

0708

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Wagner, Ernst

**DATE:**

03/13/91



3988

0709

**BOX:**

432

**FOLDER:**

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**DESCRIPTION:**

Holtz, August

**DATE:**

03/13/91



3988

0710

**BOX:**

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**FOLDER:**

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**DESCRIPTION:**

Meyer, Jacob

**DATE:**

03/13/91



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0711

**BOX:**

432

**FOLDER:**

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**DESCRIPTION:**

Strauss, Sigismund

**DATE:**

03/13/91



3988



0712

Witnesses:

Bernard Edelstein

No. 1 + 3 John Fennell  
Counsel, 19 Ave. A  
Filed 13 day of March 1891  
Pleads, Nos. 1, 3, & 4 Plead not guilty (6)

THE PEOPLE

No. 1 - Ernst Wagner  
August Hertz  
Jacob Meyer  
No. 2 -  
No. 3 -  
No. 4 -  
No. 5 -  
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No. 99 -  
No. 100 -

In report of Mr. Duns

to which is enclosed

I recommend that

these individuals be

discontinued.

at New York

city

Oct 16/1891

Compromising the Convention  
[Sec. 168 & 1553, Penal Code]

LANCEY NICOLL,  
JOHN R. FELLOWS

Part 3, No. 1641 - District Attorney.  
No. 1, 3, 4 arrived & unaccounted.

2nd Monday of Oct 91, 1891

TRUE BILL.

Alfred J. [Signature]

Foreman.  
Part 3 - October 16/91  
Indictments dismissed

STATEMENT.

Bernard Edelstein, 1519 Third Avenue. I conduct a bakery at the above number. Sometime last April, a driver of the wagon of the Atlantic Yeast Co. came into my store. I was at that time using the Vienna Compressed Yeast. He said I come from the Atlantic Yeast Co., and here is a sample of our yeast, price twenty-five cents a pound, asked me to try some. I said, do you want to introduce a new article in the market, it ought to be cheaper than anybody else, or have better goods; the goods I am using I am well satisfied with. He said: "What are you going to do in case your foreman wont use any other yeast than ours?" I told him I should look for somebody that would use it. He left and went out. I paid him for the sample. I had seen this man before, he used to work for me as a second hand on bread. I dont know his name now but can find him. I tried the yeast but it didn't suit me. On the evening of the same day when my men came around to work, I asked them if anybody had spoken to them about using any other yeast than <sup>Vienna Compressed Yeast</sup> Atlantic yeast, they said, no.

About two weeks after this my foreman, Chris. Leber, came to me and told me that the Atlantic Yeast was being used everywhere and was a very good yeast, and would be better if we would use it and would not get into any trouble with the union. I told my foreman that they way those people wanted to get their yeast in the market, was no business way; I would not like to deal with such men. I made inquiries about the Atlantic Yeast in many places, and everywhere I was told that it was no good; people

2.

had the yeast and gave it up again. About the middle of May, the same foreman commenced to force me to take the yeast. He complained of everything; said this and that was not satisfactory; and one day when he went to clean out the oven I heard him say that he would like to bake all the Jews up stairs in that oven. He had been working for me for two years. On a Saturday in the latter part of May the foreman and all the workmen except one left me. The one who remained was Charles Grafenecker, of 167 E. 85th St. I made him foreman, he is now a driver for the Atlantic Yeast Co. I got new hands and everything went along smoothly until about July. About the middle of July, a committee claiming to represent the Confectioners Union No. 7, and Bakers Union No. 92, came to my store, and asked why I didn't use the Atlantic Yeast; you have a union bakery and we want you to use the Atlantic Yeast, and, in case you don't use it, we will take every man out of your shop. I told him I didn't use the Atlantic Yeast for two reasons: in the first place I didn't like their way of doing business, forcing the bakers to take their yeast through the union, and, second, the yeast was no good. The committee said the yeast was good. I asked them why I should not use the yeast I was using now. They said that yeast is Fleishman's Yeast, and that was boycotted. I told them I was not using Fleishman's Yeast, but was using the Vienna Compresses Yeast, and in case they had anything against Fleishman, why didn't they go against Fleishman himself; he sells more bread in a day than I do in six months; ninety per cent of the bread sold by Fleishman is

3)

is eaten by the working man, why don't you fight him. That committee left, and about a couple of weeks later another committee came up. The second committee was composed of one Gaston, Secretary of Confectioners Union No. 7, and the head driver of the Atlantic Yeast Co.. They came around and wanted me to use the yeast. They said if you don't use the yeast you will get into lots of trouble. I said what have you got to do with it; who sent you up here. I asked them if they were doing this for love sake to the Atlantic Yeast Co. I told them that they were getting a good salary and commission from the Atlantic Yeast Co. for getting their yeast in the market. They said that they had nothing to with the Atlantic Yeast Co, that they were paying their own expenses; they were doing that only because the Atlantic Yeast Co. was the only union yeast in New York. I told him that I knew better than that; that the yeast I was using is just as good union yeast as the other, and it is only a matter of money making; I am satisfied with my yeast and am going to use it.

On or about the 13th of August, my men spoiled my yeast and my goods. They called me down stairs, and showed me the condition of the yeast and goods, and I sent one of them out to get some more yeast. I sent Jacob Meyer and Ernest Wagner. Wagner came back with some Atlantic Yeast. The next morning I saw Wagner and he told me that Mundorf wanted me to go to his place and see what excellent bread Atlantic Yeast made. I told him I knew all about Atlantic Yeast, and didn't want to know any more about it.

4.

M.J.Nathan, General Manager of the Atlantic Yeast Co., came into my place half-dozen times before the strike, in October, and asked me to take the yeast. A few days before the strike he called and said he wanted me to use the yeast. I told him I would not do it because I didn't like their way of doing business, and didn't like their yeast, and, at that time he told me that he would give me a chance to make money by giving me yeast cheaper than anybody else. He went away and said he would call again.

After Nathan left this time, I had several talks with Wagner and the rest of my workmen. The workmen were - Ernest Wagner, Jacob Meyer, Charles Grafnecker, John Strouss and another man called Joe. Wagner said that the majority of bakers were using the union yeast, and are satisfied with it, and that the bakery 1953 Third Avenue was using it altogether. I asked him why did they press me so hard to use the yeast. They said, you are just the one to have the yeast first, and if I used the yeast, they would make the others as well. I told them that there were bakers using more yeast than I, and they should try somebody else with that scheme.

On the 15th of October, about twenty minutes past five in the evening. I come down to the store. I saw two men standing around in the store. They come up to me and represented themselves as a committee of the Confectioners and Bakers Union. I know one of the men as August Holtze. He says, "Mr. Eidlestein, are you going to use the Atlantic Yeast or not." I says, "no sir". He says, "I

5.

declare a strike in your place; I take all the men out!" He said if I wanted to see any of my men I could find them in 88th Street. He asked me if I wanted to know the address in 88th Street. I said no sir. They then went out. Holtze at this time ordered all my men to strike, and my men didn't come to the shop to attend to their work, and my sponge was ruined, I had to throw it away. I advertised for new workmen. On the next morning the representatives of this union were stationed along the Avenue, as I suppose to keep men from getting to my shop for employment, and Wagner and Grafnecker were upon the Elevated station at 84th Street, for the same purpose. They were driven away from there by the policeman whom I know by sight. The next morning I went for my foreman Grafnecker, in order to prevent getting into trouble with the union. He came to my private rooms. I says Charley, what is the reason you strike, didn't I tell you that time that I engaged you that you have nothing to do with my business so long as I treat you right and pay your wages. He says, I know I am wrong, only, he says, I can't help myself; I am pushed in it; I am forced to do so. I asked him if those men were going to support your family if you are out of work. He says, partly, I am sorry I ever belonged to the union; I shall get out now.

On the 16th of October Ernest Wagner and Jacob Meyer came to Mrs. Edelstein and demanded pay for a day's work, she refused to give it on the ground that they hadn't earned it; and Wagner said: "Never mind, we will fix you

6.

and your little Bidlesteins; we shall ruin your business."

On the 18th of October in the evening, the janitor of a flat in 86th Street brought me a circular, which is similar to the circular marked "A". Later in the same evening there was a shower of circulars from the Elevated Road, on the sidewalk in front of my place and in my store. I read the circulars, and they were similar to the one given me by the janitor. Sigmund Strouse, took the circulars to my customers. Seen by Ward and two other witnesses distributing them.

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7.

STATEMENT.

Lewis Simons, 438 E. 86th Street. On the day of the strike my foreman told me that there was to be a meeting of the Union on 88th Street near Third Avenue. He told me to be there about half-past four. I went there with my men that I worked with, Herman Elwirding. When we got there Charles Grafnecker was there, then come Jacob Meyer, Ernest Wagner and August Holtz, the man who declared the strike, and three others. There were eleven altogether. We held a meeting there. August Holtz presided. Ernest Wagner spoke first. He said that he would not go to work as long as they used that yeast; to let the sponge go to hell. He asked Mr. Elwirding if he was willing to go to work on that yeast. He said he had nothing to do with the yeast. He then asked me if I was willing to go on a strike. I told him I had nothing to do with it; I work with my men; if they go I go. Then others were asked if they would strike. While Holtz was acting as President, Wagner proposed that a committee of two go around and see Edelman to see if he was willing to use the Atlantic Yeast. This motion was carried by ballot; seven in favor and five against. This committee was composed of Holtz and another man whose name I don't know. They went and we waited for them to come back. They came back in about a quarter of an hour. August Holtz declared a strike, and said: "Do not go to work men, Mr. Edelman refuses to use the yeast." And Ernest Wagner says: "Let the sponge go to hell."

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8.

STATEMENT.

John Krose, 1519 Third Avenue. It was in the bakery, the three of us together, Ernest Wagner, Charles Grafnecker and Jacob Meyer. The three of them told me to go there, half-past two o'clock; there will be a bakers parade; it will be nice to see it. When I arrived there, the same three was there, there was also several others there. I talked with Simon there. The first to speak was Ernest Wagner. He said that the yeast we are working is bad. I was given a piece of paper and asked if I wanted to go on strike. I said no, and didn't accept the paper. I held the paper in my hands. Ernest Wagner took the paper and tore it and put it on the table, and said I wanted to go on the strike, he spoke for me. Wagner was sitting opposite me and one was sitting next to me. I said to the man next me I would not go on a strike. They invited me to drink. Wagner ordered beer, and I took a glass of beer. Wagner then said that two men should be sent to Edelstein's. It was decided, and tell him if he will not use the union yeast, that they will not work. Then they said in English: It is five minutes to five; the sponge is ready, let it go to hell. At that time I had about three glasses of beer. I remained sitting there. They were talking to each other. I didn't hear what they were saying. I said then to Ernest Wagner that I wanted to go home to sleep to the baker shop. He said, you remain here; when I go home you will sleep in my home. The next day the foreman Grafnecker, we met in the Union office, 74th Street and Second Avenue. We met there. Grafnecker said that he knew a place

**POOR QUALITY  
ORIGINAL**

0721

9.

where I would be well satisfied to work. When we met

there at ten o'clock, in the Union office, Ernest Wagner said that if I go back to work in the same place, that he will beat me. I went away from there and didn't talk any more about it. I was sitting there about six o'clock with Jacob Meyer, and Wagner says; "say John, bomb, and dynamite, and everything will be destroyed."

THE PEOPLE OF THE STATE OF  
NEW YORK

against

Baker & Co.

Statement  
of  
Appraiser  
De laury & Co.

JOHN T. FELLOWS,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY

City and County of New York

John Maues - 19 years of age by  
occupation Baker - residing at 1519 Third  
Avenue in the City of New York - being  
duly sworn - deposes and says:

I remember the 15<sup>th</sup> day of October 1890 - I  
was at that time in Edelsteins employ.

The day before viz the 14<sup>th</sup> In About 6 am  
Meyer and Wagner told me to tell the girl  
to wake me up at 3 p. m. - and that I  
was to be at a saloon on 88<sup>th</sup> St near Third  
Avenue at 3 p. m. and not to tell anyone  
as "they Bakers are going to have a parade,  
come to the saloon, & you will see something  
nice -" Both told me this - i.e. Meyer  
and Wagner.

I went to the Saloon. there I saw a lot  
of bakers - the defendants Meyer and Wagner  
& Holz, and Simon were there.

Holz went out. Holz went to Edelsteins  
Bakery. he said was going there - Holz  
came back shortly and told all present -  
(Meyer & Wagner & <sup>Simon</sup> I were among the present)  
that he had to see Edelstein, the Edelstein  
had refused to use the Atlantic yeast.  
~~and that~~ and Holz and all present and they

would strike the shop viz Edelstein's. As before  
Holt had left the saloon - Magnus Holm and  
Meyer - being present Wagner said  
pulling out his watch, now the sponge  
is ready - and unless Edelstein  
agrees to ~~transfer~~ use Atlantic Coast  
we will let the sponge go to hell,

At about six o'clock P.M.  
of that day, said Wagner suggest-  
ed that I should place a  
package of dynamite in Edelstein's  
shop and ignite the same, in order  
that the store and its contents  
might be destroyed.

He also threatened that in  
the event of my working for  
Edelstein, he and others of his  
friends would give me, as he  
termed it, a "damned bad  
licking".

Yours Truly

Sworn to before me  
this 23<sup>rd</sup> day of January, 1891.

Reynold J. Durant.

Commissioner of Deeds,  
N.Y.C. & Co.

POOR QUALITY  
ORIGINAL

0725

CITY AND COUNTY OF NEW YORK, SS.

In the Name of the People of the State of New York, To any peace officer in this State:

An indictment having been found on the 13<sup>th</sup> day of March 1891, in the Court of General Sessions of the Peace of the City and County of New York, charging Jacob Meyer

with the crime of Conspiracy and Coercion

~~You are therefore Commanded~~ forthwith to arrest the above named Jacob Meyer and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York, or if he require it, that you take him before any Magistrate in that County, or in the County in which you arrest him, that he may give bail to answer the indictment.

City of New York, the 13<sup>th</sup> day of March 1891

By order of the Court,

Dehaeney M. M. M.  
District Attorney.

POOR QUALITY  
ORIGINAL

0726

N. Y. General Sessions of the Peace.

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Jacob Meyer*  
*434 E 72nd St*

Beach Warrant for Misdemeanor.

DE LANCEY NICOLL,  
Rancho ~~San Mateo~~ *San Mateo* line,  
District Attorney.

Issued *March 13th* 1897

*March 16th* 1897

The within named defendant was  
arrested this day and brought to the  
Court of General Sessions by

*Arthur Von Herold & Frank*

POOR QUALITY  
ORIGINAL

0727

CITY AND COUNTY OF NEW YORK, ss.

In the Name of the People of the State of New York, To any peace officer in this State :

An indictment having been found on the 13<sup>th</sup> day of March 1891, in the Court of General Sessions of the Peace of the City and County of New York, charging Sigismund Strauss

with the crime of Conspiracy and Coercion

You are therefore **Commanded** forthwith to arrest the above named Sigismund Strauss and bring him before that Court to answer the indictment ; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York, or if he require it, that you take him before any Magistrate in that County, or in the County in which you arrest him, that he may give bail to answer the indictment.

City of New York, the 13<sup>th</sup> day of March 1891

By order of the Court,

DeLaney McCall  
District Attorney.



POOR QUALITY  
ORIGINAL

0728

N. Y. General Sessions of the Peace.

THE PEOPLE  
OF THE STATE OF NEW YORK,  
against

*Sigismund Strauss*

Bench Warrant for Misdemeanor.

DE LANCEY NICOLL,  
~~Randolph B. Nicoll~~ Martine,  
District Attorney.

Issued *March 13<sup>th</sup>* 1891

*March 16* 1891 /  
The within named defendant was  
arrested this day and brought to the  
Court of General Sessions by

*Ruth Van Dusen Frazer*

POOR QUALITY  
ORIGINAL

0729

CITY AND COUNTY OF NEW YORK, SS.

In the Name of the People of the State of New York, To any peace officer in this State:

An indictment having been found on the 13<sup>th</sup> day of March 1891, in the Court of General Sessions of the Peace of the City and County of New York, charging Ernst Wagner

with the crime of Conspiracy and Coercion

Ernst Wagner You are therefore Commanded forthwith to arrest the above named Ernst Wagner and bring him before that Court to answer the indictment; or if the Court have adjourned for the term, that you deliver him into the custody of the Keeper of the City Prison of the City of New York, or if he require it, that you take him before any Magistrate in that County, or in the County in which you arrest him, that he may give bail to answer the indictment.

City of New York, the 13<sup>th</sup> day of March 1891

By order of the Court,

Dehany Mow  
District Attorney.

POOR QUALITY  
ORIGINAL

0730

N. Y. General Sessions of the Peace.

THE PEOPLE  
OF THE STATE OF NEW YORK,

against

*Ernst Wagner*  
*434 E 7th St*

Bench Warrant for Misdemeanor.

DE LANCEY NICOLL,  
Randolph B. Martine,  
District Attorney.

Issued *March 13th* 1891

*Mar 16* 1891

The within named defendant was  
arrested this day and brought to the  
Court of General Sessions by

*Ruby Bow Kerschlake*

744 Broadway  
N.Y. February 12, 1891

Hon. Delancy McColl  
District Attorney.  
N.Y. City

Honored Sir:

Mr. [unclear] requests me to present to you the evidence, facts and circumstances of the shameful treatment and the disgraceful and illegal methods employed by a so-called "Labor Union" that is not recog-  
nized by the Central Labor Union or the Knights of Labor or the "American Federation of Trade".

They have made a conspiracy with an Yeast Company which does business under two names viz "Atlantic Yeast Company" and "New Haven Yeast Company".

This Yeast Company has controlled the so-called men to force their goods on the bakers of this City under a threat of "boycott" and they force fraud and intimidation; and in many instances have succeeded in oppressing the timid bakers of this City.

These circulars were not only distributed on the street, but in every house in the 19th Ward

Bernhard Edelstein is a ruined man his business having been broken up

See  
Extract from  
N.Y. Labor Herald

See circular  
distributed in  
front of Mr Edelstein's  
store, marked  
Exhibit A

because of this conspiracy

This is not a strike in the interest of labor but is a fraud upon labor and in the interest of the "Atlantic Yeast Company" and for the private gain of a few so-called working-men

The prosecution and conviction of these men is in the interest of labor Unions and honest workingmen — members of organized labor

I can furnish you the evidence of persons present at the conspiracy meeting.

Also persons who can identify the persons who distributed the circulars on a public thoroughfare.

Also evidence as to <sup>wife</sup> destruction of property of complainant.

Also evidence of persons preventing men from working for complainant and interfering with his business.

Also evidence as to threats and intimidation.

In my opinion the case is complete and the evidence sufficient to convict in the interest of justice and such conviction will be in the interest of and will benefit genuine organized labor.

Bernhard Edelstein and his family demand it.

The Central Labor Union demand it.

The Bakers and Merchants demand it.

The Knights of Labor demand it.

Master Theodore  
" vs Walsh  
People vs Fisher  
" " Powell  
" vs Squire  
" vs Matthe  
Sec. 168 Penal  
Code

POOR QUALITY  
ORIGINAL

0733

Justice and fair play demand it.  
The American Federation of Trades  
demands it

Respectfully  
Your obedient servant  
Max Beyerndorfer

People vs Meyer et al.

These defendants were indicted on a charge of Conspiracy & Coercion March 12/91.

The Complainant is B. Edelstein, & by written communication to the District Attorney, through his Counsel Mr. Bayersdorfer he has asked for the dismissal of the indictment against these defendants.

The People's evidence shows that the acts complained of were committed at the instigation of the Atlantic Coast Co. which apparently had great influence over the union to which the defendants belonged. That Coast Company has since gone out of existence, & these defendants are left to suffer alone for acts originally inspired by the Company.

The defendants are journeyman bakers and are poor. Moreover they all bear good characters, & the complainant has no desire to prosecute them further.

Under the circumstances I believe no good end would be attained by pressing the prosecution further.

Oct 15<sup>th</sup> 1891

Respectfully submitted

Vernon M. Davis  
Asst

Hon De Laurence Nicoll.  
District Attorney

People

07

Ernest Wagner, August

Holtz, Jacob Meyers

Aug. Strauss.

Report

Motors

cost

Oct 17/91



State of New York }  
City & County of New York } ss.

Alice G. Edelstein, <sup>being duly sworn says.</sup> wife of Bernhard Edelstein; ~~says~~ that on or about October 29, 1890 between seven and eight ~~o'clock~~ <sup>in the evening</sup>, Sigismund Strauss, threw in the doorway of the store of said B. Edelstein No 1519, 3<sup>d</sup> Avenue, a quantity of circulars - about one hundred and fifty and they were scattered all about the doorway and in front of said building.

I am sure it was Sigismund Strauss, who threw the circulars, because he had been working in the bakery 1519 3<sup>d</sup> Avenue for over one year and I had seen him every day while he was so employed in said Bakery and I positively recognized him.

I further say that I was in the store 1519 3<sup>d</sup> Avenue between one and two o'clock P.M. of Thursday October 16, 1890 when Ernst Wagner came to me and said "I want to get my money for two days work and I answered "you are engaged by the week and left on your own account and spoiled the stuff"; he, Wagner, held out his index finger of his right hand, saying "You and your little husband, Edelstein! We will ruin your business! You need not hold your head so high! You will feel sorry for not doing what we wanted you to do! We will fix you! We will ruin

you and your business! You will be astonished at what we are about to do against you!

On the 17<sup>th</sup> day of October 1890 about six P.M. Ernst Wagner and Jacob Meyer called on me and ~~in the presence of my~~<sup>my</sup> husband and said in my presence to my husband B. Edelman "We will get even with you"

On the 16<sup>th</sup> day of October 1890 between ten and eleven o'clock one Frank Tauspe who is employed as a cake baker at Kuhns's Bakery on 3<sup>d</sup> Avenue between 73<sup>d</sup> and 74<sup>th</sup> streets called on me and said "I call on you as a friend, I am a member of the Baker's Union but they do not know that I call on you, I advise you to take 'Atlantic Yeast', why don't you use it; that will save you a great deal of trouble."

I said "what kind of trouble can they give,? the strike is there what more can they do? They may boycott us but they did the same thing by Lehman as I have heard, and I think it was a good advertisement"

He, Tauspe, said "the Unions had had had a meeting last night (Oct 16/90) and had agreed upon what to do to you; that no one could form an idea of what new means they had to force and boycott—

new ideas that will greatly astonish  
you; You will be ~~astounded~~ surprised;  
they will know that a plain boycott  
will not do you much harm and  
have therefore adopted new ideas

I asked him to tell me what would  
be done to us and he refused to tell me  
and I told him we intended to be our  
own boss and would not take "atlan-  
tic yeast" by force

State of New York }  
City & County of New York }

Barbara Stein being duly sworn says. I am employed in the Bakery store of B. Edelstein at 1519 3<sup>d</sup> Avenue in the City of New York.

On Saturday October 25, 1890 I was in the grocery store next door No 1517 3<sup>d</sup> Avenue about seven o'clock P.M. I then saw Sigismund Strauss take from beneath his coat a handful of circulars and throw the same on the sidewalk, scattering them in front of the grocery 1517 3<sup>d</sup> Avenue, and then run toward 85<sup>th</sup> Street.

I have seen the photograph of Sigismund Strauss and know that he is the same person who threw and scattered said circulars on said October 25, 1890

Matter of Edelstein  
State of New York }  
City & County of New York } as Louis Simon being duly sworn says

My name is Louis Simon & reside at 438 E. 86<sup>th</sup> St. N.Y. City. I am a baker & have been for past seven years up to the time of the "strike" at Edelstein's Bakery 1519 3<sup>rd</sup> Ave. I was a member of Bakers & Confectioners Union No 7. I was a cake baker. I refused to join in the "strike" because I believed the cause of the "strike" was unjust & uncalled for and no reason existed for a "strike" at Edelstein's place where I had been working for over three years and nine months.

The bakery of Edelstein was always kept clean, properly ventilated and the best materials known to the trade were used in the manufacture of his goods.

The circulars distributed by <sup>Ernst</sup> Wagner. I picked up when he threw the same from the platform of <sup>one of the</sup> Elevated Railroad Station in front of said Edelstein's place at 1519 3<sup>rd</sup> Ave on November 14, 1890. at about 3 o'clock P.M.

That such circular contained falsehoods, which he, - Wagner - well knew to be false.

That on Wednesday the 15<sup>th</sup> day of October 1890. My foreman on that date told me that the Bakers employed at Edelstein's Bakery would meet on account of the "Yeast" at 88<sup>th</sup> Street

near 3<sup>d</sup> Ave. at three o'clock in the afternoon of that day. I went there and found there Jacob Meyer & John Krauss. afterwards Ernest Wagner came in and subsequently Charles Graefenecker came in ~~then August Holtz~~ all of whom were then employees of Edelsteins bakery; then came in August Holtz and two strangers whom I did not know.

Ernest Wagner then stated that he would not go to work on "that yeast" & that Edelstein must use "Atlantic Yeast" otherwise he would not go to work; then August Holtz addressed my Herman Elberding asked him "are you willing to go on a strike" Herman Elberding answered saying "I have nothing at all to do with that yeast."

August Holtz asked me "are you willing to go on a strike" & I answered that I was willing to do what my friends

Ernest Wagner told August Holtz & one of the strangers to go to Edelstein's bakery & see him for the last time & to ask him if he would use "Atlantic Yeast" & to say to him that if he did not promise to use "Atlantic Yeast" his men would go on a strike. Previous to this Ernest

Wagner had said that unless Edelstein would promise to use Atlantic Yeast "today" they would leave the "sponge" go to hell.

After Holtz came back he said Edelstein <sup>had</sup> refused to use Atlantic Yeast & that he had told Mr Edelstein that he declared a strike in the shop.

