

0568

BOX:

509

FOLDER:

4643

DESCRIPTION:

Meagher, Daniel

DATE:

01/19/93



4643

0569

Witnesses:

John Baker
Officer Baker

(1903)

Counsel,

Filed

day of

1903

Plends,

THE PEOPLE

vs
John Baker
vs
John Baker

Daniel McLaughlin

Grand Larceny, second Degree.
(Sections 523, 524, Penal Code.)

Dr LANCEY NICOLL,

District Attorney.

A TRUE BILL.

J. Cathin

Foreman.

Park 3, January 24, 93

Plends Peter's Larceny.

6 moo for B.

0570

Police Court / District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 12 West Street, aged 24 years,
occupation Latimer being duly sworn,

John Haffey

deposes and says, that on the 15 day of June 1893 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 night time, the following property, viz:

One silver watch of the value of twenty six 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 Daniel Baker (now here) for the reason that on said date deponent went into the lodging house at 22 Chatham Square and as deponent was going to bed, the defendant told deponent to give him his watch and he would take care of it. Deponent thereupon gave to defendant his watch and when deponent later asked defendant was his watch defendant told him that he had not given him the said watch. Deponent is informed by Officer Peter Carter of the 14th Precinct that the defendant admitted to him that the deponent had given him the defendant the said watch, but that some unknown person had stolen it. Wherefore deponent charges the defendant with grand Larceny.

John Haffey
mark

Sworn to before me, this 15 day

of 1893
Police Justice.

0571

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 30 years, occupation Policeman of No. 4th Precinct Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of John Haffey and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 15 day of July 1893 } Peter Carter

Adm. Mahon Police Justice.

0572

Sec. 198-200.

District Police Court.

1882

City and County of New York, ss:

Daniel Baker 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. Daniel Baker

Question. How old are you?

Answer. 43 years

Question. Where were you born?

Answer. New York

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

Answer. 22 Chatham Square 5 years

Question. What is your business or profession?

Answer. Brush Finisher

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

Daniel Meagher

Taken before me this 19 day of April 1892
H. J. ...
Police Justice.

0573

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,.....189..... *[Signature]* Police Justice.

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

Dated,.....189..... Police Justice.

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

Dated,.....189..... Police Justice.

0571

Police Court--- District.

1894

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Taffer
12 West
1 Daniel Baker

2
3
4

Offense *Armed*
Armed

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated, *January 13* 189 *3*

W. M. Carter Magistrate.
Officer.

Precinct. *2*

Witnesses *Peter Carter*

No. *4th Precinct* Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *G.S.*

at
and

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Daniel Meagher

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

Daniel Meagher

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

The said Daniel Meagher,

late of the City of New York, in the County of New York aforesaid, on the 15th day of January in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, with force and arms,

one watch of the value of

Twenty-six dollars

[Large handwritten flourish]

of the goods, chattels and personal property of one John Haffey

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.

Second COUNT-

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said *Daniel Meagher* of the same CRIME OF *Grand LARCENY, in the second degree*, committed as follows:

The said *Daniel Meagher*, late of the City of New York, in the County of New York aforesaid, on the *fifteenth* day of *January* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, being then and there the *bailee* of *one John Haffey* -

and as such *bailee* then and there having in *his* possession, custody and control certain goods, chattels and personal property of the said *John Haffey* the true owner thereof, to wit:

one watch of the value of twenty-six dollars

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously appropriate the said *watch* to *his* own use, with intent to deprive and defraud the said *John Haffey* of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said *John Haffey*

did then and there and thereby feloniously steal, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0577

BOX:

509

FOLDER:

4643

DESCRIPTION:

Meyer, William

DATE:

01/26/93



4643

0578

Witnesses:

Officer Jones

249

Counsel,

De Lancey
day of *Jan* 1893

Filed,

Pleas,

Allymbly 3/26/93

THE PEOPLE

vs.

B. B.
William Hoyer

VIIAIIQIOW OF THE EXCISE LAW.
[Chap. 401, Laws of 1892, § 82.]
selling, etc., on Sunday.

De Lancey

DE LANCEY NICOLL,

District Attorney.

Parish

A TRUE BILL.

John L. Latham
24th Dec. 22 93
Foreman.

Perfected

0579

5

District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss:

William Meyer 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 sees 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.

William Meyer

Question. How old are you?

Answer.

25 years old

Question. Where were you born?

Answer.

Germany

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

Answer.

200 East 114 St Eight years

Question. What is your business or profession?

Answer.

Saloonkeeper

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
If held demand trial by Jury
William Meyer*

Taken before me this

day of *January* 189*3*

M. J. White

24

Police Justice.

0580

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 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, Jan 2 1895 *[Signature]* Police Justice.

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

Dated, Jan 2 1895 *[Signature]* Police Justice.

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

Dated, _____ 1895 _____ Police Justice.

058

Selling on Sunday. 16
Police Court--- 3 --- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John H. Jones
vs.
Wm Meyer

10 of Col. Cal
offense

BAILED,

No. 1, by Thomas H. Smith
Residence 161 East 113 Street.

No. 2, by Geo. W. Cummings
Residence 95 E. 114" Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

2
3
4
Dated, Jan'y 2 189 3
Welde
Jones
29
Magistrate.
Officer.
Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

* 100 to answer

Bailed

0582

COURT OF GENERAL SESSIONS, Part 3

THE PEOPLE

INDICTMENT

vs.
Henry Meyer

For

*Moved away
Madden*

To

Thomas H. Smith

No. *161 East - 113* Street.

The indictment against the above-named defendant, for whose appearance you are bound, has been placed upon the Calendar for *Trial* at the Court of GENERAL SESSIONS of the Peace, at the Sessions Building, adjoining the New Court House in the Park of the said City, on the *18* day of *DECEMBER* instant, at eleven o'clock in the forenoon. If the defendant is not produced at that time, your bond will be forfeited.

DE LANCEY NICOLL,
District Attorney.

0583

Excise Violation—Selling on Sunday.

POLICE COURT, 5 ¹⁹¹⁰ DISTRICT.

CITY AND COUNTY }
OF NEW YORK, } ss :

John H. Jones
29 Maciner Street, of the
City of New York, being duly sworn, deposes and says, that on SUNDAY, the

day of January, 1893 in the City of New York, in the County of New York,
at premises No 20 79~~209~~ Third Ave Street,
William Meyer (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 William Meyer
may be arrested and dealt with according to law.

Sworn to before me, this 2 day of January, 1893.
John H. Jones
Police Justice.

0584

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 Meyer

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

William Meyer

of the CRIME OF SELLING STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER ON SUNDAY, committed as follows:

The said

William Meyer

late of the City of New York, in the County of New York aforesaid, on the day of *January* ^{1st} ~~three~~ in the year of our Lord one thousand eight hundred and ninety-~~three~~, at the City and County aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, ~~to one~~

and to certain other 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 New York and their dignity.

SECOND COUNT—

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

William Meyer

of the CRIME OF OFFERING AND EXPOSING FOR SALE ON SUNDAY STRONG AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

William Meyer

late of the City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, the same being Sunday, certain strong and spirituous liquors, wines, ale and beer, to wit: One gill of wine, one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial, one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer, and one gill of a certain strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did offer and expose for sale to one

and to certain other persons whose names are *John H. Jones* 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.

DE LANCEY NICOLL,

District Attorney.

0585

BOX:

509

FOLDER:

4643

DESCRIPTION:

Miller, Frank

DATE:

01/20/93



4643

0586

1012

Witnesses:

John Spears

Isaac Shapiro

Counsel,

Filed

1893

Pleas,

THE PEOPLE

Burglary in the second degree. Section 49, Penal Code

Frank Miller

Frank Miller

DE LANCEY NICOLL,

District Attorney.

July 30th 1893

A TRUE BILL.

9 - 1 - 1893

Foreman.

Park 3 January 30/93

Pleas Attempt Burglary

370 St. P. N.Y.

0587

Police Court— 3 District.

City and County } ss.:
of New York,

John Speas

of No. 108 Allen Street, aged 40 years,
occupation Janitor being duly sworn

deposes and says, that the premises No 108 Allen Street, 10th Ward

in the City and County aforesaid, the said being a living apartment
on the first floor rear premises
and which was occupied by deponent as a

and in which there was at the time a human being, by name Fanny Speas

were **BURGLARIOUSLY** entered by means of forcibly removing latch
on the window and raising the
said window.

on the 4th day of January 1893 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

A quantity of clothing and money
all of the value of fifty dollars
(\$50.00)

the property of Abner & Abner's family
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

Frank Miller (brother)

for the reasons following, to wit: that before returning Abner's
securely locked and fastened the said
premises that Abner awoke
and found the said defendant
in the said premises.

Sworn to before me }
this 10th day of Jan 1893 } X John E. Gibb
(Signature)
Police Officer

0588

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Miller

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. *Frank Miller.*

Question. How old are you?

Answer. *28 years.*

Question. Where were you born?

Answer. *Germany*

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

Answer. *135 Eldridge St. 2 weeks*

Question. What is your business or profession?

Answer. *Waiter*

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
Frank Miller.*

Taken before me this _____ day of _____ 1932
[Signature]
Police Justice.

0590

D. DeLacour
Belleme Street
Ind. 1042

Police Court, 3 District. ³¹

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Tom Shaver
188 Allen
Frank Silliman

Officer
McJannet

2
3
4

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, *Jan 9* 1893

W. J. ... Magistrate.
Tom Kleday Officer.
4 Precinct.

Witnesses *Frank Silliman*
No. *1234 DeKult Ave* Street.
Call Officer

No. *Lucas Shakin* Street.

No. *188 Allen* Street.
2000 to answer

Lu
Bury

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Miller

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

Frank Miller

of the CRIME OF BURGLARY in the *second* degree, committed as follows:

The said *Frank Miller*

late of the *10th* Ward of the City of New York, in the County of New York aforesaid, on the *seventh* day of *January* in the year of our Lord one thousand eight hundred and ninety-*three* in the *night* - time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *John Spens*

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *John Spens*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away,

[Handwritten flourish]

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

De Lancey Nicoll,
District Attorney.

0592

BOX:

509

FOLDER:

4643

DESCRIPTION:

Minogue, Thomas

DATE:

01/05/93



4643

0593

BOX:

509

FOLDER:

4643

DESCRIPTION:

Riley, Thomas

DATE:

01/05/93



4643

0594

BOX:

509

FOLDER:

4643

DESCRIPTION:

Gregory, Frank

DATE:

01/05/93



4643

0595

BOX:

509

FOLDER:

4643

DESCRIPTION:

Gregory, Frank

DATE:

01/05/93



4643

0596

Witnesses:

Geo Steiner

Chas Nagler

Wm. C. Williamson
meets by me in
his case I am
satisfied that the
proper cannot show
a Thomas Martin
on the part of the
Bos. Socy. The Justice
now at New. I am
not for the same thing
discharge, upon the
one receiving
the other, both of them
and

76

Counsel,
Filed *[Signature]* 1893
Plends *[Signature]*

THE PEOPLE
vs.
Thomas Minquist
Thomas Riley
and
Frank Gregory

Grand Larceny, Second Degree,
[Sections 528, 529, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

John III. Kelly
Jury

A TRUE BILL.

J. Cathin

Foreman.

Part 3 January 15/93
All discharged on their
verbal recognizance.

0598

(1865)

Police Court— H District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 413 West 35th Street, aged 31 years,
occupation Blackman being duly sworn,

George Stover

deposes and says, that on the 27 day of November 1892 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 night time, the following property, viz:

One Horse and Cab and Harness of the value of Two hundred dollars

the property of Deponent

Sworn to before me, this 27 day of November 1892

Police Justice.

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 Thomas Monagas, Thomas Kelly and Frank Gregory (all workers in a factory in concert) from the fact that on said date deponent left the said horse and cab standing in front of the premises 344 West 40th Street and shortly after deponent missed the said property. Deponent is informed by Charles Miller No 579 East 133rd Street that on said date about the hour of 10 am. he saw a horse and cab stop in front of his residence and the said defendant Monagas driving said horse and the said defendant Kelly and Gregory inside said cab. Said defendant

0599

Left said Mrs. and Cal standing
in front of said premises and would say
Deponent has since seen the said ~~Apple~~
and Cal and fully and positively identifies
it as the property taken stolen and
carried away from deponent's possession

Sworn to before me this } George Steurer.
29 day of December 1892 }

J. H. McNeill
Judge Justice

0600

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Thomas Rully

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

Question. What is your name?

Answer. *Thomas Rully*

Question. How old are you?

Answer. *19 Years*

Question. Where were you born?

Answer. *Wis.*

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

Answer. *328 West 40 Street. 3 weeks*

Question. What is your business or profession?

Answer. *Bill Boy*

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*
Thomas Riley

Taken before me this

day of

19

1891

[Signature]
Police Justice.

0601

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Mingoque

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

Question. What is your name?

Answer. *Thomas Mingoque*

Question. How old are you?

Answer. *20 Years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *558 West 4th Street 3 months*

Question. What is your business or profession?

Answer. *Paper Business*

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*

Thomas Mingoque

Taken before me this

day of

188

H. Mingoque
Police Justice.

0602

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Gregory 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. *Frank Gregory*

Question. How old are you?

Answer. *21 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *254 47th St. East 1 1/2 Years*

Question. What is your business or profession?

Answer. *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*

Frank Gregory

Taken before me this

Nov

1891

Police Justice.

A. H. ...

0603

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 0 Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, 1897 189 W. H. Smith Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

0604

11

Police Court--- ✓ District.

THE PEOPLE, s.s.
ON THE COMPLAINT OF

1 *Geo. Stewart*
2 *Thomas Murray*
3 *Thomas Kelly*
4 *Frank Gregory*

Offense *Larceny*

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, *Dec 29* 189 *2*

W. H. ... Magistrate.
Ken & Philan Officer.

Witnesses *C. Nagler* Precinct.

No. *579 E 133* Street.

No. Street.

No. *500* Street.

\$ *500* to answer *Geo.*

(Signature)

0605

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Charles Nagler

aged 11 years, occupation School Boy of No.

579 East 123 Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of George Stinson

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

Sworn to before me, this 21st
day of Dec 1892

Charles Nagler

J. M. ...
Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Thomas Minogue, Thomas Riley and Frank Gregory

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

Thomas Minogue, Thomas Riley and Frank Gregory
of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed

as follows:

The said

Thomas Minogue, Thomas Riley and Frank Gregory, all -

late of the City of New York, in the County of New York aforesaid, on the 27th day of December in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

one horse of the value of one hundred dollars; one vehicle to wit: one cab of the value of seventy-five dollars, and one set of harness of the value of twenty-five dollars

of the goods, chattels and personal property of one

George Steurer

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.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Thomas Minogue, Thomas Riley and Frank Gregory
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Thomas Minogue, Thomas Riley*
and Frank Gregory, all —
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

one horse of the value of one hundred dollars, one vehicle, to wit: one cab of the value of seventy-five dollars, and one set of harness of the value of twenty-five dollars

of the goods, chattels and personal property of one

George Steurer

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

George Steurer

unlawfully and unjustly did feloniously receive and have; the said

Thomas Minogue, Thomas Riley and Frank Gregory

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0608

BOX:

509

FOLDER:

4643

DESCRIPTION:

Mitchell, Thomas

DATE:

01/13/93



4643

0609

Witnesses:

Louis Lyons
Officer Shuris

(179)

Counsel,

Filed

Pleads,

City of Chicago

189

W. C. Williams

THE GEORGE

242 West Superior St.
Chicago, Ill.

Thomas E. Mitchell

Grand Larceny, Second Degree,
[Sections 238, 237, 187,
Penal Code.]

Dr LANCEY NICOLL,

District Attorney,

A TRUE BILL.

J. Cahill

Foreman

Part 3 - January 24, 1893

Pleads Attorney

Ed R. G. J.

06 10

Police Court

5th

District.

Affidavit—Larceny.

City and County }
of New York, } ss:

John Beckman Jr
of No. 327 E. 78th Street, aged 24 years,
occupation Livery stable being duly sworn,
deposes and says, that on the 6th day of January 1893 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the night, the following property, viz:

One horse of the value
of one hundred and fifty dollars
(\$150.00)

the property of John Beckman deponent's father
and in deponent's possession

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 Thomas E. Mitchell (name)
from the fact that deponent missed
said horse from the street cleaning
reportant-stable on West 78th Street

Deponent is informed by Officer Joseph
A. Levi that at about the hour of
11:20 o'clock a. m. January 7th he
found this defendant at the corner of
3rd Avenue + 106th St with said horse in
his possession which he was offering to sell.
Wherefore deponent charges this defendant
with feloniously taking stealing and
carrying away said property.

