

1035

BOX:

473

FOLDER:

4340

DESCRIPTION:

Wiltse, Richard H.

DATE:

03/23/92



4340

1036

BOX:

473

FOLDER:

4340

DESCRIPTION:

Wiltse, Richard H.

DATE:

03/23/92



4340

1037

72-115 X

Witness:
Paul I. Hayes
Louis Adams

Counsel,
Filed 23 day of March 1892

Pleads, *Amend*

THE PEOPLE

vs. *Richard W. Carter*

[Section 498, R.S. 1880, Chapter 10, § 10, 1880]
Fugitive in the Third Degree

DE LANCEY NICOLL,
District Attorney.

Part 3. March 31/92.
Ind + jry dispane
8 for comen

A TRUE BILL.

Offm Capt

Part 3. March 31/92.
Foreman.
Pleasds. Petition Larceny
Apr 8

Part 6 March 31/92
April 8/92

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POOR QUALITY
ORIGINAL

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The People
Richard W. Hiltse

Court of General Sessions. Part 3
Before Judge Fitzgerald. March 31, 1892
Indictment for burglary in the third degree.
Paul P. Hayes, sworn and examined. I am a
machinist; my place of business is 155 Grand St.
and 155 Baxter St.; on the 27th of February I
had my place of business properly secured; the
entrance is on Grand St.; it is fastened with
a spring lock and the windows are nailed
down so that they could not be raised up. I
had in the place machinists tools consisting
of vices, drills, clippers, plyers, all of the
value of thirty seven dollars. I discovered
on the 3^d of March that the place had been
broken open and I found the tools were
missing. I found that the nail had been
broken and the window raised and the
nail that had secured it lying on the floor.
I have never seen the property since that was
missing. I did not occupy the entire building,
only the rear room; there is a small par-
tition off that, which is used as a laboratory;
there is a whalebone manufactory in front;
the windows of my room look out on a
court yard.

Cross examined. There are six windows in the
place I occupy and they were all nailed
down. I nailed them down about a week
before I went away. It was on the 27th. I

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left town after I closed up the place, and did not return till the 3^d of March. From the 27th of February to the third of March I had not been in my place. It is a brick building and there are fire escapes on it, but there is no fire escape at the window that was broken, it was at the other one, and that window was not open. Did this window which you found open open into Baxter st. or in the court yard? Into Baxter st. When you came there was the window raised or was it closed? No sir, it was down. Was the pane of glass broken? The pane of glass, as I stated before, was originally cracked, and two pieces of it were lying on the floor and had been broken up. What portion of the window was that in, the upper or lower? In the lower frame. Was there a saloon underneath your premises? No, it is used for a cutlery establishment. My employer, occupies the place partitioned off as an electrical laboratory.

Louis Ramsey, sworn and examined. I live No. 71 Miller Avenue, Brooklyn. I know the premises 175 Grand St. New York. I have seen the defendant quite often but never knew him to speak to. I saw him hanging up a sign for Mr. Klein; that was on

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Friday. It was between the 27th of Feb. and the 3rd of March. Mr. Kleiser has a cutting store; the sign was down, and the defendant was hanging it over Mr. Kleiser's store near the lower part of the second story. About half past five o'clock that night I saw the defendant coming down through the Grand street entrance with two vices, one in each hand; they were not covered; they were heavy iron vices and I should say they would weigh about fourteen pounds; the bottom parts that screw on the bench were missing. I was standing at the door and did not say anything to him; he said to George Shields, (a witness) "Hallo, George," I looked up to see if I knew who it was, and I saw him carrying these two vices. This was the same afternoon that the defendant was hanging the sign. When hanging the sign he was near the window to the side of the fire escape. The sign was about three feet below the window. I don't know how long he was engaged in hanging the sign. I saw him first that afternoon about half past three o'clock and it was about half past five when I saw him with the vices. The fire escapes are on Baxter street, and the door I saw him come out of was in Grand street.

Cross Examined. I am shipping clerk for Mackay

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and Harrington, corner of Grand and Baxter Sts. I know the defendant by sight. I never spoke to him. I guess I saw him around for two or three years. I don't remember going to school with him. It is not a fact that I have known him for ten years. I am sure it was Friday that he put up the sign and I am positive of it. I am just as positive that he had a ladder. I did not see him begin to put it up but I saw him as he was putting the sign up. I should judge it was about half past three o'clock. Do you know whether he went away between the hours of half past two and three o'clock and came back again? No sir. Then for aught you know he did go away and come back again? It might be. I do not know. You are sure it was half past five o'clock? Yes, it was light. I saw him come out of the Grand St. entrance. I don't know when he completed putting up the sign. Did he have anything else in his hand beside the vices? No sir. He had ropes and a hammer when he was putting up the sign. I don't know whether he had a chisel or not. I did not see a coil of wire, he had some people there helping him. He was all alone when he went out at half past five o'clock. I am

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sure of that. I did not see him go into Mr. Klein's store. I was not standing around all the afternoon to watch him. When for the first time after that did you tell any person that you saw him go out with these things? I stated to the officer - that was Saturday morning as I was going to the bank I am sure it was the next day. Mr. Noyes came in and told me somebody has been in his place and carried away some vices and other stuff; he said they forced a window. That window that you speak of and that the complainant testified to is the window that is to the left of this fire escape, is not that so? Yes to the left if you look out of it on Grand St. There is a window that is closer to the fire escape than that one. I guess the sign was four or five feet long and about three and a half feet wide. It is a swinging sign; it came out from the house and had an iron bar across it and the sign was on the bar. The defendant was on the ladder when I saw him; the sign was not up yet when I saw him there. He was fixing something on the iron bar. I recollect swearing in the Police Court. I did not testify there that there was no ladder. I did not testify there that he had one.

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vice in his hand and one on his shoulder. I don't know whether my testimony in the Police Court was taken down in writing or not. I do not think I signed any affidavit the day I was sworn to about the facts. I did not know that a burglary had been committed until Mr. Noyes came in and told me the next day. Did you not know that he was putting up a sign for Mr. Klein? I did. Is it not a fact that he had no other business there but the putting up of this sign? No sir; there is about a dozen different tenants in that building. Did he put up a sign for anybody else? I do not know. When I met the officer the next day I told him whom I had seen go out with the vices. I went to the station house. I did not tell the Sergeant at the desk all about it. I told it to Mr. Fye. I was not there when the defendant was arrested. I saw him in the station house afterwards. I made a statement to the Sergeant in his presence. Did you not state to the Sergeant in command that you saw him go out with one vice on his shoulder and one vice in his hand? No sir.

What would be the weight of one of those vices? I should think about 12 or 13 pounds.

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George Shields, sworn and examined, testified I live at 104, Bleeker St., Brooklyn and my place of business is No. 224, Centre Street, New York. I know the defendant only by his passing by where I work. I remember seeing him one day coming out of 175 Grand St. but I don't remember what day it was. I think it was on a Friday if I am not mistaken; it was shortly after five o'clock. I was standing in the hallway of No. 175 Grand St. when my attention was called to him. He passed me going out of the premises. I saw he had something in his hand, but I did not take particular notice what it was. It was something like a piece of iron. I was busy talking with Mr. Ramser. He came down and spoke to the last witness. He said, "How do you do, George." He knows me by sight passing by. I thought probably the man was working in the place and had his tools. I did not pay much attention to it. He could have passed you and you never noticed him if he had not said, "Halloo!" Certainly.

Paul P. Herges recalled by Mr. Lynn.

About what was the weight of those vices? I should judge the part that was taken away the largest one would weigh about fifteen pounds and the other probably eight.

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Henry P. Foyes, sworn and examined. I am a policeman and arrested the defendant in this case, Centre and Howard streets, two or three days after the thing was reported to me. I told him that Mr. Ramser and Mr. Foyes had been to the station house and reported to me that Mr. Foyes' place had been forced open, the window forced open, and some vices, clippers, dividers and some electrical machinists tools had been stolen to the amount of \$37, and there was two men saw you coming out of the hallway of No. 175 Grand St. Mr. Foyes repeated the burglary down stairs in the office to Mr. Ramser, and he said, "I saw Wiltse hanging a sign right under the window that was open, I saw him come out of the hallway with two vices in his hand." Wiltse said, "It is not so," he hung a sign. Did he say anything about coming out with two vices in his hand in the hall? No sir; he said he had nothing, he was not in the place at all, but only hung Mr. Klein's sign - was not in the man's place and did not steal anything out of there. I took him to the station house then. I sent for these two men. Mr. Shields and Mr. Ramser identified him as the man who

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By counsel

came out of the hallway. He said that he came out of the hallway, he was trying to get into Mr. Noyes' place to get out through his window to hang a sign, and there was nobody in the place.

