

0974

BOX:

537

FOLDER:

4895

DESCRIPTION:

Pearlman, Morris

DATE:

10/12/93



4895

Part I is 17/9/90

0976

1912

Police Court— District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 402 Grand Simon Harris Street, aged 38 years,
 occupation Jobber of Jewelry being duly sworn,
 deposes and says, that on the 12th day of July 1893 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the day time, the following property, viz:

Seven gold watches of the value
of Three Hundred and Sixty Dollars

the property of Simon Harris

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 Morris Pearlman under the

following circumstances: On
July 12th 1893 after 12 o'clock (Saturday)
Morris Pearlman negotiated with Simon
Harris for the purchase & sale of seven
gold watches of the value of Three Hundred
and Sixty Dollars; deponent asked the said Pearlman
whether he (Pearlman) has any cash for
the said goods, to which Pearlman answered
"I married a rich woman, I received lots
of money from her & have a large
bank account in the State Bank;
today I have enough money in the Bank
to meet a check three times as
large, don't be afraid Harris."

Sworn to before me, this 12th day of July, 1893, at New York, N.Y., by me, John D. [Signature]
 of the County of New York, Notary Public.
 Police Justice.

Believing the representations so made by Morris Pearlman to deponent to be true, deponent delivered the above property to the said Pearlman taking ~~the~~ from said Pearlman ^{the annexed} check, dated on same day for Three Hundred Dollars ^{and six dollars in cash} ~~the check~~ ^{drawn} on the State Bank of New York.

Deponent further says that he presented check for payment at the said Bank early on the following Monday, and payment thereof was refused the Cashier remarking that there is no money in the Bank sufficient to meet ^{one hundred} the said check.

S. L. [Signature]

Sworn to before me this
13th day of September 1893.

John Ryan
Police Justice

0978

Sec. 198—200.

District Police Court.

City and County of New York, ss: .

Morris Pearlman 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.

Morris Pearlman

Question. How old are you?

Answer.

44

Question. Where were you born?

Answer.

Russia

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

Answer.

58 Essex Street, 1 year.

Question. What is your business or profession?

Answer.

Merchant

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
M. Pearlman

Taken before me this

day of *September* 189*5*

Police Justice.

0979

Sec. 151.

1347

CITY AND COUNTY }
OF NEW YORK, }

Police Court District.

ss. In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by James H. Ryan of No. 302 Street, that on the 13 day of July 1899, at the City of New York, in the County of New York, the following article, to wit:

Three gold watches
of the value of three hundred and fifty Dollars,
the property of David Rosenberg
w. do taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by Morris Blattman

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 3 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 13 day of September 1899

John H. Ryan POLICE JUSTICE.

0980

Police Court.....District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Monie Pearlman

Warrant-Larceny.

Dated.....*Sept 13th*.....189*3*

Ryan Magistrate.

Dugan Officer.

The Defendant.....
taken, and brought before the Magistrate, to
answer the within charge, pursuant to the
command contained in this Warrant.

.....Officer.

Dated.....189

This Warrant may be executed on Sunday
or at night.

.....Police Justice.

Sept 27th 1893.

444
W

Russia
Pedler
in

68 Essex Street

0981

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, Sept 27 189 3

John R. Woodin Police Justice.

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

Dated, September 28 189 3

John R. Woodin Police Justice.

There being no sufficient cause to believe the within named

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

Dated, _____ 189 _____

Police Justice.

0982

1194 5403 1051
Police Court--- District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Sam Harris
402 *Grand*
Morris Earlsman

James
Offense

BAILED,

No. 1, by *Morris Deutoxy*
Residence *173 East Broadway* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

2 _____
3 _____
4 _____

Dated, *Sept 27* 189³

Worshipful Magistrate.

Wigley Officer.
Court Precinct.

Witnesses *John P. B. Cashin*
State Bank
No. *378* *Grand* Street.

Telephone *1670* *Spring*

No. _____ Street.

No. *1000* to answer *G. S.* Street.

(Clerk)
Bailed



0983

64

New York, July 1st 1893. No.

The State Bank
378 GRAND STREET.

P514

Pay to the order of
G. H. Jones \$ *300.00*

Three Hundred and no/100 Dollars

M. J. Pearson

Globe Stationery & Printing Co. 80 Liberty St. N.Y.

0984

Propter Ex A

S. Jones

0985

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

AGAINST

Morris Beadman

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

Morris Beadman

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

The said *Morris Beadman*,

late of the City of New York, in the County of New York aforesaid, on the *first* day of *July*, in the year of our Lord one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms, with intent to deprive and defraud *one Simon Harris*

of the ~~proper moneys~~ goods, chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to *his* own use, did then and there feloniously, fraudulently and falsely pretend and represent to *the said*

Simon Harris,

That a certain paper writing in the words and figures following: to wit:

" New York, July 1st 1893. No.
The State Bank
378 Third Street
Pay to the order of
S. Harris \$ 300 ⁰⁰/₁₀₀
Three Hundred ⁰⁰/₁₀₀ Dollars
M. Beadman"

which the said *Morris Beadman* then

and there produced and delivered to
the said Union Harris, was then and
there a good and valid order for
the payment of money, and of the
value of three hundred dollars,

By color and by aid of which said false and fraudulent pretenses and representations, the said

— Morris Pearlman —

did then and there feloniously and fraudulently obtain from the possession of the said

Union Harris, seven watches of the
value of fifty two dollars each,

of the ~~proper moneys~~, goods, chattels and personal property of the said

Union Harris. —

with intent to deprive and defraud the said Union Harris. —

of the same, and of the use and benefit thereof, and to appropriate the same to his own use.

Whereas, in truth and in fact, the said paper writing
was not then and there a good
and valid order for the payment
of money, and was not of the
value of three hundred dollars,

POOR QUALITY
ORIGINAL

0987

or of any other person who is
mentioned in the said

And Whereas, in truth and in fact, the pretenses and representations so made as afore-
said by the said Morris Pearlman
to the said Simon Harris was and were
then and there in all respects utterly false and untrue, as the said
Morris Pearlman
at the time of making the same then and there well knew;

And so the Grand Jury Aforesaid, do say that the said
Morris Pearlman
in the manner and form aforesaid and by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said Simon Harris
then and there feloniously did STEAL, against the form of the statute in such case made and pro-
vided, and against the peace and dignity of the said people.

DE LANCEY NICOLL,
District Attorney.

0988

BOX:

537

FOLDER:

4895

DESCRIPTION:

Pittman, Jesse

DATE:

10/09/93



4895

0989

Witnesses:

Lewis Buckner

Counsel,

Filed

9th day of Oct

1894

Pleads,

THE PEOPLE

vs.

Jerse Pittman

Assault in the First Degree, etc.
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Edward G. Taylor

Foreman.

Part 3 - Oct 18/93.

Tried and acquitted

0990

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Jesse Pittman 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.

Jesse Pittman

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

N. S.

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

Answer.

245 West 50 St - 2 months

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 not guilty

Jesse Pittman

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

Police Justice.

[Signature]

0991

Police Court
Justice

Sec. 151.

Police Court 2 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Lewis Dukes
of No. 215 W 20 Street, that on the 15 day of September
1893 at the City of New York, in the County of New York,

Jesse Phuan
Manning upon complaint
of Lewis Dukes.

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said
H. Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring
p^e forthwith before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence
or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to
be dealt with according to law.

Dated at the City of New York, this 21 day of Sept 1893
Jesse Phuan
POLICE JUSTICE.

0992

2300 W 7th St Ash Grove 1st 245i M 33. 4th

The within named

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice.

27 on 8-2 67
Police Court 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louis Dubois

vs.

Perre Gilman

Warrant-General.

Dated Sept 21 1893

Georgan Magistrate

Woods Officer.

The Defendant

Perre Gilman

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

Albinis Wood Officer.

Dated Sept 22 1893

This Warrant may be executed on Sunday or at
night.

Police Justice.

0993

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

Jesse Pitman

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 Sept 22^d 18

[Signature]

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.

0994

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

1020 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Miss Dukes
215 W. 20th
James H. Hume

1

2

3

4

Dated

Sept 22, 188*8*

Hogan Magistrate.

Wood Officer.

Court Precinct.

Witnesses

James H. Hume

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *5.70* to answer



Tom

May 1st
Ans and 1
Officer

Ans and 1

0995

CITY AND COUNTY } ss:
OF NEW YORK,

POLICE COURT,

DISTRICT.

Lewis Suter
of No. *245 West 20* Street, aged *43* years,
occupation *Oyster & Chucker* being duly sworn, deposes and says,
that on the *15* day of *September*, 189*5*
at the City of New York, in the County of New York, *Jesse Pitman*
did assault said *Lewis Suter*, at
245 West 33 St by striking him on the
side of the head with an ax and also
bit the thumb of deponent to such an
extent as to necessitate amputation.
Wherefore deponent prays that said *Jesse*
Pitman be apprehended and dealt
with according to law.
Lewis Suter
mark

Sworn to before me, this
of *September* 189*5*

Police Justice.

0996

1723

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Jesse Pittman

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

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

The said

Jesse Pittman
late of the City of New York, in the County of New York aforesaid, on the *fifteenth*
day of *September*, in the year of our Lord one thousand eight hundred and
ninety-*three*, with force and arms, at the City and County aforesaid, in and upon
the body of one *Lewis Duke* in the peace of the said People
then and there being, feloniously did make an assault, and *him* the said
Lewis Duke with a certain *axe*

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

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

SECOND COUNT—

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

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

The said

Jesse Pittman
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
Lewis Duke in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *Lewis Duke*

with a certain *axe*
which the said *Jesse Pittman*
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, ~~stab~~ and wound, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

0997

THIRD COUNT—

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

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

The said

Jesse Pittman
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the said *Lewis*
Dukes in the peace of the said People then and there being, feloniously
did wilfully and wrongfully make another assault, and *him* the said

with a certain

which

in

axe the said *Jesse Pittman*
he the said *Jesse Pittman*
his right hand then and there had and held, in and upon the *head*
of *him* the said *Lewis Dukes*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said *Lewis Dukes*

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.

0998

BOX:

537

FOLDER:

4895

DESCRIPTION:

Pollak, Edward

DATE:

10/19/93



4895

0999

Witnesses:

Gus T. Fawcett

225
Ordered
Counsel,

Filed

19 day of Oct

1893

Pleads,

Guilty

THE PEOPLE

vs.

Edward Bollak

Oct 24/93

Heady G. J. J. J. J.

St. Ref. RB

DE LANCEY NICOLL

District Attorney.

Grand Larceny, second Degree.
[Sections 528, 531, Penal Code.]

A TRUE BILL.

Edward G. Taylor.

Foreman.

1000

Police Court—4th District.

1912

Affidavit—Larceny.

City and County of New York, } ss.

of No. 307 E. 81st Street, aged 39 years,
occupation Real Estate

deposes and says, that on the 8 day of October 1899 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:

\$60 Golden (German Currency) and
57 Crowns (United Currency) of
the value of Three hundred
sixty four dollars

(\$364.⁰⁰/₁₀₀)

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 Edward Pollak (now here) from

the following facts, to-wit: That on said date deponent placed said money in a trunk, which was in deponent's room in said premises, said trunk being locked, the key of which was placed and secreted behind a mirror, the whereabouts of said key being unknown to any person except deponent, deponent's wife and defendant. And said defendant lived with deponent, had frequently seen said money in said trunk and had

Sworn to before me, this

189

Police Justice.

access at all times to said trunk. ~~That~~ Dependent further says that on the 11th day of October dependent missed said property and dependent further says that no other person except dependent's wife and defendant had access to said trunk from the time when dependent placed said money in said trunk as aforesaid until he missed said property.

Sworn to before me
the 17th day of } Guarlar Toldi Trooster
October, 1893 }
J. M. C. Burke
Police Justice

1002

Sec. 193-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

Edward Pollock 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. *Edward Pollock*

Question. How old are you?

Answer. *23 Yrs*

Question. Where were you born?

Answer. *Hungary*

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

Answer. *276 East 42nd Street 3 weeks*

Question. What is your business or profession?

Answer. *Machinist*

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*

Edward Pollock

Taken before me this
day of *Dec*
1903

Police Justice.

1003

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

Defendant
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Ten* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.
Dated, *Oct 14* 189 *3* *Geo H. Parks* Police Justice.

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

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

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

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

1004

1100
1324

Police Court--- District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Justine J. Zudke
307 E. 8th
Edward Pollak

2
3
4

Offense
Grand Larceny

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated, *Oct 12* 189 *3*

Burke Magistrate.

Traker Officer.

Cent Precinct.

Witnesses *Alba Tomaschek*

No. *307 E. 8th* Street.

No. _____ Street.

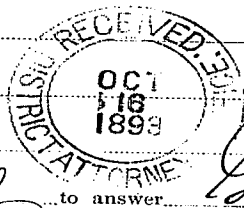
No. _____ Street.

\$ *1000* to answer

Ed Pollak *9 am*

1100

97V



1005

Edmund Pollak.
Born Austin
Occup - Mechanic
Married No
Single Yes
Residence 276 Houston
Parents Both

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Pollak

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

Edward Pollak

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

The said

Edward Pollak

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

fifty one gold coins of the Empire of Germany, of the kind commonly known as twenty crown pieces, of (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of four dollars each, and the sum of four hundred and sixty gulden in money, lawful money of the Empire of Germany, (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of one hundred and sixty-five dollars
of the goods, chattels and personal property of one *Eustav J. Trozytler*

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 Launcy Nicoll
District Attorney

1007

BOX:

537

FOLDER:

4895

DESCRIPTION:

Popper, Berthold

DATE:

10/09/93



4895

1008

Witnesses :

Francis D Robert
John Heird
John Fitzgerald

No original Record

Counsel

Filed

day of

Pleads

THE PEOPLE

US.

Berthold Popper

And would
Dint/93

DE LANÇEY NICOLL.

District Attorney

2 Nov 21.93 183 W.

A TRUE BILL

Edward G. Taylor

Harry J. Foreman

Fried & Conoviter

2. Yes. V. P. Mos. SP

ms. 22/94

1009

POOR QUALITY
ORIGINAL

Bail fixed at \$5000.

RB/M

Witnesses:

Francis P. Robert

John Heird

John Fitzgerald

Counsel,

Filed

day of

189

Pleads,

THE PEOPLE

vs.

Barthold Popper

And vs. said

De Lancey Nicoll,

District Attorney.

2 Apr 21, 93

A TRUE BILL.

Edw. G. Taylor

May 17/94 Foreman.

Tried & convicted

2 yrs. & 6 mos. S.P.

incl 22/94

Unlawful marriage
[Sec 301, Penal Code]

10 10

225

PHILLIPS & MOWER, 82 Nassau St., N. Y.

STENOGRAPHER'S MINUTES.

Court of General Sessions
Part I

The People

v.

Berthold Popper

BEFORE

Hon. Judge Fitzgerald

Filed Oct. /93

January 1894

WITNESSES.

	Direct.	Cross.	Re-Direct.	Re-Cross.
Charles H. Hallock	1	10		
Cornelius Flynn	23			
John Fitzgerald	24	28		
Richard J. Fitzgerald	28	31		
Martin J. Keese	36	38		
Mary H. Hallock	39			
Joseph Carman	41			
Edmund L. Mooney	44			
John Messers	47	51		
John J. Gallagher	54			
James P. Mills	56	63		
Charles H. Hallock (recalled)	66			
John Messers (recalled)	72			
David M. Carvalho	74			
Mr. Howe's Motion	85			
Judge's Charge	91			

1011

4-93

THE PEOPLE, COURT OF GENERAL SESSIONS, PART 1.
vs. Before
BERTHOLD POPPER. HON. JAMES FITZGERALD,
and a Jury.

Monday, January 15th, 1894.

Indictment for UNLAWFUL MARRIAGE.
Assistant District Attorneys Weeks and Battle, for The
People.
Messrs. W. F. Howe and J. E. Moss, for the Defendant.

ALFRED BERNSTEIN, a Proposed Juror, sworn and examined.

By Mr. Weeks:

- Q What is your business, Mr. Bernstein?
A. Manufacturers' agent.
- Q Whereabouts?
A. 51 Leonard street.
- Q What particular line of manufactured goods are you agent
for?
A. Hosiery and underwear.
- Q Where do you live?
A. 908 Columbus avenue.
- Q That is near what street?
A. Near 93rd street.
- Q Are you in business alone?
A. Yes, sir.
- Q Have you any recollection of having heard or read about this
case at any time?
A. I don't know.
- Q Do you know the defendant?
A. No, sir.
- Q Do you know any member of the firm of Howe & Hummel, his
counsel?
A. No, sir.
- Q Do you know any one connected with the case?
A. No, sir.
- Q Are you a married man?
A. No, sir.
- Q You are not?
A. No, sir.
- Q Do you know any one in San Francisco?
A. No.

10 12

Q Do you know any Doctor Popper? A. No, sir.

Q He practised in this city; who is now at 305 Kearney street ,
San Francisco? A. I don't know.

Q Did you ever hear of the celebrated female physician, Dr.
E. Vice, of Berlin?

(Objected to, as immaterial)

(Objection overruled)

(Exception)

A. I do not.

Q Do you know of any reason, Mr. Bernstein, that would prevent
you rendering a fair and impartial verdict in accordance
with the evidence, if accepted and sworn in this case?

A. No, sir.

Mr. Weeks: Challenge withdrawn.

By Mr. Howe:

Q What is your business, Mr. Bernstein?

A. Manufacturers' agent.

Q You know nothing about this case?

A. No, sir.

Mr. Howe: There is no challenge on the
part of the defendant.

Mr. Weeks: Excused by the People.

(The Jury was completed and sworn.)