John Beckman Jr

Sworn to before me, this

of 1893

John W. ... Police Justice.

06 11

1877

CITY AND COUNTY }
OF NEW YORK, } ss.

Joseph A. Lewis
aged _____ years, occupation Police Officer of No.

27th Street Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of John Buchanan Jr.
and that the facts stated therein on information of deponent are true of deponent's own

knowledge.

Sworn to before me, this 8
day of May 1897

Joseph A. Lewis

John P. ...
Police Justice.

06 12

Sec. 198-200.

5 v District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss:

Thomas E. Mitchell 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 sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Thomas E. Mitchell*

Question. How old are you?

Answer. *24 years old*

Question. Where were you born?

Answer. *Pennsylvania*

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

Answer. *387. Bleeker St. 6 mos*

Question. What is your business or profession?

Answer. *Salesman*

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 have been on a drunk for two weeks and do not know anything about this case.

Thos E Mitchell

Taken before me this

day of *Dec* 189*7*

John H. ...

Police Justice.

06 13

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

.....
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of 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, 189..... John W. ... Police Justice.

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

Dated, 189..... Police Justice.

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

Dated, 189..... Police Justice.

06 14

Police Court--- 5 District ³³₁₈₉₄

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Dickman
27 E 15th
Thomas E. Mitchell

W. C. C. C. C.
W. C. C. C. C.

BAILED,

No. 1, by.....

Residence Street.

No. 2, by.....

Residence Street.

No. 3, by.....

Residence Street.

No. 4, by.....

Residence Street.

2
3
4

Dated, *January 8* 189 *7*

W. C. C. C.
Joseph A. Lewis

Magistrate.

Officer.

Precinct.

Witnesses

No. *27. West-19th* Street.

No. *342 E 106* Street.

No. _____ Street.

\$ _____ to answer *JP*

W. C. C. C.
W. C. C. C.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas E. Mitchell

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

Thomas E. Mitchell

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

The said *Thomas E. Mitchell*

late of the City of New York, in the County of New York aforesaid, on the *sixth* day of *January* in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms,

*one horse of the value of
one hundred and fifty
dollars*

of the goods, chattels and personal property of one *John Bickmann*

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.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Thomas E. Mitchell

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Thomas E. Mitchell*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

one horse of the value of one hundred and fifty dollars

[Handwritten flourish]

of the goods, chattels and personal property of one *John Bickmann*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said *John Bickmann*

unlawfully and unjustly did feloniously receive and have; the said

Thomas E. Mitchell

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

06 17

BOX:

509

FOLDER:

4643

DESCRIPTION:

Mooney, William

DATE:

01/16/93



4643

0518

Witnesses:

Nathan Seiden

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

(147)

Counsel,

Filed

1893

Pleads,

16 day of July
by *W. M. [unclear]*

THE PEOPLE

vs.

*William Mooney
(alias Manning)*

Robbery,
Degree,
(Sections 224 and 22 Pennl Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

J. L. Cathin

Foreman.

July 11/93

True & Acquitted

06 19

Police Court-- District.

CITY AND COUNTY }
OF NEW YORK, } ss

Seiden

William Seidel

of No 386 East 10 Street, Aged 31 Years

Occupation *Button Hole maker* being duly sworn, deposes and says, that on the 6th day of January 1893, at the 11th Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

One coat.

of the value of *Five* DOLLARS,
the property of *Dr Holtzman* of 300 East 3rd Street
and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away, by force and violence as aforesaid by

William Morrey (rowler) and two unknown men not yet arrested. In the fact that at about 8 o'clock P.M. said deponent was passing through East 10th Street. that he was then and there carrying a bundle of nine coats on his left arm. that when deponent was about approaching Ave C. he saw the Defendant and two unknown men together and in company of each other that as deponent

Subscribed and sworn to before me this 11th day of January 1893.
Police Justice

0620

passed the defendant and said unknown
man me of the unknown man
struck defendant in the head, knocking
defendant hat off that the defendant
then by force and violence and against
defendant will took the said
bundle of coats from defendant arm
and threw man in the street that
when defendant recovered the said
bundle he discovered that there
was no coat missing.

I am to give me.
this day of Monday 1892

[Signature]
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been
committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1888
Police Justice

Police Court, District,
THE PEOPLE, &c.,
on the complaint of
vs.
1
2
3
4
Dated 1888
Magistrate
Officer
Clerk
Witnesses
No. Street
No. Street
No. Street
§ to answer General Sessions.

0621

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY } ss.
NEW YORK, }

William Mooney 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. *William Mooney*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *325 East 16th Street; 1 month*

Question. What is your business or profession?

Answer. *Driver*

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 J Manning

Taken before me this

19th
day of *January* 188*7*

Police Justice.

[Signature]

0622

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

James J. [unclear]
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, Jan 7th 1893

[Signature]
Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

062

Police Court, 3 District. 37

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Nathan Seiden
William Morrey

Offense *Robbery*

BAILED.

No. 1, by

Residence..... Street.

No. 2, by

Residence..... Street.

No. 3, by

Residence..... Street.

No. 4, by

Residence..... Street.

2
3
4

Dated, *Jan 7* 1893

Hogan Magistrate.

Doornally Officer.

Moritz Adler Precinct

Witnesses No. *16* Street.

M. Hollman

No. *300* Street.

No. Street.

\$ *1000* to answer

Clu

0624

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 Moore

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

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

The said William Moore

late of the City of New York, in the County of New York aforesaid, on the sixth day of January, in the year of our Lord one thousand eight hundred and ninety-three, in the day time of the said day, at the City and County aforesaid, with force and arms, in and upon one William Deided, in the peace of the said People then and there being, feloniously did make an assault; and

one part of the value of five dollars,

of the goods, chattels and personal property of the said William Deided from the person of the said William Deided, against the will and by violence to the person of the said William Deided, then and there violently and feloniously did rob, steal, take and carry away, the said William Moore being then and there aided by an accomplice actually present, whose name is 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.

William Moore, District Attorney

Indicted by Grand Jury
William Deided
Accused by
William Deided

0625

BOX:

509

FOLDER:

4643

DESCRIPTION:

Morello, Antonio

DATE:

01/13/93



4643

0626

BOX:

509

FOLDER:

4643

DESCRIPTION:

Morello, Constance

DATE:

01/13/93



4643

0627

POOR QUALITY ORIGINAL

Witnesses:

Donato Bibonas

After considering all of the evidence laid before the jury at the trial of Antonio Morello, & in view of the fact that no additional evidence is attainable, I believe that it would be impossible to convict the defendant Constance Morello of any crime. The jury in finding Antonio guilty of manslaughter concluded that the defendant Constance had been insulted & otherwise maltreated by the deceased & his companions, & the shooting originated in that transaction.

I therefore recommend the dismissal of this indictment as to the woman Constance Morello.

Mar. 13. 1893-

Vernon M. Davis
Clerk.

Counsel,

Filed 13th day of June 1893

Pleads,

THE PEOPLE

vs.

I

Antonio Morello

Constance Morello

DE LANCEY NICOLL,

District Attorney.

Jan. 19 for trial - N.M.S.

Part 1. May 12. 1893

A TRUE BILL.

See endorsement.

J. Cathin
Foreman
June 26/93

N. A. Lee as Attorney
in pro of Robert M. ...
20
July 3/93

Murder in the First Degree.
(Section 183, Penal Code.)

131

~~Let Carter~~

0628

POOR QUALITY ORIGINAL

13

Witnesses:

Dorothea Kibben

After considering all of the evidence laid before the jury at the trial of Antonio Morillo, & in view of the fact that no additional evidence is attainable, I believe that it would be impossible to convict the defendant Constance Morillo of any crime. The jury in finding Antonio guilty of manslaughter concluded that the defendant Constance had been insulted & otherwise maltreated by the deceased & his companions, & the shooting originated in that transaction.

I therefore recommend the dismissal of this indictment as to the woman Constance Morillo.

Mar. 13, 1893-

Vernon M. Davis
Clerk.

Counsel,

Filed *13* day of *March* 189*3*

Pleas,

Not guilty
THE PEOPLE

Antonio Morillo

Constance

DELANCEY NICOLL
District Attorney

Jan. 17 for trial - V.M.D.

A TRUE BILL.

V. Davis
any 26/93
has as no 2
in no of selecty 400
with 1000
left 1000/10/93
20 *Mar 13 1893*
July 3/93

COURT OF GENERAL SESSIONS.

PART I.

The People of the State of New York	:
	:
against.	:
Antonio Morello, impleaded with Constance	: Before Hon.
Morello.	: Frederick
	: Smyth, and a
	: Jury.
	:
	:

Indictment filed January 13th, 1893.
Indicted for Murder in the First Degree.

New York, January, 19th, 1893.

APPEARANCES: For the People; Assistant District
Attorney, Vernon M. Davis.

FOR the Defendant, Mr. Charles E.
Le Barbier.

FRANK E. TOWLE, a witness for the People, sworn testi-
fied:

Direct examination:

I am City Surveyor of New York. I made the
 diagram which you show me; it is correct of the locality
 marked upon it. It's scale is 20 feet to one inch.
 It represents the locality between Bayard and Hester
 Streets on Mulberry Street. At 71 Mulberry Street is
 a small Italian bank; next to that upstairs is a photo-
 graphers; on the ground floor is a butcher shop. 71 $\frac{1}{2}$
 is a brick house with a saloon on the north side, and
 a hallway on the south side; this is on the west side
 of Mulberry Street. The hallway is ^{not} between the butcher
 shop and the saloon, it is in the building of 71 1/2;
 on the north is the saloon, on the south is the hallway.
 That diagram correctly represents the sidewalk. The
 showcase is represented on the sidewalk. I made that

0630

2

diagram on the 18th of January, 1893. It correctly represents everything in regard to the direction of the streets, the sidewalk and house line &c. . The distance from No. 71 to 115 Mulberry Street is 575 feet.

Cross examination:

The stand was about 5 feet 7 inches high. The width of the sidewalk is 13 feet. The hallway there is one in which you go in a little way and then go up the stairs to the next floor.

DOMATO BIBONE, a witness for the People, sworn, testified, through an interpreter:

Direct examination:

I live at 492 Water Street; I knew the deceased Francesco LMele, two months before he was killed. I boarded in the same house with him 49 Mulberry Street for one month. I saw him December 4th opposite 49 Mulberry Street about 8 o'clock in the morning Sunday. I saw him again after he was killed--about four o'clock I was there when he was killed, it was opposite 73 Mulberry Street. In was on the sidewalk four or five minutes with him, I spoke to him. We were talking and a woman passed; I cannot say if that is the woman (pointing to Constance Morello). Mele said "Good evening"; then she turned and said; "How dare you bid me good evening, you don't know me; we have never had any relations together" and she slapped him on the face. Some people separated them, telling her that Mele had but one arm. His left arm was off. After that she said,

0531

3

"It is all right; I am going to get my husband, and have you killed". She then went towards Canal Street. Mele stopped there talking and said; "For no reason, I have been slapped in the face". . Mele remained opposite the door of the saloon; I stepped about seven steps away. After five minutes the woman returned with a man. I cannot say if he is the man (referring to defendant) because I only saw him that night and did not know him before. They were walking fast, and the woman said, touching the man, "This is the man". The man shot the deceased. I saw the revolver; he pointed it at the deceased. After the first shot the deceased said, "Don't kill me, don't kill me, as I have done nothing"; then I heard the man say, "For the blood of the Virgin you are not dead yet": Then I heard other shots. Mele put his hand to his breast and said "Virgin Mary, I am dead"; he turned on himself and fell down, on the sidewalk at the entrance to the alleyway. The man who shot him then ran away towards Canal Street: I did not see the woman because there was a crowd. I went over to Mele; I did not see his wounds; a policeman turned him over and he was dead. I then went with the police and other persons to the Station House. I saw the man who shot him, brought back to where Mele was. I cannot say it was the defendant; I remember a yellow necktie; it was like that of the defendant; he had a mustache like the defendant. That is the officer who brought him back (Officer Barry).

After the policeman brought the man back to Mele,

I went to my home. I did not see the body after that. I did not go to the station house that day. I cannot positively identify this woman. When she returned with the man they came from the direction of Canal Street.

Cross examination:

I am an organ player about fourteen months. I have been in the United States about six years. Before I was an organ player, I was a waiter in the country. 49 Mulberry Street is a boarding house. After seeing Mele there at 8 o'clock I went to see two friends who were leaving the town and going to the country. Have been living in New York 18 months. I know the streets; I don't know their names. I had no drinks that morning. At 12 o'clock on that day I was at 53 Mulberry Street, at the house of Gerolmo, and remained there till three o'clock. I then went to Canal street looking for my brother in law; I expected to find him on the street. At 4 I was on my way home and met Mele; I don't know the number, but I have been told it was opposite 73 Mulberry Street. We were just near the saloon. I know Mulberry Street well. I know there is a hallway to a yard next to the saloon. We had scarcely said four words when the woman passed. We were opposite the saloon. There were people around us; I did not know any of them. The woman passed pretty close to Mele; she was walking fast. When hsi words were said she caught him by the coat and immediately said; she gave him four or five

slaps; nobody separated them, after she slapped him she ran away. I didn't say that people separated them. The people remarked about his arm but they didn't separate them. When he said "Good evening" I didn't say anything I was filling my pipe; when she slapped him I was lighting my pipe; I went towards a wagon. After lighting my pipe I did not see the woman any more. I was lighting my pipe when I heard her utter the words; "I am going to fetch my husband, and I will have you killed". Mele talked to the other people.

I had the same room with Mele; I was friendly with him. After the woman's threat, I saw her going up town; I was smoking and looking at the photographs. There were four or five persons around Mele when the woman came back; they were the same that were there when the woman was there first. When the man and woman came back they were close to Mele when I saw them; the first I saw was the woman put her a hand on the shoulder and the man fired. She said, "This is he", and then the shot was fired. The shots were fired in quick succession. I was dazed. I did not run away, I went behind the photographer's stand. When the deceased said "Don't kill me" he was still standing. Then the other man said "For the Blood of the Virgin&c" and then I heard other shots. Those were the only words.

I have never been convicted of any crime.. Someone called Police. I saw the deceased fall on his face; I saw no blood.

GIOVANNI VANACORI, a witness for the people, sworn, testified:

Direct examination:

I live at 105 Park Street. On the 4th of December, Sunday, I was calling at 77 1/2 Mulberry Street. I saw the woman Constance Morello coming down the street; I was standing opposite 71 1/2; that is a saloon. Antonio Morello was with her. The woman pointed at the deceased and said "That is the man. Then I saw the prisoner pulling the revolver out of his pocket and shoot. I heard two shots. I saw the man running away and the woman running, and I followed him. He was caught at No. 90 Baxter Street by Officer Barry. He had the pistol. I said to the Officer "Arrest this man because he has just killed a man on Mulberry Street with one arm". . . We came through Baxter Street, Canal Street and Mulberry Street to where the deceased was; he was lying in the hallway with the head just at the door. The policeman asked him if he killed the man; I didn't hear him saying anything but he lifted up his shoulders. I saw blood on the ground and also on the breast of the deceased. The prisoner was taken to the station house and went also, and after eight minutes came back to the hallway. I saw the dead man put on a stretcher, and carried by the police between Mott and Bayard Streets. Then I went home. I saw the deceased Monday night at Bacigaloupi's Undertaking shop. I saw Nino Basso, and Frank Cuoco there. I remained there ten minutes and went home. I didn't see the coro-

ner there. I didn't see the woman the first time she passed the man Mele. When Mele was shot I saw him put his hand up and say "I don't do nothing". while the defendant was shooting. There was an excited crowd there.

Cross examination:

I belong to the Department of Street Cleaning. Have been here since 1879. I never saw deceased before. My friend at 77 1/2 Mulberry is Pasquale Celeno. I worked that Sunday 'till noon and went to his house about three o'clock. I left his house at half past three and stopped on the sidewalk opposite 71 1/2. There were other people standing there but none of my friends.. I know Donato Bibone by sight. He was then talking to another old man whom I know by sight, who has been in this court room. Mele was in front of the saloon, I was about six feet away from him. Bibone and the old man were near him. When the man and woman came along .the woman did not seem to be pulling the man. I recognize the diagram shown me . This man and woman came down from Canal Street. I cannot tell whether the man or woman was on the inside . The position that you have marked are the positions that these people respectively occupied, when I heard the shots. I am sure he fired two shots. He took the pistol from his pocket. I followed the witness; I did not see Donato any more at that time. I was a little distance behind the prisoner when I was running after him as he had the pistol and I was afraid.. At 71 The saloon door

is near the centre and the hallway is towards Bayard Street. There were People standing v between Male and the hallway. There was a crowd around. I had not been in 71 1/2 that day.