Do you recollect Mr. Ramser making a statement in the Police Court and also at the Sergeant's desk in which he stated that he carried one vice on his shoulder and one in his hand? No sir. He said he had two vices in his hands; that is what he testified to in both places. He said he saw him with a ladder under Mr. Noyes' window.

Richard H. Wittse, sworn and examined. I am 25 years old and live with my mother at No. 153 East Fifty Second St. I have been living there about two months. I have lived all my life in the city of New York. I recollect putting up a sign in the month of March for Mr. Klein at No. 155 Baxter St. On Wednesday the second of March I was passing through Grand street, I happened to look through Baxter St. It is my habit being in the sign hanging business to look around the streets to see if a sign is in a dangerous condition. Looking through Baxter St. I saw a swinging sign with one of the boards broken

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off in a dangerous condition. I took it out of my course from Grand street. I went around the corner and saw Mr. Klein about repairing the sign. He made a bargain to do it. As I had other work to do in Grand street, I told Mr. Klein I would have to take it away and have it repaired for the purpose of putting it in its place. I went to Broadway and done my work. Then I came back that afternoon about half past two o'clock I wanted to get admittance to this window that I could get out in the iron frame and lower this sign; the one over the door would be the proper one to go to. There was no entrance in the store floor. I had to go to 173 Grand street and I went up stairs.

In that building there was a featherman on the first floor keeps some kind of business in the Grand street building. I did not know whether that was the other building or not, Baxter street or not. I asked him to let me go through the window. He said, for whom? I told him for the cutting man. I wanted to take down that sign. He said, there is no sign at my door - probably it

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is in the rear: it is out of this window here, pointing over to the extreme end of the building on the Baxter street side. He said, you had better go next door to the back, that it is in the Baxter street building. I found the door locked. I came down stairs again. I told the man I had worked with a gentleman in Court at present, Adam Noll; I explained to him the door was locked, and the only way I could do was to take my rope through it and hold myself on the crane. I did that and fastened my rope around the sign and lowered the sign down and took it away to the carpenter shop and had it repaired and painted and brought it back about 20 minutes past five o'clock.

I had no ladder; my brother had the ladder and things away with him on another job. I went up stairs again to see if I could get admission to go to the window again, so I could haul up this sign.

It is dangerous to stand on any crane to hoist it up without having a firm hold. I threw my rope again through this brace and pulled up my sign and went down stairs to collect my money. Mr. Klein paid me a quarter extra for my work and I and the person I had working

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with me went about our business. Previous to going to Mr. Klein when I came down stairs I met Mr. Shields and the other witness Ramser at the door; they were standing each side of the door, the entrance on Grand St.

You came down stairs after you had been up to see whether the door was open? Yes.

I found the place locked. I came down and bid Mr. Shields good evening. I had my rope attached to the hammer, the butt of the hammer in this hand - wire, chisel, and two hold fasts to go under the sign; and a small piece of iron, about that long, to set into such a space like that between the seam of the stone, so that the sign will rest on it. I had these two irons. I took them from that small sill about two inches and a half over the door. I took them down from there; they were not fastened. I had them all the time with me. I put them in my pocket with the intention of leaving them over at the carpenter's. I brought them back thinking I might need it to fasten the iron as it was loose. I got up the same way as I did before - swung it through, got on the crane, hung the sign and got my money. That is what you had

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in your hand and on your shoulder?
Yes, a small rope. I guess forty or fifty feet
of narrow rope, thicker than thick wire,
and a small coil of wire. I had it swung
across my shoulder. And the chisel and
the hammer and this iron that you speak
of? Yes. Have you ever convicted of any
offence in your life? No. How long have you
been in the city of New York? I was born
in the city of New York - going on 25 years.
Before I went into the sign hanging business
I worked for Mrs. Hannah Dyleman No. 105-
West Broadway. I had charge of her restaurant,
she is in Court. I was with her eight or nine
months. I left there of my own accord. I left
because it did not agree with me. I left
it to go with my brother where I could
be in the air; my brother was in the
sign hanging business for about thirteen
years and he is still in it; we were
together in business. I was also employed
by the North River Copper Works, Walter

Kelly of Nos. 266 and 267 West street. I was
employed there about two years and a half.
I don't know whether Mr. Kelly is in Court
or not - I could not positively say.
Don't you know for a fact that he sent
this letter to Court in place of coming here?
No sir. I do not.

Cross Examined. I began the sign hanging business at New Year's. I was hanging signs when I was arrested. Why did you tell them in the Police Court you were a bar tender? That is the work I generally follow up. I am not a bar tender at the present time. Have I not seen you in Court before? Yes, last March probably. What were the circumstances under which I saw you last February? I was charged with burglary, I was charged with felonious assault and in self defence I used a revolver on a person and shortly after I was arrested by Mr. Pyles with burglary, March four years ago, and I was discharged on the burglary in this Court. Did I not see you again in February? No sir. Possibly you might have seen me in this building in February 1891. I knew Mr. Shields probably six years. I began to hang this sign between two and half past two o'clock. I had no ladder. A man helped me to put it up. I always carry rope and tools with me when I put up signs. This sign was probably about $3\frac{1}{2}$ feet wide and three or four feet long. A juror wants to know how far the bar was above the fire escape or whether it was on a level with the bottom

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Of the fire escape - what distance was it from the fire escape? About three quarters of a foot, probably a foot. I was not inside the fire escape at all. I was simply holding the brace. I stood on the railing. I got hold of the rope with my left hand and swung with my right. You were about seven feet from the brace on the railing? Yes sir. I swung with my right hand to catch on to the brace and also on to the fire escape and then got on the crane; the crane is the bar of iron that holds the swinging sign. I did not stand on it at all. I pressed my body over it. You must have put your leg through the brace of the fire escape to do that? Partly. My body was perched along over the crane and I hung down on the crane. I fastened the hooks on top. Mr. Klein paid particular attention to see me fasten them up with my hammer and chisel. Part of the time we use a ladder in hanging signs. Mr. Klein saw me fasten the sign; he is in Court. If that fire escape had not been there I could not have done that very well. My brother had the ladders that day away on another job. Mr. Klein and my witnesses can prove it. I was acquainted with Mr. Raines about twelve years. Whenever

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I see him on the street I bid him the time of day. I think I went to school with him, but I am not sure. Was there light enough in the hall so that any one passing you could determine what was in the hand? I should think so. If a man paid attention he could have seen what you had? Yes. Adam Nell, sworn and examined. I am a cook and lunchman. I have been addressing envelopes & plate for Alfred Sands Church street. I have assisted the defendant in hanging a sign in the month of March at Mr. Klein's place; it was a snowy slippery day. The gentleman now in Court pointed out to me as Mr. Klein is the one who paid for putting up the sign. The sign was broken and the defendant asked me to assist him in taking it down so that he might repair it. I was not doing anything that day, so I gave him a hand I went with him to Baxter street. He said, "Wait there a minute and I will go round and see if I can get out of the window. He came back in two or three minutes and said there was no entrance there. I will have to swing up. He threw the rope under the fire escape and he swung it; it was only

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a jump of maybe two feet from the railing that was on the outside of the building to reach it. He put the rope around the sign, as we always do, and swung the sign. We lowered it and took it away and repaired it. We got back about half past five; it was almost getting dark.

Mr. Klein had almost stopped work at that time I believe. The defendant went up again. He could not get in. He said, we will have to get up some way. I cannot get through that window. He went up the fire escape. He threw the rope over the arm

that holds the swinging sign. That is the only chance you have to get the sign up. He laid with his body over the sign. I helped him, he hooked and swung it.

We even called the colored man that day to help us to hook the other side. I went away from the place with the defendant. He took away with him tools, a hammer, chisel, wire and rope. Did he take any tools or break into any premises? I do not know. I did not see him. If he did I should think I would have seen it. I went in with him to get paid; Mr. Klein paid him and he paid me. We had no ladder there. There was no necessity for it; we could not use it in the place.

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Cross Examined. I forget where I met the defendant first that morning; I might have met him in the street somewhere; it might have been in the Bowery or in Grand street. He asked me if I could give him a hand with a sign. It was between half past two and three o'clock that I met him. When we got back to put up the sign it was getting dark. I know Mr. Klein was stopping work.

