

0320

BOX:

173

FOLDER:

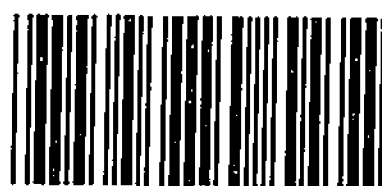
1754

DESCRIPTION:

Mackay, William

DATE:

04/22/85



1754

POOR QUALITY
ORIGINALS

0321

Witness:-

Jno Roche

No 202

Counsel,

Filed

day of

1885

Pleeds

Not guilty - (23)

THE PEOPLE

vs.

B

William Mackay

Assault in the Second Degree.
(Section 218, Penal Code).

RANDOLPH B. MARTINE,

JOHN McKEN,

Be the 2nd District Attorney.

And acquitted.

A TRUE BILL.

May 14, 1886

Boreman.

May 14, 1886

May 25, 1886

May 25, 1886

June 9, 1886

Peremptory

0322

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

William Madearuf

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

William Madearuf

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said William Madearuf

late of the City and County of New York, on the 22nd day of
April, in the year of our Lord one thousand eight hundred and
eighty-nine, with force and arms, at the City and County aforesaid, in and upon one

John Rodne

in the peace of the people of the said State then and there being, feloniously did
willfully and wrongfully make an assault: and the said

William Madearuf

with a certain knife which he the said

William Madearuf

in his right hand then and there had and held, the same being then and there a
knife likely to produce grievous bodily harm, then and there feloniously
the said John Rodne, then and there feloniously
did willfully and wrongfully strike, beat, bruise and wound,
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.

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SECOND COUNT

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

William Madeary

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said William Madeary

late of the City and County of New York, afterwards to wit: on the 21st
day of April, in the year of our Lord one thousand eight hundred and
eighty-five, at the City and County aforesaid, with force and arms, in and
upon one John Radner

in the peace of the People of the State of New York then and there being, feloniously
did willfully and wrongfully make an assault: and the said William
Madeary thrust the said John Radner,
with a certain knife
which he thrust in his right hand then and there had and held, in
and upon the head and shoulders
of him the said John Radner,
then and there feloniously did willfully and wrongfully strike, beat,
bruise and wound, thereby then and there willfully and wrongfully, feloniously inflicting
upon the said John Radner,
grievous bodily harm, to-wit:

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.

RANDOLPH B. MARTINE,

JOHN McKEON District Attorney.

0324

1st District Police Court.

The People vs
John Roche

vs.

Wm. MacKey

STENOGRAPHER'S TRANSCRIPT.

April 15th 188*5*

BEFORE HON.

Daniel O'Reilly
Police Justice.

Jas. A. Lyon
Official Stenographer.

POOR QUALITY
ORIGINALS

0325

STENOGRAPHER'S MINUTES.

1st District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

John Roche

vs.

William Mackey

BEFORE HON.

Saul O'Reilly

POLICE JUSTICE,

April 15 1885

APPEARANCES:

For the People,

- A. H. Hummel Esq

For the Defence,

- Peter Mitchell Esq

~~188~~

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John Lyon

Official Stenographer.

0326

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
John Roche
agt.

William Mackey

Examination had *April 15* 188*5*

Before *Mr. Daniel O'Reilly* Police Justice.

I, *Jas A Lyon* Stenographer of the *1st* District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of _____

as taken by me on the above examination before said Justice.

Dated *May 4th* 188*5*

Jas A Lyon
Stenographer.

~~Police Justice~~

0327

Complainants
Re-Direct Exam - by - Mr. Hammel

I see officer Mackey here in Court
 he whom I accuse of assaulting
 me on the 5th of April - it was
 Sunday morning about a quarter to
 six o'clock. A man named Connors
 was present when I was struck.
 I had been to a wake at No. 22
 Cherry Street at the house of Mrs.
 Horndy. I was there all night. I
 had seen Officer Mackey previous
 to this night but never spoke to him.
 I saw him on foot like any other
 policeman. At about twenty minutes
~~to nine o'clock~~ before he struck me
 with the club I saw him at the wake
 house and he was heavily under the
 influence of liquor. He was in
 full uniform and has his club
 on his arm with his two hands
 in his pants pockets and he was
 talking to some women in the

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Wake house. The flap of his pants
 was open. He was in this place
 three or four minutes. He assaulted
 me about 45 feet from the stoop
 of No. 42 Cherry St. He hit me with
 his club and knocked me halfway
 across the street - he struck me in
 the back & I fell on my nose. I
 asked him why he did it - why he
 used me in this manner & he said
 "you son of a bitch you have not
 got ~~Daniel~~ Keeney or
 Montgomery to deal with you know -
 you are not a Deputy - Marshal
 now. Then he hit me on the head
 with his club. He hit me once on
 the body first - and then a couple
 of times & he hit me on the head
 and after giving me into custody
 he struck me when Ahen was there.
 Ahen came there when I was bleed-
 ing & cut and he saw me struck
 after I was a prisoner between the

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0329

two of them. I called the attention of the People & Ex Alderman Murphy was there. I said it was an outrage but the Ex-Alderman went in his saloon. The people said it was a shame to beat me and he swung his club and threatened if they didn't look out he would do the same to them. The crowd followed us to the station-house. During the entire time I was in his custody I never attempted to release myself from his grasp but walked quietly with him. I was blind with the blood streaming from my wounds when I got to the Station-House. After I was assigned at the desk at the Station House the doorman began to wash me and while I was sitting on the bench - I was stunned at the time. The doorman was throwing water on me with a little cup and

0330

Officer ~~Mc~~ Ginley came out and struck me on the forehead and on the eye and called me one of "Fatty" Walsh's heels. Officer ~~Mc~~ Mackey was present at the time and I was put in a cell. I was charged with Disorderly Conduct. Three other officers were in conversation and I heard Barnett & Ahern who were nearly striking him because he didn't make a charge against me - he said he should have made a charge of assault against me to square himself. There was no charge of Assault & Battery made against me in the Police Station

Cross Exam - by - car. Mitchell

I am 23 years of age and am a laborer. I was in charge of the Irish-American Independents Headquarters at 105 East 14th Street. I was

0331

there four weeks before election
 and two weeks after. I have been a
 hod carrier five years. I was
 up all this night of the wake -
 I drank about six glasses of ale
 that whole night & the day before -
 ordinary glasses. This is my sig-
 nature to this complaint. Previous to
 his assaulting me I saw Officer
 Mackey in the wake-room - there
 were two ladies in the room - they
 are here now. I didn't hear any
 noise made there. I was struck in
 the street. A man named Fornors
 was with me at the time. He
 struck me without saying anything
 to me and without any provocation
 for I never spoke to him in my
 life & I know him four years by
 eyesight. It was the next house
 to where the wake was, in front of
 it where he assaulted me. I was
 standing at the time. It was day-light

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And before 6 AM. There was no noise
& nothing that called for the inter-
ference of the police. I have been
arrested before by officers of that
precinct - 8 months ago was the
first time - it was for Disorderly
Conduct. Officer O'Hearn arrested
me. I was fined \$5 & paid it. I was
arrested after that as a U. S.
Marshall & is now in the U. S.
Courts - I was also arrested by
Officers Barnett & O'Hearn for
Disorderly Conduct. I was held on
that for Assault in \$500. After I got
to Court they charged me with Assault.
The case was dismissed by the
Grand Jury. Another time I was
taken a friend of mine home through
Baxter Street. who was under the
influence of liquor and some Jews
wanted him to buy clothes & we had
trouble & I was arrested. I was
held in \$500 bail for good behavior

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In 3 months & it was furnished. I never was indicted. I did not strike Mackey at all & made no attempt to strike him.

Michael Connor of No. 32 Cherry St. being sworn testified as follows:

Direct Exam by - Rev. Hummel

I am slightly ^{acquainted} with the complaining witness & remember the wake on April 5th at 42 Cherry St. I was there that night. I remember this occurrence at 10 minutes to six (about) this morning. I left the wake house with Roche. He said he was going home and I was going home. I saw Mackey shove him with his club ~~in the~~ I didn't see him hit Roche with the club I saw him shove him with

0334

it in the back - shoved him about four feet from the curb. Then I went to the Station - house with Roche and his brother. I didn't see his condition. I was put out of the Station-house. I was served with a subpoena to come here. I made a statement in your office yesterday which was put in writing. I wasn't threatened by anybody since I appeared here as a witness & I have not spoken to anybody about this case.

Dep. Exam - by - Mr. Mitchell

There was no noise at or about the corner when the officer approached. I didn't hear the officer say anything.

Ann Wagner of No. 26 Allen
 She being sworn testified as follows:

Direct Exam - by - Mr. Hummel
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I am a sister of the woman who was
being raped on this night in question.
I saw officer Mackey in the place
about a quarter to six that morn-
ing. He was drunk - positively. His
coat was unbuttoned - I didn't notice
whether any other portion of his
garments were unbuttoned. I saw
Roche go outside. There was no
liquor at the wake. I heard a
trunk in the hall way & the three
men came in & I asked what
was the matter & I saw the officer
throw his club in & as he stooped
to pick it up he fell. I asked
what was the matter & he said it
was none of my God-damned
business & that he would have me
pulled on top of there & called me
a d - n thing & asked me if I
run that house. I told him I was
there to attend the funeral of my
sister. As he was going out

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Roche heard him and said it was nice language to use where decent women where & he said if he had Roche on he would smash his head. In fifteen minutes after that I heard a noise in the street at Murphy's & I saw Mackey had Roche by the collar and I seen he was cut in the head I said "Good God he will kill the man" I went in the room and heard or saw nothing more.

Cross Exam - by - Mr. Mitchell

Officer Mackey told these men to go away from the stoop. I saw the officer fall over in the middle of the hallway - three of the men had been on the stoop. Mr. Roche was not one of them - he was sitting in the room perfectly sober - these

0337

Men went out to get air. One was
 named Paddy Fallahan. I don't
 know the others. I know Mackey
 was drunk because he acted so -
 he acted like a man that
 was let out of a cage. It was
 10 or 15 minutes after the noise in
 the hallway when the tumble on
 the corner took place. I never saw
 Roche or his brother before this
 night. It made me feel very bad
 when the officer used such language
 towards me. I have no ill feeling
 towards him now on that account.

+ Re-Direct Exam - by - Mr. Hammel

Q The fact that you felt outraged
 at this beastly language of the
 officer would not make you come
 here to swear to a falsehood?
 A Yes sir.

//

0338

Mary McShay of 99 Roosevelt St.
 Durow testified as follows:

Street Exam — by — Mr. Hummel.

I was present at the wake spoken
 of. I heard the officer come in the
 hallway where the wake was
 held and I asked him what was the
 matter and he said "go and find
 out, you God damned bitch". I don't
 know whether he was drunk or sober.
 I don't know anything about the
 trouble on the street - I didn't see
 it.

Cross Exam — by — Mr. Mitchell

I didn't see the officer fall down
 I heard what he said to me. I didn't
 see Officer Mackey in the wake
 room anytime that night and I
 was there all night and morning

By "The Court."

Q Could the officer have been in there without your seeing him?
A No sir.

Patrick Callahan of No. 42 Cherry St. sworn testified as follows:

Direct Exam - by - Wm. Hummel

I am a tin smith and have been in that business in this City 28 years. I was present at this wake on the 30th of April. I went to the stoop and I saw officer Mackey and Roche on the street crossing. Mackey was holding his club over Roche's head. I saw him strike him and the blood came. I didn't see Roche strike the officer. I never saw Officer Mackey before to my

0340

Knowledge. I did not follow them to the Station house nor did I see officer when he came up. I did not count the number of blows which were struck - there were two or three - I am sure there was more than one.