LEONARDO DIMINO, a witness for the People, sworn, testified:

Direct examination:

I lived at 115 Mulberry Street on the 4th of December. I keep a saloon. I have known the defendant Morello in the other country and in this country two years. On that day at half past three in the afternoon he asked me t for three dollars I owed him. His wife Constance Morello came with him, and she said to him; "Let us go home. They went out together at a quarter to four. After fifteen minutes I heard that a man was shot. I did not leave my house that evening; I went to the sidewalk. I heard the name of the man who shot, but not the name of the deceased. . When defendant's wife was in my house she did not remain any length of time; she only spoke to the defendant. I am a friend of the defendant's. He was in the kitchen; she came in there. I recognize the diagram shwon me, I have never been in No. 71 1/2 but have passed it.

Cross examination:

The wife came in in an ordinary way. She said "Good evening" and the she said "let us go home". Defendant had been there about fifteen minutes. She said : "Let us go home because there are people we have

to do some business with". She spoke naturally. They said Good bye before they went. Defendant was sober. I know his character here and in the old country; there could not be a better man than he is.

ALPHONZO MASSUCCI, a witness for the People, sworn, testified.

Direct examination:

I live at 71 1/2 Mulberry Street I am in the fish business. I lived there on the 4th of December On the afternoon of that day I was in my hallway. The diagram you show me is correct. It was between half past three and four o'clock that I was standing there. I saw Constance Morello for the first time on the sidewalk when she was beating the deceased. She came from Bayard Street and was going toward Canal Street. I first saw Mele opposite the n butcher shop and when the woman beat him he was opposite 71 1/2. She was beating him by slapping his face and some parts of his body. I did not hear anything. I saw Mele's hat fall down; while he picked it up the woman went away toward Canal Street. Mele put his hat on; he had but one arm. About seven or eight minutes after that I saw the same woman come back from the direction of Canal Street, the woman was followed by a man; she put her hand on the shoulder of Mele and he fired. That man was the prisoner. I did not hear her say anything. He fired one shot first then retired two steps and then came forward and fired again. The deceased turned, ran towards where I was

0638

10

standing and dropped dead at my feet. I was still standing in the hallway. He ran away and she ran and followed him, towards Canal Street. As soon as I saw Mele falling, I ran and followed the prisoner. I ran down Canal Street and down Baxter Street. I found the prisoner there in the hands of an officer. I can identify the prisoner as the man who shot Mele. They brought the prisoner back to where the deceased was lying. The police officer was between myself and the prisoner, I told the officer that I knew this is the man did the shooting. I went upstairs and didn't see any more. The deceased was in the hallway when I went up.

Cross examination:

I have lived in that place a year. I have never spoken to deceased; that was the first time I saw him. I was standing at the door six or seven minutes before I saw the woman. I saw her just near the butcher shop. There were people moving about there other than the defendant's wife. Mele was opposite the saloon when the woman struck him. He was just walking when the woman slapped him on the face; they were close together; there was no one between them. I did not see any people gather around them. Mele said "Go away, go away", and then the hat fell and he picked it up. Deceased then went within two feet of the saloon door; there were people around but I saw no one talking with him. When I saw this slapping going on I did not move from where I was standing. I saw the woman coming back again but did not observe the man with her until he fired. There was

another man standing by me his name is Carmine Bianchi. Defendant was nearer to the edge of the sidewalk when he fired the shots. Decased was a much smaller man than the defendant. He fired the shot at the man's breast; he retured two paces and came forward and fired again in the same manner. When I saw the deceased fall I thr ew away my cigar. The woman remained by the two while the shots were fired. My fish stand is near the door of the hallway of 71 1/2. The photograph stand spoken of has pictures in it; they can be seen from both sides of the stand.

FRANK CUOCO, a witness for the People, sworn, testified:

Direct examination:

I am an Undertaker at 146 Mulberry Street. I work for Charles Bacigalupa 26 1/2 Mulberry Street. On the 4th day of December in the afternoon, I heard two shots; it was about four o'clock, and I was going up Mulberry Street, and turning down Bayard Street. I went into a store and waited there and then came out to see what was going on. I saw a crowd and saw the dead body in the hallway of 71 1/2 Mulberry Street; the man was an Italian with one arm. I was there before the policemen came, and waited until they came. The first Officer I saw come up, I think was officer Degar. Two other officers came up; they had nothing with them. Then Officer Barry came up with the defendant. At the request of Officer Barry, I turned the body face up.. I saw blood near the left breast; then we went up to

the station house for a stretcher; we came back and took the body to the station house. It was about six o'clock when we left the body there. I then went to 26 1/2 Mulberry Street, the undertaker's office; then I went back to the Station house and waited until the wagon came--the wagon from Bacigaloupi's. Basso and Kirchoff were with it. The three of us took the body to 26 1/2 Mulberry Street, and put it in the ice box.. I was not present at the autopsy; the body was buried about three days afterward. When we took the body to the shop I saw a wound under the nipple of the left breast; I only saw one wound. We took the clothes off before we put it on ice. The man was slim and about 6 feet high, and had one arm, he seem to be about 28 or 30 years old. I know the fact that there was an autopsy.

Cross examination:

His left arm was missing. Q. You did not examine the body carefully did you, when you saw it on ice?

A. No sir, we just took the clothes off; we didn't take much notice of it.

JACOB KIRCHOFF, a witness for the people, sworn testified

Direct examination:

I live now at 114 Sullivan Street. I worked for Bacigaloupi on the 4th of last December. On that evening I went to the Sixth Precinct Station and Cuoco and Basso were with me; it was after six o'clock. We had a

wagon with us. The doorman there delivered us the body; the doorman was Officer Cavanagh. I had these two men drive the wagon down and I walked down to the store. We put the body in the icebox. We kept it until it was buried. I was present at the autopsy held by Dr. Donlin. There was a wound under the left nipple; there was a scratch in the left side of the head.

Cross examination:

I cannot say whether it was above or below the nipple; there were no other bullet wounds on the body. I cannot say on which side of the head the scratches were; it looked as if it was scraped.

CARMINE BIANCHI, a witness for the people, sworn testified:

Direct examination:

I live at 218 Canal Street. On the 4th of December I was opposite 71 1/2 Mulberry Street going to visit a friend Alfonso Massucci. I met him on the sidewalk and was talking with him. I saw the woman Constance Morello come along from towards Canal Street on the west side of Mulberry Street. I saw the woman touch the shoulder of the deceased and I saw the man that was with her shoot the deceased, who was the same man she struck on the shoulder; there were three shots fired. I did not know the deceased before that day; he had one arm. When the shots were fired deceased was near the door of 71 1/2 and I was near the photographers place; the

defendant was about four feet from the deceased.. During this shooting I received a scratch from one of the bullets; I had the coat on shown me; it has been sewed. It was two or three hours after the shooting that I discovered this hole in my coat. I have heard the deceased say "Virgin Mary, I have done nothing" and then he fell down. Immediately after the first shot the deceased went back a little. After the shooting the prisoner ran away with the revolver in his hand, and his wife after him. They went on Mulberry Street towards Canal Street and then to Baxter Street. I saw Officer Barry arrest them and bring them back to the deceased who was in the hallway, of 71 1/2. I went to Masucci's house took off my clothes and a bullet dropped out; my back was scratched; then the prisoner was brought up to where I was, and I says to him, "Why did you shoot me also, innocently?"; he did not answer. The clothes shown are the ones I had on when I was shot.

Cross examination:

It was about four o'clock when I arrived in Mulberry Street that day. Masucci is a friend of mine; I have been in the United States ten years. I am a baker. I am employed with the city department as laborer in the streets. I was standing with my back towards the hallway talking to Masucci. I was facing towards Bayard street and did not turn my head till the woman was close to the deceased. I had not been drinking. I saw the woman just as she put her hand on the shoulder of the deceased. The defendant was on the side-

walk towards the street. The woman remained in the same spot and when the first shot was fired she moved away a little. I remained in the same position also. When the other shot was fired I saw the prisoner run and I ran after him. It is not true that I had hold of the woman; or that myself and Mele lifted up her dress or that I was struck by the defendant, or that I fired a cobble stone at him. I did not see the defendant at the Tombs or say anything to him.

EDWARD J. DONLIN, a witness for the people, sworn, testified:

Direct examination:

I am attached to the Coroner's Office. On December 5th last I made an autopsy upon the body of Francesco Mele at 26 1/2 Mulberry St. He was a man about 5 feet 9, rather spare, a well nourished sort of a man with dark complexion and one arm; he was about 30 years of age, Italian apparently. On the exterior I found three abrasions on the forehead, above the right eye on on the bridge of the nose. I found the ball had entered the chest about one inch to the left and one inch below the left nipple. I made an autopsy and found that the ball entered the thorax about one inch to the left and one inch below the left nipple through the breast and lodged in the lower lobe of the right lung. The liver and other organs were in normal condition. He died from pistol shot wound of the heart.

Cross examination:

That is the only bullet that was found in the body. A wound of that character, the ball passing through the heart, would cause death almost instantly. It is frequently the case that people who receive slight gunshot wounds, don't feel them for some time after the wound is inflicted.

RICHARD BARRY, a witness for the people, sworn testified:

Direct examination:

I am an officer attached to the 6th Precinct. In the after noon of Sunday December 4th, my post was Baxter Street. My attention was attracted to the defendant by a crowd pursuing him. I was on the east side of Baxter between Canal and Bayard Street. He came from Canal Street on the same side but I had to cut across. I got ahead of him and he went into the hallway of No. 90; as I started to go in he was standing at the rear of the alleyway, with the revolver in his hand pointed toward the crowd. I ran in and he made to put the revolver in his pocket and ran around the yard; I ran around the yard and took the revolver from him. The pistol shown me is the one that I took from him. I arrested him. The pistol had two exploded shells, two loaded shells and one barrel that was empty. I brought the prisoner around to 71 Mulberry Street. As I came from the yard into the alley Constance Morello ran in upon us. She threw herself on the prisoner and said; "They tried to trig trag me". .I took him

to where the man Mele was at 71 1/2 Mulberry Street. I told a man who was there to lift him up; he did so. And I asked Mele; "Can you identify this man"; there was no answer. We found he was dead. Someone then said, "There is another man shot upstairs". so I brought him upstairs to Carmine Bianchi. Bianchi had his clothes off and said he was shot; he said to the prisoner; "You son of a bitch, you shot me". Prisoner didn't say a word. I saw the wound of Bianchi; the skin was off; it was under the left shoulder. We took the prisoner to the Station House and he was locked up. I afterwards saw the body of Mele at the Station house, I saw the wound also. He was a one armed man. It was the same body that I had seen in the hallway. I saw it taken out by the undertaker's men. Defendant was running when I went after him.

Cross examination:

Five minutes after I came to hallway where the deceased was, I went to Bianchi's place. He had his shirt on, but the rest of his clothes were off. I didn't hear him use the expression "Why did you shoot me innocently". The defendant helped me to hold the deceased in a sitting position; then it was we discovered he was dead.

THOMAS CAVANAGH? a witness for the People, sworn,
testified :

Direct examination:

I reside at 436 East 88th Street. I am attached

to the Sixth Precinct Station House. I am the doorman. I was there on the 4th of December last in the afternoon. Four of the officers brought in a body between four and five o'clock. The body was taken away before 6 o'clock. I delivered the body to Kirchoff, Basso and Cuoco, Bacigaloupi's men. I saw the body taken away.

LOUIS DIGROLAMO, a witness for the People, sworn, testified:

Direct examination:

I live at 492 Water Street. I am an organ grinder. On the 4th of December I was in Mulberry Street between 3 and half past 3. I knew Mele, as he went with another organ grinder. I had known him a month before that. He had but one arm. I saw him when the homicide took place about 4 or half past 4. When I saw him he was on the sidewalk walking and I was following him. I saw the woman Constance Morello, that afternoon. I saw her slapping Mele, and heard her say: "How dare you bid me good evening; you don't know me". I identify the woman here as the same woman. I did not hear the deceased speak until after she slapped him when he said, "My Virgin, she has slapped me for nothing; I have done nothing". She said "Stop here; wait here; I will go and get my husband, and get you killed". She went away towards Canal Street and Mele stayed there and the rest of the crowd stayed there and I stayed. I saw the woman again when she came back; she was away four or

five minutes probably. She came back from Canal Street there was a man with her; the defendant is the man. I saw her go to Mele and put her hand on his shoulder and say "This is he" and immediately the man began firing. He aimed at Mele. Mele said "My Virgin, don't kill me; I have done nothing" and he put up his arm. I was trembling and I didn't hear any more. After the shots were fired Mele fell inside the entrance of the hallway. Prisoner ran away with his wife and I heard People shouting "Police".

Cross examination:

I have been eight years in this country. On December 4th I was living at 53 Mulberry Street, and I was taking a walk. When I saw this woman first she was going from Bayard Street towards Canal. I have passed 71 1/2 several times; I don't know anyone there. I saw Mele when he was a little below the saloon and the row happened in front of the saloon. He had passed the photographer's stand when I saw him, but he had not passed the hallway. He was going towards Bayard Street. Mele was dressed at the time the woman slapped him. I don't remember whether his hat fell off or not.. I had no conversation with the deceased; I saw a lot of people there talking together. Deceased remained in the same spot, until the woman came back. At the first shot the people all ran away.

Q. Did the deceased fall at the first shot or afterward?

A. At the first shot he fell.

Q. Before the second shot was fired? A. He fell imme-

diately after he fired. ---I have heard shots and saw the man falling, and I didn't hear any more shots.

He fell down at the door at the entrance of the hallway. I remained with all the crowd that was there, near the body of the deceased.

FIRGANIO DOMINICO, a witness for the People, sworn, testified:

Direct examination:

I live at 71 Mulberry Street. I am a baker by trade and am working for the photographer. I was there Dec. 4th, on the sidewalk. About four o'clock on that day I was standing in front of the butcher shop and I saw the woman Constance Morello quarreling with the deceased. She was slapping him and he defended himself with his arm. This was in front of 71 1/2. I did not hear what they said. She went toward Canal Street. After she left he picked up his hat, put it on his head, and cleaned his face. I remained there and about ten or twelve minutes after I saw her come back, from the direction of Canal Street. I did not see her exactly when she was coming down but when she had the second row. I saw the woman touch the deceased, and I saw against the deceased lifting up his hand, and then I saw the husband go just around and fire at the man the woman had touched. I did not hear him say anything as he fired the shots. After that the deceased fell in the entrance to the hallway, and the man and woman ran away towards Canal Street. I followed the crowd and saw the prisoner arrested.

Cross examination:

My duty is to stand on the street and call out the photographs and the price. The door to the photographers is toward Canal Street on that side of the stand. There is a barber shop under the saloon. I saw the deceased in front of the barber shop entrance. They were in the act of quarreling when I saw them for the first time. After they separated and I saw the woman going, I approached. I came as far as the hallway of 71 1/2. I don't know if anyone was in the hallway. I did not hear any words while the slapping was going on. I went another time near the deceased and I saw him lift his hand and make a motion, and the shots were fired. I saw the woman put her two hands up, but I could not say whether it was on his shoulder or not. I didn't hear anything said. After the moving of the hands I heard the shot. After hearing the shots I ran into the yard. There was a little time between the first and second shot. He didn't fall after the first shot. I didn't see anyone behind the deceased. I saw the deceased run towards the yard entrance--the hallway, before he fell. OAt the time the first shot was fired I was standing on the side of the Photographers towards Canal Street; I was about four feet away from the hallway. I didn't see anybody in the hallway. I have never known defendant's wife; it was only at the time of the homicide, I saw her. I knew Morello at Mr. Lordi's place. I have been at 34 Mulberry Street.

Q. That is the defendant's saloon? A. No sir.

Q. Whose saloon is it? A. I have never been in 34, but I have been in the saloon of the prisoner's brother.

That is at 62 Mulberry Street. I was last there, before Christmas; it was before the homicide. I was never in 34 Mulberry Street. I have had no conversation with the defendant's wife. I arrived in United States last May or March, I don't know which. I came here in October 1891, and stayed 16 months and went back.

EDWARD J. DONLIN, recalled.

The bullet I took from Francesco Mele I have produced here this morning. The bullet shown me is it.

People rest.

D E F E N S E .