Frederick A. Klein, sworn and examined. I am a cutter and grinder and my place of business is 155 Baxter street. It will be three years on the first of May since I began business. I never saw the defendant before the day he hung the sign for me. He saw a piece broken off the sign and he came in and asked me if he could fix it. I told him, "yes;" we made a bargain, he wanted \$1.50 for it. I told him, "you make it quick and I will give you a quarter more." I did not see him when he was putting it up, but I saw it afterwards from the inside. I paid him for his work. I did not see any ladder there nor any rope. I had no time to go outside. I think he came to my place first about three o'clock and he brought

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the sign back and put it up about an hour after that; it was before half past five o'clock. I think it was about four o'clock, I think it was between four and half past four o'clock. I do not think it could have been five o'clock. I cannot swear positively as to the time. I saw him go away. Did he have any vices? I did not see anything. I did not go outside. I paid him and was satisfied with his work. I paid him \$1.75. Did you notice whether he had his ropes or tools when he came into your place? He had nothing in his hand. The second time when he came ~~in~~ and told you the sign was fixed you went out to your door to look at it did you not? No. I looked through the window. What did you find, did you find there was one screw loose? No, one hook was open. What did you tell him to do? I told him to make that right and I will pay you. Did you watch him go up? No. I did not watch him. Did not you stay there to see him go up? No sir. When he came down did you look to see if it was fixed? I had people in the store and I had no time to look up. I saw it was all right. I saw through the window it was all hooked. When I paid him it was between four and five o'clock.

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Hannah Dikeman, sworn and examined.
I reside at 99 Varick street and my place
of business is 105 West Broadway. I keep a
restaurant. I have known the defendant since
last May until December. He was employed
as a waiter and to do anything that was
to be done. He took charge of my business
in my absence. I found no fault with
him. I found him honest and was well
satisfied with him. He had opportunity, if he
wanted to, to steal, but I never missed
anything. I did not discharge him; he
left of his own accord.

The following certificate was admitted in
evidence: New York, March 30-1892.
To whom it may concern: Richard Witke
has been in our employment on several
occasions as helper to coppersmiths, and
he was always found to be an honest,
truthful, willing and reliable workman, and
would be willing to testify to the above in
his behalf had it not been that I am
compelled to leave for Philadelphia on
important business this afternoon.
Yours respectfully, Wall, Kelly & Co. J. E. Kelly.

The jury failed to agree upon a verdict
and were discharged from the further con-
sideration of the case. The defendant pleaded
guilty.

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Testimony in the
case of
Richard W. Wiltsie

filed
March
1972

SD Wa

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Police Court— / District.

City and County { ss.:
of New York,of No. 155 Barten ^{and 175 Grand} Street, aged 44 years,
occupation Mechanic being duly sworndeposes and says, that the premises No. 155 Barten ^{and 175 Grand} Street, 14 Ward
in the City and County aforesaid the said being a Lap on the first
floor of the 4 story brick building
and which was occupied by deponent as a Mechanic Shop
and in which there was at the time ^{no} human being, ~~expressed~~were BURGLARIOUSLY entered by means of forcibly pushing open
the window in the front of said building
at 155 Barten Streetbetween 27th day of February ^{the 2d day of March} 1892
on the 27th day of February ^{the 2d day of March} 1892 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:3 Knives, 2 dozen Knives, 1 Broad drill
1 Hand saw, 3 pairs of Calipers
1 pair of Dividers and 2 pairs of
PliersBeing in all together of the value
of
Thirty Seven Dollars
(\$37.00)the property of In the care and custody of Dependent
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
Richard Wilke (number)for the reasons following, to wit: That on the 27th day of
February 1892 the said window was
securely locked and fastened by means
of nails the said property was in the
said premises, and on the 2d day of March
1892 Dependent found the said window
broken open and said property gone, and
deponent is informed by Louis Ramon
of 175 Grand Street that on the second

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day of March 1894 he saw said defendant
having a sign over a window
and he saw a ladder ^{and} that about
the hour of 5³⁰ pm on the said 2^d day of
March ~~at~~ he saw said defendant
carrying away 2 ^{pieces} from the hallway
175 ^{and} said ^{defendant} is further informed
George Shields that on said day he
saw said defendant coming out of
the hallway of said premises carrying
something that looked like a
box and therefore charges said defen-
dant with the ^{felony} ~~felony~~ of ^{burglary} ~~felony~~

Summons to before me 1894 Paul P. Wright
this 7th day of March 12
J. D. [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
Police Justice.
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
Police Justice.
There being no sufficient cause to believe the within named
guilty of the offense within mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

ss.

1
2
3
4

Offence—BURGLARY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witness.

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.

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ORIGINAL

1877.

CITY AND COUNTY }
OF NEW YORK, } ss.George Shields
aged 36 years, occupation Truckman of No.

224 Centre Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Paul P. Hayes

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

Sworn to before me, this

day of

March 1893

Geo. Shields

W. M. Malone

Police Justice.

1877.

CITY AND COUNTY }
OF NEW YORK, } ss.Louis Rausser
aged 33 years, occupation Clerk of No.

170 Grand Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Paul P. Hayes

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

Sworn to before me, this

day of

March 1893 Louis Rausser

W. M. Malone

Police Justice.

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ORIGINAL

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Richard Wietse 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.

Richard Wietse

Question. How old are you?

Answer.

25 years.

Question. Where were you born?

Answer.

United States

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

Answer.

153 East 52nd Street 4 months

Question. What is your business or profession?

Answer.

Portender

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**R. H. Wietse*

Taken before me this

day of

March

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*92**at**Manhasset**Police Justice.*

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POOR QUALITY
ORIGINAL

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

Police Court, _____ District _____

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1 _____
2 _____
3 _____
4 _____
Offense, _____

Date, _____ 1892

Magistrate, _____

Officer, _____

Witness, _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____

No. _____ Street _____



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

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty 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, _____ 1892 _____ 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.

1064

POOR QUALITY
ORIGINAL

N. Y. Court of General Sessions.

The People vs. }

-v- }

Richard H. Wilke }

City and County of New York vs. Thomas J. Wall
being duly sworn deposes and says -

That he resides at ~~Marion~~ Jersey City,
that he is the senior member of the firm
of Wall Kelley & Co, which firm is known
as the North River Copper Works, doing
business as General Coppermiths and
manufacturers at Nos. 266 and 267 West
street in this City, and have in our
employ about twenty five people.

That I have known the defendant
abovenamed Richard H. Wilke about five
years, and was in the employ of my firm
on and off during the past five years
about two years, and during all of
said time I found him to be a
perfectly honest, reliable and hard working
young man.

The defendant had plenty of
opportunity while in our employ to
take scrap copper, rivets and other
material with which he worked, if
he so desired to do, but I am pleased

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POOR QUALITY
ORIGINAL

to say that nothing was ever missed from
our place.

I have become so impressed with
the defendants conduct while in our
employ, and feel such confidence in
his honesty and integrity, that if the
Court should in its wide discretion
suspend sentence upon him, I would
gladly take him back in my employ
at once.

Sworn to before me this }
2nd day of April 1892. } Thos. J. Hall
J. M. Stamer
Notary Public
N.Y.C. (95)

N. Y. Court of General Sessions.

The People vs.

Richard H. Wilke.

City and County of New York ss = Hannah Dickmann
being duly sworn deposes and says, that
she resides at No. 99 Varick street, in
this City, that I am engaged in the
Restaurant business at No. 105 West
Broadway in this City for the past 16 years.

That the defendant abovenamed was
in my employ as a waiter and superintending
the place from May 1891 to about
November 1891, when he left my employ
of his own accord. During the time
he was in my employ, I found him to
be an honest, industrious and hard
working young man, and also very
polite and attentive to customers. He
had numerous opportunities to steal
money and property while so employed
with me, but never did I miss anything,
and there were never any complaints
from customers or others against him.

I am so thoroughly convinced as to
the strict honesty and integrity of the
young man, that I would be pleased

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POOR QUALITY
ORIGINAL

to again take him back in my employ.
Sworn to before me this
2nd day of April 1892. (Kornach Lieckmann
Vernon Steiner
Notary Public
N.Y. Co (95)

1068

POOR QUALITY
ORIGINAL

N.Y.Court of General Sessions

-----:

The People &c :

against :

Richard H. Wilse :

-----:

City and County of New York, ss:-

Mary F. Dwyer of Number 200 Centre Street being
the
duly sworn deposes and says: That I am a widow of James Dwyer
deceased and that I am continuing the business that he has
been engaged in for the last past fifteen years at the same
place. *That of Refiner of Gold and Silver.*

That I am personally acquainted with the defendant
above named and also his mother Mrs Mary Oates.