Cop Exam - by - Mr. Mitchell

I saw the beginning of this difficulty between Mackey & Roche at the street crossing. I didn't see any other trouble or noise on the stoop. I was standing on the stoop with some others & Mackey came along and drove me away - Mr. Janel was with me - he drove me in the house. there was only two of us. I did not see the officer fall down nor did I see him in any of the rooms of the wake house & I was there all night - I suppose I would have

seen him if he had been there. When Mackey came up to me on the stoop he asked me what I was doing there and I told him there was a wake there & he said "You damn scoundrel, get inside." & then he followed me into the hall. He said the women were a pack of bitches & he called curs & they a whore. I didn't see him drop his Club that night, I know he fired it at me but I didn't see him pick it up. I never knew Roche until I saw him this morning. I get intoxicated sometimes & have been arrested for it. I was not drunk & noisy on the stoop that morning & that was not what attracted the officer's attention. I have been arrested twice for intoxication & that is all.

Mr. Mitchell moved to dismiss the Complaint as the evidence was

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not sufficient and was too conflicting
to hold.

Motion denied.

Defence

Wm N. Ahearn, officer of the
4th Precinct being sworn testified
as follows:

Direct Exam - by - Mr. Mitchell

I have been on the Police force 13
years & in the 4th Precinct 5 years.
I was subpoenaed to come here to-
day by the Complainant Roche.
I remember this Easter Sunday morn-
ing. My attention was first at-
tracted to the scene by a disorderly
man in Roosevelt Street. There were
three men on the sidewalk. Officer
Mackey came from Cherry Street
& stood at the corner & looked at
these men who were making a

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noise. He didn't see me - he didn't look in my direction. He went to -
wards where these men were &
they ran away & took refuge in
a hallway & he went to the door
and found it bolted against him.
Then he went around by the back
way & waited a little outside -
probably 15 feet away from the door
where the men entered. Then he
went back a second time and found
the door closed. Roche came out
while he was going back
the second time and came
down Cherry Street - I don't
know where he came from
because I was watching
Ollackey - I don't know whether
he came from that house or not.
About this time I had reached
the corner of Cherry Street and
there was a group of six or
seven people standing on a stoop

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the house next to the corner.
When I looked again I saw
Officer Mackey push Roche
with his hands and order him away
& then Roche grabbed him and
then ran across the street and
took hold of Roche by the left
hand and Mackey in trying to
disengage Roche's hand which
he had grabbed struck him with
the club as Roche grabbed him
by the coat collar. Roche had
hold of him & previous to that Roche
struck at him and then grappled
with the officer & it was not
until after they grappled that
the officer used his club. Then
Roche released his hold on Mackey
& Mackey stepped back a few
feet from the sidewalk and Roche's
brother came running down the
street ^{with a man} & took a jump about six feet
from Mackey & jumped on Mackey's

stomach with his feet and hands
 at the same time & struck him and
 knocked Mackey in the middle
 of the street & then he ran away
 and I started in pursuit of him
 and I stopped him in Roosevelt
 street & Officer Griffen came up
 and I held Roche's brother in a
 doorway near Murphy's liquor
 store on Roosevelt street. He said
 "you son of a bitch, I won't go
 with you" placing himself in a
 fighting mode. I said I won't
 strike him & that he couldn't go
 from there & he said he would go
 with Officer Griffen & I said that
 was all right & Griffen took
 Roche's brother to the Station House.
 Then I saw Roche & Mackey
 clinched & I went to Mackey's
 assistance & went to the Station
 House with him & Roche. While this
 complainant Roche & Officer Mackey

were quarrelling and having hold
of each other the brother of
Roche came there with a man
and jumped & kicked and
struck Mackey & pursued him.
They had knocked Mackey down on
his back & after pursuing him
I returned & Roche & Mackey were
still quarrelling

Crop-Examiner - by - W. Hummel

When Roche's brother knocked Mackey
down, Roche was standing in Cherry
St. about six feet from Mackey. Mackey
had struck him on the head before that -
one blow I saw him strike Roche -
Roche had a hat on when Mackey
struck him on the head - I can't say
which part of the head he hit him
on. I did not see Mackey strike
Roche more than one blow. I saw
blood coming from Roche's head.

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I did forget to tell Judge Reilly about this blood before - there was not much blood - there was one stream of blood - I didn't look to see if it discolored his clothing - I was too busily engaged holding his hands. I did not see Mackey strike him another blow while I held Roche's hand. - he struck him one blow while I held him.

William Mackey; the defendant sworn says:

Direct Exam - by - ex. J. J. Kell

I have been on the Police force over 12 years as a patrolman & have been in the 4th Precinct over 8 years. The morning I arrested Roche was the first time I ever saw him. On this morning in question there were two men and two or three women

Came down the stoop of 42 Cherry St. about five minutes to six that morning, to the sidewalk. The men were talking loudly & seemed to be trying to fight with each other. The women had hold of one man partly & another woman was pushing another man away. There were a number of women passing & I went in the direction of where those people were & when I got close to them they all ran away & went in a hallway. I followed a step or two in the hallway & made a remark in a loud tone of voice - "it is now day light, it is time this thing is stopped, and if it is not stopped I will have to take some of you out of here" and I turned and walked out of the hallway onto the sidewalk to the corner. Then this complainant Roche walked close to me & touched my clothes & I looked at him and

asked him what he wanted & he replied "nothing". I then ordered him away & he refused to go. He said he had not done anything that should cause him to go away. Knowing him to be one of the party that was in this hall-way I pushed him & told him to go away. As I did so he struck at my face with his right hand & I raised my hand to save off the blow from striking my face & got hold of him with the intention of taking him to the Station-house. He clinched with me & after struggling for a moment or two I forced him away from me. He was very strong & made then a sudden bound towards me, striking again for my face, then I struck him with my club. I did not knock him down & I did not use any more force than was necessary to save my face from his blows. Then

0350

his brother ran down the sidewalk & struck me with his feet in the side & with his hand in the side of the head. & knocked me down. I never called any of the ladies who were here today as cutneps a bitch. I was only in there a few seconds as I was to be relieved in five or six minutes. I did not fall while attempting to pick up my club. The front of my pants was not unbuttoned & if they were nobody could have seen it as my coat covers them there as you can see. I took Roche to the station house. After I arrested him he attempted to strike me again & I hit him again with my club. I waited for them to take hold of him ^{for} Griffin to go for the brother & it required the assistance of three officers with myself to take him to the station-house. He fought all the way & was very disorderly

at the desk & refused to give his
name or answer any questions. I never
called him a son of a bitch and
say you are not a Marshal now.
I had not been drinking at all.
At the station-house he was searched
& nothing found on him.

Gross Exam - by - W. Hummel.

I didn't see his underclothing when it
was removed & therefore don't know
whether it was full of blood or not.
It took three men to take him to the
station-house. I am between 40 and
41 years of age, 5 feet $1\frac{1}{2}$ inches high
and weigh a little over 200 pounds.
I think I am a little taller than
Roche - I am taller than he. I swear
he struck me first. That is what I
call assault & battery. I knew it was
assault & battery when I made this
arrest. The reason I didn't charge

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him with assault was that I had arrested him for being drunk & disorderly, for the acts done previous to the assault & I attempted to make that complaint here. I know that the Police rules require a policeman to make the charge at the Police station before it is made here. The reason I didn't do it was because the clerk here refused to take my complaint when he heard it. I made the complaint to the clerk of the fact of being drunk & disorderly & he told me to make a joint complaint against the two. When I arrested this man & when he refused to go and I attempted to arrest him on the original complaint, of being drunk and disorderly, he assaulted me. Then I made this charge in the Comb.

James Griffin, a police officer of the 4th Precinct being sworn says

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Inter-Examination - by - Mr. Mitchell
 I am in Citizens clothes, detained. I
 was going down Cherry St. and I
 saw Officer Mackey, on the sidewalk
 & Roche. They were quarrelling & Mackey
 grabbed him & Roche's brother came
 up & kicked Mackey in the stomach &
 struck at his face & ran across the
 street. I arrested his brother & brought
 him to the station-house & Officer
 Ahern was there. I saw John Roche
 shoved by Mackey & he grabbed Mackey
 & raised his hand to strike him &
 Mackey struck him and he went
 towards Mackey again & Mackey
 struck him again. That was the last
 I saw Mackey strike him.

Opp-Examination - by - Mr. Sumner
 That is my signature to this complaint.
 My memory was as good then as it
 is now - it might be a little better.
 I said that morning here before Judge
 O'Reilly that Officer Mackey struck

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Roche twice on the head with his club.
 The reason I didn't say anything
 here today about Mackay striking
 Roche on the head with his club was
 because I was not asked it. I
 wouldn't have said it now unless I
 was asked it. I was sworn here to tell
 the entire truth. When I said Mackay
 struck him twice I meant with a club.
 My memory is not an inch better
 now than it was the Sunday of the
 arrest. I measure my memory by
 the inch. I read this complaint be-
 fore I signed it.

Michael J. Regan, a police officer of
 the 4th Precinct sworn says

Direct Exam - by - W. Mitchell

I was going down Roosevelt St.
 about six o'clock that morning

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I saw Officer cllackey standing at the corner of Cherry & Roosevelt Streets, having hold of a prisoner. I saw ~~him~~ ^{the prisoner} a man kick cllackey & he fell in the street. He got up on his feet again & ran to Murphy's corner & got a hold of Roche, the complainant & Officer Griffin got the brother. Then Roche went to go for cllackey & cllackey struck him with his club once. cllackey took Roche up Roosevelt St. & I followed them to the station-house to keep the crowd back.

Cross Exam - by - Att. Hummel

Officer cllackey came up Water Street & he was not there when I saw cllackey strike Roche. cllackey struck Roche before cllackey came up. I did not see cllackey strike Roche when cllackey had a hold of Roche.

0356

By cu. Mitchell

2. Might he have been in the vicinity with-
out your seeing him?
Answer.

James J. Buckley, police officer of the
4th Precinct sworn.

Direct Exam - by - cu. Mitchell

I have been on the Police force 12 1/2
years. I have known Officer Mackey
about that long. He has a good reputation
as an officer. I was going down Roosevelt
St. at 6 o'clock the Sunday morning
in question & I saw Roche & Mackey.
~~Mackey~~ Roche had Mackey by the
throat & Mackey had Roche by the
collar & I beat Roche's fingers back
& held him by the hand until we got to
the station house. He was bleeding
at the time.

0357

Do you say positively that Roche had
struck Mackey by the throat?
Admission.

POOR QUALITY
ORIGINALS

0358

District Attorney's Office.

PEOPLE

vs.

Wm. McKinley
Assault

I am very
desirous that
this case should
be tried today.
Yrs. W. B. Hill
Col. Teller

POOR QUALITY
ORIGINALS

0359

NEW YORK PRESS CLUB,
120 NASSAU STREET,
NEW YORK.

May 30.

My dear Sir:

I desire to call your attention to the case of the people vs. Policeman William Mackay, in which John Roche, a resident of Water Street is complainant. Mr. Roche has repeatedly urged me to ~~request~~ do something, if possible, to bring the case to a trial. I refrained, knowing that you are a better judge of your own matters than any other person. He says it has been on the calendar 12 or 13 times, & is down now for Tuesday. Is it not possible to have it tried then? Besides the Corporation Counsel, I am told, there is private counsel

POOR QUALITY
ORIGINALS

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Peter Mitchell, and It is to his personal benefit, I believe, as well as to his clients, to have the case prolonged as long as possible.