SALVATORE BRAICA, a witness for the defendant, sworn, testified:

Direct examination:

I live at 41 Mulberry Street. The first time I saw Morello was on the day of the homicide. I was in Mulberry Street on December 4th, Sunday between half past three and four o'clock. I saw the defendant and his wife there on that day and I saw an altercation. I saw the woman coming towards Canal Street. I have seen the deceased and another man--I don't know if his name is Bianchi--putting their hands on the woman, want-

wanting to take her inside the hallway. She slapped them on the face and went on. Then I saw the woman coming back, and I have heard this man---I think his name is Bianchi-- and the photographer's man, saying "Here is that whore coming back". I saw the deceased putting his hand on her breast and pulling her, and I saw the man belonging to the photographer's pushing her into the hallway, and then Morello came and he says "What are you doing; she is my wife," and these men told him that she is a bum and she is a whore, and we will put our private parts into her, and then into you also this evening. There were five or six persons in there. I saw the defendant fighting; he was using his fists to defend himself. Then I saw the woman held by her breast and I saw Bianchi trying to push her into a hallway, and then I saw Bianchi picking up either a cobble stone or a brick, and I heard the Defendant saying: "Not only have you insulted me but you want to kill me also"; and seeing her was assaulted by these people, he says; "Before you will kill me I will kill you," and he fired. I heard two shots, and then he ran away, and the woman ran too. I remained at the corner of Bayard and Mulberry Streets.

Cross examination:

I have been in this country five years. I am working now. I was never in court before as a witness. I once got five days for disorderly conduct. I was never convicted of any crime but that. I am not married. I never went by any other name. I have known defend-

ant about two years before the 4th of December. I first met him at 42 Mulberry Street. His brother keeps a saloon there. I saw him every ten or fifteen days. I did not know his wife. I had never seen the wife until the homicide. I knew the brother for three years, but the prisoner I have seen only a few times, the day of the homicide and twice before. I had seen him at his brother's saloon but we had no friendship together. . I have been going to the brother's saloon for about three years every ten or fifteen days.

I live at 41 Mulberry Street. I was standing at the corner of Bayard and Mulberry Streets when I saw this woman first; it was between half past three and four o'clock. I was talking with a man named Pasqualina who is now in Sing Sing prison. I saw her opposite 41 1/2 she was going towards Canal Street. Mele was standing between the door of the saloon and the entrance to the hallway; the man that plays the organ was with him--Bianchi. I saw Figiano there. I did not see Masucci, Vanacorri or Bibone there. . There were other people there but only those four were entrating the woman. I saw the woman pass near Mele. I was standing near the photo stand. I heard the voice of Mele and the voice of Bianchi. Mele spoke first, and he caught the woman's dress at the neck, and was pulling her into the hallway, and Bianchi was pushing her. I heard them say, "We'll put our private parts not only into yourself but into your husband also. I said, "Why are you ill treating this woman"? Bianchi had his hands on

the woman's back. Mele's hat fell off when she slapped him. I heard her say "Why are you pulling me; I will go and call my husband. She walked away. In about ten or fifteen minutes she came back. I stayed, and Bianchi, Figiano and Gerolmo and Mele stayed there. I stood at the same place with Pasqualina. The woman came back with her husband, and I heard them say "That bum is coming back again, catch hold of her". They tried to pull her into the alleyway; Mele touched her first, her took her by the neck, and other men pushed her in. They said "Let us take her into the alleyway and we will have connection". Mele called her a bum and a whore. If there were people blocks away they would have heard the same thing. Morello said; "What are you doing; she is my wife". He saw her being dragged. He did not move. She did not cry for help. They said to Morello, that she was a bum &c. and he commenced fighting them. Then I saw Bianchi throw a stone at the defendant, and the prisoner said "It is not only that you wanted to ill treat my wife and me but you wanted to kill me also"; then I saw him pull the revolver. Bianchi took the cobble stone from the street and threw it. Morello was then near 71 calling his wife to come away. The stone was thrown at his head but hit him on the arm. He pointed the revolver at Bianchi who threw the stone at him. He said "You wanted to kill me; take this". Bianchi was about eight feet away. After the first shot Mele let go of the woman. He fired all the shots at Bianchi. He walked away quickly, the woman followed him. I stayed around the corner there for half an hour after

the shooting, then went to my house. I went to the saloon of Morello's brother the next day. Defendant's brother has been to my house four times since this homicide. He came last night and took me to the lawyers office. I told him whatever I knew I would tell. There were four other witnesses there. They told what they knew; I remained outside, I did not hear them.

I don't know Pasqualina's first name. He was sent to Sing Sing for cutting another man with a razor.

PIATRO PADULA, a witness for the defendant, sworn, testified:

Direct examination:

I am twenty years old. I am a tailor. I was in Mulberry Street on December 4th. I saw the defendant and his wife there that day in an altercation. I saw a man with one arm going near a woman and telling her "Let us have connection". and she said "What do you take me for, a bum on the streets". Then I saw a man approaching. I don't know whether he was her husband or lover and he says, "What do you want with this woman. Then I have heard the deceased say, "We will not only have connection with your wife but we will have it also with you; she is a bum and a whore". Then I saw the man who was her husband or lover--fighting. I saw another man picking up a stone, and then this man went a little bit away when he saw the man picking up the stone, and the stone was thrown at him. I went away. I have heard two shots,

Cross examination:

I live at 13 Vestry Street. I work at 68 Laight Street. I was on one sidewalk in Mulberry Street and I saw this occurrence on the other. I saw the woman on the left side as you go up. I crossed over and was about a foot from her. I didn't see where she came from. I saw the one armed man pulling her by the breast saying "Come in". The woman said "What are you taking me for"? and he said; "You are a bum; you are a whore". There was only a man with one arm that held his hand on the woman; the others were near by. I saw the defendant coming towards them. I didn't see Gerolmo. There was a crowd.

I did not see the photographer, Vancarri, Bianchi, Fagianno nor Bibone. I saw Braica. I don't know what he was doing. When the defendant arrived there he said "What do you want of my wife?" Mele said: "I will put my parts into you and also into the woman; she is a common whore". Defendant commenced fighting. I saw a man pick up a stone and throw it; when he threw it he was in the middle of the street; not on the sidewalk. I don't know who he was. Defendant and his wife and Mele were all in front of the saloon. When stone was thrown I saw the defendant put his hand to his forehead. I went away and immediately afterward I heard two shots. I cannot say if the stone hit the man. I have never been convicted of any crime. I smoke tobacco. I don't know what opium is.

CARMINE SARNI, a witness called for the defendant, sworn testified:

Direct examination by MR. Le BARBIER:

I am forty years old. I live at 57 Thompson Street. I was near 71 1/2 Mulberry Street about four oclock on December 4th. I saw a woman coming from Canal Street and I saw a man putting his hands on her breast. I saw two other persons fgoing behind her and pushing her towards the entrance to the hallway, and another persons ca comes and he says; " What are you doing; she is my wife". I heard none of the men saying, "She is not your wife, sb she is a common whore". This defendant was hitting the men around him. Then I saw one of them men throw a stone at the defendant. I saw the stone hitting the defendants arm. I went away and then I heard the shooting, then I ran and went to Broadway. I went home to 56 Thompson Street.

Cross examination:

I have been in this country three months. I only saw defendant the time of this row. I don't know defendant's brother; I have b not been in his saloon. I have never been convicted of any crime. On the third of December I was working in Pennsylvavia. I arri ved in New York on the first day of December. I didn't work on the second or third; I passed the day at the house of a friend. I was standing about seven feet from No. 71; the woman came down from Canal Street. I knew it was Canal Street because I asked the name of the street when I crossed it. I was there five or six minutes before I saw this woman, I saw the man following

her. I was looking for a friend in Mulberry Street. .
I said before that I went down Mulberry Street because I
was told I could buy good cheaper there; the good were
bread, macaroni and beans. I did not buy any.

The next Monday I went back to Mulberry Street and
I heard the people, talking about this affair and I
said "I was there". I went into 62, and the man there
said, "If you will do me a favor you will be a witness to
morrow". . Leonardo Morello is the man who was in the
saloon, and who asked me to be a witness. He asked me
to tell the truth and nothing but the truth", and I
said, "I will do as you like". . He asked me where I
live~~d~~. I did not see him again after that.
Before that day Monday I was never in the saloon.
I have received no money for coming here.

Mele was the man who put his hands on the woman's
breast. The men who pushed her from behind, were 6 or
7 feet away from me but I didn't hear any words.
I did not try to help her. The man who picked up the
stone said, "We will fix you" and he threw the stone
~~while~~ standing on the sidewalk. I don't know where the
defendant was standing at the time. The stone was about
3 or 4 kilos in weight if it was a stone; perhaps it
was a brick. The woman was standing near the husband
when the stone was thrown; she was on the street.
As soon as the stone was thrown I ran away towards
Canal Street, I crossed Broadway. After the two shots
were fired I have seen people running down to 71 1/2.

I saw no one running up Mulberry Street, I did not turn my back. I was walking fast.

EURICO GRIPPO, a witness for the defendant, sworn, testified:

Direct examination.

I live at 226 Mulberry Street. I am in a chemists shop. I knew the deceased. His reputation for peace and quietness was bad as far as I know it. I walways saw him drunk. (Striken out).

Cross examination:

I have been in this country one year. I don't know the name of deceased. to my best knowledge it was Mele. I never spoke with him but I gave him some money that the doctor sent him. I have heard nobody else speak of his character because I never go out of the pharmacy. I was never arrested for crime except once in the old country when I got three days for disorderly conduct.

GIOVANNI LORDI, a witness for the defendant, sworn, testified:

Direct examination:

I live at 98b Bayard Street. I am a Money Broker at 62 Mulberry Street. I know Morello very well. He always enjoyed a very good reputation.

Cross examination:

I know his brother who is a tenant of mine at my house 62 Mulberry Street.

MICHAEL SAVINO, a witness for the defendant, sworn, testified:

Direct examination:

I am 22 years old. I am a bricklayer and live at 112 Mulberry Street. I was there in December; I saw Fagiano there: I heard him make a statement about Antonio Morello and his wife to the brother, "I will let you know what is good for your brother. He said "Don have me arrested for I will say something good in favor of your brother. He said this to the other Morello.

Cross examination:

It was a week after the 4th of December. It was between 8 and 9 in the morning; I dont remember the day or date. One of the men present in the place was Baptiste Denitis. I have been here five years. I was never arrested or convicted of any crime whatever. I have known Morello about a year. I was last in his brother's saloon on the 8th of December---I don't know the precise date.

BAPTISTE DENITIS, a witness for the defendant, sworn, testified:

Direct examination:

I am 39 years old. I live at 212 Mulberry St. I am a bricklayer. I was at 62 Mulberry Street in December on the same day as Savino, and we were eating together. I heard Fagiano state to the brother

of the prisoner that the wife of the prisoner was after him to have him arrested, and I heard him saying; "Tell your sister in law not to have me arrested, and I shall be a good witness in her case".

Cross examination:

This was ~~xxx~~ after the homicide; I don't remember the date. I was in Brooklyn at the time of the homicide. I have been in the country five years and have lived in Mulberry Street one year. I work with the last witness for Generose Avalone. I was not in that saloon since. I was in there several times since--four or five times. I have seen defendant's brother and also his wife there. I had no talk with him about the case.

LEONARDO MORELLO, a witness for the defendant, sworn, testified:

Direct examination:

I am 37. Am married; live at 62 Mulberry Street. I know the defendant, and know his reputation for peace and quietness; I know he was always a good man. I know Denitis and Savino, and Fagiano. A week after the homicide Fagiano came into the saloon and he told me that the wife of the prisoner wanted to have him arrested, and he says; "Let me alone, don't have me arrested, and I am good, and I am not against you". Then I asked the woman to let him go and not have him arrested. The woman says "That is the man that highly insulted me at that moment and I want to have him arrested". He came three times in one day to ask me not to have

him arrested.

Cross examination.

I did not see my brother on the day of the homicide, the 4th of December.

FAUSTINA PADULA, a witness for the defendant, sworn, testified:

Direct examination:

I live with Dr. Lapentha at 22 Spring Street. I knew the deceased; he used to come with his organ opposite our store. I only knew him playing his organ in front of the place. "(Witness withdrawn).

CONSTANCE MOREILLO, (RIVERTA) a witness for the defendant, being sworn, testified:

Direct examination:

My name was Riverta before I was married. I was married to defendant on the 22nd of September of last year. We have been living at 34 Mulberry Street for two months and four days; when we were married we lived at 141 Mott Street. On the morning of the 4th of December, I was in my restaurant, I stopped there all day. My husband left there after dinner, and it was between three and four o'clock that I left there. I went to call my husband as I had some strangers in the house. When I was going I met deceased just opposite the photographer's place. He said, "Will you have connection with us to-night?" I just lifted my hand and said, "You scoundrel; for whom do you take me". Then I went away. There were

7 or 8 persons present. I went to 115 Mulberry Street, and asked my husband to come home as we had some people at the restaurant. He said; "You are in a hurry; you are here now; just remain a little". I stayed a little, and when we went back I passed again this place and when I saw Mele with other men there I wanted to go back. But then I said nothing; I went on; I didn't want my husband to know anything. While I was walking the man with one hand came up to me, caught me by the breast and says; "Oh you whore". Then my husband came and said, "What have you done to this man"? I said; "This man is crazy; it is nothing. While I was saying this three or four or five people caught me and were pulling me. Then he says "What is the matter with you this is my wife". Then they said; " What, she is not your wife; we will put our privates into you and her". They then commenced fighting with their fists. The Fagiano put his hand under his clothes. Bianchi was there too; he was pushing me. The deceased said "Hold the husband; I will take her into the alleyway". . Bianchi knocked my husband down with a blow. When they were clinched Bianchi fell down; he got up again and picked up a stone and threw it at my husband, and after my husband was hit he said "You not only want to do bad things to my wife but you want to kill me also". After I heard those words I heard the shots. At the time of the shots Mele was holding me by the breast. After that my husband pulled me and we went away.

Cross examination:

35

We had a boarding house and restaurant and sleeping room at 34 Mulberry Street.

My husband left the house about three o'clock that day; he went to Leonardo to whom he owed some money. About half past three I left the place. Some people came in who wanted to drink beer, and I wanted to call my husband, because I had not a permit to sell beer. I was afraid some police officer might come in. I wanted my husband to be present in case he did. I knew the men who were there they had been in before; they were four of them. I crossed Mulberry Street at Bayard Street because there was a crowd in the way; I was walking in a usual way. There was quite a number opposite 71 1/2. It was before four o'clock. Mele was on the sidewalk with a cigar in his mouth. Gerolmo and Bibone were near him talking to him. I had never seen him before. I slapped him twice on his face. I don't know if his hat fell down or not. After I slapped him he says; "It is all right; you whore you will have to pay for this.". I went straight down on the same side. I went straight to 115 and found my husband. I asked my husband to come away; I did not think of Mele any more. I told Leonardo nothing about it.

I had no pistol there: I stayed there about five minutes. My husband had a pistol I didn't see anyone give it to him. When I heard the shots I said: This is probably the pistol we had in the house. When he had money or his gold watch with him he carried the pistol. I know the pistol. I heard three shots.

I didn't see the shooting. Deceased said: "Carminé you have brought this on me and for you I am dying". . There were six or seven that caught hold of me. Four of them touched me and three my husband. I didn't see my husband fall down. I saw them fighting and hitting him. Carminé Bianchi threw the stone. . He was on the street and my husband was on the sidewalk. When my husband fired; Bianchi was holding me. Massucci was one of them men who held me. After Bianchi threw the stone he took hold of my husband again and I heard the shots then. . Gerolmo and Bibone and Fagiano and Mele were holding me. They were pushing me and They were putting their hands under my clothes; the man with one arm kicked me in the belly. The photographer's man pulled my clothes up so that I could not see.

I came back that way as it was my way; I didn't give the matter much thought. I didn't expect they would attack me. Afterwards I ran away with my husband. I followed m him. RThen I saw my husband in the hands of the police officer in Baxter Street. I did not go in the alleyway. I was on the street.

When I was coming into this witness box this morning Masucci and Vanacori spoke to me and threatened me. I was at the saloon of my brother in law and Fagiano said to me "Constance, don't have me arrested, I will be for your side and will help you". . I said to him to go about his business.