That I have had occasion during the last past fourteen
years to become personally acquainted with the habits of the
defendant above named having seen him very often and in fact
almost continually during all said time. I know the defendant
to be an honest and hard working young man.

It has also come to my knowledge that he has been a help
to his mother and has assisted her in keeping her and her
children above want,

Sworn to before me, this

2nd day of April 1892

M. F. Dwyer

Jacob Meyer

Commissioner of deeds,

N.Y. City

**POOR QUALITY
ORIGINAL**

The People &c
against
Richard H. Wilse

Margaret Shanly being duly sworn

deposes and says: That I reside at 302 West 128th street in the City of New York. That I am a widow and am engaged in the dress making business at said place

The defendants mother has been a widow for the past four years and I know that the defendant above named has been a help to her and his earnings have been one of the sources by which the family were kept from want

2nd day of April 1892

Margaret Stanley

Jacob Meyer
Commissioner of Deeds
N.Y. City.

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POOR QUALITY
ORIGINAL

N.Y. Court of General Sessions

-----:
The People &c :

against :

Richard H. Wilse :
-----:

City and County of New York, ss:-

Patrick Bannigan being duly sworn deposes and says: That he resides at Number 211 Hester Street in said city. That he is engaged in the crockery ware business at the same address and has been living at said address and has continued his business there for the last past twenty years

That he is personally acquainted with the defendant above named and has known him for the last past five or six years and during the said time has seen him almost continually

That he has always found him and honest, truthful and hard working young man and he has always noticed that the defendant was kind, gentle and considerate to his widowed mother and dependent cheerfully makes this affidavit to the effect that he believes him to be an honest, truthful, and hardworking young man and a kind and dutiful son.

Sworn to before me, this

2nd day of April 1892

his
Patrick X Bannigan
mark

Jacob Meyer
Commissioner of Deeds
N.Y. City.

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POOR QUALITY
ORIGINAL

N.Y. Court of general Sessions

-----:
The People &c :
against :
Richard H. Wilse :
-----:

City and County of New York, ss.:-

Mary Oates of Number 153 East 52nd Street
Being duly sworn deposes and says: That she is the mother of
the defendant above named, that she has been a widow for the
last past four years and that before and after her widowhood
her son the defendant above named has continually assisted her
financially from wages that he earned and in that way has been
a help to her, in addition to her two other sons who assist her
in a similar way.

That by means of the assistance of the defendant above
named and her other two sons who also assist in keeping the
home above want she has been able to send her other four
children to school which they attend daily

That her son ~~xxxxx~~ the defendant above named has always
been kind, gentle and considerate to her and has always done
everything in his power to assist and help her and her
family from want

Sworn to before me, this }
2nd day of April 1892

Mary Oates

Jacob Meyer

Commissioner of deeds

New York City

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POOR QUALITY
ORIGINAL

CITY AND COUNTY OF NEW YORK, ss.,
being duly sworn, deposes and says : that he is _____ years of age, and a clerk in
the office of CHARLES STECKLER, Esq., the attorney for the _____ in this
action; on the _____ day of _____ 189 _____ at No. _____
in the City of New York, he served the annexed _____
upon _____ the _____ therein
by delivering to, and leaving with _____ personally _____
_____ true cop thereof _____

Deponent further says that he knew the person so served to be _____

Sworn to before me this
day of _____ 189 _____

N.Y. General Sessions Court.

The People vs.

Sworn.

Richard H. Wise
Defendant.

Affidavits vs.

Sworn
CHARLES STECKLER,
for defendant
PULITZER BUILDING,
CORNER PARK ROW AND FRANKFORT ST., NEW YORK CITY.

Due and timely service of a copy within
_____ and indorsed notice of
entry is hereby admitted.

Dated, N. Y., _____ 189 _____

Atty. _____

To _____ Esq.

Atty. _____

Sir :
Please take notice that the within is a
true copy of an _____
this day duly filed and entered in the office of
the clerk of _____

in this action.
Dated, N. Y., _____ 189 _____

Yours, &c.,

CHARLES STECKLER,

Attorney for

To : _____ Esq.,

Atty. for _____

1073

POOR QUALITY
ORIGINAL

City and County { ss.
of New York.

..... of
said city, being duly sworn, says that he is the.....
in this action, that he has heard read and knows the contents of
the foregoing..... and that the same is true to
..... own knowledge, except as to the matters therein stated
to be alleged on information and belief, and as to those matters he
believes it to be true.

Sworn to before me this
day of..... 189

1074

POOR QUALITY
ORIGINAL

483

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard H. Wiltse

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

Richard H. Wiltse

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

The said

Richard H. Wiltse

late of the *14th* Ward of the City of New York, in the County of New York aforesaid, on the
second day of *March* in the year of our Lord one
thousand eight hundred and ninety-*two* in the *day* time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the *shop* of
one *Paul P. Noyes,*

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said *Paul*
P. Noyes in the said *shop*
then and there being, then and there feloniously and burglariously to steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of the
People of the State of New York and their dignity.

1075

POOR QUALITY
ORIGINAL

SECOND COUNT—

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

Richard H. Wiltse —

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

The said *Richard H. Wiltse* —

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

*three pieces of the value of two
dollars each, twenty-four drills
of the value of one dollar
each, one breast-drill of the value
of two dollars, one saw of the
value of one dollar, three pairs
of calipers of the value of one
dollar each pair, one pair of dividers
of the value of one dollar, and two pairs
of pliers of the value of one
dollar each pair,*

of the goods, chattels and personal property of one

Paul P. Noyes

in the

shop —

of the said

Paul P. Noyes

there situate, then and there being found, in the *shop* —
aforesaid, 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.

[Signature]

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POOR QUALITY
ORIGINAL

THIRD COUNT:

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

Richard W. Wiltse _____

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

Richard W. Wiltse _____

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

*the same goods, chattels and
personal property described
in the second count of this
indictment*

of the goods, chattels and personal property of

Paul F. Noyes

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

Paul F. Noyes _____

unlawfully and unjustly did feloniously receive and have; (the said

Richard W. Wiltse _____

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.

1077

BOX:

473

FOLDER:

4340

DESCRIPTION:

Wynn, John

DATE:

03/25/92



4340

**POOR QUALITY
ORIGINAL**

1079

~~Magdalen Creek~~
S.S. 7 1/2 miles

Filed, 23rd day of March 1897
Pleads, C. W. July 9

775.

[Section 18-1 of Penal Code.]

MANSLAUGHTER.

THE T. A. C. BY NICOLLE

~~District Attorney.~~

April 25, 1893

Spred and acquitted

Wm Cobb

Ordered to C. B. Johnson

Panel of Jager and Thompson
for trial dated 21/93

1080

POOR QUALITY
ORIGINAL

Department of Public Charities and Correction.

BELLEVUE HOSPITAL,
WARDEN'S OFFICE,WM. B. O'ROURKE,
Warden.

New York, 189

*Old Comp. & Suppur Potts Fracture of
Septicaemia**Admitted**December 28/91**Dr. Hotchkiss. N. S.**" Gleser N. S.**" Van Loan Sp.**" De Lancy Jr.**Charles McHally, 108 McDougal St.,
30. U. S. Driver, Married, Admitted Dec 28/91
Ward 8 - By St Vincent's Hospital**History - Four weeks ago in a fight had his right
leg broken by a man throwing him down and
jumping on him. On examination found the
right leg up in side splints, the dressings wet
with discharge of pus. There was a Potts
fracture the foot turned out a wound on the
inside of the ankle extending across the same
for a distance of two inches, the muscles were torn
away and also the internal lateral ligament
and the joint opened. The cartilage was*

Department of Public Charities and Correction.

BELLEVUE HOSPITAL,
WARDEN'S OFFICE,

WM. B. O'ROURKE,
Warden.

New York,.....

189

Torn off the lower end of tibia, also a chipping off of the lower end of tibia.