There is nothing personal in Roche to command his self, to your attention or the public, only that he is a much abused man & has been very much ~~outraged~~ ^{outraged} by the police. A study of the case will show you that he has been arrested repeatedly & dropped to a police court, & discharged. On one occasion a charge of highway robbery was made against him in the Station house & in the police court, a charge of disorderly conduct was preferred & he was discharged. ~~The police have searched his~~

POOR QUALITY
ORIGINALS

0361

NEW YORK PRESS CLUB,
120 NASSAU STREET,
NEW YORK.

The policeman who made
this last arrest was fined
2 days pay for violation
of the rules of the police
department & in ^{charge} ^{having} ^{arrested}
upon the books of the depart-
ment. Only ~~the~~ after the
adjournment ^{the other day} he was
dropped off to the Tombs,
& held over night & then
released, all on account of
~~some argument~~ he got into with them.
I have called the
attention of Police Captain
Weth to these ^{cases} repeatedly but
& he told me that police-
men never arrest a prisoner
so wrongly. A special
duty ~~named~~ man named
James Griffin is at the

POOR QUALITY
ORIGINALS

0362

head & front of these cruel
outrages against ^{this} importan-
ant man. MacKay &
Policemen ^{Morgan}, Ahearn & Thomas
Barrett are also concerned
MacKay acted under
the orders of Griffin
on the occasion of this
assault over a year
ago now & was the man
who instructed ^{the} Policeman Morgan
to arrest Roche for robbery.

I hope the case ^{will} be
given to a jury very soon. Roche
is only a bad carrier & needs
every day's wages he can earn.

Yours in kindness
John Mahoney.

POOR QUALITY
ORIGINALS

0363

BAILED,
No. 1, by Hugh Fried
Residence 433 Pearl Street.
No. 2, by _____
Residence _____ Street.
No. 3, by _____
Residence _____ Street.
No. 4, by _____
Residence _____ Street.

Police Court

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Seale
1811 1/2 St. N. E.

William H. Seale

1811 1/2 St. N. E.

Offence Assault

Dated Apr 13 1885

D. G. Kelly Magistrate.

John H. Kelly Officer.

Witnesses Michael Connor

No. 32 Clay St.

Marv Macdonald 99 Concord St.

Patrick Anderson 42 Concord St.

No. _____ Street.

\$ 500 to answer Annual Sessions.

3 Apr 15 2 P M
16 2 1/2 P M

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Five 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 Apr 16 1885 Samuel C. Kelly Police Justice.

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

Dated Apr 16 1885 Samuel C. Kelly 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.

0364

Sec. 151.

Police Court First District.

CITY AND COUNTY }
OF NEW YORK, } ss. *In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING :*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by John Roche

of No. 311 West Street, that on the 5th day of April

1885, at the City of New York, in the County of New York, said Roche was
violently assaulted and beaten by
William Mackay who struck said
Mackay without justification or provocation
on the face & body

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant, and bring forthwith before me, at the First District Police Court, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 12th day of April 1885
Samuel O. Kelly POLICE JUSTICE.

Police Court First District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Roche
vs

William Mackay

Warrant-General.

Dated April 13th 1885

William Mackay Magistrate.

Officer.

The Defendant _____
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Officer.

Dated _____ 188

This Warrant may be executed on Sunday or at
night.

Police Justice.

REMARKS.

Time of Arrest, _____

Native of _____

Age, _____

Sex, _____

Complexion, _____

Color, _____

Profession, _____

Married, _____

Single, _____

Read, _____

Write, _____

0365

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

William Mackey being duly examined before the undersigned, according to law, on the annexed charge: and being informed that it is h_____ right to make a statement in relation to the charge against h_____; that the statement is designed to enable h_____ if h_____ see fit to answer the charge and explain the facts alleged against h_____ that 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.

William Mackey

Question. How old are you?

Answer.

42 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

39 Vandewater St - 8 years

Question. What is your business or profession?

Answer.

Police officer

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

William Mackey

Taken before me this

day of

April

188

5

James C. Kelly Police Justice.

0366

City and County of New York, ss.:

POLICE COURT 1 DISTRICT.

THE PEOPLE

vs.

William Mackay

On Complaint of

John Roche

For

Assault

demand

After being informed of my rights under the law, I hereby ~~waive~~ *demand* a trial, by Jury, on this complaint, and my right to make a statement in relation to it and demand a trial at the COURT OF SPECIAL SESSIONS OF THE PEACE, to be holden in and for the City and County of New York.

Dated *apl 16* 188 .

William Mackay

Samuel C. Bell Police Justice.

POOR QUALITY
ORIGINALS

0367

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

POLICE COURT,

DISTRICT.

John Roche

of No

311 Water

Street, being duly sworn, deposes and says,

that on the

Fifth

day of

April

1885

at the City of New York, in the County of New York,

Off William Mac Kay

a Police Officer attached to the 4th Precinct
Municipal Police of the City of New York on the
side walk did violently assault and beat
deponent without any justification or provocation
That while the said William Mac Kay was on
patrol duty and in uniform he struck
deponent with his club on deponent's head
shoulders and on different parts of deponent's
body without any cause or provocation, thereby
cutting deponent's head.

That about the hour of 5.45 o'clock in the
morning of April 5th deponent came out of the
premises No 42 Cherry Street on his way to his
home and said Police Officer Mac Kay then and
there struck deponent without justification or
provocation on deponent's back with a
club held in the hand of him said Mac Kay
Deponent then remonstrated and said "What is
the matter" and said Mac Kay replied
"Get out of here you son of a bitch" and
again struck deponent twice on the head
with his club, and after so terminating said
assault arrested deponent.

Deponent further says that said Officer
Mac Kay was under the influence of liquor
at the time he committed said violent
assault on Deponent.

Therefore Deponent prays that said

Samuel C. Kelly John Roche
Police Justice

Disposition

0369

BOX:

173

FOLDER:

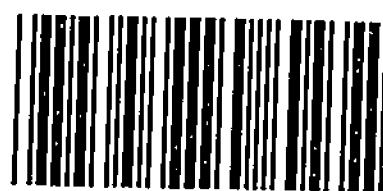
1754

DESCRIPTION:

Maguire, Charles

DATE:

04/30/85



1754

POOR QUALITY
ORIGINALS

0370

No 290

Counsel

Filed 30 day of April 1895

Pleads

THE PEOPLE

vs.

Charles P. Maguire

RANDOLPH B. MARTINE,

District Attorney.

A True BILL.

(Signed) [Signature]

SUPREME COURT PART 1

Decided 22 April 1895

Foreman.

INDICTMENT DISMISSED.

POOR QUALITY
ORIGINALS

0371

No. 290

Counsel
Filed *30* days of *April* 188*5*
Pleads

Charles F. Martin
Violation of Article 100
(Statute)
III Rev. Stat. 7th Edition, page 100 Sec. 10, and
page 100 Sec. 11, and

THE PEOPLE

vs.

RANDOLPH B. MARTINE,
District Attorney.

A. HENRY HARR.
(Signed, only)

CITIZENS COURT PART I,
Foreman.

Witnesses:
Off Reilly

0372

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles E. Maguire

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

Charles E. Maguire

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE
ON SUNDAY, committed as follows :

The said *Charles E. Maguire*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Twenty sixth day of *April*, in the year of our Lord one thousand
eight hundred and eighty-*five* at the Ward, City and County aforesaid, the same
being the first day of the week, commonly called and known as Sunday, with force and arms,
certain intoxicating liquors and certain wines, to wit : One gill of wine, one gill of brandy, one
gill of rum, one gill of gin, one gill of whisky, 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
intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did sell as a beverage to

certain persons whose names are to the Grand Jury aforesaid unknown, against
the form of the statute in such case made and provided, and against the peace of the People
of the State of New York, and their dignity.

SECOND COUNT:

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

Charles E. Maguire

of the CRIME OF GIVING AWAY INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY
committed as follows :

The said *Charles E. Maguire*,

late of the Ward, City and County aforesaid, afterwards, to wit : On the day and in the year
aforesaid, at the Ward, City and County aforesaid, the same being the first day of the week

0373

commonly called and known as Sunday, with force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whisky, 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 intoxicating liquor to the Grand Jury aforesaid unknown, unlawfully did give away as a beverage to —

certain — persons whose names are to the Grand Jury aforesaid unknown, 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.

THIRD COUNT:

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

_____*Charles P. Maguire*_____

of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *Charles P. Maguire*, —

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, the same being the first day of the week, commonly called and known as Sunday, being then and there in charge of and having the control of certain premises at number

436 East Ninth Street, —

in the City and County aforesaid, which said place was then duly licensed as a place for the sale of strong and spirituous liquors, wines, ale and beer, with force and arms, at the City and County aforesaid, the said place, so licensed as aforesaid, unlawfully did not close, and keep closed, and on the said day, the said place so licensed as aforesaid, unlawfully did then and there open, and cause and procure, and suffer and permit, to be open, and to remain open, 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.

RANDOLPH B. MARTINE,
District Attorney.

POOR QUALITY
ORIGINALS

0374

446

Police Court, District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

James Reilly
17 vs. *Proct.*
Charles P. Hagan

EXCISE VIOLATION.
SELLING ON SUNDAY.

Dated *27* day of *April* 188*5*

Water Magistrate.

Reilly Officer.

Witness, *17 Proct.*

Bailed \$ *100* to Ans. *General Sessions.*

By *Andrew Maguire*

17 Henry street 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

Charles P. Hagan
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *100* 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 *April 27* 188*5* *Wm. J. Burke* Police Justice.

I have admitted the above named *Charles P. Hagan*
to bail to answer by the undertaking hereto annexed.

Dated *April 27* 188*5* *Wm. J. Burke* Police Justice.

There being no sufficient cause to believe the within named

_____ guilty of the offence within mentioned, I order he to be discharged.

Dated _____ 188*5* _____ Police Justice.

0375

200-201

CITY AND COUNTY OF NEW YORK

IN SENATE
JANUARY 1, 1905

Excise Violation-Selling on Sunday.

POLICE COURT- 14 DISTRICT.

City and County } ss.
of New York,

James Reilly
of No. 17 to Grand Palace Street,

of the City of New York, being duly sworn, deposes and says, that on SUNDAY the 26 day
of April 1885, in the City of New York, in the County of New York, at
premises No. 436 East 9th Street,

Charles F. Maguire (now here)
did then and there SELL, CAUSE, SUFFER and permit to be sold, and GIVEN AWAY under his
direction or authority strong and spirituous liquors, wines, ale and beer, being intoxicating liquors,
to be drunk as a beverage contrary to and in violation of the statute in such case made and provided.

WHEREFORE, deponent prays that said Charles F. Maguire
may be arrested and dealt with according to law.

Sworn to before me, this 27 day } James Reilly
of April 1885 }
M. A. Herd Police Justice.

Police Justice

0376

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, { ss

Charles P. Maguire 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 P. Maguire*

Question. How old are you?

Answer. *50 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *430 East 9th Street 33 years*

Question. What is your business or profession?

Answer. *Saloon Keeper*

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 don't wish to answer
I demand a trial by jury*

C. P. Maguire

Taken before me this

day of *March* 188*5*

Frank
Police Justice.

0377

BOX:

173

FOLDER:

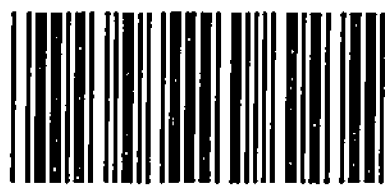
1754

DESCRIPTION:

Mallon, Terence

DATE:

04/29/85



1754

0378

BOX:

173

FOLDER:

1754

DESCRIPTION:

Gerity, John

DATE:

04/29/85



1754

Witnesses:

A. E. Zuckerman

No 285 X
27 dollars
2 E.C.P.