~~THE JURY WAS COMPLETED AND SWORN~~

Mr. Weeks: We give notice to the counsel
for the defendant to produce all letters and tele-
grams written or sent by Delia A. Hallock to Ber-
thold Popper, between May, 1893, and September 10,
1893; also, the photographs received by him from
her, or from any other person, of herself, her hus-
band, Charles H. Hallock, or of her child, Hilda A.

10 13

Hallock.

Mr. Howe: I want this objection noted-- we know nothing of any husband of hers. The notice to produce her husband's photograph implies that she had a husband. We do not concede any such thing; we concede nothing in the notice, but admit that the notice is given as dictated. I accept that as a written notice.

The Court adjourned, having given the usual admonition to the jury.

Tuesday, January 16th, 1894.

Trial resumed.

Assistant District Attorney Battle opened the case for the People.

Mr. Howe: I object to the District Attorney stating to this jury the circumstances of the woman.

The Court: I will not interrupt the District Attorney; it may have some bearing on the subject.

Mr. Howe: Note my exception.

Mr. Battle: She was found dead in her room, and papers were found upon her person, which we shall show you, as showing the guilty knowledge of this defendant. Lying upon the table in her room were scraps of a novel, upon which was written, "It is hard to find oneself forsaken."

Mr. Howe: Objected to.

The Court: I would not read anything that is not in evidence.

10 14

CHARLES H. HALLOCK, sworn and examined, testified:

By Mr. Weeks:

Q Where do you live, Mr. Hallock?

A. Moriches, Long Island.

Q How long have you lived there?

A. I have lived there twenty-five years.

Q What is your business?

A. I am in the store with my father, in the general merchandise business.

Q Who is the post-master there?

A. Edmund Hallock.

Q Do you assist him?

A. Yes, sir.

Q Have you ever been married?

A. Yes, sir.

Q When, where, and to whom?

A. October 9, 1889, by David G. Wylie.

Q To whom?

A. To Lelia A. Robert.

Q Whereabouts, where were you married?

A. I was married at Mr. Wylie's residence.

Q Where was that?

A. 110 East 81st street.

Q In this city?

A. In this city.

Q Who was Mr. Wylie who married you?

A. He was then pastor of the Knox Presbyterian Church.

Q From the time of your marriage to Lelia A. Robert -- down from that time on through the balance of the year 1889, and through the year '90, '91 and the early part of '93, did you continue to live with your wife?

A. I did.

Q Where?

A. At Moriches.

Q I show you this paper, and ask you if you have ever seen it before?

A. I have.

Q When and where?

A. At the residence of Mr. Wylie,

when we were married.

Q That is the certificate of your marriage?

A. That is the certificate of our marriage.

Q You saw it signed by Mr. Wylie?

A. I did.

Q And by the witnesses?

A. I did.

Mr. Weeks: I offer it in evidence.

Mr. Howe: Objected to, as incompetent to prove by him, in the way the testimony has been given.

The Court: Where is Mr. Wylie? Is he within the jurisdiction of the Court?

Mr. Weeks: He is not in the city; he cannot be found. I will withdraw the offer, rather than have any question about it.

By Mr. Weeks:

Q When did you last see your wife, Lelia A. Hallock, formerly Lelia A. Robert, alive?

A. On September 2nd.

Q In 1893?

A. Yes, sir; 1893.

Q Where?

A. At the Mastic Depot.

Q That is a depot of the Long Island road?

A. Yes, sir.

Q One of the depots near to Moriches, where you were living?

A. Yes, sir.

Q At what time of day?

A. It was on the morning

train, the only morning train we have.

Q What time was that?

A. 8:24, I think.

Q Did your wife take the train?

A. She did.

Q You were at the depot at the time?

A. I was.

Q The train that she took was going in what direction?

A. It was going west, toward New York City.

Q Do you know this defendant, Berthold Popper?

A. I have seen him before.

Q When and where did you first see him?

A. At Tony Pastor's theatre; March 21, 1893.

Q With whom were you at the theatre at that time?

A. I was with my wife.

Q In what part of the theatre were you seated?

A. I think it was in the balcony.

Q Where was this defendant when you first saw him, what part of the theatre?

A. He was on the opposite side.

Q What was he doing?

A. He got up out of his seat and moved from one seat to another.

Q What attracted your attention to him?

(Objected to, as incompetent, immaterial and irrelevant on this indictment.)

The Court: It may have some bearing. What did you notice him do?

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

The Court: Yes.

By the Court:

Q What first attracted your attention, Mr. Weeks asked?

A. I noticed that my wife was not watching the play.

Mr. Howe: I ask that that be stricken out, as incompetent.

The Court: Yes.

By the Court:

Q Some action on the part of your wife; is that what you mean?

A. Yes, sir.

By Mr. Weeks:

Q After seeing this defendant in Pastor's theatre, in March, 1893, when did you next see him?

A. I didn't see him until the time he visited Moriches, June 10th.

Q Where did you see him then?

A. I only saw him in the distance, with his back to me.

Q Did you at that time know his name? A. I did.

Q Before his visit to Moriches, on June 10, 1893, did you know his name? A. I did.

Q Did you, subsequent to that time, have any communication with the defendant, verbal, oral or written? Answer yes or no. A. I don't remember.

Q Did you ever have any conversation with the defendant?

A. I did not.

Q Did you ever write to the defendant? A. I did.

Q When? A. I think it was in August.

Q Of 1893? A. Yes, sir; 1893.

Q And, after having written a letter to him, what did you do with it? A. I mailed it.

Mr. Howe: Objected to, as immaterial and incompetent.

Mr. Weeks (to Mr. Howe): Have you the letter?

Mr. Howe: We have no letter. We cannot produce it, because we have no such letter, and never had.

10 18

By Mr. Weeks:

Q How did you address the letter that you say you wrote and mailed?

A. I addressed it, "Berthold Popper, General Delivery, New York."

Q From whom did you receive that address?

(Objected to, as immaterial and incompetent.)

(Objection sustained)

Q Do you, or do you not, know whether letters similarly addressed had been received by the defendant?

(Objected to) (Objection sustained)

Q Had you ever seen other letters addressed to the defendant, similarly addressed to the defendant; yes or no?

(Objected to, as incompetent and immaterial)

(Objection overruled) (Exception)

A. Yes, sir, I saw the envelope.

By the Court:

Q With that address on it? A. Yes, sir.

Q That is all you know about it? A. Yes, sir.

By Mr. Weeks:

Q This letter which you wrote to him, in August, 1893, was the address upon the envelope placed there by you yourself or someone else?

A. By myself.

Q Who was present at the time you so placed it there?

(Objected to, as immaterial and incompetent, unless it was the defendant.)

The Court: I presume this is introduced for the purpose of offering secondary proof?

Mr. Weeks: Yes, sir.

By the Court:

Q Who was present at the time you addressed it, if there was

10 19

any one present?

A. No one present.

By Mr. Weeks:

Q Did you receive any ^{from the defendant} reply to the letter that you have just stated you mailed and addressed to him, "General delivery?"

A. I did not.

Q You have stated that you were married to Lelia A. Robert in March, 1889. I show you this photograph, and ask you if that is the photograph of your wife, Lelia A. Hallock, formerly Lelia A. Robert?

Mr. Howe: I desire to cross-examine this witness preliminarily as to that photograph.

The Court: It is not offered in evidence yet, as I understand it.

Mr. Weeks: I will change the form of my question.

By Mr. Weeks:

Q I show you this card, and ask you if you recognize it?

A. I do.

Q Is that a correct likeness of your wife?

Mr. Howe: Objected to. I now desire to cross-examine him.

The Court: You may cross-examine now.

By Mr. Weeks:

Q I will get them all in. This is the first photograph, marked People's Exhibit 1 for identification. I show you this card and ask you if you recognize it?

A. I do.

Q I ask you if that is a correct likeness of your wife, marked People's Exhibit 2 for identification?

(Objected to)

Q I show you this tin-type, and ask you if you recognize it, recognize the picture?

A. I do, one of them -- both.

Q You recognize the picture?

A. Yes, sir, I do.

Q I ask you if the female in that picture is a correct representation of your wife? Marked People's Exhibit 3 for identification.

(Objected to)

Q I show you this tin-type, and ask you if you recognize the picture?

A. I do.

Q I ask you if that is a correct representation, if the female in that picture is a correct representation of your wife? People's Exhibit 4 for identification.

(Objected to)

CROSS EXAMINATION.

By Mr. Howe:

Q As to Exhibit 1, which is a photograph: Did you see the persons sit when that picture was taken? Were you present when that picture was taken, Exhibit 1, did you see it taken?

A. No, I was not.

Q Then all you can say about it is, you not having seen it taken, that that which is now produced somewhat represents your wife? Of course, that is all you can say; is it?

By the Court:

Q Is that all you can say?

A. I know it to be a correct picture of my wife.

By Mr. Howe:

Q You did not see it taken; did you?

A. No, I did not.

Q Then all you can say to the jury is, that it represents your wife; is not that so?

A. It represents my wife.

Q It looks like her; is not that so?

A. It looks like her.

Q Now, I put the same question as to Exhibit 2, which the learned District Attorney informs me is another photograph. Were you present when that was taken?

A. I was not.

Q Then all you know about that is that that paper and picture which is now produced to you represents your wife?

A. It represents my wife.

Q And that is all you know about it? You didn't see it taken; did you?

A. I did not.

Q It looks like your wife; does it not? A. It does.

Q And that is all you can say about it, not having seen it taken? You cannot say any more about it, if you did not see it taken, can you? You did not see the picture taken, but you knew your wife, and now, looking at the picture, you say it looks like your wife; that is all you or anybody can say about a photograph; isn't it?

A. It looks like my wife.

Q Now, take Exhibit 3, a tin-type. Did you see that tin-type taken?

A. I did not.

Q Then all you can say about that is that it represents your wife, it looks like her; is not that so?

A. It does.

Q Well, pass from that to No. 4, a tin-type. Now, did you see that taken?

A. I did.

Q You did see that taken?

A. I did.

Q You were present when it was taken?

A. I was.

Q That is No. 4; where was it taken?

A. It was taken at Riverhead.

Q In your presence?

A. In my presence.

Q And the name of the photographer is Dana Dowens. You were with her at that time?

A. I was with her.

Q And this is your picture which was taken at the same time; is that so?

A. It is.

Q And when was that taken?

A. That was taken soon after we were married.

Q How many years ago? You were married in 1889, the 9th of October, if I am correct; is that so?

A. That is so.

Q And that is the date, about that month, this tin-type was taken; am I correct?

A. It was taken soon after we were married; I don't know exactly when.

Q Either in October or November?

A. I think so.

Q In October or November, 1889?

(No answer.)

DIRECT EXAMINATION, resumed.

By Mr. Weeks:

Q I show you Exhibit 1 for identification, which you have stated was a correct representation of your wife and afterwards stated it looked like your wife, and ask you if that is a correct representation of your wife and if you would

recognize your wife from that photograph?

(Objected to) (Objection overruled) (Exception)

A. I certainly would.

Mr. Weeks: I offer that in evidence.

(Objected to) (Objection overruled) (Exception)

Q I show you now People's Exhibit 2 for identification, and ask you if that is a correct representation of your wife?

A. Not as correct as the first one.

Q You would recognize that as a photograph of your wife?

(Objected to, as incompetent)

A. I would.

The Court: I will hear you on it, if you want to be heard.

Mr. Howe argued the admissibility of the question.

The Court: Objection overruled.

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

Mr. Weeks: I offer No. 2 for identification in evidence.

Mr. Howe: The same objection and same exception.

By Mr. Weeks:

Q Now, I show you People's Exhibit 3 for identification, a tin-type, and ask you if you recognize that as a picture of your wife?

A. I do.

Q Do you recognize the other person in that tin-type?

A. I do.

Q Who is it?

(Objected to, as incompetent.)

(Objection overruled) (Exception)

A. Berthold Bopper.

Q The defendant?

A. Yes, sir; the defendant.

Mr. Howe: Most decidedly do I object to that, although he is in court. I want to cross-examine the witness upon that.

C R O S S E X A M I N A T I O N, resumed.

By Mr. Howe:

Q You do not see this picture. There is a young man sitting on a bench with, apparently, a straw hat on; you can't say it was a straw hat from looking at that, can you?

A. I can't.

Q You cannot say what the material of the coat is, from looking at that picture?

A. I can't.

Q Or the material of the dress of the lady?

A. I can't.

Q Did you see the picture taken of the man (this is Exhibit 3)?

A. I did not.

Q Then you can only speak from your opinion as to its resemblance to this defendant; is not that all that you can say about it?

A. It resembles the parties.

Q I say, that is your opinion? You look at the picture. The District Attorney has handed you a picture and you look at it, and you say, from looking at it, in your opinion it resembles him; don't you?

A. Yes, sir.

Mr. Howe: The People against Severance settles that.

The Court: Objection sustained. Strike out the answer.

Mr. Weeks: I understand your Honor, then, to exclude the question as to whether he recognized the other person in this picture?

The Court: I strike from the record the question that you put, and the answer.

Mr. Weeks: I offer this Exhibit 3 for identification in evidence.

Mr. Howe: I object.

The Court: Objection sustained.

Mr. Weeks: I understand that the witness has identified this tin-type as a picture of his wife.

The Court: I understand that thoroughly.

Mr. Weeks: As such, it is offered upon that state of facts. Simply because there happens to be some one else in that picture besides his wife, must the picture be excluded?

The Court: I have ruled on it.

Mr. Weeks: I understand your Honor, then, to exclude Exhibit 3 offered?

The Court: I sustain the defendant's objection to that offer of evidence.

Mr. Weeks: Now, I offer Exhibit 4.

Q Do you recognize this as a picture of your wife?

(Objected to, as incompetent)

(Objection overruled)

(Exception)

A. Yes, sir.

Q Now, I ask you, Mr. Hallock, when and where you came into possession of People's Exhibit 1?

(Objected to, as immaterial and incompetent.)

(Objection overruled)

(Exception)

A. I saw it on the parlor table, I think.

Q In your own house?

A. In my own house.

Q While your wife was living?

A. While my wife was living.

Q When and where did you first see People's Exhibit 2?

(Objected to, as immaterial, incompetent and irrelevant.)

(Objection overruled)

(Exception)

A. That was taken from a tin-type.

Q When and where did you first see it?

A. Mrs. Robert handed it to me.

Q When was this?

A. I think it was about a month ago.

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

The Court: That is No. 2. Objection overruled.

(Exception)

By Mr. Weeks:

Q Now, in regard to People's Exhibit 3 for identification.

When and where did you first see that?

Mr. Howe: The same objection and same exception.

By the Court:

Q Where did you first see No. 3, a tin-type?

A. I saw it in our own house.

By Mr. Weeks:

Q In your own house?

A. Yes, sir.

Q When?

A. I think it was in the trunk which came

back.

Mr. Howe: This is objected to.

The Court: Yes.

Q When did you first see No. 3?

By Mr. Weeks:

Q In the latter part of September?

A. Yes, sir.

By the Court:

Q In September, 1893, you first saw it?

A. Yes, sir.

By Mr. Weeks:

Q Where did you see it?

(Objected to, as immaterial and incompetent.)

(Objection overruled)

(Exception)

A. I saw it in our own house.

Q I say, where, in what -- on the floor, or what?

A. In a trunk.

Q In whose trunk?

(Objected to)

By the Court:

Q Do you know whose trunk it was?

A. It was my wife's trunk.

By Mr. Howe:

Q Did you ever see the trunk before?

A. I did not.

Mr. Howe: That is an assumption, that it is your wife's trunk.

By Mr. Weeks:

Q In a trunk, in your own house. Was there any mark upon that trunk?

A. There was.

Q What was the mark?

(Objected to, as incompetent)

By the Court:

Q Did you ever see that trunk before the time you saw it there?

A. I did not.

Q You never saw it before that time?

A. No, I did not.

Q That was the first time you ever saw it?

A. That was the first time.

By Mr. Weeks:

Q Where is the trunk now?

By the Court:

Q Do you know where it is now?

A. I do; it is in my father's house.

By Mr. Weeks:

Q In Moriches?

A. In Moriches.

Q Now, I will ask you, was there any mark upon the trunk?

A. There was.

Q Was there any name upon the trunk?

(Objected to) (Objection overruled) (Exception)

Q From whom did you receive that trunk?

(Objected to, as immaterial)

(Objection overruled) (Exception)

By the Court:

Q From whom did you get the trunk?

A. C. J. Smith.

By Mr. Weeks:

Q Who is C. J. Smith?

A. The man who took charge of the affair.

Q Who is he?

A. He is in the shoe store.

Q In Moriches?

A. No; in Chicago.

By the Court:

18 Q You got it from him?

A. I did.

By Mr. Weeks:

Q What was the name on the trunk?

(Objected to)

A. Charles H. Hallock.

The Court: Wait till the Court rules.

That answer is stricken out.

By Mr. Weeks:

Q You say that you last saw your wife alive on the morning of the 2nd of September, 1893; when did you next see her body?

A. September 13th.

By the Court:

Q September 13th, you saw the body of your wife?

A. I did.

By Mr. Weeks:

Q When it was brought back to Moriches?

A. When it was brought back to Moriches station, and opened at the grave-yard.

Q Have you ever seen your wife write?

A. I have.

Q You would recognize her signature? A. I would.

Q I show you this piece of paper and ask you to examine it and say whether or not your wife's signature appears anywhere upon it?

A. It does.

Mr. Weeks: I offer this signature in evidence. He has identified it as the signature of his wife.

Mr. Howe: Objected to, as incompetent.

The District Attorney now offers the signature of some one, written on that paper. I object to it, as incompetent.

The Court: What is the object of the offer, for what purpose?

Mr. Weeks: The principal object in offering it at this time is to save recalling this witness when the paper is offered finally.

The Court: I will sustain the objection, for the present.

Mr. Weeks: I ask that that signature be marked, for identification, People's Exhibit 5.