Ernst Wagner then pulled out his match & said "now the 'sponge' is ready unless we will let it go to hell" and then upon the proposition of one of the strangers a ballot was taken as to how many would sustain the strike & not go to work & how many would not sustain the strike & go to work as formerly. — the ballot resulted seven to five in favor of striking.

Ernst Wagner took the ballot of John Krauss who voiced a desire not to ballot and wrote upon his ballot "yes".

John Krauss told Wagner that he wanted to go to Edelstein's where he worked & go to bed as he could not work, the sponge being spoiled, where upon Wagner told him that if he went down there he — Wagner, would like him and told him to go to his — Wagner's residence.

Wagner told the boy Krauss. "I will go."

some dynamite & you put in the place  
it in Edelstein's place & we will ~~the~~  
~~destroy~~ blow the damn place up.

After the strike was commenced I  
met Wagner who beckoned to me & I refused  
to speak to him.

From before me } *Lucius*  
Mch 7. 1891 } *Simmons*  
Mr J. McQuady  
Comm<sup>r</sup> of Deeds  
NY City & Co



State of New York } ss.  
City & County of New York }

Hugh Ward being duly sworn says I reside at 132 E. 86<sup>th</sup> Street in the City of New York and know Sigismund Strauss during the time he worked at the bakery of B. Edelstein.

I also worked at said bakery about the time of the strike at said bakery.

I saw said Sigismund Strauss have a bag inside of his coat and take therefrom the same kind of circulars as those referred to in the affidavit of Barbara Stein, with the number 1519 3<sup>rd</sup> Avenue on them and go into Nos 124 E. 86<sup>th</sup> Street and 127 E. 86<sup>th</sup> Street with such circulars and place them in the letter boxes provided in such buildings for the reception of the mail of the tenants of such buildings; and have also seen said Strauss hand & deliver some of the same circulars to the janitor in charge of No 131 East 86<sup>th</sup> Street.

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DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Bernhard Edelstein  
1519 3<sup>d</sup> ave

Ernest Wagner

August Holtz

Jacob Meyer

Sigismund Strauss

Dated March 12, 1891.

Witnesses, Alice J. Edelstein  
1519 3<sup>d</sup> ave

No. Barbara Fleiss Street,  
1519 3<sup>d</sup> ave

Sarah Simon  
438 E. 86 St

No. Hugh W. Ward Street,  
132 E. 86 St.

John Kravitz  
1519 3<sup>d</sup> ave

No. Anthony Morris Street,  
1521 3<sup>d</sup> ave



Court of General Sessions.  
The People vs.

vs.

August Holtz,  
Jacob Meyer, &  
Siegmund Strauss.

Hon Delaney Nichol.  
District Attorney.

Hon Sir

Mr B Edelstein desires  
me to inform you that  
the prosecution against  
the defendants herein,  
August Holtz, Jacob Meyer & Siegmund Strauss,  
shall, with your consent,  
be abandoned for the  
following reason, viz:-  
that the accused are  
poor working men - jour-  
neyman Bakers - who were  
induced to commit the  
acts complained of by  
the Atlantic Coast Co, which  
company coerced and induced  
them so to commit such  
acts for the purpose of  
introducing their goods

in Bakeries by threatening to report  
the defendants being members  
of a union which was  
in sympathy with said  
Yerkes Company. The New  
Atlantic Coast Company  
is now out of existence  
having given up business.

Mr Edleston therefore  
is not desirous that  
these poor men should  
now suffer or be  
punished, and in the  
interests of justice  
I now respectfully  
ask that the indict-  
ment against them  
be dismissed.

Your humble servant  
Max Bayendorfer  
attorney for  
B Edleston  
744 Broadway  
N.Y.C. N.Y.

October 10. 1891.

FOR QUALITY  
ORIGINAL

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Communication for  
Mr. Roosevelt

# Boycott for Boodle.

## A FRAUD EXPOSED.

### Bakers and Workingmen Aroused.

#### The Central Labor Union to the Rescue.

##### DISHONORABLE RENOUNCED.

On December 20, 1890, the following letter was sent to the Central Labor Union by Bernard Edelstein, of No. 1519 Third avenue, viz:

GENTLEMEN: I take the liberty to address you in order that you may fully understand that the good name of the Labor Union has been abused by the men who constitute themselves Confessioners' Union No. 7, and Bakers' Union No. 92, which are misnomers, and if your honorable body will take the trouble to appoint a committee to investigate the facts and circumstances of the so-called "strike" at my bakery, you will find that you are doing an act of justice both to organized labor and myself and show to the community that you will not tolerate a wrong and injustice, and protect the good name of your body.

Up to October 15 last I have always employed none but union members, and at highest paid wages, and nothing but union material, except that in my employment to join the union found that they were not members thereof and that, after employment, men who were were with me nearly two years.

They struck October 15, and they issued circulars which they know to be false and untrue—that I have and conducted an improper bakery—in order to injure my good name and business.

I charge that the same is absolutely false and untrue, and the same was and is done to compel me by false and malicious lies by fraud to organized labor, to intimidate and compel me to use the Atlantic Yeast, for reasons best known to themselves, and not in the interest of organized labor or the honest workmen.

Respectfully yours,

B. Edelstein.

The above communication was received by the Central Labor Union on Sunday, December 21, 1890, and they thereupon acted by appointing a committee to investigate the matter. On December 28, 1890, the committee reported back to the Central Labor Union, and that body received the report, which was adopted.

That Edelstein's bakery and bakeshop was as clean and as well-ventilated as such places usually are, that he uses proper material, that he had always employed union men, that he uses proper yeast, and that the fight to compel him to use certain kind of yeast was made because the union was paid twenty-five cents for every dollar's worth used.

The Central Labor Union further voted that the boycott was unjust and ill-advised, and recommended that all workmen act accordingly.

The action of the Central Labor Union has met with hearty approval of the entire press and public, and of the honest minded workmen, that their good name shall not be used in an unjust cause for private gains, and by dishonorable means to force a demand of any kind of merchandise.

Neither the Central Labor Union, nor the Knights of Labor, or the American Federation of Trades, have ever, directly or indirectly, boycotted Mr. Edelstein or his bakery, which is first to be taken into consideration of before the history of persecution against him shall be given, that the public may fully understand all the facts and circumstances; and Mr. Edelstein related to our representative the facts that the public and business community become protected by the exposure of the contemptible means used to compel him to use a certain kind of yeast.

About March last a driver of the Atlantic Yeast Company called at Edelstein's store and said that he should use the Atlantic Company's yeast, that his foreman would use no other, and that he would have trouble in his bakery if he used any other. He made inquiries concerning said yeast and found that the same would not suit him. Edelstein found that other bakers had used Atlantic yeast and were compelled to give it up.

About a few weeks afterwards Edelstein's foreman and man told him that unless he used the Atlantic Company's yeast there would be a strike in his shop. Edelstein refused to use the yeast and then thereafter the products of his bakery were spoiled, the men claiming it was caused by the yeast then in use. Edelstein found out that this claim was false and untrue and told the men so.

Then a committee from the Confessioners and Bakers' Union called on him and told him that unless he used the Atlantic Company's yeast he would have trouble; that his men would strike and that his business become ruined. One of the committee of three was a driver salesman for the Atlantic Company's yeast.

No other grievance was spoken of or any other demand made.

On October 15, 1890, August Holz asked Edelstein if he was going to use Atlantic yeast, and Edelstein refused. Thereupon Ernest Wagner and Jacob Meyer, who were employed by Edelstein and said Holz declared a strike, and Wagner, Meyer and Edelstein's men refused to work and prevented others from working, leaving a sponge to become sour and spoiled, and they caused to be issued false and malicious lying and scandalous circulars concerning Edelstein and his bakery, which were distributed on the public street and to his customers. Edelstein caused the arrest of Wagner, Holz and Meyer, and they were held to bail by Justice Welde on the charge of conspiracy.

New York *Volks Zeitung* and the *Bakers' Zeitung*, both having extensive advertisements of the Atlantic Yeast Company, published these false and scandalous statements concerning Edelstein and on December 6, 1890, a mass meeting was held denouncing Edelstein by the men and editors of the above named journals.

The hall where the mass meeting was held did not contain fifty (50) men, and the so-called parade before the meeting with all the influence of the Atlantic Yeast Company consisted of about twenty-five men.

At the meeting the subsidized men made speeches and endeavored to deceive the public and their fellows by a false cry and raised an issue that they well knew to be false and untrue in every particular, which was also done by the purpose of hoodwinking the honest workmen. And as there were several men addressing that meeting who were known as honest-minded and fair men they were also deceived and induced to make speeches against Edelstein in order to give the meeting an honest appearance.

As soon as the trouble arose Mr. Edelstein signed an agreement with the State Board of Mediation and Arbitration, leaving to that body full power to decide and when the Board of Mediation and Arbitration met to arbitrate the matters in difference—although having signed the agreement—they refused to appear.

Mr. Edelstein wants the public to understand and know that Confessioners' Union No. 7, and Bakers' Union No. 92, although sounding big in name, constitute but a few people, a handful of men, that are subsidized and organized in the interest of an yeast company for the purpose of private gains and by fraud, lies and intimidation, endeavor to compel the use of Atlantic Yeast by timid bakers.

And that they are therefore a disgrace to organized labor and it could be shunned by all honest workmen. Their acts have been countenanced by another handful of men—composed of socialists and anarchists—who have seceded from the Central Labor Union, and now call themselves the Central Labor Federation, and that the same have countenanced the action of Confessioners' Union No. 7 and Bakers' Union No. 92, either by their ignorance or by fraud. That some of its members well knew the state of affairs with boodle in their pockets and have succeeded in disgracing the members of the so-called Central Labor Federation.

That the issue and claim was a false one is proved by the non-approval of their acts by the Central Labor Union, Knights of Labor, American Federation of Trades, and condemned by them as well as by every honorable labor union.

Mr. Edelstein, who is a very poor man of a family, claims to be a friend of organized labor and has always upheld the same to the best of his humble ability and has made this fight in the interest of honesty and justice to the honest workmen and members of the Central Labor Union, and he is ready at all times to expose his acts in exposing this fraudulent and the dishonorable means employed by a dishonorable business concern to hoist their goods upon the public.

# SHAME.

## Workingmen, Read the Affidavit of the Widow of Herman Edelberding.

A communication dated December 31st, 1890, and appearing in the *New York Times*, to come to the attention of the workingmen of the city of New York, and to the attention of the public, is hereby published for the information of the public.

The letter was published in full in the subsidized press that also published extensive advertisements of the Atlantic Yeast Company of New Haven, Conn. Comments would seem unnecessary but it does appear that although a member in good standing of the so-called Confessioners' Union, his widow, after his death, did not receive one cent of benefit from the organization, nor did his two children, although they were in need nor did any member attend the funeral nor have called on his widow since.

On December 31, 1890, the date of the purported letter, Edelberding, suffering from depression of mind or insanity or something akin thereto, took poison (Paris green) and died from its effects on the next day—January 1, 1891.

How a man who must have suffered sufficiently mentally to inoculate himself with poison could write such a letter on the same day he suicided, as it is claimed by the writer, it is hard to understand. Is there any limit to the despatchment of such people as these?

Should they be allowed full sway or should they be restrained in their efforts to disorganize organized labor and bring upon the heads of respectable workingmen, having no regard for truth or persons, or respect for the dead?

City and County of New York, ss. Emma Edelberding, being duly sworn, says that she is the widow of Herman Edelberding and now resides at No. 57 and 59 Osgood avenue, Staten Island, New York.

That she has heard read the letter published in the *New York Times* and *Volks Zeitung* of the 10th of January, 1891, and that to-day was the first time she heard of the so-called letter of Confessioners' Union No. 7, and that she believes that said letter is either a forgery or obtained from her late husband on said December 31, 1890, when he was suffering from insanity and out of his right mind, acting strangely, and on that day took poison (Paris green) and died on January 1, 1891.

Deposition further says that she never heard him complain to her, or in her presence of any cause of complaint against his former employer, B. Edelstein, and I never heard him complain in any manner or speak of any of the matters and things in the so-called, or alleged letter contained. "It was in the era of Mr. Edelstein's bout with the months and he always spoke of Mr. Edelstein as a kind employer and was well satisfied with the position and was well paid and able to support his family. The cause of his rash act was due to the fact of his losing his business as a manufacturer of toys, when he and his partner failed in business, and the loss of a child thirteen years of age—Carl—and another child. Ever since he met with these troubles he has acted strangely and complained of headaches and at times went away—walked at random—and did not return home for days.

While these attacks lasted I am sure he was not able to compose or write a letter. On said day, December 31, 1890, he was unable to do so, and a member of the union or any other friend of his never saw him on that day, nor did two children since my husband died. Not a cent did I receive or have 'they' shown any kindness whatsoever; while Mr. Edelstein and my own friends helped him, besides the lodge of Knights of Honor and they buried him.

I believe the union manufactured the letter. Emma Edelberding. Sworn to before me this 14th day of January, 1891.

MAX BAYENSDORFER, Notary Public, N. Y. City and Co. I was present when this affidavit was signed and sworn to by Emma Edelberding.

WILLIE EDERBERG, FREDERICK SCHULZE, C. E. RIES.

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From the N.Y. Labor  
Herald of January  
19. 1891

## TO THE PUBLIC!

Through circumstances the undersigned organizations are compelled to call the attention of the public in general under what circumstances and in what miserable localities

**Benj. Edelstein,**

**No. 1519 THIRD AVE.,**

between 85th and 86th Street,

has his baking done and which are sold in his store to the public.

It is very unpleasant for us to bring these disclosures to the notice of the public, but in accordance with our conscience and principles we cannot leave these facts unknown any longer, because we would therefore become accessories to the crime which the above baker-boss commits every day. It is not our fault that such miserable conditions exist in this shop, for our members, as long as they were employed there, have done their utmost in the interest of themselves and the public to compel the baker-boss to change these conditions, but always without avail, as the avarice and meanness of Mr. Edelstein would not allow him to better them. Therefore our members, who were employed in this shop, were forced to quit, and deem it their duty to make the following known to the public:

1) Our members have refused to use such lard for the baking of bread, rolls, cake, &c., as Mr. Edelstein has lately furnished them with, for the articles for which this lard is used gave forth such a vapor that our eyes hurt and we could hardly breathe.

2) Since the bake-room has been in use it has never been thoroughly cleaned; the ceiling and walls look like a smoke-house and are filled with vermin. The open water closet, which is situated about seven feet from the bake-trough, also gives forth a most horrible stench.

3) The workmen, employed by day as well as by night, are also greatly bothered by the numerous rats. In the night from the 13th to the 14th of this month, five of these vermins were killed by a workman in self-defence.

4) Furthermore, there was such a poor quality of yeast used, that it was impossible to produce good goods, therefore the introduction of Atlantic Yeast, which is well-known to be the best, was insisted upon.

The above mentioned facts are not exaggerated, but are rather too mildly given, which we can prove by witnesses.

**The Committee**

**Of Confectioners' Union No. 7 & Bakers' Union No. 92.**

## An das Publikum!

Durch Umstände gezwungen, sehen die unterzeichneten Organisationen sich gezwungen, die Bewohner dieser Stadt darauf aufmerksam zu machen, unter welchen Umständen und in welcher Lokalität

**Benjamin Edelstein**

die Backwaaren herstellen läßt, die in seinem Store,

**No. 1519 Dritte Avenue,**

zwischen 85. & 86. Str.

an das Publikum verkauft werden. Es ist uns unangenehm im höchsten Grade, mit diesen Enthüllungen vor das Publikum zu treten, aber wir können es nicht länger mit unserem Gewissen und unseren Prinzipien in Einklang bringen, diese Thatsachen noch länger zu verschweigen, denn wir würden dadurch gewissermaßen zu Mitschuldigen an dem Verbrechen werden, welches der obengenannte Bäckerboß täglich begeht. Nicht unsere Schuld ist es, daß solche Mißwirtschaft in diesem Shop herrscht, denn unsere Mitglieder haben, so lange sie dort beschäftigt waren, stets in ihrem, sowie im Interesse des Publikums, diese Verhältnisse dem Boß unterbreitet, doch stets ohne Erfolg. Auch die Arbeiter, welche in diesem Shop arbeiten, gezwungen, die Arbeit aufzugeben und Folgendes dem Publikum zu unterbreiten:

1) Weigern unsere Mitglieder sich, eine solche Schutt-Lard, die Herr Edelstein in letzterer Zeit für die Herstellung von Brod, Rolls, Kuchen und Cafes lieferte, weiter zu verbachen, weil die Sachen, zu denen dieses Lard benutzt wurde, beim Backen einen solchen Dunst abgaben, daß uns die Augen schmerzten und das Athmen erschwert wurde.

2) Das sehr schlecht ventilirte Backhaus ist seit dessen Benutzung noch nie einer gründlichen Reinigung unterzogen worden, die Decke und Wände desselben gleichen denen einer Rauchkammer und wimmeln von Ungeziefer. Außerdem verpestet das offene Water Closet, welches sich circa 7 Fuß vom Backtrog entfernt befindet, die Luft in unbeschreiblichem Maasse.

3) Werden die Arbeiter, bei Tag sowohl wie bei Nacht, fortwährend von den sehr zahlreichen Ratten auf's Schlimmste belästigt. In der Nacht vom 13. — 14. dieses Monats wurden von einem Bäcker 5 solche Ungeziefer in Selbstvertheidigung erlegt.

4) Ferner wurde eine Sorte Hefe geliefert, mit welcher die Arbeiter nicht im Stande waren gute Waare herzustellen, weshalb die Einführung der Atlantic Yeast, die allgemein als gut bekannt ist, gefordert wurde.

Die oben angeführten Thatsachen sind eher zu milde geschildert, als übertrieben, und sind wir im Stande, dieselben durch Zeugen zu erhärten.

**Das Comite**

**der Confectioners-Union No. 7 und Bäcker-Union No. 92.**



Exhibit A

Distributed by

Ernest Wagner  
(one of the strikers)  
on Nov. 14, 1890  
on 3<sup>d</sup> ave in front of the  
store 74519

Similar circulars distrib-  
uted by — — name  
& dates to be given to you  
personally

The name of the printer of  
this circular is

John Behler  
No 23 Ferry St. N.Y. City

COURT OF GENERAL SESSIONS OF THE PEACE  
Of the City and County of New York.

-----X  
The People of the State of New York

Against

Ernst Wagner, August Holtz, Jacob  
Meyer and Sigismund Strauss

-----X  
THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK,  
by this indictment accuse Ernst Wagner, August Holtz,  
Jacob Meyer and Sigismund Strauss of the crime of con-  
spiracy, committed as follows:

The said Ernst Wagner, August Holtz, Jacob Meyer and  
Sigismund Strauss all late of the City and County of New  
York aforesaid, being evil disposed persons, together with  
divers other evil disposed persons whose names are to the  
Grand Jury aforesaid unknown, unlawfully, wickedly and  
maliciously designing and intending by force, threats and  
intimidation to prevent and hinder one Bernard Edelstein  
from using and exercising his lawful trade and calling  
as a baker, which he then and there used, exercised and  
carried on in a certain house and bakery there situate,  
having and employing in the carrying on of his said law-  
ful trade and calling divers journeymen and workmen in  
the said trade and calling, on the fourteenth day of  
October in the year of our Lord one thousand eight hundred  
and ninety, at the City and County aforesaid, unlawfully,

(2)

wickedly and maliciously did conspire, combine, confederate and agree together, between and amongst themselves, by force, threats and intimidation, to prevent and hinder him the said Bernard Edelstein from using and exercising his said lawful trade and calling.

And the said Ernst Wagner, August Holtz, Jacob Meyer and Sigismund Strauss, together with the said other evil-disposed persons, in pursuance and furtherance of and according to the said conspiracy, combination, ~~and~~ confederacy and agreement between and amongst themselves as aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully, wickedly and maliciously threaten the said Bernard Edelstein to cut off and entirely exclude him from all intercourse and dealings in the way of buying and selling, and to shun him at all times and in all places, and to subject him to annoyance, injury and loss in the pursuit of his said lawful trade and calling, and to entirely ruin and destroy the business of him the said Bernard Edelstein, unless he the said Bernard Edelstein would use in his said business and for the purposes thereof a certain yeast known as "Atlantic Yeast."

And the said Ernst Wagner, August Holtz, Jacob Meyer and Sigismund Strauss together with said other evil-disposed persons in the further pursuance and furtherance of and according to the said conspiracy, combination, confederacy and agreement between and amongst themselves as aforesaid, afterwards, to wit: on the day and in the year

(3)

aforesaid, at the City and County aforesaid, unlawfully, wickedly and maliciously, by watching and besetting the said house and bakery of the said Bernard Edelstein, and by divers threats, threatening notices, placards, hand-bills and printed circulars and also by solicitations, falsehoods and persuasions, did attempt and endeavor to intimidate the said Bernard Edelstein, and divers other persons whose names are to the Grand Jury aforesaid unknown, who were then desirous of trading and doing business with the said Bernard Edelstein, and did thereby attempt and endeavor to prevent and deter the said persons from so trading and doing business with him.

And the said Ernst Wagner, August Holtz, Jacob Meyer and Sigismund Strauss, <sup>Leather</sup> with the said other evil disposed persons, in the further pursuance and furtherance of and according to the said conspiracy, combination, confederacy and agreement between and amongst themselves as aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, unlawfully, wickedly and maliciously, by so watching and besetting the said house and bakery of the said Bernard Edelstein, and by the said threats, threatening notices, placards, hand-bills and printed circulars aforesaid, and by so attempting, endeavoring and intimidating the said Bernard Edelstein and the said persons being so desirous of trading and doing business with the said Bernard Edelstein, and to prevent and deter the said persons from so doing, and also by divers other threats and by intimidation and by other subtle and indirect means, and by divers devices and

(4)

stratagems and unjust and oppressive acts, did greatly harass, annoy, impede, embarrass and obstruct the said Bernard Edelstein in the use and exercise of his said lawful trade and calling, to wit: for the better carrying the said conspiracy, combination, confederacy and agreement into effect and execution; 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 Ernst Wagner, August Holtz, Jacob Meyer and Sigismund Strauss of the crime of coercion, committed as follows:

The said Ernst Wagner, August Holtz, Jacob Meyer and Sigismund Strauss all late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with a view to compelling the said Bernard Edelstein to use in his said lawful trade and calling and for the purposes thereof, *a certain yeast known as "Atlantic yeast"*, to wit: in the making of bread and other articles made by him in his said house and bakery, the same being an act which he the said Bernard Edelstein then had the legal right to do or abstain from doing at his own free will and pleasure, with force and arms, did unlawfully and wrongfully attempt the intimidation of him the said Bernard Edelstein by threats; against the form of the

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ORIGINAL

0757

(5)

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

DELANCEY NICOLL,

District Attorney.

0758

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Wah, Lee

**DATE:**

03/23/91



3988

0759

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Bill, Jim

**DATE:**

03/23/91



3988



0760

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Wing, Lee

**DATE:**

03/23/91



3988

POOR QUALITY  
ORIGINAL

0761

Witnesses:

*Officer*

Counsel,

Filed

day of

1891

Pleas,

THE PEOPLE

vs.

*See Wah*

*Jim Bill*

*See Wang*

*Edmund Nicoll*

District Attorney.

*Sept 2nd 1891*

A TRUE BILL.

*Filed*

*Wm. Nicoll*

Foreman.

*Sept 24/91*

*Chas. J. J.*

*Heard*

*Nov 178 Fine \$25*

*Manufacturing opium/record, etc*

*B*

*B*

*B*

*Wm. Nicoll*

*FOUR FIFTEENS*

POOR QUALITY  
ORIGINAL

0762

Police Court

2

District.

Affidavit—Larceny.

City and County } ss:  
of New York,

Charles Newland

of No. 22 Murray Street, aged 42 years,  
occupation Inspector Mutual Dist Messenger Co. being duly sworn,  
deposes and says, that on the 24 day of February 1891 at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in  
the day time, the following property, viz:

Twenty six dollars  
and fifty cents in good and  
lawful money of the United States  
\$26-50

the property of Mutual District Messenger  
Co. and then in deponent's custody

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 William Walker, now here.

The deponent was on said date  
a messenger boy employed by the  
Mutual District Messenger Co. and on  
said date he received from one  
James Crowley at the Victoria Hotel  
in the City of New York the cash for  
a check for  
Twenty six dollars and fifty cents  
thereby collected from the said Crowley

Subscribed to before me, this

1891

Police Justice.

by the defendant, as a messenger  
for said Company, to be paid  
to one Dr W. Walker at 103 West  
29th Street, in the city of New  
York, and the defendant did  
not pay over the said money as it  
was his duty to do, but feloniously  
appropriated the same to his own  
use.

Sworn to before me this

of

March 1899

A. J. W. W. W.

18765 J. W. W.

A. J. W. W.

0764

**CORRECTION**

0765

Witnesses:

*Officer Price*

Counsel,

Filed

Pleads,

1891

*23 March*

*W. H. H. H. H.*

THE PEOPLE

vs.

B

*See Wah*  
*Jim Bill*

*See Wang*

*William Nicoll*  
*JOHN H. H. H.*

District Attorney.

*John H. H. H.*  
*John H. H. H.*

A TRUE BILL.

*Filed*

*John H. H. H.*

Foreman.

*John H. H. H.*  
*John H. H. H.*

*John H. H. H.*

*John H. H. H.*

*Meaning of words, etc.*  
*[Section 338, Code]*

0766

Police Court, 1 District.City and County } ss.  
of New York,of No. 6<sup>th</sup> Precinctoccupation Police Officerthat on the 15<sup>th</sup> day of March

York, in the County of New York,

Street, aged \_\_\_\_\_ years,

being duly sworn, deposes and says,

1891, at the City of New

Lee Wah Jim Bill and Lee Wah  
all now here. charged with Smoking  
and using Opium in Violation  
of section 388 of the Penal Code  
for the following reasons to wit.