Counsel,
Filed day of April 1885
Pleaded May 3rd 1885

THE PEOPLE
vs.
B. W. W. vs. F
137
Terence Mallon
and F
John Garity

RANDOLPH B. MARTINE,
District Attorney.
Not filed May 3.
Catholic Post
A True Bill.

May 1885
Dr May 1885
Foreman
Not tried requested.

0379

0380

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Terence Malton
and *John Rigney*

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

Terence Malton and John Rigney

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *Terence Malton and John Rigney*
Rigney, each

late of the *Third* Ward of the City of New York, in the County of New York, aforesaid, on the *Twenty-fourth* day of *April*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *store* of one

Samuel Rigney,

feloniously and burglariously did break into and enter, with intent to commit some crime therein, to wit: with intent, the goods, chattels and personal property of the said

Samuel Rigney

in the said *store* then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

0381

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Benjamin Madison and John Reilly of the
County of Albany to commit
of the CRIME OF *Grand* LARCENY, in the second degree, committed as follows:

The said *Benjamin Madison and John*
Reilly, each

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the *day* time of the said day, with force and arms,
one thousand cigars of the value of
five cents each, ten pounds of tobacco
of the value of forty cents each pound,
one hundred pipes of the value of
ten cents each, and ten thousand
cigarettes of the value of one cent
each, —

of the goods, chattels and personal property of one *Samuel T. Tupper,*

in the *store* of the said *Samuel T. Tupper, —*

there situate, then and there being found, in the *store* aforesaid, then and there
feloniously did ~~steal~~ *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.

Benjamin Madison,
District Attorney.

0302

Police Court - Weth District

THE PEOPLE, &c.
ON THE COMPLAINT OF

BAILED,

No. 1, by

Residence

No. 2, by .

Residence.

No. 3, by

Residence.

No. 4, by ..

Residence.

Offence

Dated

May 21

188

Magistrate

Officer

Precinct

Witnesses

No. 20

.....

No. _____

7

100 to answer General Sessions

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 Reverence Walton

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ten 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 April 24 1888 Samuel C. Wells Police Justice.

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

Dated 188 *Police Justice.*

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

Dated 188..... *Police Justice.*

0303

Sec. 198-200

1st District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

John Gerity 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. *John Gerity*

Question. How old are you?

Answer. *13 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *17 Albany St. 6 years.*

Question. What is your business or profession?

Answer. *None*

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.**John Gerity*Taken before me this *2nd*day of *April*188*5**Samuel M. O'Reilly* Police Justice.

0384

Sec. 198-200

12th District Police Court.CITY AND COUNTY }
OF NEW YORK, } ss.

Terence Mallon 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. *Terence Mallon,*

Question. How old are you?

Answer. *12 years.*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *137 Washington St 2 years*

Question. What is your business or profession?

Answer. *None*

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.*

Terence Mallon

Taken before me this *21st*

day of *April*

1885

Samuel J. Kelly Police Justice.

0385

CITY AND COUNTY }
OF NEW YORK, } ss.

Albert C. Tucker
aged 31 years, occupation Cashier of No.

284 Greenwich Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Eugene J. Ziegler

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

Sworn to before me, this 21
day of April 1885 Albert C. Tucker

Samuel C. Reilly
Police Justice.

POOR QUALITY
ORIGINALS

0386

Police Court—First District.

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

of No. 297 Greenwich Street, aged 38 years,
occupation Tobacco & Segars being duly sworn

deposes and says, that the premises No. 294 Greenwich Street,
in the City and County aforesaid, the said being a Three story brick building
in the 3rd Ward in said city
and which was occupied by deponent as a Tobacco & Segar store
and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly

Breaking
a large plate glass window in the
front of said store

on the 2nd day of April 1888 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of Segars, Tobacco, Pipes
and cigarettes altogether of the
value of One Hundred Dollars

the property of

David Mamlock & Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Cecese Mallon John Senty (both now here) and
another boy not now arrested

for the reasons following, to wit:

The said deponent was informed
by Albert A. Tucker of No 284 Greenwich Street
that at about the hour of five o'clock A.M.
on the above date he heard a crash or noise
and saw the two defendants and said other
boy running away from the window of said
premises wherefore deponent charged the said
defendants & said other by not arrested with Burglary
said premises and attempting to take steal and carry away the
aforesaid property

Ignatz Zigler

Grand Jury
Choke
see the 21 day of April

0387

BOX:

173

FOLDER:

1754

DESCRIPTION:

Mangarella, Pasquale

DATE:

04/30/85



1754

0388

BOX:

173

FOLDER:

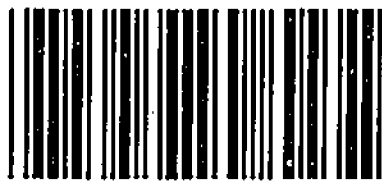
1754

DESCRIPTION:

Mangarella, Felicia

DATE:

04/30/85



1754

0389

BOX:

173

FOLDER:

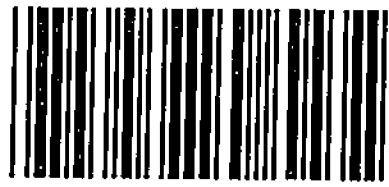
1754

DESCRIPTION:

Gatto, Biaso

DATE:

04/30/85



1754

Witnesses:

Jos Russo
G M Russo

No 295

R. H. Remy

Counsel,

Filed

1885

Pleads

30 days of April
Pleading - May 1

THE PEOPLE

vs.

F

Pasquale Mangarella

Felicia Mangarella

F

Biagio Gatto

Assault in the First Degree, etc.
[Sections 217 and 218 Penal Code].

RANDOLPH B. MARTINE.

DISTRICT ATTORNEY.

District Attorney.

A True Bill.

Dr May. 1st 1885
are tried by jury.
Foreman.
May 1st 1885

0390

0391

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Parasquale Mangarella,
Salvia Mangarella,
Giuseppe Ligato*

The Grand Jury of the City and County of New York, by this indictment, accuse *Parasquale Mangarella, Salvia Mangarella and Giuseppe Ligato* of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Parasquale Mangarella, Salvia Mangarella and Giuseppe Ligato*, each late of the City of New York, in the County of New York aforesaid, on the *third* day of *April*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force of arms, at the City and County aforesaid, in and upon the body of one *Joseph Russo*, in the peace of the said People then and there being, feloniously did make an assault and *injure* the said *Joseph Russo*, with the hands and feet of them the said *Parasquale Mangarella, Salvia Mangarella and Giuseppe Ligato*, and with a certain *piece of iron* which the said *Parasquale Mangarella, Salvia Mangarella, Giuseppe Ligato* in their right hands then and there had and held, ~~the same being a deadly and dangerous weapon~~, wilfully and feloniously did beat, strike, stab, cut and wound ~~the same piece of iron and means and force as were deadly to produce the death of the said Joseph Russo~~, with intent *injure* the said *Joseph Russo*, thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *Parasquale Mangarella, Salvia Mangarella, Giuseppe Ligato* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Parasquale Mangarella, Salvia Mangarella and Giuseppe Ligato*, each late of the City and County of New York, on the *third* day of *April*, in the year of our Lord, one thousand eight hundred and eighty-*five*, at the City and County aforesaid, with force and arms, in and upon the body of one *Joseph Russo* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *injure* the said *Joseph Russo*, with a certain *piece of iron*

which ~~injure~~ the said *Parasquale Mangarella, Salvia Mangarella, Giuseppe Ligato* in their right hands then and there had and held, the same being a *piece of iron* likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, ~~stab~~, cut and wound 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.

0392

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said *Pasquale Mangarella, Felicia Mangarella and Pietro Rizzo* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Pasquale Mangarella, Felicia Mangarella and Pietro Rizzo*, each late of the City, County of New York, on the *third* day of *April*, in the year of our Lord one thousand eight hundred and eighty-*two*, at the City and County aforesaid, with force and arms, in and upon the body of one *Joseph Russo* in the peace of the said People then and there being, feloniously, did wilfully and wrongfully make an assault, and *him* the said *Joseph Russo*,

in and upon the *head and body* of *him* — the said *Joseph Russo* — did then and there feloniously, wilfully and wrongfully strike, beat, *cut*, bruise and wound, and did thereby then and there feloniously, wilfully and wrongfully inflict upon *him* the said *Joseph Russo* grievous bodily harm, to the great damage of the said *Joseph Russo* 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.

RANDOLPH B. MARTINE.

PETER B. OLNEY,

District Attorney

POOR QUALITY
ORIGINALS

0393

Police Court 1 District

434

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Joseph Russo
vs
37 Brody St

1 Paquale Mangavelli
2 Felice Mangavelli
3 Edward Gatto

Offence Felonious
Assault

Dated Apr 18 1885

John O'Reilly Magistrate.

John Macken Jr. City Officer.

14 Precinct.

Residence Street.

No. 3, by

Residence Street.

No. 2, by

Residence Street.

No. 1, by

BAILED,

No. 4, by

Residence Street.

Witnesses Angello M. Russo

No. 37 Brody St

Thomas S. Shinn

No. 1000 to answer Sessions.

No. Street.

\$1000 for 3 Apr 23/85

25 9/12/11

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 defendants

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 10
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 Apr 25 1885 Samy O'Reilly Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINALS

0394

Police Court, 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.
Giuseppe Gutto
Elidia Mangarulli
Joseph Rocco

Dated *April 4* 188 *3*

A. Reilly Magistrate.

Toben & Foley Officer.

Witness, *1st*

Disposition, *\$1000 ex commit*

Result of injuries,

POOR QUALITY
ORIGINALS

0395

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, ¹⁸² DISTRICT.

Angelo M Russo

of No. 37 Crosby Street, aged 23 years,

occupation. Housekeeper being duly sworn deposes and says,

that on the 3rd day of April 1885

at the City of New York in the County of New York, Giacco Guttaneri,

Felicio Mangarelli Joseph Roccos and

six other men not now arrested, assaulted

and beat one Joseph Russo inflicting

injuries from which the said Russo is now

confined to the Bellevue Hospital and is

unable to appear in Court as set forth in

the annexed Certificate

wherefore deponent prays

the said defendants may be held to await

the result of said injuries this

Angelo Russo

mark

Sworn to before me, this

1885

day

Samuel M. Bell, Police Justice.

POOR QUALITY
ORIGINALS

0396

DEPARTMENT OF

Public Charities and Correction,

Bellevue Hospital,

Warden's Office,

JAMES F. O'ROURKE,
Warden. }

New York April 4 1885

Joseph Russo at pres-
ent in my ward is
suffering from a scalp
wound & a separation
of the cricoid cartilage
& at present is in no
immediate danger.

Henry S. Stearns,
House Surgeon
1st Surg Div.

POOR QUALITY
ORIGINALS

0397

April 9' 85
Bellevue Hospital.

Joseph Russo is now
considered out of danger
from his wounds.

Henry S. Stearns M.D.
House Surgeon

POOR QUALITY
ORIGINALS

0398

PART 2.

THE COURT-ROOM IS IN THE THIRD STORY, AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the Officer at the Court Room door; that your attendance may be known.
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To *Off. Brown*

of No. _____ Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building in the Park of the said City, on the day of *11* **M A Y** instant, at the hour of ten & a half in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Thos. Healy
in a case of Felony, whereof *he stands* indicted, And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall in our said City, the first Monday of **M A Y**, in the year of our Lord 1885

RANDOLPH B. MARTINE, *District Attorney.*

0399

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Pasquale Mangarella 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.