By Mr. Weeks:

Q I show you this, and ask you if you recognize that handwriting?

A. I do.

Q The writing in pencil?

A. I do.

Q On the back of it also?

A. I do.

Q Whose hand-writing is it?

(Objected to, as immaterial)

A. It is my wife's hand-writing.

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

The Court: This paper, he says, is in the hand-writing of his wife. The paper is not offered in evidence yet. It is marked people's Exhibit 6.

By Mr. Weeks:

Q I show you this, and ask you if you recognize it, the writing?

A. Yes, sir.

Q Whose is it?

A. My wife's.

Mr. Weeks: This is People's Exhibit 7 for identification.

Q I show you this paper and ask you if you recognize that hand-writing?

A. Yes, sir, I do.

Q Whose hand-writing is that?

A. My wife's.

Mr. Weeks: This is People's Exhibit 8
for identification.

Q I ask you if you recognize the pencil hand-writing on that,
People's Exhibit 3 for identification?

A. I do.

Q Whose hand-writing is it?

A. My wife's.

Mr. Weeks: Mark it People's Exhibit 9
for identification.

Q Were there any children the issue of your marriage with
Lelia A. Robert?

(Objected to, as immaterial)

(Objection overruled) (Exception)

A. There was.

Q How many?

A. One.

Q When was the child born?

(Objected to) (Objection overruled) (Exception)

A. August 2, 1890.

Q What is the name of the child?

(Objected to, as immaterial)

(Objection overruled) (Exception)

A. Hilda A. Hallock.

Q I show you this card, and ask you if you recognize that as
a photograph of that child?

A. I do.

Mr. Howe: Objected to, as incompetent,
immaterial and irrelevant.

The Court: All this matter is for identi-
fication, so far, for the purpose of identifying
certain papers. I presume the District Attorney

will connect them with the defendant afterwards.

Mr. Howe: The District Attorney is introducing this for the purpose of creating a false sympathy. Whether there were ten children, the marriage issue of the husband who has been here to-day, or only one, whether the children were young or old, handsome or homely, has nothing whatever to do with this case.

The Court: The aspect the Court views it in is this: It may have a tendency--I do not know whether it will or not--to establish, in some other part of the case, the defendant's knowledge.

Mr. Weeks: We propose to connect it with the defendant.

By Mr. Weeks:

Q When was this photograph taken, Mr. Hallock, if you know (the photograph of the child)?

A. I think the date is on the back.

By Mr. Howe:

Q Did you see it taken?

A. I did. June 29, 1893, aged two years and eleven months.

By Mr. Weeks:

Q You were present when it was taken?

A. I was.

Mr. Weeks: I ask that it be marked for identification.

(Marked people's Exhibit 10 of identification.)

Q I ask you whose hand-writing that is upon the back of that photograph, Exhibit 10?

A. My wife's.

Mr. Howe: Not a question.

CORNELIUS FLYNN, sworn and examined, testified:

By Mr. Weeks:

Q You are an Alderman of the City of New York?

A. Yes, sir.

Q For the First District?

A. Yes, sir.

Q And were on the 6th of September, 1893?

A. Yes, sir.

Q I show you this paper, and ask you if you recognize your signature there?

A. Yes, sir.

Q Now, ask you whether, on that day, as such Alderman, you united in marriage the parties named in that certificate?

A. Yes, sir.

Q And that is the certificate that you gave them at that time?

A. Yes, sir, it seems to be the certificate.

Mr. Weeks: I offer that in evidence.

Mr. Howe: I object.

Mr. Weeks: The names are Berthold Popper and Lelia A. Hallock.

The Court: You can offer it now.

(Marked People's Exhibit 11 for identification.)

By Mr. Weeks:

Q I show you this certificate and ask you if that is your signature?

A. Yes, sir.

Q And is that the certificate that is filed by you with the Health Department, in accordance with law?

A. Yes, sir.

Q What is the original certificate so filed? A. Yes, sir.

Mr. Howe: Objected to, as incompetent and immaterial.

By the Court:

Q That is the usual one, filed in all cases, when marriages

are performed by you?

A. Yes, sir.

(Marked people's Exhibit 12 for identification.)

Q Did you perform the ceremony of marriage between the parties named in these two certificates?

A. Yes, sir, it seems so, according to the certificate.

BY MR. HOWE:

Q You have not any recollection about it, Alderman; have you?

A. No, sir; I don't know the parties.

Q Don't remember the circumstance at all. All that you know is that two papers have been produced which bear your signature?

A. Yes, sir.

Q And that is all your recollection about the case?

A. That is all; that is all I remember about it; I don't remember the parties.

BY MR. WEEKS:

Q You would not have signed your name to such certificates of marriage, and filed them with the Health Department, unless you performed the ceremony?

(Objected to)

(Objection sustained)

The Court: He describes what these are. I think you have all that you want.

JOHN FITZGERALD, sworn and examined, testified:

By Mr. Weeks:

Q You are a clerk of Alderman Flynn, the last witness?

A. Yes, sir.

Q Do you recollect being present at a marriage ceremony performed by him on the 6th of September, 1893?

A. Yes, sir.

Q Do you recognize in court either of the parties to that ceremony?

A. Yes, sir.

Q Will you please point out-----

A. That gentleman over there.

Q The defendant?

A. Yes, sir.

Q Were you present when the parties to that ceremony were asked the usual questions and their answers were written down upon the certificate?

(Objected to)

A. No, sir.

Q Were you present when the parties to the ceremony signed any paper?

A. No, sir; I was present only when my own signature was put on, after they had signed it.

Q I show you this paper, People's Exhibit 12, and ask you if you see your signature upon it?

A. Yes, sir, I see it.

Q Did you see the other signatures placed there?

A. I didn't take any particular notice of it.

Q Was this defendant present at the time you signed your name there as a witness?

A. Yes, sir.

Q Were you present at the time the ceremony was performed between this defendant and the woman?

A. Yes, sir.

By the Court:

Q When you signed your name there, were the other names written there, Mr. Fitzgerald?

A. They were all written.

Q They were there?

A. Yes, sir.

By Mr. Weeks:

Q Who else was present?

A. My brother.

Q What is his name?

A. Richard J.

Q Now since that time have you seen the woman who was then

married to this defendant?

A. Only as they were going out, after the ceremony being performed.

Q Now, I show you People's Exhibit 1 and ask you if that, in your opinion, is a photograph of the woman that was then married?

(Objected to, as incompetent)

(Objection overruled)

(Exception)

By the Court:

Q Answer the question?

A. I couldn't say whether that is the woman or not.

By Mr. Weeks:

Q I ask you the question again, if in your opinion it is a photograph of the woman?

(Objected to)

By the Court:

Q Are you giving us now your opinion?

A. Yes, sir; I can't say that is the woman.

By Mr. Weeks:

Q If you will listen to my question -- I do not ask you to swear positively that it was the woman; I asked you whether in your opinion it was?

(Objected to)

By the Court:

Q You understood the question?

A. Yes, sir.

Q You understand the question of Mr. Weeks?

A. Yes, sir.

Q Do you wish to change your answer in any way?

A. No, sir. I can't identify her at all; I can't identify the woman as being the party to the marriage ceremony.

By Mr. Weeks:

Q I show you People's Exhibit 2 and ask you whether, in your opinion, that is a photograph of the woman that was married?

(Objected to, as incompetent.)

(Objection overruled)

(Exception)

A. I say I can't identify her or no pictures, because I didn't take any particular notice of the woman at the time.

Q Now, Mr. Fitzgerald, how was the woman dressed who was married that time?

A. She had a white dress on, with a black skirt underneath.

Q Dark or light hair?

A. I couldn't say, sir.

Q Was the woman present at the time you signed your name as a witness upon the back of People's Exhibit 12?

A. Yes, sir.

Q Were both the signatures of the groom and bride above that signature there at the time you signed your name?

A. Yes, sir; they signed first.

Q Did you see them sign?

A. I didn't see them sign; they were there when I went to sign.

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

By Mr. Howe:

Q They were there?

A. Yes, sir.

The Court: Your motion is to strike out what?

Mr. Howe: He says now that he did not see those signatures until he signed his name.

The Court: Objection overruled.

Mr. Howe: Note my exception.

By Mr. Weeks:

27 Q What time of day was this?

A. Around between 11

1038

and 12 o'clock, I think.

Q Are you sure it was before 12 o'clock?

A. I couldn't say positively; it was around that hour, I think.

Q I show you People's Exhibit 12 for identification, and ask you if you filed that with the Health Department, as Mr. Flynn's clerk?

A. Yes, sir.

Q That is the original that you filed with the Health Department?

A. Yes, sir.

Mr. Howe: That was all objected to before, and it is taken now subject to exception.

The Court: Yes, the same ruling.

CROSS EXAMINATION:

By Mr. Howe:

Q You have no more recollection of that lady than you have of any other that was in there?

A. No, sir.

Q Don't know whether she was light or fair or dark?

A. No, sir.

Q Whether she was stout or not?

A. No, sir.

Q Don't remember anything about the woman?

A. Only the dress, that is all. I noticed that she had a white dress on, with a black skirt; that is all.

Q That is all you remember, a woman was there with a white dress and a black skirt?

A. Yes, sir.

RICHARD J. FITZGERALD, sworn and examined, testified:

By Mr. Weeks:

Q You are a clerk of Alderman Flynn, of the First District?

A. Well, I can't say that I am a clerk of Alderman Flynn.

Q You are a brother of his clerk, Mr. Fitzgerald?

A. Yes, sir.

Q I show you People's Exhibit 12 for identification, and ask you if you were present at the time that the ceremony therein referred to was performed?

A. Yes, sir, I was present.

Q Do you see either of the parties to that ceremony in court?

A. Well, I don't know; I don't see any of the parties.

Q Look around?

The Court: Stand up, Mr. Fitzgerald, and you will have a better view.

A. No, I couldn't say I do.

By Mr. Weeks:

Q Look around, and see if you can see him?

A. No; I couldn't say I do.

By the Court:

Q Do we understand you to say that you do not?

A. Well, I don't; not in the neighborhood.

By Mr. Weeks:

Q Now, would you recognize either of them, if you saw them again, do you think?

(Objected to)

(Objection sustained)

A. I don't recognize anybody -- you ask me now -- at the present time, I don't recognize anybody at all.

By the Court:

Q You remember that paper; don't you?

A. Certainly; I made it out myself.

Q You made it out in connection with some transaction that

took place?

A. Certainly I did.

Q And the parties to the transaction were there?

A. They were there.

Q The District Attorney asks you if you recognize either or both of those parties in the court-room?

A. I can't say that I do -- yes, that is the man there.

Q Do you mean this one here (pointing to the defendant)?

A. Yes, sir; that is the man there.

Q Is that the one?

A. That is the man -- I think it is.

By Mr. Howe:

Q What is that?

A. I think it is; I think that is the man; pretty positive about it.

By Mr. Weeks:

Q Now, to the right-hand of the face of that, in whose handwriting is that (paper shown to witness)?

A. Excuse me, which is that?

Q This writing down here (indicating)?

A. That is mine.

Q At the time you wrote that were the two parties to the ceremony present?

A. Certainly.

Q And the matter that you put down there, the words that you put down there, from whom did you receive the information?

A. From Berthold Popper and Lelia A. Hallock.

Q Both then present?

A. Both then present.

Q And the words that you wrote down there was the information that you received from them?

A. Certainly.

Q Now, on the back of that -- were you present when those signatures were placed there?

A. Certainly I was.

Q Did you see the man write his name?

A. Certainly I did.

Q That is, this defendant?

A. The defendant.

Mr. Howe: He has not said so; be fair,
Mr. Weeks.

THE WITNESS: Well, I seen Berthold Popper
write his name there, that is all -- if that is his
name, I don't know.

By Mr. Weeks:

Q Did you see the woman, Lelia A. Hallock, write her name
there?

A. Certainly I did.

Q And the woman who wrote her name there was the woman ~~who~~ was
married to Berthold Popper, by Alderman Flynn, at that
time?

A. Certainly.

Mr. Weeks: I offer that certificate in
evidence.

Mr. Howe: Objected to, as incompetent,
and not perfectly proven.

The Court: Objection overruled.

Mr. Howe: Exception.

Mr. Weeks: I also offer the certificate
of marriage, signed by Alderman Flynn.

Mr. Howe: The same objection.

The Court: The same ruling.

Mr. Howe: Exception.

(People's Exhibit 11 and 12 were put in evidence.)

CROSS EXAMINATION.

By Mr. Howe:

Q Mr. Fitzgerald, you say you carried your mind back to the

date mentioned in these papers which have been shown to you?

A. Yes, sir.

Q And a man and a woman were there, and that you saw that man and that woman sign that paper which has been shown to you?

A. Yes, sir.

Q Whether that man was this man, you won't swear to-day; will you?

A. Well, I will swear to him, yes, because on account of recollecting him very well.

Q What do you mean by saying, "Well, you will?"

A. Because I know; I recollect the man's face very well.

Q Why did you say at first, when the District Attorney asked you to look around this room and you stood up and looked around, you couldn't see the person?

A. Well, I didn't see that person at the time I looked around. There is a good many people here, counsellor.

Q You looked in the jury to find him -- did you answer my question?

A. Well, I did. I looked around that way and looked around this way.

Q And to the reporters?

A. Yes, sir.

Q And looked around to the jurors?

A. Yes, sir.

Q And you looked at me?

A. Certainly I did; I supposed you were one of the parties there.

Q One of the parties at the marriage?

A. No.

Q Now, wait. Here is Popper sitting right at my left hand?

A. Yes, sir.

Q With a very conspicuous Anarchist neck-tie, or something of that color; do you see him?

A. Yes, sir.

Q And a conspicuous flush in his face?

A. Yes, sir.

Q How was it you did not see him, if you were looking around there?

A. I looked all around the room.

Q Everywherebut at Popper, at this defendant?

A. Well, now, at the time I didn't, counsellor; I just looked around; I just happened to strike him right at the time.

Q Will you swear, beyond all doubt, that he was the man who was with that woman?

A. You can bet I will; yes, sir.

Q I am not betting. This is a court of justice.

A. I know he is the party; I can swear to that.

Q You are sure now?

A. Yes, sir.

Q Were you sure before?

A. What do you say?

Q You say you bet he is the man?

A. I am pretty positive, counsellor, he is the man.

Q You are pretty positive?

A. Well, yes, I am.

Q How is it you are pretty positive that he is the man when, in answer to Mr. Weeks' question, as to whether he was the man, you said, "I think he is?"

A. Yes, sir, I think I am.

Q You think you are?

A. Yes, sir.

Q Did you say in the hearing of this jury, when you were asked if he was the man, "Well, I think he is?" Did you say that to-day, here?

A. I probably did; I am pretty positive he is the man.

Q You probably did?

A. Yes, sir; I probably did.

Q Do^{it},t you know that you did?

A. Probably I did do it, counsellor.

Q Do^u't you know that you did, yes or no?

A. Well, say yes; I did say yes.

Q You know you did; don't you?

A. I know I did; yes, sir.

Q Why didn't you say that first, honestly?

(Objected to) (Objection overruled)

A. I said it.

Q You say you will swear now, will you, that you saw this man who is now in court sign his name on that?

A. Yes, sir.

Q Beyond all doubt?

A. Without the shadow of a doubt.

Q And yet, before, you said you thought he was the man?

A. I can swear it now, when I look at the man. I haven't seen the man since that time.

Q The more you look at him, the more you are satisfied that he is the man?

A. I am satisfied he is the man; yes, sir.

Q You now swear that, point blank?

A. Yes, sir, that is the man.

Q You will swear that? A. I will.

Q You have changed your mind since you have been in that chair?

A. I ain't doing that, because, a short time ago-- I haven't seen the man from the time that he signed the certificate up to the present time.

Q How long ago was that?

A. From the time -- I don't know what time it was.

Q Had you ever seen him before?

A. No; I will admit that.

Q And haven't seen him since, until to-day?

34 A. No, sir.

Q And yet you claim he is the man?

A. Yes, sir; I am very positive he is the man.

Q Now, who performed the ceremony?

A. Alderman Flynn.

Q Was it in the City Hall?

A. Yes, sir.

Q You did not hear the ceremony performed?

A. Oh, yes, I did.

Q The whole of it, you heard all that was said?

A. Yes, sir.

Q Between the various parties?

A. Certainly.

Q And then they went away?

A. They went away; yes, sir.

Q You saw nothing of either of them until to-day, when you now claim that this is the man who was there and went through that ceremony of which you have spoken?

A. Yes, sir; that is right. I admit all of that.

MR. WEEKS (reads): "I hereby certify that Berthold Popper and Lelia A. Hallock were joined in marriage by me in accordance with the laws of the State of New York, in the City of New York, this sixth day of September, 1893. Signature of person performing the ceremony, Cornelius Flynn. Witnesses, to the marriage, John Fitzgerald and James Smith. Date of marriage, September 6, 1893; groom's full name, Berthold Popper; residence, Ashland House; age, 21 years; color, white; single or widowed, single; birthplace, California; father's name, Louis; Mother's maiden name, Fannie Weil; number of groom's marriage, first; bride's full name, Lelia A. Hallock; residence, Moriches, Long Island; age,

24 years; color, white; single or widowed, single; birthplace, Connecticut; father's name, Robert; mother's maiden name, Adelina Trudeau; number of bride's marriage, first; name of person performing ceremony, Cornelius Flynn; official station, Alderman, First District; residence, 7 Broadway." Endorsed on the back, "We the groom and bride named in this certificate, hereby certify that the information given there in is correct, to the best of our knowledge and belief. Berthold Popper, groom. Lelia A. Hallock, bride; signed in the presence of John Fitzgerald and James Smith."

Mr. Howe: It may be noted that this is read subject to objection and exception?

The Court: Yes.

MARTIN J. KEASE, sworn and examined, testified:

Q You are the janitor of the City Hall?

