

1160

BOX:

389

FOLDER:

3631

DESCRIPTION:

Popoff, John

DATE:

03/13/90



3631

Witnesses

Alvin Karpis
a J. Pearl
133. a. b. n. 4
Mr. Meyer
Munster General
Dr. J. J. Karpis

Witness

Marcus
163. a. b. n. 4

Counsel,

Filed

Pleads,

13 day of April 1890
G. C. Karpis
100. a. b. n. 4

THE PEOPLE

vs.

John Popoff

MURDER IN THE FIRST DEGREE.

(Section 183, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John H. Karpis

May 22, 1890

Foreman.

Special Foreman of
Court R. J. Karpis

J. J. Karpis

1162

DISTRICT ATTORNEY'S OFFICE,
32 CHAMBERS STREET,

NEW YORK.

April 12 1890

Pope vs. Papoff

The address of

Henry Yachnovitch is
as follows: Mr. H. Yachnovich
% F. Bessitt, Spring Valley Rockland
Co Box 187
also Messer (Plumber) 9 Canal st. a very
important witness

1163

District Attorney's Office.

PEOPLE

vs.

36 N. York
Court of
appeal

1164

THE PEOPLE

VS.

JOHN POPOFF.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE FITZGERALD.

Monday, May 19, 1890.

Asst. Atty. Bedford for the People.

Messrs. Howe, Moss and Mashbir for the Defendant.

A Jury was empanelled and sworn.

Indictment for murder in the first degree.

The Court adjourned.

Tuesday, May 20, 1890.

Asst. Dist. Atty. Bedford opened the case for the People.

Annie Petrikovsky sworn and examined.

By Mr. Bedford. Q. Your name is Annie Petrikovsky I believe.

A. Yes sir.

Q. You are a Russian lady, are you not.

A. Yes sir.

Q. I believe that you married a brother of Mary Petrikovsky.

A. Yes sir.

Q. And consequently are the sister-in-law of the girl who was shot.

A. Yes sir.

Q. How long have you lived in this country.

A. Three years and a half.

Q. You were living in this city on or about January 22nd last.

A. Yes sir.

Q. You were living I believe at that time at 163 Stanton St. in this city.

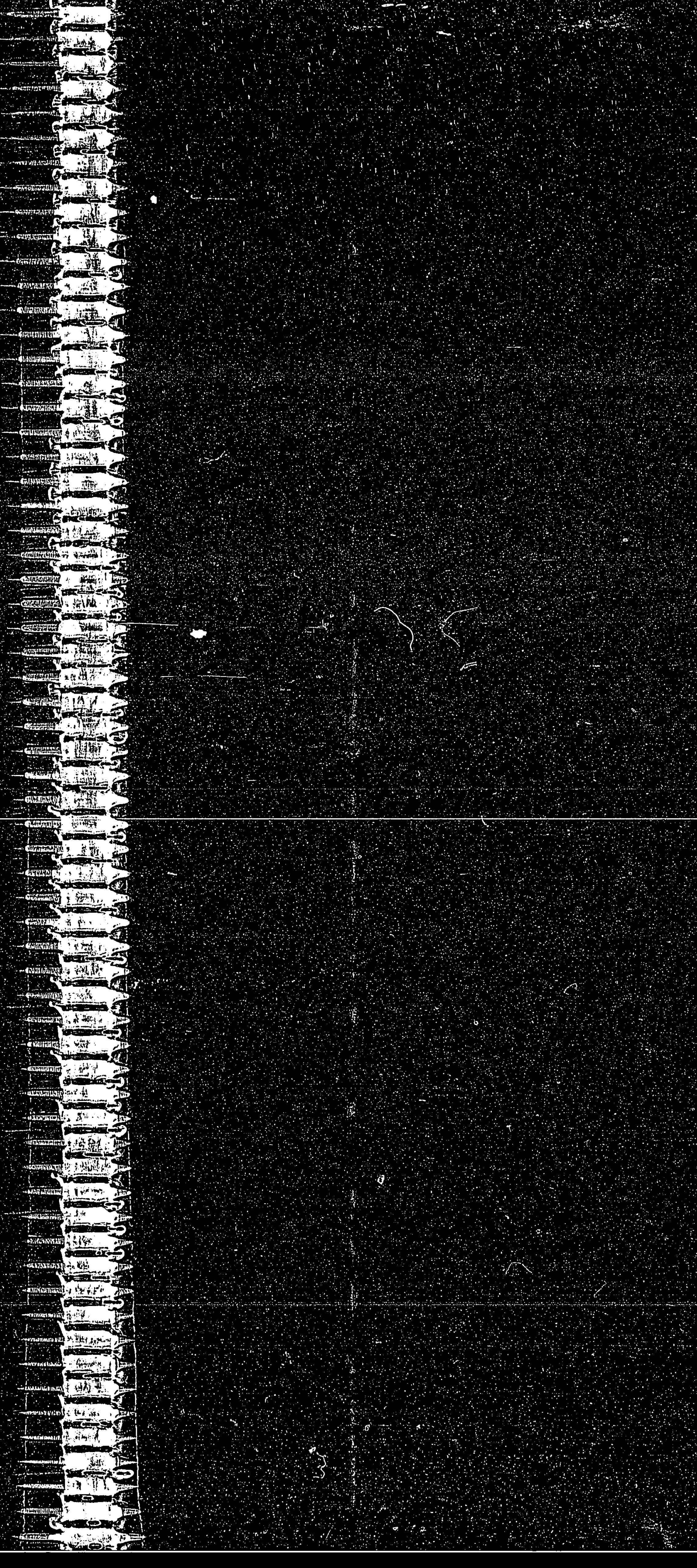
A. Yes sir.

Q. Where is your room in that building.

A. The front.

Q. In front on what floor.

A. On the top floor.



1160

BOX:

389

FOLDER:

3631

DESCRIPTION:

Popoff, John

DATE:

03/13/90



3631

Witnesses

Alvin Karpis
a J. Paul
133. Allen St
Wm. Meyer
Murder of Casual
Dr. J. J. Karpis

Attorney

Marcus
163 Stanton

Counsel,

Filed

Pleas

13 day of April 1890
W. J. Karpis
W. J. Karpis

THE PEOPLE

vs.

I

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MURDER IN THE FIRST DEGREE,

(Section 183, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John H. Karpis

163 Stanton

Foreman. 28

Spinal Column of
Karpis & Karpis

W. J. Karpis
163 Stanton

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April 12 1890

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A. Yes sir.

Q. You are a Russian lady, are you not.

A. Yes sir.

Q. I believe that you married a brother of Mary Petrikovsky.

A. Yes sir.

Q. And consequently are the sister-in-law of the girl who was shot.

A. Yes sir.

Q. How long have you lived in this country.

A. Three years and a half.

Q. You were living in this city on or about January 22nd last.

A. Yes sir.

Q. You were living I believe at that time at 163 Stanton St. in this city.

A. Yes sir.

Q. Where is your room in that building.

A. The front.

Q. In front on what floor.

A. On the top floor.

- Q. In the front on the top floor of 163 Stanton Street.
- A. Yes sir.
- Q. What does your family consist of, is your husband living.
- A. Yes sir.
- Q. And have you any children.
- A. Yes sir, two children.
- Q. What are their ages.
- A. One is four and a half and the other one is three and a half.
- Q. You recollect that you were in your room on the afternoon, say in the neighborhood of three or four o'clock, on January 22nd.
- A. Yes sir.
- Q. Will you kindly tell the Jury who were in that room about that hour on that day, the names.
- A. On the 22nd of January my sister-in-law came to see me.
- Q. What is her name.
- A. Mary Petrikovsky.
- Q. About what time, do you recollect.
- A. It was about three or half past three, I do not know exactly.
- Q. When she entered the room who was in that room at the time that she came to pay the visit.
- A. I was in that room and my brother and I think the prisoner was in that room too, he was in that room, Harry Jackovitsch.
- Q. You were Miss Jackovitsch before you were married, as I understand.
- A. Yes sir.
- Q. And your two little children were there.
- A. And my two little children.
- Q. Do you remember what Mary Petrikovsky and your brother-in-law were doing, were they sitting at the table.

A. After a short conversation with me she sat down to play casino with my brother.

Q. Sat down with your brother. A. Yes sir.

Q. How large was the table that they were sitting at, as large as from here to there. (Illustrating.)

A. Yes sir, it was about that size.

Q. A small table about that big.

A. Yes sir.

Q. Your two little children were in the room, what were you doing.

A. I was busy at housework just after dinner and my children were playing.

Q. While Mary Petrikovsky and your brother were playing cards who came in the room at the time.

A. After a little while the prisoner came in and asked my brother to go for cigarettes. Well, he did not want to go, then he commenced ---

Q. What did he say if anything.

A. My brother said that he is playing cards now and he did not want to go.

Q. Well, after he declined and would not go what did the prisoner do or say if anything.

A. I do not remember exactly but he told him that he should go and he commenced to spoil the game, he throw the cards that was my brother's hand to my sister-in-law.

Q. He commenced to spoil the game by telling your sister what he had in his hand.

A. The cards he told.

Q. Then after he commenced that way what did Mary Petrikovsky say to your brother, if anything.

A. She said that he should go, then they could get rid of him.

By Mr. Howe. Q. Who said that.

A. My sister-in-law.

Q. Said it to who. No answer.

By Mr. Bedford. Q. She says to your brother, "you had better go."

A. Yes sir.

Q. Now when she said to Harry, your brother, "you had better go", what did Harry do.

A. He went after the cigarettes.

Q. He went for the cigarettes. A. Yes sir.

Q. As soon as he left the room did anybody take his place at the table. A. Yes sir.

Q. Who took his place at the table.

A. The prisoner, for one moment he sat down.

Q. And what did he do.

A. And I saw that he was excited.

Q. You saw that he was excited. A. Yes sir.

Mr. Howe: That I object to.

By Mr. Bedford. Q. Well, what did he do.

A. My sister told him "don't throw the cards so hard."

Q. And after your sister said, "don't throw the cards so hard" what did he do.

A. Well, my brother immediately came in again, it was right down stairs, with the cigarettes.

Q. He came in with the cigarettes.

A. He came in with the cigarettes.

Q. What else did he bring in besides cigarettes.

A. Banannas.

Q. When your brother came in with the cigarettes and the banannas, did the prisoner then leave the room.

A. He took the cigarettes and he gave everybody a banana and then he went to his room.

Q. How long was he away from the room before he came back, about.

A. I do not remember exactly, about five minutes.

Q. When he came back, what then.

A. He had a pistol in his hand.

Q. I show you this pistol, is that the pistol.

A. Yes sir.

Q. He had the pistol in his hand when he came back, he gave the cigarettes and the bananas, then he went to his room and in about five minutes he returned.

No answer.

By the Court. Q. Did the defendant live in that house.

A. Yes, he was boarding.

By Mr. Bedford. Q. He gave the cigarettes and the bananas, then he left the room, then he came back with this pistol in his hand.

A. Yes sir.

Q. Now after he came back in the room with this pistol in his hand do you remember what he first did after entering the room with this pistol.

A. He aimed it at my brother.

Q. He aimed it at your brother Harry.

A. Yes sir.

Q. After a minute -- just take and show me, suppose I am your brother Harry, how did he do it, stand up, was he standing up.

A. My sister-in-law was sitting near the window.

Q. Sitting at the table.

A. Yes sir, my brother stood here, he came in from his room

and aimed it at my brother, I got scared, I told him to put it right away back into his room.

Q. You got scared and you told him to put it right away back in his room.

A. Yes sir.

Q. What became of your little children.

A. I had forbidden him, I told him to put it back and he then aimed at me.

Q. You told him to put it right away back and then he aimed at you.

A. At me.

Q. When he aimed it at you what did you say or do.

A. I halloed to my children that he wants to kill me.

Q. When you halloed to your children that he wanted to kill you what did the little children do or say.

A. They commenced to cry, they ran to me and commenced to cry and so my brother ----

Q. Then what did your brother do.

A. He seized his hand, the prisoner's hand, and tried to take out the pistol.

Q. And tried to take out the pistol.

A. Yes sir.

Q. Then what next happened.

A. Then he says, "if you touch my hand the pistol might go off."

Q. Then after he said, "if you touch my hand the pistol might go off" ----

A. "You had better let free my hand."

Q. The prisoner said that.

A. Yes sir, "and I will take it back to my room".

Q. When he said, "let go my hand and I will take it back to my room," what next took place.

A. My brother lifted his hand.

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Q. Your brother that is, let go his hand.

A. Yes sir, his hand.

Q. Then what did the prisoner do.

A. Then he made one step towards the room, turned around to my sister-in-law and killed her immediately.

Q. When he turned one step to go to his room and then he turned back, where was your sister sitting.

A. Sitting right near the window.

Q. Near the window at the table where she was playing cards.

A. Yes sir.

Q. When he turned this way to go out of the room and then turned back, did he walk, did he advance towards the table, did he go near the table where she was sitting.

A. Pretty near the table because the door from his room is near the table.

Q. Was he standing. A. He was standing.

Q. And what was she doing.

A. She was sitting.

Q. She was sitting. A. Yes sir.

Q. Did you hear her say anything when he stood there and she was sitting and he aimed this pistol, if you did not do not say so.

A. I was excited, my brother ---

Q. Never mind your brother, all you know is, as you have told us, he went one step out, then turned right around, went to the table and was standing at the table where your sister was.

A. Yes sir.

Q. And you heard the pistol fired. A. Yes sir.

Q. Where did the ball strike her. A. In the head.

Q. Where was the prisoner standing just before the pistol was fired.

- A. Right at the side of the table, she was sitting on the other side; here was the door, she was sitting here, here is the door of my bed-room and there is his room, he had another door to go out of, his door was open; he made a step to his room, he wanted to go away to put it back and then he aimed at her and shot it.
- Q. While she was sitting down.
- A. Yes sir.
- Q. The ball went in her head. A. Yes sir.
- Q. How long did she live.
- A. After this I did not see her any more because they took me. I was so excited and I do not know what became of her; I went out to the neighbors, the neighbors came in about fifteen minutes and they told me that she died.
- Q. Now I want to ask you after you became less excited did you find the prisoner anywhere, where did you find him after.
- A. He was in the same room where I was in a neighbor's room.
- Q. You say in a neighbor's room.
- A. Yes sir.
- Q. Not in his own room.
- A. No sir, but in a neighbor's room.
- Q. What was the name of the neighbor.
- A. Mr. Felter.
- Q. There are four families living on the top floor.
- A. Yes sir.
- Q. And your family is one of them. A. Yes sir.
- Q. And this man was a boarder in your room-- the prisoner.
- A. Yes sir.
- Q. Now in about fifteen minutes after you learned that your

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sister-in-law had died and then did you see the prisoner about that time in the neighbor's room, Mrs. Felter's.

A. Yes sir.

Q. What was he doing when you saw him in the neighbor's room on the same floor.

A. He was walking up and down the room and told me, "I have killed her, you can do with me what you want, you can hang me."

Q. As I understand it the prisoner was an acquaintance with your entire family, you and the poor girl that was shot and your father.

A. Yes sir, we considered him a friend.

Q. And he lived with you.

A. And he lived with us.

Q. And he was attentive to Mary Petrikovsky.

A. Yes sir, the first time he was very attentive.

Q. What do you mean by the first time.

A. But the last days they were mad at each other.

Q. How long to the best of your knowledge and belief was it that the prisoner knew Mary Petrikovsky.

A. I think about four months.

Q. About four months. A. Yes sir.

Q. At the time you mean, at the commencement of their acquaintance he was very attentive to her.

A. Yes sir, for three months he was attentive to her and she was to him as to everybody, she was kindly to everybody.

Q. She was kindly to everybody. A. Yes sir.

Q. And for three months she received his attentions.

A. Yes sir.

Q. You say about four months they knew each other, during the last month of their acquaintance, the month preceding the

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day that he shot her, how were they then, were they as good friends.

A. No, I remarked only that he did not go to her house any more.

Q. You remarked that during the last month he did not go to her house any more.

A. Yes sir.

By Mr. Howe. Q. That is, you did not see him go to her house.

No answer.

By the Court. Q. Where did she live.

A. At her father's house.

Q. Where was that.

A. No. 141 East Broadway.

By Mr. Bedford. Q. They used to go to parties, to balls, to theaters together.

Objected to as leading. Question withdrawn.

Q. You say he was attentive to this girl that was shot, now tell the jury what you mean by attentive, how often did they used to go together and where did they go if any place,

A. He only took her home ~~to~~ ^{to} her house always, when she was at our house he used to take her home.

By the Court. Q. When she came to visit your house he would go home with her, is that it.

A. Yes sir.

Q. How frequently did she visit your house in a week.

A. Well, the first time every day and twice in a week, very often but the last time ---

Q. Altogether she used to come two or three times a week, is that so.

A. Yes sir.

Q. Was he always there when she came there.

A. Yes sir.

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Q. Did he go home with her when she was going home.

A. Yes sir.

Q. Take her home, is that it.

A. Yes sir, and a few times they went together in Grand Str. shopping.

Q. Anything else.

A. No, I don't know of nothing else.

By Mr. Bedford Q. Did you know of your own knowledge, that is, did you see it, that they had ever had any trouble together during the last month, you say for the first three months he was very attentive and he used to go there and take her home but the last month he did not, now do you know that without anybody telling you of your own knowledge.

A. Yes sir, I only remarked it but they did not want to show it, she did not come to my house any more, that is the reason, the last time I was sick she came to me and he did not go to her house.

By the Court. Q. She stopped visiting at your house, is that it.
A. Yes sir, came very seldom; she did not want to show that something happened.

By Mr. Bedford. Q. Before she stopped coming to your house when she would come was she in the habit of meeting the prisoner at your house during the three months that they were paying court or attentive, do not answer me if you do not understand.

A. Tell the question please.

Q. You say she stopped visiting your house, she stopped coming.

A. Yes sir; of course she did not want to show anything between her and the prisoner.

Mr. Howe: I ask that that be stricken out.

The Court: Yes.

By Mr. Bedford. Q. Do you know of your own knowledge --- do you understand that expression.

A. Yes sir, I understand.

Q. Did you ever see any trouble between them of your own knowledge.

A. I do not know, I only remarked that they were ---

Mr. Howe: I object.

Witness: They were not so good as before, they did not speak so much as before with each other, that is all that I know.

By Mr. Bedford. Q. Was the prisoner present at the time you made the remark?

The Court: She noticed it.

Mr. Howe: Mentally.

Witness: Yes sir.

By the Court. Q. She was in the habit of visiting your house, is that it.

A. Yes sir.

Q. And when she used to come once or twice a week or so, what time would she come, in the day time or evening.

A. The first time in the evening, sometimes in the evening and sometimes in the day time.

Q. And he would be at the house, is that it.

A. Yes sir.

Q. And then they would go home together.

A. Yes sir.

Q. Well then that continued for about how long a period of time.

A. About three months.

Q. Did that cease any time before her death, that coming to the house on her part and that escorting her home, did it

stop..

A. Yes sir.

Q. How long before her death did that thing stop.

A. About a month.

Q. And then she did not come to your house during the last month, is that it.

A. Not so often, very seldom and always in the daytime.

Q. Always came in the daytime.

A. Yes sir.

Q. Did the defendant go home with her .

A. No more, no sir.

Q. That is what you mean when you say you noticed, isn't it.

A. Yes sir.

Cross Examined by Mr. Howe.

Q. This prisoner had shown the pistol to your children some three or four weeks before this, hadn't he, and you told him to put it away.

A. No sir, I would not let him show it to my children, I have seen it in his hand and I have forbidden him to have it at all, I told him to put it back in its place.

Q. How long before this shooting, how many weeks before the shooting.

A. It was about six and he did not have it again in his hand.

Q. Did not you say before the Coroner that he showed it to the children, "and I told him not to do it, I did not want to have it in my house", did not you say that before the Coroner.

A. I do not remember.

Q. Well, isn't it true that he did show it.

A. I remember that he had it once in his hand, yes sir, and

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I do not know what he done with it, I do not remember it exactly.

Q. Your children were there.

A. I do not remember exactly very much but he had it in his hand and I told him not to have it any more in my house.

Q. That it was not the place.

A. Yes sir, to put it back and I had forbidden him.

Q. Now you say that this night that the dead woman, the deceased, was sitting at the table playing cards.

A. Yes sir.

Q. Where were they standing and where were you standing.

A. I was near the wash tubs, I was there washing dishes.

Q. You say that the prisoner sat down and played cards too.

A. When my brother went down.

Q. To get the cigarettes.

A. To get the cigarettes -- for one moment he sat down and took the cards.

Q. But before that the prisoner had been telling the players what cards the others what cards the others held in their hands, didn't he.

A. When my brother did not want to go.

Q. He began telling what the hands were.

A. Yes sir.

Q. Well then your brother did go for the cigarettes and bananas.

A. Yes sir.

Q. He paid for them.

A. The prisoner.

Q. And your brother brought them back.

A. Yes sir.

Q. And when your brother came back the prisoner was yet sitting at the table playing cards, wasn't he.

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A. He took two minutes, not more, because it is right down stairs, to get the cigarettes; my brother went up right away.

Q. When your brother came back the prisoner was sitting at the table playing cards, wasn't he.

A. Yes sir.

Q. Then your brother brought the bananas and the cigarettes.

A. Yes sir.

Q. Did he give them to the prisoner.

A. My brother?

Q. Yes.

A. Yes sir.

Q. And then the prisoner stopped playing cards and handed the bananas around, didn't he.

A. Yes sir.

Q. He gave you one.

A. Me one.

Q. He gave the deceased one.

A. Yes sir.

Q. He gave your brother one.

A. Yes sir, gave everybody.

Q. Did he light a cigarette.

A. I do not know.

Q. Can't you try and think.

A. I do not know whether he lighted cigarettes or not, he did not say anything about cigarettes, I do not remember even if he smoked it.

Q. Keep back nothing.

A. I tell you the truth, that I do not know.

Q. Well then you say that he went out of the room and returned with a pistol.

A. Yes sir.

Q. Now when he returned with a pistol your brother was in the

room, was he, Harry, was he there.

A. Yes sir.

Q. And your husband there.

A. No sir.

Q. Your husband was not there.

A. My husband was not home.

Q. Then when he returned with the pistol your brother was there, you were there and the deceased Mary Petrikovsky.

A. Yes sir.

Q. She was yet sitting at the table.

A. Yes sir.

Q. Except the two little children that was all you told us were in the room, is that so, we understand it.

A. Yes sir.

Q. There is no mistake about that, is there.

A. No sir.

Q. Do you remember whether you had finished eating the banana when the prisoner returned.

A. I think so, I had finished it already.

Q. You think so.

A. Yes sir.

Q. Do you know whether the deceased had finished eating the banana.

A. The prisoner he did not eat at all.

Q. Mary did eat the banana.

A. Yes sir.

Q. Then the prisoner came back into the room with the pistol in his hand.

A. Yes sir.

Q. And when he came in he first aimed at you.

A. At my brother.

Q. At your brother first.

A. Yes sir.

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Q. Was your brother sitting or standing.

A. He continued the game with my sister-in-law.

Q. He was then playing cards. A. Yes sir.

Q. And the prisoner came in with the pistol in his hand.

No answer.

By Mr. Bedford. Q. Mr. Howe asks you, which is very proper, when the prisoner returned with the pistol in his hand, was your brother Jackovitsch then playing cards.

A. He was sitting at the same place.

Q. He was sitting in the same place which he left to get the cigarettes.

A. Yes sir, my sister-in-law was sitting there. I want to tell only the truth.

By Mr. Howe. Q. Will you please take that pistol in your hand, now look at that gentleman there (the stenographer) how did the prisoner point the pistol, suppose that was your brother Harry, now show how he pointed the pistol at him.

A. He came in and pointed it that way. (Illustrating).

Q. At his head.

A. At my brother, I do not remember exactly.

Q. Well, he pointed it at your brother in that way.

A. Yes sir.

Q. Did you say anything when he did that.

A. Yes sir, I halloed.

Q. When you saw him point it at your brother you halloed.

A. Yes sir.

Q. What did you say.

A. I told him to put it back at the same place in his room.

Q. And then he turned around and pointed it at you.

A. Yes sir.

Q. Pointed directly at you.

A. Directly at me, at my breast .

Q. Did he say anything when he did that.

A. I do not remember his saying anything but I called to my children that he wants to kill me.

Q. You were frightened.

A. Yes sir.

Q. You halloed out to your children, "he wants to kill me."

A. Yes sir.

Q. And that made the little ones cry naturally and they ran out of the room.

A. Yes sir, they ran right to me and commenced to cry.

Q. But he did not fire the pistol to you.

A. No sir.

Q. He put it down right away, didn't he.

A. Yes sir.

By Mr. Bedford. Q. Did he let it go out of his hand.

A. No he did not let it go when my children got scared and commenced to cry.

By Mr. Howe. Q. He ceased to point at you, that is what you mean.

A. Yes sir.

Q. But he still held it in his hand.

A. Yes sir.

Q. Then he pointed it at the girl.

A. No sir.

Q. Who did he point it at next.

A. My brother seized his hand.

Q. Then your brother seized his hand.

A. Yes sir, then my brother tried to get it out of his hand.

Q. To take it away.

A. Yes sir.

Q. And then he said to your brother as you told us, if my memory is accurate, "my finger is on the trigger, don't touch it, it will go off."

A. Yes sir.

Q. Then did he put it down, did your brother let go of him.

A. He told my brother that he will put it back into his room and my brother let go his hand.

Q. And then he walked a step.

A. Then he made one step to his room, it was right near the table, he went one step, then he made one step to my sister-in-law and immediately the pistol ^{came} ~~went~~ off.

Q. Is that the way it occurred.

A. Yes sir.

Q. Did he point the pistol at your sister-in-law before it came off.

A. No sir, it was momentarily, he pointed and shot and fired.

Q. Did he point the pistol at your sister.

A. He pointed and fired, certainly.

Q. He pointed and it went off.

A. Yes sir.

Q. Now had your brother or anyone hold of the prisoner's hand when the pistol went off.

A. Oh no.

Q. Are you sure of that.

A. He told my brother he was going to put it back.

Q. Instead of putting it back you say that he took a step at the door and then he turned around and pointed it at the girl who was sitting and it went off.

A. Yes sir.

Q. Are you sure that he pointed it at her.

19 A. Certainly.

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Q. Are you. A. Yes sir.

Q. Did you say before the Coroner that you could not tell whether he pointed at her or not.

A. I know that he pointed it and it went off.

Q. You remember being over at the Coroner's office.

A. Yes sir.

Q. Did you say there that you could not tell, as you first said here, whether he pointed the pistol at the deceased or not.

A. I do not remember, I know that I said everything and will never forget anything what I am talking now because it was all the truth.

Q. It was scarcely a second from the time as you say, that he pointed the pistol at her, that it went off as he pointed it, went right off, didn't it.

A. Yes sir, he pointed it and fired.

Q. It went right off as he pointed it.

A. Yes sir.

Q. Well, you were in the room at that time.

A. Yes sir, I was, because when he scared me I immediately made one step back.

Q. I want to know if you are sure that you were in the room at the time the pistol went off.

A. I am sure.

Q. Did you see it go off.

A. Yes sir.

Q. You saw the pistol go off.

A. Yes sir, I heard the pistol go off.

Q. Please wait, I did not ask you that question, do you tell this Jury you saw the pistol go off.

A. Yes sir.

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Q. Do you know what I mean by that.

A. I did not see it in this same place where my sister died, that I should see it with my eyes, anyhow I was in this room.

Q. You did not see it go off.

A. I was in this room and I saw that he was standing there.

Q. Pointing the pistol.

A. He pointed and shot, that is all what I seen.

Q. You must answer me please, Madam, this is very important, at the time the pistol went off were you looking at the pistol.

A. I was looking at everybody, I did not know it will go off.

Q. Looking at everybody at the time it went off.

No answer.

Q. Then you did not see the pistol actually go off, did you.

A. Certainly I did.

Q. How could you see the pistol go off if you were looking at everybody.

A. Well, I was in the room and I was looking, he was standing this way and I saw he pointed and it came off.

Q. You saw him point the pistol.

A. Yes sir, and it came off, that is all.

Q. Please sit down and don't get excited, this is very important, were you looking at the pistol when it was discharged you know what I mean, went off.