That deponent arrested a  
person in house number 104 Park  
Street in this City for keeping  
and maintaining a place for the  
purpose of Smoking Opium That  
when he made the arrest he found  
the defendants in said place  
Smoking Opium from a pipe  
which each of said defendants had.  
Deponent therefor charges the  
defendants with violation of said  
section and prays that they  
be held to answer

Frank S Price

Subscribed before me this }  
16<sup>th</sup> of March 1891 }  
W. J. Hogan

Frank S Price

Police Justice

0767

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *James Dill*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *China*

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

Answer. *104 Park Street 2 weeks*

Question. What is your business or profession?

Answer. *Laundryman*

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*  
*James Dill*  
*James*

Taken before me this  
day of *March* 188*8*

Police Justice



0768

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer. *Lee Vaughn*

Question. How old are you?

Answer. *42 years*

Question. Where were you born?

Answer. *China*

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

Answer. *1324 Broadway, Manhattan*

Question. What is your business or profession?

Answer. *Laundry*

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*  
*Lee his Wm*  
*Luan*

Taken before me this .....  
day of ..... 188

0769

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*Lee Ming* 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. *Lee Ming*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *China*

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

Answer. *104 Park Street 6 months*

Question. What is your business or profession?

Answer. *Laundryman*

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*  
*2-1 不*

Taken before me this *16* day of *MARCH* 189*1*

Police Justice.

0770

BAILED,  
 No. 1, by Jack High  
 Residence 19 Mott Street,  
 No. 2, by Moung Beck  
 Residence 2 Mott Street,  
 No. 3, by Jack High  
 Residence 19 Mott Street,  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street,

Police Court--- District.

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

Frank & Alice

1 Lee Mabe  
 2 Sam Bick  
 3 Lee Mabe

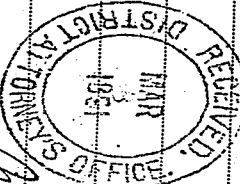
Offence Opium Smoking

Dated March 16 1891

St. John Magistrate.  
Schmiedel Price Officer.  
6th Precinct.

Witnesses Officer Schmeider  
6th Precinct

No. \_\_\_\_\_ Street,  
 No. 500 Street,  
 to answer U.S.



MS 1 and 3 Bailed  
MS 2 Bailed

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

guilty thereof, I order that he be held to answer the same and They be admitted to bail in the sum of Three Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until they give such bail.  
 Dated March 16 1891 [Signature] Police Justice.

I have admitted the above-named Lee Mabe and Lee Mabe to bail to answer by the undertaking hereto annexed.  
 Dated March 16 1891 [Signature] 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.

0771

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*See Wahn, Jim Bill*  
*and See Wing*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this

indictment, accuse *See Wahn, Jim Bill*

*and See Wing* —

of the crime of *maintaining a place where opium*  
*and its preparations was smoked by other persons,*

committed as follows:

The said *See Wahn, Jim*

*Bill and See Wing, all*  
late of the City of New York, in the County of New York aforesaid, on the

day of *March* in the year of our Lord one thousand  
eight hundred and ninety *one* —, at the City and County aforesaid,

*did unlawfully maintain a certain place, to*  
*viz. a certain room in a certain building, there*  
*situate, where opium, and its preparations were*  
*smoked by divers other persons whose names are to*

0772

the Grand Jury aforesaid unknown, against the  
form of the Statute in such case made and  
provided, and against the peace of the People of the  
State of New York, and their dignity.

Second Count.

And the Grand Jury aforesaid, by their  
indictment further accuse the said Lee Wah, Jim  
Bill and Lee Wing of the crime of visiting and  
resorting to a place where opium and its preparations  
were smoked, for the purpose of smoking opium and its  
preparations, committed as follows:

The said Lee Wah, Jim Lee and Lee Wing,  
all late of the City and County aforesaid, afterwards to  
witness on the day and in the year aforesaid, at the  
City and County aforesaid, did unlawfully visit  
and resort to a certain place, to wit, a certain room  
in a certain building there situated, then and there  
maintained by a certain person or persons to the  
Grand Jury aforesaid unknown, where opium and its  
preparations were smoked by other persons for the

0773

purpose of such opinion and its preparation, against  
the form of the statute in such case made and  
provided, and against the case of the People of  
the State of New York, and their dignity.

Edmund M. Hall,

Attorney

0774

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Walker, William

**DATE:**

03/10/91



3988

POOR QUALITY  
ORIGINAL

0775

125  
Counsel,

Filed

Pleads

day of March 1891  
W. E. Crowley

THE PEOPLE

vs.

Grand Larceny, Second Degree.  
[Sections 528, 534 Penal Code].

William Walker

DE LANCEY NICOLL

JOHN R. FELLOWS

District Attorney.

A True Bill.

Alfred R. Cameron  
Foreman.

Pen. 6 mts  
W. E. Crowley  
P. M. 25.

Witnesses;

Chas. Newland

J. E. Crowley



POOR QUALITY  
ORIGINAL

0776

Police Court

2

District.

Affidavit—Larceny.

City and County  
of New York, ss:

Charles Newland

of No. 29 Murray Street, aged 42 years,  
occupation Inspector Mutual Dist Messenger Co. being duly sworn,  
deposes and says, that on the 24 day of February 1891 at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in  
the day time, the following property, viz:

Twenty six dollars  
and fifty cents in good and  
lawful money of the United States  
\$26-50

the property of

Mutual District Messenger  
Co. and then in deponent's custody

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 William Walker, now here.

The defendant was on said date  
a messenger boy employed by the  
Mutual District Messenger Co. and on  
said date he received from one  
James Crowley at the Victoria Hotel  
in the City of New York the cash for  
a check for  
Twenty six dollars and fifty cents  
thereby collected from the said Crowley

Sworn to before me, this

189

Police Justice

POOR QUALITY  
ORIGINAL

0777

by the defendant, as a messenger  
for said Company, to be paid  
to one Dr W. Walker at 103 West  
29th Street, in the city of New  
York, and the defendant did  
not pay over the said money as it  
was his duty to do, but feloniously  
appropriated the same to his own  
use.

Sworn to before me this

day

of

March

1891

By *H. J. W. Watson*

Notary Public

*H. J. W. Watson*

POOR QUALITY  
ORIGINAL

0778

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

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

Question. What is your name?

Answer. *William Walker*

Question. How old are you?

Answer. *19 Years.*

Question. Where were you born?

Answer. *New York.*

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

Answer. *128 Park Row. 2 Months*

Question. What is your business or profession?

Answer. *Messenger Boy.*

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

Answer. *I took the money but lost it.*

*W. Walker*

Taken before me this

day of

March

1891

Police Justice

POOR QUALITY  
ORIGINAL

0779

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court---

District.

315

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Newland  
29 Cherryway St  
1 North on Water

Offence

Larceny  
felony

Dated March 6<sup>th</sup> 1891

Wm. M. Menden  
Magistrate.

Shuckland and Kelly, Officer.

C.O. Precinct.

WITNESSES

James E. Connelley

No. \_\_\_\_\_

Victoria Hyde

Street.

No. \_\_\_\_\_

Officer L. Kelly

Street.

No. \_\_\_\_\_

1000 to answer

Street.



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

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of One 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 6<sup>th</sup> 1891 \_\_\_\_\_ 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.

POOR QUALITY  
ORIGINAL

0780

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*William Walker*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment, accuse *William Walker*

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

The said

*William Walker*

*Ex 50*  
late of the ~~City~~ of New York, in the County of New York aforesaid, on the *24th*  
day of *February* in the year of our Lord one thousand eight hundred and  
*ninety-one*, at the City and County aforesaid, with force and arms, in the  
*day* time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of *twenty-six*

dollars; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of

*twenty-six*  
dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of *twenty-six*

dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of *twenty-six*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of *twenty-six dollars and*

*fifty cents*

of the goods, chattels and personal property of ~~one~~ a corporation called the  
*Mutual District Messenger Company (limited)* then and there being found,

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

DE LANCEY NICOLL.

~~JOHN R. FELLOWS~~ District Attorney.

0781

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Weichselfish, Herman

**DATE:**

03/13/91



3988

POOR QUALITY  
ORIGINAL

0782

Counsel,

Filed 13 day of March 1891

Pleads,

THE PEOPLE

vs.

Grand Larceny, 2nd Degree.  
[Sections 528, 580 — Pennl Code].

Herman Weichselbach

DE LANCEY NICOLL,

~~JOHN R. FELLOWS~~

District Attorney.

A True Bill.

*Wm. J. Cannon*

Foreman.

*David H. H.*

*Charles Y. Zuey*

*3 yrs D. P.*

POOR QUALITY  
ORIGINAL

0783

Police Court

District.

Affidavit—Larceny.

City and County } ss:  
of New York, }

of No. 78 Chrystie Street, aged 18 years,  
occupation Legh mayer being duly sworn,

deposes and says, that on the 5 day of March 1891 at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in  
the night time, the following property, viz:

One finger Ring, And One pocket  
Handkerchief Containing gold  
and lawful money of the United  
States of the amount and value of Thirty  
One dollars and all together of the  
value of Thirty four dollars \$34.<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 Hermon Michael (now

Arrested) from the fact that while deponent  
was in a room at the above numbered  
premises at about 8<sup>30</sup> PM on  
said date the defendant forcibly  
took said ring from deponent's finger  
and then put his hand in the  
pocket of deponent's dress and took  
said pocket handkerchief and money  
therefrom and then ran away.

Deponent did not again  
see defendant until yesterday  
afternoon at about 5 o'clock when  
she caused his arrest  
Leah Jacobson

Sworn to before me this

day

of

1891

Police Justice.



POOR QUALITY  
ORIGINAL

0784

Sec. 198-200,

CITY AND COUNTY } ss.  
OF NEW YORK,

3 District Police Court.

Herman Michelsfeld 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. Herman Michelsfeld

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Russia

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

Answer. 40 Brimington St. Sunday

Question. What is your business or profession?

Answer. Writer

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 of taking it. I was hand up and didn't have a good meal for nearly a week

✓ Herman Michelsfeld

Taken before me this

day of

10  
1897  
John H. H. H.

Police Justice.

0785

POOR QUALITY  
ORIGINAL

BALIED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court---

District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Ed. J. Jackson*  
*Wm. H. Schuchert*

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence

*Larceny from the*

Date

*March 10, 1881*

Residence

*Regan*  
Magistrate.

No. \_\_\_\_\_

*McCarthy*  
Officer.

Residence

Precinct.

Witnesses

No. \_\_\_\_\_

Street.

No. \_\_\_\_\_

Street.



No. \_\_\_\_\_

Street.

to answer

*1000*  
*Yes**Yes*

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 *Fifty* 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 10, 1881* *John Regan* Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0786

POOR QUALITY  
ORIGINALCOURT OF GENERAL SESSIONS OF THE PEACE, OF THE CITY AND COUNTY  
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Herman Weichselfish*THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment, accuse *Herman Weichselfish*of the CRIME OF GRAND LARCENY IN THE *first* DEGREE,  
committed as follows:The said *Herman Weichselfish*late of the City of New York, in the County of New York aforesaid, on the *5th*  
day of *march* in the year of our Lord one thousand eight hundred and  
*ninety-one*, at the City and County aforesaid, with force and arms, in the  
*night* time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of *thirty-one*dollars; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of *thirty-one*dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of *thirty-one*dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of *thirty-one*dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of *thirty-one dollars, and one**finger-ring of the value of three dollars*of the goods, chattels and personal property of one *Leah Jacobson*, on the  
person of the said *Leah Jacobson* then and there being found,  
from the person of the said *Leah Jacobson*  
then and there feloniously did steal, take and carry away, against the form of the  
Statute in such case made and provided, and against the peace of the People of the State  
of New York and their dignity.

DE LANCEY NICOLL,

~~JOHN R. FELLOWS~~, District Attorney.

0787

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Weiss, Frederick

**DATE:**

03/10/91



3988

POOR QUALITY  
ORIGINAL

0788

Witnesses:

*Ana Zmicer*  
*Off. Grey*

Counsel,

Filed

Pleas,

*10 March 1891*  
*17 July 11*

THE PEOPLE

vs.

*H*  
*Burglary in the Third degree.*

[Section 498, Penal Code.]

*Frederick Weiss*

DE LANCEY WHEEL

JOHN R. FELLOWS

District Attorney.

A True Bill.

*Alfred J. Conner*

*Part 2 - March 24, 1891, Foreman.*  
*Fried and acquitted*

POOR QUALITY  
ORIGINAL

0789

Police Court 2 District.

City and County } ss.:  
of New York,

of No. 276 Sixth Avenue Street, aged 33 years,  
occupation Keep house being duly sworn

deposes and says, that the premises No 276 Sixth Avenue Street,  
in the City and County aforesaid, the said being a dwelling house  
the top floor of  
and which was occupied by deponent as a dwelling  
and in which there was at the time a person being, by name

were BURGLARIOUSLY entered by means of forcibly opening the  
door leading into said apartment  
by means of false and imitation  
keys

on the 6<sup>th</sup> day of March 1891 in the day time, ~~and the~~  
~~following property feloniously taken, stolen, and carried away, viz:~~ with intent  
to commit a crime to wit: attempting  
to steal property of the value of  
of about Eight hundred dollars

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

Frederick Weiss

for the reasons following, to wit: deponent securely locked  
and fastened the door leading into  
said apartment and said property  
was therein. Deponent returned  
in a few minutes and found the  
door leading into said the hall  
bed-room, open unlocked. Deponent  
entered and passed through a  
doorway leading into a connecting

POOR QUALITY  
ORIGINAL

0790

room and found the defendant  
concealed in a wardrobe in  
said room. Anna Lualaba.  
Sworn to before me  
7<sup>th</sup> March, 1891

W. J. M. M. M.  
Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Degree

Burglary

vs.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

POOR QUALITY  
ORIGINAL

0791

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Frederick Weis*

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. *Frederick Weis*

Question. How old are you?

Answer. *21 Years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *407 East 71st Street. 3 Weeks*

Question. What is your business or profession?

Answer. *Bar tender*

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 went to see a friend, but got in the wrong room.*

*Fred Weis*

Taken before me this

day of

*March*

1891

*Attest*

Police Justice



POOR QUALITY  
ORIGINAL

0792

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

Police Court-- District.

312

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Anna Tucker*  
*276 South Avenue*  
*Stedden, Meigs*

Offence *Burglary*

Dated *March 7* 1891

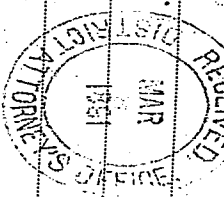
*Memorandum* Magistrate.

*Gregg* Officer.

Witnesses *Julian H. Smith*

No. *276* *Frank* Street.

No. \_\_\_\_\_ Street.



No. *2500* *4.8* Street.

*to master*  
*Harvey*

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 *Twenty five* Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he \_\_\_\_\_ such bail.

Dated *March 7* 1891 *W. M. Mahon* 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.

POOR QUALITY  
ORIGINAL

0793

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Frederick Weiss*

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

*Frederick Weiss*

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

The said

*Frederick Weiss*

late of the *Eighteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *sixth* day of *March* in the year of our Lord one  
thousand eight hundred and *ninety-one*, with force and arms, in the  
*day* time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one *Anna Gwicker*

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

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

*De Lancey Nicoll,*  
*District Attorney*

0794

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

White, Grace

**DATE:**

03/18/91



3988

POOR QUALITY  
ORIGINAL

0795

Witnesses;

Chas Drews

Counsel,

Filed

1891

Pleads,

THE PEOPLE

vs.

Grace White

Grand Larceny, Degree. — [Sections 528, 584 — Penal Code].

DE LANCEY NICOLL,

JOHN R. FELLOWS,

District Attorney.

Vol 30<sup>th</sup> Part I.

A True Bill.

Alfred C. Cramer

Foreman.

John B. Cramer

Planted

3 Nov 1891

0796

Police Court 2 District.

Affidavit—Larceny.

City and County } ss:  
of New York,

Charles Drews

of No. 79 Horatio Street, aged 36 years,  
occupation Real Dealer being duly sworn,  
deposes and says, that on the 12<sup>th</sup> day of March 1891 at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in  
the day time, the following property, viz:

Two hundred and sixty  
five dollars good and lawful money of the  
United States and one check of the value of  
\$23.90 in all property of the value of  
\$288.90.

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 Grace White (now here) for the reason that  
deponent went with defendant to a room in house  
number 128 Macdonough Street for the purpose  
of prostitution. Defendant took the above  
described property from a pocket in his trousers  
and put it in his coat pocket while in said  
room. He afterwards saw defendant put her  
hand in the ~~coat~~ pocket of his pants where there  
was some change and on getting out of bed he  
missed the change which he had had in his pants  
pocket. He afterwards went to his coat and on  
searching the pockets thereof he found that the above  
described \$288.90 had also been taken, stolen and  
carried away. And as defendant was the only  
person in the room in the room with defendant

Sworn to before me, this

of

189

day

Police Justice.

POOR QUALITY  
ORIGINAL

0797

at the time and the only person who had  
access to his coat pocket defendant therefore  
charges defendant with having taken, stolen  
and carried away the said property.

March 13<sup>th</sup> 1901

of March 1901

D. D. McMahon

Charles Deane

POOR QUALITY  
ORIGINAL

0798

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

2 District Police Court.

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

Question. What is your name?

Answer.

Grace White

Question. How old are you?

Answer.

26 years.

Question. Where were you born?

Answer.

England

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

Answer.

11 Canine St. N. 2 weeks.

Question. What is your business or profession?

Answer.

Domestic

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  
Grace White

Taken before me this

13

day of

March

1897

Minister

Police Justice

POOR QUALITY  
ORIGINAL

0799

RAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles J. Davis  
79 West 14th St.  
New York City

1  
2  
3  
4  
Offence Grand Larceny

Dated March 13th 1891

Magistrate

Officer

15th Precinct

Witnesses

No. \_\_\_\_\_ Street \_\_\_\_\_

No. \_\_\_\_\_ Street \_\_\_\_\_



No. \_\_\_\_\_ Street \_\_\_\_\_

No. 15000 \_\_\_\_\_ Street \_\_\_\_\_

15000 \_\_\_\_\_ Street \_\_\_\_\_

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

Defendant

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

Dated March 13th 1891 \_\_\_\_\_ 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.



POOR QUALITY  
ORIGINAL

0000

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Grace White*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment, accuse *Grace White*

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

The said

*Grace White*

late of the City of New York, in the County of New York aforesaid, on the *12th*  
day of *March* in the year of our Lord one thousand eight hundred and  
*ninety-one*, at the City and County aforesaid, with force and arms, in the  
*day* - time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of *one hundred and thirty-five*

dollars; divers other promissory notes for the payment of money, being then and there due  
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination  
to the Grand Jury aforesaid unknown, for the payment of and of the value of  
*one hundred and thirty-five*  
dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of *one hundred and thirty-five*

dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of *one hundred and thirty-five*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of *thirty dollars*, *one written*

*instrument and evidence of debt of the*  
*kind called bank cheques, for the payment*  
*of and of the value of twenty-*  
*three dollars and ninety cents*

of the goods, chattels and personal property of one *Charles Brewes* -  
then and there being found,

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

*De Lancey Nicoll,*  
~~JOHN R. FELLOWS~~, District Attorney.

0801

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Whittaker, Joseph

**DATE:**

03/31/91



3988

0802

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Gerrity, Joseph

**DATE:**

03/31/91



3988

0803

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Kelly, Thomas

**DATE:**

03/31/91



3988

0804

**BOX:**

432

**FOLDER:**

3988

**DESCRIPTION:**

Edwards, George

**DATE:**

03/31/91



3988

POOR QUALITY  
ORIGINAL

0805

Witnesses:

J. M. K. Munton

Off. Chalmers

The officer in this case states that the defendant Kelly gave him the information which alone enabled him to arrest the other three defendants. His character has hitherto been good, & from the beginning he has offered to assist the prosecution. I think that the defendant should be allowed to plead to Receiving Stolen Goods & that sentence be suspended by the Court. The complainant is satisfied with the disposition of the case.

April 3, 1891.

V. M. Davis

Arst

Counsel,

Filed

Pleas,

31 March 1891

THE PEOPLE

vs.

I

Joseph W. Whitaker,

Joseph W. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

George E. Whitaker,

Section 496, 506, 525, 530, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Redeemey Nicoll  
JOHN R. FELLOWS

District Attorney.

April 2 - April 3/91

M. J. Parker vs. E. J. Good

San Francisco

A True Bill.

Alfred C. Munton

April 1/91

Foreman.

April 2/91

Read True Bill

April 1, 2 & 3

3 yrs each from 1/91

POOR QUALITY  
ORIGINAL

0806

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Robert Charlton*  
*Police Officer* of No. *22nd Street*, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of *Myron Weston*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this *26th*  
day of *March* 19*27*

*Robert Charlton*

*B. J. White*  
Police Justice.

POOR QUALITY  
ORIGINAL

0807

Police Court— District.

City and County } ss.:  
of New York,

of No. 226 N. 44<sup>th</sup> Street, aged 36 years,  
occupation Publisher, being duly sworn  
deposes and says, that the premises No. 226 N. 44<sup>th</sup> Street, 22<sup>nd</sup> Ward  
in the City and County aforesaid the said being a dwelling

and which was occupied by deponent as a dwelling  
and in which there was at the time a human being, by name

Mrs. J. McKee  
children  
were BURGLARIOUSLY entered by means of forcibly breaking a  
light of glass in the front paravent  
door and manufacturing the catches  
and locks securing the same

on the 21<sup>st</sup> day of March 1887 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

One French clock. One over coat  
Two Right Coat. One Storm Coat  
One wrapping paper and One Brass  
Clock together of the value of  
over Two Hundred and fifty Dollars

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

Joseph Whittaker Joseph Gerrity  
Thomas Sully George Edwards

for the reasons following, to wit:

That on said date said  
premises were broken as described  
and said property carried away  
and deponent is now informed  
by Officer Robert Charlton of the 22<sup>nd</sup>  
Precinct that he arrested the  
defendants and each of them confessed  
to him that they had a knowledge  
of the Burglary except Sully



POOR QUALITY  
ORIGINAL

0000

who confessed being with Gentry when  
a portion of the stolen property was  
framed. Dependent further says that  
he has recovered a portion of the  
property by such confession and  
identified more of it in pawn shops  
where it was framed by the  
defendants.

J. M. G. M. M. M.

BURGLARY

THE PEOPLE, &c.,

on the complaint of

26 day of March 1891

J. M. G. M. M.

Police Justice

Dated 1888 Police Justice

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

I have being no sufficient cause to believe the within named

Dated 1888 Police Justice

to bail to answer by the undertaking hereto annexed.

I have admitted the above named

Dated 1888 Police Justice

of the City of New York, until he give such bail.

Hundred Dollars and be committed to the Warden and Keeper of the City Prison

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

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Dated 1888

Magistrate.

Officer.

Clerk.

Witness.

No. Street,

No. Street,

No. Street,

No. Street,

\$ to answer General Sessions.

POOR QUALITY  
ORIGINAL

0809

Sec. 198-200

CITY AND COUNTY }  
OF NEW YORK. } ss.

X District Police Court.

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

Question. What is your name?

Answer.

*Thomas Kelly*

Question. How old are you?

Answer.

*19 years*

Question. Where were you born?

Answer,

*MS*

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

Answer.

*331 St 37th St*

Question. What is your business or profession?

Answer,

*Varisher*

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

Answer.

*I am not guilty*

*Thomas Kelly*

Taken before me this

day of

*May 1909*

Police Justice.

POOR QUALITY  
ORIGINAL

08 10

Sec. 198—200

X District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

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

Question. What is your name?

Answer.

*Joseph Whittaker*

Question. How old are you?

Answer.

*20 years*

Question. Where were you born?

Answer,

*MS.*

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

Answer.

*33 E 10<sup>th</sup> Ave*

Question. What is your business or profession?

Answer,

*Paper Hauler*

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 took a clock*

*Joseph Whittaker*

Taken before me this

day of

*March 1888*

Police Justice.

POOR QUALITY  
ORIGINAL

0011

Sec. 198—200

X District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*George Edwards* 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. *George Edwards*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer, *W.*

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

Answer. *Flower Hotel 5 Ave 31<sup>st</sup> St*

Question. What is your business or profession?

Answer, *Painter*

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 entered the place*

*George Edwards*

Taken before me this

day of

*Charles J. [Signature]*  
Police Justice

POOR QUALITY  
ORIGINAL

08 12

Sec. 198-200

CITY AND COUNTY  
OF NEW YORK. } ss.

✓ District Police Court.

*Joseph Gerty* 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer,

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

Answer.

Question. What is your business or profession?

Answer,

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

Answer.

*Joseph Gerty*

Taken before me this

day of

Police Justice.

POOR QUALITY  
ORIGINAL

0813

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court No. 1 District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*James McKeon*  
226 W 44 St.

*Joseph McKeon*

*Joseph McKeon*

*George Edwards*

Dated March 26 1891

*Wm. H. White* Magistrate

*Wm. H. White* Officer

Witnesses  
*Call officers*

No. \_\_\_\_\_  
Street \_\_\_\_\_

No. \_\_\_\_\_  
Street \_\_\_\_\_

No. \_\_\_\_\_  
Street \_\_\_\_\_

*to answer*



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

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

Dated *Mar 26* 1889 *Wm. H. White* Police Justice.

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

Dated \_\_\_\_\_ 1889 \_\_\_\_\_ 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 \_\_\_\_\_ 1889 \_\_\_\_\_ Police Justice.

POOR QUALITY  
ORIGINAL

08 14

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Whittaker, Joseph  
Gervity, Thomas Kelly  
and George Edwards.