A. Yes, sir.

Q On the 6th of September, 1893, was your attention attracted to the parties who were going before Alderman Flynn to be remarried?

A. I don't remember the date, but I usually happen to be around the building if anything out of the way occurs; I sometimes see it.

Q I ask you, do you recollect seeing this defendant in the City Hall?

A. I recollect seeing a man in that case, a very tall, slim young man, wearing a high hat; if he is the person, I think I could identify him.

Q Will you look and see if you can see any one?

A. I should think he was the young man, about six feet one, high, I only saw him -- I should think he looked like that gentleman there.

By Mr. Howe:

Q Like me?

A. Oh, no, Mr. Howe.

By Mr. Weeks:

Q Point out the one, describe the one that you mean?

A. This gentleman here; that is the man I should say was the man (pointing to the defendant).

Q Now, did you notice the lady who was with him?

A. Yes, sir.

Q Were you present when the ceremony was performed?

A. I was.

Q Would you recognize the lady, if you saw her again?

A. I think, if she was alive and I saw her, I would surely know her.

Q Now, I show you People's Exhibit 2, and ask you whether, in your opinion, that is a photograph of the lady that you saw that day?

(Objected to, as incompetent)

(Objection overruled)

(Exception)

A. Yes, sir, that is the expression, but it is somewhat too healthy a face for the woman; she was not so strong looking. She had a care-worn appearance, although she was very jovial, laughing all the time.

By Mr. Howe:

Q Too healthy a face?

A. Yes, sir; she looked too robust.

By Mr. Weeks:

Q Was your attention particularly attracted to that lady?

A. That is just especially the point I want to dwell upon. I stopped there on her account, because there was several marriages took place previous to hers, and she kept laughing through the whole ceremony; in fact, I turned my face away from her. She noticed I was looking at her, because she acted so unusually out of the way. I tried to avoid her, for that reason. I have a very direct impression of her appearance at that time.

Q. About what time of day was this?

A. I should think it was the middle of the day; I am not certain about the time.

CROSS EXAMINATION.

By Mr. Howe:

Q. Mr. Keese, when the learned District Attorney handed you the photograph, the piece of paper with a picture on it, you heard me object to your answering the question about it, your opinion?

A. Yes, sir.

Q. Since the District Attorney compelled your answer -- you cannot say, to-day, Mr. Keese, can you, the person in that photograph, whoever that was, was the lady you saw? You won't undertake to say anything like that?

A. No; only it resembled her somewhat.

Q. And that is the extent of your evidence; is it not?

A. Yes, sir.

Mr. Weeks: I am not quite certain whether I offered the certificate signed by Alderman Flynn.

The Court: That was offered some time ago.

Mr. Weeks: I offer the certificate filed by the Health Department. I offer the marriage certificate, People's Exhibit 11.

Mr. Howe: The same objection.

The Court: The same ruling, and the same exception.

MARY H. HALLOCK, sworn and examined, testified:

By Mr. Weeks:

Q Miss Hallock, where do you live?

A. Moriches, Long Island.

Q You are an aunt of Charles H. Hallock, who has testified here?

A. Yes, sir.

Q Have you any recollection of ever having seen this defendant, Berthold Popper, before to-day?

A. Yes, sir.

Q When and where did you first see him?

A. Moriches.

Q When? A. The early part of June; I think about June 10th.

Q Of last year? A. Yes, sir, 1893.

Q Where was it in Moriches that you saw him?

A. In the street, directly opposite my home.

Q You live with your brother?

A. No, by myself.

Q Was this defendant alone at that time?

A. No.

Q Where was he, what part of the street -- what was he doing when you first saw him?

A. He was standing under a tree on the opposite side of the road from my home.

Q On company with any one? A. Yes, sir.

Q How many? A. One.

Q A man or a woman?

A. A man.

Q Will you describe, as nearly as you can, the man that was there with him?

A. He had dark hair and a white skin, a little shorter than me.

Q Now, tell the jury just what occurred when you saw this defendant and the man?

A. I was crossing the street, directly opposite my home, and, when half-way across, I discovered two young men sitting under the shade of a tree on the opposite side. Directly, one came forward and asked-----

By the Court:

Q Which one?

A. That one (pointing to the defendant).

Q This defendant here, he came forward----

By Mr. Weeks:

Q And asked what?

A. "Can you tell me if Mr. Hallock, the postmaster, is in town?" I said, "Yes; there he is, in the lot, fixing the pump."

Q Did you point to any one?

A. I think I inclined the head.

Q Towards whom?

A. Towards Mr. Hallock.

Q What Mr. Hallock?

A. Mr. Edmund Hallock.

Q That is the father of Charles?

A. Yes, sir.

Q What occurred then?

A. He said, "Mr. Charles Hallock, the postmaster."

Q In the same way that you said it then, "Mr. Charles Hallock?"

A. Just as nearly as I can speak it.

Q Emphasizing the word "Charles?"

(Objected to)

(Objection sustained)

Q What did you say then?

A. I said, "Yes, he is down in the office; or he was, a few minutes ago."

Q What then?

A. He said, "He has a wife and a little girl?"

By the Court:

Q Who said it; the defendant said that?

By Mr. Weeks:

Q This defendant said that, "He has a wife and a little girl?"

A. Yes, sir.

Q And you said what?

A. I said, "Yes."

Q What then?

A. He says, "I understood he was out of town."

Q Go on?

A. I said, "No, he is down there somewhere. May be he has gone to dinner now."

Q What then?

A. And I walked away. Looking back, directly after, I saw that instead of going to the post-office they were walking very fast in an opposite direction.

Q From that time until to-day, have you seen this defendant?

A. No, sir, not to my knowledge.

Q And that was in June, 1893?

A. Yes, sir.

Mr. Howe: Not a question.

JOSEPH CARMAN, sworn and examined, testified:

By Mr. Weeks:

Q Now, Mr. Carman, what is your business?

A. Acting as station-agent, I used to be; not working now.

Q Whereabouts?

A. I was at Mastic.

Q As what?

A. As station-agent.

- Q And how long have you been acting as station-agent down there? A. I was about two or three months.
- Q When did you begin? A. I couldn't tell you when it was that I first went there.
- Q What month? A. I think it was April.
- Q April, and you worked as station-agent for about three months? A. Yes, sir.
- Q How far is Mastic from Moriches? A. About two miles from Moriches station; from Moriches post-office, about half a mile.
- Q Which is the nearest railroad station to Moriches post-office? A. Mastic.
- Q Did you ever see this defendant, Berthold Popper? A. Yes, sir.
- Q When and where? A. In Mastic station.
- Q When? A. I think it was in June.
- Q Of last year, 1893? A. Yes, sir.
- Q About what time of day? A. 2 o'clock.
- Q Was he alone when you saw him? A. No, sir.
- Q Who was with him? A. Another man.
- Q Which direction were they coming from? A. I don't know; they walked in the station.
- Q They walked into the station? A. Yes, sir.
- Q Did you have any conversation with either of them at that time? A. Yes, sir.
- Q What was your conversation, and whom did you have it with? A. With Mr. Popper.
- Q This defendant? A. Yes, sir.
- Q Now, what was the conversation? A. He asked me if Char-

lie Hallock's wife, if I knew whether she was home or not.

Q He asked you if you knew whether who was home?

A. Mrs. Hallock.

Q What words did he use; give us the exact words, as near as you can remember?

A. As near as I can remember, he asked if Charlie Hallock's wife was home, if I knew.

Q Just try to use his words. He said, "Do you know if Charlie Hallock's wife is home?" Are those the words he said?

A. Yes, sir.

Q Try to use his exact language. What reply did you make?

A. I thought "she was; I said, "I think she is."

Q Then what did he say?

A. "Do you know whether she is going to the city on Monday or not?"

Q What did you say to that?

A. "I heard so."

Q What then?

A. That is all.

Q Did you have any other talk with him at the time?

A. Well, the man what was with him wanted to go to the city, and never had any money.

Q Didn't have any money?

A. Yes, sir.

Q What then?

A. They borrowed money off me.

Q Which one did you lend it to, this one or the other one?

A. The other one.

Q How much did you lend him?

A. \$1.65.

Q Did you ever get it back?

(Objected to)

(Question withdrawn)

Q Did they take the train to New York?

A. Yes, sir.

Q What train did they take?

A. The 3:14.

EDMUND L. MOONEY, sworn and examined, testified:

By Mr. Weeks:

Q Mr. Mooney, you are an attorney and counsellor at law?

A. I am.

Q A member of the firm of Mooney & Shipman?

A. Yes, sir.

Q Having an office in Temple Court?

A. Yes, sir.

Q Did you know Lelia A. Hallock?

A. I did, sir.

Q Had your firm any business relations with her?

A. We had.

Q In what capacity?

(Objected to, as immaterial and incompetent.)

By the Court:

Q About what time?

By Mr. Weeks:

Q In September, 1893?

A. Yes, sir, last year.

Mr. Howe: Objected to, as incompetent,
irrelevant and immaterial.

(Objection overruled)

(Exception)

By Mr. Weeks:

Q Go on?

A. We were attorneys for the executors of the Estate of
Francis S. Mumford, in which she was a beneficiary.

Mr. Howe: I ask that that be stricken out,
and the jury be instructed to disregard that, as
immaterial and incompetent.

The Court: Motion denied.

Mr. Howe: Note an exception.

By Mr. Weeks:

Q Prior to the 6th of September, 1893, had there been any set-

tlement of that estate?

(Objected to) (Objection overruled) (Exception)

A. A partial settlement.

Q Had she received any moneys from that partial settlement?

A. Yes, sir.

Mr. Howe: Objected to.

The Court: You will have to connect the defendant with it.

By Mr. Weeks:

Q When and where did you first see this defendant?

A. On the 6th day of September, 1893, at my office, in Temple Court.

Q What time of day? A. About 11 o'clock in the morning, first.

Q Who was with him that time? A. Mrs. Hallock.

Q They came together to your office?

A. Yes, sir.

Q Did she have any conversation with you in the presence of this defendant? A. Yes, sir.

Q Now, tell us just exactly what occurred, when they came into the office, in the presence of the defendant, on the 6th of September, 1893?

A. Mrs. Hallock came in with the defendant, first into the outside office, and then, upon being announced, they both came into the inside office. Mrs. Hallock told me that she was up to the city and wanted to get some money on a check which we had sent her for \$1,800, out of the estate, which she had deposited by mail in the Merchants' Bank, in Wall street, in this city; that she had vouchers and a check-book, but that they did not know her personally,

and therefore she could not get any money; that she wanted to draw \$500. She asked me if there was any way in which I could manage it for her. So I suggested some way. Shall I tell all that was said?

Q Tell all the conversation to the jury.

By the Court:

Q When the defendant was present?

A. Yes, sir. The first suggestion was that I should endorse her signature on her own check as correct, and that then one of my clerks would go to the Holland Trust Company, where we bank, and the Holland Trust Company then should certify my signature upon her signature, and that her bank would pay it. That was done, and then the clerk and she left the office. Just as they were leaving the office, Mr. Popper--whose name I did not at that time know, he had not been introduced to me--said, "I want to go over to the post-office, and I will be back in a few moments. By the time you get back, I will be back here," and he left the office. They left at first about the same time. In about half an hour Mr. Popper came back and came into my room and asked me whether they had gotten back yet. So I told him they had not, and then I turned to him and I said, "Are you Mrs. Hallock's husband?" And he said, "No, I am only a friend." Then he retired to the outside office, and in a little while Mrs. Hallock and my clerk came back, and they said that they had been unsuccessful in getting the money in that way, on account of the scarcity of bills that existed at that time, the bank did not want to pay except in its own way, and that the only way would be for me to draw a check for her account for \$500, and that they would take that

down and get the cash at the Holland Trust Company. I took her exchange check for \$500. Then they started out the second time. Between the time that Mr. Popper came back the first time and the time that they came back, he had again gone out of the office. When they came back from the second trip down to the Holland Trust Company, they all came into my room together; and my clerk having retained the \$500 in his own hand up to that time, he turned it over to her in my presence, and she excused herself for a moment and went into my partner's room, which immediately adjoins, and turned her back and made some motion at her dress, and put the money into her dress, and then she came back again into my office and thanked me very much for what I had done, and they left.

By Mr. Weeks:

Q Do you remember how she was dressed?

A. She was dressed in white. I remember that particularly.

Q How was the defendant dressed?

A. The defendant was dressed, to my recollection, in a sack coat, and he immediately impressed me by reason of his tallness and slenderness and pink cheeks which he had, and black hair. His clothes looked quite new.

Mr. Howe: Not a question.

JOHN WESSLAR, sworn and examined, testified:

By Mr. Weeks:

Q You are attached -- you are a member of the police force of the city of Chicago?

A. Yes, sir.

Q And were such on the 8th of September, 1893?

A. Yes, sir.

Q On the 8th of September, 1893, were you called to the Gault House in that city?

A. I was.

Q Did you there find a woman?

A. I did.

Q In what room?

A. Room 24, in the Gault House.

Q What time of day or night was it when you got there?

A. It was between 2 and 2:30 in the morning; the morning of the 8th.

Q I show you People's Exhibits 1, 2 and 4 and ask you whether, in your opinion, the woman that you saw there is the same woman represented by those photographs?

(Objected to, as incompetent, irrelevant and immaterial.)

(Objection overruled)

(Exception)

A. Yes, sir.

Q It is?

A. Yes, sir.

Q In what condition did you find that woman?

A. We found her lying on a lounge, with a bullet wound about an inch under her heart, about in here (pointing).

Mr. Howe: The same objection to that, your Honor, as incompetent.

The Court: Yes.

By Mr. Weeks:

Q Who was with you at the time?

A. Officer Gallagher.

Q Were any papers found on the table?

(Question withdrawn)

By the Court:

Q Was the woman alive at that time?

A. She was alive.

By Mr. Weeks:

Q Did you have any conversation with her?

A. I tried to, but she-----

(Objected to)

Q Did you, or did you not?

A. I did.

Q You did have a conversation?

A. Well-----

(Objected to)

Q That is enough. Did you speak to her?

A. I did.

Q Did she reply?

A. No.

Q What did you do -- not anything that was said, but what you did?

A. I sat alongside of her on the lounge and I tried to talk to her. All she would halloo was, "Oh, Bert."

Q What did you do?

A. We called the ambulance

and sent her to the hospital.

Q She was sent to the hospital?

A. Yes, sir.

Q Do you know after that what became of her?

A. She died.

Q What became of her body?

A. She was sent to New

York City.

Q Do you know?

A. Certainly I know.

Q Did you see it shipped?

A. I saw her dead, to my

own knowledge -- only hearsay about her going to New York.

By the Court:

Q You saw the dead body of the woman afterward?

A. Yes, sir, I did; in the morning.

By Mr. Weeks:

Q What did you find in the room where you went?

(Objected to)

(Objection sustained)

Q Was there any trunk found in the room?

A. There was.

Q Did you examine the contents of the trunk?

A. We did.

Q I show you these papers, and ask you where you found them?

A. I found them in the trunk.

Mr. Weeks: I ask to have this envelope marked for identification; there are fifteen papers altogether.

Q I show you that, and ask you whether or not you can tell if that was in the trunk? (Showing envelope)

A. Yes, sir.

Q That was People's Exhibit 8 for identification, and that was also in the trunk (marked People's Exhibit 13 for identification)?

A. Yes, sir.

Q Was anything found on the table? A. There was.

Q I show you these, and ask you if those were found in the room; and, if so, where?

A. At the head of her bed there was a table, and those pieces of paper were torn out of the book -- out of a novel like.

By Mr. Howe:

Q Who tore that out? A. That we don't know.

By Mr. Weeks:

Q The balance of the novel was there? A. Exactly.

Mr. Howe: I object.

By Mr. Howe:

Q You found those pieces of paper on the table?

A. Yes, sir, we found these at the head of her bed, on the table.

By Mr. Weeks:

Q Was there anything else on the table?

A. No, sir, there was not -- we found this book.

Q A book? A. Yes, sir.

Q And these two pieces of paper (People's Exhibit 6 and 7 for identification and People's exhibit 14 for identifi-

cation)p--those were found on the table, at the head of her bed?

A. Yes, sir.

Q What was the number of this room? A. 24.

Q Did you subsequently receive any letter from the clerk of that hotel?

A. We did.

Q Have you that letter?

A. This is it here.

Q You produce it? A. Yes, sir.

Mr. Weeks: I ask that that letter and envelope be marked for identification People's Exhibit 15.

Q I notice that People's Exhibit 6 for identification has a red stain on it. Was that so when you found it?

A. No, sir.

CROSS EXAMINATION.

By Mr. Howe:

Q You are a detective; are you? A. Yes, sir.

Q From Chicago? A. Yes, sir.

Q What time of day was it that you say that you went into this Gault House?

A. It was in the morning, between 2:00 and 2:30.

Q Early in the morning?

A. Yes, sir; between 2:00 and 2:30.

Q You saw some lady there which you say in your opinion was the person described in those pictures that have been produced to you?

A. Yes, sir.

Q That is to say, you think so?

A. I don't think at all. I know it, because it is this lady. That is this lady here -- well, it looks like her, anyway.

Q How long have you been a detective?

A. Oh, since 1885.

Q Giving evidence in courts very often?

A. Very often; yes, sir.

Q Why did you say you know the woman you saw in that place was the woman in those photographs?

A. She resembles her; it looks like her, I mean. I could not swear.

Q Of course you could not. You know that, from your education?

A. Very true.

Q All that you can say about it is that, in your opinion, your judgment, that she resembles those photographs; is not that all?

A. That is right.

By MR. WEEKS:

Q Did you find any photograph in her room?

A. We did.

Q Of a man or woman?

A. Yes, sir.

Q Which?

A. Found them both in the trunk.

Q I show you this photograph and ask you if you found that there (showing photograph)?