ANTONIO MORELLO, the defendant, sworn, testified:

Direct examination:

I did not know the deceased in his lifetime. On the afternoon of December 4th I was at 115 Mulberry Street. My wife came in and said "Let us go home, we have got some people there". I said "When you come here, Constance you are always in a hurry, just wait a bit and we shall go". We remained five minutes and went away. When we arrived opposite the photographer's place, my wife was walking ahead of me, I saw a man come forward and take hold of her by the breast. I said "What do you want"? Then four or five of them rushed on us. I said, "This is my wife"; they said, "She is a bum and this evening we shall put our pricks into your backside and in her backside"; then after hearing these words I commenced fighting. They all caught hold of myself and my wife, and I saw them lifting my wife's clothing. While we were fighting one of the men showered blows on me and I fell to the sidewalk. I got up and gave him a blow and he fell down, and he picked up a stone, and then I was looking at them wanting to kill me, and he threw this stone at me. He was on the street but near the walk. I received the blow on the elbow. It left a mark. I heard the men that were holding my wife say, "Kill him" and hearing this I pulled the revolver and fired. I was dazed; I don't know how many shots. I pulled my wife away and said, "Let us run away they are going to kill us". I walked fast. I heard someone say, "If we catch you we will kill you". and I said "Don't come near me or I will shot t". . . A policeman

caught me in Baxter Street. I have never been convicted of any crime.

Cross examination:

I never saw deceased before that day. I had known the Masucci brothers fifteen days. When my wife came to 115 she was quiet and not angry. I put a pistol in my pocket before I started out that day; I had money and a watch. The pistol is there now the same way as it was then. . We walked down on the right side of Mulberry Street--the west side. . My wife was two steps in front of me. A man whom I dont know said Let us go an have a shamerica". Several persons not hold of us. I fought with m. fists but did not draw the pistol then; it was in my pocket. When I fell down my hands were free; I got up immediately. I could have drawn the pistol then. Then we clinched; the two Masucci's and myself and another man; the other man then picked up the stone; I didn't see him pick it up because I was fighting with the others. My arm pained me when I took the pistol out. I did not run away. There were four men that ran after me, and also a crowd followed them. I bought the pistol about two months ago and loaded it when I cbought it. I kept it hanging up in the restaurant. I had the money and the watch when I was arrested.

RICHARD BARRY, recalled:

The woman used the expression; "They tried to trigi-tragi me" when she rushed up to her husband in the alleyway where I had arrested him.

RAFAEL ASCELTA, a witness for the defendant, sworn, testified:

Direct examination:

I am a physician at 25 Prince Street. I am doctor for the Italian Home. I saw the defendant on Dec. 23rd. at the Tombs. He had a very severe wound on his arm; it was such as a blunt instrument would produce. My opinion is that the wound was inflicted while the arm was raised. The wound was about an inch and a half long.

GIOVANNI LORDI, recalled:

I heard the word "shamerica" used. It means to have connection with a woman.

R E B U T T A L .

MICHAEL MCGINNIS, a witness for the People, in rebuttal, sworn, testified:

Direct examination:

I live at 31 Monroe Street. I am a bar tender. On December 4th I was in Baxter Street. I saw a crowd coming down Canal from Mulberry St. Defendant was running very fast at the head of the crowd. The crowd was calling police. I tripped his foot and he fell on his right side with his arm out straight. He got up right away and ran into an alleyway. I saw him arrested. I can't positively say I saw the woman. I saw a woman holding her hands towards him; she was a shorter woman than this one.

Cross examination:

This short woman was very close to the defendant. I was at the corner of Canal and Baxter Streets. It was about four o'clock. The man was about four buildings ahead of the crowd. I didn't see anything in his hand. Several people that I knew were running with the crowd. Some young fellows were standing on the corner near me and they joined the crowd. One of them was "Custer" Kelly. I don't know the names of the others but I know them by sight. I tripped his foot and he slid about three feet. He fell on his right side. His right arm was down. An officer asked me to come here, yesterday. I did not report that I had tripped the man. . I have never been convicted of any crime.

DOMINICO FAGIANO, a witness for the People, recalled:

I ran after defendant and saw him fall. It is not true that I put my hands under this woman's clothing. Mele did not do so either. Bianchi did not throw any stone. I did not push the woman into the alley. I did not go to the brother's saloon and ask not to be arrested. . When I was chasing the defendant there was a young man nearer to him who was calling police. . We were the same distance behind him when we turned into Baxter street; the nearest man was two feet from him. He fell with the revolver. He fell towards the Street, to the right.

GIOVANNO VANCORRI, recalled:

I saw no one put their hands under this woman's clothing. I saw no body touch this woman or the husband. I did not say any words to her as she was going into the witness box. I saw the defenadant fall down in Baxter Street. It did not occur to me to speak of this in direct examination. There were others ahead of me chasing the defendant. He fell at the corner of Baxter and Canal Streets. He fell on his right side towards the street. He fell with his hand in his pocket with the revolver.

LUIGI DI GEROLMO, recalled:

I did not put my hands under this woman's clothing, or push her, or insult her in any way. I did not see anyone take hold of him.

MICHAEL MASUCCI, a witness for the people, in rebuttal testified:

I live at 71 1/2 Mulberry Street. . My brother lives there. I heard two shots and looked out of my window. I did not speak to this woman as she was going to the witness box.

ALPHONSE MASUCCI, recalled:

I did not see anyone touch this woman in any way, or the man either, or call her names. I saw no one throw a stone at the defendant. I followed the prisoner down Baxter Street.

The Jury returned a verdict of guilty of Manslaughter in the first degree.

Richmond Feb 13th 1913

Cont of General Sessions
Part II

The People,

v.

Antonio Mosello,
imp. charged with
of crime Mosello

Abstract of testimony
obtained New York,
Jan. 14th 1913

District Attorneys Office. (3)
City & County of
New York

18

Vina

John at home

About 2³⁰ saw the woman coming
from direction of Court St. She asked to talk
& said she was from - then left for the
revenue and I followed her - then left
and saw her coming down the street. I saw
her after that. When she saw the door before,
but not open the door - when she started
down the street. I saw her again that
but for some of saying that she was
I don't know. She was
the woman came up first and down

Servants home - left home & saw her
the woman came up - this wife then on me
would let us go home. After they
had been in the street - I saw her
down the street.

0672

18

District Attorney's Office
City & County of
New York

189

Passage called in Reluctant
Trappiano = small very - ... it was left on right arm
Kulman =
Dona cosa.
L...

District Attorney's Office
City & County of
New York

189

Rebuttal -

Faggiano - to rebut Leonardo Moroni, as to his going to his
saloon yesterday and to be arrested
to rebut woman, that he put his hands ~~on~~
her clothes -

to generally rebut evidence as to her ill treat-
ment - see indictment of Dept. etc.

Brainin - to rebut generally as to his throwing stone -
show tipping +

Giuliano }
Bilani } General Rebuttal -
Massucci }
Fonacora }

McGinnis on tipping +

District Attorney's Office
City & County of
New York

189

Wills - 202 -
Character deceased
Consolidation of same

District Attorney's Office,
City & County of
New York

189

Sum of ...

1 - - - - -
2 - - - - -
3 - - - - -
4 - - - - -

Same both transaction.

- Bibone
- Maccucci
- Sevolona
- Faggiano

Law only, last transaction only.

- Touacora
- Bianchi

...

TORN PAGE

District Attorney's Office,
City & County of
New York

189

Indictment -

Did not know deceased in his life time -
when you came here you always in a
hurry - did stop so long to talk
Did not even walk in garden - put the
pistol in my pocket when I went out

What did you do with \$70-

Patrol Grand at store about 2 mos ago - paid \$2.65
box of cartridges - loaded pistol when I bought it
Kept it loaded in restaurant - hanging on nail
on wall where it could be seen by everybody
I saw money, watch & chain to my wife

Dr. Caldwell # Physician

23 1/2 in saw hole in trunk - Examined right arm
12 in length

0678

**POOR QUALITY
ORIGINAL**

*District Attorney's Office,
City & County of
New York*

189

2
 District Attorney's Office
 City & County of
 New York

189

Asain "This is the man" - Her husband
 fired one shot. It seemed not to take
 effect - dect said "dont sell" - dect
 said "you are not dead yet, I will
 kill you by the Holy Virgin" & fired
 again - then dect reached up & fell -

Alfonso Masoneci 71 1/2 Mulberry St. 8th floor -
 was standing at the doorway 7 1/2 Mulberry - first
 saw the woman while she was sleeping dect
 saw her go away & return with her husband -
 she put her hand on dect's shoulder &
 husband said "I saw away" & disappeared
 very fast

Michael Masoneci 70 1/2 Mulberry St
 was playing with children when dect shot - went to window &
 saw crowd & dectain say dect in my brother's room - was
 brought up to be identified -

3
District Attorney's Office,
City & County of
New York

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Louise Faggiano, of Mulberry St.,
was standing in front - saw woman come
from Bayard St. - then saw her stop and
she came out of her dress and
pink button. Came (It came back with her
her husband - pointed out - accused - touch him
while he was trying to defend himself the
shot was fired.

Rec. f...
Sept. 11/11

I Russell R. Cornell - 67 W 83, Paper Dealer 150 + 152 Duane -
Thos J. Duffley - 579 Grand St. Liquor 549 Wash. St.
employ of brother

Per Def Christopher C. Boyer - 2068 Seventh Ave, Barber 138 Chambers St
Def Edward H. Creamer - 16 E 123. Landlady Mrs. 155 Wall St

II Benj J. Mellingoff 202 Chamber St. Tailor Wallace, Sr. Attorney.
was in the Nichols case 1883 arrest & trial.

Cons. Opin Wm J. Hotchkiss, 215 W 14. Stock broker - 35 41st St. A.G. Morgan & Co.

Per Def Leopold Hecht, 151 E 53 - Loan Broker, 329 7th Ave.

Per Pro Geo. W. Dillenkopf, 109 W 67. Livestock - 60 11th St North River

Ex by Consent Julius Schenck 177 Essex. Picture Frame -

Per Def James P. Todd 262 W 130. Salesman of Chambers Street

Per Def Albert C. Ayer 236 E 128. N.E.

~~Joseph Stern +~~
Joseph Stern 365 Broadway, Clothing 749 Broadway

Robert Mansfield 133 E 110 + Jewell - 6 mos -

Max Backus 30 W 15. Free. Traveler salesman Kaufmann Bros

Chas H. Cantor 135 W 123. Shoe Wholesaler 1307 6 Grand St.

~~John E. Jents~~

~~Frank E. Petric~~

III Geo. A. Reiber 116 W 49 E. Lumber J. Reiber Sons -

Per Def Chas H. Hartfield - 229 W 133 - Paints 370 Grand

Chas F. Whitehead

John Carter

Chas. A. Curtis Edward Loring - 42 E 29 - Broker - 18 Wall

Def Mosie Batavia 107 E 127 - Eggs 23 see Hart Ave

Cons Abraham King

Geo. V. Mead

John H. Kunkin 502 W 28 Milk Broomer

No 11

Def 174 174 174

Per Def Hy Blackwelder, 315 W 48 Pawnbroker 299 E Berry +

10th Walt 100 Wgs Builders + 50 E 13th St -

John Efferger - +

Per Per Wm Dime 64 W 125 Florist -

IV. Wm H. Wilson Sec Forest Ave 161st St Butcher +

V. James M. Green 663 E 143 Milk -

VI. Morris Hillman 113 W 134

Per Def George W. Duggan 232 E 22 R. E.

Per Def Dickie Brethmann 340 E 33 Milk

Per Def Valentine Geo 1504 Park Milk

Even Wm McFarrington 351 E 52 Liquor Wholesale 269 Ave A.

Per Per Sam Karpman 124 E 70 Sec 11th St Peter -

Excused Henry J. Smith 205 W 56 - Book Dealer

Per Def Tho N. Sanderson 146 Grand St 55 Lewis +

Per Def Peter J. Dwyer 216 E 70

VII. Ernest Phelps

VIII. Frank Birt

IX. John J. Birt

X. Edward C. Wilton

XI. Andrew Cassidy

XII. Henry W. Ballew

Per Def Simon Sanders

Per Def James J. Ballew

Per Def Jacob Wilson

0683

Ry

Fraser & Co

208, FIFTH AVE.

White, Hill & Co
37th Street
New York

0684

District Attorneys Office
City & County of
New York

189

Learned Sir - This matter has been

under consideration since the meeting of
the Board of Supervisors on the 12th inst.
and it is now the duty of the Board to
decide upon the same.

The Board of Supervisors of the City and
County of New York has the honor to
acknowledge the receipt of your letter of the
12th inst.

and in reply to inform you that the
Board of Supervisors has not yet

been able to determine upon the same
and that the same will be brought
before the Board at its next meeting.

Very respectfully,
District Attorney

Wm. C. Kelly

This is 62 Nov 17/0

0586

District Attorney's Office
City & County of
New York

1629.

189

[Faint, illegible handwritten text]

0687

Police Department of the City of New York.

Precinct No.

New York, 189

Who removed body from hallway -
Officers - Keely - O. Souwell - &
Sagar - & Citizen Fortunato
Cous - 46 Mulberry St.

Where was it taken -
To 6th Precit. Station House.

Who took it away from Station
Frank Crovo. Jacob Kirchoff &
Luis Basco. 25th Mulberry St.

What officer was present when
body was removed by undertaker.
Doorman - Thos. Navanagh -
6th Precit. -

District Attorney's Office
City & County of
New York

189

Braica.

First time saw Dist was day of
townside.
Yet he says on Court, that he has
them 3 yrs. Has been in
Has been in Court of
See article transaction & letter
to present
now to and Court
The
I will go call my husband

At
Set
of
may

Francesco Mela

District Attorney's Office,
City & County of
New York

189

Enrico Leone 11 Mulberry St.

Left me in my house 3rd Dec 4, & his
wife called about 3⁴⁵ & said "Come home".
They went out together & a little while after
I heard of the shooting. His wife has since
told me that deceased put his hands on her
breast & tried to drag her in a hallway &

at about 4³⁰ & 4⁴⁵ Mulberry St.

Enrico & I boarded at same place for
one month 47 Mulberry St. One day
I was standing in line near 47 Mulberry St.

Frank G. Belsito 124 Mulberry St.

Saw dead man on Mulberry St. did not
hear prisoner say anything.

Saw the woman coming from me from Bayard St.
She was excited at something - face red - she got
opposite me - she said "good evening to her" - she looked
on him & look him by front & slipped his face &
said she would go & see her husband & tell him
she went toward Canal St. - She returned five or
six minutes after with her husband - she was
advance - She placed her hand on dead shoulder

0690

District Attorneys Office
City & County of
New York

With Envelope

1879

189

[Faint, mostly illegible handwritten text, possibly a list or index of names and addresses.]

[Faint handwritten text at the bottom of the page, possibly a signature or date.]

0691

District Attorney's Office. ¹⁰⁰⁰

Part One
Calendar
May 12/93

0692

District Attorneys Office
City & County of
New York

1839

Received of _____ 1839

the sum of _____ Dollars

for _____

People
 117
 Morillo

Murder 1st

List of witnesses

Carmine Bianchi, 208 Canal St.

John Fonacora, 105 Park St.

Leonardo Domino, 115 Mulberry St.

Luigi D'Gerolamo, 492 Water St.

or care of Carmine Coava, 46 Mulberry St.
 Donato Bibane, 492 Water St.

Frank G. Belaito, 124 Mulberry St.

Alfonso Massucci, 71 1/2 Mulberry St.

Michael Massucci, 71 1/2 Mulberry St.

Romenico Faggiano, 71 Mulberry St.

Officer Richard Barry, 6th

Officer Cooperan, 6th

Capt Wearts, 6th

Off. Nely 6th

" O'Donnell 6th

" Dejar 6th

Fortunato Conco 46 Mulberry

Frank Crovo.

Jacob Kirchoff } 26 1/2 Mul

Stino Basso } berry St.

People
 Officers who removed body on
 stretchers to station house

Persons who removed body
 from station house to incident
 36 1/2 Mulberry & buried it.

Nicola Mele, brother of dec'd, No 757. Third Ave. ^{South} Blyn
 Dr. Doulin, Coroner's officer.

Thomas Kavanaugh - Doorman, 6th Prec. delivers the
 body to Crovo, Kirchoff + Basso.

POOR QUALITY ORIGINAL

0694

List of Witnesses

People

17

Antonio Morillo

Murder

0695

POOR QUALITY ORIGINAL

By Mr. Le Burtin.
You were not present at the trial
at all. In fact, I am the
one that has been interviewed.