The Grand Jury of the City and County of New York, by this indictment, accuse  
Joseph Whittaker, Joseph Gervity, Thomas  
Kelly and George Edwards —  
of the CRIME OF BURGLARY IN THE first DEGREE, committed as follows:

The said Joseph Whittaker, Joseph Gervity,  
Thomas Kelly and George Edwards, all —

late of the Twenty-second Ward of the City of New York, in the County of New York  
aforesaid, on the twenty first day of March —, in the year  
of our Lord one thousand eight hundred and eighty one, with force and arms, about the  
hour of twelve o'clock in the night time of the same day, at the Ward,  
City and County aforesaid, the dwelling house of one J. McKeon Minton, —

there situate, feloniously and burglariously did break into and enter, there being then and there  
some human being, to wit:

within the said dwelling house, with intent to commit some crime therein, to wit: the goods  
chattels and personal property of the said J. McKeon Minton, —

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

the said Joseph Whittaker, Joseph  
Gervity, Thomas Kelly and George Edwards, and  
each of them, being then and there assisted by a  
confederate actually present, to wit: each by  
the others:

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,

POOR QUALITY  
ORIGINAL

08 15

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said *Joseph Whittaker, Joseph Gentry, Thomas Kelly and George Edwards* — of the CRIME OF *Grand LARCENY* in the first degree, committed as follows:

The said *Joseph Whittaker, Joseph Gentry, Thomas Kelly and George Edwards*, all — late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*one clock of the value of forty dollars,  
three coats of the value of thirty dollars  
each, one napkin ring of the value of five  
dollars, and one other clock of the value  
of twenty dollars.*

of the goods, chattels and personal property of one *J. McKeon Minton*,

in the dwelling house of the said *J. McKeon Minton*, —

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.



POOR QUALITY  
ORIGINAL

08 16

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said *Joseph Whittaker, Joseph Gervity, Thomas Kelly and George Edwards* — of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Joseph Whittaker, Joseph Gervity, Thomas Kelly and George Edwards*, all — late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, *the same goods, chattels and personal property described in the second count of this indictment,*

of the goods, chattels and personal property of one *J. McKeon Minton*, —

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

unlawfully and unjustly, did feloniously receive and have; the said *Joseph Whittaker, Joseph Gervity, Thomas Kelly and George Edwards* then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Saucy Moll*  
~~JOHN R. FELLOWS,~~

District Attorney.

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**BOX:**

432

**FOLDER:**

3989

**DESCRIPTION:**

Whittel, George

**DATE:**

03/09/91



3989

0819

[illegible]

Ellen 9/10/10

Coroners Office, New York County.

Inquest into the Death

- of -

CATHERINE WHITTLE.

) Before  
) HON. M. J. B. MESSEMER,  
) and a Jury.  
)  
)  
)  
)

New York, December 11th, 1890.

Appearances: Mr. Grosse appears for the District Attorney, in behalf of the people;

OFFICER JOHN CANAVAN, duly sworn:

By the Coroner:-

Q Where do you live? A. 37 Oliver Street, this City.

Q What is your occupation? A. Police officer.

Q How was your attention drawn to this case and when?

A. On November 26th Mrs. Daly the sister of the deceased came to the station house No. 9 Oak Street, the Fourth Precinct, she told the Sergeant at the desk, I was standing there at the time, that her sister was lying at No. 22 Cherry Street and that she was badly beaten and her eye gouged out and she thought she was going to die; I went with her to No. 22 Cherry Street, in the alley way and I found Mrs. Whittle in a small room there lying on a bed on the floor; I asked her what was the matter with her and she asked me who sent me there; I told her her sister came

to the station house and told ~~her~~ us she was going to die. She said no; I said, stand up, what is the matter with you; she said a little trouble between me and my husband. I said Who gave you that black eye; she told me that her husband beat her but it didn't amount to anything, and she refused to come to the station house and make a complaint; she ordered me and her sister to get out; she said she sent for the sister not to go to the station house but to come and help to clean up the house; that was on November 26th. I understood then they had a row on the Sunday night following, and on Thursday the brother of the prisoner here came to the station house and reported Dr. Hemmingway of No. 52 Market Street <sup>was attending her,</sup> that Mrs. Whittle was pretty bad, that she had fallen down the stoop and had fractured her skull, so we sent for an ambulance and had the woman taken to the hospital; the next day her sister came around again and told me her sister was very bad, that she was going to die; I said, where is she and she said, in the Chambers Street Hospital. I said, have you any doctors to show that, letters from the doctor and I will arrest this man; I said go and get it. Then I didn't see her until that evening when I heard she died in the Chambers Street Hospital.

By Mr. Grosse:-

Q On the 26th of November did this woman get up on her feet? A. Yes, the bed was lying on the floor.

Q Was there any abrasion visible? A. On this side of her face it was all black.

Q Was any blood visible? A. No, sir.

Q On her body? A. No, sir; she only said there was a little row between her and her husband.

Q On Sunday following there was another row? A. From what I heard.

Q You didn't see it? A. No, sir.

Q And on Thursday following the brother came? A. Yes, sir, he came to the station house.

Q Did you see the woman on that day? A. No, sir; I didn't know it was the woman at the time because he didn't say, he said it was a woman that fell down the stoop; I didn't know it was Mrs. Whittle at the time or I should have gone around there.

Q You didn't see her alive? A. No, sir; only on the 26th.

Q You arrested this defendant? A. No, sir, I did not.

Q Have you ever had any conversation with him?

A. No, sir; only from the Tombs Court up to here.

Q Did he say anything about it? A. No, sir; he didn't say anything about the matter since.

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Cv.

MARY SLATTERY, duly sworn.

By the Coroner:-

Q You live where? A. 22 Cherry Street.

Q What do you do for a living? A. I work any place I can get it to do.

Q How long did you know the deceased, Catherine Whittle?

A. Not long, about 2 or 3 months, at the most.

Q What kind of a woman was she? A. A fair woman.

Q Sober or otherwise? A. I don't know anything much about that.

Q Did you know her husband? A. Yes.

Q How long did you know him? A. About as long as two or three months.

Q Did they live peaceably together? A. Yes, so far, yes.

Q On what floor did you live? A. I lived opposite their door.

Q On what floor is that in the house? A. First floor in the back.

Q And if there was any quarrel in their room you would hear it? A. They didn't quarrel much at all; he come in this day in and out in the hall and he come in very drunk and we saw her lying on the floor and he put her sitting up and he punched her in the face.

By Mr. Grosse:-

Q On what date did he punch her in the face? A. I couldn't tell you.

Q What day of the week was it -- was it a Sunday?

A. I think so; I think it was a Sunday; it was a snowy day; he was coming in and out in the hall very drunk both times and he was after trying to speak to her.

- Q She was lying on the floor? A. Yes.
- Q On a bed? A. Right on the floor, he put her sitting up.
- Q How did you come to see her lying on the floor?
- A. He left the door half open.
- Q After he had left the door where did he go, this prisoner? A. He sat down on the chair.
- Q In his own room? A. Yes.
- Q And so you could see into the room? A. Yes; I was in and out coming up with the pail of water and she was sitting up near where he was sitting on a chair.
- Q He was drunk? A. Very drunk.
- Q What did he do then? A. I don't know, I couldn't tell you any more.
- Q Did he stoop down to his wife and beat her? A. He was trying to speak to her five or six times, he tried to make her speak to him and she didn't like to speak to him - she didn't want to speak to him.
- Q He talked to her while she was lying on the floor?
- A. Yes.
- Q She didn't give him any answer? A. No, sir; no answer at all.
- Q Then he stopped down towards her and beat her in the face? A. He put her sitting up and hit her in the face; he lifted her up off the floor and he hit her right in the face.
- Q So he was sitting near her? A. He was sitting right by her.



Q How did he lift her up? A. With his two hands.

Q By the head? A. No, he put his two hands under her waist.

Q And then he hit her in the face? A. Yes, sir.

Q With his fist? A. With his fist.

Q Or with his open hand? A. I don't know which.

Q Do you know whether he had any hard substance in his hand? A. I couldn't see nothing in his hand at all.

Q How many times did he hit her? A. I don't know how many times, he hit her once.

Q How long did you stay in the room after he hit her?

A. I didn't stay at all in the room, I only passed by with a pail of water into my own room, and this door was half open and any one could see and he was sitting on the chair by her, and he put her sitting up close to him.

Q Did you see her again on that day? A. Yes.

Q Did you see him again on that day? A. Yes.

Q Where did you see the two? A. I seen them in and out

Q She walked out? A. No, sir; she was not able to get up at all after that.

Q Why was she not able to get out? A. I couldn't tell you.

Q You know only that she didn't go out? A. She was not able to go out.

Q Why was she not able? A. After he hit her, she was not able to get up or nothing.

Q Did she say she was not able to get up? A. I don't know.

Q You cannot tell us that she did not get up? A. She didn't get out after that time, she was sick.

Q He went in and out? A Yes, sir, and Whittle himself was in and out in the room.

Q Did you see him strike her again? A. No, sir; I didn't see him hit her any more only that time.

Q Was her face discolored? A. The side of her face was very black.

Q Where he struck her? A. Yes.

Q Did you see him strike her again? A. No, sir - I shut my door.

Q On that day or any other day? A. No, sir; only that time.

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ELLEN CASEY, duly sworn:

By the Coroner:-

Q Where do you live? A. No. 20 Cherry Street.

By Mr. Grosse:-

Q State what you know of this case? A. I know nothing about it at all. I knew this boy before he was married at all. I never knew her, but I seen her, she was a nice woman.

since I knew her; I never seen her drunk or taking anything

Q You live in the same house with her? A. No, sir, I lives in the next house.

Q Did you visit her on the 26th of November? A. No, sir, I never went into her house.

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MARGARET FEENEY, duly sworn:-

By the Coroner:-

Q Where do you live? A. No. 5 Batavia Street; I work in a large Provision place in West Street.

Q In what capacity? A. In the line of beef, and smoked beef.

Q What do you do? A. Can it.

Q How long have you known the deceased? A. She was a sister of mine.

Q Tell the Jury what you know about it? A. I just happened to come home from work last Thursday night, I live next door there; my brother and I keep house; I happened to come upstairs, and I asked my sister Mrs. Dailey if she heard anything about the sister; she said she went down and couldn't get in; I said I will go down and see how she is; I went down and her husband was sitting there reading a news paper; I went down and asked her how she felt and she couldn't speak to me; and I said to George have you got any

drink, give her a drink; he said she is after drinking a little water. I told Mrs. Daly how my sister was - I thought we had better send for the priest; her husband and his brother went for the doctor and we had to go after him two or three times before he came down; and then his brother and her husband went for Dr. Hemmingway.

By Mr. Grosse:-

Q You live in Batavia Street? A. Yes.

Q So you don't live in the same house with her? A. No, sir; she lives in Cherry Street.

Q What day of the month was Thursday when you went to her house? A. It was last Thursday I think.

Q Thursday of last week? A. Yes, sir; the night she was taken to the hospital.

Q That was the fourth of December; and what time of the day did you go there? A. It was about going on six o'clock in the evening, I had come home from work.

Q Your sister Mrs. Daly was living in the same house?

A. She lives next door to me in Batavia Street.

Q You then went down to Mrs. Whittle's house after you came home - you inquired of Mrs. Daly how your sister was?

A. Yes, sir.

Q And then you went down there? A. Yes.

Q And you saw this man in the room? A. Yes.

Q In what condition was he? A. He was sitting by the stove reading the newspaper.

Q Sober or drunk? A. Sober.

Q In what condition was your sister? A. She was lying in bed.

Q You spoke to her? A. Yes.

Q What did you say to her? A. I asked her how she felt and she couldn't speak to me; I spoke to her three or four times and she was muttering and she couldn't very well speak and all she could say was "He kicked me in the side."

Q You spoke to this man then? A. I told him I was going to my sisters then.

Q Didn't you ask him what was the matter with her?

A. No, sir; that is all I spoke to him.

Q When did you see your sister next? A. I didn't see her until she was brought home dead from the hospital.

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ELIZABETH DALEY, duly sworn:

By the Coroner:-

Q Where do you live? A. No. 5 Batavia Street; I keep house for my husband.

Q What do you know about this case? A. I don't know anything more than this, I guess it was about the 20th, a little girl came to my house and said does Mrs. Daley live here, I said yes. She said Mrs. <sup>John Driscoll</sup> Driscoll said to come down as soon as possible, your sister is very low, she got

a beating from her husband; I told her I would go down right away; I went down and I asked her what happened and she said, "George hit me." I said, "Don't you want a doctor?" She said no, I don't want it public; I said get a priest, she said no; she kept getting worse all the time; I then went to the station house and got a policeman, the police asked her what happened and she said it was family affairs and I ought to mind my own business and ordered me out; I informed the police also of her death; that is all I know.

By MR. Grosse:-

Q You say you visited her on the 20th of November?

A. I am not sure whether it was the 20th or not.

Q It was the date on which you went to the station house?

A. No, sir; I went to the station house on the 26th.

Q That was after the first visit? A. Yes.

Q On the 20th you found your sister lying in bed?

A. Yes, sir.

Q Did you see any marks of violence on her? A. I seen her face was all black and blue on one side and I heard she had fallen down the stoop.

Q She said that? A. No, she didn't say it, she said her husband hit her.

Q And was her husband present? A. No, sir; not then he was not.

Q Did you see him on that day? A. Yes, sir; I seen him on that evening; I kept the house for him until she died; I said, "My God, George, what happened Catherine;"

He said, "I am blest if I can tell you; I don't know anything more about it than what you do."

Q When did you see your sister next? A. I stayed with her every day until she was taken to the hospital.

Q What made you go to the station house on the 26th?

A. I was afraid to stay there alone with her; she was getting more ill and there was no money for a doctor.

Q Do you know of any assault committed by this man upon your deceased sister? A. No, sir; I never saw this man strike my sister since he married her.

Q You never heard it only from your sister? A. Yes.

Q Did she inform you of any other assault committed by him upon her? A. No, sir.

Q You know only of one assault? A. Yes, that is all.

Q What marks were visible upon her body? A. Her back was all black and blue but I thought that was from lying.

Q The whole of it or part of it? A. A little spot here and there.

Q Extending over the whole of the back or only the upper part? A. Only the upper part, around her shoulders.

Q And on the 26th you went to the station house because you thought she couldn't stay in the house? A. Yes.

Q She ought to be removed to the hospital? A. Yes, and she didn't want to go.

Q And you went with the officer to your sister's house? A. Yes.

Q What did your sister say? A. The officer asked what was the matter with her and she said her husband hit her,



and she asked the officer who sent him there, and he said her sister, and she said it is only a family affair; I said there is no use of me staying here I cannot cure you; she said she wouldn't go, she was getting better.

Q When did you see her next? A. I ~~xxxxxx~~ was with her every day until she was to the hospital.

Q On what day was she taken to the hospital? A. I think it was Thursday.

Q Thursday of last week? A. Yes, sir.

Q And before she was taken to the hospital you didn't see this man strike her? A. No, sir; I did not; Sunday night that they say he had the fight the man was perfectly sober and it was late when I went home that night, I know they had no quarrel that night. They were married five years last August, they lived happy all the time; I never knew them to quarrel.

Q Did you ever see this man since the death of your sister? A. No - yes, I did, down the Court House.

Q Did you speak to him? A. Yes, I did speak to him.

Q What did you say? A. He said, he was standing there, he was expecting some money to bury his wife - I didn't see him then after that until his brother left him that all the expenses was paid -

Q Did he say anything about his wife's injuries? A. No sir, the man told me all along that he didn't know how it happened at all.

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MARIA FANNING, duly sworn:

By the Coroner:-

Q Where do you live, and what is your occupation?

A. I live No. 22 Cherry Street; I live ~~xxxxxx~~ with my husband and family.

Q What do you know about this affair? A. All I know about it - she sent a little boy into me if I could send or go down to Batavia Street and send for her sister, and I went in and she was lying on her bed with her face all black and her eye all knocked - I sent for her sister and she came up; that is all I know; I left the room and I didn't see her any more until the night she left with the ambulance.

By Mr. Grosse:-

Q Then she requested you to send for her sister was her husband there? A. No, sir; nobody but herself.

Q Did you ever see this man strike Mrs. Whittle?

A. No, sir; I have never been in their rooms.

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ELLEN CONROY, duly sworn:

By the Coroner:-

Q Where do you live and what is your occupation?

A. I live No. 22 Cherry Street, in the front building;

I keep house for the boys.

Q How long did you know the deceased Catherine Whittle?

A. All the time they were living there, I guess it was about two or three months.

Q How long do you know her husband? A. About the same time.

Q How did they live together? A. Happy enough as far as I seen.

Q They lived in the rear house and you in the front house?

A. Yes.

By Mr. Grosse:-

Q Did you visit her? A. Only once.

Q When did you visit her? A. One time before she was ever ~~very~~ sick.

Q Did you see her with a black face? A. No, sir.

Q Did you see her husband strike her? A. No, sir; I never was in her house but once.

Q How long ago is that? A. Before she had nothing and no quarrel - I don't know how long ago it is - I couldn't tell you.

Q (By a Juror) Did you know that they did have a quarrel? A. No, sir; I didn't know a bit about it anymore than you.

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JULIA DRISCOLL, duly sworn:

By the Coroner:-

Q Where do you live and what is your occupation? A. I

live No. 22 Cherry Street, and I am working for my children and husband, trying to get along.

Q How long have you known the deceased Catherine Whittle?

A. I have known her going in and out for about two or three months; I live in the basement - in the rear; they live on the first floor in the back, on the other side.

Q How long have you known the accused? A. The same.

Q Were they quarrelsome? A. I never heard them.

BY MR. GROSSE:-

Q You know that this woman was taken to the hospital?

A. No, sir; I never was in her room but once in my life.

Q Did you know that this woman was carried off to the hospital? A. I understood she was removed, but it was late at night; I was in bed at the time.

Q You heard of it? A. Yes, in the morning.

Q How soon before she was removed to the hospital did you see her? A. Two weeks, on Monday.

Q Do you know when she was removed to the hospital?

A. Last Thursday..

Q How soon before last Thursday did you see her? A. On Monday two weeks, I seen her, and she was removed last Thursday.

Q Where did you see her? A. She sent her four year old boy to the door for me to send for her sister.

Q To go where? A. Up to her room.

Q She sent for you? A. Yes, sir; she asked me for God's sake would I send for her sister; I said yes, when I was going for my dinner; I asked her where and she said No. 5 Batavia Street and told me her name was Dal y; I went

down with the child and met a little child and told her I will hurry up -

Q Did she say why her sister was to come? A. I seen her face, it was black and all full of blood, and her eye was hanging out on her cheek.

Q What else did she say to you? A. She didn't say any more.

Q You were just about to state she said something?

A. She sent for her sister.

Q Did she say anything how she came to the violence?

A. No, sir, she never did, she was lying on her bed behind the door.

Q Did you ask her how she came to the back eye?

A. No, sir; for my baby was crying and was sick the night before. I never seen her from that day.

Q Did you see her before that day? A. I seen her in and out like any other woman.

Q Did you see any marks of violence on her? A. No, sir, but her face was black.

Q Was her face ~~xxx~~ black before she requested you to send? A. No, sir; that was the day.

Q Her face was not black before that day? A. No, sir; that is all I know about it.

Q Did you speak to her husband? A. No, sir; I never spoke to the man; I think in my life.

The autopsy is now read by the stenographer, which is signed by DR. Conway.

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JOHN THOMAS WHITTLE, duly sworn, testified:

By the Coroner:-

Q Where do you live? A. 129 Madison Street; I am working at the Fulton Fish Market.

Q Do you know anything about this matter? A. I went into that house that night and I was told that she had fallen and I went for the doctor and I went to the station house.

Q What doctor? A. Dr. Hemmingway, No. 52 Market Street. I went for the doctor and brought him to the house.

Q And ~~he~~ he said she had fallen? A. Yes; that is all I know about it.

By Mr. Grosse:-

Q You were not present when she had fallen? A. No, sir.

Q And that was on the day when she was carried up to the hospital? A. Yes.

Q Did you speak to her? A. She couldn't understand me - she knew my name.

Q Who called you to the house? A. Nobody called me to the house; I went in accidentally; I had not been in the house in a week.

Q He informed you that she had fallen? A. Yes, sir.

Q Did ~~he~~ say how and where? A. I understood she fell off the stoop; I told the doctor so and I told the surgeon so in the Chambers Street Hospital.

By a Juror:-

Q When the defendant went with you to the doctor what did he say? A. He said ~~he~~ understood she had fallen - he

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didn't say anything else about it; he didn't tell me anything else about it; I told the doctor she had a fall and I think it was dangerous. He said you go home and I will go there as fast as my legs can carry me; Dr. Hemmingway can tell you the same thing; I brought him there.

The Coroner: (To the prisoner) You have the privilege to testify if you wish, but you need not do so unless you desire to do so; inasmuch as you are not represented by counsel it is my duty to tell you that.

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The prisoner takes the stand in his own behalf.

GEORGE WHITTLE, duly sworn, testified:-

By the Coroner:-

Q Where do you live? A. No. 22 Cherry Street.

Q What is your occupation? A. I am a boot black by occupation in the Court House.

Q The deceased was your wife? A. Yes.

Q How long had you been married to her? A. Five years last August - the second of August.

Q How long had you been living in No. 22 Cherry Street?

A. Three months yesterday.

Q Do you know Mrs. Slattery coming into your room?

A. No, sir; I never knew her to be in the house - in my room.

Q Did you know Mrs. Slattery? A. I did, but not by name.

Q She lives opposite you? A. Yes, sir.

Q Do you remember your wife lying on the lounge on the floor? A. When, that snowy day?

Q Yes? A. Yes, I was home and I was in and out all the time; I went out for a pail of coal every time I went out.

Q What day of the week was it - was it Sunday? A. No, sir, it was not.

Q Was it Monday? A. I think it was about Wednesday.

Q What time of the day was it when you were home?

A. About eleven o'clock, in the morning.

Q And why did you stay home? A. Because it was snowing - I never do business on snowy or rainy days.

Q Your wife was lying on the floor? A. Yes, sir.

Q Now, why was she lying on the floor? A. She was lying on the bed not on the floor.

Q Was she sick? A. I didn't question her to see whether she was sick or not, I had a lot of papers in the house and I got the fire hot and went to read.

Q Did you speak to her? A. Yes, sir; I spoke several times to her.

Q Did she speak to you? A. Yes, sir.

Q What did she say to you? A. That is something I couldn't answer; I couldn't tell the questions I asked her either, I spoke to her about household affairs.

Q Did she get up? A. She got up the same day but not the first time that I spoke to her.

Q Did she get up after you got up? A. Yes, sir.



Q Did you leave her up - did you lift her up while you were sitting on the chair near her? A. No, sir; I don't think I did; I think she could get up herself.

Q You heard Mrs. Slattery testify you raised her up putting your hands under her waist; is that true? A. No, sir; not that I can remember; I don't remember raising her at all.

Q You don't remember it, but she testified positively that she saw it? A. I didn't see it; I was there all day.

Q You may have done it? A. I don't say I did; I say I didn't.

Q Are you positive about it? A. Yes, sir.

Q A moment before you were not positive? A. I would know if I was raising her, wouldn't I?

Q You said you do not remember - you did not know whether you did or did not, and now you say you did not? A. I say she got up and sat by the fire, but not at the time I was speaking to her first.

Q The question is whether you took her up by her waist - raised her? A. No, sir, I did not.

Q Did you see any black spots upon her face? A. Yes.

Q How did she get - how did she come to these marks?

A. That I couldn't say, because two weeks ago last Sunday I was out all day and I knew nothing about the black marks until the following day, Monday morning.

Q Is it not true that you struck her in the face? A. No, sir.

Q Is it not true that you struck her in the back?



A. No, sir.

Q Is it not true that you struck her in the side?

A. No, sir.

Q In the abdomen? A. No, sir.

Q In what condition were you on that snowy day, were you sober? A. Yes, sir, I was.

Q Mrs. Slattery said *you were* very drunk? A. She said I was in and out.

Q Yes, and drunk? A. I had been drunk before that day but not on that day.

Q You are pretty often drunk, are you not? A. Oh, no.

Q And this money - you spent it? A. Not all; I spent a little of it.

Q And you had quarrels with your wife? A. No, sir.

Q Didn't you often have quarrels with your wife?

A. No, sir.

Q Didn't you beat her often? A. No, sir.

Q Did your wife say to you how she came to these injuries?

A. Yes, sir; she said I done it.

Q You did? A. Yes; she said I done it.

Q Is it true or not true? A. It is not true as far as I know.

Q Is it not possible that you were drunk and while you were drunk you beat her and kicked her and punched her - is not that possible? A. I never used my foot on a woman - I might have struck ----

Q Is it not possible that while you were drunk you beat your wife - you punched her and you kicked her, is it not

possible that you did this while you were drunk?

A. Of course it is possible.

Q Is it not very likely that you did it? A. Well, I don't know; I know she was reasonable enough; she was reasonable until the day she was taken to the hospital and when I came in that night she was raving.

Q She would not charge you with beating her if it was not true? A. It may be.

-----oOo-----

The Coroner: Gentlemen of the Jury - You will please find in your verdict how, when and where the deceased came to her death, and who, if you can say, is responsible for it. The testimony has been very brief and the District Attorney has gone into it so thoroughly that it is hardly necessary for me to review it. You are all intelligent men and I trust it will not take you long to come to the conclusion as to whether this man is responsible for this crime or otherwise.

-----oOo-----

VERDICT: We, the Jury find that the deceased Catherine Whittel came to her death from phthisis pulmonalis Bright's disease of the kidneys, and fatty degeneration of liver, accelerated by injuries received at the hands of George Whittel, at No. 22 Cherry Street November 25th, 1890.

7/91

THE PEOPLE

vs.

GEORGE WHITTEL.