The Cartilage was torn off the astragalus and pieces of bone chipped off. There were three drainage tubes put through from anterior to posterior surface and anterior aspect a little higher up was a small wound with horse hair drainage in it. The leg was washed up and shaved, the wound irrigated with 1 Bichloride Solution 1-2000 and peroxide Hydrogen, the leg put in position and iodoform gauze put on the wound and dry rolls and side splints put on. The leg was elevated by means of a cradle.

Dec. 30th - The patient was delirious and got out of bed and walked around the ward. Had bromide and chloral.

Dec. 31st - Dressed some discharge. The dressings wet through. The wound looking well and the sinus healing. The ankle and leg in opposition, iodoform gauze put on the wound & wet bichloride. side splints put on and the leg swung in a cage.

over

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POOR QUALITY
ORIGINAL

Department of Public Charities and Correction.

BELLEVUE HOSPITAL,
WARDEN'S OFFICE,WM. B. O'ROURKE,
Warden.

New York, 189

The patient was delirious

Jan. 1st On account of temperature the dressing was taken off. On squeezing the leg, pus was exuded from holes where drainage tubes were, also from wounds on inner side of ankle joint. Under ether the leg was dressed by Dr. Hitchcock an escharch was applied and femoral counter openings were made on plantar aspect of foot and posterior aspect of leg and drainage tubes drawn through. The necrosed bone on lower end of fibula and upper surface of astragalus were gouged away. The wounds were irrigated with bichloride solution, then packed with iodoform gauze, the wound in ankle joint with sponges also and dry dressing over all. The foot was elevated and escharch taken off.

The patient had to be stimulated freely during operation with whiskey but did not respond well. Morphine had to be given to quiet him.

Jan. 2nd The dressings removed as some discharge
over

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POOR QUALITY
ORIGINAL

Department of Public Charities and Correction.

BELLEVUE HOSPITAL,
WARDEN'S OFFICE,WM. B. O'ROURKE,
Warden.

New York, 189

and temperature 105°. The outer dressings were removed and found to be wet with blood and pus. The inner dressing of iodoform was not removed, dry bichloride was put on and the leg elevated by means of a cage. The patient has been delirious and does not recognise his friends. Very restless and tosses about in bed and for past nights has required careful watching.

Autopsy - Held by Coroner Weston
Acute degeneration of the kidneys
Oedema of the brain
Cause of death - Septicaemia

1084

**POOR QUALITY
ORIGINAL**

D. L. Shea, M. D.

116 WAVERLY PLACE,

OFFICE HOURS: $\left\{ \begin{array}{l} 8 \text{ to } 10 \text{ A. M.} \\ 2 \text{ to } 4 \text{ P. M.} \\ 6 \text{ to } 8 \text{ P. M.} \end{array} \right.$

NEW YORK.

1085

POOR QUALITY
ORIGINAL

Dennis L. Shea. M.D. grad. Uni Med Coll. Res 116 Waverly Pl., In Decr 1891 was House Surgeon at St. Vincent's Hospital 1st St. near 7th Ave. The deceased Chas Mc Nally was brought in to Hospital on 7th Decr 1891 Dr. Chas L. Weeks one of the ambulance surgeons. Suffering from a simple fracture of the tibia + fibula (known as a Pott's fracture) I don't think that I saw ^{him that} ~~the~~ day, as Dr Weeks attended to him. I saw him however the next day, examined + confirmed the diagnosis of the Amb. surgeon - viz. a simple fracture of t + f there was quite some swelling of the leg but no redness. After she had been there 3 or 4 days I was called to replace the bandage that had been torn off (said to have been torn off by him) I noticed then that he was delirious - He was not very delirious. The ~~same~~ ^{evening} of or the next night about 12 o'clock I was called to ~~apply~~ ^{change} the dressings again. (I was told at that time that he had gotten up or had attempted to get out of bed) He ~~was~~ then delirious his leg was then considerably swollen

1086

POOR QUALITY
ORIGINAL

and inflamed. He was transferred to the ~~basement~~ Reception Ward where he could be more closely watched. I saw him there. - Inflammation had set and incised the leg & put drainage tubes. The bone protruded through the skin on the inner side of the ankle & the fracture communicated with the joint. At this time his temperature had risen being about 103°f . He ~~was~~ continued delirious & his leg was dressed every day. With this treatment he improved and the delirium came on only at night & the inflammation decreased. - ~~Out to~~ When taken to the Reception Ward he was put on Bromide of Potassium 20 grs. every 2 hours & stimulants (80%) ~~for~~ 24 hours & this treatment was continued while he was there.

His temp kept high during all this time - alternating bet 99° & 103° . Most of the drainage tubes were removed & at the last dressing I made I could not find any pus at all.

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POOR QUALITY
ORIGINAL

At this time the Hospital was crowded she was sent to Bellevue Hospital.

I noticed that his mind was ^{there was a peculiar dullness} not perfectly clear. - He was delirious as I have said. His wounds were healing & I thought he would recover.

Delirium Tremens often follows the breaking of a bottle - is oft times brought on by such breaking - and would not follow but for it.

1000

POOR QUALITY
ORIGINAL

Dr Shear

Statement

People v Wynn

Filed March 25/92

1089

POOR QUALITY
ORIGINAL

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the ~~house of~~ *Coroner's Office*
 No. 124 Second Avenue, ~~Street~~, in the 17th Ward of the City of
 New York, in the County of New York, this 8th day of January
 in the year of our Lord one thousand eight hundred and 92 before

Louis H. Schultze Coroner,
 of the City and County aforesaid, on view of the Body of *Charles McNally*
 lying dead at

Upon the Oaths and Affirmations of
Nine good and lawful men of the State of New York, duly chosen and
 sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Charles McNally came to his death, do

upon their Oaths and Affirmations, say: That the said *Charles McNally*
 came to his death by

Jan 3rd 1892, at Bellevue Hospital from Septicaemia
 the result of a fracture of the right leg, which injury
 was received in a fight between the deceased *Charles*
McNally and one *John Wynn* on Dec. 7th 1891 at
 the corner of Bedford and Carmine Streets, and we
 hold the said *John Wynn* for the further action
 of the Grand Jury

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.

<i>Peter Yunge</i> 1593 ave. A	<i>Henry Braun</i> 1601 Ave. A
<i>Adolf Weiss</i> 1577 ave. A	<i>Nicholas Jaeger</i> 1589 ave. A
<i>Harro Nissen</i> 1605 Ave. A	<i>J. H. Steiniger</i> 1559 Ave. A
<i>Fred Merriken</i> 307 E 85 th St.	<i>A. F. Fink</i> 1644 Ave. A
<i>Joseph Schmitter</i> 7604 day St.	

Louis H. Schultze
 CORONER, E. S.

1090

POOR QUALITY
ORIGINAL

City and County of New York, ss.

Statement of Charles McNally now lying
dangerously wounded at _____ in the _____ Ward
of said City and County, on the 2nd day of January 1892

Question—What is your name?

Answer—Charles McNally

Question—Where do you live?

Answer—108 McDougal st.

Question—Do you now believe that you are about to die?

Answer—

Question—Have you any hope of recovery from the effects of the injury you have received?

Answer—

Question—Are you willing to make a true statement, how, and in what manner, you came by the injury from which you are now suffering?

Answer—
I found the above named
in Bellevue Hospital.
Charles McNally, ~~to be~~ He was
unconscious and
unable to make any
statement.

Ferdinand Levy
Coroner

New York January 2nd 1892

POOR QUALITY
ORIGINAL

1091
42- 1892
AN ANTE-MORTEM INQUISITION

On the VIEW of the BODY of

Charles McNally

whereby it is found that he was
injured by

Taken on the 2nd day
of January 1891
before

Franklin D. Long
Coroner.

Committed

Bailed

Discharged

✓

AGE	Years	Months	Days
PLACE OF NATIVITY			
WHERE FOUND			

MEMORANDA

1092

POOR QUALITY
ORIGINAL

Ogilvie

From Bellevue

Hospital.

New York, Jan 3 1892

To Coroner

Sir:

Please hold an inquest on the body of

Name: Charles McNally

Residence: 108 MacDonaghy

Age: 30 years months days. Admitted: Mon day, December

Father: Thomas 28 th 1891, at 7:45 o'clock P. M.

Nativity: US; of

Mother: Anne

By: St Vincent Ambulance

in U. S. City: New York

From: St Vincent Ambulance

Civil Bond: M Occup: Driver Examined by Dr.

Suffering from symptoms of

Compound Suppurating

Pott's Fracture of right leg the result of an injury received 4 weeks ago.

