollars above in
comparisons Giuseppe Maffia

District Police Court

Underlying to Answer.
THE PEOPLE, & C.,
ON THE COMPLAINT OF
vs.

Taken the day of 189

Justice.

1121

Sec. 192. ✓ - District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Thomas L. Fectuer Police Justice
of the City of New York, charging Luigi Guida Defendant
with the offence of Harassment

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

WE, Luigi Guida Defendant of No. 415 E 113 St
Street, by occupation a Laborer; and
Michael Palamino of No. 314 East 112 Street,
by occupation a Retired Surety, hereby jointly and severally undertake
that the above-named Luigi Guida Defendant
shall personally appear before the said Justice, at the 5 District Police Court in the City
of New York during the said examination, or that we will pay to the People of State of New York the
sum of Sixty Hundred Dollars. Luigi Guida

Taken and acknowledged before me this 26

day of July 1893

1908

Michael Palamino
Thomas L. Fectuer Police Justice.

1122

City and County of New York, ss.

Sworn to before me this 22nd day of July 1891
J. J. [Signature]
Police Justice.

Michael Palano
Free
Sixty Hundred Dollars,

the within named Bail and Surety, being duly sworn, says, that he is a resident and holder within the said County and State, and is worth exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of one half interest in four houses and lots situated at nos 2213, 2215, 2217 and 2219, First avenue and worth Ten thousand dollars above encumbrance

Michele Palano

District Police Court

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.
Undertaking to Answer.

Taken the day of 1891

Justice.

1123

Sec. 192. S District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY } ss.
OF NEW YORK, }

An information having been laid before Amos L. Titus Police Justice
of the City of New York, charging Pietro Indelli Defendant
with the offence of Manslaughter

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

WE, Pietro Indelli Defendant of No. 307
West 126th Street, by occupation a Contractor; and
Salvatore Panella of No. 67 East 85th Street,
by occupation a Contractor Surety hereby jointly and severally undertake
that the above-named Pietro Indelli Defendant
shall personally appear before the said Justice, at the 5th District Police Court in the City
of New York, during the said examination, or that we will pay to the People of State of New York the
sum of twenty thousand \$20,000 Dollars.

Taken and acknowledged before me this 24
day of July 1893

Pietro Indelli
Salvatore Panella
Chas. J. Lewis Police Justice.

1124

City and County of New York, ss.

Salvatore Panella

Subscribed and sworn to before me this 1st day of June 1900
Justice

the within named Bail and Surety, being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Forty thousand ~~Hundred~~ Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of House and lot of land no 67. E 88th St.

Worth 11,000 on all encumbrance three houses and
7 lots of land no 50, 52, and 54. East 101st St worth
\$6,000 on all encumbrance. And five houses and lot
of land S. S. W 96th St. 150 feet east of 10th Ave. worth
\$3,500 on all encumbrance. all worth \$21,000.
on all encumbrance.
Salvatore Panella

District Police Court

THE PEOPLE, & Co.,
ON THE COMPLAINT OF

vs.

Taken the day of 1900

Justice

Police Court, 5 District.

(1852)

City and County }
of New York, } ss.

of No. 29th Precinct Police Street, aged Frank S. Price years,
occupation Police Officer being duly sworn, deposes and says,
that on the 22nd day of July 1893, at the City of New
York, in the County of New York,

Pietro Sindelli, Luigi Guida and
Angelo Squilanti (all now here)
they being engaged in the business of
blasting rocks at the corner of 4th
Avenue and East 122nd street in the 22nd
ward corner did by an act of ^{culpable} negligence
in the conduct of said business, feloniously
cause the death of Marie Pney and
Marie Adele Pney of no 61. E 122nd st.
in violation of section 195 of the Penal
Code of the State of New York.
deponent further says that at about the
hour of 2 o'clock P.M. said date the
said defendants who were engaged in
the business aforesaid did discharge
and fire off a blast of rocks at the
place above mentioned, thereby causing
three large pieces of rock to break
through the side wall of the premises
no 61. East 122nd street one of said
pieces of rock struck and killed the
said Marie Pney and Maria Adele
Pney who were in a room in the second
floor of said premises.
Wherefore deponent charges the said
defendants with manslaughter and prays
the said defendants may be held and
dealt with according to law.