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Tuesday, May 5, 1891.

Indictment for manslaughter.

Asst. Dist. Atty. Weeks for the People.

A Jury was empannelled and sworn.

MARY SLATTERY, sworn and examined by Mr. Weeks.

- Q. Where do you live, Mrs. Slattery? A. I live in 22 Cherry Street.
- Q. Do you know this defendant, George Whittel? A. I seen him hitting his wife, I know him two or three months in the back room.
- Q. Where was he living when you knew him. A. Right opposite my room on the same floor.
- Q. Do you remember a certain Sunday night the latter part of November? A. I think it was Sunday evening.
- Q. Did you see this defendant on that night? A. Yes sir, I seen him in and out of his own house.
- Q. Was his wife Catherine Whittel in there at that time? A. Yes sir, she was lieing on the <sup>floor.</sup> ~~sofa.~~
- Q. Will you tell us what you saw that Sunday night? A. I seen him hitting her on the side and kicking her.
- Q. First he came in the door did he? A. Yes sir, he asked her, "can you speak to me."
- Q. She did not speak to him ? A. No sir.
- Q. What else did you see? A. That is all, I seen no more.

By the Court. Q. He asked her if she could speak to him, is that right, what did he say to her? A. "I say, can you speak to me."

Q. He said that to the woman lieing on the floor?

A. Yes sir, she did not answer.

Q. What did he do then? A. He lifted her up.

By Mr. Weeks. Q. What way did he lift her up? A. He lifted ~~up~~ her up with his two hands, he was standing up when he lifted her up; he sat down on a chair and she was sitting alongside of him and he hit her in the side, not a hard hit, he hit her in the right side on the face, that is all I seen him do, he left the door open, I could see what he done.

Q. What was his condition at that time, was he drunk or sober?

A. He was drunk; there was snow on the ground the same time when he was there.

Q. Did you see her after that? A. I did not see n o more of her after that ----- yes, she called me in once.

Q. That same night? A. The day after.

Q. Where was she then? A. She was lieing on the bed, she had a very bad face, her face was black and blue.

Q. How were her eyes? A. I did not see her eye out; they said they saw her eye but I did not see that.

Q. What hour in the evening was it when you saw this thing done? A. It was about four o'clock, I think, in the afternoon.

Q. You were in your room, were you? A. Yes sir, I was at my own door, I was looking in at her, I happened to go to my door, he left the door so that I could see.

- Q. Did you see him coming up the stairs? A. There was no stairs to come up, only the first flight,
- Q. Did you see him going into the room? A. Yes sir, I think it was about four o'clock in the evening.
- Q. Did he walk in? A. He walked in.
- Q. Where was this woman? A. She was lying on the floor when he walked in the room.
- Q. Could you see from your door? A. Yes sir.
- Q. What was the first thing that he did to her?  
A. He lifted her up with his two hands, his hands were under her arms.
- Q. He got his hands under her arms and lifted her up?  
A. Yes sir.
- Q. She did not stand at all? A. No sir.
- Q. She was sitting up in the bed then? A. Yes sir.
- Q. What did he do? A. He spoke to her a couple of times and she would not speak to him.
- Q. When he got her sitting up in the bed what did he do?  
A. He sat her on the seat.
- Q. Was the bed near the stove? A. NO.
- Q. How could he hit her in the face if he was sitting on the chair?  
A. He hit her as he was sitting on the chair.
- Q. How far was his chair away from the woman, can you show us?  
A. He put her sitting up close to him like that and he was sitting on the chair like I am now.
- Q. He was quite close to her? A. Yes sir.
- Q. And he hit her on the right side of the face with his fist?  
A. Yes sir.
- Q. What became of the woman when she was hit, did she fall back again?  
A. Yes sir, she lay down again on the floor.

Q. Then what did he do? A. He walked out, I shut my own door.

Q. Did not you say a moment ago he kicked her? A. He kicked her slightly, he did not kick her hard.

Q. Where did he kick, what part of her body? A. Just the same as he hit her, he kicked her on her side.

Q. Was it her side or her face that he kicked?

A. Her side when she was sitting down close to him.

Q. He hit her in the face with his fist? A. Yes sir.

Q. And kicked her in the side with his foot?

A. Yes sir, but not a hard kick.

Q. And the woman was lying down at the time she was kicked?

A. She laid down and said, "Oh".

Q. What became of him? A. He was in and out, I did not take much notice after that.

Q. Did he go out after that right away? A. Yes sir, he went in and out.

Q. Did he go up and down a flight of stairs?

A. No, he had no flight of stairs to go up or down.

Q. Did he go out in the street? A. Yes sir, he was in and out of the street talking to himself.

CROSS EXAMINED.

By Counsel. Q. What time of day was it that you first saw him on that Sunday? A. He came in about four o'clock I think.

Q. That was the first you had seen of him that day?

A. O, I seen him two or three times that day in and out.

Q. What time through the day? A. He came in first about four o'clock.



- Q. That was the first time you saw him that day?  
A. Yes sir, I saw him all through in in and out.
- Q. You say he was drunk? A. Yes sir.
- Q. How do you know he was drunk? A. He was staggering like as if he was drunk.
- Q. Did you speak to him? A. No, I never spoke to him.
- Q. Are you sure you did not speak to him? A. No, I did not.
- Q. Where did you first see him? A. I seen him in his room in his own house.
- Q. Was he in his own room when you saw him first?  
A. Yes sir.
- Q. You say you saw him staggering in his own room?  
A. Yes sir, in and out.
- Q. Never mind this generalization in and out, do you say you saw him stagger in his own room? A. Yes sir.
- Q. And the door was wide open? A. The door was not very open, not exactly all open.
- Q. How long did you watch him? A. Not long, about two or three minutes, I did not take much notice like but I happened to see him that day.
- Q. What were you doing? A. I happened to go out at my own door and when I heard him wrangling and talking to her I happened to look in.
- Q. What were they saying? A. He did not say anything, I think he could see me, he was trying to make her speak and he could not.
- Q. What did he say to her? A. He said, "I say can you speak to me", just like that many a time.

- Q. What did she say? A. Nothing, she would not answer him at all.
- Q. She said nothing? A. NO.
- Q. You stood at the door? A. I stood at my own door looking in at him.
- Q. How far was that door from his door? A. About a yard and a half, something like that.
- Q. Just across the hall? A. Across a little hall.
- Q. From that far you could see into his room and see what he was doing? A. Yes sir.
- Q. Are you willing to swear that you saw him stagger about the room? A. I do not know exactly stagger but he had drink in him.
- Q. That is, you imagined he had drink in him? A. Yes sir, I am sure he had.
- Q. He was not staggering you say A. Not exactly, not so much as that.
- Q. You were not very near him, were you? A. I could see him from my own door.
- Q. You could not smell his breath? A. NO.
- Q. You did not see any whiskey taken from any bottle?  
A. I saw something in a bottle.
- Q. What was that something? A. I cannot tell you, it was a bottle, that is all I know.
- Q. You did not see him in possession of a bottle, did you, you did not see a bottle in his hands? A. I did.
- Q. What was that bottle? A. I could not tell, it was on the table, I saw it in his hand and he put it on the table, I did not take much notice what they were doing. I never thought I would have to come here.



POOR QUALITY  
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- Q. You testified that you saw him strike her? A. Yes sir.
- Q. Why do you say you do not know any more? A. Did not  
I tell you first and last I saw him hitting her?
- Q. WhenAshe refused to speak to him what occurred next, what  
was next done? A. He hit her when she would not  
speak to him.
- Q. He hit her because she would not speak to him?  
A. Yes sir.
- Q. Do you know that to be true? A. Yes sir, that is  
true.
- Q. How did he hit her? A. With his hand, I do not  
know whether his hand was closed or not.
- Q. You testified a short time ago that it was with his fist,  
didn't you? A. I said so but I do not know whether  
it was closed or not, I could not say but I seen his hand  
hitting her like and he kicked her once, that is all I can  
tell you.
- Q. What did you do when you saw this? A. I went and  
shut my own door, I would not be looking at him any longer.
- Q. You shut the door and left the sick woman to be kicked  
around by this husband, did you? A. I did not know  
them much.
- Q. You never had been introduced to her and therefore you  
could not go in and defend her? A. I did not take  
much notice of them, I thought it would not be so bad as  
this.
- Q. You say you saw her afterward? A. Yes sir, I saw her  
after, when they sent a little boy in for me.
- Q. Why did not you go down when you saw this man kicking this  
woman, go down on the street and report him to a policeman?

A. I did not like to.

Q. Why didn't you? A. I did not do it.

Q. You made no demonstration to stop him? A. I did not make any remark, I shut my own door, I had no more to say.

Q. You did not go to his door and ask him to desist?

A. No, I did not speak to him at all, good or bad.

Q. Who did you first tell about seeing him kick?

A. I did not tell no one, his wife Mrs. Whittel sent the little boy out to the next door neighbors to tell them to come in.

Q. Who did you first tell that you saw Whittel strike his wife?

A. I did not tell no one.

Q. Did you speak to no one at all about it? A. No, I did not but she sent a boy out to tell the next door neighbors, I did not tell no one, I let them fight it out themselves.

Q. You never told anybody? A. No, I did not.

By the Court. Q. Weren't you before the Coroner? A. Yes sir.

Q. Did you tell what you saw there? A. Yes sir.

Q. You were before the Grand Jury? A. Yes sir, I was.

Q. You told them there? A. I did so.

Q. Did you talk with the District Attorney? A. I told it just as I am telling you now the same.

Q. Did you tell anybody in the house about it; they sent the boy out to bring in the neighbors to see the way she was; then I happened to say that he did hit her.

Q. After she was hit the boy was sent out? A. Yes sir, she sent the boy out for the neighbors to come in to see her.

Q. Then you spoke to some of the neighbors what you saw, is that it? A. Yes sir, that is it.

By Counsel. Q. How long have they lived there? A. It could not be no longer than two or three months they lived there.

Q. Did you speak with them ever? A. No, I did not go inside, I was not going in the room at all.

Q. Did you ever speak to either of them when you met them in the hall? A. I only say good day, that is about all, but I never went into the rooms but once, she sent that boy for me.

Q. Did they live peaceably together there? A. I did not hear much noise from them.

Q. Did you ever hear any noise except on this occasion that you speak of, from them? A. No, I did not hear no noise.

Q. They lived peaceably together as far as you know? A. Yes sir, they had not much noise.

Q. Did they quarrel at all that you know of? A. Yes sir, sometimes they used to quarrel.

Q. Did you testify before the Coroner's jury that they lived peaceably together? A. I only said I did not hear much noise from them, that is all I said because I did not go in the room to tell anything whether they were noisy or not.

Q. You never knew of their having any quarrel, did you? A. No, I did not.

Q. Did you ever see her intoxicated? A. I do not know, sir, I never had no talk with her.

Q. You are an expert on intoxication, aren't you? A. I do not know whether -----

By the court. Q. He wants to know if you ever saw this woman drunk? A. No, I did not.

Q. Did she ever have the look of drink about her that you saw, did you see any signs of liquor upon her?

A. I brought a little sup to her one time.

Q. A sup of what? A. A little sup of brandy.

Q. After she was hit A. Yes sir, that is all I was in the room.

By Counsel. Q. Then you did visit with them and occasionally drink a little brandy with them? A. No, I did not, not a sup, that is all I saw her drink.

Q. Did you testify before the coroner's jury that he kicked her? A. Yes sir.

Q. Are you sure about that? A. Yes sir, I am sure.

Q. How long a time did this take, this lifting her up and striking and kicking her? A. Only two or three minutes.

Q. Did you go back and forward to see if the door was open?

A. I did not, I shut my own door.

Q. You did not go back to see what became of her?

A. No, I did not, I did not go near them at all.

Q. You are sure that you testified before the Coroner's jury that you saw him kick her? A. Yes sir.

JULIA DRISCOLL, sworn and examined.

By Mr. Weeks. Q. Where do you live? A. No. 22 Cherry Street.

Q. On what floor? A. I live in the basement.

Q. That is right under the apartments occupied in November by Whittel and Mrs. Slattery? A. No sir, it is on the other side of the building.

Q. Under whose apartment? A. There is no one under

Mr. Whittel's apartment.

Q. You are on the floor below them? A. I am in the basement facing the front.

Q. Do you remember on Monday, November 24 going up to Mrs. Whittel's room? A. She sent down a five year old boy for me for God's sake to come.

Q. The little boy came down to you did he, and then you went up to her room? A. Yes sir, she was lying on a mattress behind the door.

Q. Did you notice her condition? A. Her face was black and her eye hanging on her cheek.

By the Court. Q. Which eye? A. I could not really say but I got sick to my stomach. She asked me would I do an errand and go to 5 Batavia Street to tell her sister and I done so.

By Mr. Weeks. Q. That was on Monday? A. Yes sir, I believe it was.

Q. Did you see her again before she went to the hospital?

A. No sir, I never spoke in my life to her.

Q. Did you see her husband George Whittel? A. I seen him going in and out.

Q. On Sunday, the day before that? A. I could not really tell, I never seen him any more.

By the Court. Q. What time in the day on Monday was it when you went up there? A. It was about nine o'clock in the morning, it was between nine and half past eight for my baby was sick at the same time..

CROSS EXAMINED by Counsel.

Q. How long have you lived where you do now? A. I am living there four years.

Q. You are a married woman? A. Yes sir.

Q. What is your husband's business? A. He works down at coal corner of Rosevelt Street and New Bowery for Mr. Connors.

Q. How long have you been married? A. I have been married twelve years next month.

Q. How many children have you? A. I have two living and three dead.

Q. You live in a basement? A. I live in a basement.

Q. Opposite Mr. Whittel's? A. No, on the other side facing the front.

By the court Q. Where is Whittel's, front or rear?

A. It is in the rear, on the other side on the first floor.

Q. And your basement was on the opposite side? A. Yes sir, not near him at all.

By Mr. Weeks. Q. You had the front basement? A. Yes sir.

Q. Whittel and Mrs. Slattery had the back on the first floor, one on one side and the other on the other, on the other side of the hallway? A. Yes sir.

By Counsel. Q. How long have you known Whittel? A. Only three or four months, while he was living there.

Q. You have seen him often? A. No sir, I only seen him very seldom walking in and out.

Q. Do you know Mrs. Whittel? A. I seen her going to the hydrant for water, walking in and out.

By the Court. Q. The water is in the yard? A. Yes sir.

By Counsel. Q. Did you ever see her going out for beer?

A. I did not.

Q. Did you ever see her have any beer or any liquor of any kind? A. No sir, I did not.

Q. Did you ever see her when she appeared to be under the influence of liquor? A. No sir, I did not, for I had no discourse with her.

Q. You never had any discourse with her? A. No sir.

Q. But her little boy came down into your apartment?

A. Yes sir.

Q. You went up in a hurry? A. I went up.

Q. Where was she? A. She was lying on a mattress behind the door.

Q. On the floor? A. Yes sir.

Q. On a bed, the only bed they had there? A. They had no bed but the mattress was lying on the floor.

Q. And what did you see there? A. I saw her eye hanging out on the cheek.

Q. How far did it hang out? A. I could not really tell for I got sick to my stomach.

Q. You do not know which eye it was? A. I do not know, I did not wait to look much either.

Q. Did you run away from her? A. Indeed I did.

Q. What did you do? A. I went home to my baby sick in the cradle.

Q. Did you tell any of your neighbors about it?

A. No sir.

By the Court. Q. Did you go after her sister? A. I went after her sister.



By Counsel. Q When did you go after her sister? A. That morning I went back to see my baby and I went after her sister then.

Q. After that you went for her sister? A. Yes sir.

Q. Do you know how long Mrs. Whittle had been sick at that time? A. I do not know.

Q. Has not she always been sick ever since you have known her there? A. I do not know nothing at all about it any more.

Q. Did you know that she had consumption? A. I did not, for I was not acquainted with them.

Q. You never heard that she had consumption? A. No sir, I did not.

Q. Then you never had much to do with her? A. No sir, I had nothing at all to do with her, that was the first time I ever put my foot inside herndoor.

Q. You never knew of her quarreling with her husband? A. No, I never heard her for I had no interference with them.

By Mr Weeks. Q. You said, Mrs. Driscoll, that you went to her sister's, you did not mean that exactly? A. I did not go, I told her I would send a little girl.

Q. You say you saw Mrs. Whittel several times before this Monday? A. I seen her going in and out at the hydrant.

Q. Did you ever see her with a black and blue face or eye before? A. I did not.

By Counsel. Q. You said that you went and saw your baby and then you went for the sister? A. Yes, I sent for her sister.



Q. You said you went for her?  
sister.

A. No, I sent for her

By the Court. Q. What is the name of the little girl you sent?

A. Her name is Jennie Connolly --- Jennie Sullivan,  
she has a step-father.

By Counsel. Q. How old is she

A She is about eight years old.

Q. She is not your child then?  
child.

A. No sir, she is not my

MARIA FANNING, sworn and examined.

By Mr. Weeks. Q You live at 22 Cherry Street, Mrs. Fanning?

A. Yes sir, on the same floor.

Q. Do you remember being sent for by Mrs. Whittel one day,  
that is the wife of this defendant George Whittel?

A. Yes sir.

Q. Did you go into her room?

A. Yes sir, I did.

Q. And did you find her there,

A. I found her lieing in

the little bed behind the door.

Q. And did you notice her condition?

A. Yes sir, her

eye was on her cheek.

Q. And how about her face,

A. One side of her face was

black.

Q. You then sent for her sister did you at her request?

A. Yes sir.

By the Court. Q. What day was that?  
morning.

A. That was on Monday

CROSS EXAMINED.

By Counsel. Q. What floor do you occupy in 22 D  
same floor.

A. On the

Q. The same floor as Whittel?

A. Yes sir.

Q. Front or rear?

A. Front and he lived in the back,  
in the rear.

Q. How long have you occupied those rooms?

A. To the  
best of my knowledge about nine years.

Q. You remember when the defendant and his wife came in there?

A. Some four months from that time, I think.

Q. They had been there about four months

A. That is all.

Q. How far is your room from theirs?

A. That I could  
not tell you.

By the Court. Q. What floor are you on?

A. On the same floor

in the front, I live in the front and they lived in the  
back.

Q. Does Mrs. Slattery live there?

A. Mrs. Slattery lives  
opposite Whittel, right on the same floor.

Q. Whittel's rooms are in the rear of yours?

A. Yes sir, the rear of mine.

Q. You are in front?

A. Yes sir.

By Mr. Weeks. Q. Four apartments on an floor?

A. Yes sir.

By Counsel. Q. Where is the door in regard to the entrance to  
Whittel's room?

A. Whittel's room is in the back of  
mine.

Q. How far is your door from Whittel's door?

A. It is a  
good distance, I could not tell you.

Q. As far as from you to the wall?

A. O yes, further than  
that.

Q. Does your rooms come up to his in any way?

A. No sir, mine comes on the same side as Mrs. Alattery, mine is facing the front yard.

Q. When did you first learn that Mrs. Whittel was ill?

A. After she sent for me.

Q. And that was what day of the week? A. On Monday morning.

Q. You did not hear any disturbance in her room that night?

A. No sir, not at all, I did not.

Q. Do you know Mrs. Slattery? A. Yes sir.

Q. She lived on the same side of the hall that you do?

A. The same side of the hall.

Q. She did not go into your room and tell you anything that had happened that night in Whittel's room?

A. No sir.

Q. You knew nothing about her being ill until she sent for you?

A. Nothing at all until she sent her little boy after me.

Q. You went in there and she was lying on the mattress behind the door? A. Yes sir.

Q. What was her condition? A. Her eye was much out on her cheek.

Q. How far did it hang down? A. I could not tell you, I did not look, it was about here I guess (pointing).

By the Court. Q. You saw it, didn't you? A. Yes sir, I could not tell how far it was out on her cheek.

Q. But you saw it hanging down on her cheek?

A. Yes sir.

Q. How often about did you see Mrs. Whittel since she has been living there? A. Sometimes in the morning she would

be outside.

Q. Outside; in the yard or in the hall? A. In the hall or in the yard, I never spoke with her.

By Counsel. Q. Did you see her every day? A. Yes sir, afyer she got ill.

Q. Before she was ill, after she had moved in how often did you see her? A. I saw her pass up and down, I never spoke to the woman.

Q. Did you ever hear of any quarrels in her rooms there? A. No sir, I never heard nothing wrong.

Q. Did you ever hear her falling? A. No sir, I never heard her falling.

Q. Never heard that she fell at any time? A. No sir.

Q. Did you ever see her drink liquor? A. NO.

Q. Never have heard it by any of the neighbors or from any source that she ever drank? A. No sir.

Q. What did you do after you went in there?

A. I sent for her sister.

By the court. Q. Whom did you send? A. There was a little girl went after her sister.

By Counsel. Q. Did you send the little girl? A. Yes sir.

By the court. Q. Is that the same little girl that Mrs. Driscoll sent? A. Yes sir.

By Counsel. Q. What else did you do? A. I done nothing else. I came out into my own room afterwards.

Q. You did not remain there until the sister came?

A. No sir.

Q. Did you report this to anybody, what you had seen in there?

A. Nothing further -----

By the Court. Q. You saw this woman lieing on the cot?

A. Yes sir.

Q. With her eye out and face black? A. Yes sir.

Q. You sent for her sister? A. Yes sir.

Q. Then did you tell that to anybody? A. I told it to some of the neighbors.

By Counsel. Q. You told it to some of the neighbors? A. Yes sir.

Q. Who did you tell it to? A. To somebody in the house only.

Q. Give us the names of anybody that you told that to?

A. To Mrs. Conroy the house-keeper.

ELIZABETH DALEY, sworn and examined.

By Mr. Weeks. Q. Where do you live, Mrs. Daley? A. I now live in 27 1/2 Munroe Street.

Q. Do you know the defendant George Whittel?

A. Yes sir, he is my brother-in-law

Q. His wife was your sister? A. Yes sir.

Q. What was her name? A. Catherine White.

Q. How long had they been married? A. I believe they are married going on six years.

Q. Do you remember receiving a message from Mrs. Driscoll and Mrs. Fanning? A. Yes sir, I did.

Q. When ~~ye~~ was that? A. It was the latter end of November, it was Monday morning I know, I was lieing in bed a little girl came up, I heard her inquiring for Mrs. Daley.

Q. You then went to see your sister? A. Yes sir.

Q. How did you find her? A. I found her lieing on the mattress on the floor.

Q. What condition did you find her in? A. She was lying down on her right side, she had a rag over her face and I said to her, "my God."

Q. Did you see her face? A. Yes sir, her face was all black and blue and all full of blood.

Q. How about her eyes? A. It seemed to me as if her eye was on her cheek, she said she could see out of it.

Q. It seemed as though it was out on her cheek? A. Yes sir, the white ball like and black around it.

Q. What did you then do? A. I warmed some water and I bathed her face.

Q. Did you ~~make inquiries~~ go anywhere from there?

A. No sir, I remained there all that day until her husband came home in the evening, I met him in the evening.

Q. This defendant, George Whittell? A. Yes sir.

Q. What conversation did you have with him when he came in?

A. I met him on the street, he was going along the street near the gutter and I said to him, "my God, George, what happened <sup>Katie</sup> ~~Gessie~~?" He says, "Lizzie, I don't know, I don't know how it happened." I says, "my God, that is the last of her, she will surely die." George said, "she will not." I said, "she needs a doctor"; George said, "no, I don't think she needs a doctor." I said, "very well", and I remained there that night until nine o'clock and I went home and the next morning George came in the house and he called me; it was around half past eight then and he told me she wanted me, I stayed there and that day George came home at eleven o'clock to see how she was.

Q. That was Tuesday, the 25th? A. Yes sir.

By the court. Q. You remained all day Monday? A. Yes sir.

- Q. Did you remain all Monday night? A. No sir, I remained there until nine o'clock.
- Q. Then you went home? A. Yes sir, I left him with his wife.
- Q. And the next morning, Tuesday, you came again?  
A. Yes sir, I did.
- Q. What time did you come? A. It was around half past eight.
- Q. Was he there then? A. No, he had his hat and coat on, he came after me, he came to my house and called me from the yard and told me to go around to Katie, she wanted me.
- By Mr. Weeks. Q. You went around there? A. Yes sir.
- Q. He came in at eleven o'clock on that day? A. Yes sir, to see how she was.
- Q. Did you have any further conversation with him on those days as to how it happened? A. No sir, I did not.
- By the Court. Q. Did you have any talk with him at all about the condition of this woman? A. No sir, I did not any more than I just said to him, "George, what happened Katie?" He told me he did not know, he did not remember anything about it. I asked her what was the matter.
- Q. Did she speak? A. Yes sir.
- Q. Was he there at the time? A. No sir.
- Q. On Tuesday did you speak to her? A. Yes sir, I did.
- Q. Was he there at the time you spoke to her? A. No sir.
- Q. At any time? A. Yes, he was, in the evening, I remained there every evening until he came home.
- Q. What did you say to her and what did she say in his presence? A. Oh, I could not exactly say.



Q. Tell us as near as you can? A. He kept giving her warm drinks of tea and he asked her how she felt? She said she was getting along nicely; she sat up by the stove and when she was not able to be lifted her up out of her cot and put a quilt under her feet and read the paper to her.

Q. Was nothing at all said about how this condition was brought about? A. No sir.

Q. You did not say anything about it? A. No sir, I did not wish to raise no trouble with the man, I did not think it was my place for fear of getting into the hands of the law.

By Mr. Weeks. Q. You say that you found her face black and blue and her eye as you expressed it, lying out on her face?

A. Yes sir .

Q. Did you examine her at all? A. Yes sir. I did but not until the night she was taken in the ambulance.

Q. That was on the night of the 4th of December, Thursday?

A. Yes sir, the 4th of December.

Q. How did you find her body when you examined it?

A. Her body was all black and blue.

By the Court. Q. About her upper portion? A. No sir, her back.