A. That was in her trunk.

Q That was found in a trunk?

A. Yes, sir. Also, I think, I wouldn't say about that there-----

Mr. Weeks: Offer that in evidence.

The Court: That will be marked No. 16 for identification.

Mr. Howe: I object to its introduction, as incompetent. Your Honor rules, I presume, it may be admitted?

The Court: I did not rule anything of the

kind.

Mr. Howe: I object to it, as incompetent.

The Court: How is it connected with this defendant? I sustain the objection.

By Mr. Weeks:

Q I show you People's Exhibit 3 for identification and ask you if that was found there?

Mr. Howe: The same objection.

A. Yes, sir, in the trunk.

By Mr. Weeks:

Q That was also found in the trunk there? A. Yes, sir.

By Mr. Howe:

Q By you? A. Yes, sir.

By Mr. Weeks:

Q I ask you if you recognize having had this tin-type in your possession, if you recognize the woman in that tin-type as the woman who was in that room?

Mr. Howe: The same objection applies to that.

The Court: That was ruled on before, as to the woman.

Mr. Howe: Note my exception.

By Mr. Weeks:

Q As to the woman? A. Yes, sir.

Q I show you this piece of paper, and ask you if that was found there? A. Yes, sir, it was.

Q Where? A. It was found in that letter there.

Q In which one? A. That one right underneath the picture.

Q Found in that envelope, in Exhibit 15? A. Yes, sir.

By the Court:

53 Q You got it from the clerk of the hotel? A. Yes, sir.

Mr. Weeks: This piece of pink paper will be No. 17 for identification.

Q Did you -- after finding this woman there, and receiving these different papers, did you go to any other hotel in Chicago?

A. No, we did not.

Q Did you associate, Officer Gallagher, to your knowledge?

A. No, not to my knowledge.

Mr. Howe: It will be necessary for me to have this witness here to cross-examine him, providing you conclude to admit those exhibits.

The Court: If those are admitted, it will be necessary to cross-examine him. He will have to remain here.

Mr. Howe: No questions now.

JOHN J. GALLAGHER, sworn and examined, testified:

By Mr. Weeks:

Q You are an officer of the police force, of the Chicago City police?

A. Yes, sir.

Q On the 8th of September, 1893, did you go to the Gault House, room 24?

A. Yes, sir.

Q And you went there with your partner, Officer Wessler?

A. Officer Wessler.

Q And there found a woman and a number of papers, some on the table and some in the trunk?

A. Yes, sir.

Q Did you at any time go to the Palmer House, in Chicago, in connection with this case?

A. No, sir.

Q Do you know what became of that woman, of your own knowledge?

A. She was taken by our ambulance to the County Hospital, in Chicago. We got a telephone, about half an hour later,

that she died, and was taken to the morgue.

Q Did you see her body after that?

A. No, not after that.

Q I show you People's Exhibit 3 for identification and ask you if you recollect that being found in the room there?

A. Yes, sir, we found that in a trunk.

Q Did you recognize that tin-type as a photograph of the woman that was then in the room?

(Objected to, as incompetent)

(Objection overruled) (Exception)

A. Yes, sir, I recognized this tin-type as a picture of the woman that shot herself in the Court House, room 24.

Mr. Howe: There is no proof yet that the woman shot herself.

The Court: No, there is no evidence.

Strike that out.

Q The woman that you found?

A. The woman that I found; yes, sir.

By Mr. Weeks:

Q What condition did you find the woman in?

(Objected to, as immaterial and incompetent.)

(Objection overruled) (Exception)

By the Court:

Q When you got there, what was the condition of the woman?

A. When we got there, the woman was lying on a sofa or a couch; she had a night-gown on her, and at the head of the couch was a table, a small table, and, on this table, there were two notes, one which was torn off the-----

Q Never mind that?

A. We found two notes, and she was with a bullet wound about an inch under the heart.

By Mr. Weeks:

Q Did you find any revolver in her room?

A. Yes, sir, we found a revolver-- the clerk of the hotel -- we found a revolver there.

Q Where?

A. We found a revolver with the clerk of the hotel; it was turned over to us.

By the Court:

Q You got a revolver from the clerk of the hotel?

A. Yes, sir; my partner, I believe, Officer Wessler; I didn't get it.

By Mr. Weeks:

Q The clerk had it, and the clerk was in the room?

A. Yes, sir.

By the Court:

Q Is that the way it was?

A. Yes, sir.

Q The clerk gave it to you, in the room?

A. Yes, sir.

Mr. Howe: I haven't any questions to ask, except that I ask your Honor to direct this witness to remain in case of the admission of those papers.

The Court: You will remain until you are discharged by the Court.

JAMES P. MILLS, sworn and examined, testified:

By Mr. Weeks:

Q What is your business, Mr. Mills?

A. Hotel clerk.

Q Connected with what hotel?

A. The Ashland House.

By the Court:

Q In this city?

A. Yes, sir; 4th avenue and 24th

56 street.

By Mr. Weeks:

Q How long have you been connected with it?

A. Two years this May.

Q Were you clerk at the hotel during the spring and summer of 1893?

A. I was.

Q Day-clerk?

A. Yes, sir.

Q Where are the registers of that hotel for the spring and summer of 1893?

A. Burned up.

Q When and under what circumstances?

A. It is the custom of the hotel to burn the register up after we start a new one; we keep it there about three or four weeks before we do so.

Q When was the last burning of the registers at the Ashland House?

A. About the 15th of November, I should say.

Q Do you recognize this defendant, Berthold Popper, as ever having been a guest of your hotel?

A. Yes, sir.

Q Was he at any time a permanent guest for any period of time?

A. I believe the last time he stopped there he stayed two or three weeks.

Q When was that?

A. That was in September, I think.

By the Court:

Q Of what year, 1893?

A. Yes, sir.

By Mr. Weeks:

Q What part of September?

A. Well, the first part of September, I think, he left.

Q He left the first part of September?

A. Yes, sir.

By the Court:

Q And he had been there then two or three weeks?

A. Yes, sir.

By Mr. Weeks:

Q Now, during the spring and summer of 1893 do you recollect his coming there at irregular intervals for a short period?

A. Yes, sir.

Q How frequently?

A. Well, I should say half a dozen or eight times; six or seven times.

Q How long would he then remain?

(Objected to, as immaterial)

(Objection overruled)

(Exception)

By the Court:

Q How long would he remain at a time?

A. To the best of my memory, a day or two.

Q With the exception of this one time, he remained two or three weeks?

A. Yes, sir.

By Mr. Weeks:

Q Were his short stays at the hotel during the spring and summer of 1893 coincident with similar short stays of anyone else?

(Objected to)

A. They were.

The Court: What does this relate to? You have got to connect it some way.

By Mr. Weeks:

Q While the defendant was stopping there, during the spring and summer of 1893, in these short periods, do you recollect any lady who stopped there at the same time, that you ever saw in company with the defendant at the bar in there?

(Objected to, as immaterial and incompetent.)

A. I do; yes, sir.

Q Did you ever see her in company with him?

A. I met them on the street and saw them talking there

in the parlor.

By the Court:

Q The defendant and some lady?

A. Yes, sir.

By Mr. Weeks:

Q What was the name off that lady; do you know her name?

A. Ses, sir; she registered as Mrs. C. H. Hallock, Moriches, Long Island.

By Mr. Howe:

Q Did you see her register?

A. I did.

By Mr. Weeks:

Q When do you first recollect that Mrs. C. H. Hallock, Moriches Long Island, came to the Ashland House and registered?

A. To the best of my memory, in the early spring.

Q On the first day that she came there, was this defendant a guest of the house?

A. That I don't remember.

Q Did he come in on that day?

A. Well, I am not

sure whether he came in on that day, but-----

Q Subsequently to that time how many times did Mrs. C. H. Hallock of Moriches, Long Island, stop at the hotel -- the lady who registered as Mrs. C. H. Hallock, Moriches, Long Island?

(Objected to.)

Q How many times did she come there to the hotel during the spring and summer?

A. I said, six or eight times.

Q Upon how many of those occasions did the defendant register at the hotel shortly after she did?

(Objected to)

(Objection sustained)

Q Upon any of those occasions did the defendant register shortly after she did?

A. Yes, sir.

Q Upon how many?

A. Well, I should say four out of six times.

Q And upon those occasions did he make any special request in regard to his room?

A. No, sir.

Q What name did the defendant register under there?

A. Well, the name of Popper has become so impressed upon my mind-----

By the Court:

Q What name was it?

A. I can't recall the name.

By Mr. Weeks:

Q Did he register under the name of Popper?

A. That it would be hard for me to say -- the name Popper became so impressed upon my mind-----

By the Court:

Q You cannot say?

A. I can't recall the

name he registered under.

By Mr. Weeks:

Q When do you recollect seeing the defendant and this lady who registered as Mrs. C. H. Hallock, of Moriches, Long Island, talking together in the parlor?

A. It was during the summer, one morning, I believe.

Q And what time of day would this lady usually come?

A. Well, sometimes she would come after 11 o'clock, and sometimes in the afternoon, about 2.

Q And how long would she remain?

(Objected to) (Objection sustained)

Q When was the last time that you saw this lady who registered as Mrs. C. H. Hallock, Moriches, Long Island?

By the Court:

Q The last time you saw her?

A. The last time I

1071

saw her was on a Wednesday morning, in September; I can't recollect the date.

By Mr. Weeks:

Q Where did you see her?

A. I saw her at the hotel office.

Q Was she alone?

A. She handed in her key and went out; yes, sir.

Q Was this defendant at that time stopping at the hotel?

A. Yes, sir.

Q How soon after that did he leave?

A. Well, the day the defendant left I was off, it was my afternoon off, but I believe that they both left the same afternoon.

Q At what time of day was it that she handed in her key?

A. It was then about 11 o'clock, I believe, that she went out.

Q And the next morning you came on duty; Popper was no longer at the hotel, was he?

A. I don't believe either were there.

Q How long was that before the 8th of September?

A. That I could hardly say; I know it was in the early part of September, on a Wednesday morning, that I saw her last.

Q Now, I show you People's Exhibits 1 and 2 and ask you if, in your opinion, those are the photographs of the lady who registered there as Mrs. C. H. Hallock, Moriches, Long Island? People's Exhibit 2?

A. That is so -- that one is the best (indicating).

Mr. Howe: The same objection and exception.

By Mr. Weeks:

Q Have you any doubt as to their being the same party?

Mr. Howe: The same objection.

A. No, sir.

Q Do you remember how this Mrs. C. H. Hallock, who was at the hotel, was dressed the last time you saw her?

A. I believe it was in a white suit.

By Mr. Howe:

Q You believe?

A. Yes, sir.

By the Court:

Q That is your best recollection?

A. Yes, sir; she had always been dressed in mourning before that.

By Mr. Weeks:

Q Can you tell me whether or not this defendant and the lady who registered as Mrs. C. H. Hallock, Moriches, Long Island, were guests at the Ashland House on the Sunday the 3rd of September, the Sunday preceding the Wednesday that you refer to?

A. I am sure about Popper, but not positive about Mrs. Hallock.

By the Court:

Q He was there?

A. Yes, sir.

By Mr. Weeks:

Q Have you seen the defendant Popper write?

A. Yes, sir.

Q Would you recognize his signature if you saw it?

A. Yes, sir.

Q I show you this signature, "Berthold Popper," there, on Exhibit 12?

A. I don't so much this name, but I recall the word Frisco.

By the Court:

Q You are asked about that signature? A. No.

C R O S S E X A M I N A T I O N.

By Mr. Howe:

Q What are you at the Ashland House? A. Day clerk.

Q Day clerk? A. Yes, sir.

Q Do you know every lady who comes in, the color of her dress, and every lady who goes out?

A. All those that come before me.

Q You do, each lady? A. Yes, sir.

Q Take stock of her hat, costume and jewelry?

A. It will depend upon who they are.

Q It didn't depend in this case, did it? You undertake to say that, on some Wednesday in September-----

A. Yes, sir.

Q That the lady was there who said in your book that she came from Moriches, Long Island -- will you tell the jury what Wednesday that was, whether it was after the 15th of September or not? Will you swear to that?

A. I know it was not after the 15th.

Q Was it the 12th? A. That I am not positive of.

Q You are not positive about it? A. No, sir.

Q What made you look at the lady on that day that she went out with the white dress; is it unusual for ladies who come to the Ashland House to wear white dresses in September?

A. I knew Mrs. Hallock.

Q Did you see any other white dresses there?

A. Of course I did.

Q Several? didn't you? A. I did, yes, sir.

Q You say that this defendant was living there at that time; some portions of that time he came there?

A. Yes, sir.

Q After she would come, he would be there four out of six, I think you said?

A. Yes, sir, that is the comparison I give.

Q And he registered in his proper name and had a room?

A. He had the room, I know.

Q And he paid for it?

A. He did start to pay in advance, but toward the end, he ran an account, I believe.

Q He ran an account?

A. Yes, sir.

Q How came the lady -- what did she; did she pay?

A. Always paid in advance.

Q She paid herself; didn't she?

A. She did; yes, sir.

Q They did not have adjoining rooms, did they; yes or no?

A. No.

Q You would not permit any improper association, single people or unmarried people, in the Ashland House, would you, knowingly?

A. We are not supposed to know that

Q I am not asking you what you are supposed to know, because there is a great deal of professed ignorance on that subject nowadays. I asked you if you did permit it?

A. No.

Q Did you see anything objectionable in their conduct in that house?

A. No.

Q From the time you first saw them until the end?

A. No.

Q And your memory is peculiarly accurate, is it, as to this man and to that lady?

A. It is not alone to

myself, but to every clerk in the house.

Q Did you ever see me in there?

A. I don't remember you; I might have seen you, but I don't remember you.

Q Where did you stay, at that desk inside?

A. No, sir, I stopped at the hotel office.

Q In the office of the hotel?

A. Yes, sir.

Q Leading into that large room that looks out into the street?

A. Yes, sir; the lobby.

Q Haven't you seen me in there a dozen times within the last month?

A. I don't remember you.

Q Possibly I am thin and immaterial, and you would not notice me if you saw me.

(No answer)

BY MR. WEEKS:

Q Did Mr. Howe ever register at the Ashland House while you were at the desk, under his name or any other?

A. I don't think he did.

Q Now, you said, in answer to Mr. Howe's question, they did not have adjoining rooms; is that strictly correct?

A. That is strictly correct; what we call adjoining rooms is a room leading one to another.

Q That is connecting rooms; you are asked, adjoining rooms?

A. The last time they were there, I believe-----

Mr. Howe: Don't tell us what you believe.

By Mr. Weeks:

Q What do you know?

A. I know that Popper had

87 and the lady had 89.

Q And those rooms are adjoining?

A. Adjoining, but

not connecting.

Mr. Weeks: Now, with the exception of

calling one witness, your Honor, whom we are unable to get this afternoon but who will be here tomorrow morning, and the introduction of such documentary evidence as shall then become admissible, the People close.

The Court: You don't want to close the case to-day?

Mr. Weeks: No, sir; we will have that witness here to-morrow morning.

The Court adjourned.

Wednesday, January 18, 1894.

CHARLES H. HALLOCK, recalled by Mr. Weeks.

By Mr. Weeks:

Q Mr. Hallock, you testified that the last time you saw your wife alive was on the 2nd of September, 1893, when she took the train from Mastic, going in the direction of New York?

A. I did.

Q Did she then have any trunk with her, or was any trunk sent on the same train?

(Objected to, as immaterial and incompetent)

(Objection overruled)

(Exception)

A. There was.

Q Did that trunk have any label on it, any tag nailed to it?

(Objected to)

Q Since that time have you seen that trunk that you saw go away with your wife?

A. I have.

Q When and where did you see it?

A. Right there (pointing to the trunk).

Q Is this the trunk?

A. That is the trunk.

Mr. Howe: This is taken subject to objection and exception; it has nothing to do with the illegal marriage.

The Court: Yes, you may have an exception.

By the Court:

Q This is the trunk here you say, Mr. Hallock?

A. Yes, sir.

By Mr. Weeks:

Q After the 2nd of September, 1893, when and where did you next see this trunk?

A. When it was sent on from Chicago.

By the Court:

Q Where did you see it; was it in New York or where was it?

A. When it was brought up from the station, Mastic station.

By Mr. Weeks:

Q When was that?

Mr. Howe: Please answer the question of the Court, where you saw it.

By Mr. Weeks:

Q When was that?

A. I saw it at the house.

By the Court:

Q At your own house, in Moriches, Long Island?

A. Yes, sir.

By Mr. Weeks:

Q When?

A. I think it was about two weeks after the body came back.

Q Now, when that trunk was there, was there any tag nailed on

it?

A. There was.

Q Was there writing on that tag -- look at the trunk and see if it is exactly in the same condition as it was when you saw it on the 2nd of September -- come down and look at it -- as far as its exterior is concerned?

A. It is not.

Q Well, in what respect is it different?

A. The tag is gone.

Q What tag, where?

A. It was placed on the end.

Q Which end?

A. On the left end.

Q Point it out?

A. On this end (showing)

Q Now, in what other respect was it different on the 2nd of September, when you saw it go away?

By the Court:

Q Is it in the same condition now as it was when you saw it come back?

A. It did not have that tag on when it went away.

By Mr. Weeks:

Q Is the trunk now in the same condition, the exterior of it, that it was when it came back to you in the latter part of September?

A. Yes, sir.

The Court: What he is describing now is between the time it went away and the time it came back?

Mr. Weeks: Yes, sir.

By Mr. Weeks:

Q You say, on this end there was a tag when it went away?

A. There was.

Q And that tag was not there when it came back?

A. It was not.

- Q Was there any writing upon that tag? A. There was.
- Q Whose writing was it? A. I think I wrote it myself.
- Q Who placed the tag on the trunk? A. I did.
- Q What was written upon the tag?