Pasquale Mangarella

Question. How old are you?

Answer.

29 years

Question. Where were you born?

Answer.

Italy

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

Answer.

35 Brodsky St. 3 years

Question. What is your business or profession?

Answer.

Shoemaker

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

his
Pasquale X Mangarella
mark

Taken before me this

day of

April

188

5

Samuel J. McNeill Police Justice.

0400

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, }

Felicia Mangarella 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.

Felicia Mangarella

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

Italy

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

Answer.

33 Brooly St 18 mo

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

Felicia ^{*her*} *Mangarella*
mark

Taken before me this *18*th

day of *April*

188*8*

Donald C. Heston Police Justice.

0401

Sec. 198-200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Brasso Gatto*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *37 Crosby St Three years*

Question. What is your business or profession?

Answer. *Labour*

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*

hs
Brasso Gatto
mark

Taken before me this

day of

Apr

188

5

Samuel C. Kelly Police Justice.

0402

Police Court—1st District.

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

Joseph Russo

of No. 37 Crosby Street, aged 42 years,
occupation Laborer being duly sworn

deposes and says, that on the Third day of April 1885 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Pasquale
Mangarella, Felicia Mangarelli and
Braso Gatto (over here) and six others whose
names are unknown. That said Pasquale
Mangarella struck deponent on the head
with a piece of iron cutting his head
and knocking him down and while down
said Felicia Mangarelli and Braso Gatto
and said other unknown persons kicked
deponent several times on the head and
body

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 18 day
of April 1885

his
Joseph Russo
mark

Samuel C. Bell Police Justice.

0403

BOX:

173

FOLDER:

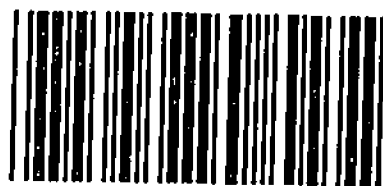
1754

DESCRIPTION:

Marano, Joseph

DATE:

04/15/85



1754

POOR QUALITY
ORIGINALS

0404

121

No 126

Counsel
Filed 15th day of April 188

Pleads *Verdict 16*

THE PEOPLE
vs
JOHN W. OS.
Joseph morano
H D
Rape, etc.

RANDOLPH B. MARTINE,
JOHN McKEON

In April 27/83 District Attorney,
Appl & Criminal Court 3.

A True Bill.
Wm. J. Kelly

Per: Geo m. Foreman.

73-1111

23rd June
Off. Mcbauley
Sophia Pan

0405

COURT OF GENERAL SESSIONS OF THE PEACE
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against

Joseph Marano

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

Joseph Marano
of the CRIME OF RAPE, committed as follows:

The said *Joseph Marano*,

late of the First Ward of the City of New York, in the County of New York, afore-
said, on the *first* day of *April*, in the year of our Lord
one thousand eight hundred and eighty-*five*, at the Ward, City and County
aforesaid, with force and arms in and upon one *Sophia Row*,
wilfully and feloniously made an assault, and the said *Joseph Marano*

her the said
Sophia Row, then and there by force and with
violence to her, the said *Sophia Row*, and against her
will, did wilfully and feloniously ravish and carnally know, 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.

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

Joseph Marano
of the CRIME OF ASSAULT, ~~WITH INTENT TO RAVISH~~, committed as follows:

The said *Joseph Marano*,

late of the Ward, City and County aforesaid, afterwards, to wit, on the
day and in the year aforesaid, and at the place aforesaid, with force and arms, in and
upon her, the said *Sophia Row*, wilfully and feloniously
made an assault, with intent her the said *Sophia Row*,
against her will, and by force and violence, to then and there wilfully and feloniously
ravish and carnally know, 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.

RANDOLPH B. MARTINE.

~~JOHN McKEON~~, District Attorney.

0407

Sec. 198—200.

District Police Court.

CITY AND COUNTY { ss
OF NEW YORK,

Joseph Marano 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

Joseph Marano

Question. How old are you?

Answer

33 years

Question. Where were you born?

Answer.

Italy

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

Answer.

429 Grand Street 5 years

Question What is your business or profession?

Answer

Carpenter

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
Giuseppe Marano

Taken before me this

10

day of

*April*188*5*

Police Justice.

POOR QUALITY
ORIGINALS

0400

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

Third District Police Court.

of *the House of detention*
Street,

being duly sworn, deposes and says,

that on the

first

day of

April

1885

at the City of New York, in the County of New York,

Joseph Marano (now here)
did unlawfully, by force and violence
and against deponent's will ravish
deponent, and did have sexual
intercourse with deponent.

That on said day deponent was
in the employ of said defendant and
at the hour of about 7 1/2 o'clock in
the morning deponent was making
a fire in the stove at the store of said
defendant at premises No 429 Grand
Street. That deponent was standing
at the stove when said defendant
seized violent hold of deponent and
forcibly threw deponent on the floor,
and by force had sexual intercourse
with deponent. Deponent resisted
and made an outcry.

That after the commission
of said crime, said defendant threatened
deponent with personal violence if deponent
would say anything about his act
to his defendant's wife.

Deponent was in fear of
bodily harm and did not say
anything to any person. Deponent
at that time told said defendant
that he would again assault deponent
she would go to the Police Station
and give information.

That on the 4th day of *April*
1885 deponent was again at work
making the fire when said defendant
seized hold of deponent and threw

POOR QUALITY
ORIGINALS

0409

deponent down and did parish deponent
and did have sexual connection with
deponent without deponent's consent and
against deponent's will that deponent
persisted to the best of her ability she
made an alarm but he the defendant
forcibly held deponent, and did have
connection with deponent as aforesaid,
that when deponent was released by
said defendant she run away and
gave information to the Police.
Deponent prays that said defendant
may be held to answer, and be dealt
with as the law directs.

Sworn to before me this } Sophie Rau.
5th day of April 1885

John Gorman
Police Justice

Police Court, Third District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

AFIDAVIT.

vs.

Dated,

187

Magistrate.

Officer.

POOR QUALITY
ORIGINALS

0410

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

POLICE COURT, 3 DISTRICT.

Sophia Raw

of No. _____ Street, being duly sworn, deposes and says,

that on the 5 day of April 1885

at the City of New York, in the County of New York, deponent has

no home, that she is a witness
against Joseph Marans who
committed a Rape upon her.
Deponent requests to be sent
to the House of Detention

Sophie Raw.

Sworn to before me this

of

April

1885

day

John J. Marans Police Justice.

POOR QUALITY
ORIGINALS

0411

9 District Police Court.

Sophie Ran

vs.

Joseph Marano

STENOGRAPHER'S TRANSCRIPT.

April 8 1885

BEFORE HON.

John J. Gorman

Police Justice.

W. L. Armstrong Jr

Official Stenographer.

POOR QUALITY
ORIGINALS

04 12

STENOGRAPHER'S MINUTES.

9 District Police Court.

THE PEOPLE, &c., IN COMPLAINT OF

Sophie Ran

VS.

Joseph Marano

BEFORE HON.

John J. Gorman

POLICE JUSTICE,

April 8 188*5*
April 9

APPEARANCES:

For the People,

For the Defence,

Mr. Moss

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INDEX.

WITNESSES.

Direct Ex.

Cross Ex.

Re-Direct.

Re-Cross.

Sophie Ran

Official Stenographer.

0413

The People & }
 Sophie Rau } April 8, 1885
 Joseph Marano }
Examination before Justice Gorman

For the defendant, Joseph F. Moss - of
 Howe & Hummel
 Sophie Rau, the ^{Complainant} ~~defendant~~, being
 cross examined upon her affidavit
 deposes and says: - My name is
 Sophie Rau. I am 18 years of age.
 I have known the defendant Ma-
 rano since Monday of last week.
 I saw him before when I made
 an engagement to go there. I
 think I was engaged a week be-
 fore. I came there with another
 girl. Her name is Miss Powers.
 We got candy there, and this
 lady was in there. He asked
 her if she knows a girl and that
 girl says "I am looking for a
 place and so I came there -
 that was on a Sunday evening.
 I came there for good on Monday."

0414

when he engaged me it was on Sunday night. and on the following morning I went to work. That was in the store 429 Grand street

Q And where did his wife live?

A - She lived over the way. she moved just that morning.

Q. What day of the month?

A The 30th of March

Q That was on Monday the 30th of March you came there?

A Yes Sir.

Q One of that?

A Yes Sir.

Q What did you do in the store when you went there to work?

A. When I came there they was moving and I helped carry things across the street.

Q Was the defendant there all that day?

A Yes Sir

Q. And all day the 31st of March. on Tuesday?

A Yes Sir.

0415

Q Where did you work on the 31st?

A I worked in the store, and I worked over in the house.

Q Where did you sleep?

A I slept with Defendants wife over in the house.

Q Do you know where he slept?

A - Yes Sir. He slept over in the store.

Q On the first of April what time did you leave the house of Mrs. Marano that morning to go over to the store?

A Quarter past seven in the morning.

Q What did you do when you got over to the store?

A I just wanted to pull the curtains up but he would not let me. pull them up. When I pulled them up he would pull them down again. I did not know what he wanted to do. Then I made a fire and then he caught me and put me on the floor. I did not know what he meant

04 16

Q Did you make the fire?

A Yes, Sir - after I got the fire then he -

Q - Before you made the fire did he ask you to let him have connection with you?

A No, Sir.

Q At any time before that did he ask you to let him have connection with you?

A No Sir

Q What did he do after you made the fire?

A He took me and threw me down on the floor.

Q How? Just state how?

A I just was standing over the stove. He took me and threw me down on the floor. He took hold behind and pulled me on the floor.

Q What did you do?

A I wanted to holler but I could not. I was out of breath

4 Q What did you do?

0417

A - He threw me down and lay on me. I could not holler much.

Q - Did you have the same voice that you have to day? Could you speak as well then?

A - Yes.

Q - Are you sure you could not holler?

A - Yes sir I could not holler much.

Q - I ask you if you did holler?

A - Yes.

Justice Gorman To witness - Explain everything, tell him how the defendant took hold of you?

A - I was down by the stove making the fire, and he took hold of me, and put me down on the floor, and I wanted to holler but could not holler much because he laid on top of me.

By the Court

Q - What else did he do?

A - I could not say in English

Q - Say it in German.

0418

A He opened his clothes and pulled up my clothes and had connection with me. I told him that if he touched me again I would tell the police. On Saturday he again repeated it.

Q When he laid on top of you did he put his hand over your mouth?

A No.

Q Why did you not scream?

A He commanded me not to say anything and I was frightened.

Q What did he say?

A I cannot say all his language exactly.

Q Give some of it.

A I cannot remember exactly his language.

Q Where did you lie - on the floor

A Yes Sir

Q Did you scratch him or strike him, or throw ^{him} off while he was having connection with you?

6 A I wanted to put him away.

0419

Q What did you do?

A Well I could not do it

Q By Justice Gorman

Q Where were your hands situated?

A I could not help myself he laid so tight upon me.

Q Did he lie on your hands?

A Yes Sir.

Q And on your body?

A Yes Sir.

By the Court

Q And on your face?

A Not on my face.

Q Why did you not pull out your hands?

A They were underneath him and I could not be was so tight on me.

Q When he pulled up your clothes did he use both hands?

A No Sir

Q Which hand did he use?

A I do not know

Q Were his pants unbuttoned at the time?

0420

A Yes Sir

Q His person out?

A Yes Sir

Q Did he unbutton his pants before he threw you on the floor?

A Yes Sir

Q Was his person out before he threw you on the floor?

A I did not see it before because he took hold of me behind

Q He took you from behind did he?