A. I did not look as I am looking now at the pistol as you are standing to me because this man was standing in this way. (Illustrating.)

Q. Then you did not see it in that way. (Illustrating.)
I am standing now with the pistol; you see it now, don't you.

A. Yes sir.

Q. If I fire it now you will see it go off because you are looking at the pistol.

A. Yes sir.

Q. When it went off you were not looking at the pistol, were you.

A. I saw the prisoner's hand, because he was standing this way to me and he pointed it this way and I saw it. (Illustrating.)

Q. You saw the hand of the prisoner.

A. Yes sir..

Q. But you did not see the pistol, did you.

A. Yes sir.

Q. You are sure of that.

A. I am sure.

Q. You swear to that, do you.

A. Yes sir, I seen the prisoner's hand this way, he was standing this way and I was standing and he pointed at my sister and it came off, I did not know that he will shoot, I did not see everything.

Q. You have told the Jury your foot was partly out of the room wasn't it, you were at the door weren't you.

A. Yes sir.

By the Court. Q. How large are those rooms.

A. They are small rooms.

Q. How many rooms are there.

A. Four rooms; we were in three rooms, one separate room the prisoner lived in.

Q. The rooms all opened into one.

A. Yes sir.

Q. Was there a door from the prisoner's room where he slept

leading into your rooms.

A. Yes sir, two doors.

Q. One door leading into the hall and one into your room.

A. Yes sir.

Q. Was one of these small rooms larger than the other.

A. The front room was larger and the dining room and kitchen together was larger, the bed-rooms were small.

Q. Everything happened in that place.

No answer.

By Mr. Bedford. Q. How large was the room where the shooting took place when the pistol was fired and went off, how large was that room where you were.

A. Well, how can I tell.

By Mr. Howe. Q. The room that they were playing cards in, was it as large as that.

A. It was a little larger.

By Mr. Bedford. Q. As long as from the window to here. (Illustrating.)

A. No, it was smaller.

By Mr. Howe. Q. About from here to where you are sitting.

A. Yes sir.

By Mr. Bedford. Q. How about the width, was it as wide as the window to there.

A. No sir.

Q. In other words it was smaller than the space between you and myself and Mr. Howe.

A. Yes sir.

By Mr. Howe. Q. You told the jury that you were standing with one foot back, that is, through the doorway, isn't it.

A. Yes sir.

Q. Now suppose we will say you are standing there, that is

the doorway, whereabouts was the table.

A. The table was near the door, it was very close; here is the wall, here is the door, here was the table and I was standing near the door this way, here was the window, my sister was over there, my brother-in-law was sitting here and the prisoner was standing near me on the other side, I was standing with one foot back, he did not want to go in his room, he made only one step.

Q. If he attempted to walk through you would let him go again and he could get through the door at once.

A. Yes sir.

Q. He could have passed you.

A. Yes sir.

Q. You say that the prisoner was not between you and the deceased but that he was at the side, is that it.

A. He was going around here and made one step here.

Q. Did he stand between you and the deceased when he fired, was he not between you and her when he fired.

A. No sir.

Q. Wasn't his back to you.

A. No sir, he was standing about this way. (Illustrating.)

Q. As I am now.

A. Yes sir, he was standing right here and he turned and she was sitting here; I did not see the pistol (witness pointing to the muzzle of the pistol) -- I saw the pistol in his hand.

By Mr. Bedford. Q. You say that the prisoner was standing this way. (Illustrating.)

A. Yes sir.

Q. Your sister-in-law was standing down there and you were

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standing there. (Illustrating.)

A. Yes sir.

Q. You did not actually see the pistol in his hand but you heard the noise, you saw the flash when he fired.

A. Yes sir.

Mr. Howe: I object to the question as incompetent, the word "flash" upon the ground that the witness did not use the word.

Mr. Bedford: The question is withdrawn.

By Mr. Bedford Q. Now as I understand it the girl that was shot was sitting there at a table like this.

A. Yes sir.

Q. You were right near her when she was shot.

A. Yes sir.

Q. About how far, as far as you are now from this place.

A. Yes sir.

Q. And as I understand it you must then have been facing the girl, you were standing here, she was sitting there and you were about as far off from her as you are now, you could not see her face, could you, the face of this girl that was shot.

A. Yes sir, I could see her but I did not look.

Q. You were standing right this way, facing the prisoner.

A. Yes sir.

Q. I mean the prisoner and the woman that was shot was there.

A. Yes sir.

Q. You were standing that way and the girl sitting there and he this way with the pistol and it went off.

A. It went off.

Q. And you heard the report.

A. Yes sir.

Q. And how long before you heard the report was it that you actually did see the pistol in his hand, you say you did not see it just at that moment.

A. No sir.

Q. How long before that did you see the pistol in his hand before he fired.

A. Before he fired when he aimed it at everybody.

Q. When he aimed at everybody you saw it, when he aimed at you.

A. Yes sir.

Q. You saw when he aimed at your brother and then your brother tried to take it from him, he says, "I will put it in my room", but he did not.

A. No sir.

Q. He went this way to his room, you turned around, the girl was there, all you know the girl was shot and he was standing right in front of her.

A. Yes sir.

By the Court. Q. Just after the shooting did you see him.

A. I became very excited.

Harry Jackovitsch sworn and examined by Mr. Bedford.

Q. What is your name.

A. Harry Jackovitsch.

Q. You are the brother-in-law of Mary Petrikovsky.

A. Yes sir.

Q. Who was shot on the afternoon of January 22nd at 103 Stanton Street in this city.

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A. Yes sir.

Q. Are you living in the city.

A. No sir.

Q. Where did you live.

A. Well, I used to live in Spring Valley.

Q. In this State. A. This State.

Q. You have worked there, haven't you.

A. Yes sir.

Q. You came here to this city for this case, to testify in it.

A. Yes sir.

Q. You happened to be in that room on the top floor of 163 Stanton Street on the afternoon of January 22.

A. Yes sir.

Q. You were there in the neighborhood of half past three or four o'clock in the afternoon.

A. Yes sir.

Q. Now will you please tell us slowly who was in that room besides yourself on that particular afternoon.

A. My sister.

Q. The last witness. A. Yes sir.

Q. Who married the brother of the deceased.

A. Yes sir -- the sister, my brother-in-law, the two little children and me, the sister what got shot.

Q. See if I have got it right; two little children, the girl that was shot, the last witness on the stand and yourself.

A. Yes sir, that is right.

Q. Those were all that were in the room at the commencement.

A. Yes sir.

Q. Were you living there then.

27 A. No, I just come for New Years from work.

Q. You just came after New Years, you went there to pay a little visit.

A. Yes sir.

Q. When you went there to pay the little visit was Mary Petrikovsky, the girl who was unfortunately shot, there or did she come in after you.

A. She came to visit her.

Q. She came to visit. A. Yes sir.

Q. And you came to visit.

A. No, I lived there, I came from the country.

Q. You were spending your holidays there.

A. Yes sir.

Q. You were spending your holidays there with your sister, the last witness. A. Yes sir.

Q. About what hour was it that the girl who was shot came there that afternoon.

A. I did not see her but I think she came at half past two, but I did not see the time.

Q. When she came in the room your sister was there and you were there and the two little children and of course the deceased girl who came in.

A. Yes sir.

Q. What did she say to you if anything when she came in the room.

A. She said good-day to all of us.

Q. Then after saying good-day to all of you, what next happened.

A. She sat down and we asked her to sit down and she did; we were talking a little together and then I asked her to play a game of casino.

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- Q. That is a game of cards, I believe.
- A. Yes sir.
- Q. What did she say when you suggested to play the game of cards known as casino.
- A. She said all right.
- Q. Then did you sit down at the table.
- A. Yes sir.
- Q. And it is a small table, I believe about that big, isn't it. (Illustrating.)
- A. Yes sir, a little bit longer, not as wide as this.
- Q. She sat at one end and you at the other.
- A. Not exactly at the other, I sat down at this end but not on the other end.
- Q. You both sat down at this little table.
- A. Yes sir.
- Q. The you commenced to play your little game of casino together.
- A. Yes sir.
- Q. While you were playing this game did anybody come in the room.
- A. John Popoff, he came out from his room.
- Q. The prisoner came out of his room into the room where you and Mary were playing your game of cards.
- A. Yes sir.
- Q. When he came in the room do you recollect who spoke first.
- A. He did.
- Q. Now to whom did he speak.
- A. He spoke to me.
- Q. Were the others playing cards.
- A. Yes sir.

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- Q. What did he say to you.
- A. He said if I will go down for cigarettes and bananas.
- Q. When he said that to you you were playing cards you say, what did you say to him if anything.
- A. I said I cannot go now, after I will finish this game I will go.
- Q. Then what did he do or say, after you refused to go, if he said anything.
- A. Well, he said, "you will have to go down or I wont let you play."
- Q. Did the deceased Mary Petrikovsky say anything, if so, state it.
- A. She did not say anything, not at all.
- Q. What did the prisoner do.
- A. He began to tell my cards.
- Q. He began to tell your cards to whom.
- A. To Mary.
- Q. And then what occurred.
- A. Then she said, "you had better go down because he would not let us play."
- Q. And then you went down. A. Yes sir.
- Q. And after you were out of the room you did not know what occurred of course. A. NO.
- Q. You went down and where did you go to get the cigarettes and the bananas.
- A. I went down stairs in a little store there, a ciagrette and cigar store right down stairs in the same house, the same building.
- Q. And you bought the cigarettes and the bananas and came right up again.
- A. Yes sir.

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Q. After you had come with the cigarettes and the bananas to whom did you give them --- by the way, this man gave you money for the cigarettes and bananas.

A. Yes sir.

Q. How much did he give you.

A. He gave me nine cents.

Q. You spent the nine cents in the cigarettes and bananas and then you came up.

A. Yessir.

Q. And when you came up with the bananas and the cigarettes who were then in the room.

A. I met him in the hall.

Q. You met the prisoner in the hall.

A. Yes sir, coming from the top floor right by the door from our place, there is where we live.

Q. Well, did you pass or go in the room or did you say anything.

A. I gave him the things in the room.

Q. How long was it after you went in the room before the prisoner came in the room.

A. I could not tell exactly, it did not take long.

Q. A minute or two or three minutes we will say.

A. Yes sir.

Q. You are in the room, you left the prisoner in the hall, you have your bananas and cigarettes.

A. Yes sir.

Q. In three or four minutes he came in the room.

A. In a minute or two.

Q. What did he say to you or you say to him or how did he act when he came in the room, did you give him the bananas.

A. Yes sir, he did not say anything, he gave banannas to the children and I think he gavesome to Mary Petrikovsky my sister.

Q. What did he do with the cigarettes.

A. He smoked them , he took a cigarette and smoked one.

Q. He lighted a cigarette.

A. Yes sir, I think he did.

By the Court. Q. Do you remember whether he did or not.

A. Yes sir, he did light a cigarette.

By Mr. Bedford. Q. After he gave the banannas to the children and to everybody around, he lighted a cigarette and then what did he do.

A. He went to his room.

Q. He then went to his room.

A. Yes sir.

Q. How long was it before he returned.

A. I think about five minutes.

Q. That is a guess, you did not look at your watch, did you.

A. No, I did not have nowatch.

Q. It seemed to you about five minutes.

A. Five minutes.

Q. What did he have if anything, with him when he returned to the room.

A. He had his revolver with him.

Q. In what hand.

A. In the right hand.

Q. Would you know that revolver if you should see it.

A. Yes sir.

Q. Will you kindly look at that and see if that is the one.

(Revolver shown.)

32 A. Yes sir, that is the one.

Q. He went out and the best of your idea or recollection is it was about five minutes when he returned with this revolver.

A. Yes sir.

Q. Were you standing or sitting.

A. I was sitting.

Q. You were sitting where.

A. Right in the same spot where I was before.

Q. And the girl who was shot was sitting in her place.

A. Yes sir.

Q. He comes in. A. Yes sir.

Q. Where was your sister, Mrs. Petrikovsky.

A. She was washing dishes at the wash tub right near.

Q. In the same room. A. In the same room.

Q. Washing dishes in the same room.

A. Yes sir.

Q. And you and the deceased, do you know who I mean by the deceased, Mary Petrikovsky, was sitting at the table.

A. Yes sir.

Q. Your sister was washing dishes.

A. Yes sir.

Q. Where were the little children.

A. In the front room.

Q. The prisoner enters the room where you all were, the front room. A. Yes sir.

Q. And he had this pistol in his hand. A. Yes sir.

Q. Now what did he do or say to the best of your recollection after entering that room with this pistol in his hand.

A. He aimed it at me first.

Q. Here is a gentleman sitting down like you were, stand up

and show the Jury how he aimed it at you.

A. I was sitting in the same side where this gentleman sits and he went out from this room and he aimed at me like this.

Q. He aimed it at you.

A. Yes sir, like this. (Illustrating.) I told him to stop that.

Q. Did he aim it at you first.

A. Yes sir..

Q. Then you said, "stop that".

A. Stop that.

Q. Then what did he do.

A. My sister began to halloo at him; she said, she did not want such things as that in her house; she did not want him to play with the revolver in her house -- go and put it away.

Q. What did he do to your sister if anything.

A. He went and aimed it at my sister.

Q. Your sister hallooed and said she did not want that in her house.

A. Yes sir.

Q. And then he aimed it at your sister.

A. Yes sir.

Q. What next happened, what did he do if anything.

A. My sister began to halloo and cry.

Q. And then what happened, where were the children.

A. In the front room -- as soon as the children heard their mother crying ----

By Mr. Howe. Q. Not in the same room with her.

A. No, and then when they heard her hallooing they ran out and I jumped out and I took his hand and I told him to go and put it away or even he shall give it away if he did not want to do that.

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By Mr. Bedford. Q. What did he say when you had him by the hand and told him to put it away.

A. He said, "leave my hand alone."

Q. What else.

A. "I have my finger right on the trigger and the revolver might go off", he said.

Q. What else.

A. I left his hand alone.

Q. Did he say anything.

A. I told him to go and put it away and he said all right.

Q. You told him to go and put it away and he said all right.

A. Yes sir.

Q. What next took place.

A. He went back from me and wanted to go to his room, he went to his room and made one step ----

Q. After he said, "all right". and you told him to put the pistol away then he made one step.

A. Yes sir, a step to his room.

Q. He made one step towards the room.

A. Yes sir.

Q. And after he made one step towards the room what next did he do.

A. He turned back.

Q. And then what did he do.

A. Then he aimed at Mary Petrikovsky, he aimed it at her.

Q. He then aimed the pistol at Mary Petrikovsky, where was she at the time.

A. She was sitting right in the same place where she was.

Q. She was sitting at the table, how far were you off about.

A. I was by the washtub holding him, you know.

Q. How far were you from the girl, were you right near.

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A. I was about four or five feet.

Q. It was a small room, wasn't it.

A. It was a very small room.

Q. She was sitting at the table.

A. Yes sir.

Q. He pointing the pistol at her.

A. At her, yes sir.

Q. What did she say if anything.

A. "Stop", and she held her hands up like this (illustrating);
she got scared, she held her hands up like this.

By the Court. Q. Her hands over her eyes.

A. Yes sir.

By Mr. Bedford. Q. What did she say.

A. She said, "stop, stop", that is what she said.

Q. Twice. A. Twice.

Q. And held her hands how.

A. Up on her eyes this way. (Illustrating.) She got scared
you know.

Q. And after she said "stop, stop", and held her face down
that way, what did the prisoner do.

A. He fired at her.

Q. He fired.

A. Yes sir.

Q. You saw him fire. A. Yes sir.

Q. You will swear that he fired after she said, "stop, stop",
and put her face down that way.

A. Yes sir.

Q. You are positive that you heard her say that.

A. Yes sir.

Q. You were excited but not so much excited as your sister
Mary Petrikovsky.

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A. No, I was not so much as she was.

Q. She was very excited.

A. Yes sir, she got scared when he aimed it at her.

Q. She got very scared and remained scared.

A. Yes sir.

Q. He then fired.

A. Yes sir.

Q. And she had her face that way as he fired.

A. Yes sir.

Q. Now what next did you notice after he fired.

A. I seen blood running over her face and running down on the table.

Q. You saw blood running over her face and down on the table.

A. Yes sir.

Q. Did she say anything.

A. No sir, not after she got shot.

Q. She did not speak after she was shot.

A. Her hands came down this way and she dropped like this.

(Illustrating.)

Q. Her hands fell down.

A. Fell down and she dropped on the floor.

Q. After her hands fell down and she dropped on the floor, what next took place.

A. After I seen that I jumped at him, I grabbed him around.

Q. You then grabbed the prisoner.

A. Yes sir.

Q. How did you grab him.

A. I grabbed him around and I told him to put the pistol on the table.

Q. You grabbed the prisoner around where.

A. I grabbed him around the body and I told him to put the pistol on the table.

Q. Did he do so.

A. Yes sir.

Q. What then happened after he put the pistol on the table.

A. I put him into a neighbor's room, he began to halloo and I put him into a neighbor's room.

By the Court. Q. Whose room was that.

A. Mrs. Felter's.

By Mr. Bedford. Q. In Mrs. Felter's room.

A. Yes sir.

Q. After you put him in Mrs. Felter's room what then did you do.

A. I ran down for a doctor.

Q. You went alone for a doctor.

A. Yes sir.

Q. Did you get a doctor.

A. No sir, I went in one door in Rivington Street, I do not know exactly the number but there was not one home but I thought I would run back, the house-keeper ran up and he said he will go for a doctor too; so I ran back and I met him on the street.

Q. Met who.

A. John Popoff.

Q. You ran for a doctor.

A. On Rivington Street.

By the Court. Q. How far did you go.

A. That is about one block.

By Mr. Bedford. Q. Did you get a doctor.

A. No sir.

Q. Then you came back.

A. I ran back.

Q. You did not get a doctor and then you came back to the house.

A. No, I did not go back, I went back on the street and I met him.

By the Court. Q. On the way back you met the defendant, is that it.

A. Yes sir.

1202

By Mr. Bedford. Q. Was he dressed.

A. Yes sir.

Q. The same as he was when he shot the girl.

A. No sir.

Q. Describe the difference in his dress, how his dress differed that he had on the street from the dress that he had when he shot the girl.

A. In the house he did not have no hat and no overcoat.

Q. What other difference was there.

A. I think he had a handkerchief on him around the neck when he ran on the street.

Q. Oh, he was running.

A. Yes, he was running on the street.

Q. He was running when you met him on the street.

A. Yes sir.

Q. What did you say to him when you saw him running on the street.

A. Where are you going to, I said to him.

Q. You said, "where are you going to."

A. Yes sir.

Q. What did he say, if anything.

A. He said he was going to Dr. Minz.

Q. And then what.

A. Then I said to him, "you would not go to Dr. Minz because Dr. Minz lives on Canal Street," then I said, "there is plenty of doctors in Rivington Street only one block."

Q. How far was that.

A. That was just between Rivington and Stanton on Clinton St.

Q. You said, "you would not go to Dr. Minz because he lived on Canal Street."

A. Yes sir.

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Q. What else did you say.

A. I said, "there is plenty of doctors on Rivington Street and you can go and get them."

Q. What did he then say.

A. He said, "let us go and see this doctor."

By Mr. Howe. Q. "Let us go and see this doctor."

A. Yes sir.

By Mr. Bedford. Q. Then what took place.

A. I went with him to two or three doctors; there is plenty of them there and we did not get one home.

Q. What next took place.

A. Then he said he will go again to Dr. Minz when we did not get any.

Q. What next.

A. And I said, "you can't go to Dr. Minz, you must go back", and he went back with me up to Mrs. Felter's and I left him in the room again and I told the people that were around there they shant let him out and I went to call the parents of that girl.

Q. You told the people in the house what.

A. They shant let him out no more.

Q. What next took place, when did the officer come.

A. I did not see no officer come because I went to call the parents of that girl.

Q. Well, what next took place.

A. The next thing the parents came and she was dead already.

Q. You saw her after she was dead.

A. Yes sir.

By the Court. Q. In the same place.

A. No, she was moved on a lounge in the front room.

1204

Q. You saw the body.

A. Yes sir.

By Mr. Bedford. Q. The prisoner at the bar was an acquaintance was he not, of all your family.

A. Yes sir, I think he was, yes, he was acquainted.

Q. And he was attentive to Mary, do you know what attentive means.

A. I know but you know I was there only just four weeks.

Cross Examined by Mr. Howe.

Q. You made one remark in your evidence that you told him not to be playing with the pistol like that, when was that you said that to him.

A. I told him first when he aimed at me.

Q. And what was the exact language, don't play with it like that.

A. I told him not to be handling the pistol around the house.

Q. You used the word "playing" before recess.

A. No, I did not use "playing", I said it to him. he aint got no business to handle the pistol around the house.

Q. To handle it around the house.

A. To have it around the house playing with it.

Mr. Howe: The stenographer will please read the question and answer which the witness made before recess.

The stenographer read the following question and answer:

"Q. Then what did he do. A. My sister began to holloa at him. She said she did not want such things as that in her house, she did not want him to play with the revolver in her house, go and put it away."

By Mr. Howe. Q. Did she say that.

A. Yes, she halloed out to the children that he wants to kill

1205

her, wants to shoot her.

Q. Was it your sister who said, "don't be playing with it like that."

A. My sister halloed to the children, "he wants to kill me , he wants to shoot me."

Q. Keep back to the word you have just told us that your sister said, "don't be playing with it like that", did she say so.

A. You asked me if I told him he shant play with the pistol. I said I did not say that he played with the pistol around the house; you did not ask me anything about my sister.

Q. Then you said, "you should not play with it round the house like that."

A. Yes sir.

Q. Now Dr. Minz, do you know him.

A. Yes, I do.

Q. In Canal Street. A. Yes sir.

Q. He was the gentleman I believe who introduced Popoff to that house, was he not.

A. I don't know anything about it.

Q. You know that he was a friend of the family, the doctor of the family.

A. He was a friend, no, I do not know nothing about that, whether he was a friend or not, they know Dr. Minz, they know him, that is enough.

Q. Tell the Jury how you know him.

A. I know only that Popoff told me that he wants to go to Dr. Minz when I met him on the street after he shot that girl.

Q. Don't get excited.

A. I am not excited at all.

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Q. Have you been drinking anything, recess, you are getting a little ugly.

A. NO.

Mr. Bedford: He has not been drinking, he sat in my office.

By the Court. Q. Did you know Dr. Minz before that day.

A. I seen him, I was not much acquainted with him.

Q. You knew him.

A. Yes sir, I seen him.

By Mr. Howe. Q. Where had you seen Dr. Minz.

A. Well, I seen him once in my sister's house.

Q. This was in January you have told us.

A. Yes sir, I did not see him in January.

Q. The occurrence was in January.

A. Yes sir.

Q. When you were in the house of course Popoff had his hat off when he was in the house.

A. Yes sir.

Q. And I take it you did the same, didn't you.

A. Yes sir.

Q. When you went out to get the cigarettes and the bananas you put your hat on.

A. No sir, I did not.

Q. You did not go down stairs.

A. No sir.

Q. When you met Popoff how far from the house was he when he was running.

A. Just around the corner.

Q. When he was running and he then had his hat and coat on.

A. Yes sir.

Q. And a handkerchief tied around his neck.

A. Yes sir.

1207

Q. And he told you that he was going to Minz.

A. Yes sir.

Q. And then you replied there were plenty of other doctors around.

A. Yes sir.

Q. And he went with you to two or three doctors.

A. Yes sir, he went with me to two or three doctors.

Q. And those doctors were not home.

A. No sir.

Q. And then he said to you that both of you should go to Minz, didn't he.

A. O no, he wanted ^{me} to let ^{him} go, he did not say we shall go to Dr. Minz, he wanted me to let him go to Dr. Minz.

Q. He said "I will go to Dr. Minz", is that it.

A. Yes sir, he said he wants to go, I did not want him to go.

Q. He said he will go. A. Yes sir.

Q. You told him he should not.

A. I told him he should go right back.

Q. And he went right back with you to the house.

A. He did not like to go but he went, yes, he asked me three or four times.

Q. You said he should not go to Minz, is that it, he must go back to the house.

A. Yes sir.

Q. And then he went back to the house with you.

A. He asked me a few times again, he said to me in the Russian language, "please let me go, I will go to Dr. Minz".

I said, "no sir, you do not, you have got to go back."

Q. Then you refused and he turned around to go back with you to the house.

1200

A. Yes sir.

Q. He went into the house with you.

A. He went into the house with me and I let him in to Mrs. Felter's house, I told the people to keep him in, not to let him go out of that room.

Q. You heard Judge Bedford say in his opening that he was walking up and down the room.

A. He was in that room after he shot that girl, I put him in there and then I met him on the street running.

Q. It was you who put him in the room on each occasion.

A. Yes sir.

Q. Do you remember being sworn before the Coroner.

A. Yes sir.

Q. You remember swearing to this question which was put to you; "Q. The prisoner was in good humor was he not? A. Yes he was joking." Did you say that?

A. To tell the truth, I did not understand the English language how to say it.

Interpreter: He means from the time he was around the house but he was not joking, he was smiling at the time.

Q. He was what.

A. Smiling.

Q. He was smiling. A. Yes sir.

Q. Do you understand the English language pretty well, you have answered every question that has been put to you, have you not.

A. Yes sir.

Q. Have you not understood everything that has been said to you to-day.

A. Yes, I understood what you said to me anyhow.

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Q. Look at this gentleman (Mr. Mashbir) you remember seeing him there.

A. Yes sir.

Q. Now he put this question to you, did he not; "Q. He was laughing at the time and joking. A. He was kind of joking I did not think he would shoot her." Did you say that?

A. Where?

By the Court. Q. Before the Coroner, he is asking you if you remember making that statement before the Coroner, you know who the Coroner is.

A. Yes sir, I said to him of course I did not think before he was willing to shoot her, if I thought so I would not let him.

By Counsel. Q. Did you not say before the Coroner that he was kind of joking, yes or no, did you say that.

A. I do not know ----

Q. Did you say it, no matter whether you understood it or not, you did say it.

A. Yes sir.

Q. Now of course you understood me when I put that question, you said yes, you stated you understood what I said, didn't you.

A. Yes sir.

Q. Tell the Jury if you can why you did not understand the question when it was put there.

A. I did not understand how to say you know he was kind of smiling, I did not understand the word "smile" in the English language, I said he was joking; he was not joking, he was not laughing, he was smiling.

Q. You said he was joking.

A. Yes sir, I said so, I did not understand before, I did not know the word smile, I did not understand; he was not

12 10

joking; now I know the difference.

Q. You have learned the difference since.

A. Yes sir, between smiling and joking.

Q. You studied that out since.

A. Yes sir.

Q. When did you go to study that out, you must have discovered the importance of it.

A. I did not understand that question.

By the Court. Q. You say that you learned the difference between the meaning of the words.

A. Yes sir.

Q. When did you learn it, the Counsel wants to know.

A. When did I learn it?

By Mr. Howe. Q. Yes, you have just told the Jury that you learned the difference since.

A. They told me joking means laughing; in my language, I thought joking was smiling and they told me joking is smiling you see.

By Mr. Bedford. Q. In what language, in your Russian language.

A. Yes sir.

By the Court Q. How long are you in this country.

A. I am just five years now.

Q. Did you ever speak any English before you came here.

A. No sir.

Q. All that you know about the English language is what you learned here.

A. Yes sir.

By Mr. Howe. Q. Now did 't Mr. Mashbir, this gentleman, put this question to you; "Q. At the time he pointed the pistol (the prisoner) at the deceased, how did he act at the time he

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pointed the pistol, what was his conduct at the time?

A. Do you mean if he was mad?" Did you say that to this gentleman.

By the Court. Q. Do you remember that, do you remember saying that at the Coroner's inquest, do you recollect saying the word Mr. Howe called your attention to.

A. I did not think he was mad enough to kill her anyhow.

By Mr. Howe. Q. I ask you if you said so, simply if you said it at the Coroner's inquest when Mr. Mashbir put that question to you, did you not reply, "do you mean if he was mad?" Did you say that to this gentleman, I do not care what you thought.