Mr. Howe: All this is taken subject to objection and exception, as incompetent.

The Court: Yes; to every question I will give you an exception.

A. "Lelia A. Hallock, Ashland House, New York."

BY MR. HOWE:

- Q You wrote, you tell us, on that tag, for your wife, "Lelia A. Hallock, Ashland House, New York," did you, Mr. Hallock?
- A. I did.
- Q And that your wife told you she was going there; is that so?
- A. She said she was going to New York.
- Q To the Ashland House; yes or no?
- A. She was going where her trunk went; yes, sir.
- Q Now, do not fence. Did she tell you she was going to the Ashland House?
- A. I can't say.
- Q You wrote the direction, didn't you, for her?
- A. I did.
- Q You put it on the trunk?
- A. I did.
- Q And sent the trunk, as you directed it, to the Ashland House, or sent it away, did you?
- A. I took it down to the depot; yes, sir.
- Q And saw your wife off?
- A. I did.
- Q Did you say good-bye to your wife?
- A. She said good-bye, and kissed me good-bye.
- Q Did she tell you she would ever come back to you?
- A. She didn't say.

- Q Had you arranged to separate from her then?
A. I had not.
- Q Did you believe she was coming back to you?
A. I thought she was.
- Q Did you know why she was going to leave your home, as you kindly directed the trunk ^{to} the Ashland House, New York, and put a tag on it?
A. She made out to me that she was going to New York to stay through the winter months.
- Q Away from you?
A. Yes, sir.
- Q You had a picture shown to you yesterday of a little child, two years of age, didn't you?
A. I did.
- Q Was she also going away from that child?
A. She was coming back after the child.
- Q Did she say that to you?
A. She did.
- Q You so understood it?
A. I did.
- Q That she was going away from you, but going to return for the child; is that it?
A. She was going away from me for the time being.
- Q She left you with your full consent, approval and approbation; did she?
A. Yes, sir.
- Q That is, on the 2nd of September, we have it; am I right?
A. The 2nd of September.
- Q Now, did you buy the trunk?
A. I did not.
- Q Do you know who bought it?
A. I do.
- Q Did you see it bought?
A. I did not.
- Q Well, then, you don't know?
(Objected to)
- Q Will you tell this jury -- please descend from the pedestal and look at that trunk, and tell the jury any one mark about

it by which you identify that as the trunk you sent away?

A. By those small tacks there, where the card has been, and also the form of the trunk.

Q When you sent the trunk away, there was a card nailed on; was there not? A. There was.

Q Then all that you are enabled to say to the jury now is that this is the same trunk which you sent away, because there are some tacks left where a card has been?

A. Because the trunk looks the same.

Q Don't you know how many thousands of trunks like this there are in New York to-day -- tell the jury, Mr. Hallock, one of the points in this trunk which would enable you to distinguish it from another of the same make, one point about it, one mark on it; can you? Yes or no?

A. I don't know that I can.

BY MR. WEEKS:

Q Do you know any of the contents of the trunk when it went away? Did you see it packed?

(Objected to)

The Court: Answer yes or no to that.

A. Yes, sir.

By Mr. Weeks:

Q Did you see it packed? A. I saw it being packed.

Q When this trunk came back to you, in the latter part of September, did it have any of the same articles in it that you saw in it when it went away?

(Objected to, as immaterial, incompetent and irrelevant.) (Objection overruled) (Exception)

A. It did.

Q Whose articles, goods were they?

(Objected to, as incompetent)

By the Court:

Q What were the goods?

A. They were my wife's wearing apparell.

By Mr. Weeks:

Q Now, Mr. Howe was kind enough to ask you what your wife said to you when she went away, why she was going to New York or what she was going to do. Will you please tell us now all the conversation that you had with your wife there at the station, just before she went away?

(Objected to) (Objection sustained)

Q Where did your wife say she was going?

(Objected to, as incompetent)

Q Will you please state the exact language that your wife used when she said where she was going, as nearly as you can recollect it?

(Objected to, as incompetent) (Objection sustained)

JOHN WESSLAR, recalled by the District Attorney, testified:

By Mr. Weeks:

Q You testified, yesterday, that certain articles that you identified were taken from the trunk in room 24 of the Gault House by you on the 8th of September?

A. Yes, sir.

Q Have you since seen that trunk?

A. Yes, sir.

Q Where have you seen it?

A. Right here, in the court-room.

Q Is this the trunk (pointing to the trunk)? A. Yes, sir.

Q At the time you saw it in the room in the Gault House, was it at all different, was the exterior different in any respect from the condition in which it is now? Come down and

72 look at it, Mr. Wessler.

(Objected to, as incompetent and immaterial)

(Objection overruled)

(Exception)

A. There was a tag there (pointing to the trunk), "Lelia

A. Hallock, Ashland House, 24th street, New York City."

Mr. Howe: I move to strike that out.

The Court: Motion denied. Exception.

By Mr. Weeks:

Q Was this tag on the top of it? A. No, sir.

Q Were those tags hanging there? A. No, sir.

Q This red tag there? A. That I couldn't say.

Q Now, I show you also this piece of paper, and ask you if you have ever seen that before?

A. Yes, sir.

Q When and where did you see it? A. In the trunk.

Q When? A. On the 8th day of September last.

Q In room 24 of The Gault House, Chicago?

A. Yes, sir.

The Court: That will be No. 18 for identification.

By Mr. Weeks:

Q Is that now in the condition in which you found it?

A. It is.

Q In what part of this trunk did you find this paper and the other papers that you have testified to?

Mr. Howe: This is objected to, and taken subject to exception.

By Mr. Howe:

Q The defendant was not there? A. No, sir.

By Mr. Weeks:

Q In this part here, the right-hand compartment of the upper
73 tray? A. Yes, sir.

By Mr. Howe:

Q When you found these articles about which you are giving testimony, who was in the room; the defendant was not there?

A. No, sir.

By Mr. Weeks:

Q Who was in the room at the time you found these?

A. Officer Gallagher and myself; there was a night-clerk there, and two or three guests; I don't know who they were.

By Mr. Howe:

Q The dead woman was not there?

A. Oh, yes, sir; she was there.

Q Was she dead or alive?

A. No, sir, she was alive.

By Mr. Weeks:

Q But the defendant was not there?

A. No, sir, he was not.

Mr. Howe: No questions.

DAVID M. CARVALHO, sworn and examined, testified:

By Mr. Weeks:

Q Mr. Carvalho, what is your profession?

A. Examiner of questioned hand-writing, inks, and a photographer.

Q And for how long a period of time have you been devoting yourself to that particular specialty?

A. All of them, something-like twenty-two years; especially in regard to hand-writing, about seventeen years, a little over seventeen years.

Q During the past seventeen years have you frequently testified as an expert upon those subjects in the courts of record?

A. Yes, sir.

- Q And the United States Courts? A. Yes, sir.
- Q In the various courts of record in this State, both criminal and civil? A. Yes, sir.
- Q And the courts of other states? A. Yes, sir.
- Q And in how many cases, during that period, have you testified as an expert in disputed hand-writing?
- A. Many hundreds of times.
- Q I show you People's Exhibit 12, and call your attention to the signature of Berthold Popper there. I now show you a letter and envelope, which is one of the letters contained in People's Exhibit 13 for identification -- I ask that the envelope be marked 13A for identification -- I ask you to compare the hand-writing on that envelope and letter with the signature of Berthold Popper on People's Exhibit 12, and ask you whether, in your opinion, they are the same hand-writing?

(Objected to, as incompetent)

(Objection overruled) (Exception)

The Court: What is the evidence in relation to this signature?

Mr. Weeks: It was signed by the defendant, in the presence of Fitzgerald.

The Court: One of the Fitzgeralds; which of them?

Mr. Weeks: Richard.

THE WITNESS: I have already made such examination, and I say that I believe them to be in the same hand-writing.

Mr. Weeks: I offer the letter and envelope in evidence.

Mr. Howe: I see, your Honor, that this envelope bears the post-mark of July 21, 1893, and

I now ask the District Attorney to inform your Honor whence this letter was obtained.

Mr. Weeks: It is in evidence as being found in the trunk in Chicago.

Mr. Howe: Then I certainly object to its introduction. It is immaterial, for the purposes of my motion, whether this was found in the trunk in Chicago or anywhere else; there is no proof that this letter was in the possession of the woman. This letter, which the District Attorney now produces and offers in evidence, Marked Exhibit 13. The evidence is taken subject to objection that this envelope and this letter were found in a trunk in a room at the Gault House in Chicago. I submit that it is not competent testimony against this defendant, even if it were proven to have been his hand-writing, beyond all question. The expert says, upon the stand, that he believes it to be his hand-writing, and he goes no further than that; but, if he did, I submit it is not testimony in this case, because it has been written in July 21, 1893. There is no proof it is the same person mentioned in the indictment, and there is no proof that it was written by the defendant to that particular person -- in other words, there is nothing but a letter which is found in a place, which they claim to be similar to the writing of this defendant on the marriage certificate.

The Court: You object to the admission of the letter and envelope?

Mr. Howe: I do.

The Court: Objection overruled.

Mr. Howe: Note my exception.

Mr. Weeks (reads): "The Academy Billiard and Bowling Parlors, George W. Zahn, Proprietor. 116 and 118 East 14th street, opposite Academy of Music, New York. Lelia A. Hallock, Patchogue, L. I. Personal.

N. Y.

1893.

My dear Lelia

Delighted to hear from you I am anxiously awaiting you. Come as soon as possible. Will wait for you every day at the entrance of the place of amusement that I usually meet you at. answer immediately. Have news for you which you must hear. Telegraph to me immediately to

B. P.

Academy Billiard Parlor,
14th street, between 3rd & 4th ave."

Mr. Howe: I make a separate and distinct motion, and respectfully ask your Honor to advise the Jury to disregard that letter which the District Attorney has just read, upon the ground that it was illegally put in testimony.

The Court: Motion denied.

Mr. Howe: Note my exception.

By Mr. Weeks:

Q I now show you a letter and envelope marked No. 13 B for identification, and ask you to compare the writing upon them with the signature of Berthold Poper upon People's Exhibit 12, and ask you whether, in your opinion, they are

in the same hand-writing?

A. I make the same answer as I did about 13A, that I have examined these papers before, and, in my best judgment, they are the same hand-writing that wrote "Berthold popper" on Exhibit 12.

Mr. Howe: This is taken subject to objection and exception.

By Mr. Weeks:

Q I now show you a letter and envelope marked 13 C, and ask you the same question?

Mr. Howe: The same objection, and the same exception.

A. I make the same answer, that, in my best judgment, they are in the same hand-writing.

Mr. Weeks: I offer 13 B and 13C in evidence.

Mr. Howe: The same objection as I made before to the other letter and envelope, and upon the same grounds -- the same objection to the envelope and to the enclosure.

The Court: The same ruling, and the same exception.

MR. WEEKS (reads): "Morton House, Union Square, Broadway and 14th street. .

New York, July 28, 1893.

My dear Lelia

Your welcome letter received and will meet you at 2 o'clock at the entrance of the theatre that I met you at the time before the last time you were here. Yours, as ever, Bert.
-----you know."

1089

Morton House, Union Square, Broadway and
14th street.

New York, July 28, 1893.

My Dear Lelia

I have just dropped a letter in the
box, but I think I did not put the stamp on tight
enough and it came off and so I will write you
another letter which is this one. I will meet you
at the entrance of the theatre I met you at the
time before the last that you were here. God
Bless you. Yours as ever

2 o'clock.

Bert."

By Mr. Weeks:

Q I now show you People's exhibit 18, and ask you to compare
the hand-writing upon that with the signature of Berthold
Popper on People's exhibit 12, and ask you whether, in your
opinion, it is in the same hand-writing?

A. In my best judgment, it is.

Mr. Howe: The same objections and excep-
tions may be noted.

Mr. Weeks: I offer that in evidence.

Mr. Howe: The same objection will be in-
terposed to the admission of that piece of paper with
the writing on it.

The Court: The same ruling and same ex-
ception.

Mr. Weeks: That will be 18 in evidence.

MR. WEEKS (reads): "1 -----.

You think enough of me to ----- from -----don't you,
Lelia, dear. I know that you will think that I am

1090

unreasonable and am trying to impose upon good nature but such is not the case for I think more of you than any other girl I have ever yet met and will prove it some day, dear xxxxxxxxxxxx for I would love to see you again.

Answer as soon as possible.

XXXXXXXXXXXXXXXXXXXX

You know what these are, dear.

I have also had my picture taken for you especial benefit.

Your baby is very sweet."

By Mr. Weeks:

Q I ask you, Mr. Carvalho, in the places where these erasures appear, whether any effort was made to develop the ink that had been put there before the erasure; and, if so, what method was used, and what success you met with?

(Objected to, as incompetent.)

The Court: Do you claim a result was produced?

Mr. Weeks: Yes, sir, a result was produced.

The Court: Intelligent result?

Mr. Weeks: Yes, sir.

The Court: I overrule the objection.

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

A. When this paper was placed in my hands, day before yesterday, there was another little piece attached on the upper left hand corner, which, I see, has been torn off, but it was an erasure, the word "I".

Mr. Weeks: I have got it here.

THE WITNESS: A blank space, a capital "I," a blank space, a letter "e," a small "e," and then the word "to;" then a period. "You think enough of me to," a blank space, the word "from," and then a blank space, occupying a little more than half the width of the paper. I tested this ink, for the purpose of ascertaining what kind of ink it was.

Mr. Howe: Objected to, as incompetent.

(Objection overruled)

(Exception)

THE WITNESS: I found it to be what we call ^{tanno} ~~tinctor~~ ^{gallate of iron} ~~of gallie~~; an ink of the character, what might be known as Arnold's writing fluid, Stafford's or David's or Carter's standard writing fluid. In the places that are partially blank now, it had been rubbed apparently with some soft substance, taking off the scale of the ink.

(Objected to)

By Mr. Weeks:

Q Confine yourself only to what you did and what you discovered?

A. Anyhow, spaces were blank.

Q Did you apply any chemical process to that sheet of paper, for the purpose of developing or throwing out the words which were erased or partially obliterated?

Mr. Howe: Objected to, upon the ground that there is no proof that there were any words erased. The District Attorney has introduced a paper, that exhibit, and call your Honor's attention to it. We find this, "That you think enough of me to ----" and then there is a blank. Now, the District Attorney, as I understand, proposes to

prove by this witness, I may be in error, that where that blank, that void, so to speak, that empty blank space, that something had been written there which was erased. It is certainly not competent to prove that against this defendant. Who can say that, at the time this letter was written or those words were written, --it is not a letter--that that which he seeks to prove was erased, was there or was not there?

The Court: As I understand, the District Attorney asked this witness if there is not some evidence of some erasure, and if he did not do something for the purpose of developing what he claims, and he says he did something, and he was proceeding by to give us the process which he did it. I do not think that is material; but if any result was obtained, I can rule on that.

By Mr. Weeks:

Q You say that you did apply some process to develop the original writing where these erasures appear?

A. I did.

Q Did you succeed in developing any of those so that you could ascertain positively what words had been erased?

A. Yes, sir.

Mr. Howe: I object to that. He is assuming that there has been an erasure.

The Court: He has not answered that question yet.

By Mr. Weeks:

Q Which words were you able to develop positively by the application of a chemical process?

(Objected to, as incompetent)

By the Court:

Q Is the paper in the same condition now as it was when you developed the thing you saw?

A. No, sir; it came out in half an hour or an hour afterwards, and it again disappeared, went back again.

Mr. Howe: You played conjurer?

The Court: You asked him what that was?

Mr. Weeks: Yes, sir.

Mr. Howe: I object.

The Court: I sustain the objection.

By Mr. Weeks:

Q Were the words that then appeared in the same writing as the rest of the letter?

(Objected to) (Objection sustained)

Q I now show you People's Exhibit 15, an envelope and letter, and ask you to compare that with the signature of Berthold Popper on People's Exhibit 12, and ask you whether, in your opinion, it is in the same hand-writing?

Mr. Howe: The same objection may be noted to that.

The Court: Yes, and the same ruling.

A. It is.

Mr. Weeks: I offer it in evidence, People's Exhibit 15.

The Court: They are admitted. Note the objection and exception.

MR. WEEKS (reads): "Mrs. Hastings, Room 24, Gault House, West Side, City.

Palmer House, Chicago.

Sep 9, 1893.

"I leave you on the 15th forever. Am ever so much obliged to you for what you have done for me. So now you see I only liked you for what you done for me. I will write to you. My advise to you is to go home to your husband at once. My pictures I will send to you to N. Y. I told you I was no good and that you didn't know me. will return what you have given me within 1 year."

Mr. Howe: I ask your Honor to advise the jury to disregard that testimony and that letter or that paper.

The Court: Motion denied.

Mr. Howe: Note an exception.

By Mr. Weeks:

Q Recurring to People's Exhibit 18, Mr. Carvalho, which you testified that you had brought out certain words, did you show those words to Mr. Battle and myself?

(Objected to, as immaterial)

(Objection sustained)

Mr. Howe: I have no questions to ask my friend.

Your Honor may have noticed that the testimony as to the letters to which Mr. Carvalho testified, the documents which were found in Chicago, was long after the marriage alleged in the indictment. I invite your attention to that, in view of the motion which I might ultimately have to make.

The Court: The date of the marriage was the 6th of September, and the finding of the letters

in Chicago was on the 8th, two days after.

(The People rest.)

Mr. Howe: May it please your Honor, now that the People have rested their case, I ask your Honor to advise the jury to acquit the defendant of the charge in this indictment.

The People have not given sufficient evidence to justify your Honor to submit the case to the jury, as to the marriage by the defendant with the woman named in the indictment. The identity of the woman named in the indictment as the woman alleged to have been married by the defendant, has not been legally proven. There is not sufficient evidence of the marriage as alleged in the indictment to be submitted to the jury.