Said injuries said to have been received

Do not know particulars in regard to injury.

Death took place

Mon day, Jan 3 1892 at 2:30 P. M.

The Autopsy revealed

Remarks:

Ogilvie

M. D.

HOUSE SURGEON

Ad. +. State the day of the week.

Ad. A. State whether by Ambulance or Friends.

Ad. B. State whether from a Precinct or a Residence and give the name.

Ad. C. State whether from Natural Causes or from Shock (conscious or unconscious) due to Injuries, and if so, give name, place, date, number, character and Extent of Injuries, always stating where indicated, whether right or left.

Ad. D. State when, where, how, by what means or persons received, also whether Accidental, Suicidal or Homicidal; in falls, the distance, location and place; in Burns and Scalds the circumstances attending the same; in runover cases, the line of Street Car, Railroad or Conveyance; in Weapons, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.

Ad. E. State name, date, place, character and results of any operation or amputation performed.

Ad. F. Give a short resume of the Autopsy with the Pathological Diagnosis and the Cause of Death at the End.

Ad. G. State here any important facts not embodied in the above statements.

1093

POOR QUALITY
ORIGINAL

TESTIMONY.

Autopsy

Body well nourished & muscular
Rigor mortis marked.There is a large open
suppurating wound, communicating with the right
ankle joint in the
inner aspect. Wound
3 1/2" in length. Several
large fragments of bone
loose in wound and
necrotic.Lungs congested
& edematous.Heart normal
Kidneys the
state of parenchymatous
change.Liver fatty
Stomach & intestines
normal.Brain congested &
edematous.

Cause of death —

Septicemia following
fracture of leg

Albert L. Westby

Sworn to before me,

this

day of

Jan 1892

CORONER.

1094

POOR QUALITY
ORIGINAL

TESTIMONY.

A. Weston M. D., being duly sworn, says:
 I have made an autopsy of the body of
Charles McNally now lying dead at
Belleue Hospital and from such autopsy
 and history of the case, as per testimony, I am of opinion the cause of,
 death is *Compound comminuted*
complicated fracture
right tibia. Dec 7th 1893
Sepsis
exhaustion.

A. Weston M. D.

Sworn to before me, on
 this 4th day of *January* 1893
Wm. B. Schuyler CORONER.

1095

POOR QUALITY
ORIGINAL

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
Years	Months	Days	<i>My.</i>	<i>Bellmour Hosp</i>	<i>Jan'y 4/94</i>

*Was said to have been
struck by Joe Rogers
at Lawrence & Bedford
St Dec 3rd 1893
Bellevue 94th St.
Bro. Joe M. Kelly
3003 Springfield*

L. W. S.

AN INQUISITION

On the VIEW of the BODY of

Charles M. Kelly

whereby it is found that he came to
death by

Inquest taken on the
day of *Dec* 1893
LOUIS W. SCHULTZ, Coroner.

33

1096

POOR QUALITY
ORIGINAL

Coroner's Office,

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question—What is your name?

Answer—

Question—How old are you?

Answer—

Question—Where were you born?

Answer—

Question—Where do you live?

Answer—

Question—What is your occupation?

Answer—

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

I plead not guilty—
by instruction of my counsel

John Wynn

Taken before me, this

8 day of June

1884

Louis [Signature] CORONER.

1097

POOR QUALITY
ORIGINAL

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
32 Years	Months	Days	<i>N.Y.</i>	<i>Belleair Hosp</i>	<i>Jan 4/92</i>

1097-33-1892
HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

*Charles Mcnelly*whereby it is found that he came to
his death by the hands of*John McNamee*

Inquest taken on the

25 day

of January 1892

before

James McNamee's Coroner

Committed
Died
Discharged



Date of death

E. J. C.
Apr 25/93

ME

1098

POOR QUALITY
ORIGINALDistrict Attorney's Office
City & County of
New York

Louis Leroy - ⁴⁰ ~~25~~ Leroy - Barber
coming into Bedford St. at
cor of Carmine saw two trucks
caught. Wynn was driving
a covered laundry wagon
the rear head towards Leroy
McNally - truck towards
Carmine - There was a
wagon standing ^{Bedford} ~~at~~ ^{on} ~~the~~
on up town corner - when I
first saw them seat was on
his own wagon - Wynn standing
on foot board in front of
~~Wynn~~ They were pleasuring
at each other. Wynn said
You S of a B. if you come down
from your truck I'll hit
you - McNally did not come
down - Wynn then jumped
from his wagon ^{to the street + then} ~~on~~ ^{the} ~~tail~~ ^{of} ~~the~~
grabbed a ring - McNally
was at head of truck with

District Attorney's Office
City & County of
New York

People }
vs. } Maudslough
John Wynn }

Witnesses

Off. Geo. Reingeman 9th P.
Louis Leroy ⁴⁰ ~~25~~ Leroy St.
Jas McNally 333 Spring
Margaret McNally 90 Mes Aysers
749 Columbus Ave

Frank John - 54 Carmine
(Green)
Henry Coles (Foreman Piercey St.
Thompson St bet Bleeker + E 3rd
Dr. A. G. Weston
Dr. C. L. Weeks 206 W. 15th
~~Flower~~ ~~Bedford~~ ~~St.~~
Dr. D. L. Shea 116 Navily Pl.

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POOR QUALITY
ORIGINAL

District Attorney's Office
City & County of
New York

Louis Ling - ⁴⁰ ~~40~~ Henry - Barber
coming from Bedford St. at
cr of Carmine saw two trucks
caught. Wynn was driving
a covered laundry wagon
whose head towards Henry
McChally - truck towards
Carmine - There was a
wagon standing ^{Bedford} ~~on~~ ^{at} ~~the~~
on up town corner - when I
first saw them that was on
his own wagon - Wynn standing
on foot board in front of
~~Wynn~~ They were clearing
at each other. Wynn said
You S of a B. if you come down
from your truck I'll hit
you - McChally did not come
down - Wynn then jumped
from his wagon ^{to the street & then} ~~on~~ ^{the} ~~tail~~
grabbed a ring - McChally
was at head of truck with

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POOR QUALITY
ORIGINAL

reins in his hand - Wyman
 made a pass for him & struck
 him - Then ~~they~~ ^{he} ~~climbed~~ ^{climbed} & ~~struck~~ ^{struck} ~~him~~ ^{him}
~~of the back into the street~~ ^{he} ~~struck~~ ^{struck} ~~him~~ ^{him}
~~knocked him down on ground~~ ^{he} ~~knocked~~ ^{knocked} ~~him down on ground~~ ^{he}
~~he got up & some one helped him~~ ^{he} ~~got up~~ ^{got up} ~~some one helped him~~ ^{he}
~~on & I said~~ ^{he} ~~he~~ ^{he} ~~was~~ ^{was} ~~not~~ ^{not} ~~going~~ ^{going} ~~any~~ ^{any} ~~more~~ ^{more}
~~to work~~ ^{he} ~~to~~ ^{to} ~~work~~ ^{work}
 & Wyman said I'll kick the
 sofa & I struck him with
 his fist - I then got on
 his wagon & drove away -
 I lived & Capt McShally up
 & he said his leg was broken
 & pointed out the man
 which was lying in middle
 of street & I went for officer
 & the man for ambulance
 The next day Wyman came to
 me & asked me if I saw
 McShally strike him first
 & I said he did not - He said
 He struck me first

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POOR QUALITY
ORIGINAL

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

Geo. Rengeman - was notified
by him & after sending me
valley down in ambulance
I saw Rengeman at my back
through Redford St & arrested
~~He had no bruises~~ he had hurt
him & told him He added
that the man - He said
if he was hurt very bad I
said ~~you~~ ~~you~~ - broke his
leg - You hit him with a
cant may. He said I did not
hit him with a cant may -
You'll come along with me
any way. Then we started up
He said You'd do the same thing
under the circumstances. He
struck me with a whip and
I was going to sit there like
a dumb & be hit. He said
he had the cant may in his
hand but did not strike him
with it

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

husband was home at 2³⁰ to dinner
Margaret McNally first heard
of it Dec 7 at 5⁰⁰ for the ferry
& I went to St Vincent's Hospital
on 11th St & found my husband
unconscious - 2 black eyes -
bleeding from nose & ears & head
swollen - leg broken -
Next day went to see him &
found him conscious -
I sat a sofa with him one year
day -
Husband buried from my
house 108 MacDougal on Jan
6. 92 - in Calvary Cemetery