By the Court. Q. Do you remember saying that, using those words.

By Mr. Howe. Q. You said it in reply to his question.

A. I did not understand it, I did not have no business to say to him, "do you mean if he was mad?" I do not think I said it, no sir.

Q. You do not think you did.

A. No sir.

Q. You wont swear you did not.

A. No, I wont swear, I did not have no business to say to him. do you mean if he was mad.

By the Court. Q. Have you any recollection of saying it.

A. I think I did not but I am not going to swear about it.

By Mr. Howe. Q. Then Mr. Mashbir said yes and then did not you answer, "he did not look like mad, all the time he was talking to her he was kind of friendly" --- didn't you use that language, say he was kind of friendly, didn't you say so to this gentleman at the inquest over before the Coroner over there.

12 12

A. That he was kind of friendly?

By Mr. Bedford. Q. Do you remember the day when we were over before Coroner Levy.

A. Yes sir.

Q. I appeared for the people and Mr. Mashbir for the prisoner.

A. Yes sir.

Q. Now Mr. Howe is reading the testimony that was taken on that occasion.

A. Yes sir.

Q. He wishes you to recollect whether you recollect having said what he is asking you, now you may go on because I was there at the time.

A. I think I did not say he was friendly because he was not.

Q. Will you swear you did not.

A. No, I will not swear.

Q. Why won't you swear to it.

A. Because I do not know exactly what I said, do you think I am going to swear to a word, I said I am not very well acquainted with the English language if I said it; I am just saying what I know about it.

By Mr. Howe. Q. Why the facts were as fresh in your memory then certainly as they are to-day, were they not.

A. No sir, I am just telling what I know, nothing more.

Q. You knew what you were saying over there before the Coroner, didn't you.

A. I think I said the same testimony I said to-day but I ain't sure, if there is a word short in it or not I do not know, I am not going to swear to any word.

Q. Will you please try and get your mind down to the question I am putting to you, you went there to tell the truth.

A. Yes sir, that is what I am here for.

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- Q. You were sworn. A. Yes sir.
- Q. You remembered then as much about the case as you do to-day didn't you, every bit.
- A. Yes sir.
- Q. Did not Coroner Levy put this very question to you;
"Q. State to the jury the first thing that you did and the first thing that he did"; and you answered, "he pointed at me, he had his right hand like that" ----- then you showed how it was pointed.
- A. Yes sir.
- Q. That was before Coroner Levy, the judge over there you know. (Pointing to the Coroner's office.)
- A. Yes sir.
- Q. The Coroner said to you, "did he say anything"? And you answered, "he did not say anything, he pointed at me."
- A. Yes sir.
- Q. "He was laughing", is that true.
- A. Well, I might have said he was laughing but he was not laughing, I wanted to say smiling, I did not understand.
- Q. You did not understand lagghing and smiling.
- A. I could not say the real word in English but I knew it in my language --- but he was not laughing.
- Q. You have just told me you said laughing there.
- A. I might have said laugh^hing but he was not laughing.
- Q. Say laughing now again to the Jury, use the word laughing.
- A. Laughing.
- Q. You know what that means.
- A. I know what that means.
- Q. Did not you know then what it meant, you can say yes or no.
- A. I knew what it meant.

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- Q. And you said it.
- A. Yes sir.
- Q. Now you remember after the bananas were brought back going into his (the Prisoner's) bed-room, don't you.
- A. Yes sir, I do.
- Q. And you remember the deceased Mary and your sister going into the bed-room and pulling him off the bed, playing with the bananas.
- A. I do not remember that, it was not so, no sir.
- Q. What?
- A. No sir.
- Q. Do you swear to this jury that the deceased did not go into that room and playfully pull him off.
- A. Yes, I will swear that she did not do that.
- Q. That she did not do that. A. No sir.
- Q. And that no one went into the bed-room where he was.
- A. No sir.
- Q. No one.
- A. No sir, no one; my sister went to her bed-room but not Mary Petrikovsky, she did not move from her place until she got shot.
- Q. Mary did not move from the place.
- A. No sir.
- Q. Might it have been he was in your sister's bed-room with the bananas and she pulled him off the bed.
- A. I guess she did not because she was washing her dishes.
- Q. You do not think she did.
- A. No sir.

12 15

Redirect Examination.

By Mr. Bedford Q. Now I remember something about the testimony before the Coroner when in answer to me you said that when he pointed the pistol she put her head down and said, "stop, stop", but before the Coroner you did not use that language you said she put her head down and said, "don't, don't"-- what language did she speak.

A. She said in the Russian language, "perestatye".

Q. As you translate the Russian it means the same thing, don't, don't; stop, stop; what was the word she used.

A. "Perestatye."

Q. What is the English of that, your best knowledge of the translation.

A. I do not know very well the Russian language right, but I think it means "stop, stop", or "don't, don't."

Q. And when you see a person smiling, with a smile on his face you may say that he was joking or if he was joking he looked smiling, is that what you mean.

A. I did not know the word smile, I said joking.

Q. But in reality the reason that you said he was joking was that he had a smile on his face.

A. Yes sir.

Q. How did he look when he pointed the pistol at your sister.

A. He was smiling too.

Q. Then he went this way and turned back and advanced toward the girl, you were standing in a position to see him, were you.

A. Yes sir.

Q. What was his face when she said "perestatye".

A. He looked mad.

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Q. Was that just when he fired the pistol at her.

A. Yes sir.

Mr. Howe: I move that "he looked mad" be stricken out.

The Court: Yes, I will strike it out, "he looked mad".

By Mr. Bedford. Q. The evidence is that this man smilingly put the pistol in your face.

A. Yes sir.

Q. And smilingly put the pistol in your sister's face.

A. Yes sir.

Q. What sort of an expression did he have on his face when this girl said in the Russian language, "don't, don't" and he had the pistol at her, did you see his face.

A. Yes, he looked kind of mad.

Q. Was he smiling then.

A. No sir.

By Mr. Howe. Q. The smile had expired.

No answer.

Mr. Howe: I ask that the words "he looked kind of mad" be stricken out.

The Court: He was not smiling will stand; the first statement was made in answer to a leading question of the District Attorney, that I will strike out; he put the question again and he said "he looked mad", that can stand.

Mr. Howe: Give me the benefit of an exception.

By Mr. Howe. Q. What do you mean by looking mad, you say he was smiling at first and it took but a second when he put the pistol up, he smiled when he put the pistol up, didn't he.

A. Yes sir.

Q. Did the smile die out.

A. What do you mean?

12 17

Q. Before the shot was fired.

A. He was smiling, he put it first to my heart, then to my face, he did not put the pistol right up to shoot, and then my sister began to holler and he smiled at her, playing with the pistol.

Q. In a joke.

A. No, not in a joke.

Q. Wasn't it in a joke at you.

A. No sir.

Q. Not in a joke at you.

A. No, he did not have no joking then.

Q. No joking when he put the pistol up at you although he was smiling.

A. Yes sir.

Q. But he did not shoot you.

A. No, he did not.

Q. And then he went away to your sister, did he, and smiled and put the pistol up at her.

A. Yes sir.

Q. He did not shoot her.

A. NO.

Q. Then he went towards this girl at the table and put the pistol towards her.

A. He aimed it at her, he did not look smiling.

Q. He did not smile.

A. Not at all, not a bit.

Q. He never smiled once when he put it at her.

A. No sir.

Q. Don't you know you have said half a dozen of times that when he put the pistol at her he was smiling and when Judge Bedford asked you just now and I said the smiling had ceased you looked mad.

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A. I do not think I said it.

Q. Did he smile at all when he put the pistol at this girl.

A. He did not smile at all, no sir.

Q. Not when he put the pistol at her.

A. No sir.

Q. That you are sure about, that was done without a smile.

A. Yes sir.

Q. And it occupied as your sister told us, but one second from the time he pulled the pistol out until the shot was discharged.

A. It took more than one second, she halloed out, "perestatye", she had her hand like that (illustrating.).

Q. How many seconds.

A. I think it was two or three seconds.

By Mr. Bedford. Q. Mr. Howe asked you whether you thought this matter was a joke, did not you testify you took him by the arm and told him to stop it.

A. Yes sir, I told him to stop it and put it away.

Q. Did you look upon it as a joke when you took him by the hand.

A. No sir, if I thought he meant something I would not have let him. He said, "I have my finger on the trigger, it might have gone off"; she got scared when he put his hand up to her, she said "perestatye", twice and then he went and shot at her, fired at her.

Q. With her hands that way. (Illustrating.) A. Yes sir.

Q. You at no time when this man entered the room with this pistol and walked up to you and your sister, you did not take it as a joke for one second, did you.

A. No sir.

12 19

Marcus Petrikovsky sworn and examined by
Mr. Bedford.

Q. Mr. Petrikovsky, you are the father of this unfortunate girl, Mary Petrikovsky, who was shot on the afternoon of January 22nd.

A. Yes sir.

Q. When did you last see her alive before she was shot.

A. It was about an hour before.

Q. About an hour.

A. Before she was killed.

Q. You were not in the room when it occurred.

A. No sir, I was not in that house.

Q. How old was your daughter.

A. Nineteen years old.

Q. Did she live with you. A. Yes sir.

Q. And I believe on this occasion she was paying a visit to her sister-in-law. A. Yes sir.

Q. How long about did you and your family know the prisoner before he shot your daughter.

A. Several months before, I cannot tell you exactly, it was about three or four months.

Q. He used to visit your daughter.

A. Yes sir.

Q. Quite often. A. Very frequently.

Q. The way in which you became acquainted with the prisoner was, he was from Russia and you are from Russia.

A. Yes sir.

Q. And your family.

A. My family are all from the same country.

Q. But you did not know him in Russia, did you.

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A. No sir.

Q. Well, how was it that you and your family became acquainted with the prisoner in this country.

A. I did not live in New York City, I lived in Louisville.

By the Court. Q. Louisville, Kentucky.

A. Yes sir, and when I came to New York City my daughter was here already, she came to visit my son several months before me and when I came here to New York City I stopped at my son's and I found the prisoner lying sick in bed there.

Q. At your son's house.

A. At my son's house in a separate room.

Q. Was Mary Petrikovsky, your daughter, at that time living with your son in the house where the prisoner was lying sick.

A. At that time when I came here, when I arrived in New York City she was with my son because my family was in Louisville, Kentucky.

Q. As I understand it, the deceased Mary was living with your son.

A. Yes sir.

Q. And when you arrived here from Louisville, Kentucky, you found the prisoner in your son's house lying sick.

A. Yes sir.

Q. Did you while he was sick at your son's house at any time have a conversation with him.

A. O yes, very often, almost every day, every evening when I came from work I was invited and I considered it necessary to go to talk with him.

Q. You went and sat by him in the evening by his bedside.

A. Yes sir, sometimes in the daytime too when I had time.

By the Court. Q. That was during his illness, during the time that

he was sick.

A. Yes sir.

Q. What did he say to you.

A. During some days we had talk enough about different things. I asked him what his occupation at home in the old country was. He told me once, he told me the whole truth, that he has never done anything for his living but he lived on account of his father, his father's money.

Q. On his father's money.

A. Yes sir, and then he confessed to me that he was a devotee to dissipation and vice all his life.

Mr. Howe: Do you think this is competent upon this trial.

The Court: It is competent to connect it in any way with the deceased.

Mr. Howe: I ask that the last be stricken out, that he was dissipated.

The Court: Yes.

Mr. Bedford: I will connect this conversation.

The Court: Put such questions as will give the Court an opportunity to determine what is relevant; that statement, in that language, that he confessed to him will be stricken out.

By Mr. Bedford. Q. I merely want the talk, what were his words to you.

A. Well, about his former life.

Mr. Howe: I object to what the prisoner said about his former life to this gentleman as incompetent, irrelevant and immaterial.

The Court: This may all be possibly got in evidence in another way. I think you want to first connect this story with the deceased; if you can do that, then it may be possible to go further; in its present shape it don't seem to me

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to be competent evidence.

By the Court. Q. In consequence of these different conversations that you had with the prisoner did you have a conversation with Mary Petrikovsky.

A. Yes sir.

Mr. Howe: Now don't answer the next question till the Judge tells you whether you may or not.

By Mr. Bedford. Q. Don't answer as Mr. Howe says, unless Judge Fitzgerald allows you to. We have got it in consequence of conversations had by the prisoner you had a conversation with your daughter.

A. After a while, sometime.

Q. Now I call for the conversations that you had with the prisoner that made you have this conversation with your daughter.

Objected to as incompetent, immaterial and irrelevant.
Question withdrawn.

Q. After you had this conversation with your daughter what was her conduct and action towards the prisoner.

A. What conversation?

Q. Now don't get confused, you had a conversation at different times with the prisoner.

A. Yes sir.

Q. You have told us that in consequence of what the prisoner told you you went to your daughter and told her something.

A. Not right after.

Q. Weeks or days after.

A. Yes sir, weeks and months.

Q. You did.

A. Yes sir.

Mr. Howe: Let me ask that that be stricken out, that he went and

told the daughter what this man said to him.

By Mr. Bedford. Q. You had a conversation with your daughter.

The Court: That has been answered.

By Mr. Bedford. Q. You say that was some weeks after.

A. Yes sir.

Q. Now I ask you without stating what it was, after you told your daughter what you say you did and had a conversation with her, after the conversation what was her conduct towards the prisoner.

Mr. Howe: I object, this is not competent evidence. He says he had a conversation with the prisoner who told him certain things and that he repeated those to his daughter. If he did repeat them it renders the testimony incompetent; if he did not repeat them but in consequence of something else that he said, then it is not of any avail.

The Court: I presume that the line of examination of the District Attorney now is upon the question of motive.

Mr. Bedford: Precisely.

Mr. Howe: I take the objection and exception.

By Mr. Bedford. Q. Before you had a conversation with your daughter as regards the prisoner you have testified that you had a conversation with the prisoner, then some weeks afterwards you had a conversation with your daughter, now I ask you before you had the conversation with your daughter, what was her conduct and her manner towards the prisoner before you spoke to her.

A. She was very kind to him.

Q. You then had a conversation.

A. Yes sir.

Q. I do not ask you what it was but after you had the conversation how did she act then towards him.

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Mr. Howe: That is objected to, I object to the conversation being given as to the consequences ---

The Court: Your objection is to the conversation that the witness had with his daughter in consequence of a talk he had with the defendant --- I will allow the question and give you an exception.

By Mr. Bedford. Q. You have testified that before you had a conversation with your daughter about the prisoner she was very kind to him.

A. Yes sir.

Q. On a certain day some weeks after you had conversations with the prisoner, you had a conversation with your daughter, after that conversation how did she act towards him.

A. I was absent, my wife told me that she became ----

Q. How was your daughter after that.

A. Very cool.

By the Court. Q. Is that of your own knowledge or what your wife told you, of your own knowledge.

A. Yes sir.

By Mr. Bedford. Q. She became very cool to whom after the conversation.

A. Became very cool to the prisoner.

By Counsel. Q. You used to give him lessons in English, didn't you.

A. Yes sir.

Q. You wanted to go into business with the defendant.

A. No sir.

By the Court. Q. To go in business with him.

A. No sir.

By Mr. Howe. Q. Do you know anything about a coffee saloon which you wanted to open with him.

A. Myself, never.

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William Messer sworn and examined.

By Mr. Bedford. Q. Mr. Messer, what is your business.

A. Plumber.

Q. Where is your place of business.

A. No. 9 Canal St.

Q. It is in evidence that one Mary Petrikovsky was shot by the prisoner on last January 22nd; do you remember having seen John Popoff before January 22 in this city.

A. I saw him four days before I read the papers in East Broadway near Jefferson Street.

By the Court. Q. You saw the Defendant.

A. Yes sir, three or four days, I do not remember.

By Mr. Bedford. Q. Three or four days before the shooting.

A. Yes sir.

Q. Where was he.

A. East Broadway near Jefferson Street.

Q. Was he standing or walking at the time.

A. Walking.

Q. Who with.

A. With a company, I could not tell you how many men there was, there was passing in the evening a crowd and I was passing there.

By the Court. Q. Some men, is that it.

A. Some men.

Q. One man or more men.

A. There was three or four, I could not tell how many.

By Mr. Bedford. Q. What did you hear John Popoff on that occasion say to these men.

A. He said, "if it cost me my life", that is what I heard.

Q. What would cost him.

A. If it would cost him his life; he was talking.

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By Mr. Howe. Q. "If it cost me my life".

A. Yes sir.

By the Court. Q. Was that the whole conversation.

A. He was talking to the people., and I did not know the people but some of the company they asked him some of them and told him, "don't you do it." What it was I could not tell.

By Mr. Bedford. Q. The men said it in the Russian language.

A. In Russian, yes sir.

Q. "Don't you do it" --- did Popoff have anything in his hand at the time.

A. I could not tell you.

Q. Well, when those men said, "don't you do it", what were the exact words of Popoff either before they said "don't you do it" or afterwards, what were his exact words.

A. The exact word I could not tell you, I was passing through that is what I heard.

Q. What do you recollect, to the best of your ability --- you are under oath, I don't want you to manufacture anything -- what did you hear him say, you say that you heard the men say, "don't you do it."

A. Yes sir.

Q. Now what did Popoff say before they said that or after they said it.

A. Popoff said that before.

Q. What did he say. No answer.

By the Court. Q. You were going along the street.

A. Yes sir.

Q. You saw the defendant and three or four men walking along.

A. Yes sir.

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Q. Now you heard something.

A. I heard something.

Q. Go right back in your mind to that place, now what was the first words you heard.

A. I heard the first word, "if it cost me my life".

Q. Now who said those words.

A. Mr. Popoff, but I did not know before.

Q. You heard those words, "if it cost me my life."

A. Yes sir.

Q. Who said those words.

A. Mr. Popoff.

Q. This defendant said the words.

A. Yes sir.

Q. What was the next thing you heard.

A. The next thing I heard, "don't you do it."

Q. Who did you hear say that.

A. From the people.

Q. From somebody that was with him.

A. Yes sir.

Q. What else did you hear.

A. That is all, I was passing through.

Q. What language was that spoken in.

A. That was in Russian.

Q. That was three or four days you say, you read it in the papers. (Read of the occurrence of the shooting.)

A. Yes sir, before I read the papers that is all what I know.

By Mr. Bedford Q. That is to the best of your recollection what you heard.

A. That is what I heard, I told the truth.

Q. "If it cost me my life."

A. Yes sir.

Q. Then the men said, "don't you do it."

A. Yes sir.

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Cross Examined by Mr. Howe.

- Q. You were walking along the street.
- A. Yes sir.
- Q. Three or four men were walking on the same side of the way or the opposite side.
- A. The same side.
- Q. Walking the same way you were walking.
- A. I was behind.
- Q. You were behind them. A. Yes sir.
- Q. Were they all four abreast in front of you.
- A. No sir.
- Q. How were they walking, the others.
- A. They were walking two and two and then they was changing, they was walking in the street.
- Q. Now when you heard this language, "if it costs me my life" had you ever seen this man before.
- A. No sir, I saw them only that day.
- Q. You never saw him before. A. No sir.
- Q. And heard him say, a stranger, "if it costs me my life."
- A. Yes sir.
- Q. Some one replied, "don't you do it."
- A. The stranger told the man Popoff, "don't you do it", that is all what I heard.
- Q. The stranger used the name Popoff.
- A. Yes sir.
- Q. And said, "Popoff, don't you do it."
- A. Yes sir.
- Q. You heard that language.
- A. That I heard, yes sir.

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Q. When did you first tell anybody about this.

No answer.

By the Court. Q. When did you first tell any person you heard this talk, how long ago.

A. After I read the papers.

Q. What did you do when you read the papers, did you go and see anyone.

A. NO.

Q. Mr. Howe wants to know who the first person was and when was the first time that you told about this conversation.

A. They were strangers, the men, I did not know who the men was.

Q. You heard the talk, do you remember that. A. Yes sir.

Q. You remember reading something in the paper two or three days afterwards. A. Yes sir.

Q. Fix those two things in your mind, hearing the talk and the reading of the papers, how soon after that did you speak to any person about what you heard.

A. There was a person down in my shop.

Q. How soon afterward, how many days.

A. It was about ten days.

Q. Ten or twelve days after the shooting somebody went to your shop and you told it to him.

A. Yes sir.

By Mr. Howe. Q. You did not go before the coroner.

A. NO.

Q. You did not tell any of the police anything about it.

A. No sir.

Q. Who brought you here.

A. I do not know, the man went in and gave me a subpoena.

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Q. When.

A. Oh this is about two weeks ago, I do not remember, I could not tell you, an old man bring me down a subpoena and then he bring me down last week again one.

Q. You do not know how that man knew you heard all this conversation.

A. I do not know that man.

Q. Well now you say that you heard those words as you were walking along the street in Russian.

A. Yes sir.

Q. Now I want you to give in Russian the exact words because my associate is a Russian scholar, I want to see if you are correct..

A. I can understand very well Russian but I cannot speak too much Russian, I am thirteen years from the old country, I can speak a little Russian now.

Q. Just say it in Russian, what you think they said.

A. I could not bring that out now.

Mr. Howe: You may go.

By Mr. Bedford. Q. You have come here and testified to certain remarks made by the prisoner, in your presence, in your presence and those remarks answered by certain persons in your presence, you have testified that those remarks were in the Russian language.

A. Yes sir.

Q. Now I ask you to tell these gentlemen to the best of your recollection what were the sounds or the words that you heard that you have undertaken to translate; we have got a Russian scholar here -- we will see what were the sounds what were the words that made you come here and swear to

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this Jury that you heard him say, "if it costs me my life" and then they said, "Popoff, don't you do it", now use the language or the words.

A. In one second I will use it in Russian, I never talked Russian for thirteen years but I understand Russian, when the people talk I understand.

Q. Repeat what they said, tell us to the best of your recollection the language they used that you translate that way.

(The witness used a Russian word.)

A. Something like it, but I could not bring that out; if I have any Russian here I will talk, I understand Russian but it is a hard thing to speak.

Mr. Bedford: With your Honor's permission I would suggest that the lawyer defending this man with Mr. Howe, Mr. Mashbir, go outside and see if he can get the language from the witness.

Mr. Howe: I object.

The Court: I cannot make any ruling.

Mr. Bedford: Mr. Howe seems to doubt this man's testimony.

Mr. Howe: He does not seem but does doubt it.

Mr. Bedford: This man says he can understand the Russian language but he cannot speak it; he said if he could talk to a Russian for a little while ---

The Court: I would suggest to the District Attorney if he sees fit to recall this witness for any purpose he may do so, I cannot rule upon an offer of the character made here, I cannot make Mr. Mashbir go with him.

Mr. Mashbir: I am willing to do it.

Mr. Howe: May they go?

The Court: The witness and the Counsel have the leave of the

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Conrad Shellenburger sworn and examined.

By Mr. Bedford. Q. Officer, what precinct do you belong to.

A. The 11th.

Q. Of the municipal police of this city.

A. Yes sir.

Q. Were you on duty on January 22nd.

A. Yes sir.

Q. Did you have occasion in the afternoon to visit the premises 163 Stanton Street in this city.

A. Yes sir.

Q. Did you arrest anybody there.

A. Yes sir.

Q. Whom did you arrest.

A. John Popoff.

Q. Where was he when you arrested him.

A. He was in the rear of the apartments on the top floor of 163 Stanton Street with parties by the name of Fetter, he was in the rear room, he was not in Petrikovsky's room but Fetter's.

Q. You arrested him in Mrs. Fetter's room.

A. Yes sir.

Q. After arresting him did you go into the other room, Petrikovsky's room.

A. Yes sir.

Q. What did you see if anything.

A. I first inquired where the revolver was, he had not it with him, I went in the room to see if Mary Petrikovsky the woman, was shot.

Q. Was he under arrest when you went in there.

A. No sir, I arrested him.

Q. You arrested him in Mrs. Fetter's room.

A. In Mrs. Fetter's room.

Q. Then you went to get the revolver and you took him in.

A. To see if she could identify him but she was unconscious.

By the Court. Q. You brought him into where the body of Mary was

1232

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A. Yes sir.

Q. After arresting him did you go into the other room, Petrikovsky's room.

A. Yes sir.

Q. What did you see if anything.

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A. In Mrs. Fetter's room.

Q. Then you went to get the revolver and you took him in.

A. To see if she could identify him but she was unconscious.

By the Court. Q. You brought him into where the body of Mary was

1233

Conrad Shellenburger sworn and examined.

By Mr. Bedford. Q. Officer, what precinct do you belong to.

A. The 11th.

Q. Of the municipal police of this city.

A. Yes sir.

Q. Were you on duty on January 22nd. A. Yes sir.

Q. Did you have occasion in the afternoon to visit the premises 163 Stanton Street in this city. A. Yes sir.

Q. Did you arrest anybody there. A. Yes sir.

Q. Whom did you arrest. A. John Popoff.

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A. No sir, I arrested him.

Q. You arrested him in Mrs. Fetter's room.

A. In Mrs. Fetter's room.

Q. Then you went to get the revolver and you took him in.

A. To see if she could identify him but she was unconscious.

By the Court. Q. You brought him into where the body of Mary was

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and she was unconscious at that time.

A. Yes sir, she was still living, breathing heavily but unconscious.

By Mr. Bedford. Q. What was the condition of her head, did you notice.

A. It was all full of blood on the top of it.

Q. She was on the lounge unconscious.

A. Yes sir.

Q. Did you find the pistol.

A. On the table in the kitchen.

Q. In the same room where the deceased was on the lounge.

A. No sir, she was in the front room, this was in the kitchen.

Q. A small table, wasn't it.

A. Yes sir, a small kitchen table.

Q. Now would you know the pistol if you saw it again.

A. O yes.

Mr. Howe: There is no question about that, let your Honor note it.

Mr. Bedford: I offer it in evidence.

Q. Now take it, it is unloaded.

A. Yes sir.

Q. What was its condition when you found it on the table.

A. It was loaded with one cartridge empty.

Q. It was all loaded with one cartridge missing.

No answer.

By the Court. Q. How many chambers.

A. Six.

By Mr. Bedford Q. As I understand it, five loaded chambers and one empty.

A. Yes sir.

By the Court. Q. What is the calibre of that pistol.

A. No. 32 centerfire, it is a double action, self cocker.

By Mr. Bedford. Q. You unloaded it yourself.

A. Yes sir.

Q. And those cartridges that you now have in your left hand are the same cartridges that you took out of that pistol when you found it on the table in the kitchen of Petrikovsky's rooms.

A. Yes sir.

Q. I believe the prisoner is a Russian, did he speak English to you.

A. No sir.

Q. You of course like myself could not speak Russian, so you had no conversation with him, did you.

A. I could not understand him and he could not understand me.

Q. You took the pistol as you say, you have unloaded it, then you took him to the Station House.

A. I took the revolver and put it in my pocket, I did not unload it on the premises, I unloaded it in the Station House.

Q. You took him to the Station House.

A. Yes sir.

Q. And that is all you know about this case.

A. That is all.

The Court: That is the case for the People with the exception of the Coroner and he will be called in the morning.

Mr. Bedford: Yes sir, Dr. Jenkins will be called tomorrow the first thing.

Wednesday, May 21, 1890.

William T. Jenkins sworn and examined.

By Mr. Bedford. Q. Dr. Jenkins, you are a practicing physician in this city.

A. Yes sir.

Q. You are connected with the Coroner's office.

A. Yes sir.

Q. What position do you hold.

A. Coroner's physician.

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Q. Among your duties is to perform autopsies.

A. Yes sir.

Q. A young girl named Mary Petrikovsky was shot and killed on the 19th of January last, did you perform the autopsy on that girl.

A. No sir.

Q. She was shot at 163 Stanton Street.

A. No sir, not on that day.

Q. What day.

A. I think it was the 24th, looking at my notes of January, at the Morgue, eleven o'clock in the morning, but on the afternoon of the day before I made the autopsy I visited the apartments where Mary Petrikovsky was lying, to make an investigation upon information received at the Coroner's office that the homicide had been committed at that place.

By the Court. Q. You went to 163 Stanton Street.

A. 163 Stanton. I think. I visited the apartments in the afternoon about five o'clock and found the body of Mary Petrikovsky lying on the sofa with a penetrating pistol shot wound of the vertex of the head, a little to the left of the median line and a little in front of the suture which comes across the top of the head.