Q. Towards the side? A. No sir, right around the shoulders in the middle of the back.

Q. How about her eye? A. Her eye was hanging on her cheek.

Q. Was nothing done for this woman from the time her eye was out until she was brought away in the ambulance?

A. No sir, only to bathe her face with luke warm water.



By Mr. Weeks. Q. You have told us what happened on Monday and Tuesday, what happened on Wednesday, the 26th of November?

A. I kept going there steady attending to her and on the 26th of November I found she was getting worse and I notified the captain of police, I went to the Captain of the Oak Street station house and he sent Detective Canavan around with me; he came around and he asked what was the matter.

Q. Was George there at that time? A. No sir.

Q. The detective came around? A. Yes sir.

Q. And they did nothing further at that time? A. No sir.

Q. Were you there when the ambulance came? A. Yes sir.

Q. Was her husband there then? A. No sir, he had been there that night though.

By the Court. Q. What time did the ambulance come, what time of day? A. It was not in the day, around half past ten at night.

Q. Was he not there then? A. No sir, he was not.

By Mr. Weeks. Q. Have you ever had any conversations with the defendant as to how your sister received these injuries?

A. No sir, I never made it my business to ask him anything at all about it.

By the Court. Q. She was your own sister? A. Yes sir, she was my sister; she did not want no one to interfere.

By Mr. Weeks. Q. Did you see her at the hospital? A. Yes sir, I did, I visited her.

Q. After she was dead? A. No, not after she was dead, before she was dead.

By the Court. Q. She was buried somewhere? A. Yes sir, she was buried in Calvary Cemetery.

Q. Did not you see her coffin and remains? A. Yes sir,  
she was taken from my room.

By Mr. Weeks. Q. You saw her after she was dead and you attended  
her funeral at Calvary Cemetery? A. Yes sir.

By the court. Q. How old a woman was she? A. She was twenty-  
four years old.

CROSS EXAMINED.

By Counsel. Q. Your sister was ill, was she not? A. She was  
ill when she lived in Batavia Street for a short time.

Q. She had been ill with consumption for a short time?

A. No sir, she never had consumption that I know of,  
I never knew that she had it.

Q. Had she not been treated in July for consumption?

A. No sir.

Q. What time did you get down there, when did you first see  
her after this injury? A. It was some time around the  
20th of November.

Q. What day of the week? A. It was Monday.

Q. What time of day? A. It was around half past eight  
in the morning.

Q. You came into the room where she was? A. Yes sir.

Q. And who was there? A. There was nobody but herself  
her son Edward was there a little boy opened the door and  
let me in.

Q. George was not there? A. No sir.

Q. When did you see George? A. I seen him that evening.

Q. What did you say to him? A. I said to him, "my God,  
George, what happened Katie"; he said, "I don't k now,  
Lizzie, I don't know how it happened, I cannot account

for it."

Q. Did not he say to you that she said that she fell on the steps? A. No sir, she never said that to me.

Q. Did he not say that to you in substance? A. He said she fell.

Q. In her presence? A. No sir, not in her presence.

Q. Was she not there? A. No sir, she was in her own room he was on the street.

Q. You met him in his room, did you not? A. Yes sir.

Q. What did you say to him? A. I did not say nothing at all to him in the room, I met him outside because I thought he might object to the neighbors coming in. He was going along the gutter and I said to him, "my God, George, what happened Katie?" He said, "Lizzie, I don't know, I don't know how it heppened"; he said she said that she fell. That was on the street but not in her room.

By the Court. Q. That was in the street? A. Yes sir, not in her presence, I went into the room with him, we had no further conversation about it.

By Counsel. Q. Did not you have any further conversation in the room? A. No sir.

Q. There she lay with her face blackened? A. Yes sir.

Q. And her eye as you thought, was out on the cheek?

A. Yes sir, she told me she thought she could see out of it.

By the Court. Q. You must have said something? A. I asked her if she would not like to go to the hospital? She said no. Then I said, "Katie, I will get a doctor." She said, "no, don't fetch a doctor, George will be arrested." I said,

"you must have somebody, I am poor, I cannot look out for you."

By Counsel. Q. Was George there? A. No sir.

Q. You remained how late that evening? A. Nine o'clock.

Q. Then you went home, who did you leave there?

A. I left her husband with her, he was sitting by the stove reading the paper.

Q. While you were there what did he do? A. He was reading all the time while I was there.

Q. You testified to his having given her nourishment and caring for her? A. Yes sir, he had tea and there was gruel on the stove.

By the Court. Q. Who made the gruel? A. I did not make it, he must have made it himself.

By Counsel. Q. He lifted her off the bed on to the chair?

A. Yes sir, he lifted her up and gave her drinks, I saw him doing that.

Q. He lifted her tenderly? A. He did while I was there, I do not know what happened when I went out.

Q. How long had they been married? A. Going on six years I believe.

Q. Where had they lived during the six years? A. Lived in Cherry Street, the number I do not know, I suppose he knows the number himself, and they lived in Batavia St. --- 22 Cherry Street.

Q. During any of that time did you live there with them?

A. Yes sir, I did.

Q. How much of that time were you with them? A. I could not exactly say but the biggest part of the time I lived with them and they lived with me during the time they have been married.

Q. What do you say as to their living peacefully or otherwise?

A. I do not know, I could not exactly say, they have had a great many quarrels I know but I never saw them strike each other.

Q. Did you ever see him use any violence toward her in your life?

A. No sir, I never saw him strike her.

Q. Your sister drank sometimes, didn't she? A. Yes sir, she took a glass of beer once in a while with her husband and often with me.

Q. She took a glass of beer if she had a chance? A. Yes sir.

Q. Did she ever take any whiskey? A. Yes sir, she did during the time she was sick but not to excess.

Q. She did drink it when she could get it? A. Yes sir, she did.

Q. And went out for it at times? A. Yes sir.

Q. And sent her children out for it? A. She had only a little boy five years old.

Q. He did not get any? A. No sir, who would sell a little boy like him whiskey?

Q. Or beer? A. No sir, he did not.

Q. You do not think that the bruises on her shoulders were caused by any violence from George, do you? A. I could not exactly say anything about that, I do not know how she could get them.

Q. Could not she get them by lying in bed on her shoulder on a hard mattress? A. No sir.

Q. Would it not be possible? A. I think not.

Redirect examination by Mr. Weeks.

Q. Did you ever see your sister under the influence of liquor?

A. Yes sir, I did.

Q. And have you ever seen her husband under the influence of liquor? A. Yes sir, I did.

Q. Frequently or not? A. Yes sir.

Q. How frequently have you ever seen Mrs. Whittel under the influence of liquor? A. I have not see her under the influence very often because she did not have much hand in his money to get it.

Q. While you lived with them how frequently did they quarrel? A. They did not quarrel much while I lived with them, very seldom.

By Counsel. Q. You never drank liquor yourself? A. Yes sir, I did, with her and with him too.

Q. You did not regard him as of a quarrelsome nature, did you? A. I know he has a very cranky temper and he knows that himself.

Q. But he was not particularly cranky when he got a little whiskey taken, was he? A. He says so himself when he drinks whiskey but not when he takes beer.

Q. Beer has a soothing effect upon him? A. Yes sir.

MARGARET FEENEY, sworn and examined.

By Mr. Weeks. Q. Where do you live? A. I live No. 5 Batavia St.

Q. Do you know the defendant? A. Yes sir.

Q. His wife Catherine Whittel was a sister of yours, was she? A. Yes sir.

Q. Do you remember calling at their home in 22 Cherry Street on the 4th of December? A. Yes sir.

Q. That was the day when she was taken away in an ambulance,

was it not? A. Yes sir.

Q. Did you there have any conversation with your sister while the defendant George Whittel was present? A. Yes sir.

Q. Was he near enough to hear the conversation? A. Yes sir.

Q. What was the conversation? A. I knocked on the floor to my sister, I ~~asked~~<sup>shook</sup> her two or three times when I went in, I went in and her face was in a terrible condition. I spoke to her and she did not answer me, I then shook her up a couple of times, he was sitting by the stove; then I said to her, "I guess I will be going" and I said to George "I will send Lizzie down. Before I left her bedside she grabbed me by the sacque and said, "Maggie, he kicked me in the side," and that is all she ever said to me.

Q. And then you left and went to your sister's?

A. Yes sir.

Q. Did you leave her there then? A. Yes sir.

Q. How long were you with her? A. About fifteen or twenty minutes, I was after coming from work in the evening.

Q. Tell us what her condition was when you saw her?

A. She was lying upon the floor on a mattress and her face was all swollen, it was all black and blue and her eye was completely out of the socket, it was on her cheek.

Q. Do you know which eye it was? A. No sir, I do not, I did not notice; then I went up to my sister Mrs. Daley.

Q. Is that all you saw? A. Yes sir.

Q. And that is all the conversation you had with her in the presence of her husband? A. Yes sir, only I spoke to him during the time and said, "George, would it not be nice if I went for the priest."

By the court. Q. You said what to him?

A. I says, "George



Would it not be nice if I went up after the priest?" Then he gave me a smutty answer and I did not say any more to him.

Q. What was the answer? A. He said, "to hell with the priest" and then I left the room and went back to my sister's.

CROSS EXAMINED.

By Counsel. Q. When did you first hear of your sister's illness?

A. A week before I happened to go down there.

Q. Who told you about it? A. Mrs. Daley.

Q. What were you doing at the time she told you?

A. I was getting my brother's supper ready.

Q. You did not go down until a week had elapsed?

A. O yes, I went down there that night.

By the Court. Q. You did not hear of it until a week after it happened is that it, when did you first hear of your sister's being beaten in this way? A. A week before, I happened to call in there from work.

Q. Did you go down when you heard about her illness right away?

A. Yes sir, I went down.

Q. Was that the same time that she was hurt, how long had she been hurt when you went down to see her? A. About a week.

Q. And that is the first time you heard of it, you went right away? A. Yes sir.

By Counsel. Q. You were not notified then at all until she had been hurt a week? A. The first time I heard it Mrs. Daley told me.

Q. When was that, how long after she was hurt?

A. A week before I called in there from work.

Q. You heard of it a week before you went down there?

30 A. Yes sir.



By the court. Q. You did not go down for a week? A. I went down that night.

By Mr Weeks. Q. You remember when your sister was hurt?

A. Yes sir.

Q. How long after she was hurt did your sister Lizzie tell you about it? A. The week she first told me about it I went down and seen her eye.

Q. The very week she was hurt your sister Lizzie told you?

A. I do not know exactly whether it was that week or not she was hurt.

Q. When you first heard about it you went to see your sister and the first time that you went to see her was about a week before she was taken away in the ambulance? A. Yes sir.

Q. Between the first time that you went to see her and the last time that you saw her there in the house did you go to see her? A. No sir.

By Counsel. Q. You heard of it several days before you went down there? A. Yes sir.

Q. What day of the week did you go there? A. I could not exactly tell you the first time but the second time I went down there was Thursday.

Q. When did this conversation that you had take place?

A. The second time, on Thursday.

Q. What happened the first time you went down? A. Nothing at all, I went in, I said, "well Katie, he fixed you." She never answered me, I walked out, I was not very anxious to visit her house.

Q. Why did not you stay and take care of her? A. Because he was a very cranky man himself; me and him could not agree.

Q. You did not stay because he was a cranky man himself?

31 A. Yes sir.

Q. You went awy and did not visit her again in a week?

A. Yes sir.

Q. And this is the time she talked to you?

A. Yes sir.

Q. What did she say?

A. She told me he had kicked her in the side.

Q. Use her language?

A. "Maggie, he kicked me in the side," that is all she said to me.

Q. What did you say to that?

A. "Katie, I will be down again, I will go up to Lizzie", that is all I said to her.

Q. You did not ask her how it occurred or anything about it?

A. No sir, I did not.

Q. You say that her eye was away out on her cheek?

A. Yes sir.

Q. Did you ask her about her eye?

A. No sir, I did not.

Q. You made no inquiries, you were not exercised about her eye at all, were you?

A. How do you mean?

Q. You were not anxious about her?

A. Well, my goodness, looking in her face I got sick in my stomach, I could not stay there.

Q. Is that why you left that time?

A. No sir.

Q. You left because he was cranky?

A. Yes sir, we never could agree at all.

Q. Is there anybody that can agree with you?

A. I think so.

Q. Your sister drank some, did she not?

A. Very little, the same as every other woman I suppose who send for a pint of beer when they feel like it.

Q. You think every woman drinks?

A. The best of women drink.

Q. You drink?

A. No sir, I do not.

Q. You are not among the best then?

A. No sir.

Q. Have you seen your sister under the influence of liquor?

A. No sir, I never did.

Q. You never knew of their having previous quarrels?

A. Yes sir, I did.

Q. Did you ever see them have a quarrel?

A. Yes sir, often.

Q. But you did not live in the family?

A. No sir, I did not

Q. You live alone, don't you ?

A. Yes sir.

By the court. Q. You have a brother, didn't you say?

A. Yes sir, me and my brother keep house together.

By Mr. Weeks. Q. You say that you have seen them quarrel?

A. Yes sir.

Q. Have you ever seen this defendant strike your sister before?

A. Yes sir, I did.

Q. Have you ever seen him under the influence of liquor?

A. Yes sir, I did.

Q. How frequently?

A. Just as often as the weather was wet I seen him under the influence of liquor only when he did not have any money and that was very seldom.

Q. What was this prisoner's occupation?

A. Boot-black .

Q. And when the weather was wet he did not attend to his business?

A. No sir.

Q. He used to remain at home?

A. Yes sir.

Q. On those occasions he was in the habit of getting intoxicated.

A. Yes sir.

Q. When he was intoxicated was he quarrelsome?

A. Yes sir.

Q. How many times have you seen him strike your sister?

A. That would be pretty hard to tell, pretty often I guess.

Q. More than once?

A. Yes sir.

By Counsel. Q. When?

A. O, often through their married life I could not exactly tell you when.

Q. How many years ago?

A. I suppose it is between one

- Q. Is that as near as you can get at it? A. Yes sir.
- Q. It was more than one year ago? A. Yes sir.
- Q. How long before her death? A. They lived in a good many buildings, I guess through their married life, I could not really tell you.
- Q. You can tell within a year, did you see him strike blows a year before her death? A. O yes.
- Q. Where? A. I do not exactly know how long ago it is, they lived in No. 1 Fifth Street, I seen him strike her there. Sometimes when he would call her she would not come down but when she came down he would kick her.
- Q. Did the defendant kick or strike her? A. Both.
- Q. When was that? A. When he lived in Batavia Street. I don't know how long ago it is.
- Q. Is it two years ago? A. No sir, I do not think it is that long.
- Q. Was she drunk? A. No sir.
- Q. You are friendly with the defendant, are you not? A. No sir.
- Q. You never have been friendly with him? A. O yes.
- Q. How often? A. We never could agree together.
- By Mr. Weeks. Q. You are less friendly since your sister's death? No answer.

MARY SLATTREY recalled by Mr Weeks.

- Q. When, as you have testified, you saw Mr. Whittel strike his wife did you hear him say anything at that time?
- A. As he struck her he said he would punch her sides in, that is what he said.

By the court. Q. When he struck this woman what did that man say at that time? A. He said he would punch her sides in, that's what he said.

Q. Punch her face in? A. That is what he said, that is all.

By Mr. Weeks. Q. Is that all that you heard him say?

A. That is all I heard him say; all the time he was talking to himself in and out when he was drunk.

Q. Now try and remember what you told Mr. Davis and told me you also heard him say, tell the Jury what that was?

A. I do not remember any more, that he said anything else.

By the court Q. Have you now told the District Attorney all that you remember? A. I do remember that.

Q. Listen to me, hold up. A. That is all I can remember.

Q. Listen to what I say to you and stop talking. Have you now stated to the District Attorney all that you recollect that the defendant said at the time that you saw him strike his wife? A. Yes sir, as he was striking her, I have, that is all he said, "I will punch your face", as he hit her.

Q. Punch her face? A. Yes sir.

Q. Did he say that more than once? A. That is all he said

Q. Only once? A. Once, Judge.

By Counsel. Q Did you testify to that before the Coroner's jury?

A. Yes sir.

Q. You swore to that, did you? A. O yes, that is all I can say.

Q. You swear that you testified before the Coroner that he said as he struck her in the face that he would punch her face in, you swear to that positively that you swore to that before the Coroner? A. That is all I could swear he

said, and he was very, very drunk the same time.

Q. Do not forget to put that in, sandwich that in, were you very drunk?

A. No sir, I was not, I had my supper, I drank a little with my sister when she comes to see me but with any other I do not.

Q. Your sister is the only one you drink with? A. That is all.

Q. Do you keep liquor in the house? A. No, I do not, not a sup.

Q. You send for it when you want it? A. Yes sir, we go out for it.

Q. You drink it sometimes when your sister is not around?

A. No, I do not, only when she comes, not a sup.

Q. You swear to that? A. Yes sir.

By Mr. Weeks. Q. Do you remember now whether you gave that testimony before the Coroner's inquest or not as to what Whittel said?

A. I could not tell you any more.

Q. But whether you did give that or not it is true that he did say that?

A. Yes sir.

ELIZABETH DALEY recalled by Mr. Weeks.

Q. Were you in George Whittel's apartments the night that your sister Catherine Whittel was taken away in an ambulance?

A. Yes sir.

Q. Before the ambulance was sent for was the defendant George Whittel in the room?

A. Yes sir.

Q. Who went for the ambulance? A. His brother went.

Q. And after his brother had gone out for the ambulance what became of George Whittel? A. I do not know, sir, he went out.

Q. What did he do before he went out? A. He went to the bureau drawer and took some pictures, he had photographs of himself and his wife and I believe there was a picture of his son there.

Q. When did you next see him? A. The next time I saw him uptown.

Q. Was that after Mrs. Whittel's funeral? A. Yes sir.

Q. Was he present at her funeral? A. No sir.

By Counsel. Q. Who did you first tell that you saw him take picture out of the bureau drawer? A. I have not told anybody until I told Mr. Davis.

Q. Did you not see George at the Court house the day after his wife died and he was getting some money to bury her?

A. Yes sir, I did.

Q. It is not true what you just testified to, undoubtedly you made a mistake that you did not see him from the time that you were waiting for the Coroner or the ambulance to come until you saw him in the Coroner's office?

A. Yes sir, I saw him in the court-room, I made a mistake.

Q. After your sister's death you saw him? A. Yes sir.

Q. And next in the Coroner's office? A. Yes sir.

By Mr. Weeks. Q. That is you did not see him between the day your sister died on the 5th of December and the 11th of December when he was at the Coroner's office, that was the day that she died that you saw him in the Court House, the 5th of December?

A. Yes sir, that day.

Q. You did not see him again after that day when you saw him in the Court house until you saw him at the Coroner's office on the 11th of December?

A. That was the exact time I saw him.



JOHN CANAVAN, sworn and examined.

By Mr. Weeks. Q. When did you first see Catherine Whittel, the wife of the defendant?

22 Cherry Street.

A. On the 26th of November at

Q. She was then alive?

A. Yes sir.

Q. And in what condition did you find her there?

A. Her face was all black and her eye was bloody; she was then lying on the floor in the room on a mattress on the left hand side of the room.

Q. You were sent there by the Sergeant?

A. Yes sir.

Q. When did you next see her after that?

A. The next I

noticed the brother come to the Station House on the evening of the 4th with a note from Dr. Hemmingway telling the Sergeant -----

Q. After he came to the station house what did you do?

A. I went to 22 Cherry Street.

Q. And there you saw her again?

A. I saw her again going

into an ambulance.

Q. In what condition was she then?

A. She was pretty low.

By the Court. Q. Was she lifted and carried down stairs out on a stretcher and put in the ambulance?

A. Yes sir.

Q. Did you notice her face at that time?

A. I noticed her

face was black.

Q. Did you notice the condition of her eye at that time?

A. No, the eye was covered with a cloth.

By Mr. Weeks. Q. When you got to 22 Cherry Street was this defendant there?

A. No sir.

Q. Did you subsequently arrest this defendant?

A. No sir.

Q. Do you know when he was arrested?

A. He gave himself



up at the Coroner's office.

Q When was that? A. That was about the 11th of December.

Q. Was it the day of the examination? A. The day before the examination.

Q. That is the 10th of December, between the 4th and the 10th of December did you make any efforts to find the defendant?

A. Yes sir, I was in Brooklyn, I was in Jersey, I was in his brother's house and I watched around where the deceased was buried from in Batavia Street to see if he would show up at the funeral and I could not see any sign of the young man.

Q. During all that time you made efforts to find him?

A. Yes sir.

CROSS EXAMINED.

By Counsel. Q. Did you have a warrant for his arrest?

A. No sir.

Q. Did you have any other business in Jersey? A. No sir.

Q. Why did you go to Jersey? A. I was told that he was over that way.

Q. Who told you that? A. A certain party gave me the information, I think it was Mrs. Daley told me that he was over there, that he was in the habit of going over the re.

Q. And that he was in the habit of going to Brooklyn and was in the habit of staying in the city too? A. Yes sir.

Q. Did you look about the city a good deal? A. She told me where his brother lived in Madison Street.

Q. Where did you stand when you were watching? A. I was standing on the corner.

Q. What day of the week was it that you called at 22 Cherry the first time? A. I could not say what day it was on no

more than it was the 26th of the month.

Q. You heard that she had been injured? A. Yes sir.

Q. You say that her right eye was black? A. Yes sir,  
when I got in the room she was lying on the floor with a  
cloth over the eye.

Q. She removed the cloth so that you saw her eye?

A. Yes sir, I immediately saw her sitting up in the  
bed without any assistance from me.

Q. Her eye was badly blackened and swollen? A. Swollen.

Q. Was it out of the socket, hanging down on her cheek?

A. It was bulged right out.

Q. It was not hanging out on the cheek? A. NO.

Q. It was badly swollen? A. Swollen, bulged right out.

Q. You noticed no other bruises about her face? A. On the  
right side of the face seemed to be all the pain in the vi-  
cinity of the eye.

Q. What position was she in the room and what part?

A. She was lying on the mattress on the left hand side  
of the room behind the door.

Q. Look at that rough draft and see whether it is a fair repre-  
sentation of the defendant's room? A. That is correct.

Q. Do the dotted lines in that representation represent the po-  
sition the mattress was in? A. That is where the mat-  
tress was as you opened the door the mattress lay behind the  
door. The room was no more than about twelve by ten; the  
stove was about eight or ten feet from the door directly  
opposite the door as you go in and then there was a chair  
alongside of that.

Q. How near the bed was that stove? A. I should think it  
would be about two or three feet.

Q. How near was the chair to this mattress? A. I should judge that would be about two or three feet.

The Court: The room which is marked A on the diagram is the room of the deceased; the mattress is marked B and the stove marked C and the door marked D; the chair marked E.

By a Juror. Q. Was this woman's head towards the door?

A. Yes sir, toward the door, that way, and the feet towards the stove.

Q. Could the bed or the mattress be seen from the hall?

A. No sir, not except you pushed the door in.

Q. If the door was open could you see it? A. No sir, the mattress was behind the door.

The Court marked on the diagram the door of Mrs. Slattery's room F.

Q. You say that the door of Mrs. Slattery's room is directly opposite the door of the deceased woman's room?

A. Yes sir. The door opened in toward the mattress.

By Counsel. Q. You stated that you thought the room was about twelve feet long?

A. Something about that distance, ten or twelve, I did not measure it.

Q. Refresh your recollection and state would not you think the room was fully sixteen or eighteen feet long?

A. No, I could not say.

Q. Would it not be as long as from where I stand to the window in your judgment?

A. No, it is not as long as that.

Q. Does the door open to the left of the room as you go into the room?

A. Yes sir, the door opens right in on the mattress.

MARY SLATTERY recalled by Mr. Weeks.

Q. On that Sunday evening when you saw as you have testified, this defendant strike Mrs. Whittel, where was she in the room when he struck her, when she was lying there?

A. On the floor.

Q. Not on the mattress?  
front of the door.

A. No, on the floor, right in

By Counsel: You testified yesterday, did you not, that she was on the mattress?

A. No, I did not say that, I said all the time on the floor, she was lying down near the stove just opposite the door.

Q. On her side or on her back?  
tice which way she was lying.

A. I did not take any no-

Q. You can tell whether her face was toward you?  
could not.

A. No, I

Q. Her feet pointed toward the stove, is that right?

A. Yes sir.

GEORGE GAY, sworn and examined by Mr. Weeks.

Q. In December 1890, Doctor, you were the ambulance surgeon at the Chambers Street Hospital ?

A. Yes sir.

Q. Do you remember being called on the night of the 4th of December to 22 Cherry Street?

A. Yes sir, I was called.

Q. Did you there find Catherine Whittel?  
woman whom they said was of that name.

A. I found a

Q. Where was she Doctor, when you first got in?

A. She was lying on the mattress I think on one side of the room.

- Q. What was her condition? A. She was delirious.
- Q. Did you make any kind of an examination? A. Yes sir, I found as near as I can remember she had a bad cut under one eye which presented the appearance of having been there some time.
- Q. Did you find any evidences of alcoholism? A. No sir.
- Q. She was removed to the Chamber Street hospital?
- A. Yes sir.
- Q. When you got her to the Chamber Street hospital did you attend her or somebody else? A. Somebody else, she was put in bed.
- Q. Was she undressed before she was put to bed?
- A. She had nothing but a night dresson and a shawl wrapped around her and a blanket that I remember. I sent immediately for the house surgeon and he took charge of her.
- Q. You made no further examination? A. No sir.

Fred. L. Wells, sworn and examined.

By Mr. Weeks. Q. In december 1890, Doctor, were you house surgeon at the Chamber Street Hospital? A. Yes sir.