Remarks
The fact that Francisco was
seen to his death from a letter that
should be the last evidence for some
years and was to this day, because
of the way it was written that

Conrad after - see that center -

For that the center
The center center
see that the
and a few

at the center
see that the center

at the center

- 1. I saw a man in the center of the center -
- 2. I saw a man in the center of the center -
- 3. I saw a man in the center of the center -
- 4. I saw a man in the center of the center -
- 5. I saw a man in the center of the center -
- 6. I saw a man in the center of the center -
- 7. I saw a man in the center of the center -
- 8. I saw a man in the center of the center -
- 9. I saw a man in the center of the center -
- 10. I saw a man in the center of the center -
- 11. I saw a man in the center of the center -
- 12. I saw a man in the center of the center -
- 13. I saw a man in the center of the center -
- 14. I saw a man in the center of the center -
- 15. I saw a man in the center of the center -
- 16. I saw a man in the center of the center -
- 17. I saw a man in the center of the center -
- 18. I saw a man in the center of the center -
- 19. I saw a man in the center of the center -
- 20. I saw a man in the center of the center -

**POOR QUALITY
ORIGINAL**

0698

*District Attorneys Office.
City & County of
New York.*

18.....

0699

TESTIMONY.

E. J. Doolin

M. D., being duly sworn, says:

I have made post mortem examination of the body of
Francisco Mel
26 1/2 Mulberry St and from such examination
now lying dead at

and history of the case, as per testimony, I am of opinion the cause of
death is shock from a fatal shot wound
of heart. The bullet entered the thorax about one
inch to the left and one inch below the left nipple,
passing through the heart and lodging in the
lower lobe of right lung Liver and other organs
normal. There were three abrasions on forehead above the
right eye and one on bridge of nose
E. J. Doolin M. D.

Sworn to before me,
this 5th

day of December 1892

John B. Shea CORONER.

0700

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
34	Years	Months	Days	Italy	26/11 Newberry Stres 1892

Found in hallway of 72 Newberry St
Shot from pistol shot wound of heart.

J. B. S.

No. 1734

At the Quar.

1899

AN INQUISITION
On the VIEW of the BODY of

Francisco Mela

whereby it is found that he came to
his death by

Inquest taken on the *12th* day
of *June* 1899 before

JOHN B. SHEA, Coroner.

1734

0702

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of Coroner's Office No. 27 Chambers Street, in the 6th Ward of the City of New York, in the County of New York, this 11th day of January in the year of our Lord one thousand eight hundred and ninety three before John J. Shea Coroner, of the City and County aforesaid, on view of the body of Francesco Mele

lying dead at Twelve good and lawful men of the State of New York, duly chosen and sworn, or affirmed, and charged to inquire, on behalf of said people, how and in what manner the said Francesco Mele came to his death, do upon their Oaths and Affirmations, say: That the said Francesco Mele came to his death by a wound of chest inflicted by a pistol shot to his left side, December 5th 1892, at No. 79 and a half Mulberry Street

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

JURORS.

F. J. Maeder 2357-2nd Ave H. Eggers. 2217 - 2nd
D. Munkler 305-113th A. Orrenbach 2348 2nd
H. Quon 2244-2 E. G. Inead 2166-2
H. Dienker 244 East 123rd H. Becker. 2240 2nd
H. Heithoff 249 - 124th John F. Linger 2110-7th
E. Wotrenborg 2341-2 Sallab C. Geel 2329-20

John B. Shea Coroner. S. S.

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK } SS.

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

Question—What is your name? ~~Antonio Morrello~~
 Answer— Antonio Morrello

Question—How old are you?
 Answer— 27 years

Question—Where were you born?
 Answer— Italy

Question—Where do you live?
 Answer— 34 Mulberry St.

Question—What is your occupation?
 Answer— Restaurant keeper

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?
 Answer— Not guilty (answered by counsel)

Antonio Morrello

Taken before me, this 11th day of January 1893
 John B. Shea CORONER.

0704

POOR QUALITY ORIGINAL

MEMORANDA

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
<i>34</i> Years	Months	Days	<i>Italy</i>	<i>26 1/2 Mulberry St</i>	<i>Dec 5/92</i>

0709

POOR QUALITY ORIGINAL

of the 7th Jan 1893
HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of

Francesco Mele

whereby it is found that he came to
his Death by the hands of
some person unknown
to the jury

Inquest taken on the 11th day
of January 1893

before *John B. Shea* Coroner.

Committed

Accepted

Discharged

Date of death

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Antonio Varella and Rosalva Varella

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

Antonio Varella and Rosalva Varella of the CRIME OF MURDER IN THE FIRST DEGREE, committed as follows:

The said Antonio Varella and Rosalva Varella, both

late of the City of New York, in County of New York aforesaid, on the 29th day of December, in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms, in and upon one Francisco Varella, in the peace of the said People then and there being, wilfully, feloniously and of their malice aforethought did make an assault; and the said Antonio and Rosalva, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said Antonio and Rosalva in their right handsthen and there had and held, to, at, against, and upon the said Francisco, then and there feloniously, wilfully and of their malice aforethought, did shoot off and discharge, and the said Antonio and Rosalva, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, in the said Francisco, in and upon the right side of the body of the said Francisco, then and there feloniously, wilfully and of their malice aforethought, did strike, penetrate and wound, giving to him the said Francisco, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

said *Antonio and Constance*, in and upon the *right side* of *the*
~~body of the said~~ *Francesca*, — one mortal wound of the breadth of
 one inch, and of the depth of six inches, of which said mortal wound *she* the
 said *Francesca*, ~~at the City and County aforesaid,~~
 from the said ~~day of~~ ~~in the~~
~~year aforesaid, until the~~ ~~day of~~ ~~in the~~
 aforesaid ~~did languish, and languishing did live, on which said~~
~~day of~~ ~~in the year aforesaid, the said~~ ~~in the same year~~
~~wound did die~~ ~~at the City and County aforesaid, of the said mortal~~

she and there died.

AND SO THE GRAND JURY AFORESAID do say: That the said
Antonio and Constance, —
 the said *Francesca*, — in the manner and form, and by
 the means aforesaid, wilfully, feloniously and of *her* malice aforethought, did kill
 and murder against the form of the statute in such case made and provided, and against the
 peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*

0708

BOX:

509

FOLDER:

4643

DESCRIPTION:

Morton, Emma

DATE:

01/30/93



4643

Witnesses:

Officer Long

Officer Sullivan

350
Address

Counsel, *[Signature]*
Filed, *29* day of *May* 189*3*
Pleads,

KEEPING A HOUSE OF ILL-FAME, ETC. (Sections 822 and 825, Penal Code.)

THE PEOPLE

vs.

B

Emma Norton
May 21/93

Sent to the Court of Special Sessions for trial, by request of [Signature] for Defendant.

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL,

J. Cathin

Foreman.

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

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Emma Norton

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

Emma Norton

(Sec. 322,
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE OF ILL-FAME, committed as follows:

The said *Emma Norton*,

late of the *16th* Ward of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *January*, in the year of our Lord one thousand eight hundred and ninety-*three*, and on divers other days and times, as well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep and maintain; and in said house divers ill-disposed persons, as well men as women, and common prostitutes, on the days and times aforesaid, as well as in the night as in the day, there unlawfully and wickedly did receive and entertain; and in which said house the said evil-disposed persons and common prostitutes, by the consent and procurement of the said

Emma Norton

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlawful assemblies, disturbances and lewd offenses on the days and times aforesaid, as well in the night as in the day, were there committed and perpetrated; to the great damage and common nuisance of all the good people of the said State there inhabiting and residing, in manifest destruction and subversion of and against good morals and good manners, 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

Emma Norton

(Sec. 385,
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Emma Norton*,

late of the Ward, City and County aforesaid, afterwards, to wit: on the *eighteenth* day of *January*, in the year of our Lord one thousand eight hundred and

ninety- *three* , and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *the* said house for *the* own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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

Emma Weston

(Sec. 322, Penal Code.) of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows :

The said *Emma Weston*,

late of the Ward, City and County aforesaid, afterwards, to wit: on the *eighteenth* day of *January*, in the year of our Lord one thousand eight hundred and ninety-*three* and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *the* own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *the* said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are habitually disturbed, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

0712

BOX:

509

FOLDER:

4643

DESCRIPTION:

Muller, John

DATE:

01/13/93



4643

Witnesses:

Albin Beidberg

M. H. Gandy

All of which have been
examined &
deposited by

(13)

Counsel,

Filed

day of *Jan* 1890

Pleads,

THE PEOPLE

vs.

John Miller

Grand Larceny, Second Degree, [Sections 228, 237, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

J. Cathin

Foreman.

Jan 18/93

J. J. Foreman

J. J. Foreman
Jan 27/93

COURT OF GENERAL SESSIONS, PART I.

----- x
 :
 The People of the State of New York, :
 :
 against : Before
 : Hon. Fred'k Smyth
 John Mullen. : and a jury.
 :
 :
 ----- x

Indictment filed 1893.
 Indicted for grand larceny in the second de-
 gree.

New York, Jan. 18, 1893.

A P P E A R A N C E S.

Asst. District-Atty. John F. McIntyre;
 For the defendant, Samuel F. Hyman, Esq.

FREDERICK BURGMAN, a witness for the People, sworn, testi-
fied:

I live now at 148 Cherry Street. On the 12th.
 of October last I resided at 586 Second Avenue, where I
 was employed by Johnson Brothers, grocers. During the
 time of my employment there three months I slept in the
 rear of the store in the same room with this defendant. We
 slept in the one bed. In that room I had a trunk belonging
 to me. I had \$72 in money in that trunk. On the evening
 of the 12th. of October when I came home I took the money
 which was on top of the trunk and put it lower down, and
 then I put my things in the trunk. I went to bed at half
 past 11. The defendant was ^{not} in the room at that time. He
 was not in the room when I put the money further down in the

2.

trunk. I locked the trunk before going to bed and put the key in my pocket. The defendant came in about half past twelve or one o'clock. I did not see him in bed that night. I got up at half past five the following morning. My trunk was still locked. I opened it and found that the money was gone. The defendant was not there. I opened the store on that morning. The defendant did not come back again.

CHARLES HEIDELBERG, a witness for the People, sworn, testified:

I am a detective sergeant connected with the Central office. I arrested the defendant at Police Headquarters. I asked him what he had done with the money he took from his room-mate. He said that he went out to have a drink with some fellow that he picked up, a friend of his, and that that friend of his must have robbed him.

HENRY JANTZEN, a witness for the People, sworn, testified:

I am a grocer at 586 Second Avenue. This complainant and the defendant were in my employ on the 12th of October. I remember this defendant coming to my store on the night of October 12th. He did not sleep in that house that night at all. He had been in my employ for a little over a month. The following morning he did not appear to do any work at the store, and I did not see him afterwards until he was arrested.

3.

DEFENSE.

JOHN MULLEN, a witness for the defendant, sworn, testified:

I have never been known by any other name but John Mullen. I know the complainant. I sleep in the same room with him. I did not open his trunk on the night of the 12th. of October and steal \$72 from him. I did not know he had any money. I have never been convicted of crime before.

Cross-examination:

I came home late on the night of the 12th. of October and knocked at the store door. A friend of mine was with me and we had been drinking. Afterwards he took me out of the store again about two or three o'clock and we went to a saloon. I locked the store door before going out. I was drunk. The reason I did not go back to work the following morning was because I was under the influence of liquor and I was afraid to face my boss.

The jury returned a verdict of guilty of grand larceny in the second degree.

Indictment filed Jan'y 1/93
County of Lowell, Mass.
Part I

The People,

v.

John Mullen

Abstract of testimony
on trial, New York,
January 15th 1893,

0718

Police Court / District. Affidavit—Larceny.

City and County }
of New York, } ss:

Frederick Burryman

of No. 148 Cherry Street, aged 28 years,
occupation: Clerk being duly sworn,

deposes and says, that on the about 12th day of October 1892 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 time, the following property, viz:

Seventy two dollars gold and lawful money
of the United States

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by John Miller (now here) for
the who is also known to deponent as Frederick
Weiss - for the reason that on said date deponent
had the above described property in his trunk in
his room at 586 2nd Avenue. Deponent was
deponent's room mate. When deponent went to bed on
the aforesaid date, the said money was in his trunk.
When he awoke he found that his trunk had been broken
open and his money gone and the defendant then totally
disappeared - Deponent is informed by Charles Heidberg
a detective sergeant of the Central Office that the defendant
admitted to him when he was arrested that on the night when
the said money was taken that he defendant was drunk and
that the above described property was taken by another man, a
friend of defendant. Wherefore deponent charges the defendant

Sworn to before me, this
of 1892
Police Justice.

with grand larceny and prays that he be
committed and held to answer.

Sworn to before me } Bornemann
this 7th day of January 1893 }

W. M. Schreiber

Notary Public

0720

CITY AND COUNTY }
OF NEW YORK, } ss.

1021

aged 49 years, occupation Detective Sergeant of No. Charles Heidelberg
Central Office Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Fredrick Bunyan
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 7 day } Chas. H. [Signature]
of January 189 3 }

Police Justice.

0721

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

John Miller 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 Miller

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. Germany

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

Answer. 5-5-3 Greenwich Street. Six weeks

Question. What is your business or profession?

Answer. Clerk

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, I was drunk & a friend of mine took me home and he took the money.

John Miller

Taken before me this

7
1893

Police Justice.

0722

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 *Fifteen* 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, *Jan 7* 189*3* *W. J. ...* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Fredrick Bunzman
148 W. Oakway St
John Miller

Offense *Larceny*
Felony

2
3
4

Dated, *Jan 7* 189*3*

Magistrate.
Heidelberg & Reaf Officer.
C.O. Precinct.

Witnesses *Charles Heidelberg*
No. *Central Office* Street.

Henry Jantzen
No. *586 2nd Ave* Street.

No. _____ Street.
\$ *1500* to answer *Yes*

@ *GW*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

John Müller

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

John Müller

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

The said

John Müller

late of the City of New York, in the County of New York aforesaid, on the 12th day of October in the year of our Lord one thousand eight hundred and ninety-two, at the City and County aforesaid, with force and arms,

the sum of seventy-two dollars in money, lawful money of the United States of America, and of the value of seventy-two dollars

of the goods, chattels and personal property of one Frederick Bornemann

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.

De Lancy Nicoll,
District Attorney

0725

BOX:

509

FOLDER:

4643

DESCRIPTION:

Murphy, Martin

DATE:

01/06/93



4643

Witnesses:

Bridget Murphy

(1)

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Murphy

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

DE LANCEY NICOLL,

District Attorney.

Part III Jan'y 11th '93

~~Part III Jan'y 11th '93~~

A TRUE BILL.

Done

Jan'y 19th 1893

J. C. Cahir

Foreman.

Part 3 January 19th 93
Def't discharged on
his verbal recog.

From an Examination
made in this case
and from the written
interrogatories which
were returned
and which forms
a part of the
communication - I
believe that
the interests of the
People would be
best subserved by
discharging the
defendant from
further proceedings
Jan'y 19th 1893. J. C. Cahir

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Martin Murphy

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. - From the fact that at the time of the occurrence he was very drunk, and had been drinking for two or three days, and it seems to affect his mind when he drinks too much

He is uniformly of a good temper, and is a good man, and I do not think that he any intention of doing me any bodily harm and I may have been the cause, from saying more than I should, when I saw his condition - He is the father of my two children, and our only support, and I feel he has had sufficient punishment, and I beg the clemency

of the Court
acknowledged before me }
this 19th day of January 1898 }
Wm. J. Murphy
J. A. McGuire
Clerk of the Court

0728

Police Court _____ District.

1081

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

of No. 14 Madison Street, aged 25 years,
occupation Housekeeper being duly sworn,
deposes and says, that on the 25 day of January 1895 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by
Patrick Murphy (incarcerated) who
struck deponent a violent
blow about the left arm
with a chain breaking deponent's
left arm

with the felonious intent to take the life of deponent, or to do ^{her} ~~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 30 day }
of February 1895 }

W. H. G. G. Police Justice.

Patrick Murphy
deponent

0729

Sec. 198-200.

District Police Court. 1882

City and County of New York, ss:

Mattew Murphy 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 a 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. *Mattew Murphy*

Question. How old are you?

Answer. *33 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *24 Madison Street, Camden*

Question. What is your business or profession?

Answer. *Ice & coalman*

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 guilty*

Mattew Murphy

Taken before me this

day of

1882

W. J. [Signature]

Police Justice.

0730

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.....

Debraunt
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, Jan 13 1893 *John H. Gray* Police Justice.

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

Dated,.....189..... Police Justice.

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

Dated,.....189..... Police Justice.

Police Court-- District

THE PEOPLE &c.,
ON THE COMPLAINT OF

D. J. ...
...

BAILED,

No. 1, by.....

Residence Street.

No. 2, by.....

Residence Street.

No. 3, by.....

Residence Street.

No. 4, by.....

Residence Street.

2
3
4

Dated, *Jan 3 189*

... Magistrate.

... Officer.

... Precinct.

Witnesses.....

No. Street.

No. Street.

No. Street.