By Mr. Bedford Q. We are not doctors, talk in lay language.

A. I am leaving out technical terms. I then made some investigation as to the manner in which this wound was received through witnesses who were present.

By the Court. Q. You had a talk with them.

A. Yes sir, that was to find out how the wound was received prior to the examination. I was told that she was sitting at the table.

By Mr. Bedford. Q. Mr. Howe don't object but I do not want in here improper evidence, you are here Doctor, to tell the result of that autopsy and the cause of death, I will confine you to that.

A. I thought you told me to go ahead and tell all I did and saw.

Q. Come right down and as a physician say what the cause of death was.

A. A penetrating pistol shot wound of the head, direction downward and inward crossing the brain and lodging in the lesser brain at the base. Direction -- I cannot illustrate exactly --- about in that position (showing), that is the direction only it was from left to right crossing the median line. The cause of death from that examination---

Q. What was the cause of death.

A. A penetrating pistol shot wound of the brain or skull, laceration of the brain and internal hemorrhage, shock from pistol shot wound, gun shot wound.

Q. This was the body of Mary Petrikovsky.

A. Yes sir, so identified to me by her father and by her brother-in-law I think.

The Court: I suppose that will be conceded here.

Mr. Bedford: That is all I have to ask this witness, to prove the cause of death.

By the Court. Q. Did you remove the bullet.

A. The bullet I removed which was turned over to the Coroner, I presume Mr. Bedford has it.

By Mr. Bedford. Q. From the nature and character of the wound and the course of the bullet how would a person hold that pistol to inflict that wound, assuming that the party on whom it was inflicted was sitting and he was standing.

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Objected to.

Question withdrawn.

By Mr. Howe. Q. Indicate by your finger on your head or that of the officer if he will permit the point of entrance.

A. That is the entrance of the bullet about. (Showing.) And this is where it lodged about, the base of the brain; it coursed down like that (showing) only it was slightly across instead of being straight down on one side.

By Mr. Bedford. Q. The bullet entered the crown of the head and came out here at the base.

A. It did not come out, it lodged inside of the skull a little in advance of your finger and near the median line.

Mr. Bedford: That rests the case for the prosecution.

Mr. Howe: I want to recall Mrs. Petrikovsky.

The Court: Recall her for cross examination as part of the Peoples' case.

Mr. Howe: Yes sir, as part of the Peoples' case.

Annie Petrikovsky recalled by Mr. Howe.

Q. Will Mrs. Fetter and Peters stand up. Now I ask you to look at Mrs. Fetter and Mrs. Peters. You know those two ladies.

A. Yes sir.

Q. Immediately after the shooting did you run out of the room and say to either of those ladies, "it was an accident."

A. I do not remember exactly what I said but maybe I said it, I do not remember exactly, I did not consider that he would be a murdered the first moment and I thought maybe she fainted only, I did not know that he had killed her.

Q. I ask you if you stated that it was an accident, that is my question.

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A. Maybe.

Q. And that was when it was fresh in your mind, that it was an accident, that was your idea then when you told them, wasn't it.

A. I do not remember exactly, maybe I did it.

Q. Tell the Jury now whether at that time immediately afterwards it was not your idea then, it was an accident at that time, did not you think it was an accident.

A. The first moment, yes sir.

By Mr. Bedford. Q. At that time when you rushed out and said to those ladies that it was an accident you were so confused and excited that you did not scarcely know what you were saying.

Objected to as leading. Objection sustained.

Q. You have said that possibly or probably or in reality you did just after this poor girl had been shot that you might have said to somebody you thought it was an accident, now what frame of mind were you in just at that moment when you had any conversation or made any remark to anybody just after this poor girl had been shot.

A. I was so excited and so in despair that I did not know what it was I said, but we considered him the day before as a friend of hers, I did not know that he will do it, I thought maybe she fainted only, I did not know that he shot her.

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Harry Jackovitsch recalled by Mr. Howe.

Q. Do you know Mr. Davidow.

A. No sir, I have seen him in 26th Street.

Q. Do you now recognize that individual who comes forward whose name we tell you is Aaron Davidow.

A. I seen him on 26th Street on Friday, the 24th of January.

By the Court. Q. Mr. Howe asked you if you recognized that man as a man you saw before.

A. Yes sir, I did see him before.

By Mr. Howe. Q. Now did you tell him that the prisoner would surely say that the pistol went off whilst you and he were struggling, did you tell him that.

A. No sir.

Q. Nothing of that kind. A. No sir.

Q. Is it not true that the pistol did go off while you and he were struggling. A. No sir.

By Mr. Bedford. Q. What did you say to him on that occasion.

A. I did not say nothing to him.

By Mr. Howe. Q. You said nothing. A. No sir.

By Mr. Bedford. Q. What did he say to you.

A. I do not remember if he said anything to me or not.

Q. You merely saw him on the street.

A. I saw him in the hospital on Friday, the 24th of January, that is the first time that I saw him and that is the last time too.

Q. You did not speak to him. A. No sir.

By Mr. Howe. Q. Did not you see him in Petrikovsky's house.

A. No sir.

By Mr. Bedford. Q. Now you refresh your recollection, Mr. Howe asks you if you ever said to him or any living being that the

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pistol went off while you were struggling with him.

A. NO.

Q. And did the pistol go off.

A. No sir.

Q. You held him by the arm and he asked you to let it go, didn't he.

A. Yes sir, when he aimed at my sister then I held him by the arm.

Q. You let it go.

A. Yes sir.

Q. And after you let it go he went to go out and he turned back and he shot this girl, is that your testimony.

A. Yes sir.

By Mr. Howe. Q. Do you understand what you have just said, did it or not go off at your sister when he aimed it at her, you say you had hold of him.

A. No sir.

Q. Will you tell this Jury that you were not touching him at all at the time the pistol was discharged.

A. Yes sir, I am telling it before the jury that I never touched his hand when he shot Mary Petrikovsky.

Q. When the pistol went off.

A. Yes sir.

By the Court. Q. Your sister is Annie Petrikovsky.

A. Yes sir.

Q. And the time you took hold of him and saw him was when he aimed the pistol at Annie.

A. Yes sir.

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The Case for the Defence.

Mr. Howe: I make the usual motion, your Honor, as matter of law upon the evidence, that you advise the jury to acquit the defendant of murder in the first degree. I make a separate motion as matter of law upon the evidence, that your Honor direct the Jury to acquit the defendant of murder in the first degree. I make another separate motion that upon the evidence as matter of law that your Honor take the consideration of murder in the first degree from the Jury, which is denied and an exception to each denial.

The Court: I deny the motion.

Mr. Howe opened the case for the Defendant.

Sadie Peters sworn and examined by Mr. Howe.

- Q. Do you speak English. A. Yes sir.
- Q. Where do you live. A. No. 183 Stanton Street,
top floor.
- Q. What is your business, Mrs. Peters.
- A. My business is nothing, I look after my children and home.
- Q. Are you married. A. Yes sir.
- Q. Is your husband living. A. Yes sir.
- Q. What is his business. A. Tailor, operator.
- Q. Where does he work.
- A. At Arnheim's in the Bowery, corner of Spring Street.
- Q. Now you remember the day of the shooting, don't you.
- A. Yes sir.
- Q. Were you in that house. A. Yes sir.
- Q. You live there. A. Yes sir.
- Q. Now you know Mrs. Petrikovsky.
- A. Yes sir, we were neighbors.
- Q. Did you see her just after the shooting.

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A. Yes sir, the very minute after.

Q. Go on and tell us what she said to you.

A. She said to me, "O dear", she says, "it is an accident"; she says, "he is so good and incapable of any wrong", she says, "and I don't know how it happened."

Cross Examined by Mr. Bedford.

Q. That was her language.

A. Yes sir, because I never spoke to the lady before, only by sight I knew her, but when I heard such a row ----

Q. You are an intelligent woman, I will take it for granted, you say that Mrs. Petrikovsky came to you the very minute after this killing and she said, "O my, it was an accident, I do not know how it happened" --- did she say that, you swore she did.

A. Yes sir.

Q. And how on earth then could she be in a position to tell you it was an accident.

Objected to.

A. She did not come to me.

Q. I am using the language you have sworn to.

The Court: Is that question withdrawn?

Mr. Bedford: Yes, the last.

By Mr. Bedford. Q. You have sworn before these gentlemen that the very minute after this fearful occurrence that she rushed out and said, "O my ----

Objected to.

Q. You say the very minute after this shooting this woman said, "O my, it was an accident and I do not know how it happened."

A. Yes sir, the minute ----

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By Mr. Howe. Q. Go on and say what you were going to say.

A. I was in my room. (Can I speak my own language?) In the same afternoon getting my baby off to sleep when all at once I heard a terrible noise, I got very frightened because I thought it was a fire. I took my children, I thought in case of a fire I should have them at the side of me. When I came out I saw Popoff running like mad, crazy and tearing his hair out and throwing himself on the floor. I asked him what was the matter with him and he spoke to me but I cannot understand his language, I cannot understand Russian, but the only thing that I did understand was he hallooed wildly for a doctor and then Mrs. Petrikovsky was standing with her two children screaming; I says to the woman, "what is the matter with you," and she said, "O my child." So I says, "my God, you have your child near you."

By Mr. Bedford. Q. Was the prisoner present during all this conversation.

A. Yes sir, he was present all the time.

By Mr. Howe. Q. Go on.

A. I said to the mother, "what is the matter with you, you have the child." She said, "Mary, Mary." I did not like to go into her house and look after her matter, I did not know what was the matter for I saw everybody running in that direction and I was the first one in the room; I saw the young lady lying down, I thought she was fainting, I got very frightened, I went for somebody to relieve her as they seemed to be very excited and he was hallooing for a doctor; I left my house and went for the doctor myself. I went to Delancy Street I think, they told me the doctor

lived there and when I came there they said I had better go to the Station House; I am a stranger in this country and so I did not like the trouble, I thought I would only send some man and when I came back there was Popoff, I was told that the Doctor was in the room.

By the Court. Q. Did you see Popoff when you came back.

A. Yes sir.

By Mr. Howe. Q. When was it she said it was an accident.

A. The very minute after because I was the first one after that in there, I did not know what it was because they all spoke in Russian and I cannot understand that language, it was the very minute after.

By Mr. Bedford. Q. You mean after the shooting.

A. Yes sir, I did not know it was shooting at all, I thought she was fainting.

By Mr. Howe. Q. Do you know this man, the defendant Popoff.

A. No sir.

Q. Any friend or relative of his. A. No sir.

By Mr. Bedford. Q. Where do you live, Madam.

A. 163 Stanton Street.

Q. On what floor. A. The top floor.

Q. How long have you lived there.

A. I am living there since about ten months.

Q. People have sworn on this trial that the prisoner lived on that top floor and lived there for some weeks, do you tell this Jury that you live on the very same floor that he lives on in the same house and never saw him in your life.

A. Not before I lived there. I never spoke to him.

Q. You did not say that.

A. I cannot understand his language.

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Q. Mr. Howe says, "do you know this prisoner" and you said, "no, I never saw him before in my life".

A. Not before I came to this country, I am only here ----

Mr. Bedford: I have got enough of you.

By Mr. Howe. Q. Madam, your husband works at Arnheim's, the tailor.

A. Yes sir.

Q. You have how many children. A. Three.

Q. When you said you never saw him before, tell the jury what you meant by that.

A. I meant that I never saw him before in my life until I came to this country, I am only here ten months.

Q. Where did you first meet him, where did you first see him.

A. In the hall I used to see him sometimes but I never exchanged with him two words.

Q. You occupy different rooms I presume to him.

A. Yes sir.

Q. Wasn't it a fact that he was a lodger in that house and that is all you know about him.

A. That is all I know about him; I only came to tell the truth, I have no interest in either parties.

By Mr. Bedford. Q. When you answered you never saw him in your life, did you hear Mr. Howe say before you came to this country.

A. I meant before I came to this country.

Q. But Mr. Howe did not say anything about when or where, he simply asked you the broad question, are you a stranger to the prisoner and you said, "yes, I never saw him in my life before."

A. Yes, I am a stranger to him.

Q. But you swore you never saw him in your life before, now you qualify it by saying you meant in your life before you

came to this country.

A. I can swear again that what I say is nothing except the truth.

Sabina Fetter sworn and examined.

By Mr. Howe. Q. Where do you live, Mrs. Fetter.

A. No. 163 Stanton Street.

Q. Was that in the same house in which this girl lived and in which this girl was shot.

A. Yes sir.

Q. And it is where Mrs. Petrikovsky lives.

A. She lives in the front and I live in the back in the same hall.

Q. On the same floor with you.

A. Yes sir.

Q. Now you have seen this man before, have you, the defendant.

A. Yes sir.

Q. Are you intimate with him, are you a friend of his.

The Court: Does she know the defendant is the question.

The witness was examined from this point through the interpreter.

A. I was not acquainted very much with him, I saw him in the hall and that is all.

By Mr. Howe. Q. Then he was simply an occupant of the same house in which you lived, in which you have some rooms.

A. Yes sir.

Q. Are you married.

A. Yes sir.

Q. What is your husband's business.

A. Pharmacist.

83 Q. Where.

A. Here in New York.

Q. What street.

A. He is at the corner of Canal and Mott Streets in a drug store.

Q. Whose drug store is it. A. Mr. Walderstein keeps the drug store, he bought lately the drug store.

Q. I am told it is the southeast corner.

A. Corner of Mott Street and Canal, it is only one drug store there.

Q. Then you are not any friend of this prisoner's.

A. No sir.

Q. Now do you know Mrs. Petrikovsky.

A. Before I lived there, no.

By the Court. Q. Do you know her now.

A. Yes sir, I know her.

By Mr. Howe. Q. Well, did you see her the day of the shooting.

A. I did not see anyone, I did not see Mrs. Petrikovsky and I did not see Mr. Popoff neither.

Q. That is at the time of the shooting, but did she see Mrs. Petrikovsky just after the shooting, did Mrs. Petrikovsky speak to her.

A. After the shooting she spoke in my place, not personally to me, she was speaking so that everyone could hear.

Q. Now tell us what she said exactly to the best of your recollection.

A. All the women came together and they commenced to ask her what is the cause of that and they commenced to scold because he did it. Then she said, "I have nothing against him, he is a very decent man, he did not intend to do it."

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Cross Examined.

By Mr. Bedford. Q. Was this on the day of the shooting.

A. The same day of the shooting.

Mr. Howe: What answer was that she gave you.

Interpreter: The gentleman asked me the same day.

By Mr. Bedford. Q. The shooting was in the afternoon about three or four, when did Mrs. Petrikovsky tell you ----

Mr. Howe: I am informed that the witness does not thoroughly understand the German as rendered by my friend, the Interpreter; let it be asked in Russian.

Interpreter: I can understand, she understands me, I am not embarrassed in speaking to those people.

The Court: I do not know.

Interpreter: They do not always give a responsive answer.

Mr. Howe: Now Mr. Interpreter, with the permission of the Court, I will ask the Court to instruct you, as I have before upon many occasions, will your Honor kindly direct the interpreter to render the answer she gives whether it is responsive or not, the exact words that she answers I want him to translate to us.

The Court: That is the duty of the interpreter.

Interpreter: That is what I always do, it is nothing new to me.

By Mr. Bedford. Q. What is your name.

A. Sabina Fetter.

Mr. Howe: I am informed by my associate that the answer which she gave was in reply to the District Attorney's question, "was it the same day?" She said, "it was the very moment after the shooting" -- that is what I am informed was her answer. Will your Honor ask the Interpreter to put that question if she just said so, it is only fair that we

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should have it.

Mr. Bedford: The translation was she was talking to everybody after the shooting.

Mr. Howe: It is the more important part that I want the Interpreter to give.

Interpreter: She said the same day and then she said also, the moment of the shooting, and I said the same thing.

By Mr. Bedford. Q. Can you speak English, if so we can get along much better without that Interpreter.

A. No sir.

Q. Did you use the word after the moment of the shooting or did you say, after the shooting.

A. After the shooting.

To the Interpreter: Then why did you say she said, after the moment of the shooting.

Interpreter: She said that before.

Mr. Bedford. Q. I have just asked her if she said it before.

The Court: The point in dispute is this; Mr. Howe claims that the witness stated that this conversation was had after the moment of the shooting and that you did not in your translation give the word "moment". Then in an argument you got in with Mr. Howe you stated that she did say, "after the moment of the shooting"; then the District Attorney, for the purpose of getting the matter straight, put as a question to you, "did she say after the moment of the shooting or after the shooting", and your answer is, "after the shooting."

Interpreter: She said after the shooting also, because she referred to it several times.

By Mr. Bedford. Q. Did you see Mrs. Peters in that chair when she was testifying.

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A. No sir.

Q. Was Mrs. Peters present when this woman ^{Annie} ~~Mary~~ Petrikovsky got talking to everybody.

A. Yes sir.

Q. Now tell me the exact language that ^{Annie} ~~Mary~~ Petrikovsky used in your presence and in the presence of that other witness.

A. Mary was dead, she says, Mary Petrikovsky was dead.

Q. I want to know whether when Annie Petrikovsky got talking to everybody and said that the prisoner did not intend to do it, that he was a good man, or something to that effect was the last witness, the lady that has preceded you there, was she then and there when she said it. Now tell these gentlemen the exact language to the best of your recollection that Annie Petrikovsky said in your presence and in the presence of the other witness who just left the witness box,

A. "I have nothing against him, he is a decent man and did not mean it."

Q. Now I want her words, say the very words.

A. Those are the words that I can recollect.

Q. What were they, now repeat them.

A. The words are, "I have nothing against him, he is a decent man, he did not mean it", and then she cried and halloood and that is all.

Q. Then if the previous witness says that the very minute after the shooting Mrs. Petrikovsky says it was an accident and I do not know how it happened, she was in error wasn't she.

Objected to. Objection overruled. Exception.

A. What I say she said in my house, in my room; maybe she

said the other words in the hall, that I do not know.

Q. I am asking for the very language that Mrs. Petrikovsky used when you and that other woman were present and she was talking to both of you.

A. She said the same words again that she said before, "I have nothing against him, he is a decent man, he did not mean it."

Q. Then you did not hear her say, "it was an accident and I don't know how it happened."

A. I did not hear that.

Q. You were listening to everything that she said, were you not, yes or no, it is a simple question.

A. What she said in my room I heard.

Q. What she said when the other lady was present, I don't care whether it was in the street, hall or room.

A. I did not hear it when she was present.

Q. Did you hear all that Mrs. Petrikovsky said while the other lady was present with you, when she was talking to all the women.

A. Only what I say I heard, nothing else.

Q. Mrs. Petrikovsky, was she cool and collected or was she very much excited the minute after this occurrence.

A. She was excited.

Q. When she told you this what time in the afternoon was it.

A. It was just after it happened she came into my house.

By Mr. Howe. Q. Did she not say, "I cannot remember the hour."

The Court: You are putting questions and giving answers.

Interpreter: I gave the answer, she said "I do not know but it was right after", that is what she says.

By Mr. Bedford: I asked this lady a very simple question, whether

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she knows or does not know the hour of the afternoon when Mrs. Petrikovsky said this to her.

By the Court. Q. Now put that question, if she knows the hour.

A. I cannot recollect that.

By Mr. Bedfordz Q. Was it seven in the evening.

A. NO.

Q. Was it twelve o'clock in the daytime.

A. NO.

Q. What time was it to the best of your recollection.

A. It was just after she ran out, I do not know what time it was.

Q. Did you hear the shooting. A. NO.

Q. Then how are you able to swear to these gentlemen that she told you this one minute after the shooting if you did not hear the shooting.

A. When she ran out she said that the misfortune happened and then we knew that she was shot.

Q. She said a misfortune had happened and she knew the girl was shot.

A. When she ran out she did not say anything, we did not understand what happened.

Q. But when she ran out she said a misfortune had happened you have just said.

A. Yes, but we did not know what had happened.

Q. But you say the woman ran out and remarked that a misfortune had happened and from that expression you knew the girl was shot.

A. No sir, she means not so, not then.

Q. Why did you swear to that; one moment ago, I don't want to confuse you but we want to get at the truth in this case,

you have unquestionably sworn that this woman ran out and said a misfortune had happened, is that true, did she say that word, yes or no.

A. The woman ran out and she halloed and we did not know what happened.

Q. Well, why did you say just two minutes ago if she only halloed and you did not know what happened, why did you say that she ran out and told you a misfortune had happened.

A. We saw that a misfortune happened, I thought that there is fire in the place or something else.

Q. I may be losing my intelligence but you said that this woman ran out of the room and she said a misfortune had happened and then you knew that a girl had been shot, now you say that you thought the place was on fire.

A. When the woman ran out I did not know, when she came into my room and they commenced to question her, then I learned what happened.

Q. Then when you said that the girl ran out of the room and said there was a misfortune and you knew it was shooting, that the girl had been shot, you were not telling the truth.

Objected to. Objection overruled. Exception.

A. I did not say that I knew it at the same moment.

By the Court. Q. Ask her this question; what was the first remark made by Annie, the first thing said by her.

A. She said to me, "I have nothing against the man, he is a decent man, he did not mean it." That is a Jewish expression.

Mr. Howe: I ask that the words "Jewish expression", be stricken out.

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Interpreter. - She speaks Jewish dialect.

Third Juror. Did she ask that she would make that remark in Russian or in German.

A In Jewish German.

By Mr. Bedford.

Q Now I want to know, if I understood you on your previous examination to say that you did not know the defendant, the prisoner at the bar, except meeting him in the hall.

A I knew him as a neighbor, and once he came with Mr. and Mrs. Petrikovsky together into my house.

Q Now I ask you haven't you often gone in his room and played cards with him, and played cards with Mr. Petrikovsky?

A Whenever I was there, I was about twice there, and once the old Petrikovsky was in my house, and Mrs. Petrikovsky and Mr. Popoff, that is all.

Q And yet you have sworn to this jury that you had only seen him in the hall, is that true or not?

A I was asked if I am well acquainted with him; I am not well acquainted with him, he was only once in my room, and the second time I was with my husband there.

Q Now, do you want to say, that you only played cards with him once, one single time with John Popoff. A Possibly maybe twice, but not very many times, and I am not very well acquainted.

Q Did you always play in the hall?

A In the house at Mrs. Petrikovsky's.

Q Then why did you tell this jury that you never saw him except in the hall and now admit that you---

Objected to.

Q Why did you swear to this jury that you never saw the prisoner, except in the hall and now admit that you often played cards with him in your room.

Objected to, objection overruled. Exception.

A I answered every question you asked me. You asked me if I am well acquainted with him, and I answered, I am only acquainted from seeing him in the hall.

Q And not acquainted with him when you played cards?

A You asked me if I was well acquainted with him, but I went on a visit to Mrs. Petrikovsky and there was Popoff.

Q I again put the question, why did you tell this jury that you had only met him in the hall, when you now admit that you played cards with him.

Objected to. Objection overruled. Exception.

A Because you asked me if I am well acquainted. I am not well acquainted. If I went only to Mrs. Petrikovsky and saw Popoff there.

By the Court.

Q Ask her is that the reason she said she saw him in the hall?

A Yes, sir, and in the same moment I could not recall that we played once, cards.

By Mr. Bedford.

Q Now refresh your poor memory and tell us how many games you have played with the prisoner John Popoff in the last year.

Objected to, Objection overruled.

A As much as I can recollect I can say that no more than three times.

Q Will you swear it was not five times?

A I cannot recollect.

Q I ask her if she will swear positively that she never played five times cards with John Popoff.

A I cannot say five, from five till three, but as much as I recollect, three times.

Q Will she swear positively that she has only played three times on three different occasions, I mean.

A I cannot positively recollect, maybe it was, once again.

Q Besides the three times.

A Yes, sir.

By Mr. Howe.

Q Now you never saw this man Popoff until you saw him in that house, did you-- your husband you said was in what business?

A Druggist.

Q On what floor of the place do you live?

A The Top floor.

Q And he lived on the top floor, the defendant.

A Yes, sir.

Q Do you know what a friend means?

A Yes.

Q Very intimate.

A Yes, sir.

Q Were you a friend of his or not?

A No, sir.

Q You saw him in the hall as other tenants?

A Yes, sir.

Q Now, you have been asked if you have not played cards with

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him three times, you said you may have, where did you ever play cards with him, can you think now.

A In Mrs. Petrikovsky's house.

Q Not in his?

A No.

Q And who took you into that house, Mrs. Petrikovsky's house.

A I do not know what you mean, took.

Q Who went there with you, who asked you to go into that house?

A Mrs. Petrikovsky.

Q It was not that man, the prisoner.

A No, sir.

Q And did he ever visit you in your house, in your room,

A No, sir, one time only.

Q When was that?

A I could not remember, but that was with Mr. and Mrs. Petrikovsky and with the old Petrikovsky, with the father of that girl.

Q They came into your room?

A Yes, sir.

Q So that you were as much or more a friend of Mrs. Petrikovsky's than you were with the man, if you do not understand me don't say yes?

A No, I do not understand good enough.

Q How long did you know Mrs. Petrikovsky?

A That time what I was in that house.

Q Well, you used to go in her room often, do you know what often means?

A Is there nobody here that speaks Russian! That is the best

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way.

Q You knew Mrs. Petrikovsky and Annie Petrikovsky?

A Yes.

Q And you were a friend of hers?

A Yes, sir.

Q Were you friendly?

A Not very.

Interpreter: Only an acquaintance, but not a friend.

Q Was your acquaintance with Mrs. Petrikovsky more than it was with that man?

A Certainly.

Q And where you met that man and played cards was in Mrs. Petrikovsky's room?

A Yes, sir, and the other company together.

Q You did not play cards in the hall with him?

A No, sir.

Q One of the jurors asked you a very pertinent question; where were you standing when Mrs. Petrikovsky and Annie came, did you go into the room where they were or did she come to you first after the shooting, now be very careful and take your mind right back to that-- you had heard a noise?

A Yes, sir; I heard a noise.

Q Where were you then when you heard that noise?

A In my room.

Q Upstairs, and I right?

A Yes, sir.

Q Then did you go down stairs?

A It is on the same floor.

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Q They were on the same floor where the shooting took place, is that so?

A Yes, sir.

Q Then you heard a noise, did you go out of your room?

A Yes, sir.

Q And where did you see Mrs. Petrikovsky?

A In the hall.

Q Were there other women with her?

A No, sir, when she came out she was alone with her two little children.

Q Then in the hall Mrs. Petrikovsky was outside with her two little children the first words you heard her say, was, "he did not mean to do it, he is a decent man"-- was that the first words you heard her say?

A Yes, sir.

Q In what language did she speak?

A In the Jewish language.

Q Where did Mrs. Petrikovsky go after she said that?

A That was in my house, in my room.

Q In your room, then?

A It was in my room.

Q And who was in your room when she said that?

A I cannot recollect, there were a great many.

Q Was that what she said to the people?

A Yes, sir.

Q Now was Popoff in there?

A He was not then there?

Q Well, then, afterwards did you see Mrs. Petrikovsky in the in the same room where Popoff was afterwards?

A Yes, sir it was in my room.

Q Well, did Popoff come into your room?

A Yes, sir.

Q Who brought him into your room?

A He came alone.

Q Into your room?

A Into my room.

Q And who was present in your room when he was there?

A There was myself, Mrs. Petrikovsky and Popoff.

Q Now did Popoff say anything about the shooting, how it occurred?

A He said, but I must say it in Russian, I want to say the same words that he said.

Q In Heaven's name let her say it in Russian and we will have it interpreted.

A He said "I should not have played that way, I killed her; I should not have played that way, I killed her; go for professors to save her".

By Mr. Bedford:

Q In what room did I understand you to say you played cards with Popoff?

A Once in my room, and the other times in Mrs. Petrikovsky's.

Q Did you before I asked that question testify that you had played in your own room with Popoff?

A I do not know if you asked me that question; whatever question you asked me I answered.

Q Do you recollect me asking you before Mrs. Petrikovsky came out and said what you said she did whether you had heard the shooting, and did not you answer, no to that question

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that you did not hear the shooting?