Q. Have you any recollection of one Catherine Whittel who was brought there by Dr. Gay on thennight of the 4th of December.

A. I have an indistinct recollection now but nothing definite whatever, nothing that I can swear to; I remember indistinctly the name Whittel.

Q. Don't you keep some record, A. Yes sir, there is a record in the hospital I believe.

Q. Why did not you bring it? A. I am not in the hospital now, I left the hospital on the first of February.

- Q. There is a book kept there of all these cases, is there not, and the injuries? A. Yes sir.
- Q. Does the house surgeon make an examination as soon as a patient is put in his charge? A. Yes sir, he always makes an examination.
- Q. If he discovers any difference in the diagnosis made by the ambulance surgeon he notes that change? A. Yes sir.
- Q. If he finds that the ambulance surgeon diagnosis correctly he adopts it and does not make any change, is that right? A. Yes sir, that is right.
- Q. You went to the hospital last night to endeavor to refresh your recollection A. Yes sir, I went there about ten o'clock last night.
- Q. You have not succeeded in refreshing it? A. No sir.

WILLIAM A. CONWAY, sworn and examined.

By Mr. Weeks. Q. You are a deputy Coroner of the city of New York?

A. Yes sir, so called.

Q. Did you on the 5th of December, 1890, make an autopsy ---- you are a physician and surgeon? A. I am a physician

practicing in New York city about twenty-five years and residing at 247 East Broadway.

Q. Did you on the 5th of December, 1890, make an autopsy upon the body of Catherine Whittel? A. I did.

Q. Where did you find that body? A. At the Chamber Street Hospital.

Q. Will you state to the Jury what the result of your autopsy was? A. The external examination showed bruises on



face about four and a half inches long on the right side; the lower eyelid was torn; there were bruises on the arms and legs about an inch in size at varying intervals. The internal examination showed that the lungs were filled with tubercles, the right lung covered with pluretic adhesions, the kidneys fatty, the liver enormously enlarged and fatty and about twice the normal size; the other organs were normal but enemic, bloodless, pale. From the condition of the organs the woman might have died at any moment from natural causes, and also if she had been subjected to any violence such as serious fall or a beating, undoubtedly her death would thereby have been accelerated.

Q. What in your opinion was the cause of death?

A. The cause of death was consumption, Bright's disease of the kidneys, fatty degeneration and enlargement of the liver hastened by some external violence.

Q. You say you found the lower right eyelid torn?

A. The lower right eyelid was torn.

Q. What effect did that produce upon the appearance of that eye?

A. It gave the appearance of it lying over on the cheek, of course it did not lie over on the cheek, it exposed the eye ball.

Q. In tour opinion would such violence as was necessary to produce the bruises and wounds found upon the body have been sufficient to have accelerated the death?

A. Undoubtedly.

CROSS EXAMINED by Counsel.

Q. You say you found her afflicted with what diseases?

A. Comsumption, fatty degeneration of the liver, emlargement of the liver, the liver was about twice the normal size and the kidneys showed Bright's disease.

- Q. They are very serious diseases? A. O yes, at least they were all very far advanced.
- Q. And were necessarily fatal sooner or later? A. Yes sir.
- Q. And must bring death, either one of them? A. Yes sir, if the pthsis is very far advanced.
- Q. And the fact that she had these nemerous diseases makes you believe that death was likely to come at any moment without the aid of any external violence whatever?

A. Yes sir, her condition was such that death might have ensued at any moment.

- Q. What causes Bright's disease, Doctor? A. Various things cause it.
- Q. Excessive drinking A. Sometimes that is one of the causes.
- Q. The bruises on her face could have been caused from a fall against some hard instrument or against a stove?
- A. Yes sir, it could have been.
- Q. Could the bruise have been done with a blow from the open hand? A. No, I don't think it possible, a bruise might be caused from a blow by the open hand although it would hardly be possible I think, I might qualify that if it was a back handed blow it might be caused by it but I think hardly a blow from the palm of the hand would do it.
- Q. Could it have been caused by a single blow from the fist?
- A. Yes, it might be caused by a blow from the fits if the fist was a powerful fist, if it was a very powerful, bony fist it might cause it.
- Q. You spoke of bruises found upon her legs, describe those bruises?
- A. They were what is ordinarily called black and blue spots at different intervals, you could not



place them in any particular spot, they were all along over the legs and arms I think.

Q. It does not take very severe bruises to cause those black and blue spots does it, on the flesh of a woman?

A. No, it would not.

Q. Any slight fall? or the running against a table or anything of that kind would tend to bring that about, would it not, Doctor?

A. It would take a pretty good deal of force a good deal of violence to cause a black and blue spot of that character, if she fell violently against any object it might do it.

Q. You are not prepared to swear that this woman's death was caused by reason of those bruises on her face?

A. NO.

\* The Court: He says that was caused by those diseases which he has indicated superinduced or accelerated by violence, is that it?

A. Yes sir, by violence, I do not say that one particular bruise did it, I say taking the whole of the evidences of the bruises.

By Counsel. Q. You are not able to swear positively that they accelerated her death?

A. That is just what I stated, her condition was such that she might have died from natural causes.

By Mr. Weeks. Q. In a person of her enemic conditinjwould such bruises as you found ~~her~~ upon her body and legs have been likely to have been caused by slight blows?

A. No, I do not think by slight blows.

Q. Were any of them of such a character that they might have been caused by a kick?

A. Yes, any of them might have been caused by a kick.

Q. Were those bruises that you have spoken of as being upon the legs of the deceased on the inside or the outside?

A. On the outer side.

Q. Were they on both legs or upon one of the legs on one side, do you recollect?

A. On both sides, both legs and arms, all over the body in fact you might say.

Q. Could all those bruises that you have described, that you have seen have been inflicted by a single fall?

A. No sir, I do not think so.

By Counsel. Q. Could they by a series of injuries?

A. By a series of external injuries.

By the court. Q. Those bruises could not in your opinion have been caused by a single fall?

A. Not by a single fall, for the reason that they were on both limbs and some of them were older than others apparently.

MARGARET FEENEY recalled by Counsel.

Q. Where do you reside?

A. No. 5 Batavia Street.

Q. Are you in a flat?

A. No sir.

Q. How many rooms do you occupy?

A. Two, a room and bed-room.

Q. What do you work at?

A. In a wholesale grocery and provision place, Beardsley's, 179 West Street.

Q. Who lives with you in the house?

A. Both I and my brother.

Q. Do you know Mr. Mooney?

A. No sir.

Q. Don't you live with a man?

A. Your Honor, I am not going to answer - - the idea, no sir----- the idea!

By the Court. Q. You work every day for a living? A. Yes sir,  
I am over eight years in Beardsley's.

Q. How old is your brother? A. My brother is going on  
fifteen or sixteen, he works at anything he can do.

Q. You and he keep house together? A. Yes sir, since my  
mother died, going on two years.

The Case for the Defence.

JOHN T. WHITTEL, sworn and examined.

By Counsel. Q. Where do you reside? A. 62 Rutgers Street.

Q. What is your business? A. Fish business, laborer  
down in the fish market going on eleven years.

Q. In whose employ? A. In the employ of F.G. Keeney & Co.  
146 Beekman Street.

Q. How old are you? A. Forty-two years.

Q. You are a brother of the defendant George Whittel?  
A. Yes sir, a younger brother.

Q. How much older are you than your brother? A. Twelve  
years older than George.

Q. Do you remember where they lived in November last?  
A. No. 22 Cherry Street.

Q. Did you see them often while they lived there?  
A. Quite often, two or three times a week.

Q. In passing from your place of work to your home did you pass  
their residence? A. Mostly every evening.

Q. Do you remember Sunday, the 23rd of November last?

A. I do not know the date, the Sunday before she died  
he was in my house, I saw him and his little boy up to five  
o'clock or a little after, they left my house then.

Q. When did you see him and his wife again?

A. The next evening, Monday evening about five o'clock at their house 22 Cherry Street, the deceased's sister was there also.

Q. Did you notice any bruises upon her face? A. Her face was a little black and her eye was cut.

Q. Did you ask her how it happened? A. I asked her how she got it and she said she fell off a stoop.

Q. How long did you stay there? A. About half an hour.

Q. Where was she? A. She was sitting near the stove on a chair.

Q. Was she sitting there when you left? A. No, she was on the bed when I left.

Q. She went to bed while you were there? A. Yes sir.

Q. That is, she lay down on this mattress behind the door?

A. Lay down on the mattress behind the door.

Q. When did you next see her? A. The Tuesday evening following, the next day.

Q. Where was she then? A. She was lying on the bed.

Q. Did you have any conversation with her that day?

A. I only asked her how she felt.

Q. What was her apparent condition that day?

A. She said she felt well.

Q. What was the appearance of her face, was it black, how did she appear? A. In about the same condition she was the day before, her face was black and the eye cut, I think it was on the right side, I am not sure.

Q. Was her eye out on her cheek? A. I did not see it out on the cheek, her eye was pretty well swelled.

Q. Was it covered with anything, with a cloth? A. No sir,

no cloth or anything.

- Q. When did you next see her? A. On Wednesday.
- Q. What was her condition then? A. She did not seem as good as she was the day before.
- Q. Did you see her after that? A. I saw her the day that she was taken away in an ambulance in the evening about half past ten o'clock.
- Q. Did you remain until the ambulance came? A. Yes sir.
- Q. But you saw the woman? A. I saw the woman taken out.
- Q. How long before the ambulance came did you first see her that day? A. About five o'clock in the evening I went in the place, I saw her four times, I was out and in, I went out for the ambulance.
- Q. Did you see her after that alive? A. No sir.
- Q. Did you see her after she was dead? A. I did, the next morning at the Chambers Street Hospital about nine o'clock.
- Q. During this time did you see the defendant your brother?
- AL My brother was in the hospital after she died, that was about nine o'clock in the morning.
- Q. Was he admitted to see her? A. No, there was a nurse lady down there, I saw the nurse lady down there; I asked the doctor can I go down and see how Catherine Whittel is? He said, all right; I did not know that she was dead; so when I got down the nurse said she was dead half an hour, I saw my brother that morning.
- By the Court. Q. Did your brother ask the doctor to see her?
- A. No, he did not when I told him she was dead.
- Q. Did the Doctor prevent him? A. The Doctor did not prevent him because he did not ask.
- Q. You were there then nearly every day that week before she

died?

A. Every day that week before she died.

Q. You visited them frequently,  
times a week mostly.

A. About three or four

Q. For how long a period of time  
got married, for five or six years.

A. Ever since they

Q. Was she in the habit of drinking intoxicating liquors?

A. Yes sir.

Q. State to what extent?  
and drank it by the bottle.

A. She bought it in a bottle

Q. State whether you have seen her under the influence of liq-  
uor?

A. I could not say she was fully under the in-  
fluence of it but she was so near it that there was no fun in  
it.

Q. What do you mean by that, that she was so drunk that there  
was no fun in it?

A. That was it, when she got  
enough she stopped, could not get no more.

Q. During the time she was ill you saw the defendant there, did  
you?

A. Yes sir.

Q. What was he doing around about there?

A. He came home  
from his work and he would get his supper or else Mrs. Daley  
would get his supper.

Q. State whether he attended her and nursed his wife?

A. He went and got medicine for her.

Q. You saw him do that from time to time as you were there  
through the week?

A. Yes sir.

Q. Did you ever know of their having any quarrels or any fights?

A. They never quarreled before me or while I was in the  
house.

Q. Did you ever see him use any violence towards her?

A. No sir.



CROSS EXAMINED by Mr. Weeks.

- Q. Were you in the habit of visiting Mrs. Whittel when her husband was not there? A. Some evenings as I am going home and sometimes he would not be home from his work.
- Q. Were you in the habit of buying something for her to drink and drinking there? A. Sometimes.
- Q. These times when you found that she knew enough to stop when she had enough her husband was there with her, is not that so. A. Sometimes.
- Q. You made a mistake this morning in saying that you were there on the Monday, the Tuesday and the Wednesday before she died? A. No sir.
- Q. Why did not you so testify at the coroner's inquest? A. They did not ask me those questions..
- Q. Do you remember being<sup>asked</sup> this question at the Coroner's inquest: "Q. Who called you to the house?" A. Nobody called me to the house, I went in accidentally, I had not been in the house in a week." A. I do not remember saying anything like that.
- Q. Is it true or not that you did so testify there? A. I testified that I had not been in there a week before that Monday because I was laid up with a broken leg at the time.
- Q. Now the question just before that at the Coroner's inquest was this: "Q. You were not present when she had fallen?" A. No sir. Q. And that was on the day when she was carried to the hospital? A. Yes sir. Q. Did you speak to her? A. No sir, she could not understand me, she knew my name. Q. Who called you to the house? A. Nobody called me to the house, I went in accidentally, I had not been in the house in a

week before that Monday, that is what I said, that is what I meant to testify; the house-keeper will tell you that I went in that Monday and was in every day.

Q. You also testified at the Coroner's inquest, did you not, that you went in the house the night that you went for the doctor and that was the first night you heard anything about her being sick?

A. I did not testify that that was the first time I heard of her being sick or anything of the sort; she was sick a year before that, I knew her to be sick.

Q. Did you ever call on them when they lived at 79 Roosevelt St.?

A. Twice, I could not say whether it was Saturday evening, I went there on Sunday.

Q. You say that you never have known them to have quarrels?

A. They never had any quarrel in my company at no time when I have been there.

Q. You never heard them have a quarrel?

A. Having squabbles of words.

Q. Pretty loud words?

A. Yes sir, I am not sure whether it was in Roosevelt Street or not.

Q. Do you remember ever to have seen Mrs. Whittel black and blue prior to this time?

A. No sir, I do not know whether they had a quarrel or not, I did not ask her.

Q. You were not interested in fighting?

A. No, if they had any words I would go out of the house, I did not want to interfere between man and wife at all, it was none of my business.

Q. Then when they commenced to quarrel you used to go out?

A. Yes sir, that is it.

Q. Why did you testify a few minutes ago that you never knew them to have any quarrels?

A. I never seen them strike each



other, they had words but I might have words too with my wife.

Q. They got pretty hot, pretty loud? A. Sometimes mine was pretty loud too.

Q. Where was Mrs. Daley this night that you claim that you have testified Mrs. Whittel told you how she got these bruises on her face? A. I believe she was in the room, right near me.

Q. If any such thing was heard she would probably have heard it A. Yes, probably would have heard it.

Q. Why did not you testify to that at the coroner's Inquest? A. I testified I heard her say that she fell down the stoop, I am sure that she said she fell.

Q. Is it not true that the only person you testified at the Coroner's inquest told you that she had fallen was her husband? A. No sir, I did not testify to nothing of the sort.

Mr. Weeks read the testimony of the witness given at the Coroner's inquest.

Q. Did you testify to anything else at the Coroner's inquest except what I have read to you now? A. I testified differently from what that seems there.

Q. Then if I call the stenographer and he states that this is a correct transcript of what you testified to at the Coroner's inquest you will say that the stenographer does not report your testimony correctly, is that it?

A. I cannot understand how he can write that, that is about the size of it, I did not say it, he must have misunderstood what I said there in one or two questions.

Q. When you went with your brother to the Chamber Street Hospital did he say anything to anybody there? A. No sir.

Q. You stepped forward and asked to see Mrs. Whittel, did you?

A. I did.

Q. Where did your brother remain? A. He sat on the bench in front of the desk and never said a word, I went down stairs and seen her.

Q. You were informed by the nurse that she was dead?

A. That she was dead half an hour.

Q. And then you came up and told your brother and you and your brother just walked out? A. That is all.

Q. Did he say anything to anybody at the hospital?

A. No, he went straight to the court House.

Q. The night that she was taken away in an ambulance was he there when the ambulance surgeon came? A. No sir.

Q. Where was he? A. I do not know.

Q. He sent you out for an ambulance? A. Yes sir.

Q. And he was there when you went for the ambulance?

A. He was in the house.

Q. When you came back having gone to the police station to get the ambulance, he was gone? A. He was gone.

Q. When did you meet him again? A. The next day or night, somewheres around eight or nine o'clock at the Court-House.

Q. Then from the Court House you went over to the Hospital with him? A. That is where I went.

Q. You did not see him at all that night after she went to the hospital? A. Not after she went to the Hospital.

Q. Did you see him after that day? A. No sir, I did not see him until I saw him at the coroner's inquest.

ERASTUS C. WILSON sworn and examined.

By Counsel. Q. Where do you reside, Mr. Wilson? A. No. 235 West 75th Street.

Q. What is your business? A. Clerk in the County Clerk's office about twelve years and I am there now.

Q. You know the defendant George White? A. I know George the boot-black in the County Clerk's corridor, the defendant is the boy.

Q. How long has he had a stand there? A. About five or six years maybe.

Q. Have you seen him from day to day during that time?

A. Yes sir, he blacked my boots almost every day.

Q. What was his general character for peace and quietness?

A. He attended to his business as far as I know as a boot-black.

Q. What was his general character, do you know anything about it? A. No sir.

Q. But he was faithfully at work during this time every day?

A. Yes sir.

MICHAEL WHELAN sworn and examined.

Q. Where do you reside? A. No. 308 West 135th Street.

Q. How long have you been in the County Clerk's office?

A. About sixteen years.

Q. Do you know the defendant? I did not know his last name.

A. I know him as George,

Q. How long have you known him?

A. About five or six years I guess.

Q. What was his business there? A. Bootblack in the vestibule of the Court House.

Q. Do you know this man's general reputation for peace and quietness? A. So far as I seen him around the Court House that is all.

Q. So far as you know what is his general reputation for peace and quietness? A. I considered that he was a quiet and inoffensive sort of a person.

By Mr. Weeks. Q. You never saw him anywhere except around the Court House? A. I saw him out in the street.

By the Court. Q. You never saw him at his home, you do not know his wife, you never visited there? A. No sir.

By Mr. Weeks. Q. You never knew that he had been convicted for being drunk and disorderly and served three months?

A. I heard that.

Q. You heard that and yet you consider that his reputation for sobriety and good behavior is good? A. So far as I have seen.

By the Court. Q. Did he black your boots around the Court House?

A. Yes sir.

Q. You never saw him at his home? never knew anything about his acquaintances or how he conducted himself when he was home?

A. No sir, I do not.

GEORGE WHITTEL, sworn and examined.

By Counsel. Q. You are the defendant? A. I am.

Q. What was your wife's name? A. Catherine Whittel.

Q. Where did you live during her lifetime? A. No. 22 Cherry Street.

Q. When were you married? A. The 2nd of August, 1885.

POOR QUALITY  
ORIGINAL

0901

- Q. How old are you? A. Thirty.
- Q. How old was she? A. She was twenty-four at the time of her death.
- Q. Have you lived in this city all the time? A. Yes sir.
- Q. Did she and you keep house after you were married up to the time of her death? A. Not all the time, sometimes we would live with Mrs. Daley and at times Mrs. Daley would be with us.
- Q. But you and she lived together? during all that time to the time of her death? A. O yes.
- Q. Do you remember Sunday, the 23rd of November last?  
A. I do.
- Q. What did you do on that day? A. In the morning I went out several times and bought some articles in the fancy goods store and made two or three trips.
- Q. On Sunday? A. Yes sir.
- Q. Who was with you? A. My little boy, he will be five years old next month.
- Q. Is he the only child you have? A. Yes sir.
- Q. What did you do during the day? A. I took a walk around for a while, me and my child, then after we got through we went back to the house again and in the afternoon I went out again to my brother's house.
- Q. How long did you stay at your brother's house? A. O, I stayed there three or four hours.
- Q. What time did you leave there in the evening? A. It must be around eight o'clock or a little after and then I went right home.
- Q. How did you find matters when you reached home?  
A. I found my wife lying in a bed as if she was asleep.

- Q. What did you do? A. I went to bed.
- Q. And you slept all night? A. Yes sir.
- Q. What did you do the next morning? A. I got up and went down town and went to the next building here in the Court House where I always did.
- Q. Did you wait for breakfast? A. No sir, I never did.
- Q. You always go down to the Court House before breakfast?
- A. Yes sir, I generally get down town about seven or half past seven.
- Q. Go on and state what you did that day? A. I stayed there all day to see what I could make until about half past four and between half past four and five o'clock I went home.
- Q. State what you found there if anything? A. Then I found my wife was still in bed and I happened to notice her face and I asked her how she got it and she told me.
- Q. Go on and describe the condition of her face?
- A. Her face was black and had a cut in the eye.
- Q. What did you do? A. I did not know what to do, I believe Mrs. Daley came there the same night, I was surprised; then I went out to the store and bought some provisions for my supper.
- Q. Did you get your own supper? A. Yes sir; I had several books in the house, I tried to read and I could not read, I stayed in the house, until I went to bed.
- Q. Did you go to bed with your wife that night? A. Yes sir, I think it was about nine o'clock as soon as I got tired reading.
- Q. What did you do the next morning? A. I went away and my wife sent out for her sister.
- Q. You went for her sister first, did you. A. No sir.



- Q. What did you do the next day? A. I went right down town and stayed there until noon time and came home to see how she was; she did not seem to be so bad, she was sitting up in the bed; then I left a few pennies I had made with her and went down town again, about forty or fifty cents, I went back again to work and came home between half past four and five o'clock she was sitting up on a chair then and Mrs. Daley was there, she was trying to get some supper ready, I believe, for both of us.
- Q. How long did Mrs. Daley stay there that night? A. She went home after I got home and came back after getting her husband's supper ready.
- Q. How long did your wife sit up that night? A. I believe she laid down before Mrs. Daley went home the first time.
- Q. What appeared to be her condition then? A. I do not know, it seemed to be weakness, she would not eat, I tried to have her eat and she could not eat.
- Q. What caused the loss of her appetite, do you know?  
A. I could not say that.
- Q. Mrs. Daley went home about nine o'clock that night?  
A. About half past eight or nine o'clock.
- Q. And the next morning what did you do? A. I waited in the house until Mrs. Daley came down, she came down the next morning about half past seven.
- Q. What was the condition of your wife the next morning?  
A. She seemed to be feeling better.
- Q. What did you do? A. As soon as Mrs. Daley came I went down town to my business, I went home at noon time and dropped some money there and came back again, I done it every day.

- Q. What time did you go home that night? A. Half past four, just as soon as I could get through at the County Clerk's office.
- Q. Who was there when you got home, do you recollect whether any individual was there? A. Mrs. Daley, she was trying to do something for my wife, washing her face or something like that; she would only stay between eight and nine o'clock in the night; I slept with my wife every night.
- Q. How was she the next morning? A. The next morning she felt just about the same; I stayed in the house the whole day, it was Thanksgiving; I tried to read and looked out of the window and saw some children playing in the yard.
- Q. What was the condition of your wife, was she able to sit up or not? A. She was sitting up most of the day.
- Q. When was she taken worse? A. The worst I seen was the morning that she was taken to the hospital, in the night.
- Q. Do you recollect the day of the week that was?
- A. That was Thursday morning; Mrs. Daley was kind of late coming down to the house, I went down town and expected Mrs. Daley to be there in a minute. She seemed to be reasonable in the morning and when I came home she was raving like at half past four or five o'clock the regular time; she did not seem to understand anything, I tried to speak with her and she was trying to answer. Mrs. Feeney came in and she went up and told Mrs. Daley and she came down; I went and gried to get a priest to come to the house and went for the doctor; the doctor could not come till about half past nine o'clock so when he came he told us the best thing to do was to send her to a hospital, she would be



better taken care of; she was taken to the Chamber Street Hospital.

Q. Did you see her after she went to the hospital?

A. No sir, I went there, my brother went down first and seen that she was dead and I did not care about seeing her.

Q. What did you do then? A. I came to the Court House building and tried to get a subscription raised to bury her; I believe there is some hundred odd dollars.

Q. Did you go to her funeral? A. No sir, I did not.

Q. Why didn't you go to the funeral? A. Saturday morning the morning after she died, I happened to go down town on my regular business and the first thing as soon as I went there I saw a man and he ~~three men~~ asked me if I read the paper. I told him no; he showed me the paper, I was surprised seeing in the paper a column about a tragedy; so I made up my mind if they were going to arrest me I would not be arrested until after the funeral, while she was overboard; so I went and staid away until Monday morning following the funeral and then I went up to the Coroner's office.

Q. The paper charged you with killing her? A. Yes sir, fracturing her skull like that.

Q. As soon as you learned that the Coroner was holding an inquest you went to his office and gave yourself up?

A. Yes sir.

Q. Where have you been since then? A. I have been down in the Tombs; the Coroner's inquest was the 10th of December.

Q. I want to ask you whether at any time for months prior to your wife's death you inflicted any violence upon her person

in any way?

A. No sir; I gave her a slap once when I came in the house and found her intoxicated and a can of beer on the table; I gave her a slap in the face trying to bring shame to her; that was about three years ago.

Q. Since that time have you laid hands upon her in a violent manner or have you ever kicked her?

A. No sir.

Q. Then this black eye and face was not caused by any violence of yours towards her nor were the marks upon her body caused by any violence of yours toward her?

A. No sir.

Q. She had been lying there for some time, had she not?

A. Yes sir.

Q. What had been her condition if you know?

A. That I could not explain only she was always afraid almost to go to the store for fear she would drop in the street.

Q. She was afraid of instant death?

A. Yes sir.

Q. Had she had a physician for some time prior to this time when she was taken ill?

A. Only last July she consulted a dispensary doctor in Center Street for a month or two months.

Q. Do you know for what disease she was treated then?

A. No sir, I could not say..

Q. It has been drawn out here that you were arrested on one occasion and sent up to the Island for three months, will you explain that, what was there about that?

A. Yes sir, the day before my child was a year old I commenced celebrating his first year too soon and I got three months on the Island and put in seven weeks of that only.