A Yes Sir

Q Threw you on your back?

A Yes, Sir

Q You could not see anything

A No Sir.

Q When he was standing up did he take his person out or when he laid on top of you?

A I cannot say whether he had his person out prior to his throwing me down or after. I cannot say.

Q How long after he threw you on

0421

Q The floor did he get on top of you?

A Right away

Q About how long?

A - About a minute - Immediately after he threw me down he got on top of me.

Q How long after he threw you down immediately?

A Yes Sir.

Q Did he hold his hand on your leg while you were down?

A Yes Sir. Q. Then he did not unbutton his pants standing up? A. No Sir.

Q - Did you not say some a while ago that he unbuttoned his pants while he was standing up?

A. I really do not know what I am saying I am confused.

Q - Did he unbutton his pants before he threw you on the floor

A - I do not know whether he did or not

Q Do you remember what took place there?

A Yes Sir

0422

Q After he threw you on the floor and then you backward on the floor did he hold you down with both hands - at this very moment - or did he stand up straight?

A - He did not rest after he threw me down He got right on top of me

Q He put down one hand to lift up your clothes?

A Yes Sir.

Q What did he do with the other hand?

A I do not remember.

Q Did you attempt to close your legs while you lay on the floor?

A - Yes.

Q. What did he do?

A - He forced them apart

Q How did he force?

A With his legs.

Q How long after you lay on the floor did he get up off you?

A - I do not know exactly - about five minutes

0423

Q - Did your hands lie under his breast or bosom all the time?

A - Yes Sir.

Q - Did you try to pull them out?

A - Yes Sir.

Q - And could not do it?

A - No Sir.

Q - He did not have hold of you with his hands did he?

A - No Sir.

Q - Did you kick your legs all that time? Five minutes?

A - I kicked but I could not kick much.

Q - Why?

A - He was so heavy on me that he took my breath away.

Q - Did you kick while he was having connection with you?

A - Yes, I kicked.

Q - Did you kick him?

A - I could not kick him, my legs were held straight apart.

Q - Did he hold both legs with his hands while he was having

"

0424

connection with her you?

A Yes.

Q. What part of your legs was it his hands were on while he was having connection with you?

A. I think it was my knee.

Q. Why did you not pull your hands out from under his breast while he was having connection with you for five minutes?

A. I could not! He was lying too heavy upon me.

Q. Did his person fully penetrate your person?

A. I think so because it severely hurt me.

Q. What did you do when you got up?

A. I told him if he touched me again I would go and tell the police.

Q. What did you do after that?

A. I worked

Q. Did you work in the store all that day?

0425

A All that day

Q Did you sleep with Mrs Marano the defendant's wife that night?

A Yes Sir

Q Did you say anything to her about it?

A No Sir, because he prohibited me to say it

Q In what way did he prohibit you?

A He told me not to tell her -

Q You went and worked in the store the next day?

A Yes Sir.

Q Alone with the defendant?

A Yes Sir

Q Did he have connection with you the second day?

A No Sir

Q Did he attempt to have connection with you the second day?

A No Sir

Q - You helped in the house that day?

0426

Q - Did you go out during the day
different times?

A - Yes Sir.

Q - And you went over to the house
and slept with Mrs. Kearns?

A - Yes Sir.

Q - Did not tell her anything about
it?

A - No Sir.

Q - You went to the store on the 3^d
of March? I mean April?

A - Yes Sir.

Q - Worked there and discharged your
duties there?

A - Yes Sir.

Q - Did the defendant attempt to
have connection with you on that
day?

A - No Sir.

Q - Did he tell you not to tell his
wife?

A - He talked always so nasty
to me.

Q - What did he say?

A - One morning, Thursday morning

I think it was his wife sent me down to work because she did not feel good. He said to me "If she dies I will marry you" I said "I did not come here to marry, I came to work"

Q. Well on the 3d of April?

A. He did not say anything on that day

Q. You worked in the store all that day?

A. Yes Sir

Q. Went out at different times?

A. Yes Sir,

Q. Went over to his house to Mrs Marano?

A. Yes

Q. Never told her on the 3d of this rape?

A. No Sir

Q. At what time did you leave Mr Marano's house on Saturday morning?

A. It was half past 8 I came there to the store I made the

0428

fire again and he took me again and pulled me down again like he did on Wednesday

Q. Did he ask you before he pulled you down?

A. No Sir

Q. - By Justice Gorman

Q. Tell the story now tell everything that happened.

A. The same as on Wednesday. I was making the fire. He again seized me & threw me on the floor and again had connection with me.

By Mr. Cross

Q. What did you say?

A. I did not say anything

Q. Did you scratch him

A. No Sir I could not scratch him

Q. Did you kick him?

A. I kicked, but I could not kick him

Q. Why?

A. My legs were too straight

0429

2 - Where did he have his hands when he was having connection with you on April 4?

A - I do not know

2 - Was your legs free for use?

A - Yes I could use my legs but I could not kick him

2 - When he was on top of you he did not have hold of your knees again?

A - It was the same as on Wednesday

2 - He held both knees with his hands?

A - Yes.

2 - Did you not say a little while ago that you laid straight? How could your legs be straight - were they not spread apart while he was having connection with you?

A - Yes Sir

2 - Were they straight the second time?

A - They were apart

2 - Did he have his hands on your knees holding them apart?

0430

A - Yes Sir.

Q - Both hands?

A - Yes Sir

Q - Where were your hands this second time on the 4th when you were lying on the floor?

A - My hands were under him. He was lying on them.

Q - Who put them under him?

A - He did.

Q - Did he put your hands under him before he laid both hands on your knees or after he laid both hands on your knees?

A - Before.

Q - How far down under him were your hands - how far down his breast?

A - I cannot remember how far.

Q - Did you scream the second time?

A - Yes Sir

Q - What did you say?

A - I did holler

18 Q - What did you say?

A I screamed and hollered -
but I do not know what I said.

Q Did you call for assistance or
use any words?

A I merely screamed

Q Was it beside the stove that you
lay on the floor?

A It was near the stove - near
the window nearest the yard

Q Was the window open or closed?

A Closed and the blinds down.

Q Is there a bed there?

A No sir. no bed; his bed was
on the floor

Q He did not throw you on his
bed did he?

A Yes.

Q How far is his bed from the
stove?

A About 10 feet

Q Did he carry you from the stove
to the bed?

A Yes. He pulled me from behind.

Q Did he carry you from the stove
to the bed?

0432

A Yes

Q Did he carry you?

A Yes. He took me behind

Justice George Eorman

Q Did he take your feet off the floor?

A My feet was off the floor

Q Did he carry you in his arms?

A He seized me in his arms.

Q He put both arms under you from behind and carried you from the stove to the bed?

A Yes Sir

Q And both feet off the floor all the while?

A Yes Sir

Q On the first of April was it on the bed or on the floor that he had connection with you?

A On the floor

Q How far from the stove?

A I do not think it was 2 feet

Q Was there a bed in the room?

20 A No Sir

0433

Q - No bed on Wednesday?

A - No Sir

Q - Did you attempt to pull him off on either of these occasions?

A - Yes Sir.

Q - You say he laid his body on your hands?

A - Yes Sir. He laid too heavily on me. I could not help myself.

Q - How long did the second connection last?

A - Not longer than the first time.

Q - About the same time?

A - Yes Sir.

Q - Did he penetrate you the second time - have intercourse with you the second time?

A - Yes.

Q - What did you do after you got up on Saturday?

A - I ran right away out.

Q - Ran out?

A - Yes Sir.

Q - Where did you go?

21 A - To No 2 Attorney Street

2. Why did you go there?

A. There was a friend of mine there.

2. What did you go there for?

A. I went to tell her

2. About his having intercourse with you?

A. Yes.

2. What was her name?

A. Mrs. Oliver of No 1 Attorney St.

2. Did you tell her on Saturday?

A. No. Yes Sir

2. Did you meet Mrs. Oliver from the first of April until Saturday?

A. No Sir

2. Why did you not go around and tell Mrs. Oliver on the first of April?

A. I did not know where to go.

2. Why did you not go and tell Mrs. Oliver on the first, the second or the third of April that this man had connection with you on the first?

A. Because he prohibited me from saying anything

2. You went out during that time?

A. I did not go around there.

2. How many times did you go out from the first to the third of April?

A. I do not remember - I do not know - a good many times

2. Ten, fifteen or twenty?

A. I cannot remember.

2. About how many times did you go during the day from the store to Mr. Murano's house?

A. Many times a day

2. Did you see any policemen during that time?

A. No Sir

2. See people in the street?

A. Yes Sir

2. Ever tell any of those people

A. No Sir

2. How soon after he had connection with you on the first of April did you have or meet anybody?

A. About ten minutes

0436

Q - Do you remember who you saw?

A No Sir

Q Did you tell them about his having connection with you?

A I was ashamed to say it.

Q Have you any bruises or marks on your body?

A No.

Q Any scratches or cuts?

A - No.

Q - Have you ever had sexual intercourse before?

A No Sir, Never, No Sir.

Q Never?

A No Sir

Q You were a pure and decent girl up to the first of April?

A Yes Sir, Always.

Q Did you have any stains on your clothing on the first of April

A No Sir

Q Was there any blood on your clothing?

A Once the first time a little but not much - The first time there

0437

was a little but not much

Q Did you ever show it to anybody?

A No Sir.

Q - What did you do with it?

A - I washed it

Q Who washed it?

A I

Q where?

A - In the house of Detention

Q Did you show it to anybody?

A No Sir

Q Did you show it to Mr. Oliver?

A No Sir

Q Did you show it to Mr. Marano?

A No Sir

Q When did you change your clothing?

A - Those I had on from the first of April I had them on until yesterday.

Q Where are they now?

A I have got them on me again
I had no other clothes there.

Q Did you dry them up there?

A Yes - I washed only my under-clothes.

0438

Q Did you bleed any the second time?

A - No Sir. Not at all

Q - Where did you live before you went to work with Mr Marans?

A - I lived out at Orange New Jersey, with a minister I was there eight months as a servant

Q Where did you live before that?

A - In Second Avenue near 74th street with Mrs Hook

Q How much was Mr Marans to have paid you?

A Eight dollars a month

Q And board

A Yes.

Q Do you remember seeing Mrs Marans on this Saturday the 4th of April?

A - Yes Sir. After I got my hat and cloak

Q. What did you say when Mrs Marans was there that her husband did to you?

26 A I told her

0439

Q. What did you tell her?

A. I told her he threw me down and done something to me.

Q. Did you tell her how many times?

A. Twice - I told her he did it twice.

Q. What did she say?

A. She said she did not believe me.

Q. What did you say?

A. I did not say anything after that I asked her for my hat and cloak.

Q. Did she not say "Why did you not tell me before this?"

A. She told me on Sunday when I got my clothes. I did not want to tell her because she worried too much.

Q. Did you go to the police station on the 4th?

A. Mrs. Oliver went with me in the afternoon to my sister and came to the station house.

Q. When did you come to court?

A. Saturday afternoon.

0440

Q On either of these two occasions that he had connection with you did you scratch him at all?

A No Sir.

Q Did not strike him?

A No Sir.

Q Did not attempt to bite him?

A No Sir.

Q Did not attempt to kick him?

A I kicked, but I could not kick him.

Q - Did you scream?

A Yes.

Q - Loudly?

A As loud as I could.

Q - Did anybody come to your assistance?

A No.

Q - Were there people walking up and down Grand Street?

A - I did not see any people walking. It is back of the store where I was.

Q - People living in the building?

A - Yes Sir.

0441

Q - Up stairs?