\$..... to answer

20
Office

112

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against,

Martin Murphy

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

Martin Murphy

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

The said

Martin Murphy

late of the City and County of New York, on the *second* day of *January* in the year of our Lord one thousand eight hundred and ninety-*two*, at the City and County aforesaid, in and upon one

Bridget Murphy
in the peace of the said People then and there being, feloniously did wilfully and wrongfully did make an assault; and the said *Martin Murphy*

with a certain *stick* which *he* the said

Martin Murphy
in *his* right hand *then* and there had and held, the same being then and there a weapon and an instrument likely to produce grievous bodily harm, *then* the said *Bridget Murphy* then and there feloniously did wilfully and wrongfully strike, beat *and* 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.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Martin Murphy

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

The said

Martin Murphy

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, in and upon the said

Bridget Murphy

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said *Martin Murphy* the said *Bridget Murphy* with a certain

stick

which

he

the said

Martin Murphy

in

his

right hand then and there had and held, in and upon the

head

of

her

the said

Bridget Murphy

then and there feloniously did wilfully and wrongfully strike, beat, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *Bridget Murphy* to the great damage of the said *Bridget Murphy* against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, District Attorney.

0734

BOX:

509

FOLDER:

4643

DESCRIPTION:

Murray, Mathew J.

DATE:

01/24/93



4643

0735

Witnesses:

Albion Thibault
Officer Smith

As appears by the complainant's statement in this case, the injury to his property was committed by the prisoner while in an intoxicated condition, without any conceivable animus against him. The complainant desires to withdraw his complaint, and in view of the facts, I recommend that the prisoner be discharged upon his own recognizance.

My January 30th 1893

De Lancey Nicoll
District Attorney

(259)

Counsel, *[Signature]*
Filed, *[Signature]* day of *January* 1893
Plends, *[Signature]*

THE PEOPLE

vs.

Matthew J. Murray

INJURY TO PROPERTY.

[Section 654, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

[Signature]
Foreman.

Part 3. January 30th 93
Defth discharged on
his verbal recog.

0736

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

Matthew Ferraro,

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

I was seated in my dwelling apartment above my store at 2070 Third Avenue on Jan'y 27th 93 when I saw the persons come along the avenue in an intoxicated condition. There were other people about him, and I believe they were annoying him. He picked up something, I don't know whether it was a stone, or some ice and held against the window with it thereby breaking it, but without breaking any glass out and the damage has since been repaired, and no one except myself is or was interested therein.

I am satisfied it was through no evil intent, but simply in a state of irresponsibility that the defendant did this, and as he is a married man with two children and is dependent upon him, and of a respectable family, I desire to withdraw my Complaint.

1893

In presence of Albert Hildebrandt
Henry W. ...

0737

1852

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 5th DISTRICT.

Albert Hildebrandt

of No. 24070 Third Ave. Street, aged 48 years,
occupation: Saloon Keeper being duly sworn, deposes and says

that on the 22nd day of January 1893
at the City of New York, in the County of New York,

Matthew J. Murray
(now here) did wilfully and maliciously
break and destroy a pane of french
plate glass in the window of defendant's
store at said address the property
of Joseph H. Barrus. of the value of
one hundred dollars. by then and
there striking said pane of glass
with a stone he then and there threw
from his hand at said window.
Wherefore, defendant prays the defendant be
heard with according to Law. A Hildebrandt

Sworn to before me, this 22nd day

of January

1893

[Signature]
Police Justice

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK } ss:

Mathew J. Murray

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 sees 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.

Mathew J. Murray

Question. How old are you?

Answer.

35 years old

Question. Where were you born?

Answer.

Albany Penn

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

Answer.

1626 Park Ave Five months

Question. What is your business or profession?

Answer.

Plumber

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
Mathew J. Murray*

Taken before me this

27th

day of

January 1938

Police Justice

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

Alfred Park

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 July 27 1897 *Wm. G. Burke* Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0740

Police Court--- 5 District 88
1894

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Albert Hildebrand
2030 39th Ave
Matthew J. Murray

Offense: Malicious
Mischief 2nd degree

2
3
4

Dated, Jan 22 1893
Burke Magistrate.
Litch Officer.
59 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 500 to answer

J.S.
Litch

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

Mathew J. Murray

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

Mathew J. Murray

of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said *Mathew J. Murray*

late of the City of New York, in the County of New York aforesaid, on the *twenty second* day of *January* in the year of our Lord one thousand eight hundred and ninety *three*, at the City and County aforesaid, with force and arms,

one pane of plate glass

of the value of *one hundred dollars* of the goods, chattels and personal property of one *Albert Hildebrandt*, then and there being, then and there feloniously did unlawfully and wilfully *break*

and destroy;

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

Matthew J. Murray
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* REAL PROPERTY OF ANOTHER,
committed as follows:

The said *Matthew J. Murray,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the
City and County aforesaid, with force and arms,

one pane of plate glass

of the value of *one hundred dollars*
in, and forming part and parcel of the realty of a certain building of one *Albert*
Hildebrandt there situate, of the real property of the said
Albert Hildebrandt
then and there feloniously did unlawfully and wilfully *break and*

destroy;

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

DE LANCEY NICOLL,
District Attorney.

0743

BOX:

509

FOLDER:

4643

DESCRIPTION:

Murray, Thomas

DATE:

01/26/93



4643

Witnesses:

Frank Namin

Martin Bernick

Comptroller

for Lacey

Present from
Comptroller
for 2/21/93

2093
A

Counsel,
Filed
day of
1893

Pleads,
Agreed to

THE PEOPLE
vs.
De Lacey et al

Expenses
Thomas Murray

Grand Larceny,
[Sections 825, 827,
Degree,
Penal Code.]

DE LANCEY NICOLL,
District Attorney.

Part III July 2 1893
A TRUE BILL,
D. Lacey

Part 2 July 9, 1893 Foreman.
Jury and convicted with
strong recommendation to
the Governor of the State of
California
July 21/93

0745

TRACY, BOARDMAN & PLATT,
35 WALL STREET, NEW YORK.
(MILLS BUILDING.)

BENJAMIN F. TRACY,
ALBERT B. BOARDMAN,
FRANK H. PLATT.

New York, February 3, 1893.

Robert Townsend, Esq.,
Assistant District Attorney,

Dear Sir:

We have been looking over the case of Thomas Murray and we are unable to doubt that he ought to be convicted. As the case may be perhaps a little complicated in the mind of one not familiar with the methods of doing an express business I beg to lay before you, as carefully as I can, the facts of the matter, as I understand them, so that you may with a complete understanding of the case decide whether Murray ought to be indicted again, tried and convicted. We rely entirely on your experience and judgment and will be satisfied with your conclusion, and if after a careful consideration of the following statement you think Murray cannot be convicted, we shall not ask the District Attorney's office to prosecute him further. There are five cases in which Murray has taken and failed to account for property belonging to or in possession of the Company, which I take up in chronological order, the one on which he was indicted being the third in order.

FIRST. The United States Express Company has offices at 946 Broadway and 49 Broadway. Murray was the driver of a wagon of the Company, which during each day takes express packages

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TRACY, BOARDMAN & PLATT,
35 WALL STREET, NEW YORK.
(MILLS BUILDING.)

R. T. -2

BENJAMIN F. TRACY,
ALBERT B. BOARDMAN,
FRANK H. PLATT.

between these two offices. He was furnished with a receipt book in which it was his duty to take written receipts from the receiving clerks at both offices of all packages carried and delivered by him.

On October 20, 1892, the agent at 946 Broadway, Frank Warren, gave a package containing \$25 in money to Murray to be carried and delivered by him to the receiving clerk at 49 Broadway, Martin Herrick. He did not deliver the package to Herrick. About January 6, he was called upon by the Agent at 49 Broadway, Alonzo Corsa, to produce his receipt for the package, which he failed to do, saying that he had lost his receipt book. He was asked to explain the loss of the package but could give no explanation.

SECOND. On November 4th, 1892, the agent at 946 Broadway gave to Murray a package containing \$26.16 in money to be carried and delivered by him to the receiving clerk at 49 Broadway. Murray failed to deliver it. When asked by Mr. Corsa for an explanation he said that he had neglected to deliver the package at 49 Broadway, but had gone to the Company's stable in Jersey City taking the package with him; that he had sent his helper (a boy on his wagon) with the package to the Company's office at Hoboken, that the boy had there delivered it to a clerk of the Company named Ed. Murray, who had given him a receipt therefor. Mr.

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(MILLS BUILDING.)

R. T. -3

BENJAMIN F. TRACY.
ALBERT D. BOARDMAN.
FRANK H. PLATT.

Corsa directed him to produce this receipt, and sent him for it. He returned and produced a receipt signed by Ed. Murray, which was in fact a receipt for another package, from which Thomas Murray had erased the original description and on which he had inserted a description of the missing package over Ed. Murray's signature. Ed Murray denies that he received the missing package.

The forgery of this receipt was not discovered until after the indictment, and Murray has not confessed as to it, but the erasure and re-entry are apparent on the paper.

THIRD. (This is the case on which the charge was made) On January 14, 1893, the agent at 946 Broadway gave Murray a package containing \$50 in money to be carried and delivered to the receiving clerk at 49 Broadway; Murray did not deliver it. Mr. Corsa ordered him to produce his receipt for it, and he replied that he had been looking for it but had been unable to find it. He had his receipt ^{book} in his hand. Mr. Corsa took it from him to look for the receipt and on opening it found in the back a loose leaf torn out. On it was what appeared to be a receipt for the missing package signed by Herrick, the receiving clerk at 49 Broadway. Mr. Corsa told Herrick to again search his register of packages received by him, and Herrick again reported failure to find any entry of the package. Mr. Corsa being suspicious examined the

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TRACY, BOARDMAN & PLATT,
35 WALL STREET, NEW YORK.
(MILLS BUILDING.)

R. T. -4

BENJAMIN F. TRACY,
ALBERT B. BOARDMAN,
FRANK H. PLATT.

receipt more closely and then noticed an erasure under the description of the package on the receipt. On close inspection and comparison with the register Mr. Corsa was able to decipher that on this blank Herrick had originally receipted for another package, which was identified as having been received on January 7, seven days earlier, addressed to another person and place. The original entry had been erased and the description of the missing package had been inserted over Herrick's signature in Murray's handwriting. Mr. Corsa ordered Murray's suspension pending further investigation, and reported the case to the General Agent of the Company, Charles T. Thayer, who put the case in the hands of the Company's Inspector, George S. Chase, for investigation.

On January 21st Chase brought Murray from his home in Jersey City to 49 Broadway, and there in reply to Chase's inquiries, Murray said that he had lost the money, and had erased the original entry on the receipt and substituted the missing package and had given the false receipt to Mr. Corsa to gain time, hoping that he could get \$50 and hand it in claiming that he had found the missing package.

At the same time when Murray was questioned by Chase at 49 Broadway, he told Chase that he had collected \$26.10 on a C.O.D package which had been given to him by the Company's Agent at Hoboken to make the collection; that he had collected the money

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TRACY, BOARDMAN & PLATT,
35 WALL STREET, NEW YORK.
(MILLS BUILDING.)

R. T. -5

BENJAMIN F. TRACY,
ALBERT S. BOARDMAN,
FRANK H. PLATT.

on January 19th but had not turned it in. He then handed that amount to Chase.

FOURTH. On January 20th a clerk at 49 Broadway, Clarence O'Reilly, gave \$8.55 in an open envelope to Murray to be carried and delivered by him to the cashier at the Company's office in Hoboken. Murray did not deliver this money.

This was discovered since Murray's arrest.

FIFTH. On January 18th Murray was short in his account \$3.73, which shortage the clerk to whom he accounted did not report until after his arrest.

All of the above statements the Company is prepared to substantiate and if further explanation is required or if personal interviews with witnesses are desired, will promptly respond.

I submit that Murray ought in my opinion to be indicted for larceny (embezzlement) on the first transaction above stated, and for larceny (embezzlement) and forgery in the third degree on the second and third. I doubt whether a case could be made on the fourth and fifth without further investigation.

I submit for your consideration whether under Sections 278 and 279 of the Code of Criminal Procedure both offenses

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TRACY, BOARDMAN & PLATT,
35 WALL STREET, NEW YORK.
(MILLS BUILDING)

R. T. -6

BENJAMIN F. TRACY,
ALBERT B. BOARDMAN,
FRANK H. PLATT.

could not be charged in separate counts in each indictment.

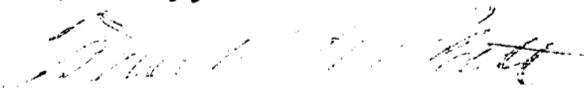
Also whether, at least on the charge of forgery all of the above acts could not be proved in one case to show scienter.

I need hardly say that the Express Company does not press this prosecution from any motive but the public interest. Its business is such that it is peculiarly subject to the crime of embezzlement and its relations to the public are such that if it permits such cases as these to go unpunished, it cannot protect the public as shippers of valuable property. This case has received so much publicity that it is peculiarly important that it be prosecuted, if you think it a case for prosecution.

I may add that the Company has had little difficulty in securing protection of such kind as we now ask outside of New York City. Its officers have confidence in the present management of your office and therefore I take the liberty of asking that your office give the Company the same degree of protection that is received by it in other cities.

I direct this letter to you as you know about the case. If it should go to some other officer, kindly refer it properly.

Yours very truly,



COURT OF GENERAL SESSIONS

Part III.

The People of the State of New York:

vs

Indictment filed January 28th, 1893.
Indicted for Grand Larceny in the second degree.

Appearances: For the People, Assistant District Attorney Lewis.

On the date last a. d. 1893

MICHAEL J. JONES, sworn for the people, being duly sworn, testified as follows:

Direct examination by A. D. Lewis:

I live at 113 West Houston Street. I am in the grocery business. I work for Neil Owens, there. I was working for him on the 14th of last January. I went on that day to the United States Express office, 848 Broadway to send some money. I got a check from Mr. Owen and it cashed at the bank, and was given in five dollars bills. When I received them I went right to the express office. I saw Mr. Waters there, the agent I asked him if he would count the money; he counted it and there was fifty dollars; after counting it he gave it back to me. I then put it in an envelope and handed it across the little desk to Waters; the envelope was about four inches long and white in color. After putting in the money I sealed it; I then put the address on the envelope, Mr. George Tole, East Stroudsburg. I then gave it to Mr. Waters and got a receipt for it. I didn't see the envelope after that.

Cross examination.

I gave that package of money to Mr. Waters.

office to the other office, to 49 Broadway.

Cross examination.

Turray was a driver of a delivery wagon from 49 Broadway.

MARTIN WARRIN, a witness for the people, sworn testified:

Direct examination:

I live at 113 West 22nd Street. I am employed by the United States Express Co. as agent. I was in their employ on the 14th of January 1893 at the office 49 Broadway. I know the defendant Turray he was a driver at that time of one of the delivery wagons. I got a package, referred to by the last witness, out of the safe and gave it to him. It was addressed George Fole, East Stroudsburg, Pa. I had instructions as to where it was going, except to 49 Broadway the main office, for the purpose of being forwarded to its destination.

Cross examination.

When I took the packages out of the safe I gave the keys to the driver after making a list of the packages. These packages were all put in one wagon to go with the other packages. The one transferred to 49 Broadway. I noticed the package in question was handed it to Turray. It had my handwriting on.

MARTIN WARRIN, a witness for the people, sworn testified:

Direct examination.

I am in the employ of the United States Express Company at 49 Broadway. I was in that place on the 14th of January 1893. I knew the defendant at that time. He was a driver and I saw him often. If any of the drivers

brought envelopes to my office, it was my duty to receive them. I make a memorandum and record of them. I don't recollect receiving any packages from this driver Murray on the 14th of January.

(The record book was produced in evidence)

Under the date of January 14th I see no memorandum of any package received from this defendant Murray marked George Tole East Stroudsburg, Pa. I don't find in any of the books a receipt for anything marked in that way.

This book covers the January 11th to January 31st. We will check the reports.

I examined these books from January 3rd to January 31st. These are the only books in which a memorandum of that kind would be made. The paper you show me contains my signature. I gave it to driver Murray, January 7th 1893.

The lead pencil memorandum on the second line of the receipt shows me, was not on it when I signed it.

The memorandum that was on it was J. M. Witt, Washington, D. C.; it was under the date of January 7th. I gave

that receipt in return for a package marked, J. M. Witt, Washington, D. C. containing 4 dollars. There was

no package in the office on January 7th directed to this man at Strouds Ave. It was the day of the driver

upon receiving the receipt from me to keep it for his own protection. He was to file it away in his own records.