A I say at present I did not hear it, I say at present I did not hear the shooting.

Q Then she says again that she did not hear the shooting before Mrs. Petrikovsky came out, yes or no?

A Not the shooting, only noise we heard.

Q What sort of noise? A We did not understand it, we thought it was fire.

Q What sort of noise?

A There was screaming, no words.

Q Did not you testify that Mrs. Petrikovsky came out and said there was a misfortune and then you knew that the girl had been shot, did you not tell me that?

A She said that when she was in my room already.

Q Who said that?

A Mrs. Petrikovsky.

Q I did not ask that question, can you understand me, my question to this witness is simply this-- did not you testify that Mrs. Petrikovsky came out and said there was a misfortune, and then you knew the girl had been shot, did not you tell me that?

A The minute she came out we did not know what happened if it was a misfortune or not.

Q How did you know that the girl had been shot, because you have sworn to that fact?

A In the same minute I did not know it.

Q You did not know it until somebody told you so, is not that it?

A Yes, sir.

Q Then why did you swear as you did that the very moment that this woman told you that there was a misfortune you knew that the girl had been shot?

Objected to on the ground that no such thing had been stated.

The Court:

Put it the other way; ask her if she did state that.

By Mr. Bedford.

Q I have asked her and do not ^{know} whether the interpreter asked her that question or not. Now ask this question if you will translate it, do you recollect that you have already testified that Mrs. Petrikovsky came out and told you there was a misfortune, and then you knew that the girl had been shot?

A At the same minute I did not know nothing.

Q Did you swear, that is the question, I don't want any explanation, do you recollect that you have already sworn that when Mrs. Petrikovsky came out and merely said, "there is a misfortune," that you then knew from that word that the girl had been shot, didn't you swear to that, yes or no?

A No, sir.

Q Did you understand that question thoroughly?

A She says yes very well.

Q You now tell this jury that you did not swear that way?

A I did not say that at the same minute, I did not know it.

Q I want to get this straight, you understand the question, you swear that you have not during this trial testified that when Mrs. Petrikovsky simply told you there was a misfortune that you then knew that the girl had been shot?

A No, sir, I did not say it, and I cannot say it.

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By Mr. Howe:

Q Did you see the shooting?

A No, sir.

Q Did you hear the shooting?

A No.

Q You heard as you told Judge Bedford screaming and a noise?

A Yes, sir.

Q Then you came out of your room?

A Yes, then I went out of my room.

Q You thought it was fire?

A Yes, sir.

Q Then you saw this woman?

A Yes, sir.

Q And who told you that the girl had been shot, when was it and how did you find out that the girl had been shot?

A It was afterwards, when I ran out the second time and Mrs. Petrikovsky was already in my room.

A A R O N D. D A V I D O W, sworn and examined.

By Mr. Mashbir:

Q Where do you reside?

A At 12 Hester Street.

Q What is your business?

A Medical student.

Q Have you been acquainted with the family of Petrikovsky?

A Not with all, part of them.

Q Are you acquainted with Mrs. Annie Petrikovsky?

A I know her by sight, not personally.

Q Have you ever been in the house of this lady?

A Once.

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Q When was that?

A When the accident occurred.

Q At the time the accident occurred?

A That is I was there when she was taken already from home to the hospital.

Q When who was taken?

A Mary Petrikovsky.

By the Court: Q After her removal.

A Yes, sir.

By Mr. Maskbir:

Q Who did you see at the house, when was that, do you remember the time?

A It was between half past ten and twelve, I cannot exactly tell what day.

Q What day was it?

A Friday.

By the Court:

Q In the forenoon or afternoon?

A Forenoon.

By Mr. Mashbir:

Q Who was there at that time in the house of Mrs. Petrikovsky?

A Mr. Harry Jackovitsch the brother of Mrs. Petrikovsky.

Q You knew him before, did you?

A No, sir.

Q Did you have any conversation with this Harry at that time?

A Yes, sir.

Q State what it was as far as you recollect.

Mr. Bedford: In the hearing of the prisoner.

By Mr. Mashbir.

Q Was Popoff there at that time?

A No, sir.

Mr. Bedford: I object to any conversation had between this man and the third man.

Mr. Howe: This is with a view to affect the creditability of the main witness in the case or rather one of the witnesses for the people in the case, Harry Jackovitsch. Your Honor remembers that he swore that the prisoner pointed a pistol at the girl after he had taken his grip from her. I opened it to the jury and so intend to prove by the prisoner that he had hold of him at the time. It is with a view to affect his credibility that I put the direct question, I called this witness forward in Court, your honor may remember the incident and asked him to look at that man and asked him the very question.

The Court: How about the rule in relation to collateral matter.

Mr. Howe: I do not think that that rule as to collateral matter applies in this case, your Honor. When it goes to his credibility relative to the subject matter of the indictment, at the time the witness did not make a statement which we assert he did.

The Court: The District Attorney might call a witness to prove that he heard this witness make a statement some other time. We would get away from the issue of the trial to something beside the homi-

side if we go into that.

Mr. Howe. This is the shooting itself.

The Court. No, it is as to the statement made by a witness who is called here.

Mr. Howe. As to the statements made by a witness as to the shooting itself.

The Court. I will have to sustain the objection.

Mr. Howe. I accept to that ruling.

Q I put this question to the witness, Did Jackovitsch within a few days after the shooting or on the day of shooting state to you that he had hold of the prisoner's hand and that the pistol went off at the time he was so holding it?

Objected to, objection sustained; objection.

Mr. Howe. I would here state that that is offered with a view to contradict the testimony given.

Q On what day was this that you saw Jackovitsch, how soon after the shooting?

The Court. That you saw him at the house.

Q I could not say how many days after.

Q About how many to the best of your recollect ?

A I think about two or three days.

Q Don't answer this unless the learned Judge says you may.

Did he at that interview state to you whether he saw the shooting or not, and if so, how it occurred.

Objected to, objection sustained, exception.

Q Did he state to you that he saw the shooting?

Objected to, objection sustained, exception.

By Mr. Bedford.

Q Do you remember the day of the shooting?

A Not exactly.

Q Well, then, how do you know that when you saw this Jackovitsch whether it was before or after the shooting, if you do not know the day of the shooting, what day of the month was it when you met Jackovitsch?

A I do not know the date.

Q You say you visited these rooms once?

A Yes, sir.

Q When the accident occurred were you present?

A No, sir.

Q Well, then, how do you know whether an accident occurred?

Objected to.

The Court. I excluded that line of examination. If you insist upon putting that question the whole thing may come in, I won't rule the question out.

Mr. Bedford. I withdraw the question.

J O H N P O P O M F, called.

By the Court.

Q Do you speak English?

A No, sir.

Q Do you understand English?

A No, sir.

Q You know what I am saying now, don't you?

A I do not know what you say.

Q Where do you live?

A 163 Stanton Street.

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Q What did you work at in this City, what work did you do?

A I do not know what work means.

The Court: Let him be sworn.

The witness was sworn through the interpreter.

By Mr. Howe.

Q How long have you been in this country?

A On the 6th of September, last year I arrived here.

Q What is your business?

A I studied in Russia and I studied here in America.

Q Here in America what is your business?

A I was a teacher in Russia.

Q What has been your business in this country?

A For four months I did not do anything, and tried to learn the English language.

Q What was your father's business?

A He was a merchant in Moscow.

Q You say your profession in Russia was that of teacher, was it?

A Yes, sir.

Q Was there a law passed in Russia that teachers were not exempt from Military duty.

Objected to, objection sustained.

Q Now, come right down then-- do you know Dr. Minz or some such name?

A Yes, I know him; three days after I arrived here I knew him.

Q Where was his place of business?

A In Canal Street.

Q You say that you knew him three days after your arrival?

A Yes, sir.

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Q Did he become friendly with you?

A I was sick, and he speaks Russian, and that is the reason he came to see me because he is a Russian Doctor.

Q And then did you get intimate, did you know him after that?

A I was not a friend of his, I only knew him as a Doctor.

Q Who introduced you to Petrikovsky's house?

A That Doctor recommended me to the house.

Q Then it was Dr. Minz who took you to Petrikovsky's or introduced you there, that is what I want the jury to understand?

A Yes, sir, Dr. Minz.

Q Now, let us come right down to the night of the shooting. (To the interpreter) You repeat to him my language exactly-- Popoff speak slowly to the jury and tell them everything that happened at the time of the shooting and just preceding it. Speak very distinctly and take your time and tell us all that happened as you now remember it. Now before the answer is given so we may save so much time, will your Honor suggest to the interpreter that he shall give the answers in sections if we may have them in that way.

The Court: Let the defendant talk slowly and after he speaks a sentence translate that.

Interpreter: I will stop him when a sentence is complete.

Witness: After two o'clock when we finished dinner and we had our tea; after dinner the girl Petrikovsky came and she sat down and spoke with us; that lasted for about 15 or 20 minutes, we were talking and joking for about 15 or 20 minutes and when we finished our tea I went into my room

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and I lied down on the bed and I took the guitar and played and Mr. Petrikovsky he went out about his business. Madame Petrikovsky she commenced to wash up the dishes and the girl Petrikovsky and Jackovitsch they sat down and commenced to play cards. Before they commenced she called me also to take part in the game.

By Mr. Howe:

Q Ask him who, the dead girl?

A The girl Petrikovsky. I refused and said I did not like to play cards, and I was lying on the bed and played the guitar and in the meantime also speaking to Mrs. Petrikovsky to the married woman. After some time I felt like smoking a cigarette and I knew that I gave the last cigarette I had to Jackovitsch. I went out to the room where they were playing cards, I asked Jackovitsch to go and buy cigarettes for me, he refused, he said "I am occupied now playing cards" I stood behind him and I commenced to tell his cards and I said to Petrikovsky all the cards that he had, I told her the cards that he had in his hand.

Q Told who?

A The girl Petrikovsky; four cents were lying on the table, it was the stake, I took those four cents, they were playing for four cents. Then I said to Jackovitsch, "all right, I will go myself for cigarettes but I will never give you a cigarette again." Then when I said so he got up and he said, "well I will go for cigarettes." I gave him five cents and he went off, and then out in the hall I gave him four cents again, and I told him to buy bananas, I told him when he brings the bananas to give the bananas in my hands

and I said I want to give them myself to the children so that the children should be more attached to me, and he went away and I turned back and went into my room and lied on the bed again and commenced to play.

By Mr. Bedford:

Q Play what ?

A The guitar. Then I heard his steps coming up, then I went out to meet him and when I heard Jackovitch's steps-- that is the name of the man-- I went out to meet him and I took the bananas from him and the cigarettes and I went into my room, and the children and Madame Petrikovsky and the girl Petrikovsky saw that I had bananas they ran after me into the room. I ran into my room and put the bananas under the pillow, and laid down on the pillow, and they came up and Madame Petrikovsky and the girl Petrikovsky commenced to pull me by the arms and the legs to get me off the bed and they tried to get the bananas from me.

By Mr. Howe:

Q Did you put the bananas under the pillow for play with the children so that they should not get them?

A Yes, sir, for a joke.

Q Now, go on ?

A They commenced to pull me, it was all in a joke; they understood it as a joke, they commenced to pull me off the bed and they continued to pull my legs and my arms to get me off the bed and I got up and gave one banana to Madame Petrikovsky, the married woman, and I gave one banana to the girl Petrikovsky.

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Q Is that the girl who was shot?

A The same that died, and one banana for the children all in a joke and for fun. We went out from my room into the kitchen.

By Mr. Bedford.

Q Who did?

A All, we all went out into the kitchen and in the kitchen Madame Petrikovsky and the girl Petrikovsky commenced to throw the banana peelings at me and I did the same, I also threw banana peels at them. When that joke of throwing the peels at each other was over then they stopped also; they did not play any more then, cards. Jackovitsch then wanted the four cents and he came to me and asked me to give him the four cents and he ran after me in order to take the four cents from me; so we ran into my room and when I reached my room I took from the shelf the revolver and I scared him and I told him to let me alone. It was all in fun; he was making fun and I was making fun. Then I ran at the same time back into the kitchen and I commenced to scare Madame Petrikovsky and Madame Petrikovsky in fun commenced to hallo to the children "look here, Popoff wants to shoot me". When the children commenced to cry then she said, "no, no, Popoff will not kill me, he will not shoot me". She said that when she was in the door leading into the front room, the sitting room; she was standing in the door and at the same time she commenced to run into the bedroom. I was about also to run after her and Jackovitsch got hold of my hand and he commenced out the revolver and to squeeze my hand. I said to him, "Jackovitsch

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let alone my hand, this revolver is loaded and my hand is on the trigger, and it may go off"; and he said, "it is not my business, you should not play", and he continued to try to pull out the revolver out of my hand and at the same time squeezing my hand and at that time the revolver went off. I and all the people commenced to hallo and to cry and the neighbors rushed up and Mr. Fetter ran into the room. A great many people came in and the neighbors came in and Mr. Fetter said to us to come into his rooms. Mrs. Petrikovsky and the children and I we went to Fetter's place. I cried and halloed and said, "get quickly a doctor go for the professor, maybe she can be saved. I killed her". Jackovitsch ran away for the doctor and I and Madame Petrikovsky we were in the room in Fetter's room and I saw that for a long time a doctor did not come. Then I dressed myself and ran myself for a doctor. Down in the street I met Jackovitsch and I asked him, did you find a doctor? he said that I did not find the doctor; then I said, let us go, we must have a doctor and said maybe we can find a doctor still; and we ran and we looked in Rivington street and we went into two or three and they were not home. Then I said to Jackovitsch, you go up Rivington to look in other doctor places if you can get a doctor and I will run to Dr. Minz's; then he said, "let us go together because Dr. Minz's is too far away". Then we went together and we were looking for a doctor in Rivington street and we could not find a doctor and we came home. Then someone said near the house, when we reached near the house that the doctor is already here-- the housekeeper brought a doc-

tor. Then I ran upstairs. The room where the girl was in the wounded girl, the door was shut, I could not open it. Then I went into Fetter's room and I asked all the people there; I says, "tell me what the doctor says," but no one could give me any satisfaction. They could not understand me because we can only speak Russian, and then after some time the policeman came and arrested me.

By Mr. Howe.

Q Did you, at any time intend to shoot Harry Jackovitsch when you pointed the pistol at him?

A No, sir, I was joking and he was joking.

Q Did you at any time intend to shoot Annie Petrikovsky, the mother of the children?

A No, sir, it was all a joke, she knows that it was a joke.

Q Did you at any time intend to shoot Mary Petrikovsky?

A No, sir. We were joking together and we were laughing.

Q Do you swear to this jury that when that pistol went off the ball from which struck Mary Petrikovsky that Harry had hold of your hand and that pistol?

A Yes, sir, he was squeezing my hand and pulling the revolver.

Q Do you swear to this jury that so far as you were concerned the shooting of Mary Petrikovsky was accidental?

A Yes, sir, it was accidental.

Q Do you swear either before or at the time the pistol went off you had any intent to injure in anyway Mary Petrikovsky?

A No, sir, I had no cause, no motive to do anything.

CROSS-EXAMINED:

By Mr. Bedford:

Q How long have you known the Petrikovsky family?

A Four months I lived with them.

Q And you knew Mary Petrikovsky for four months, yes or no?

A No, sir, because I lived with them four months and when I came to live with Petrikovsky she was not there yet.

Q How long do you know her?

A About three months, for about three months; she came a couple of weeks later some weeks later than I came to Petrikovsky. Q. You were for several weeks very attentive to her were you not?

A No, sir, no one can say that.

Q How often did you see her a week during the three months that you knew her?

A When she lived in the same house where I lived I saw her every day.

Q How long did she live in the same house with you?

A For about a month she lived in the house.

Q Did you ever see her before that month and go with her?

A No, sir, before she came to the house I did not know her, I did not see her.

Q Then you only knew her one month out of the three months that you were in the house?

A She lived for one month in the house where I knew her and then she moved away to East Broadway with her father and lived with her father.

Q Did you visit her after she moved away to her father's in

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East Broadway?

A Yes, I went with Mrs. and Mr. Petrikovsky to the house there.

Q How long did she live with her father before you shot her?

A She lived with her father in the same house where I lived and then they moved away to East Broadway, it will be in all about three months.

Q And how often did you see her every week during those three months?

A As I said, for a month I saw her in our house and then when she moved away she used to come to our house sometimes and sometimes Mr. Petrikovsky and Mrs. Petrikovsky used to go to her house and I went with them, may be once a week or twice a week; sometimes for a whole week we did not go and we did not see her.

Q Did you go to Ball's with her?

A No, sir.

Q You swear positively you never went to a ball with her or a party?

A I swear that I did not go to a ball with her, I saw her in a ball but I did not take her there.

Q Did you go there to meet her?

A I went to the ball and did not know that she will be in the ball, I did not go there to meet her.

Q When you saw her there did you pass the rest of the evening at the ball with her?

A No, sir, I only paid my compliments to her.

Q Did you ever go to a place of amusement with her, a theatre a concert, the circus or anything of the kind.

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A No, sir, I never was with her to a concert, or to the theatre myself alone, I never ~~was~~^{went} to the theatre, I was in no theatre or concert in New York yet.

Q Did you ever go to any place of amusement, I don't care how many times when she, Mary Petrikovsky was one of the company?

A I only was three times to a ball in New York but not with Mary.

Q During the three months that you knew this girl how many times do you think you saw her?

A I could not approximate, as I said; when she lived in the house where I lived I saw her for a whole month, and when she moved away to Broadway, I saw her sometimes once a week and sometimes twice, and sometimes for a whole week I did not see her, I cannot tell, I cannot approximate how many times I saw her afterward.

Q Did not you sometimes pass a morning with her and then again the afternoon, and then again the evening and when she would go to her sister's did not you always go to her sister's to bring her home?

A I always used to do that whenever anyone came on a visit to her house I always saw them home. Madame Crement when she came I used to go home and Mr. Crement I used to accompany him when he left, I did that to every one who came to see us.

Q For two or three weeks more before you shot her wasn't she very cool to you?

A Between us there was no quarrel, no discussion and no love, we were indifferent.

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Q How long had you this pistol?

A I bought that pistol on my way through Russia, on my way to America.

Q How long has he had it?

A In August of last year I bought it.

Q Now, as I understand your testimony you say that you went in that room, Harry Jackovitsch was playing cards and you asked him for cigarettes?

A I asked him to go to buy cigarettes because he took my last cigarette.

Q And he declined to go?

A He said, "I am playing cards now."

Q Then you offered to go and then he said he would go when you offered to go?

A It was so when he refused then I commenced to play his cards to the girl; then the girl said, "yes, Mr. Jackovitsch I heard that you promised you will buy cigarettes, now go for cigarettes."

Q Then he went away and you went to your room to play the guitar?

A Yes, sir.

Q Did you when he went out for the cigarettes take his seat at the table and play cards with Mary Petrikovsky?

A No, sir, I did not want too and commenced to play on my guitar.

Q Were you lying on your bed when you played on the guitar?

A Yes, sir, I was lying on my back playing the guitar.

Q You laid on your back playing your guitar until you heard the foot steps of Jackovitsch's return?

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A Till I heard in the hall Jackovitsch's steps.

Q Then he gave you the bananas and the cigarettes?

A Yes, sir, at the door I took the bananas and the cigarettes and I ran to my room.

Q And then the two little children, the girl you shot and her sister-in-law, Mrs. Petrikovsky and Jackovitsch all run into your room?

A Jackovitsch remained in the kitchen, only the children, Madame Petrikovsky and the girl Petrikovsky came into my room, they run after me.

Q And they commenced to pull you by the legs and off the bed these two women?

A Yes, sir, playfully they pulled me to get the bananas.

Q And then you got up and gave them the bananas and they all went out full of fun from your room into the kitchen?

A Yes, sir, I dealt out the bananas and I went also after them.

Q Then Jackovitsch wanted his four cents, ask him that, then Jackovitsch claimed his four cents?

A Not immediately; when we came out into the kitchen they commenced to throw the banana peels, Madame and the girl Petrikovsky commenced ^{to} ~~the~~ throw the banana peels.

Q When Jackovitsch wanted his four cents you took out this pistol to scare him?

A We were running, we were playing and joking and we run into my room and I took my revolver.

Q You took your revolver, this revolver was it?

A Yes, sir.

Q It was loaded in every barrel wasn't it?

A Yes, sir, six loads.

Q And you did this merely for the purpose of scaring Harry Jackovitsch?

A Yes, sir, only to play and scare.

Q Then you were so full of joke and fun that you went in to scare Mrs. Petrikovsky with this pistol, didn't you?

A Yes, sir, I came there to play with her and played and she also responded with a joke and played with me.

Q What was she playing with when you were playing with a loaded pistol?

A Yes, sir, she was joking, she said to the children "look here, look here, he wants to kill me", and then when the children commenced to cry she said, "no no, Popoff will not kill me, it is only a joke".

Q Did not the little children after that run out of the room?

A They were playing running around in the sitting room the children.

Q When Jackovitsch took you by the hand and took the pistol and actually tried to squeeze in the pistol out of your hand was he then joking with you?

A Yes, sir, he was also playing and tried to get the revolver out of my hand.

Q Are you in the custom and in the habit of using this weapon loaded in each chamber and playing and scaring children and having people to squeeze your hand in a joke to get it away from you, did it ever happen before that day?

Objected to; in its entirety. Objection overruled. Exception.

A It was not my custom to do it.

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Q That is what you call a self cocker, isn't it? (Showing pistol to witness).

A Yes, sir, it is a self cocker.

Q And with this self cocker you testify that you went out of a mere joke to scare Harry Jackovitsch and put him out of your room or followed him out and then with this self cocker you put it in a woman's face as fun and joking with her, do you swear to that?

Objected to; objection sustained.

Q That you pointed at the woman in a joke, this self cocker all loaded?

A Yes, I say that I had the revolver in my hands and in a joke I went around scaring the people.

Q Where were you when Harry Jackovitsch had you hand, squeezing this pistol out of your hand?

A We were in the room where they were playing cards near the door, in the kitchen, what is called the kitchen.

Q Where was the girl you shot at the time that he was squeezing the pistol out of your hand?

A She was sitting near the window.

Q Then she was not sitting at the table?

A Yes, sir, near the table near the window.

Q How far were you from her, when Harry Jackovitsch was squeezing this pistol out of your hand?

A About three steps.

Q It is evident that is the self cocker, you had it in your hand didn't you?

A Yes, sir.

Q Did you have your fingers on the trigger when he was trying

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to squeeze that out of your hand?

A I had not all my fingers on it.

Q Please put it right in your hand precisely with your fingers on it when he was squeezing you with the two or three fingers on the trigger?

A That way. (Illustrating)

Q And he was squeezing your hand at the time it went off?

A Yes, sir, he was pulling and squeezing.

Q Did not you pull the trigger at the time he squeezed your hand?

A No, he tore my hand off.

Q He tore your hand off and then did he pull the trigger?

A As he was squeezing my hand and pulling the pistol the trigger went off, the trigger went back.

Q Did not you pull that trigger before it went off, how on earth could it go off unless you pulled the trigger, because it is a self cocker.

A He is showing how it was done; he says, I was holding it that way and he took my hand and tried to take the revolver out and so it went off.

Q Isn't it true that you pointed that pistol at his sister and then afterwards at Harry Jackovitsch, that he got up and took you by the arm and told you to stop that business?

A No, sir, he caught me by the hand.

Q Did not he tell you to stop pointing this pistol at people?

A He did not say anything, but I told him the pistol is in my hand, my fingers are about the trigger and it might go off, do not interfere with my hand.

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Q And you were doing this as a joke and in fun all the time?

A Yes, sir.

Q Then why didn't you for safty sake to carry out your joke have the pistol that way (illustrating) so that it could not go off, why did you have your hand and finger on this self cocker if you were only trying to scare?

A It was always on the shelf that way and I took it, I did not think of it, I took it ~~was~~ it was, it was on the shelf this way.

Q Did not you know that it was a self cocker, yes or no?

A This revolver is a new one, I never fired this revolver off before, I did not know.

Q You got it in August?

A When I bought it the merchant who sold me the revolver he loaded the revolver and so it remained as he put it all the time.

Q When you bought it was it this way or was it down that way (showing)

A I cannot recollect how the trigger was if it was down or up.

Q Don't you know that when this trigger was up that way it was a harmless pistol, you could joke with people if you wanted to?

Objected to.

Q Did not you know that it could not go off with that trigger up that way and did not you also know being a self cocker the least little touch would make it go off?

A I did not know that.

A Juror: I would like to have the interpreter ask him if he did not know when he carried the pis-

told in his pocket how to fix that trigger for safety, if he did not know about the trigger.

The Court: Ask him how he carried that in Prussia and in this country.

A I had it in my trunk.

By a Juror.

Q I would like to ask him if this Harry Jackovitsch was taking hold of his hand, how in that position with the young lady sitting down at the table, her head naturally being higher than his hands that ball could go down in the top of her head.

Objected to.

The Court: The evidence is that she was sitting at the table; the jurors question may be a little broader than the evidence but it is a question that he puts for the purpose of getting information.

Mr. Moss: If he will explain the position I do not object.

The Court. If you object to the form of the question I will amend it. Do you object to the question?

Mr. Moss. No.

The Court. If you do not object it may be answered.

By a Juror.

Q I would like to ask him how this Harry Jackovitsch was standing?

A We were standing she was sitting, our hands were higher than her head.

Q I would like to ask another question, I understand this

prisoner here was a teacher in Russia, therefore a man of intelligence; buying a pistol of a merchant he would naturally ask the merchant the working of that pistol, how to have that trigger for safety and for firing purposes.

The Court: Did he ask the merchant when he bought that pistol to explain to him its mechanism?

A. No, I did not ask him to explain.

By Mr. Bedford:

Q. Did not you know that this a self cocker and that is called the safety trigger when it is up that way, don't you know that; you had this pistol four months, you have had it six months, you shot the girl on the 22nd of January, didn't you know there was no danger putting it up that way although loaded? (Illustrating)

A. It was lying on the shelf there, I never put my mind to that pistol.

Q. It never entered your head, did you ever know that this went up, did you ever see it up before to-day, did you ever see this trigger up before I put it up to-day?

A. On my voyage it was that way. (Showing)

Q. Did you ever try when it was that way to fire it off?

A. I never fired this pistol off.

Q. On the voyage it was that way, on the 22nd of January when you were joking it was that way, when did it cease to be that way and when did it commence to get that way, (Illustrating with the pistol)

A. I cannot recollect when that alteration or change was made. When I took it down it was that way, down.

Q As I understand it when this man was squeezing your hand you said to him, as you have testified, "let go, I have my hand on the trigger, it might go off," is that what I understand to be correct. Now, mind you swear Jackovitsch had your hand squeezing it, this pistol was in your hand you say, that way, he was squeezing the pistol out of your hand, did I take it down correctly when you said to Jackovitsch as he was squeezing your hand, "let go, I have my hand on the trigger, it might go off?"

A Yes, sir.

Q As I understand him he said that when Jackovitsch was squeezing his hand and he had the pistol that way he says to Jackovitsch, "let go, I have my hand on the trigger, it might go off", now why did you say that, unless you knew that it was a self cocker, how could it go off with your hand on the trigger if it was not a self cocker?

A I knew that when the trigger was pushed that it goes off, I knew that.

Q Did you ever know this before, you see that trigger is down, it is harmless now, even though it was loaded, I pulled the trigger here back then it is ready, did you ever know that, and then you pull this back and it goes off, did you ever know it is harmless now and to make it dangerous you have got to pull it back that way, did you know that?

I withdraw the question.

Q Describe precisely how this woman was sitting when you shot her?

A Here is the door coming into the room from the hall, here

is the window, here is the table and she was sitting there; she was sitting between the table and the window.

Q Which side was Mr. Jackovitsch standing and how did he have hold of it?

A Just that way, he commenced with this hand here to squeeze and to pull and the other hand he also held. I told him don't force my hand because my hand is on the trigger. He continued forcing my hand and the pistol went off.

By a Juror.

Q Give us the position of the young lady at that time?

A About that distance, we were from her, three steps away when we were struggling to get the revolver and we turned to the right and left.

Q Her head was erect as his head was?

A I could not tell how she held her head, because we were wrenching about the pistol together.