A - Yes

Q - How many families

A - I do not know.

Q - How many stories?

A - I do not know I did not look up.

Q - Don't you know how many stores there were to that house?

A - No Sir

Q - Did the Defendant talk with you during the day while you were working in the store on the first of April?

A - Yes Sir

Q - Talked sociably to you nice and sociable

A - He did not talk sane

Q - Talked nice?

A - Yes Sir

Q - Did he promise you any presents?

A - No Sir. He told me he would give me ten dollars a month but I told him that I came to work for eight dollars and

The People vs.

Sophia Ran

Joseph Cleary

April 9

Examination Continued before Justice Gorman

Mrs Maria Oliver, a witness for the people being duly sworn deposes and says:- I reside at No 1 Attorney Street I am a married woman, I am 25 years old. I recollect the fourth of April of this year. Sophia Ran, the complainant came to my house on that day. It was at half past eight or nine o'clock in the morning.

Q (By Justice Gorman) What was her physical ~~personal~~ condition - what was her state of mind?

A She was crying and Trembling very much so. Her hair was all tossed

Q What did she say was the cause of her excitement?

A She said that she had just left her place - the place where she lived in Grand Street - that the man she lived with her had

0443

instructed her.

Q Did she go into the details?

A No Sir. I sent her out right away to tell her own sister and she went up and got her

Q Do you know anything of the matter more than you have stated?

A No Sir.

Sworn to before me

this day of April
1885

Police Justice

April 9 1885

The parties appeared as before
Mr. Moss. I move for the dismissal of the
complaint and for the discharge of the
defendant on the evidence introduced
on behalf of the prosecution, on the
ground that if they have failed
to make out a case of rape
against the defendant.

0444

Judge Forman - The motion is denied
My and the defendant will be held
to answer in \$3,000 bond.

Heabone is a true
record of the proceedings
on the examination.

W. L. Ormsby

Stenographer

not for ten

Q Did he make you any promises after that?

A No Sir

Q He spoke friendly to you during the day the first of April?

A He did not speak to me. He did not talk much with me.

Q How about the second of April did he talk much to you during the day?

A He did not talk much with me.

Q You were in the store doing work?

A Yes.

Q What work did you do?

A In the morning I make fire, wash dishes - work in the store that was all.

Q During the second day of April how many times did you see the Defendant - about?

A Most all the time.

Q Did you talk with him during those days?

A Not much.

0446

Q But did talk with him?

A Yes Sir. When he asked me I answered him.

Q What was it he asked you to do - generally?

A I cannot remember.

Q That day he was about the store?

A Yes Sir.

Q Did he ever speak to you about discharging you?

A No Sir.

Q Not at all?

A No Sir.

Q You spoke about washing your garments up at the house of Detention was it your drawers?

A Only drawers.

Q Was the blood only on the drawers?

A Yes Sir. I did not see much blood. very little blood.

Q When did you put on those drawers before that - how many days?

31 A Sunday before.

Q When was you unwell last?

A Ten days before I came there.

Q Was there much blood on your drawers on the first of April?

A No Sir.

Q About how much?

A Just one spot.

Q On what part of your drawers was it? Were your drawers open on the first of April?

A No. He opened them. They opened on the side.

Q Your drawers opened on the side?

A Yes Sir.

Q Closed in front?

A Yes Sir.

Q Did he pull them down?

A Yes Sir.

Q When did he open them - when he was lying down or standing up?

A When he was lying down.

Q Was he lying on top of you at the time?

0448

A - Yes Sir

Q - Did you not attempt to stop him?

A - Yes Sir, but I could not stop him

Q - Were your hands under him at that time?

A - Yes.

Q - Did he pull down your drawers when he had connection with you?

A - Yes.

Q - How far down?

A - I do not know.

Q - Did you button your drawers up when you got up?

A - Yes Sir

Q - How is it that if your legs were apart as you testify that he had both hands on your knees?

A - (No answer)

By Justice E. Orman.

Q - When he lay on top of you and your hands were under, did he first unbutton your drawers at the side before he did anything else?

A. Yes.

Q Then after he unbuttoned your drawers and pulled you down to him then did he put his hands on your knees after that?

A. Yes Sir.

Q - When he pulled you down and unbuttoned your drawers from the side did he move his body from you at all?

A. No Sir.

Q Do you remember whether your legs were in the air or on the floor when you laid on the floor of the store?

A. I do not remember

Q Were any of your clothes torn?

A. No Sir.

Q. Or drawers torn any?

A. No Sir.

Q How many buttons were on your drawers?

A. One.

Q - on which side?

A. Left side.

Q Were they pinned to any other of your garments?

A No Sir.

Q Did you tell him that your drawers were buttoned on the side?

A No Sir.

Q - Did he have his hands on your face at the time you lay on the floor?

A No Sir.

Q Were your clothes dirty the first time you laid on the floor?

A I do not know.

Q - Was the back of your dress dirty after you got up?

A - I do not know.

Q The second time that he had connection with you did he take your drawers off you?

A No Sir - it was just like the first time.

By Justice George Gorman

Q - In your answers to this gentleman you said you did not scratch nor bite this man was the

0451

reason because your hands were under him?

A. Yes Sir.

Q. So that you could not scratch him?

A. No Sir.

Q. Could not bite him because you could not get your head to where he was?

A. No Sir.

Q. You did kick your legs as well as you could?

A. Yes Sir.

Q. You made an outcry?

A. Yes Sir.

Q. Made a noise?

A. Yes Sir.

Q. When he assaulted you the first time and after he got through you warned him that if he ever did it again you would tell the police?

A. Yes Sir.

Q. And after he assaulted you the second time you went out

as soon as you could and did not go back again?

A- That is so sir.

2- Did he use any threatening language after the first time - Did he at any time use any threatening language?

A- The first time he told me not to say anything to his wife and I got afraid.

2- Did he after the second time make any threats?

A- I immediately ran out after he let me go.

2- Why did he say he was going to give you two dollars a month extra?

A- I do not know why.

2- He did not tell you?

A- No sir. I do not know what he means by it neither. I did not get any money from him.

Sworn to before me this day
of April 1885

0453

BOX:

173

FOLDER:

1754

DESCRIPTION:

Marrioni, Pasquale

DATE:

04/10/85



1754

0454

No 63 Jan 10 1885

Filed 10 day of April 1885

Pleads Not guilty

THE PEOPLE
vs.
P
Assault in the First Degree.
(Firearms.)
[Sec. 217 and 218]

Pasquale Marione

RANDOLPH B. MARTINE,
JOHN W. MARTINE,
District Attorney.

A TRUE BILL.
(H. J. O'Neil)
Foreman.
C. J. O'Neil
Jury foreman
Jury foreman

W. J. O'Neil
Jury foreman

0455

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

Parquale Marvino

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

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

The said *Parquale Marvino*,

late of the City of New York, in the County of New York aforesaid, on the *Twenty second* day of *March*, in the year of our Lord one thousand eight hundred and eighty *five*, with force and arms, at the City and County aforesaid, in and upon the body of *Giuseppe Coriagite*, in the peace of the said People then and there being, feloniously did make an assault, and to, at and against *him* the said *Giuseppe Coriagite*, a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which the said *Parquale Marvino* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously, did then and there shoot off and discharge, with intent *him* the said *Giuseppe Coriagite*, thereby then and there feloniously and wilfully to kill, against the form of the Statute in such case made and provided. and against the peace of the People of the State of New York and their dignity.

SECOND COUNT.

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

Parquale Marvino
of the Crime of assault in the second degree, committed as follows:

The said *Parquale Marvino*,

afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Giuseppe Coriagite*, then and there being, feloniously did, wilfully and wrongfully, make an assault, and to, at and against *him* the said *Giuseppe Coriagite*, a certain *pistol* then and there loaded and charged with gunpowder and one leaden bullet, which *he* the said

Parquale Marvino
in *his* right hand, then and there had and held, the same being an instrument likely to produce grievous bodily harm, feloniously did, wilfully and wrongfully then and there shoot off and discharge;

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.

RANDOLPH B. MARTINE

JOHN MCKEON, District Attorney.

0456

1000 for 100
1000 for 100

In my absence the present
Magistrate is hereby authorized
to forward with this copy in the
County of New York
City of New York
District of Columbia

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

Police Court District.

THE PEOPLE, &c,
ON THE COMPLAINT OF

Margaret Thompson

East 9th St

Local Marston

APR 1985

Offence Fel. Assault

Dated April 2 1885

Wm J. Power Magistrate.

Frankly Officer.

213 Precinct.

Witnesses Maria Quashion

No. 490 111 Street.

Anna Ballou.

No. 21 E. 91 St Street.

Edgar M. M.

No. 1000 to answer

1000 to answer

6

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

Margaret Thompson

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

Dated April 2 1885 Wm J. Power Police Justice.

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

Dated 1885 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 1885 Police Justice.

0457

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

Pascal Marrioui 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. *Pascal Marrioui*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *459 E 111*

Question. What is your business or profession?

Answer. *Rabber*

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.*

Pascal Marrioui
mark

Taken before me this

day of

*April*188*8**at New York*

Police Justice.

0458

Police Court—5 DistrictCITY AND COUNTY
OF NEW YORK, } ss.

of No.

909 1/2
Myrtle Street

Street,

being duly sworn, deposes and says, that
on Sunday the 22 day of March

in the year 188 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Pascal Marioni
now here who pointed a loaded
 revolving pistol at deponent
 and fired three balls then from
 two of which struck deponent
 (one in the stomach and one in
 the arm both penetrating the flesh
 of deponent)

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
 any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer
 for the above assault, etc., and be dealt with according to law.

Sworn to before me, this

2

day

of

April1885Brigante GiovanniA J Owy

POLICE JUSTICE.

0459

Police Court, 5 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Edmond Brady

vs.

Pascal Marioni

AFFIDAVIT.

Dated March 23 188 8

A. J. White

Magistrate.

Edmond Brady

Officer.

23

Witness, _____

New Complaint

to Ken April 7/81

Disposition, _____

Held to await the

result of inquest

0460

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 8 DISTRICT.

Edward Brady.

of No. 23^d Precinct Police Street, aged 29 years,
occupation Policeman being duly sworn deposes and says,
that on the 22nd day of March 1888at the City of New York, in the County of New York, he arrested in 89th Street.

Tascal Marriani (now here) who deponent was informed by James Dalton, had committed a felonious assault upon Brigante Giovanni now confined in the Resurrection Hospital, suffering from pistol shot wounds inflicted by said Marriani as deponent is informed.

Therefore deponent asks that said Marriani be held to await the result of said Giovanni's injuries, deponent further says that said Giovanni fully identified said Marriani as his assailant.

Sworn to before me, this

of March

1888

23

day

Police Justice.

0461

Rocky Mountain Hospital
Dec 27-81

This is to certify:

That Brigante
Giovanni is a patient in
this Hospital, that his
wounds are not dangerous
but that he is not
able at present to
leave the Hospital

E. S. Garner
House Surgeon

0462

BOX:

173

FOLDER:

1754

DESCRIPTION:

Matturo, Giosi

DATE:

04/07/85



1754

Witnesses:

D. Zurturiello

63
No. 19.
J. C. Dredy

Counsel,

Filed 7 day of April 1895

Pleads *Not guilty*

THE PEOPLE
vs.
F
Giosi Matteo
Assault in the First Degree, etc.
[Sections 217 and 218 Penal Code].

RANDOLPH B. MARTINE,
PETER B. OLNEY,
April 13/95 District Attorney.
True & Legit.
A True Bill.

(Signed, Dredy)

Foreman.