Sworn before me } Frank S Price
this 24th day of July 1893 }

John J. Sullivan
Police Justice

1126

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I Am Not Guilty
Pietro Indello

Taken before me this
day of

189

Police Justice.

1127

Sec. 198-200.

5

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Luigi Guicida

Question. How old are you?

Answer.

22 years old

Question. Where were you born?

Answer.

Italy

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

Answer.

415 East 113 St Four Months

Question. What is your business or profession?

Answer.

Laborer

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

Luigi Guicida

Taken before me this
day of July 189

189

Police Justice.

1128

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

Angelo Squilanti

Question. How old are you?

Answer.

45 years old

Question. Where were you born?

Answer.

Italy

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

Answer.

421 East 112 st Three months

Question. What is your business or profession?

Answer.

Labourer

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

Answer.

I Am Not Guilty
Angelo ^{hus} Squilanti
man

Taken before me this
day of *July* 189*3*

Police Justice.

1129

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

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

Dated, Oct 10 - 189 3

Thos J. Fein Police Justice.

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

Dated, Oct 10 - 189 3

Thos J. Fein Police Justice.

There being no sufficient cause to believe the within named defendant Luigi Guida Angelo Equilanti guilty of the offense within mentioned, I order them to be discharged.

Dated, Oct 10 - 189 3

Thos J. Fein Police Justice.

1130

July 25: 2 P.M.
Exr adp to Sept 5/93 at
2 P.M.
Indelli \$2000 bail
Guida \$500 bail
Gaulanti \$500 bail.

Exr adp to Oct 7
No. 1, by Pasquale Altieri
Residence 421 E. 112 Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

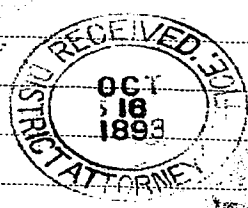
P. 151 1097
Police Court, 5 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank S. Price
vs.
Pietro Indelli
Luigi Guida \$2000
Angelo Squillante \$5000
Pablo Loba

Dated, July 24 1893
Fritun Magistrate.
Price + Wolf Officer.
29 Precinct.

Witnesses
No. Street.
No. Street.



No. Street.
\$15000 to answer G. S.
Nos 2 and 3. Discharged.
Bailed

Bailed Oct 10 2 P.M.

1131

At a Criminal Term, Part I, of the Supreme Court
of the State of New York, held in and for
the County of New York at the Criminal
Court Building in the Borough of Manhattan
of the City of New York, on the ¹³th day of
June, 1898.

Present: Honorable Edgar F. Fursman,
Justice.

The People of the State of New York,
-against-
Pietro Indelli.

On motion of Asa Bird Gardiner, District
Attorney of the County of New York, it is

Ordered, that the indictment found at a Court of
General Sessions held in and for the City and County of New
York on the twenty-third day of November 1893, against the
above named defendant for the crime of Manslaughter be
and the same is hereby removed into the Supreme Court of the
State of New York for trial at a Criminal Term of the said
Supreme Court to be held in and for the said County of
New York.

E. F. Fursman
JFC

1132

New York Supreme Court.

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Pietro Indelli.

Order of Removal

ASA BIRD GARDINER,

DISTRICT ATTORNEY.

CRIMINAL COURT BUILDING,

BOROUGH OF MANHATTAN,

NEW YORK CITY.

filed June 13, 1898

COURT OF GENERAL SESSIONS OF THE PEACE

Of the City and County of New York.

-----X

The People of the State of New York,

Against

Pietro Indelli and Pietro Lobio.