By another Juror.

Q Did she keep her hands before her face?

A I did not see that if she held her hands to her face, I cannot say anything about that.

By Mr. Bedford.

Q Did she say, "Perestatye, perestatye" in the Russian language just before you shot her or when she was sitting down?

A She was silent, she did not say anything.

Q Did not you go up ^{to} the table where she sat and stand right that way at Mary Petrikovsky and she put her hands over her face, "perestatye, perestatye" and you held it there after she said that did not you fire?

A That is not true.

- Q Isn't it true that when you put this pistol and pointed at the sister-in-law of the deceased that then it was that Jackovitsch took you by the hand and said you must stop doing that?
- A It was sometime after Jackovitsch got my hand; first when I was playing with the pistol in front of the Madame she commenced to hallo and the children commenced to cry and then she said to the children, "don't cry, don't be afraid it is only a joke", and then she ran out and I ran after her and when I came outside then Jackovitsch caught my hand.
- Q I ask this simple question, first he pointed at Jackovitsch then when he pointed it to the sister-in-law of the dead girl she said "he is going to kill me", then wasn't it that Jackovitsch came up and took you by the arm and told you you must stop this business.
- A Not immediately, she run into the bedroom and I turned around and then he came up and caught my hand, not immediately when I hold the pistol.
- Q Do you solemnly swear to this jury that when you shot Mary Petrikovsky at that moment Jackovitsch was squeezing this pistol out of your hand.
- A Yes, sir, he squeezed my hand and the pistol went off.
- Q Where was Mrs. Petrikovsky when you saw Mary Petrikovsky, how far was she from you?
- A Madame Petrikovsky she was in the bedroom and Mary Petrikovsky was in the kitchen.
- Q Then you tell these gentlemen that when this pistol went off and the ball entered the head of Mary Petrikovsky that Mrs. Petrikovsky was not in the kitchen but in another room?

A Yes, sir, she was in the bedroom.

Q Then when she told the jury that she stood right here and she could see a portion of the pistol she did not tell the truth, she said that you were here, the girl was there and she stood up here (illustrating) she said she saw you take aim, she was not there was she?

A She was in the bedroom but the bedroom is right next to the kitchen and the door is always open, so that you can always see what happens in the kitchen.

Q You say you heard her testimony, was she standing right along side of you as she swore she was when you shot that girl?

A No, sir, she was not right along side she was about two or three paces away from me in the bedroom.

Q How many times before the 22nd of January have you had this trigger down this way, every chamber loaded and go round joking and fooling with people and pointing at them, how often have you done it before the 22nd of January?

A I cannot recollect how many times; I played with the pistol before, but I cannot tell how many times.

Q You mean playing this way as if it was loaded and pointing it in persons faces do you mean that?

A Yes, I played before but I do not know how many times.

Q And it was loaded?

A Yes, sir.

Q Have you got a permit to carry this loaded pistol?

Objected to as incompetent and immaterial.

Objection overruled.

Q Have you got a permit from the Mayor of the City of New York to carry such a weapon?

Objected to, objection overruled; exception.

A I do not know, I did not know the law here that it was necessary.

Q Has he ever got a permit from Mayor Grant, I have not

A I have not, I did not know that it was necessary to ask for permission.

Q Now one more question and I want you to understand this question, and after I put it I want the interpreter to translate it-- Did you after the shooting at any time send any person to the father of the girl who was shot and ask him not to proceed against him?

A No, sir, I did not send anyone.

Q Now you thoroughly understand that question?

A I did not tell anyone to go to the father, I did not send anyone.

By the Court.

Q Will you take your pistol in your hand and show how you held that pistol at the time that you were scaring Harry, where Harry stood and where you stood and how you held the pistol?

A We were standing near each other.

Q How did you point it at him, show how you pointed it?

A I was holding it that way and he tried to get it out of my hand.

Q I want to know how Harry stood and how you stood not at the time when you say there was a struggle about the pistol but at the time when you were scaring him with it?

A I scared Jakcovitsch in my room.

Q How did they stand?

A I could not describe it exactly just, we stand here.

Q How did he hold the pistol?

A About that way (showing)

Q As close as that to the person of Harry?

A I do not recollect.

Q About how close, give us your best recollection?

A About that distance, I believe (showing)

Q Now, how did you hold the pistol?

A That way (showing)

Q The revolver loaded?

A Yes, sir.

Q And he knowing it to be a self cocking revolver?

A I knew that it goes off that way but I did not understand it exactly, as I understand it now.

Q Now, will you please tell how Annie Petrikovsky at the time he scared her with the revolver?

A I do not recollect how far away she was.

Q Gives us your best recollection of that?

A Maybe a little further, maybe a little nearer than we stand now.

Q How did he hold the revolver?

A About the same way I hold the pistol now.

RE-DIRECT EXAMINATION:

By Mr. Moss:

Q Ask him did he ever see a revolver like that when he was in Russia?

A I did not see any revolver in Russia because I did not have

any revolver in Russia.

Q Now, when that revolver was loaded at the place that he bought it ask him if he ever fired it off from the time he bought it until he was arrested?

A From the time when I bought it and the merchant gave it to me loaded it remained shut, I did not fire it off.

Q Ask him, if he ever removed one of the cartridges from it from the time it was loaded until he was arrested.

A About four weeks before I tried to take out the cartridge because I sold it to Dr. Minz, I sold the revolver and I did not deliver the revolver yet and I could not take out the cartridges.

Q He sold the revolver to whom, to Dr. Minz?

A Yes, sir, I sold it for \$5. but he did not give me the money, so I did not deliver the revolver and I tried to take it out about four weeks before that happened, I tried to take out the cartridge and I was not able to do it, I could not do it.

Q Ask him if at the time the pistol went off where she was sitting, the dead woman, if she was at a lower elevation than his hand, her head?

A She yes, she was lower, her head was lower than my arm.

Q Was the table she was sitting at near the bedroom?

A Yes, sir, the table is near the bedroom.

Q In which the sister-in-law was?

A Yes, sir, where she was.

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Thursday May 22nd, 1890.

M O S E S M I N T Z sworn and examined .

By Mr. Howe:

Q Where was you born?

A In Russia.

Q Do you understand English.

A Yes, sir.

Q Where do you live?

A Now?

Q Yes, sir.

A No. 150 Henry Street.

Q What is your business or profession?

A A medical doctor.

Q How long have you lived in the City of New York?

A About 5 years.

Q Have you graduated from a college in this City?

A The University Medical College, Yes, sir.

Q Then you ^{are} a licntiate of that college practicing medicine?

A Yes, sir.

Q A qualified physician?

A Yes, sir.

Q Do you know the defendant Popoff?

A Yes, sir.

Q How long have you known him?

A From the 11th of September last.

Q Was that when he arrived in this country?

A Yes, sir, it was on about the fourth or fifth day.

Q Four or five days?

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A On the fourth or the fifth day.

By the Court.

Q After his arrival.

A After his arrival.

By Mr. Howe.

Q Do you know what his character and reputation is?

A Yes, sir.

Q Good or bad?

A Very good.

Q Did you know that the defendant had a pistol, doctor?

A Yes, sir.

Q A pistol which he bought in Russia?

A Not in Russia but in Germany.

Q In Germany?

A Yes, sir.

Q And did you ever see it?

A Yes, sir, many a time.

Q Would you know it again, officer will you kindly hand that pistol to the doctor, is that the pistol?

A Yes, sir.

Q He told you that he bought it in Prussia?

A In Koeigsberg, I think so, in Germany.

Q Where is Koeigsberg?

A It is in Germany.

Q And did he offer to sell you that pistol?

A Yes, sir.

Q When, doctor, how long before this?

A About a month or three weeks before this unfortunate occasion?

1296

Q Was the price agreed upon?

A Yes, sir, about \$5.

Q You recommended him to this family, I am told, is that so?

A Yes, sir, I with my brother in my office 235 Henry Street.

CROSS~~ED~~ EXAMINED:

By Mr. Bedford:

Q You recommended him to the family?

A Yes, sir.

Q You were acquainted with him from the 11th of September last?

A From the 11th of September.

Q When did you recommend him to the family?

A On the 13th of September.

Q You recommended a man you never had seen before and had never heard of him before ?

A Never heard of him.

Q When you recommended him to the family what did you say in Popoff's behalf?

A I said, " I am a Russian man, I lived in Moscow two or three years and I know the Russian people very well; it is enough for me to call upon a Russian young man if he is an honest, good natured and kindly man or not and I was acquainted with the family of Petrikovsky.

Q We are talking about Popoff, what did you say to the family in regard to Popoff?

A I said to them that this man is a Russian man and he is now living in Staten Island, I cannot remember the station and he wants to have a room.

Q Did you tell the family that you had only known him two

days and never heard of him before?

A Yes, sir.

Q That was your introduction?

A Yes, sir.

Q Did you know that he was in the habit so often that he could not tell us yesterday how often it was that this pistol was loaded and he was in the habit of pointing it at people for fun, joking?

A Many a time I have seen myself, that he was frightening the children with this pistol in my presence.

Q It was loaded.

A When it was loaded.

Q You knew that many a time with this loaded pistol he was frightening the little children?

A Yes, sir, not pointing at the children, it was always loaded, he took it once from the table fringtening the children.

Q Tell me exactly how the trigger was.

A That I can't tell you, I did not look at it so well.

Q You knew it was loaded?

A Yes, I was told so.

Q Who else was in the room beside you and the two little children.

A My brother was , many a time.

Q When he was fooling with that pistol?

A Not fooling.

Q You said he was frightening the children?

A Frightening the children, that is all.

Q You knew it was loaded?

A Yes, sir.

1298

Q Did you tell him to stop it?

A I did not because it was it was in a good humor, he was only playing that is all.

Q Suppose this was loaded in every chamber and I kept going that way around you?

Objected to.

A He did not in such a way.

Q Well suppose I did something to attempt to annoy or frighten you and you knew it was loaded would you sit quiet as you did as when he was doing it to the children?

Objected to; objection overruled;

exception.

A It depends upon the face, the expression of the man and his manner with his hand.

Q Do you consider it a criminal, reckless and dangerous act or an act where there is no harm in it for a man to have a self cocker in his hand loaded in every chamber and attempting to frighten little children?

Objected to; objection sustained.

Q Did you on any other occasion see him trying to frighten anybody else with that pistol?

A No, sir.

Q How old were these children about?

A About 3 or 4 years.

Q How long was he endeavoring to frighten little children 3 or 4 years of age with this loaded revolver?

A Certainly not long.

Q How long, 5 minutes or 10 minutes?

A It was not 5 minutes, it was 1 minute.

Q How many occasions would you see him do it?

A Many a time.

Q You never remonstrated with him, you never told him not to do it?

A No, because they went right away.

Q Do you consider a man really a good character who will act in that manner?

Objected to; objection overruled; exception.

A I am sure that in this case ----

Q Do you consider an man, a stranger, friend or acquaintance a man of good character who with this loaded self cocker will frighten little children on many occasions, do you or do you not?

Objected to.

By the Court:

Q Do you understand the question?

A I do understand the question; it depends upon the man.

Q The District Attorney asks you if you consider a man of good character who would do that, yes or no?

A I cannot say for sure, it depends upon circumstances.

Q Is that your best answer?

A Yes, sir, it depends upon circumstances.

By Mr. Bedford:

Q I put the question, I want a better answer than that, it is a simple question, understand it and then answer yes or no- I ask you do you believe a man to be a man of good character who on many occasions will have this loaded self cocker

and endeavor to frighten in your sight little tots of children 3 or 4 years of age?

Objected to; objection overruled; exception.

A I repeat the same answer, it depends upon circumstances, I cannot give any better answer, that is the best answer I can give.

Q Why did not you buy that pistol, it was offered to you for \$5.00?

A Because I had not the \$5.00, I did not pay for this pistol, and secondly I had to go to two or three patients and I did not want to have the pistol in my pocket at that time.

Q The first was what?

A I did not pay for the pistol.

Q The agreement was that he was to give it to you for \$5.00?

A About \$5.00.

Q Why did not you buy it for about \$5.00?

A Because I had no money that time, and secondly because I did not want to go to two or three patients with a pistol.

Q Do you want to tell this Jury when he tried to sell you this for \$5.00 that you did not have as much as \$5.00 in the world?

A I did not have the money then in my pocket that time.

Q Would not Popoff trust you?

A I did not want in that time to take it.

Q Why did not you want to?

A Because I had to go to two or three patients and I did not want to.

Q What had your patient's to do with the fact whether you would give \$5.00 or not?

A I did not want to go to patient's with a loaded pistol in my pocket ,that is all.

Q And yet you sat by and saw this very man with that very pistol you did not want to carry trying to frightening little children and did not say anything?

A Because it was in his room and I had to be in others rooms than mine.

The Court:

Q What did you want that pistol for?

A Because in the night time -- I sought to get permission from the authorities to carry it.

Q You wanted it for self protection?

A Yes, sir.

Q How long was it when you made up your mind you needed a pistol for self protection?

A Perhaps in the time I saw Popoff.

Q How long was it you made up your mind as a doctor going out at night you needed a pistol for self protection.

A There was a case of two doctors that were killed in the night time.

Q How long are you practising in the City of New York?

A The second year.

Q Did anybody ever assault you at night?

A Many a time.

Q You have been assaulted?

A Not assaulted, no, I have been awakened.

Q When did you determine that for your safety it would be a good thing for you to go armed?

A It was a few months before the arrival of Popoff, before he came to this country.

Q You made up your mind some months before Popoff came to this country that it would be a good thing for you to carry a revolver, is that it?

A Not to carry it but to have a revolver at home for night time.

Q Where do you live?

A No 158 Henry Street, no .

Q Did you ever go into any place to buy a revolver?

A No, sir, I never did in my life.

Q Notwithstanding the fact you thought it would be a good thing to carry it?

A Not to carry it but to have one for night times.

Q You did not go to buy one any how?

A No.

Q When did you first see Popoff's pistol after he came here, he came here in September or August.

A I have seen him the first time about the 11th of September.

Q Did you see the pistol then?

A No, sir, I seen it a few weeks later.

Q Was it then that you made up your mind you had better buy that pistol of him?

A When I saw it for the first time he made me a proposition that I should buy it.

Q That was last October wasn't it?

A It was. He made me the proposition a few times.

Q Now, the first time I am talking of?

A The first few weeks after arriving.

Q That was in last October.

A I think it was October.

Q Did he show you the pistol?

A Many a time.

Q Did you have it in your hand?

A Yes, sir.

Q Did you examine it?

A Not very much.

Q Did you examine it at all?

A No, sir I took it in my hands and put it away.

Q Are you in the habit of using fire arms?

A No, never.

Q Did not you have a notion to use it to protect yourself with, did not you have an idea of buying that pistol for the purpose of using it for your own protection?

A I got it for use to have it.

Q To have it as a plaything? or for your own protection?

A Only to use it on a burglar.

Q Did you ask this man to explain to you the use of that pistol, how it could be used?

A No, sir.

Q Don't you know now how it is used?

A No, sir.

Q Can't you snap that pistol now?

A I do not know.

Q Take it and see (handing witness pistol)

Objected to; objection overruled. Exception.

1304

A So. (The witness snapped it)

By Mr. Bedford.

Q What kind of a pistol is that, what is it called?

A I do not know.

Q Whendid it come over you that you wanted to carry a pistol for self protection?

A I cannot remember.

Q Before Popoff's arrival?

A Yes, sir.

Q How many days or weeks or months before Popoff's arrival?

A A few months before his arrival, but I cannot remember exactly.

Q How many efforts during that few months did you make around the City of New York in pistol stores or other wise to try to buy a pistol?

A Not one.

Q Why did not you if your thought you needed one?

Objected to, objection sustained. Question withdrawn.

Q You say that the price was agreed upon for \$5.00?

A About \$5.00.

Q The reason you did not then and there buy it was, first, you did not have the \$5.00, and secondly, you were afraid to carry it because you were going to see your patients?

A Not afraid, I did not want to.

Q Why did not you want to ?

A I did not want to go to patient's with a pistol loaded in my pocket because I never kept in my hand a pistol.

Q How many days elapsed after you did not want to carry a

1305

loaded pistol to your patients, how many days passed by before you saw Popoff again?

A I have seen him perhaps every day, at least three or four times a week.

Q The very next day did you see him after you did not have \$5.00 to pay for the pistol, did you have \$5.00 then about you?

A I had.

Q Why did not you buy the pistol the next day?

A Because it was not so necessary for me, I could wait for him.

Q For months you thought it became necessary for you to buy a revolver?

A A few months before this arrival?

Q When Popoff arrived you saw this pistol?

A Yes, sir.

Q If you had had \$5.00 in your pocket you would have bought it, but you did not have \$5.00?

A I would not take it.

Q Then the next day after he offered to sell it to you for \$5.00 although for months you thought it was necessary to carry a pistol why did you change your mind if it was no longer necessary to carry a revolver?

A A few months before Popoff came to New York I made up my mind to buy a pistol. Why I did not buy it before it means that it was not so necessary for me.

Q You desired to buy a pistol?

A Perhaps I desired it.

Q How did you feel towards buying a pistol for months before he arrived, tell me in your own language.

1306

A When I read in the paper about two physicians I made up my mind to have a pistol in my house.

Q And the first attempt you made to buy a pistol was when you saw this stranger Popoff?

A Yes, sir.

Q Then after he was willing to sell it to you for \$5.00 the reason you give for not buying it the next day or the next day was that you had changed your mind, that there was not any necessity for it?

A I did not change my mind.

Q You say that Popoff had offered you this pistol for \$5.00?

A Yes, sir.

Q You say that you did not want to take it because you were going to see patients then I asked you when you saw Popoff after he offered it to you for \$5.00, and you said nearly every day he offered it to you, I then asked you why you did not buy it on the first, second, third or any day afterwards and you then said because you did not think there was any necessity, now I ask you what occurred that you changed your mind in a few hours that there was no longer any necessity for you to buy that pistol or any other pistol?

A The only answer is that on the next day and the other days it was not a question any more about buying a pistol, I had the same desire the first time a few months before the arrival of Popoff, but the desire did not increase very much; when I saw it I wanted to buy it but the desire was not so strong as you think, that is all.

Q What made it grow weak?

A I have the same desire, it don't grow weak, it is not in-

1307

creased, that is all.

By the Court:

Q You have been practicing in this City since last January?

A Yes, sir.

Q Since the time of the shooting?

A Yes, sir.

Q Are you called out at night now, the same as usual?

A Yes, sir, the same as usual.

Q Have you taken any steps to buy a pistol since?

A No, sir.

By Mr. Howe:

Q At the time when Popoff showed you that pistol you thought you would buy it, that is the idea, isn't it?

A Yes, sir.

Q Then afterwards you practically changed your mind, that is all?

A Not changed, I did not think about it, that is all.

Q The Judge asked you just now if you had been out practicing since January without a pistol?

A Certainly.

Q You have not bought any?

A No, sir.

Q I suppose you heard the complaint of physicians who were out late at night in 10th Avenue having been attacked by the sand bag gang, and they bought pistols afterwards, some of them?

A I did not hear about that, but I heard about many others before the arrival of Mr. Popoff, I read it in the papers.

1308

L A Z A R U S D I L L O N sworn and examined.

By Mr. Moss.

Q What is your business, Mr. Dillon?

A I am a druggist.

Q Where do you carry on business, where is your drug store?

A No. 142 East Broadway.

By the Court.

Q How long are you in business in this city?

A One year.

By Mr. Moss.

Q Do you know the defendant Popoff?

A I know him.

Q How long?

A The first day that he came in the City.

Q Do you know his reputation for being a peaceable, quiet and respectable man?

A Certainly.

Q Is it good or bad?

By the Court.

Q Is his character good or bad?

A Very good.

By Mr. Moss.

Q Very good?

A Yes, very good.

Mr. Howe. That is our case.

The Jury rendered a verdict of guilty of murder in the second degree.

The defendant was sentenced to the State's Prison for life.

1309

PHILLIPS & MOWER, 82 Nassau St., N. Y.

STENOGRAPHER'S MINUTES.

Court of General Sessions. Part 7

The People
vs.
John Popoff
Indictment for Murder.

BEFORE

Judge Fitzgerald.

May 1890

WITNESSES.

Direct. Cross. Re-Direct. Re-Cross.

Annie Petrikowsky	1	13	74	
Harry Jackovitch	26	41	52	76
Martha Petrikowsky	56			
William Messer	62	65		
Conrad Shellenbarger	69			
William J. Jenkins	71			
Ladie Peters	78	79		
Sabina Petter	83	85		
John Popoff	104	112	128	
Moses Mintz	130	132		
Lazarus Dillon	144			

13 10

IN THE CORONER'S OFFICE OF THE CITY AND COUNTY OF NEW YORK.

INQUIRY INTO THE MATTER OF THE
DEATH

- of -

MARY PETRIKOWSKY.

) Before
) HON. FERDINAND LEVY
) and a Jury.
)
)
)
)
)

New York, January 27th, 1890,
2 o'clock, P. M.

APPEARANCES: Assistant District Attorney Gurnin S.

Doctord, appears for the people; E. S. Washbir, Esq
and Mr. Samuel D. Levy appear for the prisoner.

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CORONER LEVY: Gentlemen of the Jury, on January 2nd, 1890, it is claimed that the prisoner who is here in Court, John Popoff, while at No. 163 Stanton Street, this city, at about four o'clock or near four o'clock on that day in the afternoon had a pistol in his possession, and that he used the same or fired the same and the result thereof caused the death of Mary Petrikowsky; in other words he is charged with having caused the death of that girl. She was 19 years

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of age at the time of her death.

What the defence is in this case we do not know, but it will be submitted to you during the investigation and we have, I believe, all the witnesses here who will be able to give you an intelligent statement of the facts in the case after which I shall expect you to bring in a verdict in accordance with the evidence.

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OFFICER CONRAD SCHELLENBERG, called and sworn.

- Q (By the Coroner) State your name and to what precinct you are attached, officer? A. Conrad Schellenberg, 11th Precinct.
- Q Tell the jury all that you know of this case? A. While I was passing on my post through Clinton Street my attention was called to it by a citizen who said there was a shot fired in No. 103 Stanton Street. I went up in the house, on the top floor and seen a lot of excited people and I went into the rear apartment where they said this prisoner here had shot a woman, in the front room -- I took the prisoner in the front room, but the girl was unconscious and she could not speak; so I took the prisoner right out, took him

13 12

up to the Station House, with the pistol. A pistol was lying on the table where the shooting was supposed to have taken place and I went for an ambulance and at the time the ambulance got there the girl had died. She died about twenty minutes after.

Q Where did you find the prisoner? A. In the rear apartments, on the same floor, but in different apartments.

Q Was it in the adjoining room? A. No, sir; it was in separate rooms, on the same floor; this Annie Petrikofsky she has the front part of the floor; there are four families on the floor.

Q Who told you that this prisoner did the shooting? A. People in the house -- people on the floor.

Q Are these witnesses here now? A. I brought one in as witnesses.

Q They identified the prisoner as the one who did the shooting? A. Yes, sir; he is a boarder at Annie Petrikofsky's apartments; he was boarding there for about three months.

Q (BY THE DISTRICT ATTORNEY) Did you notice where the woman was shot? A. Yes, sir.

Q Where was it? A. Right on top of the head.

13 13

Q How many chambers had that pistol? A. Six.

Q Have you got it here? A. Yes, sir.

Q Is it still loaded? A. No, sir.

Q How many chambers were loaded at the time you took it off the table? A. Five.

Q How many discharged? A. One.

The pistol is admitted in evidence and marked Exhibit 1.

Q Did you extract the balls yourself from this pistol?

A. Yes, sir; there were five, and one discharged.

Q Did you leave before the woman died? A. Yes, sir.

Q You say she died in about twenty minutes? A. About 20 minutes, as far as I could ascertain.

Q You were not present? A. I went to the station house with the prisoner to send out a hurried call for the ambulance, and before the ambulance got there the woman was dead.

Q (By Defendant's Counsel) Where did you find the prisoner?

A. In the rear apartment on the second floor.

Q What was he doing at the time? A. He was standing up by the window, the rear window, standing at the window.

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1314

A representative from Mr. Samuel M. Levy's office appears and states that the friends of the prisoner had retained Mr. Levy and inasmuch as Mr. Levy is confined to his house by sickness he asks for an adjournment of the inquest in order to give Mr. Levy an opportunity to cross examine the various witnesses.

Judge Bedford, the assistant District Attorney, representing the people, opposes the motion for an adjournment and states that inasmuch as all the witnesses are here present and there being a gentleman present who claims to have been retained by the prisoner himself, the inquest should proceed.

The Coroner denies the motion for an adjournment.

ANNIE PETRIKOPSKY, called and sworn.

- Q (BY THE CORONER) What is your full name? A. Annie Petrikofsky.
- Q How long have you been in this country? A. Three years

13 15

and a half.

Q Do you understand that oath? A. Yes, sir; I did swear that I will tell the truth.

Q You believe in God, don't you? A. Yes, sir.

Q Where do you reside? A. No. 133 Stanton Street.

Q Was the deceased Mary Kobrikofsky your sister? A. She was my sister-in-law.

Q You married her brother, and she is your sister-in-law? A. Yes, sir.

Q Do you recollect and can you tell the Jury of your own knowledge what happened on the afternoon of January 23rd, this year? A. I can tell.

Q State what occurred? A. About four o'clock my sister-in-law came to see me; she just came in and I was busy in the house and she sat down with my brother to play a game of casino. I was busy in doing housework and she sat down to play casino; the murderer was in his room.

Q You saw Popoff? A. Yes, sir; I cannot tell his name. After a little while he came into the room and sent my brother for cigarettes, down stairs, and bananas; in this moment when my brother went down stairs, he (Popoff) sat down to play with my sister-in-law for a moment. I saw he was very excited, but I didn't think about anything. After my

13 16

brother came he sat up right away and I don't know why he went to his room for the pistol; I don't remember it. He went to his room and took the pistol and showed it to my brother and commenced to tell him he shouldn't hold the pistol in my house; I have little children and I am afraid of it. He showed it to me and said to my children you see Mr. Popoff wants to shoot me and I hollered; I didn't know what he meant anything. I got scared, and then my brother tried to take the pistol from his hand, and he (Popoff) said, "Don't touch my hand, because it can shoot now; my finger is on the trigger; let go my hand and I will put the pistol in its place." He was standing on this side of the cable, and he shot her.

Q Did you see it? A. Yes, sir; he was standing with one foot in one room and with the other in this room and shot the pistol in his hands.

Q Did he point the pistol at her? A. Yes, sir.

Q Did you see the pistol? A. Yes, sir.

Q Would you just tell the jury, how he held the pistol in his right hand? A. Yes, in his right hand.

Q Did he point it at her? A. He held it this way and shot it this way, (indicating) at my sister.

Q At her head? A. I think so -- I didn't see it.

1317

- Q He pointed the pistol at your sister-in-law? A. Yes, sir.
- Q And then what happened after that? A. After what I don't know; she died after that; I didn't know what was going on then; I thought maybe he didn't shoot at her; I didn't know exactly at the time.
- Q Was your sister-in-law standing at the time she was shot? A. She was sitting.
- Q And he was standing? A. Yes, sir; he was standing; that is what I understand; I cannot tell so in English; if he didn't want to shoot her it would have went above her head; she was smaller than he; he was standing up.
- Q (By Mr. Bedford) You say somebody in the prisoner to lay the pistol down and he did it. He had this pistol in his hand? A. ~~Yes~~ yes
- Q It was annoying the people around? A. Yes, sir.
- Q Someone told him to put the pistol down? A. My brother tried to take it from him, but he couldn't; because he told him it would shoot.
- Q After that as I understood it the pistol was put on the table? A. No, sir; he held it in his hands and he did not want to go to his room, with one foot he went back --
- Q When he took aim at your sister how far was she from him? A. She was sitting on this side and he stood on the other

13 18

side.

Q And the table was about that size? A. Yes.

Q And she was as far from him as I am from the Governor?

A. Yes.

Q Did he say anything at the time? A. I don't know.

Q As soon as he noticed it, did it go off instantly?

A. Yes, it did.

Q And then you saw your sister-in-law struck? A. Yes, sir.