1102

POOR QUALITY
ORIGINAL

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

Pearces Stable Thompson St

Thompson used to loan him whip

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

*James Pearson. Registrar
Bellevue*

*J.P.
Dr Van Loan 160 or 260 W. 106*

*Dr H DeLancey
Bellevue*

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POOR QUALITY
ORIGINAL

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

Reo
John W. Ryan
Sec. 206 W. 15th
Dr. E. L. Weeks ~~St. Thomas~~ ^{ambulance surgeon}
Dr. A. J. Weston ^{autopsy}
Seamus Stables (Thompson St.) who is
Thompson who loaned whip

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

John Wynn
Oyer & Tinner
for
Tuesday Sept 25th
& return papers
to me

[Signature]

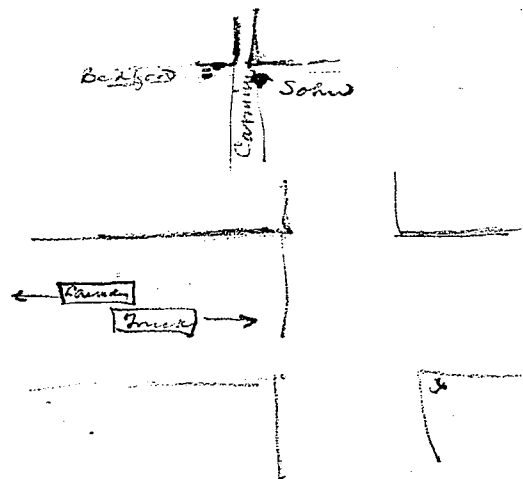
Asst District Attorney.

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POOR QUALITY
ORIGINAL

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

Francis Sobus 54 Carmine
Cross -



Hand wheels were caught
Men were swearing -
+ laundryman jumped
onto truck + picked up
ring + made a pass
at him + they chuckled
+ two fell to street.
I went over + saw them
in street. Truckman under

1105

POOR QUALITY
ORIGINAL

where he got up Injured
his leg was broke -

SSA 116 Wm. J. 12

1106

POOR QUALITY
ORIGINAL

B. 178
3 c.

Coroners Office, New York County.

Inquest into the death
of
CHARLES McNALLY.

Before
Hon. Louis W. Schultze
and a Jury.

+++++

New York January 8th. 1892
2 o'clock P. M.

OFFICER GEORGE RENGEMAN, being called as a witness by the
Coroner was duly sworn and testified as follows.

By the Coroner:-

Q. To what precinct are you attached, officer? A. The ninth
precinct.

Q. Tell the gentlemen what you know about this case.

A. On December 7th., in the evening, Mr. Levy notified me
there was a man lying corner of Bedford and Carmine Sts.
with a broken leg. I went down and seen his leg was broken
and I rung up an ambulance from an undertaker shop. I
asked the injured man how he received his injuries--

Objected to by Mr. Coleman.

Objection overruled.

A. (Continued) He said he was assaulted by the prisoner
here.

Q. What is the prisoner's name? A. John Wynn; I asked
around for witnesses and this is the only witness I could
secure that seen the occurrence, and fifteen or twenty
minutes afterwards I secured the prisoner coming through

(1)

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POOR QUALITY
ORIGINAL

Bedford Street.

By Mr. Lynn:-

- Q. Did the deceased say how he was assaulted?
A. By this party.
- Q. Did he say how? A. With a cart rung.
- Q. Did he say where he struck him? A. He didn't say; he said it was a general fight.
- Q. Did he have any other injuries? A. He was very dirty and very muddy--
- Q. Cuts or bruises on his head? A. No, sir; I got his address that evening--
- Q. Was he standing there? A. Yes, sir.
- Q. Levy was standing there? A. Yes, sir; he said he seen the whole occurrence; he said he seen the injured man assaulted with a cart rung.
- Q. What else did he say? A. He said he was a witness and seen the fight. I arrested the defendant after I sent the injured man away in the ambulance. He wanted to know what the trouble was.
- Q. Did he say he had any trouble with him? A. He admitted he had a fight with him.
- Q. Tell us what the defendant said. A. I told him I had sent the injured man away in the ambulance and the injured man claimed he was struck by John Wynn, and he admitted having a fight and admitted having the cart rung in his hand, but he denied striking him.
- Q. He said he had a fight with him? A. Yes, sir.
- Q. Did he tell you how it began? A. Two trucks were on the

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POOR QUALITY
ORIGINAL

street and there was only room for one wagon to pass through at the time and the deceased hooked into his truck.

Q. And after they came in a collision they got off their trucks? A. This party claims the deceased assaulted him with a whip and he jumped on his truck.

Q. Was it one of the deceased cart rungs that was used?
A. Yes, sir.

Q. Did the defendant have any cart rungs on his wagon?
A. No, sir; a light top wagon, a covered wagon like a grocery wagon, and the deceased had an open truck with cart rungs on it.

~~When the cart rungs~~

By Mr. Coleman:-

Q. Where did this fight take place? A. I believe it occurred in Carmine and Bedford Streets.

Q. At the time you arrested the prisoner where did you find him? A. Coming up Bedford Street.

Q. In the immediate vicinity where the fight took place?
A. Right on the identical spot.

Q. You said the deceased had a cart rung in his hand? A. Yes, sir.

Q. Didn't he state this to you? A. He didn't admit the deceased had a cart rung in his hand but the defendant.

Q. Did he not state this to you while riding in the wagon the wagons became locked into each other and the deceased came from his own wagon and dragged him over to the cart of the deceased, did he tell you that? A. No, sir.

Q. No conversation like that took place between you. Did he

not say in the struggle he took hold of the cart rung? and to prevent himself from falling; it was not used at all?

A. No, sir; he said they both made a break for the cart rung at the same time and he took hold and prevented the other man from getting it; I formerly stated that the defendant admitted he had the rung in his hand.

Q. It was one of these open wagons? A. The truck I didn't see.

Q. You did not see the truck? A. No, sir.

-----o0o-----

LOUIS LEVY, being called as a witness, by the Coroner, was duly sworn and testified as follows:

By the Coroner:-

Q. Where do you live? A. 58 Leroy Street.

Q. State to the jury what you know about this case.

A. I was just coming through Bedford Street and when I struck Carmine Street I seen these two men scolding one another on their wagons; this man got down and jumped on the other man's truck and grabbed a rung; I cannot say positively whether he struck him or not; and they had it in the middle of the street and that is how the fight began or ended or whatever you call it. That is all I know about it

By Mr. Lynn:-

Q. Did you see the defendant take the rung out of the cart?

A. Yes, sir; I did.

Q. Did you see him raise it? A. I seen him have it in his hand

Q. How in his hand? A. He took it out of the wagon and he must have raised it when he took it out of the truck.

Q. You saw it up in the air didn't you? A. I cannot say that; I seen the man have the rung in his hand, t at is all I am certain about.

Q. You are certain about that? A. Yes.

Q. You are certain about the defendant having the rung?

A. Yes, sir.

Q. And you saw the defendant jump from his wagon, to the deceased's? A. I did.

Q. What kind of a wagon was the defendant's wagon? A. It was a covered wagon.

Q. He jumped from where he was sitting on the truck? A. He was standing, he got off his wagon and came around the foot of the wagon, the defendant got off his own wagon and got in the street and got to the deceased's wagon and jumped up and took the rung; he took the rung after he jumped ~~from~~ the wagon.

Q. Where was the deceased at the time? A. The deceased was in front of his own truck.

Q. What did the defendant do when he jumped on the wagon, did he walk up with the rung in his hand? A. They had a fight on the truck and they fought themselves off the truck.

Q. And during all this fight the defendant had the rung in his hand? A. No, sir.

- Q. He had the rung when they started? A. Yes sir.
- Q. And when they clinched? A. I don't know about that; I don't know anything about that only what the man told me after he was hurt; I don't know whether the man used the rung or not only what he told me; he said, "He used a rung on me;" he said "Hold this man, my leg is broken." I lifted him over on the stoop and he said, "He used this rung on me."
- Q. How long a rung was it? A. A regular cart rung.
- Q. As high as that from the floor? A. Well, a kind of a long rung.
- Q. Four feet or three feet or how long? A. About three feet I should think.
- Q. What became of it? A. The dead man laid down at his side and he showed it to me; I went right over and told the dead man's wife about the accident.
- Q. Where did the dead man rest when he was struck on the cart with this rung? A. Right corner of Bedford and Carmine; opposite the saloon, Butler's saloon.
- Q. They fought on the side-walk? A. They fought themselves off the truck into the middle of the street; we helped the man over afterwards.
- Q. They separated on the street? A. In the middle of the street.
- Q. What did the defendant do, did he leave the man with a broken leg on the middle of the street? A. When he got through he said "My leg is broken;" this man drove away, I couldn't

hold him. I seen the other people did not interfere and I didn't interfere.