-----X

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,
by this indictment,accuse Pietro Indelli and Pietro
Lobio of the crime of Manslaughter,committed as follows:

Heretofore,to wit: on the twenty-second day of July
in the year of our Lord one thousand eight hundred and
ninety-three,at the City and County aforesaid,the said
Pietro Indelli,and Pietro Lobio both late of the City
and County aforesaid,were engaged and employed in the
blasting of rock on a certain lot,piece and parcel of
land there situate,by means of firing off,discharging
and exploding charges and blasts of a certain explosive
compound and substance commonly known as dynamite put
and placed in certain holes drilled in the said rock for
that purpose,~~the~~ said Pietro Indelli having thereto-
fore contracted for and having undertaken the doing of
such blasting,and the said Pietro Lobio being then and
there engaged and employed by the said Pietro Indelli
for the purpose of such work,and they,the said Pietro
Indelli and Pietro Lobio,then and there having the
supervision,control,care and management of the doing of

2.

such ~~blasting~~^{blasting} of the said rock: which said rock was then and there located in the immediate neighborhood of and near unto divers buildings there situate, and especially near unto, to wit: within ~~the~~^{the} distance of eighty feet of a certain building there situate, wherein there were then and there divers human beings, and amongst others, one Mary F. Posey.

And the said Pietro Indelli and Pietro Lobio being so as aforesaid engaged and employed in the blasting of the said rock ~~then so~~^{and} as aforesaid, then and there having the care, supervision, control and management thereof, it was then and there their duty to so conduct and manage and perform the doing of such blasting as to prevent and avoid injury or damage to the said buildings or to the persons then being therein or in either of them; to use the said dynamite only in such quantities as was necessary for the blasting and shattering of the said rock, and no more, and in such quantities as should insure the prevention of the casting off or throwing of pieces of the said rock against the buildings aforesaid, and the ~~injury~~^{Endangerment} of the lives and safety of the persons in the said buildings thereby, and to take such means and measures for the prevention of such damage or injury as should be necessary.

Nevertheless the said Pietro Indelli and Pietro Lobio having such care, supervision, charge and control of such blasting as aforesaid, then and there, to wit:

3.

on the day and in the year aforesaid, at the City and County aforesaid, well knowing the premises and their duty in that regard as aforesaid, but being wholly un-
 mindful of the same, feloniously, wilfully and recklessly,
 with gross and culpable negligence, did wholly neglect
 and omit to so conduct and manage and perform the doing
 of such blasting as to prevent and avoid injury or
 damage to the said buildings or to the persons then
 being therein or in either of them ^{and} to use the said dyna-
 mite only in such quantities as was necessary for the
 blasting and shattering of the said rock, and no more,
 and in such quantities as should insure the prevention
 of the casting off or throwing of pieces of the said
 rock against the buildings aforesaid, and the ^{endangerment} ~~injury~~ of
 the lives and safety of the persons in the said buildings
 thereby, and to take such means and measures for the
 prevention of such damage or injury as should be neces-
 sary: but, on the contrary, the said Pietro Indelli and
 Pietro Lobio then and there wilfully, feloniously and
 recklessly with gross and culpable negligence did put
 and place and cause and procure to be put and placed
 in divers holes which had been drilled in the said rock
 for the purpose of such blasts, and ~~an~~ unduly and unneces-
 sarily great quantities of dynamite, to wit: such a quan-
 tity of dynamite as was not necessary for the purposes
 of such blasting and as could not be discharged without
^{Endangerment} ~~injuring~~ the lives and safety of the persons so being

4.