Q (BY THE GOVERNOR) The prisoner Popoff has lived here?

A. Yes, sir.

Q How long had he been boarding with you? A. About five months.

Q About five months? A. Yes.

Q Was your sister-in-law in the habit of coming to see you every day? A. Not every day; the last time she came to me but once in a week or once in two weeks.

Q She came there occasionally? A. Yes, sir.

Q You were on friendly terms with your sister-in-law? A. Yes, sir.

Q Did the prisoner and your sister-in-law have any words on that day -- any quarrel? A. On that day I don't remember but I think they were mad at each other.

13 19

- Q Do you know of your own mind that they were angry at each other? A. I don't know but I saw it; the first time they were good friends; that man was going to the girl's house often; I have met him at my father-in-law's house many times, but the last time he didn't go there at all and she didn't come to my house but very seldom; they were not so close to each other but not so distant as before.
- Q (BY THE DISTRICT ATTORNEY) This happened about four o'clock in the afternoon? A. Yes, sir.
- Q At No. 103 Stanton Street, this city? A. Yes, sir.
- Q (BY MR. WASHBURN) Was the prisoner, Popoff, all the time at home on that day? A. I cannot remember exactly whether he was or not; I think he had dinner with us.
- Q And remained there the whole afternoon? A. The forenoon I cannot remember.
- Q But he remained from dinner time? A. Yes, sir.
- Q (BY MR. WASHBURN) What time did you have your dinner? A. One o'clock.
- Q And he was at home? A. Yes, sir.
- Q What time did your sister-in-law come in? A. About two o'clock.
- Q Where was the prisoner, Popoff, when your sister-in-law came to you? A. He was in his room; he came into my room because the door was open --

1320

Q. The most of the time he was in your room, was he?

A. He was in my room and in his room.

Q. Did Popoff and your sister-in-law have any conversation?

A. I don't know.

Q. Where were you standing when you heard the pistol shot?

A. I had one foot in the bedroom and the other foot to the dining-room.

Q. You say you used to ~~xxxxxx~~ call on your *father-in-law* - your father-in-law? A. Yes, sir.

Q. Were you on good terms with Mr. Popoff? A. Yes.

Q. Did he ever have any quarrel with you, or with any one in the house? A. No, sir.

Q. Did he ever have any words with either one of you?

A. No, sir.

Q. Did he ever have any harsh words with you? A. No.

Q. Do you know of your own knowledge whether Popoff went to any balls or entertainments with your sister-in-law?

A. He went together with us; my sister-in-law went with us, together, but didn't go out with him, he was at our house and he went with us together.

Q. Do you know just how about - how many times you went together with Mr. Popoff out to any ball or entertainment? For the period that he lived in your house?

A. About three times.

Q Was your sister-in-law at all the balls and entertainments those three times? A Not at the last ball.

Q So he only went out with her twice? A. Yes.

Q (By the Coroner) You don't mean to say that he went out with her -- you mean to say that you went out together, he joined you? A. She went with me and my husband.

Q (By the Coroner) What difference does it make -- that is not part of the case.

PRISONER'S COUNSEL: I think it is competent to disprove it if there was any friendship. If he went together with the family and she was also one of the party.

Q (By the Coroner) Do you know who bought the tickets?

A. I don't know.

By Prisoner's Counsel:- You went with your sister-in-law, together, did you? A. Yes, sir.

Q Who bought the tickets? A. We used to buy the tickets.

Q (By the Coroner) A. Who bought them? A. My husband.

Q Who used to buy the tickets before?

Q (By the District Attorney) The prisoner Popoff was very attentive to your sister-in-law? A. Yes, sir; he

always used to take her home, when she was out up at the house, but the last time she did want't it -- and I didn't remember it.

1322

Q (By the coroner) We used to take her home regularly when she was at your house? A. Yes, sir; But the last time we saw that something had happened, and I asked Mr. Popoff what is the matter but he didn't tell us. My mother-in-law asked him too.

Q (By the coroner's counsel) How many times did you ever see this *pistol* before that day? A. I saw him about ~~more~~ six weeks or seven weeks ago; he held it in his hand; he held the pistol in his hand and I don't remember what he was doing. I don't know what he wanted to scare anybody -- I don't remember what he wanted to do with it but I remember that I told him not to do it in my house; I didn't want it at all; I didn't want it *anyhow*.

Q (By the coroner) Did he give any reason for wanting that pistol on the same day of January? A. I don't know.

Q Did he say why he shot it that day? A. I don't remember at all why.

Q Did you ask him why? A. No, sir; I only commenced to holler and told him to put it away -- he took it away and put it back; I told him this is not the place to shoot it off -- I told him this is not the place to shoot it at anybody.

1323

Q How many children have you? A. Two.

Q Was he excited on that afternoon at the time of the shooting? A. I saw he was excited when he sat down to play.

Q She joined in the game -- she played also? A. Yes, sir.

Q She was playing with your sister-in-law? A. My sister-in-law and my brother was playing.

Q And the prisoner? A. No, sir; he was at his room and after a while he went in and asked my brother to go for some cigarettes; he asked him to go and when he went out he sat down -- he sat down ~~and~~ a little and played a little, but I saw that he was very excited.

Q You say he was very excited? A. Yes, sir.

Q By prisoner's Counsel) Did he on several occasions produce this pistol and show it to the children to frighten them?

A. No, sir; I wouldn't let him do that.

Q Are you sure the children never saw this pistol?

A. He only showed it to them once -- I told him that was not the place there; I told him once before not to do it; I told him I did not want to have it in my house.

But six weeks ago he did show it? A. Yes, sir; and I told him he should put it right away back.

Q Have you any ill feelings now against the prisoner?

Objected to.

Q Who was in the room besides your sister-in-law at the time

(14)

- of the shooting? A. My brother and my sister *in-law*.
- Q Where were the children? A. In the front room.
- Q Where was your brother standing in relation to the deceased?
On the same side of the table? A. I don't remember exactly; one on this side, and she on the other; the first time when he was trying to take out the pistol he made one step to the room and the other towards my sister.
- Q Did your brother go round the same side of the table as your sister-in-law was? A. I don't think so.
- Q (By the District Attorney) You have already testified that he stood like I am standing before His Honor, the Coroner? A. Yes, sir.
- Q With the table of about that size between? A. Yes, sir.
- Q (by the Coroner) You are sure your sister-in-law was sitting at the time she was shot? A. Yes, sir.
- Q Were the cards still on the table? A. Yes, sir.
- Q Did your brother come up with the cigarettes before the shooting? A. Yes, sir.
- Q And with the bananas also? A. yes, sir; he gave them to everybody and to the children.
- Q And also to your sister-in-law? A. Yes, sir.
- Q You all had bananas? A. Yes, sir.
- Q Had you at any time had any unfriendly feelings towards

1325

the prisoner? A. No, sir; he was an American.

Q He was a good man? A. Yes, sir.

Q Do you know how long he was in this country? A.
I think one month before he moved into our house.

Q You know him five months? A. Yes, sir.

Q Do you know what his business was? A. He didn't
have any business at all; he was looking for work.

Q Did you know him from the old country? A. No, sir.

Q Is his name from the same country as the man? A. Not
from the same country; he was from Moscow or Leningrad.

Q Did he come over from the old country with recommendations?

A. He had recommendations from Dr. Ming; Dr. Ming
told us that he was a good man.

Q He recommended him? A. Yes, sir; and after that we
took him as a boarder.

Q He was recommended by Dr. Ming? A. Yes, sir.

HARRIE JACKAROWITZ, being called as a witness, duly
sworn, testified as follows:-

1326

Q. (by the examiner) Where do you live? A. I live with my mother, for the last five weeks -- for the last five weeks, at No. 103 Stanton Street.

Q. With your last witness? A. Yes, sir.

Q. What is your occupation? A. I used to work in the shoe shoe run business for Mr. A. Dumas, in 103 St. St., and I worked on a farm for two years.

Q. Were you present on that afternoon? A. Yes, sir.

Q. At your sister's residence? A. Yes, sir.

Q. Tell the jury all that took place -- all that happened --

about the shooting? A. About 11 o'clock in the afternoon, or a half past 11, I don't know exactly, I saw Patrickofsky she came up to our place at No. 103 Stanton Street and she came into the house and she was there about a half an hour and we were talking together and I asked her to play a game of Casino together. She said "all right". And we were playing together and after a while, after about fifteen minutes Popoff came out to me and said "And said to me will you go for some cigarettes, and some bananas?" I said "no, I am playing cards." He said I must go and he began to tell my cards to Harry Patrickofsky, she recessed, and then Harry said to me you had better go down for the cigarettes

1327

I put away the cards and went down to get the cigarettes;

Q Who said that? A. She said that. I went down to get the cigarettes and the bananas for him.

Q Who gave you the money? A. He did, the prisoner; and the when I came up he gave us all some bannana's, and we ate them and sat down again at the same place to play cards.

Q Did you first see -- when did you first see that revolver that afternoon? A. Right after he got it.

Q He left the room, wen into his room and came out with the pistol? A. Yes, sir.

Q Did you look at the pistol before that day? A. Not before

Q When he brought it out, did you look at it? A. Yes.

Q Did you look at it, is that it (showing pistol to witness)
A. Yes, sir.

Q State to the jury the first thing that you did and the first thing that he did? A. He pointed it at me, he had his right hand like that, (illustrating), and pointed it at me.

Q Did he say anything? A. He didn't say anything, he pointed it at me, he was laughing; he was not mad and my sister was washing the dishes and she got scared -- and cried and she said he should take it away -- to put it back.

Q (By the District Attorney) Was that the deceased?

A. No, my sister; she began to holler at him

1328

and she says I won't want it; when she said that he went up to her with the pistol and he pointed the pistol right at her.

Q At your sister? A. Yes, sir, and she got so frightened she said to the children he wants to kill me and the children followed ~~XXXXX~~ ^{said my} sister said he won't kill me -- she said that to the children, when I grabbed it in his hands and I said I don't want you to be fingering with this pistol, he said leave my hand alone, he said, I got my hand on the trigger; he took that pistol and he wanted to make

one step in the room and then he turned around when the girl was sitting, the deceased, and put his hand up like that and

Q He didn't go back to his room first? A. No; he wanted to go, he made ~~all~~ ^{only} one step and he turned around like that (illustrated with hand) he made one step and turned around, and pointed the pistol at her -- he turned himself a little and shot her.

Q Had he to pass her while on his way to his room? A. Certainly, when he pointed at my sister he was near the middle door of the room and I was sitting there; I was sitting there, I wanted to get the pistol out of his hands, and I said, I don't want him to play around with a pistol; I said if you, at least he said, if you touch my hand it will go off. I told him to put it away in his room; he said yes, I will do it, and he made one step to go in -- he made one step to go, not in his room, but he had to pass another

room to go into his room, and he turned himself around like that, after walking one step, and he shot her.

Q He was laughing at the time, or joking? A. He was a kind of joking; I didn't think he would shoot her.

Q You didn't expect it? A. No, sir; I never did expect it.

Q How did he act at the time he pointed the pistol at the deceased; what was his conduct at the time? A. Do you mean if he was mad?

Q. Yes? A. He didn't look like mad; all the time he was talking to her -- he was a kind of friendly.

Q How did he hold the pistol? A. In his hand -- in his right hand (illustrating)

Q Pointed it direct? A. On her, like that; he was standing there.

Q At what part of the body did he shoot her? A. Right in the head.

Q And how close to her was he? A. The table was a little smaller than this one (pointing to the Coroner's table) I don't know how close it is -- a foot and a half, perhaps.

Q (By the District Attorney) She was sitting at the table? A. Yes.

Q Was he as low down as the Coroner is now, supposing you were the prisoner and your sister sitting about in the same

1330

attitude as I am; her head was that much lower?

A. I don't know whether he had put the pistol down or up; I don't know; I know he done it.

Q Did he hold the pistol up or in this direction? A. He held it right up to her head -- in the same direction where she was sitting.

Q (By the District Attorney) If he had held it up that way he could not have shot her? A. Certainly not.

Q He was standing up, was he not? A. Yes, sir.

Q If he had pointed it that way he would not have struck her? A. Of course not.

Q He started with one foot to go into another room and all of a sudden he turned around -- did anybody stop him from going or did he go of his own accord -- did he do it of his own free will? A. Of his own free will.

Q And as soon as he turned he pointed and fired as quickly as that? A. Yes, sir; he pointed and shot right off.

Q Did he say anything before he fired the shot? A. No; not before, but after he shot her he was crying.

Q This woman died twenty minutes after? A. Yes, sir.

Q Were you there after that? A. No, sir.

Q Did you see her after her death? A. Yes, sir.

Q Did you know her before she was shot? A. Yes, sir.

- Q What was her name? A. Mary Petrofsky.
- Q And you saw her after she was dead? A. Yes, sir.
- Q (By Prisoner's Counsel) He sent you after some cigarette
A. Yes, sir.
- Q What did he tell you when you didn't want to go?
A. He didn't say anything, but he just looked into my cards
and he told Mary Petrikofsky every card that I had in my
hand.
- Q Did he not tell you that he smoked the last cigarettes --
that he gave you his last cigarette, and therefore he ask-
ed you to go to get them? A. Yes, sir; he told me that.
- Q And still you said you wouldn't go -- you did not want to
go? A. Well, I was playing cards.
- Q How much money did he give you? A. Nine cents; I got
three bananas and a package of cigarettes.
- Q Did he give you nine cents at once? A. I guess he did.
- Q What did the prisoner do after he shot the girl -- what did
he say, do you remember -- did he remain standing in the
room? A. No, he ran around and he went into Mrs. Fed-
ders, next door.
- Q Did you see him go out of the room? A. I didn't see him
go out of the room, but I went out for the doctor.
- Q What did you see him doing before he went? A. He was hold

hollering and crying.

Q Are you positive that he turned -- that he wanted first to go into the room -- into another room -- and then he turned around? A. Well --

Q Before he pointed the pistol, I mean? A. He made one step in his room and then he turned around, this way (illustrating) The door is like that. He made only one step into that room and he turned around, he turned the pistol up and he shot her.

Q Where did the shooting occur, in the kitchen? were you not altogether in the kitchen? A. We were all in the kitchen.

Q The next room adjoining the kitchen, is what? A. Well, one way is the front room and the other way, if you go back, is my sister's room, and then after my sister's room is Mr. Popoff's room.

Q Was he not facing your sister's room when he was standing -- when he shot her? A. No, sir; he looked right at her.

Q Was not your sister sitting out on the side of the door leading to her room? A. Here is my sister's room and here is the kitchen, and that is the table; my sister--in-law was sitting right there in the corner near the window and he had to cross here, and he made one step and he turned around and he shot her.

Q Was not your sister sitting at the same time in front

of Mr. Popoff? A. When?

Q At the time that the shooting occurred? A. Well, they were moving around; he was pointing at my sister and first at me, and then my sister, and then I went up and I wanted to get the pistol and he said I shouldn't touch it, and then he turned around and went to put it away and he stepped over one step -- one step of the foot and he turned around and he shot her, he had to cross her.

Q Was not your sister standing at the door leading to the bedroom? A. She was on this side of the door.

Q He crossed which door? A. The same door on this side.

Q And he passed your sister? A. Yes, sir.

Q (By The Coroner) Who was in the room at the time of the shooting? A. My sister and I and Popoff, and the girl that was shot, and the two children, they were in the room too, they began to holler.

Q Were there any other people there at the time?

A. No, sir, not any other.

Q You say the deceased, Gary Petrakofsky was there and your sister, yourself and Mr. Popoff? A. Yes, sir;

and the two children were in the house.

Q How old are those children? A. One is four years old and the other three; the little boy is four years old; and the girl three.

-----000-----

1334

The People
vs.
John D. Pratt

Stenographer's Transcript.

Mary. 1890
inst. Feb. March 1890.

1335

TO THE CHIEF CLERK.

PLEASE SEND ME THE PAPERS IN THE CASE OF

PEOPLE

vs.

This man was
sent to my
ward house - He
was told I was
to let him know
by the time the
man that was
he was going to
refuse. He was
has found life
now devoted to
vice & dissipation

District Attorney.

1336

Quentin's father

How old was yr
daughter?

How long did you
know prisoners?

Did he visit your
daughter?

How often?

Was he attentive to
yr daughter?

Did you have a
conversation with
yr daughter about
prisoners? One

after that conversation
How did your daughter
act toward prisoners

1337

TO THE CHIEF CLERK.

PLEASE SEND ME THE PAPERS IN THE CASE OF

People vs. [unclear]
PEOPLE

vs.

Pepp-

Director to be

asked

Barry [unclear] [unclear]

Barber [unclear] District Attorney

Father of [unclear]

*before going
to [unclear]*

Curt

also for [unclear]

ask Brother in
Law - did he
see Dec? throw
up her head &
say "Dont Dont
ride by Jenkins
Fertinny" -

ask Brother in Law
after the shooting
when Dec passed
go to -

What did Brother
in Law do -

Did Brother in Law
say that Dec pointed
her in her hands &

1339

Ask Sister in Law

Did you see her?
When prisoner
pointed the pistol
& just before he
fired?

Did she bury
her face in her
hands?

Show me how she
was sitting when
she was shot?

1340

ARKO Debrae
officer what
can you do
be back with
M. ...

Liberal 900 ...
day

1341

People

vs.

John Papoff

Officer Shellenberg of the
11th Precinct vice Sheriff:

On Jan'y 22, 190 I was on
post, was informed by a citizen
that there was shot fired at 163
Stanton St, a flat house. I went
to fourth floor of house, occupied
in front by Joseph Petrikoffsky, and
near by a party named Tatar. Was
told that defendant had done the
shooting and was in Tatar's apart-
ments. I went in there and got him,
took ^{him} into Petrikoffsky apartment
where I found Mary Petrikoffsky
lying on a lounge with a pistol
shot ^{wound} her head, and unconscious.
When I first went into P's apart-
ments with deft saw Harry Frach-
novich and Anna Petrikoffsky
who told me deft had shot Mary.
Mary being unconscious. I took deft
to station house. Found the revolver
in P's kitchen on table with one car-
tridge exploded.

Did you see Harry
Conrad with def

1342

Razple

or

Popoff-

Statement

of

Officer Shaeenbary

1343

People

vs:

John Popoff

Charles Patrikoffsky residing at 141 East B'way near Avenue:

I did not see the shooting. Got to my son's apartments at 162 Stanton St, after the shooting and after deft had been taken away by officers. The deceased was my daughter, and was dead by the time I got to her. My daughter lived at my house and deft called on her most every day. I was appeared, to his attentions to her, and spoke to my daughter about him. She discouraged his attentions, and deft quit coming to the house. At the time my daughter was killed she was visiting my son's place at 162 Stanton St. Popoff was boarding there.

1344

Papaya
no.

Papaya

Statement

of

Charles Patrick Koffsky

1345

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

Third District Police Court.

of No.

Street,

that on the

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

being duly sworn, deposes and says,

11 *Hyman Schellenberger*
deposes
22nd day of January 1890.
he arrested John Popoff
(now here) for feloniously
wilfully and intentionally
and from a premeditated
design to effect the death
of one Mary Petukoffsky
kill the said Mary Petuk
koffsky by discharging
the contents of one barrel
of a revolver which he
then held in his hand
at the body of said Mary
for the reasons following
to wit: on the said date
deponent was informed by
a citizen that some one
had been shot in premises
63 Stanton Street. Deponent
found in a room on the top
floor of said premises the
said Mary suffering from
a pistol shot wound and
lying unconscious on a sofa.
Deponent found on a table
in six handed revolver one
of the barrels being empty.
Deponent was informed
by Annie Petukoffsky
then present that she, Annie,
saw the defendant having
the said revolver in his
hand and that he had
shot the said Mary
Petukoffsky.

Hyman Schellenberger

Hyman Schellenberger

Sworn to before me this 23rd day of January 1890

John Schellenberger

Conrad Schellenberg
an officer attached
to the 11th Precinct
Police, being duly
sworn deposes and
says

Q. Now you arrest
the defendant Popoff?
A. Yes Sir

Q. Why?
A. For causing the
death of Mary
Petukoffsky.

Q. Has he been
before the Coroner?

A. Yes Sir, Cor^r
Levy, the jury found
that Popoff caused
her death by a pistol
shot wound in the
head.

Conrad Schellenberger
sworn to before me
this 30th day of Jan 1890

Charles N. Linton Police Justice

1347

Annie Detchkofsky
being duly sworn
deposes and says, I
am 24 years of age,
I am married and
live with my husband
and two children at
163 Stanton St, New
York City; Yesterday
Jan 22nd 1890 at
about half past three
o'clock P.M. my
brother and sister in law
were playing Cards in
my kitchen, then and
there John Popoff came
in said kitchen and
sent my brother out
to purchase Cigarettes^{and}
bananas, my brother
returned, then said
Popoff came into said
kitchen with a pistol

2

in his hand, said
 Popoff aimed said
 pistol at Depenent,
 then my Chidress
 began to Cry; Then
 he aimed said Pistol
 at my Sister and
 said Pistol went off
 and exploded. Then
 I lost my mind and
 remember nothing for
 about ten minutes,
 then Depenent went
 into a neighbors room
 and saw said Popoff
 (Defendant) walking
 up and down the
 floor saying "I killed
 her, hang me, do with
 me what you will",
 My brother and said
 Popoff went for and
 brought a doctor - or

1349

9.

The House Keeper brought
the Doctor A Petukovsky.