The testimony of the man Fitzgerald, whom I may now designate as the second Fitzgerald called in the case, for the purpose of the identification of the witness, that the people who were married by Alderman Flynn on that day testified to by that Fitzgerald were the defendant and the woman named in the indictment, was given by Fitzgerald from the production of an alleged photograph of the woman only. He has not seen that woman in the flesh and blood since that occasion, and he merely testified that the woman whom he saw married to this defendant was the woman named in the indictment, because a photograph alleged to be a photograph of the woman

so married was the woman that he saw so married. It can but have been an opinion of his from a picture, from a piece of paper, and from a print; and that, for the purpose of identification, the authorities in this State tend to show, was not competent. It was not competent for that witness to identify by a picture or print.

There is not sufficient evidence to go to the jury, for your Honor to submit this case to the jury, that the defendant married Lelia A. Hallock, the person mentioned in the indictment, knowing at the time she was a married woman, and the lawful wife of one Charles H. Hallock, he being then living. The whole testimony in the case, we respectfully submit to your Honor, is insufficient in law to justify the Court to submit the case to the jury for its action; and I therefore repeat my motion to your Honor, to advise the jury, upon the testimony in the case, to acquit the defendant of the charge in the indictment.

The Court: I wish to call your attention to one fact, which has been very clear; that is, the identification of the signature on the paper. I do not know whether that slipped your memory or not.

Mr. Howe: No, it had not entirely. The identification of the signature would only apply to the defendant.

The Court: No, no. The identification of the deceased's signature, by her husband, on the marriage paper here.

Mr. Howe: I take it that won't do.

The Court: I only wished to call your attention to that.

Mr. Howe: I remember that very well. Because she signs something on that day, it does not follow -- I am aware in the chain of circumstantial evidence -- I follow your Honor's mind about it, of course. Now, I would like to refer your Honor to the case of Tollman against Kane, in the 24th Hun, as to the question of identify of the woman named in the indictment as given in this case. Judge Talcott there said: "The use of witnesses being to inform the tribunal respecting facts, their opinion is not generally receivable in evidence. The witness could not be indicted for perjury" -- for instance, the man Fitzgerald, upon the testimony he has given, could not be indicted for perjury. It may have been a mistake, what he has testified to, that the photograph which was shown to him in this court-room, in his opinion, represents the person he saw married to this defendant.

Now, we begin right with the marriage, may it please your Honor, and say, as you have just said, the identification of the signature which was affixed to that document does not alter the evidence of the Fitzgeralds at all, save that in your Honor's opinion, as you may submit it to the jury, that it may endorse it. It may be a link in the chain; I understand that very well. But the testimony was incompetent upon the part of Fitzgerald that, because a photograph was shown to him, that from his opinion that was the person he saw married. In the case

which I referred your Honor to yesterday, where a living person was produced, and a witness testified in his opinion that was the person in flesh and blood, the Court said that would not do. It is not competent testimony. I do not suppose the case will be finished to-day--I don't know whether it will or not--but if you will do me the favor to look over the case of Tollman, I think you will find that it supports my argument.

As matter of law, upon the evidence, under the indictment, I respectfully ask your Honor to advise the jury to acquit the defendant.

The Court: Motion denied.

Mr. Howe: Your Honor will give me the benefit of an exception.

The case is with the District Attorney.

Mr. Weeks: Do I understand that the defence has opened, rested, and closed?

The Court: Do you rest, Mr. Howe?

Mr. Howe: Yes, sir.

Mr. Weeks summed up for the People.

Mr. Howe: I object to the District Attorney stating to the jury-----

Mr. Weeks: It is only an illustration.

The Court: It is only an illustration.

Mr. Howe: I object to the illustration.

Mr. Weeks resumed his address to the jury.

Mr. Howe: May it please your Honor, the

learned District Attorney most erroneously and most improperly told the jury that, because there was no witness called for the defence, and because I did not address the jury, that we made a practical admission of the defendant's guilt.

I ask your Honor to charge the jury that we deny his guilt emphatically, and that we have made no admission whatever of it; but that, in the exercise of my discretion as counsel, I think there is not sufficient evidence to call upon us for a defence.

As matter of law, and as matter of fact, I ask your Honor to advise the Jury to acquit this defendant, because it was not shown that the marriage charged in the indictment was solemnized here, and, in the next place, that there is not sufficient testimony, assuming that there was some evidence of that solemnization of that marriage, that the defendant knew that Mrs. Hallock was then the wife of Mr. Hallock who has been produced incourt here today.

I also ask your Honor specifically to charge the jury that, if they have any reasonable doubt, either, as to the fact of the marriage in the first instance, they must acquit the defendant.

I also ask your Honor to charge the jury that, if they have any reasonable doubt -- if they should come to the conclusion, from the testimony, that the marriage was solemnized--that this man contracted that marriage with the woman and did not know that she was the lawful wife of a man then liv-

1100

ing, that they should then acquit; that both those facts must be proved affirmatively before they can convict; and that, upon both, they must give this defendant the benefit of every reasonable doubt.

The Court: Any further requests to charge?

Mr. Howe: Not, any, your Honor, except I suppose the objections which I took to what we respectfully submit to be the improper admission of testimony may be included in this motion.

Mr. Moss suggests that your Honor should charge the jury that there should be no prejudice against the defendant because he did not take the stand.

The Court: Gentlemen: There are no admissions made in this case by the defendant. The law requires in this, as in all other cases, that the People should establish their case by competent evidence, beyond a reasonable doubt. That covers your request.

Mr. Howe: Yes, sir.

(Judge: charge follows)

1101

Mr. Howe: In addition to the very fair charge you made, will your Honor instruct the jury, if they should find that there was a marriage on the day in question, and that the defendant was not aware that the husband was then living, that representations may have been made to him by the woman that either she was divorced or that her husband was not then living; that then they should acquit, if they have a reasonable doubt upon that subject.

The Court: I cannot instruct the jury to speculate. I can simply instruct the jury, as I have instructed them, that they must believe that the marriage was performed and that he knew at the time that she was the wife of Charles H. Hallock.

Mr. Howe: And if, from any cause, they have any reasonable doubt upon that subject, they should acquit.

The Court: I have charged the jury that. Your verdict, gentlemen, will be either guilty or not guilty.

The Jury retired to deliberate upon their verdict, and after a brief absence they returned with a verdict of Guilty.

Mr. Howe: Will your Honor give me eight or ten days in order to prepare a motion for a new trial? The testimony is somewhat voluminous; that is, it will be, by the exhibits.

The Court: A week from Friday; that will be long enough.

Work of General Jess. 1893
Part I

The People

vs.

Berthold Copper

Filed Oct 1/93.

Stenographer's Transcript.

January, 1894.

1103

1957

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

THE PEOPLE OF THE STATE OF NEW YORK,
against
Perthold Lofgren

City and County of New York, ss.

John J. Gallagher being duly
sworn, deposes and says: I reside at *Chicago* in the State
of *Illinois* and am an officer of the Police force of that City
On the *15, 16 & 17* day of *January* 189*4* I attended
before *Hon. James Fitzgerald* of the City and County of New York, as a
witness on behalf of the People, upon a subpoena, and in order to so attend I came from
Chicago, Ill. a place out of the said county, to wit, from *Chicago, Ill.* aforesaid.

My expenses necessarily incurred by reason of such attendance, consisting of *Rail road*
fare from Chicago to New York return, meals en
route and expenses in New York City

amount to the sum of *Seventy four dollars and thirty cents (\$74.30)*

Sworn to before me this *17*
day of *January* 189*4* } *John J. Gallagher*
James Fitzgerald
J. J. S.

I Hereby Certify, that the above named *John J. Gallagher*
attended before the *Hon. James Fitzgerald* as a witness on behalf of the
People, upon a subpoena, and came from a place out of the County of New York.

I FURTHER CERTIFY, that it is reasonable that the said witness be paid the sum
of *Seventy four and 30/100* Dollars for his necessary expenses.

DATED NEW YORK, *January 17* 189*4*
Taitor J. Weiss
Asst District Attorney.

1104

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

January 17 1894

The Mayor, Aldermen & Commonalty of the
City and County of New York
to John Gallagher D.C.

Res. v. Bertold Popper	
R.R. Fare Chicago to N.Y.	22.30
Sleeper (night time 1/2 Section)	5.00
meals en route	4.00
Hotel bill & meals in N.Y. <small>as per annexed bill</small>	16.00
R. R. Fare N.Y. to Chicago	4.00
	18.00
Sleeper (night time 1/2 Section)	5.00
	<u>70.30</u>
Surches in Court	4.00
	<u>74.30</u>

New York General Sessions.

THE PEOPLE

vs.

Orinhold Coper

It appearing by the within Affidavit and Certificate, that *John J. Gallagher* a witness who attended before *Benjamin* *Part I* *Sessions* on behalf of the People, upon a subpoena, came from a place out of the County, let an order be entered directing the County Treasurer to pay to the said *John J. Gallagher* the sum of *\$64.30* (which sum seems reasonable) for his expenses.

New York *January 17, 1894*

James H. Wood
J. H. W.

1106

Police Court 2nd District.

Affidavit—Larceny.

City and County
of New York, ss:of No. 27 Union Square, Street, aged 39 years,
occupation Art Dealer being duly sworn,deposes and says, that on the 20 day of September 1893 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the day time, the following property, viz:four water color paintings of the
amount and value of one hundred
dollars\$100.00
100the 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 Benjamin Lee and James F. Stillman (both now here), and while acting in concert with each other, from the following facts to wit: that between the hours of 3 and 3 o'clock P.M. of said date said defendants in company with each other, came into deponent's place of business, at the above mentioned address, and stated and represented to deponent that they desired to purchase some water color paintings, and that deponent then showed them a number of water color paintings, among which were the aforesaid property, and then said Stillman engaged deponent in another part of the store leaving the defendant in proximity to where the aforesaid property was - and that in a few

Sworn to before me, this

of

189

day

Police Justice.

Minutes said defendants then left said store in company with each other. Defendant further says that ~~he~~ immediately missed the aforesaid property after said defendants had left his place of business, and that no other person or persons were in or near the aforesaid property, or in said store, from the time he showed said property to the defendants until he missed said property. Defendant therefore charges said defendants with having committed a Larceny and asks that they be held and dealt with as the Law may direct. —

Given to Jعفر me } Chas. Atkins
this 29 day of Septemb 1893 }

[Signature]

[Signature]
Price Justice

1108

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

James F. Stillman 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. James F. Stillman

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. New York

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

Answer. 57 West 36 Street - One week

Question. What is your business or profession?

Answer. Clerk

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

Answer.

I am not guilty

James F. Stillman

Taken before me this

day of April 1913

Police Justice.

1109

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

Benjamin Lee 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

Benjamin Lee

Question. How old are you?

Answer.

21 years -

Question. Where were you born?

Answer.

England

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

Answer.

Los Niet St. St. - 1 year

Question. What is your business or profession?

Answer.

Clerk

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

Answer.

I am not guilty -

Ben Lee.

Taken before me this

day of

188

Police Justice.

1110

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

guilty thereof, I order that 15 be held to answer the same and 15 be admitted to bail in the sum of 100 Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated September 29 1893 [Signature] 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 h to be discharged.

Dated _____ 18 _____ Police Justice.

1048

Police Court (34) District.

THE PEOPLE &c
ON THE COMPLAINT OF

Charles W. Atkins
27 Union Square
James F. Williams
Official

BAILED.

No. 1, by _____
Residence _____ Street.

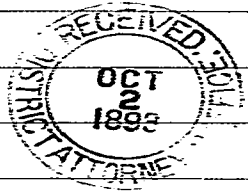
No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Date: September 29 93
Magistrate.
Officer.
Precinct.

Witnesses
No. _____ Street.
No. _____ Street.



No. _____
\$ 1000 Each
Cm

1112

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

1937

THE PEOPLE OF THE STATE OF NEW YORK,
against

Berthold Popper

City and County of New York, ss.

John Wessler

being duly

sworn, deposes and says: I reside at *Chicago* in the State
and am an officer of the *Police Force of that City*
of *Illinois*. On the *15th & 17th* days of *January* 1894, I attended
before *Hon. James Fitzgerald* of the City and County of New York, as a
and at the *telegraph* request of the *District Attorney*
witness on behalf of the People, upon a subpoena, and in order to so attend I came from
Chicago Ill. a place out of the said county, to wit, from *Chicago Ill.* aforesaid.

My expenses necessarily incurred by reason of such attendance, consisting of Rail Road
fare from *Chicago* to *New York* return, meals en route and
expenses in *New York City*

amount to the sum of *Seventy four dollars and thirty cents (\$74.30)*

Sworn to before me this

day of *January*

1894.

John Wessler

I Hereby Certify, that the above named

attended before the

Hon. James Fitzgerald

as a witness on behalf of the

People, upon a subpoena, and came from a place out of the County of New York.

I FURTHER CERTIFY, that it is reasonable that the said witness be paid the sum
of *Seventy four and 30/100* Dollars for his necessary expenses.

DATED NEW YORK,

January 17 1894

T. A. B.
Asst. District Attorney.

1113

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

January 17 1894

The Mayor, Aldermen & Commonalty of the
City and County of New York
to John W. Seward Dr.

Geo. v. Berthold Popper	
R.R. Fare Chicago to N.Y.	22.30
Sleeper (night time 1/2 Section)	5.00
meals en route	4.00
Hotel bill & meals in N.Y. as per annexed bill	16.00
R.R. Fare N.Y. to Chicago	18.00
Sleeper (night time 1/2 Section)	5.00
	<hr/> 70.30
Lunches in Court	4
	<hr/> (74.30)

1114

SWEENEY'S HOTEL,

[ON THE EUROPEAN PLAN].

New York, Jan. 14th 1894
Mr. D. Sweeney
Jan 14th 1894

To Day's Room, . . . \$ 4

" Washing Pieces, . . .

" Boots Blacked, . . .

" Baggage, . . .

" Refectory, . . . 12

" Bar, . . .

" Sundries, . . .

All Bills Paid Weekly.

Received Payment, . . . \$ 16

For D. Sweeney's Sons.

New York General Sessions.

THE PEOPLE

vs.

Orthold Popper

It appearing by the within Affidavit and Certificate,
that *John Wesslan*
a witness who attended before *Court of General*
Sessions, on behalf of the People, upon a subpoena,
came from a place out of the County, let an order be
entered directing the County Treasurer to pay to the
said *John Wesslan*
the sum of *\$74.30*

(which sum seems reasonable) for his expenses.

New York, *January 17, 1894*

James Fitzpatrick
Clk.

1115

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Berthold Popper

The Grand Jury of the City and County of New York, by this indictment accuse *Berthold Popper* -

of the crime of *knowingly entering into an unlawful marriage*. -

committed as follows:

The said *Berthold Popper*, -

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

feloniously did knowingly enter into a marriage with one, Delia A. Mallock, who was then and there a married woman, and the lawful wife of one Charles H. Mallock, the said Charles H. Mallock being then living and in full of life, and the said Berthold Popper then and there well known, and the said Berthold Popper, then and there feloniously did knowingly marry and take her the said Delia Mallock for his

1117
judge, the said marriage being prohibited
to her the said Julia A. Halloran by law,
as by the said Part 10 of the Laws of the State of New York,
and there well known, 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.

Defendant's counsel,

Attorney

BOX:

537

FOLDER:

4895

DESCRIPTION:

Potter, Frank H.

DATE:

10/16/93



4895

1119

Witnesses:

James Estroens
Mrs Hyams

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Frank H. Potter

Arrested

DE LANCEY NICOLL,

District Attorney.

In said case
no evidence in favor of
the accused (see memo)
Nov 17 - 1903
A TRUE BILL.

Edward G. Taylor

Foreman.

I have come to the
conclusion, and
recommend the dis-
missal of this indictment.

The complainant has
filed a withdrawal in
which grave doubt as to
the criminal
intent is expressed.

Satisfactory restitution
has been made and the de-
fendant goes to this pro-
ceeding with a good reputation.
Under all the circumstances his
conviction would not be possible. In
my opinion the indictment against him
ought to be dismissed.

De Lancey Nicoll
District Attorney

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

1120

Police Court— District.

1931

City and County } ss.:
of New York,

of No. 174 Mester Marijuana Gregorio Street, aged 22 years,
occupation grocery being duly sworn,
deposes and says, that on the 13 day of September 1893 at the City of New
York, in the County of New York,
he was violently and feloniously ASSAULTED and BEATEN by

Philip Paulana (now
here) who unlawfully and feloniously
put and stabbed a wound
on the left breast with
a dagger which he then held
in his hand

174 Mester City, N.Y.

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

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

Sworn to before me, this 26 day
of September 1893 Gregorio Elberiziano

James M. Merta Police Justice.

Howard J. Carroll
St. Bernard, La. No. 8

1121

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Therip Paulosa

Question. How old are you?

Answer.

42 years

Question. Where were you born?

Answer.

Italy

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

Answer.

174 West St of New York

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty

Therip Paulosa
mon

Subscribed and sworn to before me this

7th

Police Justice.

1122

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

Refrant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Sept 26 1893 James M. Watson Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

1123

170
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Maryann G. Gorman
170 West 17th St
Cher Lantieri

1
2
3
4

10354
Offense

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated, *Sept 26* 189*3*

Martin Magistrate.

Been Officer.

6 Precinct.

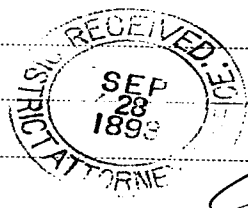
Witnesses *Call officer*

No. Street.

No. Street.