Q. Who were the other people? A. I don't know.

Q. Didn't you know some of them? A. I went for an ambulance; there were lots of people around but they did not mean to interfere.

Q. Did you go over to Dr. Knox's corner over there?

A. Yes, sir; I did; I went over to Knox first and they told me to go to the undertakers; they told me they could not call an ambulance without an officer; the defendant jumped on his wagon, he went towards Christopher Street.

Q. What time of the day was this? A. It was near six o'clock I think, in the evening.

By Mr. Coleman:-

Q. Where do you live? A. 58 Leroy Street.

Q. How long have you been living there? A. Well, about two or three months.

Q. Where were you living before that? A. I have been twenty years in the 9th. ward.

Q. Where before? A. 108 Christopher Street.

Q. How long were you living there--about how long?

A. About three months or so.

Q. What do you do for a living? A. I am a barber.

Q. Are you working now? A. Yes, sir.

Q. Where? A. 102 Varick Street.

Q. How long are you working there? A. Well, about four months?

Q. What is your name? A. Levy

Q. First name? A. Louis.

Q. Any other name? A. Nothing of the kind.

Q. Have you any alias? in your name? A. No, sir; you cannot come none of those tricks on me.

Q. Do you find it necessary not to answer me?

Objected to by Mr. Lynn.

Q. Where were you at the time the fight commenced? A. Right at the corner.

Q. How far from the fight? A. I was there from the beginning.

Q. How far from the fight were you? A. I was right there.

Q. Now, what do you mean by that--how far? A. Right on the corner.

Q. How far was the fight from the corner? A. It was right on the corner.

Q. On the same corner you were on? A. On the same corner I was on.

Q. Did you see the very commencement of it? A. Yes, sir; I did.

Q. Sure about that? A. Yes.

By the Coroner:-

Q. Did you see Wynn the prisoner lift the cart rung up and strike this man in the leg; answer yes or no. A. No, sir; I did not.

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JOHN AYRES, being called as a witness by the Coroner, was duly sworn and testified as follows:

By the Coroner:-

Q. Where do you live? A. 749 Columbus Ave.

Q. State what you know about this case. A. I only know what the deceased told me in the hospital. I went to see the deceased three days after he arrived in the hospital. I went down to see him, the man was all bunged up around the head, black eyes, scratched around the head and he told me his shoulders was the same way. I asked him how it happened he told me coming around Carmine Street between Carmine and Bedford Street both teams got locked and the man that assaulted him jumped out of the covered wagon there and jumped on the team--and jumped on to his team and took the cart rung and hit him with it over the ankle; he clinched, him and told him my leg is broken and he threw him off the team; he said, "I am done, my leg is broken," and he kept on pounding him at the same time. I went to see him the following Sunday after and he made a statement to his brother-in-law the same as to me; his wife seen him in the hospital, she can tell the state he was in at the time.

By Mr. Coleman:-

Q. All that you know about it is what you were told by others?

A. What I was told by the deceased and what I seen on him.

Q. Do you know anything about any of the defendant's friends coming to this man Levy? A. Yes, sir; Levy told me that friends of his approached him and I heard from another man-- Levy told me that people approached him--

Objected to; objection sustained.

-----oOo-----

MARGHERET McNALLY, being called as a witness by the
Coroner was duly sworn and testified as follows:

By the Coroner:-

- Q. Where do you live? A. 108 McDougal Street.
- Q. State what you know about this case. A. Mr. Levy told me
my husband was injured in the hospital. I went to see
him five minutes afterwards when he arrived in the hospital
and he had two black eyes and he was bleeding out of the
nose and ears and he was unconscious. They told me his leg
was broken. The next day I went in and he told me this man
got on his truck and took the cart rung and smashed him over
the head with it and struck him over his leg and broke his
leg.

-----oOo-----

JAMES McNALLY, being called as a witness by the Coroner,
was duly sworn and testified as follows:

By the Coroner:-

- Q. Where do you live? A. 333 Spring Street.
- Q. State to the jury all that you know about this case.
- A. I went up to see him in the hospital; all I know is
what he told me; I am his brother; I never seen the

prisoner before to know him, he told me. I went to the hospital along with my brother-in-law, we sat down and I said, "Charley, how did this happen; did you ever have any falling out previous?" He said "No; we were to Pier 41 shipping a load and this man was coming from Carmine Street, I was on the right of way on Carmine corner, there is always two trucks ^{duw} and they got in tangle; this man jumped off his foot-board on the tail end of the truck and took the rung and struck him in the head and struck him on the leg and he said, "I got enough now;" and this man drove away.

-----000-----

The Coroner: This man died from a suppurating wound, result of injuries received four weeks ago; these two men had a fight; the defendant had a cart rung in his hand according to the testimony; it is your duty to bring in a verdict and to find how he came to his death and it would be advisable under the circumstances to hold the prisoner for the Grand Jury.

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Verdict: We find that Charles McMally came to his death, Jan. 3rd., 1892, at Bellevue Hospital from septisaemia the result of a fracture of the right leg, which injury was received in a fight between the deceased Charles McMally and one John Wynn, on Dec. 7th., 1891, at the corner of Bedford and Carmine Streets, and we hold the said John Wynn for the further action of the Grand Jury.

- | | | |
|---------------------|-----------------|-----------------------|
| 1 Philip J. Wilson. | 5 Albert Smith. | 9 Isidor Hellman |
| 2 Wm F. Dudley | 6 Emil Adler | 10 Bernard D. Barnett |
| 3 Fred Johnson | 7 John A. Jones | 11 Clancy |
| 4 Van Buren Chapman | 8 Joseph Turner | 12 Sigmund |

Deference - Henry Smith. manager Empire Steam Laundry Co
deft been driver 6 yrs. good character

Simon Myers - 27 Mercer St. Rest. Knows deft 5 yrs.

Daniel. Sarmodey Saloon Keeper 160 St. Pleas. Ave. Knows
deft 10 or 11 years - good character.

Porro. chair factory. Knows deft 2 yrs.

Michael V. Geraghty - 41 Carmine - 5 mos Steam fitter
81 John St. -

Philip Mulvey 154 Thompson St -

Oregon threw mug in street before McNally

grabbed him
David S. Rogers. Intel supplier 4 W. 104th St -

Aug. Drednick - 53 Allen St.

John Wynn - 8 W. 44th St. -

Hadley -

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 Wagner

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

John Wagner

of the CRIME OF MANSLAUGHTER IN THE *first* DEGREE, committed as follows:

The said *John Wagner*,

on the *seventh* day of *December*, in the year of our Lord one thousand eight hundred and ninety-*one*, at the City of New York in the County of New York aforesaid, in and upon one *Charles Mc Nally*, then and there being, wilfully and feloniously did make an assault, and *him*, — the said

Charles Mc Nally, with a certain *cut-knife* which *he*, the said *John Wagner* then and there had and held in *his* hand, in and upon the *right leg* of *him* the said *Charles Mc Nally* then and there wilfully and feloniously did strike, *tear*, *lacerate* and wound, giving unto *him* the said *Charles Mc Nally*, then and there, with the *cut-knife* aforesaid, in and upon the *right leg* of *him* the said *Charles Mc Nally*, one mortal wound and *laceration*, of which said

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POOR QUALITY
ORIGINAL

and ~~fracture~~ the said ~~fracture~~ the said ~~fracture~~ the said ~~fracture~~, at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the ~~third day of~~ ~~January in the year of our Lord one thousand~~ ~~eight hundred and ninety two~~ ~~in the same year aforesaid~~, did languish, and languishing did live, and on which said ~~third~~ day of ~~January~~ in the year aforesaid, the said ~~fracture~~ the said ~~fracture~~ at the City and County aforesaid, of the said mortal wound ~~and fracture~~ did die.

And so the Grand Jury aforesaid do say: That the said

~~John Wagon, Jr.,~~ —

the said ~~fracture~~ the said ~~fracture~~ in the manner and form, and by the means aforesaid, wilfully and feloniously did kill and slay; 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.