Sworn to before me
this 23rd day of Jan 1890

Wm Patterson Police Justice

~~~~~  
Harry Jacknovitz, being  
duly sworn depose  
and saye I am  
the brother of Annie  
Betchkofsky, I was  
in the room at the  
time the girl Mary  
Betchkofsky was shot,  
I have heard the  
statement of my  
sister Annie Betchkofsky  
and know it to be  
true and correct.

Sworn to before me  
this 23<sup>rd</sup> day of Jan 1890  
Police Justice

Harry Jacknovitz  
Sworn to before me  
this 23<sup>rd</sup> day of Jan 1890



1350

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

3 District Police Court.

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

Question. What is your name?

Answer. *John Popoff*

Question. How old are you?

Answer. *24 years.*

Question. Where were you born?

Answer. *Russia*

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

Answer. *163 Stanton St. Since September*

Question. What is your business or profession?

Answer. *Teacher.*

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 and*  
*wave further examination*  
*John Popoff*

Taken before me this *12*  
day of *January* 188*4*

Police Justice.

1351

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. Jenkins*  
guilty thereof, I order that he be held to answer the same and he be ~~committed to bail in the sum of~~  
~~Hundred Dollars,~~ *without bail* and be committed to the Warden and Keeper of  
the City Prison of the City of New York, ~~until he give such bail.~~

Dated *January 30* 188*0* *Charles N. Linton* Police Justice.

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

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

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

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



1352

Committed to answer  
the return of Coroner  
inquest.

The Presiding Magistrate  
in my absence, will please hear  
and determine the within case.

*W. M. Patterson*  
Police Justice.

BAILED.

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court

3 194 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Conrad Schellink*  
vs.  
*John Popoff*

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Dated *Jan 23* 1890

*Patterson* Magistrate.  
*Schellink* Officer.

Witnesses *Annie Petrikoff* Precinct.

No. *163 Stanton* Street.

*Harie Jackanowich* Street.

No. *907 Broadway* Street.

*Springfield* Street.

No. *Rockland* Street.

\$ \_\_\_\_\_  
Committed without  
Bail.



1353

Coroner's Office,

CITY AND COUNTY )  
OF NEW YORK ) SS.

John Popoff 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—

John Popoff

Question—How old are you?

Answer—

24 years

Question—Where were you born?

Answer—

Russia

Question—Where do you live?

Answer—

163 Stanton St

Question—What is your occupation?

Answer—

None at present

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

Not guilty

John Popoff

Taken before me, this 27<sup>th</sup> day of June 1890  
Isidore Levy CORONER.

1354

MEMORANDA.

| AGE |       |        | PLACE OF NATIVITY | WHERE FOUND | DATE<br>When Reported |                           |
|-----|-------|--------|-------------------|-------------|-----------------------|---------------------------|
| 19  | Years | Months | Days              | Russia      | 163 Stanton St        | Jan'y 23 <sup>d</sup> /90 |

Sectionary  
taken by  
the  
Coroner  
Jenny

HOMICIDE.

AN INQUISITION.

174

On the VIEW of the BODY of

Mary Petukovsky

whereby it is found that she came to  
her Death by the hands of

John O'Connell

Inquest taken on the 27<sup>th</sup> day

of January 1890  
before

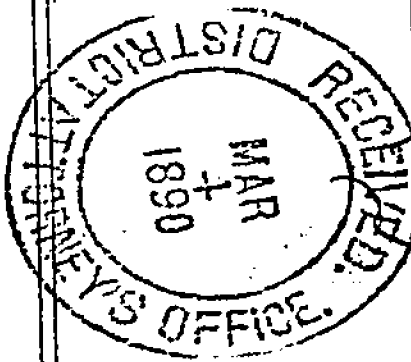
Frederick J. Levy CORONER.

Examined

Obituted

Discharged

Date of death



1355

129  
Quater. 555. 1890

HOMICIDE.

AN INQUISITION. 174  
On the VIEW of the BODY of

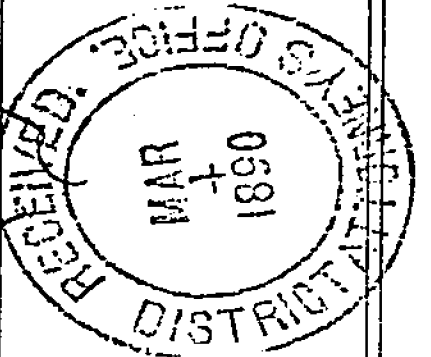
Mary Petrikofsky

whereby it is found that she came to  
her Death by the hands of

John Popoff

Inquest taken on the 27th day  
of January 1890  
before

Ferdinand Levy Coroner.



Committed  
Bailed  
Discharged

Date of death

Testimony  
taken by  
the  
Coroner  
Levy

163 Stanton St  
Jan 23/90

| AGE                | Years          | Months | Days |
|--------------------|----------------|--------|------|
| PLACE OF NATIVITY  | Russia         |        |      |
| WHERE FOUND        | 163 Stanton St |        |      |
| DATE When Reported | Jan 23/90      |        |      |

MEMORANDA.

19



1356

Peoples

vs.

Papnoff

Amirio Patrikoffsky residing  
at 162 Stanton St will demand:

The deceased Chaim Patrikoffsky  
was my sister in law, and was visi-  
ting me at my apartment on  
January 22/70. She came in about  
1:30 P.M. Deft was in room, she  
greeted all, then Deft went to  
his room. Defendant was stand-  
ing with one. My brother Harry  
Jackovich and deceased were  
sitting at the dining table playing  
casino, they had played a short  
time when Deft came in from  
his room, and asked my brother  
to go down stairs and get him  
cigarettes, he did not do then  
and Deft commenced to tell what  
cards my brother had in his  
hands, deceased asked my brother  
to go for the cigarettes and in  
that <sup>way</sup> get rid of the annoyance,  
my brother then <sup>went for</sup> got the cigarettes.  
Deft sat down and took the cards,  
seemed much excited, and was  
throwing the cards around in a

peculiar way, deceased said in  
 Russian "do not throw the cards  
 so hard". by that time my brother  
 had come up stairs with the cigar-  
 ettes, left got up from table at  
 once and went to his room, my  
 brother continued the game. In a  
 few minutes left came from his  
 room again, had a revolver in  
 his hand, he pointed it at my  
 brother, I told him not to do that,  
 to put away the pistol, as I had  
 children about and it was dan-  
 gerous, he then pointed it at me,  
 I became frightened stepped  
 toward my room, and cried  
 out to my children, "look he wants  
 to kill me", the children commenced  
 to cry, then my brother grabbed  
 left's hand and tried to take the  
 pistol from him, left said do not  
 touch the pistol as his finger was on  
 trigger, to let his hand go and he  
 moved put it back in his room,  
 my brother let go, left stepped  
 back to go to his room, but turned  
 about half around, and aimed  
 the pistol at ~~my~~ deceased, who  
 was still sitting at table, she put



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her hands up to her face, and  
~~told him to stop~~ <sup>he</sup> told him to stop, at that moment  
he shot her. The children com-  
menced to cry out, my brother ran  
out to give alarm, ~~and~~ <sup>left his</sup> ~~and~~ <sup>pistol</sup>  
on table went out into hall-  
way, came back again, went  
into his room dressed himself  
went out and was met by my  
brother, who kept him with  
him, brought him up stairs again  
My children and I went into Mrs  
Fellers room in rear of my  
apartment. Left came in and  
very shortly after the officers came  
in and arrested him.

Did you  
not find him in a neighbor-  
hood & he I to you  
I have killed her  
have you. If you want  
to see what you  
will - will testify before  
Police Magistrate  
What did you say to him before  
she was



POOR QUALITY  
ORIGINAL

1359

People

vs:

Cappoff

Statement

of

Annie Petrikoffsky

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the ~~House of~~ Coroner's Office in the 4th Ward of the City of New York, in the County of New York, this 27 day of January in the year of our Lord one thousand eight hundred and 90 before

Ferdinand Levy Coroner, of the City and County aforesaid, on view of the Body of Mary Petrikofsky lying dead at

Jeru Upon the Oaths and affirmations of good and lawful men of the State of New York, duly chosen and sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said

Mary Petrikofsky came to her death, do whom their Oaths and affirmations, say: That the said Mary Petrikofsky

came to her death by

Penetrating bullet shot wound of the head, inflicted with a pistol in the hands of John Popoff at 163 Stanton Street, January 22<sup>nd</sup> 1890

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.

Bernard Meyer Misgreenwich St  
New York City 58 Ky St.  
John J. Popoff 200 Ky St.  
J. C. Popoff 25 Myer St.  
William J. Popoff 25 Myer St.  
Edward Popoff 61 Myer St.

Ferdinand Levy  
CORONER, N. Y.

0961



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# STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

## AN INQUISITION,

Taken at the ~~house of~~ Coroners Office  
No. 67 Park Row Street, in the 4<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 27 day of January  
in the year of our Lord one thousand eight hundred and 90 before  
Ferdinand Levy Coroner,  
of the City and County aforesaid, on view of the Body of Mary Petrikofsky  
lying dead at

Ten Upon the Oaths and Affirmations of  
good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
Mary Petrikofsky came to her death, do  
upon their Oaths and Affirmations, say: That the said Mary Petrikofsky  
came to her death by

Penetrating pistol shot wound of the  
head, inflicted with a pistol in the hands of  
John Popoff at 163 Stanton Street, January 22<sup>nd</sup> 1890

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.

### JUROS.

|                                 |                                 |
|---------------------------------|---------------------------------|
| Bernard Meyer 1159 Greenwich St | Carl F. Decker #48 Courtland St |
| Henry C. Gibb 58 Bay St         | Frederick Halen 152             |
| Charles L. Vach 20 Dec St       | Albert Phierentz 61 Murray St   |
| L.C. Elder 25 Rutgers St        | William Little 241 Greenwich St |
| J. Maaren 11 W. Bway            |                                 |
| Edward Koehler 61 Mavank        |                                 |

Ferdinand Levy  
CORONER, E. S.



*Reference to the John Popoff's case:*

The reasons that prompted me to undertake the work of helping John Popoff, who is undergoing---since May, 1890---a life sentence in Sing Sing Prison, were primarily these: The man was without a single friend of any influence in this country, and brought this misfortune on himself chiefly through his trusting, confiding disposition and perfect faith in the honesty of people who, at the trial, unexpectedly turned out to be his most unrelenting enemies; the man was barely twenty-one years old at the time the skylarking and consequent shooting of Mary Petrikovsky occurred---a mere youngster, considering the fact that the Russians are a Northern race of people who develop very slowly, so that a Russian <sup>slav</sup> of twenty-one is not much more of a man than a boy of eighteen in Italy or in this country.

My determination to obtain justice for the man was greatly fortified by the fact, that whatever he told me of himself---the circumstances of the shooting, his former life in Russia and the reasons for his coming over to America---has proved true in every particular, as I found out later on, discussing the subject with Popoff's acquaintances here, subsequent to his trial, when the excitement caused by it had subsided in the circles where he moved, and tongues were loosened in speaking of a man securely lodged behind prison walls for the rest of his natural life. Apart from this I have instituted inquiries in Moscow, where the man lived and taught in a primary

school, previous to coming to this country; and there also every statement of his was fully substantiated.

This confirmation of the perfect truthfulness of the man seemed all the more remarkable, since, in speaking to me---an entire stranger---he naturally might have yielded to the temptation to try and gloss facts over, so as to enlist my sympathies more securely; slight prevarications would be more than excusable under such a terrible strain; yet none were resorted to.

When, in answer to his pressing request, I went to see the prisoner in the Tombs, previous to his trial---he wanted my advice as to engaging the services of Messrs. Howe & Hummel---a subject on which I could give him no opinion whatever. On that occasion he told me that he has perfect confidence in his acquittal, but was afraid that his Counsel, Mr. *Mashler* may possibly make some mistake, since the latter came over from Russia not so very long ago, and therefore cannot be as well posted on American law as a native born lawyer would be.

Popoff on that occasion---our only meeting---also told me, that he is sure of acquittal because Mrs. Annie Patrikovsky, the sister-in-law of the victim of the shooting, was his best friend, and would surely testify in his favor. "Why", said Popoff to me, "she is a most excellent and honest woman, as good as an elder sister to me; I even gave all my spare money to her to keep for me, for fear I should spend it recklessly. The girl's relatives

grieve for my unhappy lot and are going to clear me at the trial---they will tell exactly how the shooting occurred."

So assured was Popoff of his acquittal---provided his Counsel commit no blunder---that he asked me to find out from the Russian Consul General in this city what would be the penalty inflicted on him in Russia were he to return there right away and give himself up to the authorities; he having run away from Russia without a passport, in order to escape military service. On my expressing some doubt as to his being liberated, he remarked to me: "Yes, of course, the poor girl met her death at my hand, and they may send me to a Monastery for Church penance; I am ready to submit to it; it would not be too late to return to Russia after that, I suppose."

Speaking thus, the prisoner, in his ignorance, imagined that the laws of the United States resemble Russian law in this respect: That a person having accidentally taken a human life is made to expiate this sin in a Monastery or a Convent where he or she is kept in strict seclusion at prayers and fasting for several months.

I was so strongly impressed by the prisoner's confidence in the outcome of his trial that I did not even take the trouble of attending it, restricting myself to the reading of the newspaper accounts of the same. As is usually the case, such accounts were highly colored and, in some cases, unworthy of notice; but, since some of the fiction contained in these papers had been repeated at the trial of Popoff, serving to prejudice the Jury against



him, I may be excused if I take this opportunity to set right at least two notions prevalent at the time.

The victim of the shooting, Mary Petrikovsky, was represented as a highly accomplished, beautiful girl, with whom any man might well have fallen in love---a circumstance that seemed to afford some clue that could be twisted into a motive for the shooting. The fact, however, was that the girl was not only highly unprepossessing but a positive fright; so I was assured by all the men who ever saw the girl, and moved in the Jewish Russian circle to which she belonged; so I talked to them on the subject, they laughed heartily at the very supposition that any man in his senses would pay any attention to such a homely girl, boasting of no education whatever.

Again---as the papers had it---"Popoff was a loafer who tried to pose as an aristocrat, giving himself out for a son of an Admiral of that name in the Russian Navy." Now, every Russian knows that Admiral Popoff is a batchelor, consequently one could hardly hope to improve one's social standing by giving one's self out for the Admiral's son.

As it would take too long to disprove the great number of untruthful implications and accusations that worked their way into the press and thence into the trial, to the great detriment of the prisoner's interests, I will now try and restrict myself to the task of calling attention to a few points that seem worthy of consideration to me, an outsider, totally unacquainted, as I am, with legal

methods and proceedings.

Foremost of all, it seems to me, stands the fact, that not a suggestion of a motive could be found for any premeditation on the part of Popoff in shooting the girl, Mary Petrikovsky; there never was any flirtation between them; the shooting was not preceded by the slightest coldness or quarrel, it occurred without any previous warning, in the presence of two grown persons and two children, who were all in the highest good humor until Jackovitch called out to Popoff to stop fooling with the pistol; even after the girl was killed, her sister-in-law--the chief witness for the prosecution, Mrs. Annie Petrikovsky--in talking the matter over with neighbors, expressed her regret for "poor Popoff" who did it all accidentally, without meaning any harm."

Yet, when, about a year ago, I sent a messenger to this same Mrs. Annie Petrikovsky in order to try and find out in a round-about way whether the woman would be willing to repeat this sentiment now, before a Notary Public, so that I might submit it in due form to the authorities in my efforts to get Popoff pardoned--she flew in a terrible passion at the very mention of any help to Popoff, saying, that he deserves all he got and that she and her family are only sorry now that he was not electrocuted for his having taken the life of Mary.

The only conceivable reason of this sharp change of disposition toward Popoff, since the conviction of the latter, must be that somebody has explained to the Petri-

Kovakys that they would be liable to imprisonment for false testimony were the truth ever found out; consequently they are in no way disposed to aid their victim to regain his freedom.

When the trial, with its many surprises, was over and the man sent up for life, I wrote to his Counsel, Mr.

*Mashber* for an explanation of the reasons why such a clear case was lost in Court. In answer to that note Mr. *Mashber* called on me in person and, in presence of several witnesses, explained the case at length giving it as his sincere conviction that the startling introduction of false testimony at Popoff's trial was due to the exertion of the Petrikovskys, the dead girl's relatives, and was to be ascribed to the following motives: First of all, being Talmudic Hebrews they were firm in their belief that the law requires them to have "an eye for an eye and a tooth for a tooth"; in the second place, they being very poor at the time, the temptation was very strong to retain the \$65.00 that the prisoner had, in his simplicity, entrusted to Mrs. Petrikovsky, chief witness for the prosecution.

As I found out later on, the prisoner not only had entrusted to Mrs. Petrikovsky this, his reserve fund of ready money, but he frequently paid her his board in advance and advanced her different little sums of money in cases of stringency of money in the family.

It may be remarked here, that these were not the only instances of the exceeding confidence displayed by



John Popoff in other people's honesty and good-will toward himself; he was altogether of a sunny, trusting disposition, full of fun, just as an unsophisticated youngster of eighteen might well have been.

Among other foolish things he did was to entrust his entire fortune---several Russian Government Bonds he brought over with him to this country---to the care of his lawyer, Mr. *Mashbir*; several of these bonds (of the value of \$125 each) went to pay for the services of his Counsel, but two bonds remain still in the possession of Mr. *Mashbir*. Some time ago, when the question of an appeal or a new trial for Popoff presented itself, the prisoner requested some friends of his to ask Mr.

*Mashbir* for the return of these two remaining bonds of his, but, as I was informed, his former Counsel at first said he had but one bond left and at last refused to return even that, declaring that all was due him for his services at the trial.

Notwithstanding the fact that the Counsel of the prisoner were suitably rewarded for their services, the defence was conducted in the most slipshod manner. The most damaging evidence against Popoff introduced at the trial, was that of a certain plumber, Wisener, who, a number of years ago, came to this country from the outskirts of Russia, Jews not being allowed to settle in Central Russia from where the prisoner came. Witness testified that several days before the killing of Mary Patrikovsky

he happened to be walking in the street behind three Russians, of whom the prisoner was one, and overheard Popoff exclaim: "I will do it if it cost me my life" which exclamation was held up to the Jury as a proof of the prisoner having premeditated the murder of Mary Petrikovsky; meantime it was established at that very trial that said witness, Wissner, had totally forgotten the Russian language---which, even in Russia he must have spoken imperfectly, a kind of Jewish jargon---and when requested at the trial to repeat in Russian the words he overheard Popoff utter in the street, Wissner could not recall a single word that would go to form the phrase quoted by him. Yet the prisoner, up to his removal to the prison of Sing Sing knew hardly a word of English or any other foreign language, and could not have spoken otherwise than in the Russian tongue.

Popoff's Counsel did not avail themselves of this fact to any extent and did not utilize, as they should have done, the fact of Wissner's evident false testimony; neither did prisoner's Counsel call the Jury's attention to the fact of the £55 entrusted by the prisoner to the chief witness for the prosecution, Annie Petrikovsky---as a likely motive for the false testimony of that woman; neither did they make anything out of the flagrant contradictions in the testimony of the brother and sister---Annie Petrikovsky and Jackovitch---both witnesses for the prosecution. (See pages 15 and 31 of the Stenographer's

Minutes of Popoff's trial).

The same Harry Jackovitch (See page 46 of Stenographer's Minutes) was forced to admit that before the Coroner he had testified that Popoff was joking when he handled the pistol at the time of its going off.

Messrs. Howe & Hummel were called in to assume charge of Popoff's defence very few days before the trial and had no time---and perhaps no inclination---to give much attention to such an easy and uninteresting case. Yet the very appearance of Mr. Howe for the prisoner impressed itself on the mind of the Jury as a proof of it being a desperate case, where nothing short of the well known arts of Messrs. Howe & Hummel could save the prisoner's life.

It is a noteworthy fact that all the witnesses for the prosecution were interested persons---mostly relatives of the girl, moved by religious fanaticism or else by considerations of sordid, unlawful gain, while all witnesses for the defence were outsiders having no particular interest in either party; why should such outsiders lie in Court and take the risk of a heavy penalty for such a deed?

The prisoner, in trying to prevent Jackovitch from taking hold of the loaded pistol, naturally held it above his head, and, he being the taller man, Jackovitch, in taking hold of it pulled the muzzle down, which must have given the downward direction to the bullet that struck the girl on the discharge of the weapon.



The prosecution made much of the fact of Popoff having previously threatened Annie's little children with the same pistol. This circumstance may appear very shocking indeed to persons of refined sensibilities; but we must remember that all the actors in this tragedy moved in a very lowly strata of society, where niceties do not prevail to any considerable extent and rather coarse jokes are apt to be appreciated. It is a fact that Anna Petukovskiy herself used likewise to threaten her children when unruly, saying: "Stop that crying now--or I will get Popoff to shoot you with his pistol."

As stated above, I undertook to obtain justice for Popoff simply in consideration of the fact that he is a truthful, simple-minded fellow who "fell in among thieves"; a man, who was robbed and betrayed by the very people whom he trusted most implicitly; and also because his conviction was obtained chiefly because the man was ignorant of the English language and was of no consequence whatever in this world; no one was afraid to rob, slander and defraud him, knowing that he was unable to defend himself. Besides, imprisonment for life always seemed to me a much harder punishment than execution.

Now, however, I have a far more earnest motive for doing my utmost to help the man. Being a very busy woman and having had no wish to be disturbed by letters from the prisoner, I ordered him not to write me more frequently

than once or twice a year, saying that I have pledged my word to do my best to help him and will surely do it when the time for action comes, but, were he to write and annoy me, I would drop him right there.

I was certain of my ability to help the man, in one way or another, because lawyers of high standing, and among others Mr. S. O. T. Dodd, (solicitor of the Standard Oil Co.) who had, at my request and as a personal favor to me, thoroughly examined the Stenographer's Minutes of Popoff's trial, assured me, that, in appealing the case, Popoff would be sure of acquittal, provided he had tolerably fair Counsel. The alternative then restricted itself in my mind to the hard and tedious task of collecting subscriptions for the sum necessary for a second trial in case my appeal for a pardon fails with the Governor. Well meaning and righteous persons advised me, however, not to hurry with my petition for a pardon, seeing that it would have much more weight after the prisoner has passed several years in prison; a life was taken anyhow, and he had deserved severe punishment for his carelessness.

Yet now, to my great consternation, I am told by the Hon. Judge Fitzgerald himself that, thanks to my self-assumption and procrastination, the time for an appeal for another trial has gone by; so that, in case this my appeal for a pardon for Popoff is not successful---instead of having helped an innocent man to clear himself, I will have done him a greater injury than his worst enemy could have done, in depriving him of all means to establish his

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innocence and to regain his freedom.

Mrs B. Mae Gahan

75 East 61<sup>st</sup> St  
N. Y. City



1374

District Attorney's Office.

②

PEOPLE

Papoff -

The witness

Messers -

Mr. Jones will  
swear -

He says, from  
the fact that  
he is a  
man of

the fact that  
he is a  
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the fact that

He is a  
man of

1375

District Attorney's Office.

PEOPLE

3

vs.

John Bonnell

At Pearl Wm Messer,

Plaintiff vs. John Bonnell

Defendant

Bonnell was a man in good health  
a few days before the shooting  
shot at the time of the shooting.

Dr. Wm. of Canal St. near  
Orleans St. says Bonnell  
had a mental disease.

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District Attorney's Office.

PEOPLE

(4)

<sup>vs.</sup>  
Popoff

Dr. Mary Canale  
near Orchard  
will swear that  
Popoff has a  
venereal disease

Will - why do  
people prove this  
fact?  
See Sunday



1377

District Attorney's Office.

PEOPLE

vs.

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of the  
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just before the  
was shot  
miles or  
during the

1378

District Attorney's Office.

PEOPLE

vs.

Popoff

Witnesses -

order to call them

① Annie Peterson

② Jackovitch

③ Mr. Peterson  
father of Dan

④ Police officers -

⑤ Mr. Meyer

Plumber

⑥ ~~to Mr. J.~~

~~and (2)~~

⑦ by Jenkins -

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DR. WILLIAM T. JENKINS, being duly sworn, testified  
as follows:-

(BY THE CORONER)

Q Doctor, please tell the Jury the result of the autopsy made  
on the body of Mary Petrikofsky? A. I made the  
examination of the body at the morgue, on the 24th of Janu-  
ary, at 11 o'clock in the morning. I found ~~that~~ the pistol  
shot wound at the top of the head, about in that position  
(illustrating) left of the median line; that the bullet  
had taken a course backward and downward, and inward,  
crossing the median line and crossing into the greater  
brain and entering the left hemisphere of the cerebellum,  
crossing the median line and passing through the lesser  
brain on the right side. It lodged in the lesser brain.  
Cause of death: penetrating pistol shot wound in the head.  
The direction was backwards, downwards and to the right.  
This is the bullet I found; (witness produces bullet) and  
also a button of the bone from the inner table of the skull.  
(Witness produces bone found during the autopsy.)

BY MR. ~~WASHBURN~~:- *Redford*

Q Assuming that the man was standing up like you, doctor,--  
assuming that a man was standing like you are and a woman  
about the size and height of the last witness was sitting at



1380

the table, from the nature and character of the wound in what way would the man standing up be apt to hold the pistol; he standing there and she sitting where the Coroner is? A. I made some examination and I think she sat in the chair like this at the table, and from the witness who has just testified; Mr. Popoff stood here, the door was here, and the table there, and he explained to me that the deceased threw up her head in this position saying, "Don't, don't;" and that would coincide with the direction of the bullet in the brain.

Q Pointed a little downward? A. A little downward, I should say.

Q You are sure that if it was pointed up that way it could not go into the head? A. No, sir; it could not.

BY MR. REDFORD: *What he*

Q Which way did you say the bullet must have gone -- how did you say did the bullet go, doctor? A. The bullet entered here through the left and downward into the brain in this direction at the base behind.

Q First backwards and then downwards? A. Yes, sir, and then to the right. It entered on the left side of the median line just in front of the frontal bone and then in this direction backwards and downwards and inward to the right.

1381

Q Could that have been done if the deceased was not on the right hand side of the prisoner? A. If the deceased was on the right hand side of the prisoner -- it depends how far to the right she was; she was probably pretty nearly in front; you see the variation is across the median line.

-----oOo-----

The People rest.

-----oOo-----

MR. MASHBIR: The prisoner, under advice of counsel waives any further examination and does not desire to testify.

-----oOo-----

THE CORONER: Gentlemen of the Jury, your duty in this matter is to determine by your verdict in what manner, what time and place, and under what circumstances the deceased, Mary Petrikofsky, came to her death.



1382

The only evidence that you can consider and which is before us is that this prisoner fired a pistol shot at the deceased, Mary Petrikofsky, and that she died from the wound so inflicted; there is nothing else than I can say to you. The defendant does not desire to testify before this tribunal and does not interpose any defence. Your duty is simply one to determine the cause of death and you have the testimony of the circumstances and the medical testimony before you, so that the other evidence to be passed upon must be submitted to the Grand Jury. The only thing for you to pass upon is the cause of death.

You understand, of course that death must result from criminal violence, accidental causes, suicidal or natural causes. In this case it is for you to determine how and in what manner and at whose hands this girl came to her death, and I think this evidence answers that correctly.

-----oOo-----



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VERDICT: The Jury finds that the deceased, Mary Petri-  
kofsky came to her death by a pistol shot wound  
fired by John Popoff at the time and place sworn  
to in the evidence.

-----oOo-----

1384

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 Parrott*

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

of the CRIME OF Murder in the First Degree, committed as follows:

The said *John Parrott*

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  
*eighty-eight*, at the City and County aforesaid, with force and arms, in and upon one  
*Mary Petrusday*, in the peace of the said People then and there being,  
wilfully, feloniously, and of *his* malice aforethought, did make an assault, and the said  
*John Parrott*, — a certain pistol then and there charged and  
loaded with gunpowder and one leaden bullet, which said pistol the said *John*  
*Parrott* in *his* right hand then and there had and held,  
to, at, against, and upon the said *Mary Petrusday* —  
then and there feloniously, wilfully, and of *his* malice aforethought, did shoot off and  
discharge, and the said *John Parrott*, —  
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, *near* the said  
*Mary Petrusday* in and upon the *head* of *her*  
the said *Mary Petrusday*, then and there feloniously, wilfully, and of  
*his* malice aforethought, did strike, penetrate and wound, giving to *her*  
the said *Mary Petrusday*, then and there, with the leaden bullet  
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

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said John Peroff in and upon the head of  
the said Mary Petrusky, one mortal wound of the breadth of  
one inch, and of the depth of six inches, of which said mortal wound she the  
said Mary Petrusky, at the City and County aforesaid,  
~~from the said~~ ~~day of~~ ~~in the~~  
~~year aforesaid, until the~~ ~~day of~~ ~~in the same year~~  
~~aforesaid, did languish, and languishing did live, on which said~~  
~~day of~~ ~~in the year aforesaid, the said~~  
~~at the City and County aforesaid, of the said mortal wound did die.~~  
then and there died.

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

John Peroff, her, \_\_\_\_\_

the said Mary Petrusky, in the manner and form, and by  
the means aforesaid, wilfully, feloniously, and of his 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.

#### SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse  
the said John Peroff \_\_\_\_\_

of the same CRIME OF Murder in the First Degree, committed as follows:

The said John Peroff, \_\_\_\_\_

late of the City and County aforesaid, afterwards, to wit: on the said twenty second  
day of January in the year of our Lord one thousand eight hundred and  
eighty nine, at the City and County aforesaid, with force and arms, in and upon the  
said Mary Petrusky, in the peace of the said People then and there  
being, wilfully, feloniously, and with a deliberate and premeditated design to effect  
the death of the said Mary Petrusky, did make an assault, and the said



John Corbett, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said John Corbett in his right hand then and there had and held to, at, against, and upon the said Mary Petrusday, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Mary Petrusday did shoot off and discharge, and the said John Corbett, — 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, then the said Mary Petrusday in and upon the head of her the said Mary Petrusday, then and there feloniously, wilfully, and with a deliberate and premeditated design to effect the death of the said Mary Petrusday, did strike, penetrate, and wound, giving to her the said Mary Petrusday, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the said John Corbett, in and upon the — head of the said Mary Petrusday, one mortal wound of the breadth of one inch, and of the depth of six inches, of which said mortal wound — the said Mary Petrusday at the City and County aforesaid, from the said — day of — in the year aforesaid, until the — day of — in the same year aforesaid, did languish, and languishing did live, on which said day of — in the year aforesaid, the said — at the City and County aforesaid, of the said mortal wound did die. Then and there died.

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

John Corbett, then, — the said Mary Petrusday in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of the said Mary Petrusday did kill, and murder, against the form of the Statute in such made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

1387

**BOX:**

389

**FOLDER:**

3631

**DESCRIPTION:**

Power, Robert F.

**DATE:**

03/07/90



3631



1300

POOR QUALITY  
ORIGINAL

41  
Counsel,

Filed

day

1880

Pleads,

THE PEOPLE

vs.

Robert D. Power

Grand Larceny, Second Degree.

(From the Person.)

[Sections 528, 531, Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Rhind

Foreman.

March 7/80  
Plead  
Elmer Ref.



1389

POOR QUALITY  
ORIGINAL

1605008

Mania Boyle

41  
Counsel,

Filed

day

1889

Pleads,

THE PEOPLE

vs.

Robert D. Power

Grand Larceny, Second Degree.

(From the Person.)

[Sections 528, 537, — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

John R. Rhind

Foreman.

March 7/90  
Plead 2 deg  
Edward

1390

Police Court

District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Mamie Boyle

of No. 110 Paris Avenue, Livingston Street, aged 24 years,  
occupation Bookbinder being duly sworndeposes and says, that on the 1<sup>st</sup> day of March 1890 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession and

possession of deponent, in the day time, the following property, viz:

One pocket book containing gold and lawful  
money of the issue of the United States  
consisting of one Bill of the value of five dollars  
and silver and nickel coin of the value of  
Eighty two cents  
Said property being in all of the value of  
Six dollars

\$6.<sup>00</sup>/<sub>100</sub>

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 Robert F. Powers (now here)

From the fact that deponent was  
standing on Greenwich Street near  
Laurel Street when deponent had  
said pocket book containing said  
money in her hand when said  
defendant came up to deponent  
snatched said pocket book from  
deponent's hand and ran away with  
the same. Deponent gave an alarm  
and pursued said defendant who  
was caught by Philip Robinson an  
officer of the 2nd Precinct Police with the  
pocket book in his possession.

—Mamie Boyle.

Sworn to before me this 1<sup>st</sup> day of March 1890of New York  
Police Justice.



1391

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Robert F. Power* 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 F. Power*

Question. How old are you?

Answer.

*25 years*

Question. Where were you born?

Answer.

*Pittsburgh Penn.*

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

Answer.

*in Courtland Prison 1 week*

Question. What is your business or profession?

Answer.

*Labourer*

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

Answer.

*I am guilty*

*Robert F. Power*

Taken before me this

day of *March* 1905

Police Justice.



1392

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 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 March 2 1890 W. J. McMahon Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.

1393

Police Court---

355 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Mamie Boyle*

vs.

*Robert F. Power*

1  
2  
3  
4

*Offence Larceny from Person*

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated *March 2* 18*90*

*McEvahan* Magistrate.

*Philip Fitzgibbon* Officer.

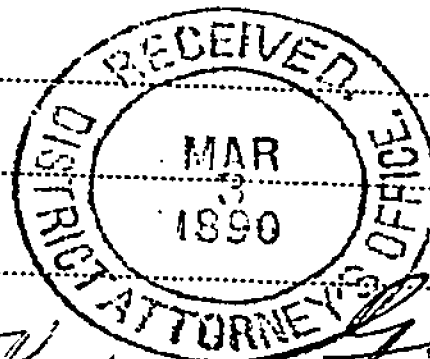
*2nd* Precinct.

Witnesses \_\_\_\_\_  
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer



*Corn*



1394

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 F. Power

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

Robert F. Power  
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Robert F. Power

late of the City of New York, in the County of New York aforesaid, on the first  
day of March in the year of our Lord one thousand eight hundred and  
~~eighty-ninety~~ ninety, in the day time of the said day, at the City and County  
aforesaid, with force and arms,

one promissory note for the payment of money, of the kind commonly called United  
States Treasury Notes, of the denomination and value of five dollars; one  
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-  
nomination and value of five dollars; one United States Gold Certificate,  
of the denomination and value of five dollars; one United States  
Silver Certificate, of the denomination and value of five dollars;

divers coins, of a number, kind and  
denomination to the Grand Jury afore-  
said unknown, of the value of  
eighty-two cents, and one pocketbook  
of the value of twenty-five cents

of the goods, chattels and personal property of one Marnie Boyle  
on the person of the said Marnie Boyle  
then and there being found, from the person of the said Marnie Boyle  
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.

John R. Fellows,  
District Attorney.



1395

END OF  
BOX