then and there in the said buildings, as they the said Pietro Inielli and Pietro Lobio then and there well knew; and then and there wilfully, feloniously, recklessly and with gross and culpable negligence did explode, fire off and discharge the said great quantity of dynamite so put and placed in the said holes as aforesaid, and cause and procure the same to be exploded, fired off and discharged for the purpose of blasting the said rock, in total disregard of the lives and safety of the persons aforesaid: by reason and by means of which said explosion, firing off and discharging of the said great quantity of dynamite as aforesaid, the said rock was then and there, by the force of such discharge and explosion, shattered, broken and blasted with great force and violence, and divers great pieces of the said rock were then and there shot off, sent forth, projected, cast and thrown for a great distance therefrom, to wit: ~~A~~^{the} distance of upwards of eighty feet, to, at, against and upon the said building wherein the said Mary F. Posey then and there was; and by reason and by means whereof one of the said pieces of rock, being then and there of great size and weight, to wit: of the weight of two tons, was then and there cast and thrown with great force and violence, and projected, forced and driven against the said building and through the outer wall thereof and into a certain room therein, wherein the said Mary F. Posey then was, and against and upon the body of the said Mary F. Posey.

5.

And the said Pietro Indelli and Pietro Lobio then and there in the manner and form aforesaid, by such gross and culpable negligence in the conduct of the said blasting and by reason and by means of the discharging, firing off and explosion of the said great quantity of dynamite and the casting and throwing of the said last mentioned piece of rock, and the projecting, forcing and throwing of the same against the said building and through the outer wall thereof, and against and upon the said Mary F. Posey as aforesaid, in and upon the said Mary F. Posey then and there being, wilfully, feloniously and with gross and culpable negligence, did make an assault, and her, the said Mary F. Posey, with the piece of rock aforesaid, in and upon the head, neck, breast, belly, back, sides and other parts of the body of her, the said Mary F. Posey, then and there wilfully, feloniously and with gross and culpable negligence, did strike, crush, wound and fracture, giving unto her, the said Mary F. Posey, then and there by the means aforesaid, in and upon the head, neck, breast, belly, back, sides and other parts of the body of her, the said Mary F. Posey, divers mortal wounds, bruises, fractures and contusions, of which said mortal wounds, fractures and contusions she, the said Mary F. Posey, then and there died.

AND SO THE GRAND JURY AFORESAID, do say that the said Pietro Indelli and Pietro Lobio in manner and form aforesaid, by such acts of negligence and misconduct in

1138

6.

the said employment in which they were so engaged as
aforesaid, and by such unlawful negligence and reckless-
acts as aforesaid, did occasion the death of the said
Mary F. Posey, whereby, by force of the statute in such
case made and provided, they, the said Pietro Indelli and
Pietro Lobio are deemed to be guilty of the crime of
Manslaughter in the second degree; against the form of
the statute in such case ^{made} ~~and~~ and provided, and against
the peace of the People of the State of New York, and
their dignity.

DE LANCEY NICOLL,

District Attorney.

1139

BOX:

539

FOLDER:

4912

DESCRIPTION:

Israel, Abraham

DATE:

11/06/93



4912

Witnesses:

John Johnson
Henry E. Stocking

Counsel,

Filed,

Pleads,

Indictment #6.

Sept 3
day of *1893*
Verdict 8

THE PEOPLE

vs.

B

Abraham Israel

VIOLATION OF THE EXCISE LAW.
(Selling to Minor.)
[Chap. 401, Laws of 1893, § 321.]

DE LANCEY NICOLL.

District Attorney.

A TRUE BILL.

H. O. Ward

Foreman.

Complaint sent to the Court
of Special Sessions.

Part III, Dec 5th 1893.

1141

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Abraham Israel

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

Abraham Israel

of the crime of **SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER TO A CHILD** actually and apparently under the age of sixteen years, committed as follows :

The said

Abraham Israel

late of the City of New York, in the County of New York aforesaid, on the 26
day of October in the year of our Lord one thousand eight hundred and
ninety three —, at the City and County aforesaid, certain strong and spirituous liquors,
and certain wines, ale and beer, to wit: one gill of wine, one gill of brandy, one gill of rum, one
gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of
porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous
liquor to the Grand Jury aforesaid unknown, unlawfully did sell to one John Johnson
who was then and there a child actually and apparently under the age of sixteen years, to wit:
of the age of nine years, against the form of the statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

1142

**END OF
BOX**