Cross examination:

Murray was in the employ of the company at the time. He was one of the ones who received and delivered valuable packages. Valuable packages which are left at

the up town office of this company are sent down to the office at 49 Broadway to be forwarded.

ALONZO COURSER, a witness called on behalf of the people testified:

I am Assistant General Agent of the United States Express Company at 49 Broadway. I have been connected with that company 23 years. I was employed there last January. My attention was called at that time to the fact that a package containing Fifty dollars addressed to E. A. Tole, East Stroudsburg was missing. This was on the 17th of L January.

I had a talk with Murray about it on the 20th of January. I asked him if he had the receipt for that package and he began to examine his book with the view of finding such receipt. I asked him to show me the receipt book for this package from any one who it would be proper to deliver it to. He said that he couldn't find the receipt. We looked over the memorandum book for it. He looked over the book in my presence and said he couldn't find the receipt. I took the book out of his hand and said I would try and find it. I found the receipt in the book. I then said to him "this excludes you from any trouble in the matter" and he seemed pleased. I dont remember what he said. I said to him then that he would have to pay for the \$25.00 package he claimed he lost the receipt for. He said he couldn't do it with his small salary. I didn't see him again with reference to this Stroudsburgh package, or have any talk with him. After we discovered the alteration in the receipt nbook I told him he couldn't work until, he produced that receipt. After that we offered the claimant the money. We discovered the alteration in

the receipt book on the morning of January 20th about 10 o'clock. I saw a receipt in his book reading: " January 7th, One package, J. DeWitt, Washington D.C.". I didn't look to see if there was such a package received at the office on that day, and I didn't have any talk with him in regard to it.

Cross examination:

The defendant has been in the employ of the company about three years as a driver of a delivery wagon. He was in our employ on the 20th of January: We suspended him on the 20th. He was arrested the day after he was suspended.

GEORGE T. CHASE, . a witness for the people, sworn testified:

I am connected with the United States Express Company in the capacity of Special Agent. My duty is to attend to the settlement of losses and such like. I investigated the case of this defendant. I had a talk with him about it on the 21st of January while coming from his house to our office. I asked him if he had the receipt and he said he couldn't find it. He told me then that he had twenty six dollars and ten cents that he had collected and wanted to turn over to the company. While we were going to the office I asked him about the Stroudsburch matter, and he said he received the package but he lost it. He said that he could make it up.

Cross examination:

I have been nearly two years in the employ of the company. My name is George S. Chase. This package was lost on the 14th. The defendant was in our employ on the 20th. He was suspended on the 20th. He lived in Jersey. I dont know whether he went home that night. I found him there the next day. He came to the City of New York with me and went to the company's office, and turned in his \$26.10.

D E F E N S E .

THOMAS MURRAY, the defendant, sworn , testified:

Direct examination:

I reside at No. 12 Ely Street, Jersey City Heights with my wife and family. I have resided there three or four months. On the day of my arrest I was in the employ of the United States Express Co. I have been with them for three years in June. On the 14th of January, I started from the 34th Street Office and went down to the other office, and receive this package and signed for it. I rode down to 49 Broadway with it. When I got to 49 Broadway, I missed the Fifty dollar package. I took several packages down from 14th Street and the office at 946 Broadway. I didn't steal that package. I didn't know whether it was fifty dollars or fifty cents. I know that I didn't have it with me when I got to 49 Broadway. I didn't say anything about the package but tried to raise the money. I wanted to save my position. That second line of the receipt which you show me is in my handwriting. I rubbed out the item,

"\$40.00 package received January 7th", and then made an effort to get the money.

Cross examination:

I presented this receipt in case the package which I lost would be turned over to the company. I was willing to shift the responsibility of the package which I had lost on my fellow clerk Herrick. I didn't ask Herrick to allow me to do it. I intended to tell him of it. He didn't know I had done it.

I lost one package before and I paid for it; it was \$12.50. The book which you show me contains my signature on the next to the last line. I signed it October 20th 1892. When I signed that receipt I received \$25.00 to go to S. H. Ives, Manufacturing Company. I received this at 946 Broadway, and was to bring it to 49 Broadway. I suppose I delivered it there and got a receipt for it.

The book which you show me is my receipt book for that day. I may have used one of the other ones. This receipt book covers that day; it doesn't cover that \$25.00. It was in the office I had the conversation with Courser about this \$25.00. He told me I would have to pay for it. I couldn't find the receipt. I think I had three receipt books on October 20th. I searched the books. and turned them in

JAMES D. WARDHORN, a witness for defendant, testified :

I reside at 157 Harrison Av. Jersey City. I know defendant for nearly four years. His reputation for honesty is good so far as I know.

The JURY RETURNED A VERDICT OF GUILTY WITH A RECOMMENDATION TO THE MERCY OF THE COURT:

0758

Read the Conditions of this Receipt

United States Express Co.

Not Negotiable

at NEW YORK.

Received, from

Which we undertake to forward to the nearest point of destination reached by this Company, subject expressly to the following conditions, namely: This Company is not to be held liable for any loss or damage, except as forwarders only, nor for any loss or damage by fire, by the dangers of navigation, by the act of God, or of the enemies of the Government, the restraints of Government, mobs, riots, insurrections, pirates, or from or by reason of any of the hazards or dangers incident to a state of war. Nor shall this Company be liable for any default or negligence of any person, corporation or association to whom the above described property shall or may be delivered by this Company, for the performance of any act or duty in respect thereto, at any place or point off the established routes or lines run by this Company, and any such person, corporation or association, is not to be regarded, deemed or taken to be the agent of this Company for any such purpose, but on the contrary, such person, corporation or association shall be deemed and taken to be the agent of the person, corporation or association from whom this Company received the property above described. It being understood that this Company relies upon the various Railroad and Steamboat lines of the country for its means of forwarding property, delivered to it to be forwarded, it is agreed that it shall not be liable for any damage to said property caused by the detention of any train of cars, or of any steamboat upon which said property shall be placed for transportation; or by the neglect or refusal of any railroad Company or Steamboat to receive and forward the said property; and it is further agreed that this Company is not to be held liable or responsible for any loss of or damage to

said property or any part thereof, from any cause whatever, unless in every case the said loss or damage be proved to have occurred from the fraud or gross negligence of said Company or their servants, nor in any case shall this Company be held liable or responsible, nor shall any demand be made upon them, beyond the sum of Fifty Dollars at which sum said property is hereby valued, unless the just and true value thereof is stated herein; nor upon any property or thing unless properly packed and secured for transportation; nor upon any *fragile fabrics* unless so marked upon the package containing the same; nor upon any fabrics consisting of or contained in *glass*. In no case shall this Company be liable for any loss or damage unless the claim therefor shall be presented to it in writing, at this office, within *sixty days* after this date, in a statement to which this receipt shall be annexed. If any sum of money besides the charges for transportation is to be collected from consignee on delivery of the above described property, and the same is not paid within thirty days from the date hereof, the shipper agrees that this Company may at its option return said property to him at the expiration of that time, subject to the conditions of this receipt, and that he will pay the charges for transportation both ways, and that the liability of this Company for such property while in its possession for the purpose of making such collection, shall be that of Warehousemen only. And it is further agreed that this Company shall not be liable for loss of, or damage to *baggage*, addressed to Railroad, Steamboat, or Steamship lines, after the same has been left at the usual place of delivery to such lines. *The party accepting this receipt hereby agrees to the conditions herein contained.*

DATE	ARTICLES	VALUE	CONSIGNEE	DESTINATION	RECEIVED BY
------	----------	-------	-----------	-------------	-------------

1/14	1/2 doz. 7 1/2 doz. 5/11 U. S. A. for			1313 Broadway	
	2/2 Pa 50.00		A. Lowe, E. St. Louis		Moore

No. 7000

0759

Read the Conditions of this Receipt

United States Express Co.

Not Negotiable

at NEW YORK.

Received, from

Which we undertake to forward to the nearest point of destination reached by this Company, subject to the following conditions, namely: This Company is not to be held liable for any loss or damage, except as forwarders only, nor for any loss or damage by fire, by the dangers of navigation, by the act of God, or of the enemies of the Government, the restraints of Government, mobs, riots, insurrections, pirates, or from or by reason of any of the hazards or dangers incident to a state of war. Nor shall this Company be liable for any default or negligence of any person, corporation or association to whom the above described property shall or may be delivered by this Company, for the performance of any act or duty in respect thereto, at any place or point off the established routes or lines run by this Company, and any such person, corporation or association, is not to be regarded, deemed or taken to be the agent of this Company for any such purpose, but on the contrary, such person, corporation or association shall be deemed and taken to be the agent of the person, corporation or association from whom this Company received the property above described. It being understood that this Company relies upon the various Railroad and Steamboat lines of the country for its means of forwarding property delivered to it to be forwarded, it is agreed that it shall not be liable for any damage to said property caused by the detention of any train of cars, or of any steamboat upon which said property shall be placed for transportation; nor by the neglect or refusal of any railroad Company or Steamboat to receive and forward the said property. It is further agreed that this Company is not to be held liable or responsible for any loss of or damage to

said property or any part thereof, from any cause whatever, unless in every case the said loss or be proved to have occurred from the fraud or gross negligence of said Company or their servants. In any case shall this Company be held liable or responsible, nor shall any demand be made upon the true value thereof is stated herein; nor upon any property or thing unless properly packed and secured for transportation; nor upon any fabrics unless the claim therefor shall be presented to it in writing, at containing the same; nor upon any damage unless the claim therefor shall be presented to it in writing, at this office, within sixty days after this date, in a statement to which this receipt shall be annexed. If any sum of money besides the charges for transportation is to be collected from consignee on delivery of the above described property, and the same is not paid within thirty days from the date hereof, the shipper agrees that this Company may at its option return said property to him at the expiration of that time, subject to the conditions of this receipt, and that he will pay the charges for transportation both ways, and the liability of this Company for such property while in its possession for the purpose of making such collection, shall be that of Warehousemen only. And it is further agreed that this Company shall not be liable for loss of, or damage to BAGGAGE, addressed to Railroad, Steamboat, or Steamship lines, after the same has been left at the usual place of delivery to such lines. The party accepting this receipt hereby agrees to the conditions herein contained.

DATE.

ARTICLES.

VALUE.

CONSIGNER.

DESTINATION.

RECEIVED BY

Handwritten entries in the receipt table, including a signature and the name "B. Kern".

On Jan 14. Michael Connor, a boy working for Neil Owens 113 Houston St. took \$50 to the office of the U.S. Ex. Co. 946 Broadway, to go to Shoupsburg Pa. — The Ex. Co. receiving clerk Waters, counted the money & saw Connor put it into a sealed envelope, which Waters took into the office.

Warren the Ex. Co. agent at 946 Broadway, delivered the package to Murray, a driver, to be taken to the Ex. Co. office at 49 Broadway. Murray did not deliver the package, to the receiving clerk at 49 Broadway, Arthur Herrick.

In order to account for it he took an old receipt, which Herrick had signed a few days before for another package, rubbed out the entry thereon over Herrick's signature, and inserted an entry covering the stolen package.

He confessed the whole transaction to the Company's detective G. J. Chase

Police Court 12th District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 946 Broadway Street, aged 30 years,
occupation Express agent being duly sworn,
deposes and says, that on the 14 day of January 1893 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 lawful
money of the United
States of the amount and
value of Fifty Dollars

the property of

The United States Express
Company and in the care and
custody of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloni-
ously taken, stolen and carried away by

Thomas Murray and hereby
for the reasons following to wit:
on the same date defendant was from
the said money to deliver to Master
Herrick and here, deponent is
informed by said Master Herick
that he did not receive the said
money from defendant, and the
defendant and having appropriated
the said money to his own use
deponent prays he be bound
to answer said complaint

Frank Warren

4751

Sworn to before me, this 15 day
of January 1893
Wm. H. G. A. Police Justice.

0764

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged 27 years, occupation Clerk of No. 49 Broadway Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Frank Mann and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 22 day of January 1892 } W. Herrick

John H. Ryan Police Justice.

0765

Sec. 108-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Thomas Murray*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *Brooklyn, N.Y.*

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

Answer. *12 Bellvue Place, Brooklyn, 3 years*

Question. What is your business or profession?

Answer. *Hygiene*

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*
Thomas Murray

Taken before me this
day of *Dec* 1913
John H. Ryan
Police Justice

0766

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.....

W. J. [Signature]
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, July 22 1893 [Signature] Police Justice.

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

Dated,..... 189..... Police Justice.

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

Dated,..... 189..... Police Justice.

Thomas S. Waters
946 Broadway
Michael Condon
113 West Houston

Police Court--- District 99

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jerry Mann
vs. *946 Broadway*
Sho Murray

Wm. Conroy

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

2
3
4

Dated, *July 22 1893*

Pyron Magistrate.

Hobbs Officer.

2 Precinct.

Witnesses *Montford Home*

No. *49 Broadway* Street.

Along corner 49 Broadway

No. *George S Chase* Street.

49 Broadway

(over)

No. *100 1/2* Street.

to answer

Thos. S. Waters

946 Broadway

Michael Condon

113 West Houston

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Murray

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

Thomas Murray

of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said

Thomas Murray

late of the City of New York, in the County of New York aforesaid, on the fourteenth day of January, in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, with force and arms,

the sum of fifty dollars in money, lawful money of the United States of America, and of the value of fifty dollars

[Large decorative flourish]

of the goods, chattels and personal property of ~~one~~ a certain corporation

known as the United States Express Company

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.

De Lancey Nicoll,
District Attorney.

0769

BOX:

509

FOLDER:

4643

DESCRIPTION:

Muskowitz, Robert

DATE:

01/05/93



4643

Witnesses:

Officer Meyer

(8)

Counsel,

Filed

Pleadss

5 day of *Aug* 1893

M. J. Mully

THE PEOPLE

vs.

Robert Muskowitz

Grand Larceny, Degree. (From the Person.)
[Sections 222, 223, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

L. Lattin
Aug 17 1893 Foreman.
Fried & Sequel

Police Court

3^d

District.

Affidavit—Larceny.

City and County of New York, ss:

George Lister

of No. 8 Patterson Place Broadway Street, aged 43 years, occupation Dry Goods.

deposes and says, that on the 27 day of December 189 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:

One gold watch of the value of fifty dollars (\$50.00)

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 Manservants.

(Now here) from the fact that on said date deponent was in the Auctions Rooms at 155 Allen Street at 1.40 O'clock deponent took the time from said watch and placed it in the upper left hand pocket of a vest that he was then and there wearing upon his person that immediately after the defendant pushed passed deponent that five minutes later deponent missed the said property, deponent then notified the police

Deponent is informed by

Subscribed to before me and this day of 189 at New York City Police Justice

Detective Emmanuel Meyer that he arrested
 the defendant on suspicion of having
 committed the said larceny when
 he acknowledged and confessed that
 he had feloniously taken, stolen
 and carried away the said property
 from the possession and person of
 defendant, and that he had returned
 it at the pawn office of John
 Stetch on 118. Third Avenue that
 he Meyer then went to the said
 pawn office and recovered the
 watch which defendant fully
 identified as his property.

I wish to inform you }
 this 2nd day of June 1893 } * George Lister

George Lister
 Police Officer

0773

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK

Robert Munkowitz

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. *Robert Munkowitz*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *112 7th Street N. 3 mos*

Question. What is your business or profession?

Answer. *Freeman*

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*
Robert Munkowitz
attest

Taken before me this

day of

Jan 2

1933

[Signature]

Police Justice.

0774

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 Aguedant

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, June 2 1893 [Signature] Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Police Court,

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anna Lisner
8 Bitterman St
Flum Road
Porter - Montross

Charles
W. ...

BAILABLE

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

2 _____
3 _____
4 _____

Dated, *Jan 2* 189*3*
Green Magistrate.

William J. ... Officer.
75 + 37 1/2 Precinct.

Witnesses *Call by ...*
No. _____ Street.

No. _____ Street.

No. *1000* to answer _____ Street.

John

G. P. ...

0776

CITY AND COUNTY }
OF NEW YORK, } ss.

1921

aged _____ years, occupation beer dealer of No.

14 Presonal Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of George Kistler

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

Sworn to before me, this 9 day

of Jan 1893

Emanuel Meyer

[Signature]

Police Justice.

0777

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Robert Muskowitz

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

Robert Muskowitz

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said Robert Muskowitz

late of the City of New York, in the County of New York aforesaid, on the *27th* day of *December* in the year of our Lord one thousand eight hundred and ninety-*two*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

one watch of the value of fifty dollars

of the goods, chattels and personal property of one *George Luster* - on the person of the said *George Luster* then and there being found, from the person of the said *George Luster* 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.

De Lancey McCall
District Attorney.