Q. How did you happen to come out at the expiration of seven weeks?

A. I believe it was through Senator O'Hearn, he was then clerk of the Essex Market Court.

Q. You went sent to the Island for being drunk? A. Yes, I did not want to go with the policeman. I resisted the policeman.

Q. State whether your wife was in the habit of drinking more or less liquor? A. She was pretty fond of it I know for the last week or so before she died, she was always halloeing in the night for a sup, that was after she was taken ill she was crying for whiskey ; she drank so much that I would not want to give her all my money, I had to look out for the rent or it would not have been paid.

Q. During your wife's last illness did she state to Margaret Feeney in your presence that you had kicked her?

A. No sir, not as I heard.

Q. Did you hear your wife during her last illness state to anyone that you had struck or kicked her? A. No sir, I did not.

CROSS EXAMINED by Mr. Weeks.

Q. Did she state that to you? A. No sir, she did not.

Q. Did not you testify at the Coroner's inquest that she did? A. No sir.

Q. Do you remember this part of your testimony at the Coroner's inquest: "Q. Did your wife say to you how she came to these injuries? A. Yes sir, she said I done it. Q. You did? A. Yes sir, she said I done it." A. No sir, I did not say that, I do not remember such a thing being asked.

Q. Did you say this at the Coroner's inquest in answer to a question, the question being, "Q. Is it not possible that you were drunk and while you were drunk you beat her and kicked her and punched her, is not that possible? A. I never used my foot on the woman, I might have struck."

A. The question given to me was, was it possible for a person intoxicated to do such and I said, possibly.

Q. Was that your answer, "I never used my foot on a woman, I might have sturck"? A. No sir, I said I never used my foot on a woman, I did not mention anything about strike.

Q. When were you married? A. I was married the 2nd of August, 1885.

Q. Prior to that time how long had you known your wife?

A. Two months.

Q. During that time had you ever known her to be intoxicated before you were married to her? A. No sir, I know her to take occasionally a glass of beer or so.

Q. When did you first know her to be intoxicated?

A. About a month afterwards.

Q. How many times had you been intoxicated before you found out that she was? A. I guess occasionally once or twice in the year, that is, not to know myself.

Q. Were you with your wife the first time that she became intoxicated? A. No sir, I was down town.

Q. This time that you were arrested were not you arrested because you were assaulting your mother-in-law?

A. No sir, I stopped her from coming up in my house, I took hold of her but did not strike her, I kind of pushed her ahead of me and I was arrested.

Q. How many officers did it take to arrest you? A. I do not know, the only one I saw was big enough to throw me across the street.

Q. You tore the buttons off his coat, didn't you?

A. So he claims, I don't remember doing it.

- Q. You were so much intoxicated you did not know what you did, is that it? A. Yes sir, that is about it.
- Q. How long did you live at 73 Roosevelt Street? A. About six months.
- Q. While you were there did you not quarrel with your wife nearly every Saturday night and Sunday? A. I might have scolded her.
- Q. Did not you have such serious quarrels with her two or three times although you were living away up on one of the upper floors nearly all the tenants in the house came to find out what the trouble was? A. Their doors are all open, they can hear everything.
- Q. The tenants came upstairs to see what the trouble was? A. No sir, I am positive I did not see anybody.
- Q. You know Mary, the apple woman, don't you, that sells apples around the Court room? A. Yes sir, I do.
- Q. She lived in the same house with you? A. Yes sir.
- Q. Don't you know she has been called upstairs on account of the noise that you and your wife made, quarreling up there? A. No sir, I do not, that is the first I heard of it.
- Q. Is it not true that you used to get under the influence of liquor nearly every Saturday night? A. No, I would take occasionally a glass of beer but not to forget myself.
- Q. That generally occurred Saturday night or Sunday, didn't it, when you did not have to come down to shine shoes? A. No sir, it did not, it would not make any difference Sunday or any other night.
- Q. Do you remember what happened on Sunday, the 23rd of November? A. Yes sir, the biggest part of the day.
- Q. You had been drinking that day? A. No sir, I did

not say I was drinking that day, I had taken a glass or two of beer, perhaps three or four.

Q. You went in and out of the house several times that day, didn't you?

A. Yes sir, the first time I went out I took the little boy with me and I bought him a couple of waists and came back again and went out for something for my wife, I bought a couple of aprons and a pair of stockings, this was on Sunday.

Q. Did you go out for coal?

A. No sir, not on that day.

Q. Was it not the day that your wife got these bruises when you went out for the coal?

A. No sir, it was a week or so after.

Q. Do you remember the morning that you went for Mrs. Daley to come over to your house?

A. Yes, I do; that was Frida before my wife died, I believe it was a very cold morning.

Q. Was it not the day after she got these injuries?

A. No sir, I did not see Ms. Daley the day after she got these injuries, I am positive of that.

Q. What day was it that your wife received these injuries?

A. It must have been Sunday or Monday, I did not know it until Monday night, I did not notice her.

Q. Were you not home Sunday night?

I was.

A. Why, certainly

Q. Did you sleep with her in the same bed?

A. Yes sir.

Q. Did not you talk with her?

A. No sir, because she was asleep.

Q. You did not see anything the matter with her?

A. No sir, I did not notice anything out of the way.

Q. Was not that the night you came home and tried to read the



papers and could not read?

A. No sir.

Q. You did not try to read that night when you came home at all?

A. No sir.

Q. I understand you to say that you did not know anything about your wife having these bruises on her face until Monday night.

A. Monday night when I came home.

Q. Although you slept there Sunday night?

A. Yes sir.

Q. You did not look at your wife before you went out in the morning, did you?

A. No sir, she was asleep or at

least she was in that position as if she was asleep.

Q. You did not say a word to her, just got up and went off in the morning?

A. Yes sir, I always did it.

Q. That morning, never mind about what you always do, that morning you got up and never said a word to her and went out?

A. Yes sir.

Q. And then according to your story, when you came home that Monday night you found that your wife was terribly bruised and her eye was terribly cut?

A. Yes sir.

Q. And then the next day Mrs. Daley came and she used to come there day after day and take care of her and you used to go out to your business every morning?

A. Yes sir.

Q. And come back at night?

A. Yes, and in the middle

of the day too.

Q. Did you take any steps toward getting a physician to look after your wife?

A. No sir, my wife did not want any.

Q. Did you know that the police were notified on the 26th, that is on Wednesday and that a police officer came there?

A. Yes sir, I heard of it.

Q. And yet you took no steps to have your wife's wounds taken care of?

A. She would not allow it.

- Q. Did you do anything toward getting a physician?  
A. No sir.
- Q. You did not go to the funeral?  
A. No sir.
- Q. During all this week your wife was conscious, was she?  
A. Yes sir.
- Q. And was conscious up to the day she died, I understand?  
A. Yes sir.
- Q. On the 4th of December she was taken away in an ambulance and you knew your brother had gone for the ambulance, didn't you?  
A. Yes sir.
- Q. And while your brother was gone for the ambulance you left your wife there and went out?  
A. The house was full of people, yes sir, I went out with my brother.
- Q. Did you come back with him?  
A. No sir.
- Q. You knew that the ambulance was coming right away, didn't you?  
A. Yes sir.
- Q. And yet you did not come back to help to take your wife out.  
A. I did not like that kind of a job; I would not have taken her out of the house at all only for the doctor advising it.
- Q. And then the next day you went over to the Chamber Street Hospital with your brother, did you?  
A. Yes sir.
- Q. What name did you give at the Chamber Street Hospital?  
A. I did not give no name.
- Q. Just think a moment, what name did you give when you went there with your brother to the hospital?  
A. I do not remember being asked my name.
- Q. What name did you give, I did not ask whether you were asked anything?  
A. That I could not say, if I gave it at all, I do not remember giving my name.



- Q. You did not give your own name? A. I do not remember giving any name.
- Q. Do you know anybody by the name of Richard Kelly?  
A. I have got an uncle that name.
- Q. Was not that the name you gave? A. I do not remember giving a name at all.
- Q. You did not go down to see your wife at all and did not even ask permission to go down A. No sir, the doctor let one down and then when he came up he told me my wife was dead and I went out.
- Q. And the only reason that you did not attend your wife's funeral and did not look at her from the time you went out with your brother to get the ambulance to take her where she could get some medical attendance, from that time to this you have not looked at your wife or her body because you did not care to see her dead?  
A. No, it was not that altogether.
- Q. Why did you object to being arrested before the funeral, you have not done anything? A. I did not want to have it said that I was in a cell while she was being buried.
- Q. But you had not done anything? A. I would be held.
- Q. What objection did you have to try to go to her funeral?  
A. The papers had as good as told me -----
- Q. Did you feel at all guilty? A. No sir, I did not; if I felt guilty I would not go and give myself to the coroner.
- Q. To whom did you talk about this case before you went and gave yourself to the Coroner? A. Nobody that I know of except my brother ---- I spoke to lots of them I guess.
- Q. Who advised you to go the Coroner and give yourself up?  
A. Nobody, I went to the Station House first; theyb did

not give me a chance to say who I was or anything else, they told me to go over to the Tombs; instead of going to the Tombs I went up to the Coroner's office.

Q. Where did you keep yourself all this time? A. I was in a lodging house in the Bowery.

Q. Did you look after your little boy at all? A. No, not for a couple of days.

Q. Did you do anything toward seeing what became of him?

A. I knew he was with my brother at the time because he told me he had him and I seen him up there.

Counsel: That is all, we rest.

REBUTTING EVIDENCE.

MARY MCGREWRY, sworn and examined by Mr. Weeks.

Q. Where do you live? A. No. 73 Roosevelt Street.

Q. Do you know the defendant, George Whittel? A. Yes sir, just as a neighbor, that is all.

Q. You were a neighbor at 73 Roosevelt Street how long?

A. Two or three months.

Q. How near a neighbor was he to you? A. Right next door on the same floor.

Q. During that time how frequently did you hear ~~his~~ quarrels in his room between himself and his wife? A. Pretty much on Saturday nights and Sundays, that is the only time I ever heard any quarrel; I never got in the habit of listening to those people at all because they always kept their doors closed; we heard shuffling and carrying on inside, we partly guessed it was quarreling, kind of cursing and swearing, that is all.

Q. During that time did you ever see Mrs. Whittel, his wife?

A. She was on the landing constantly, in and out for water.

Q. Did you ever see her face bruised during that period?

A. I remember one time she had a black eye but how she got it I could not tell you.

Q. This was during the same period when you heard all these quarrels?

A. Yes sir.

CROSS EXAMINED.

Q. Who did you first tell what you have been telling now, did you tell anybody before you came to Court? A. No sir, only this man here this morning.

Q. How did you know he knew these facts? A. I cannot tell you, only what I have heard, I did not tell it to anybody, I did not know I was to be brought here.

Q. When were you subpoenaed? A. This morning.

Q. How do you know it was quarreling you heard in the room?

A. I could hear the woman screaming.

Q. Did you hear them wrestling on the floor, did you hear the woman scream?

A. Yes sir, I did.

Q. Why did not you testify to that on the direct examination?

A. I was not asked that.

Q. How many times did you hear her scream? A. I cannot say, it is out of my memory, I did not know I was to be brought here.

Q. You are a married woman? A. Yes sir.

Q. Do you ever quarrel with your husband? A. Yes sir, but my husband never struck me in his life, not since I have been married to him.

ANN GORMAN, sworn and examined by Mr. Weeks.

Q. Do you know the defendant, George Whittel ?

A. Yes sir, I have seen him often, a good many years across the street.

Q. Did you ever live in the same house with him?

A. Yes sir, No. 73 Rosevelt Street.

Q. When was that?

A. This time a year ago he was put out of that house, that was the first of last May.

Q. Prior to that he had been living there how long?

A. Two months.

Q. With his wife Catherine Whittel?

A. Yes sir.

Q. During the time that he was living there did you ever hear any quarrel between them?

A. Yes sir, I heard quarreling and fighting in the middle of the night.

Q. Did you ever see him intoxicated?

A. Yes sir.

Q. When did you generally see him under the influence of liquor?

A. All night he would be "running the can" from he would come in in the evening.

Q. When did these quarrels generally occur?

A. About ten o'clock , he would keep on drinking Saturday nights generally.

Q. What floor did you live on?

A. I lived on the third floor front room and he lived on the floor right opposite me at the head of the stairs.

Q. Was the quarreling from his rooms of such a nature that it sometimes called you out of your room upstairs?

A. Called everybody, we thought in the house there was a fire, all the tenants complained to the landlord and he put him out.

By Counsel. Q. Was the quarreling that you heard and that aroused the people always done by these parties? A. Yes sir.

Q. Never by anybody else in the building, no one else ever quarreled? A. I do not know about that, I never paid any attention.

Q. Is it not possible when you heard quarreling that others may have been quarreling? A. We would always look at this room, we would hear it in this room.

Q. Was the quarreling of others loud enough for you to hear? A. There was nobody quarreling.

Q. Did you have any trouble with the defendant? A. No sir.

The Jury rendered a verdict of guilty of manslaughter in the second degree.

The Defendant was remanded for sentence.

POOR QUALITY  
ORIGINAL

0918

12

THE DOCTORS ARE REPORTING ON SERVICES.

STATION IN THE SECOND QUARTER.

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Testimony in  
the case of  
George Mittel

Filed  
March  
1891

TESTIMONY.

Wm L Conway M. D., being duly sworn, says;  
I have made a ~~post mortem examination~~ <sup>autopsy</sup> of the body of  
Catharine Whittel now lying dead at  
Chawley's Hospital and from such an ~~examination~~ <sup>examination</sup>  
and history of the case, as per testimony, I am of opinion the cause of  
death is Phthisis Pulmonalis, Bright's Disease of the  
Kidney, & Fatty Degeneration of the Liver,  
accelerated by some external violence

Wm L Conway,  
M. D.

An Autopsy made on the body of Catharine  
Whittel showed on external examination, bruises  
on face about 4 1/2 inches long on the right-  
side, right lower eyelid torn and bruise on arms &  
legs about an inch in size at varying intervals.  
An internal examination showed lungs filled  
with tubercles and right lungs covered with  
pleuritic adhesions, kidneys fatty and markedly  
indistinct. Liver enormously enlarged  
& fatty (twice the normal size) other organs  
normal but ~~abnormal~~ <sup>from the condition</sup>. ~~From the condition~~  
of the organs, the woman might have died  
at any moment <sup>from natural causes</sup> and also if she had  
been subjected to any violence such as  
a series of falls or a beating undoubtedly  
her death would thereby have been hastened  
by such violence.

In my opinion death was caused by  
Phthisis Pulmonalis (Consumption) Bright's  
Disease of the Kidney, & Fatty Degeneration  
of Enlargement of the Liver, hastened by  
some external violence.

Wm L Conway, M.D.

Sworn to before me

this 3<sup>rd</sup> day of Dec 1890

M. J. Messenger

CORONER.



POOR QUALITY  
ORIGINAL

0920

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
24 Years — Months — Days	N.Y. City	Chambers 18 Hospital	Dec 8 9

Residence in New York City  
Elizabeth Daly wife  
228 Astor  
Deceased supposed  
to have been beaten by  
her husband about  
a week ago on Sunday  
night Nov 30th / 98,  
Autopsy showed  
fracture of  
4 ribs,  
heart caused by above  
condition accelerated by  
external violence,

Attest  
M. J. B. M.  
No. 689  
4th Dec. 1890

AN INQUISTION  
On the VIEW of the BODY of

Elizabeth Daly

whereby it is found that she came to  
her death by

Original taken on the  
day of  
1890  
MICHAEL J. B. MESSEMER, Coroner.

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POOR QUALITY  
ORIGINAL

0921

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of *Coroners Office*  
No. 124 Second Avenue Street, in the 17<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 11<sup>th</sup> day of December  
in the year of our Lord one thousand eight hundred and 90 before  
M. J. Messener Coroner,  
of the City and County aforesaid, on view of the Body of Catherine Whittel

Nine good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
Catherine Whittel came to her death, do  
upon their Oaths and Affirmations, say: That the said Catherine Whittel  
came to her death by

Phthisis Pulmonalis, Brights Disease of the  
Kidneys, and fatty degeneration of liver, ac-  
celerated by injuries received at the hands  
of George Whittel at 27 Cherry Street November  
25<sup>th</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.

Frederick Church 10<sup>th</sup> Ave Cor. 156<sup>th</sup> St  
Jas M. Peterson 10<sup>th</sup> Ave 156 St  
Chas. Petrell 2262-8<sup>th</sup> Ave  
J. Long 379 W 12<sup>th</sup> St  
J. B. Kern 2276-8<sup>th</sup> Ave  
J. H. Fowler 2689 10<sup>th</sup> Ave  
Jacob Reichle 2643 10 Ave  
Chris. Robinson 2143 - 2 Ave  
Chas. Christy 2639-10 Ave  
M. J. Messener

CORONER, E. S.

POOR QUALITY  
ORIGINAL

0922

Coroner's Office,

CITY AND COUNTY }  
OF NEW YORK, } SS.

*George Whittel* 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—*George Whittel*

Question—How old are you?

Answer—*30 years*

Question—Where were you born?

Answer—*New York City*

Question—Where do you live?

Answer—*22 Cherry St*

Question—What is your occupation?

Answer—*Boot Black*

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

*In the absence of <sup>my</sup> counsel  
I have nothing to say*

*George Whittel*

Taken before me, this *15th* day of Dec.

*1890*

*M. J. B. Messer*

CORONER.

POOR QUALITY  
ORIGINAL

0923

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
24	Years	Months	Days	NY City	Chambers Hospital
					Dec 5

Well Made  
Lutaneous

John Canavan, 1st Prec.  
Sgt. Taylor 33 Prec.  
Mary St. Lawrence 33 Prec.

Margaret Henry, 5 Bateria  
Elizabeth Daly, 5 Bateria

Julius Driscoll 33 Prec.

John Shea, 129 Prec.  
which it is found that, as he came to

Law. O. Conway, N.D. Conway

Office

Marie Fanning, 32 Prec.

James J. Major, 1st Prec.  
Dr. C. J. Conner Hospital 106 & 8th

Dr. F. D. Wells, 48 St. 4th & 4th Prec. of December 1890

4th. 689-1890  
HOMICIDE.

AN INQUISTION.

On the VIEW of the BODY of

Octavianie Whittle

George Whittle

Dr. F. D. Wells, 48 St. 4th & 4th Prec. of December 1890

Committed

Quailed

Discharged

Date of death

POOR QUALITY  
ORIGINAL

0924

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*George Whittel*

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

*George Whittel*

of the CRIME OF **Manslaughter in the second Degree**, committed as follows:

The said *George Whittel*,

on the *Twenty - fifth* day of *November*, in the year of our Lord one thousand eight hundred and ninety, — at the City of New York, in the County of New

York, aforesaid, in and upon one *Catherine Whittel*. — then and there being, wilfully and feloniously did make an assault, and — *her* — the said

*Catherine Whittel*, with ~~a certain~~ *both the* ~~which~~ *hands of him*, the said *George Whittel*, ~~then and there had and held in~~ *hand*

in and upon the ~~head & body~~ *of her* the said *Catherine Whittel*, then and there wilfully and feloniously did strike, *beat*, *bruise*, and wound,

giving unto *her* the said *Catherine Whittel*, then and there, ~~with the~~ *by the means* aforesaid, in and upon the *head and body* of — *her* — the said —

*Catherine Whittel*, ~~giving~~ *one* mortal wounds and bruises, of which said

POOR QUALITY  
ORIGINAL

0925

mortal wounds and bruises, the said Catherine Whittel, -  
at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the  
fourth - day of December, in the same year aforesaid,  
did languish, and languishing did live, and on which said fourth - day of  
December, in the year aforesaid, she the said Catherine Whittel,  
at the City and County aforesaid, of the said mortal wounds and bruises, did die.

And so the Grand Jury aforesaid do say: That the said  
George Whittel, her -  
the said Catherine Whittel, - in the manner and form, and by  
the means aforesaid, wilfully and feloniously did kill and slay, against the form of the Statute  
in such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

DE LANCEY NICOLL,  
~~JOHN R. FELLOWS,~~

District Attorney.

0926

**BOX:**

432

**FOLDER:**

3989

**DESCRIPTION:**

Wiedenman, Harry

**DATE:**

03/18/91



3989

POOR QUALITY  
ORIGINAL

0927

321  
Counsel,  
Filed 18 Jan 1897  
Pleads,

THE PEOPLE  
vs.  
[Section 498, W.C. 528, 531, 532]  
Burglary in the Third degree.  
Grand Jurors, 1897

Harry Wiedemann

DE LANCEY NICOLL,  
JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Attest  
Jan 18/97 Foreman.  
George Henry Sney  
Juvenile Asylum  
P.B.M.

Witnesses:  
M. Wiedemann  
John McCarty

List of articles taken  
from Mrs Captain C. B. Burg  
331 W-24 St. on  
Jan 27

- 2 twenty dollar gold pieces
- 1 five and 24/2
- 1 solitar diamond ring
- 1 pair new black pants
- 1 " navy blue pants
- 1 scarf - pin
- 4 neck - ties
- 1 pearl handle dagger in case
- 6 solid silver tea spoons
- 1 pair Eye - glasses
- 1 Oxidized hair brush
- 2 pistols one loaded
- front door key
- 2 pair Opera - glasses
- 1 silver tumbler
- 1 small corn razor

(over)



POOR QUALITY  
ORIGINAL

0929

1 pair small sigarois  
1 tortoise shell pocket knife  
30 El. Gernelo cigars  
1 pair cuff Buttons initial B.

0930

Police Court 2 District.

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

of No. 331 West 24<sup>th</sup> Street, aged 33 years,  
occupation House Keeper being duly sworn

deposes and says, that the premises No 331 West 24<sup>th</sup> Street,  
in the City and County aforesaid, the said being a Apartment house

and which was occupied by deponent as a Dwelling  
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly enter opening of the  
door leading to the front window which opened  
on the kitchen in said apartment

on the 27<sup>th</sup> day of January 1891 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:

Two twenty dollar  
gold coins one five dollar gold coin and  
one two dollar and a half gold coin, six  
dollars in silver coin, two pair of Opera  
glasses of the value of fifty five dollars  
one solitaire diamond ring of the value of  
fifty dollars, two pair of bracelets of the value  
of fifteen dollars, and silver spoon valued at \$5.  
2 Pistols valued at \$5. all of the value of  
\$184.50

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by  
Harry Weideman and one other  
person not arrested.

for the reasons following, to wit: that deponent has been informed  
by Officer Mc Carthy of the Central Office that  
Harry Weideman admitted to him that he did  
feloniously and burglariously enter the above described  
premises which were locked and did take, steal  
and carry away the above described property.

Subscribed and sworn to before me this 3<sup>rd</sup> day of March 1891 } Marie A. Burg  
at New York }  
Notary Public

0931

*Mrs. Watson*  
Police Justice.

0932

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer. *Harry Weideman*

Question. How old are you?

Answer. *14 Years*

Question. Where were you born?

Answer. *Philadelphia*

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

Answer. *211 West 13<sup>th</sup> Street. 4 years*

Question. What is your business or profession?

Answer. *Hair Spinner*

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 did not take the ring or the  
gold chain but I took the other  
property*

*Harry Weideman*

Taken before me this

19<sup>th</sup>

day of March

1891

*W. J. M. M. M.*

Police Justice

POOR QUALITY  
ORIGINAL

0933

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Mrs. A. B. B. B.  
331- W. 24 St.

1. Henry M. B. B.

2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

Offence

Dated March 13<sup>th</sup> 1891

M. C. B. B. Magistrate

M. C. B. B. Officer

C. D. B. B. Precinct

Witnesses

No. \_\_\_\_\_  
C. D. B. B.

No. \_\_\_\_\_  
William A. B. B.

No. \_\_\_\_\_  
100 East 23<sup>rd</sup>



No. \_\_\_\_\_  
J. B. B. B.

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 Twenty 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 13<sup>th</sup> 1891 M. C. B. B. 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.

0934

Court of  
General Sessions  
The People  
vs

Harry Weidemann

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23<sup>d</sup> STREET,

New York, March 16 1891

CASE NO. 55189

DATE OF ARREST

CHARGE

OFFICER

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

has no previous record of boy  
ever having been arrested before.

Parents are respectable people,  
but boy is beyond their control.

All which is respectfully submitted,

Asst. Atty

W. H. Hallowell Secy  
Ryht

Court of  
General Sessions  
The People

vs

Harry Wideman

Penal Code, §  
170.10

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,  
President, &c.,

100 East 23d Street,

NEW YORK CITY.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Harry Wiedenman*

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

*Harry Wiedenman*

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

The said

*Harry Wiedenman*

late of the *Sixteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *27th* day of *January* in the year of our Lord one  
thousand eight hundred and *ninety-one*, with force and arms, in the  
*day* time of the same day, at the Ward, City and County aforesaid, the  
dwelling house of one *Marie A. Burg*

there situate, feloniously and burglariously did break into and enter, with intent to  
commit some crime therein, to wit: with intent, the goods, chattels and personal property  
of the said *Marie A. Burg*

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



SECOND COUNT—

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

*Harry Wiedenman*

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

The said *Harry Wiedenman*

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

*two gold coins of the United States of America, of the kind called double-eagles of the value of twenty dollars, one gold coin of the kind called half-eagles of the value of five dollars, one gold coin of the kind called quarter-eagles of the value of two dollars and fifty cents, Divers silver coins of the a number and denomination to the Grand Jury aforesaid unknown, of the value of six dollars, two pair of opera glasses of the value of twenty-eight dollars each, one finger ring of the value of fifty dollars, two pair of trousers of the value of eight dollars each pair, six spoons of the value of four dollars each, and two pistols of the value of three dollars each,*

of the goods, chattels and personal property of one *Marie A. Burg*  
*Marie A. Burg*  
in the dwelling house of the said

there situate, then and there being found, from the dwelling house aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Laurey Nicoll,*  
*District Attorney.*