April 13/95

0463

0464

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Ricci Matturo

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

Ricci Matturo

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Ricci Matturo*,

late of the City of New York, in the County of New York aforesaid, on the *Twenty-seventh* day of *March*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force of arms, at the City and County aforesaid, in and upon the body of one *Domenico Santuricello* in the peace of the said People then and there being, feloniously did make an assault and *in* the said *Domenico Santuricello*, with a certain *knife*

which the said *Ricci Matturo* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did beat, strike, stab, cut and wound

with intent *in* the said *Domenico Santuricello* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *Ricci Matturo* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Ricci Matturo*,

late of the City and County of New York, on the *Twenty-seventh* day of *March*, in the year of our Lord, one thousand eight hundred and eighty-*five*, at the City and County aforesaid, with force and arms, in and upon the body of one *Domenico Santuricello*, in the peace of the said People then and there being, feloniously did wilfully and wrongfully make an assault, and *in* the said *Domenico Santuricello*, with a certain *knife*

which *he* the said *Ricci Matturo* in *his* right hand then and there had and held, the same being an *instrument* likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully beat, strike, stab, cut and wound 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.

0465

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
Rigori Matturo
 of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Rigori Matturo
 late of the City ^{and} County of New York, on the 27th day of March,
 in the year of our Lord one thousand eight hundred and eighty-nine, at
 the City and County aforesaid, with force and arms, in and upon the body of one
Domenico Sturniello,
 in the peace of the said People then and there being, feloniously, did wilfully and
 wrongfully make an assault, and him the said Domenico
Sturniello,

in and upon the left arm of him the
 said Domenico Sturniello, did then and there
 feloniously, wilfully and wrongfully strike, beat, stab, cut,
 bruise and wound, and did thereby then and there feloniously, wilfully and wrongfully
 inflict upon him the said Domenico Sturniello
 grievous bodily harm, to the great damage of the said Domenico Sturniello,
 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.

RANDOLPH B. MARTINE.

~~PETER B. OLNEY,~~

District Attorney

0466

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

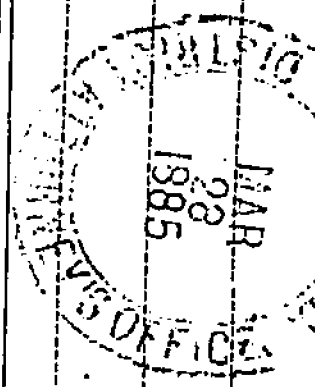
Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Domenech Charles
45 W. Grand St.

Joel Matturo



Offence, *Delinquent Person*

Dated *March 28* 188*5*

Butty Magistrate.

James A. G. O'Connell Officer.

Ed. M. M. M.

Witnesses *Domenech Charles*

No. *45* Grand Street,

No. _____ Street,

No. _____ Street,

No. *500* to answer _____

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 *Joel Matturo*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *five* 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 *March 28* 188*5* *Butty* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0467

Sec. 198-200

CITY AND COUNTY
OF NEW YORK, N.Y.

Second District Police Court.

Giosi Matturo 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. Giosi Matturo

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. Italy

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

Answer. 45 Grand street, N.Y. about 4 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 of the charge
Giosi Matturo
mark

Taken before me this

28

day of March 1885

Police Justice.

0468

Police Court Second DistrictCITY AND COUNTY
OF NEW YORK, } ss.of No. 45 Grand Street,being duly sworn, deposes and says, that
on Friday the 27th day of Marchin the year 1885 at the City of New York, in the County of New York,he was violently and feloniously ASSAULTED and BEATEN by Giosi

Matturo (now here), who wilfully
and maliciously Stabbed and
Cut deponent on the left arm
with a knife which he
the said Giosi held in his
hand, inflicting a serious
wound.

That deponent was
Assaulted by said Giosi as
above said

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without
 any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be ~~apprehended~~ and bound to answer
 for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 28 day
 of March 1885.

P. J. Duffy

POLICE JUSTICE.

Domènico Torturicello
mark

0469

BOX:

173

FOLDER:

1754

DESCRIPTION:

Mazzeo, Joseph

DATE:

04/17/85



1754

POOR QUALITY
ORIGINALS

0470

36758

Witnesses:

V. bifelli

Off West



I have examined the evidence
in the case & I have doubt
as to whether a conviction
could be had. I therefore
recommend the discharge
of the defendant upon his
own recognizance.

Sept. 26, 1887
Wm. M. Davis
Asst Dist Atty

No 134

Counsel,
Filed 17 day of Dec 1885
Pleads *Chargable (w)*

THE PEOPLE

vs.

Joseph Mazzio

duo reus
Sept 9/87

Grand Larceny in the 2nd degree.
(MONEY)
(Sec. 528 and 538, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

June 17/87
A True Bill.
James J. [illegible]
Alfred C. [illegible]
Sept 17/87

Discharge by Court
Sept. 23rd 1887
Sept. 23/87

0471

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Joseph Mergo

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

Joseph Mergo
of the crime of GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said *Joseph Mergo*,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the *Twenty eighth* day of *March*, in the year of our Lord one thousand eight hundred and eighty-*five* at the Ward, City and County aforesaid, with force and arms, in the *day* time of the same day, *one* promissory note 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; *two* 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*; *two* 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*; *two* 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*; *two* 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 twenty 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 ten dollars *each*; *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 five dollars *each*; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of *Twenty four* dollars,

of the proper moneys, goods, chattels, and personal property of one *Vincent R. R. R.* then and there being found, *then and there* feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

0472

Second COUNT.

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

Joseph Marzgo
of the crime of GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Joseph Marzgo,

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the Twenty eighth day of March, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms, in the day time of the same day, one promissory note 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; two 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; four 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; two 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; two 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 twenty 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 ten dollars each; four 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; and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of Twenty four dollars,

of the proper moneys, goods, chattels, and personal property of one divers persons to
the Grand Jury aforesaid unknown, then and there being found, from the person of the said- then and there feloniously did steal, take and carry away, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

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District Attorney's Office.

Part One

PEOPLE

vs.

Joe Maggio
Sept. 23^d

Pera Gallagher
Sept. 13

0474

Dated _____ 188 _____ *Police Justice.*

POOR QUALITY
ORIGINALS

0475

Sec. 198—200

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Joseph Mazzeo

Question. How old are you?

Answer.

30 years 2 age

Question. Where were you born?

Answer.

Italy

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

Answer.

30 Mann St. Brooklyn, one week

Question. What is your business or profession?

Answer.

Contractor

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. That is all
I have to say. and I demand a
trial by jury
Joseph Mazzeo

Taken before me this

day of

188

Alfred J. [Signature]
Police Justice.

POOR QUALITY
ORIGINALS

0476

Police Court—

1st District.

Affidavit—Larceny.

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

Vincenzo Cifelli
of No. *79 Marion* Street, aged *51* years,
occupation *Housekeeper* being duly sworn
deposes and says, that on the *about 28* day of *March* 188*5* at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the *day* time, the following property viz:

*Good and large money of the United
States to the amount and of the
value of twenty-four dollars*

the property of *deponent*

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by *Joseph Mazzeo, now here,*

*for the reasons following, to wit: That
said deponent then and there came
to deponent and asked deponent to
hire and engage fifteen men
to work for him, said deponent,
on a rail-road near Poughkeepsie.
That he, said deponent, demanded
of deponent the sum of one dollar
and a half for each man so
engaged as payment for their ex-
penses to said work. That deponent
believing the statements and the
representation of said deponent,
viz: that he, said deponent, had then*

Subscribed before me this

1885

Police Justice

POOR QUALITY
ORIGINALS

0477

work and employment for said men
thereupon gave said defendant the
money aforesaid, upon the assurance
of said defendant that he, said
defendant, would take said men
away with him to such employment
on said day. That said defendant
went away from deponent with said
money in his possession and did not
thereafter return and failed to employ
said men, or either of them; and
deponent has since ascertained that
said defendant had not any employ-
ment for said men and that his
statements as to such employment were
false and untrue and were knowingly
made by cheat and fraud and deponent
sworn to before me this
10th day of April 1885 & Viscongo 2nd.

Dated 1885
There being no sufficient cause to believe the within named
guilty of the offense mentioned, I order he to be discharged.
Police Justice.

Dated 1885
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Police Justice.

Dated 1885
of the City of New York, until he give such bail.
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
committed, and that there is sufficient cause to believe the within named
It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District,

Office—LARCENY.

THE PEOPLE, &c.,
on the complaint of

1. 2. 3. 4.

Due 1885

Magistrate.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions.

THE PEOPLE &c.

V S.

JOSEPH MATTEZO.

AFFIDAVIT OF DEFT.

Thomas C. E. Ecclesine,
Counsel for defendant,
44 & 46 Broadway.

0478

0479

The People &c.

agst.

Joseph Mattezo.

CITY AND COUNTY OF NEW YORK, SS:

Joseph Mattezo being duly sworn says that he is the defendant in the above entitled action; that he is now in the City prison awaiting trial being indicted for larceny; that owing to the crowded state of the calendar he is unable to have his case placed upon the calendar for trial, although his counsel has made every effort to have the same brought on; the circumstances under which the alleged larceny took place are as follows: Defendant is now and has been for many years engaged as a foreman of Italian laborers, working on various railroads and public works in this and other States. That on or about the day of *April 1885* one *Vigence* *Bebole* met this deponent in *Spring* Street in this City; that there were present with the said *Bebole* a number of Italian laborers in or about *ten*; that the said *Bebole*

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asked deponent if he knew of any work whereon he and the said Italian laborers could be employed; that deponent informed him that he thought there was some work up the river at *Poughkeepsie*; that if his fare and expenses were paid he would go up and endeavor to procure employment for the said *Levole* and the said Italian laborers; that said *Levole* inquired how much that would be and deponent said from twenty to thirty dollars thereupon the said Italian laborers agreed to contribute and did contribute the sum of one dollar and one half a piece for the purpose of defraying the expenses of deponent in his journey up the river to look for work; that deponent went up the river to *Poughkeepsie* ~~that at the time deponent met said *Levole*, he had with said~~ his bank book, representing a credit of some eighteen dollars, as security in his ~~overcoat pocket, and that in some way unknown to deponent for the faithful performance of his agreement which said *Levole* obtained possession of said bank book, and ~~bank book~~ the said *Levole* still holds and ~~the same~~ retains~~ that deponent was absent from the city some three days and on his return was arrested on the complaint of *Levole* who alleged that he had obtained the said sum by false and fraudulent representation; that from that time until the *13th* day of *September* 1887, deponent has been unable to procure a trial of his case but that he has from time to time been approached by the said *Levole* who has offered to compromise the case if deponent would agree to pay him fifty dollars and with similar propositions have been made by

0481

3

him to one James Marsh, a friend of deponents, but that deponent and the said James Marsh acting under the advice of deponent's counsel, have uniformly refused to pay the said fifty dollars although deponent has repeatedly offered to pay back the dollar and a half to each of the laborers who contributed the same, although he denies that the same was obtained by any false or fraudulent representation. That deponent is a married man having a wife and *four* ~~number~~ *four* children depending on him for support, that he was brought on here from the state of Connecticut where he was engaged in honest and profitable employment and where he had succeeded by his industry in establishing a home for himself and his family. That said employment will be lost to deponent and said home broken up and destroyed unless he can be accorded a speedy trial.

W H E R E F O R E deponent prays either that his case be placed at once upon the calendar of the court for trial, or that he be discharged upon his own recognizances or on nominal bail, or that the complaint herein be dismissed against him.

Sworn to before me this

22nd day of Sept 2 1887.

Fredrick E. Edwards

Notary Public

W. H. Geo.

Joseph H. Haggard