No. Street.

to answer



Committed

1124

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

1723

THE PEOPLE OF THE STATE OF NEW YORK
against

Philip Poulosa

The Grand Jury of the City and County of New York, by this indictment, accuse
Philip Poulosa
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Philip Poulosa*

late of the City of New York, in the County of New York aforesaid, on the *twenty fifth*
day of *September* in the year of our Lord one thousand eight hundred and
ninety-*three*, with force and arms, at the City and County aforesaid, in and upon
the body of one *Meughlans Gregoris* in the peace of the said People
then and there being, feloniously did make an assault, and *him* the said
Meughlans Gregoris with a certain *knife*

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

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

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Philip Poulosa
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Philip Poulosa*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,
at the City and County aforesaid, with force and arms, in and upon the body of the said
Meughlans Gregoris in the peace of the said
People then and there being, feloniously did wilfully and wrongfully make another assault,
and *him* the said *Meughlans Gregoris*

with a certain *knife*

which the said *Philip Poulosa*
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully
and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their
dignity.

1125

THIRD COUNT—

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

Philip Poulosa

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

The said

Philip Poulosa

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Gregorio* *Merighiano* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife* *Merighiano Gregorio*

which *he* the said *Philip Poulosa*

in *his* right hand then and there had and held, in and upon the *breast* of *him* the said *Merighiano Gregorio*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

Merighiano Gregorio

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.

Court of General Sessions of the Peace

in and for the City and County of New York.

-----X

The people, &c.,)
 :
 -against-)
 :
Frank H. Potter.)
 :
-----X

City and County of New York, ss:-

F r e d e r i c k B. H o u s e, being
duly sworn, deposes and says, that the annexed are true and
correct copies of the originals, which are now in his pos-
session.

Sworn to before me this 16)
 :
) day of November, 1893.)

Frederick B. House
(Signature)

Com. Secy. of Deeds
N Y County

1127

New York Central & Hudson River Railroad Co.

West Shore Railroad.

Rome, Watertown & Ogdensburg Railroad.

Dunkirk, Allegheny Valley & Pittsburgh Railroad.

Wallkill Valley Railroad Co.

October 31st, 1893.

Freight Claim Office,

Grand Central Station,

New York.

TO WHOM CONCERNED:-

MR. FRANK H. POTTER was employed as a
claim correspondent in this department from February 13,
1888, to July 1st, 1893, and left of his own accord.

R. L. Calkins,

C.C.C.

1128

New York Central & Hudson River Railroad Co.

West Shore Railroad.

Rome, Watertown & Ogdensburg Railroad.

Dunkirk, Allegheny Valley & Pittsburgh Railroad.

Wallkill Valley Railroad Co.

FREIGHT CLAIM OFFICE,

Grand Central Station,

New York.

October 31st, 1893.

The undersigned, employees of the Freight Claim Department of the N. Y. C. & H. R. R. R., Certify that they have personally known Frank H. Potter since his employment by the Company in February 1888 up to July 1st. 1893, on which date he resigned his position and that during the above time, his character for honesty and uprightness was considered unquestionable;-

J. F. Cahill,
Albert Mealy,
S. A. Webber,
Fred S. Reton,
Wm. K. Hapgood,
H. G. Brooks,
E. H. Loomis,
J. B. Packard,
Albert Cox,
Harry T. Potts.
J. S. Duryea.
Geo. C. Moore,
J. H. North.
B. F. Ager.
I. Frickey.
Otto Kaeser.
R. M. Christie.

1129

F. 8126.

GREAT NORTHERN RAILWAY LINE.

GREAT NORTHERN RAILWAY COMPANY.

Office of Division Superintendent.

Barnesville, Minn. Sept. 25th, 1893.

Re-Position.

Mr. F. H. Potter,

213 South Adams St. Ypsilanti,

Dear Sir:-

Answering your letter of August 31st. In case anything turns up where I can use you, I would be glad to give you a station. At present, I cannot tell just when we will have a vacancy. I herewith return you your letters of recommendation. We could use you in Minnesota at the present time, if you cared to come.

Yours truly,

Chas. C. Ponsonby,

Superintendent.

1130

George de B. Keim, Stephen A. Caldwell, Austin Corbin, Re-
ceivers of
The Philadelphia & Reading Railroad Company.

Office, General Traffic Manager,

J. Lowrie Bell,

227 South Fourth Street.

General Traffic Manager.

In reply to yours of

Philadelphia, Jany. 21, 1888.

Mr. F. H. Potter.

Dear Sir:-

I regret to have to inform you that a cur-
tailment of our force being rendered necessary, it has been
decided after due consideration to dispense with your ser-
vices after the 31st inst.

Our relations have been exceedingly pleasant and it
is with much regret that I take a step which is forced upon
me by circumstances beyond my control.

It will give me pleasure to reply to any inquiries
from parties you may hereafter apply to for a position, I
am,

Yours respectfully,

F. W. Fowkes,

Chief Clerk.

1131

New York Lake Erie & Western Railroad Co.
Edward Foley, Office of the General Freight Agent.
General Frt. Agent.
J. M. Sawyer, New York, Sept. 5th, 1885.
Asst. Gen'l Freight Agent.

To whom it may concern:-

Mr. Frank H. Potter has been employed in
the freight department of this company for some time past
and has discharged his duties faithfully and satisfactorily.

Edward Foley,
Gen'l. Frt. Agt.

1132

H. H. Wheeler.

Freight Claim Agent.

Wabash, St. Louis & Pacific Railway Co.,

Freight Claim Department.

St. Louis, Sept. 17, 1893.

Claim No.

To Whom it may Concern:

This is to certify that the bearer, Mr. F. H. Potter has been employed in this department, as Voucher Clerk, for the past five months and has proved himself to be reliable in all respects, doing his work intelligently and promptly.

His habits, also, are of the best. His services are dispensed with because it becomes necessary to reduce the office force.

Respectfully,

H. H. Wheeler,

F. C. A.

1133

Frank H. Potter.

D. C. Avery.

Henry Secor.

DETROIT & ALPENA LUMBER CO.

Manufacturers of

GANG SAWED WHITE PINE LUMBER,

Also, Dealers in

Lumber, Lath, Shingles and Telegraph Poles.

Mills at Alpena and Bay City, Michigan.

General Office & Yards,

Branch Office & Docks,

Foot of South Water St.

Foot of Wayne Street,

Chicago, Ill.

Detroit, Mich.

Shipments by Lake or Rail promptly filled at lowest rates.

The above is a copy of business card.

1134

S T A R U N I O N L I N E .

General Office, Corner Liberty and Twenty-third Streets.

Geo. B. Edwards,

Eastern Manager.

Pittsburgh, Pa., July 18/82.

Subject-----

To whom it may concern:-

This is to certify that the bearer, Mr. F. H. Potter has been in the employ of the Star Union Line for several years past, and has discharged his duties faithfully. His habits are good. When he came here, he presented very favorable credentials as to character, ability and railroad experience from different officials with whom he had formerly been employed. These papers were submitted to the Superintendent of Pennsylvania R.R.Co., when applying for a position and were destroyed during the July riots of 1877. He leaves at his own request with the view of engaging in business for himself.

Very truly,

Geo. B. Edwards,

E.M.

1135

Canada Southern Railway Line.

Accounting Office,

C. W. Winslow,

St. Thomas, Ont., Dec. 11, 1874.

General Accountant.

To whom it may concern:-

The bearer, Mr. F. H. Potter, has been in the employ of the Chicago and Canada Southern Section of this line as a Station Agent, since the opening of the Line for business, and so far as this Department is concerned, has at all times discharged his duties in a satisfactory manner, and all his returns have been made promptly and correctly.

C. W. Winslow,

G. Acctant.

1136

FLINT & PERE MARQUETTE RAILWAY,

Toledo, Saginaw

Northwestern Michigan,

Auditor's Office,

East Saginaw, Mich., April 4, 1874.

The bearer, Mr. F. H. Potter, has acted as joint agent of this Company with Chicago and Canada So. Railway, for the past nine months, discharging his duties to the entire satisfaction of the Company.

Gilbt. W. Ledlie,

Auditor.

1137

Sir:—

Please take notice, that the within is
a true copy of an
in the within-entitled action, this day duly
entered and filed in the office of the Clerk
of this Court.

Dated, N. Y.,

189

Yours &c.,

FRIEND & HOUSE,

Att'ys for

To,

Esq.,

Attorney for

General Sessions Court.

The People

—against—

Frank H. Patter.

Letters J.C.

FRIEND & HOUSE,

Defendants ATTORNEYS,

61-65 PARK ROW,

WORLD BUILDING,

NEW YORK.

Due and timely service of a copy of the within

is hereby admitted,

this _____ day of _____ 189

Attorney for

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

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

1134

Mr
Police Court--- *2* District. *1111*

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James G. Sprague
28 Downing St.
Frank N. Potter
Offense

2
3
4

Dated, 189

McCarthy & Coffey Magistrate.
C.B. Officer.
Precinct.

Witnesses *Geo. Sprague*
No. *28 Downing* Street.
Mrs. Rebecca Hyams
No. *263 East 12 St.* Street.

No. Street.
\$ to answer

BAILED,

No. 1, by
Residence Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Police Court 2 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

James L. Stevens
of No. 327 Broadway Street, aged 36 years,
occupation Agent, Remington Standard Typewriter being duly sworn,
deposes and says, that on the 10 day of July 1893 at the City of
New York, in the County of New York, was feloniously taken, stolen and carried away
from the possession of deponent, in the day time, the following property, viz:

One Remington Standard Typewriter
of the value of One hundred
dollars. \$ 100.00

the property of Myckoff, Strauss, & Benedict
327 Broadway and in the current
possession of deponent

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

from the fact that deponent is
in the employ of the above firm as
agent and on Saturday July 8th 1893
deponent met the said Potter at the
office of said firm 327 Broadway and
the said Potter stated that he wanted
to purchase a Typewriter machine and
that he would like to have said machine
sent to his address 263 East 122nd Street
on trial and if said machine was satisfactory
he would purchase the said machine
deponent accepted the order of said Potter
for said machine and deponent is informed
by George Springer of No 28 Downing Street

Sworn to before me this 10 day
of July 1893
Police Justice.

that he delivered the said machine to said Potter at the premises 263 East 122 Street. Deponent has since been informed by said Sprague that he called at the above premises about said machine and that he found the said machine missing from said premises and the rooms occupied by said Potter vacant and said Sprague was informed that said Potter had left said premises. Said Potter was to inform the said firm if he was to move said machine. Deponent therefore accuses the said Potter with willfully obtaining said property and with the felonious intent to appropriate the same to his own use and benefit and deponent asks that said Potter may be apprehended and dealt with as the law directs.

Subscribed and sworn to before me this } James G. Stevens.
16 day of July 1893

Wm. H. Brady
Police Justice

1142

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

George Sprague
aged 23 years, occupation Driver of No.

28 Downing Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of James E. Sprague
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 16 } G. Sprague
day of July 1893 }

W. B. Brady
Police Justice.

People vs. Frank H. Potter.

N.Y., November 16, 1893.

Messrs. Friend & House,

World Bldg., City,

Gentlemen:-

Referring to the above case, after my interview with your Mr. House, the contents of same were reported to Messrs. Wyckoff, Seamans & Benedict, of the Remington Standard Typewriter, who, through their agent, Mr. James G. Stevens, made a complaint against Frank H. Potter, upon which he was indicted by the Grand Jury, and is now awaiting trial upon the same for the larceny of a type-writer. From the statements made by your Mr. House, he has convinced us by documents, which he has submitted for our inspection, commencing from April 4th, 1874, down to and including the 31st day of October, 1893, that the said Frank H. Potter during all that time has borne a most excellent and enviable reputation for honesty, integrity and industry. The said documents so submitted to us, disclosing the fact that during that period of time, the said Potter has been in the employment of many of the leading railroads throughout the country.

Taking the above into consideration, together with the statement made by Mr. House, regarding Potter's action, out of which our complaint arose, we feel that perhaps his act was not the result of an intention on his part to commit the crime of larceny.

We are also informed that Potter is very highly connected, and taking all things into consideration, I have

2.

been instructed by Messrs. Wyckoff, Seamans & Benedict to say to your Mr. House, that they have no desire to further prosecute said indictment and Mr. House is authorized to make this statement to District Attorney Nicoll.

Yours, &c.,

H. D. Donnelly
Attorney for Messrs. Wyckoff,
Seamans & Benedict,
Remington Standard Type-
writer Mfg. Co.

People

v

James H. Patten,

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank N. Potter

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

Frank N. Potter

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

The said

Frank N. Potter

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

*one typewriter of the value of
one hundred dollars*

of the goods, chattels and personal property of one

Clarence W. Seaman

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

De Lancey Nicoll
District Attorney

114

BOX:

537

FOLDER:

4895

DESCRIPTION:

Prine, Stewart

DATE:

10/04/93



4895

1148

Witnesses:

Conrad H. Pister

Counsel,

Filed

4

day of

Oct

189*3*

Pleads,

*403
1276*

THE PEOPLE

vs.

Stewart Brine

Grand Larceny, second Degree.
[Sections 528, 531, Penal Code.]

Oct 15/93
DE LANCEY NICOLL,

District Attorney.

*V. Leas
Pen 1 yr. P.S.M.*

A TRUE BILL.

Edward G. Taylor

Foreman.

1145

Police Court

S District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Conrad N. Pitcher

of No. 144 W. 38 Street, aged 22 years,
occupation Bookkeeper being duly sworn,

deposes and says, that on the 23rd day of September 1893 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the pos-
session of deponent, in the Day time, the following property, viz:

One load of lumber of
the value of fifty five
dollars.

the property of

The Wright Lumber Co. Limited
and in deponent's care and control

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 Stewart Price.

(Now here) from the fact that on
said date deponent received a
telephone message to send a load
of lumber to the South East Corner of
3rd Ave + 101st St. at One o'clock P.M.
said date for Harry Morrison.
and in answer to said message
deponent sent to said Corner said
load of lumber and deponent then
placed said lumber on the sidewalk
at said corner. deponent then
notified deponent that there was no
person there to receive said lumber.
deponent then inquired of Harry Morrison

Sworn to before me this

189

Police Justice.

if he had ordered said lumber. And was informed by the said Munson that he had not ordered said lumber.

Deputy is informed by Officer George W. Goddard that at about the hour of 4:20 A.M. said date, he arrested this defendant at the corner of 3rd Ave & 101st St. in the act of selling said lumber.

Deputy further says that this defendant admitted and confessed in open court in the hearing of Deputy and said Officer, that he did telephone for said lumber and that he did attempt to sell said lumber.

Wherefore Deputy charges the said defendant with feloniously taking, stealing and conveying away said property.

Sworn to before me
this 24th day of Sept 1893 } Conrad Fitcher
Notary Public
Police Justice

115

1877.

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 32 years, occupation George W. Godson
Police Officer No.

2 1/2 Prest Place Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Amund H. Pitcher

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

Sworn to before me, this 24 } George W. Godson
day of Sept 1897 }

Thos J. Fenn
Police Justice.

1152

Sec. 198, 200.

1882
District Police Court.

City and County of New York, ss:

Stewart Pine

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

Question. What is your name?

Answer. *Stewart Pine*

Question. How old are you?

Answer. *43 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *No home at present*

Question. What is your business or profession?

Answer. *Carpenter*

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

Answer.

I am not guilty

Stewart Pine

Taken before me this
day of *Sept* 1893
Charles J. Quinn
Police Justice.

1153

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

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

Dated, Sept 2nd 1897 Wm. J. Quinn Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

1154

Ex-25 Sept 11/93 at
9 AM. \$1000 bail

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

Amad N. Piche
144 W. 38th St.
Stewart Piche

2

3

4

Dated, Sept 28 1893

Frederick Magistrate.

Geo W. Goddard Officer.

38 Precinct

Witnesses Geo W. Goddard

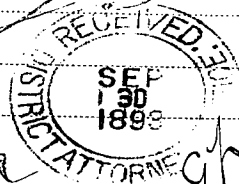
28th Precinct

No. Street.

Transferred to New
Session Felony
Charged

No. Street.

\$ 1,000 to answer



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

THE PEOPLE OF THE STATE OF NEW YORK

against

Stewart Prime

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

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

The said

Stewart Prime

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

*twenty-five hundred feet of
lumber of the value of two
cents each foot*

of the goods, chattels and personal property of *one a certain corporation*
known as the Wright Lumber 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
District Attorney

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Stewart Prine

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

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

The said

Stewart Prine

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

twenty-five hundred feet of
lumber of the value of two
cents each foot

of the goods, chattels and personal property of ~~one~~ a certain corporation
known as the Wright Lumber 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.

Wm. Lawrence McCall
District Attorney

115

BOX:

537

FOLDER:

4895

DESCRIPTION:

Punto, Guiseppi

DATE:

10/11/93



4895

Witnesses:

John Mozzore

Counsel,

Filed

Pleads,

11th day of Oct 1893
Humboldt

THE PEOPLE

vs.

B

Giuseppe Bunt.

Assault in the First Degree, etc.
(Sections 217 and 218, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

Part I. DEC-12th '93.

A TRUE BILL.

Edward G. Taylor

Foreman.

J. Dec 11/93
Part II. Oct. 31/93
Rec'd 11/93Discharged
ad. the Nov. 11/93 of neg. v. dege.

In this case I
am satisfied no
conviction can or should
be had. The complain-
ant appears to have
been the aggressor.
The defendant is a
Boy of the age of
10 years. And upon
the day in question
was about to enter upon
the occupation of Shor Black
when the snuff arose.
I now recommend his
discharge upon his own
Recognizance
Dec 11th '93 Robert J. Hunt
District Attorney

1159

Police Court— District.

1931

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

of No. 29 Mulberry John Massoni Street, aged 14 years,
occupation Lab. work being duly sworn,

deposes and says, that on the 17th day of September 1899 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Giuseppe Pinto (maulere)
who wilfully & feloniously
put and stabbed deponent
on the left side with a
knife then held in his
hand

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

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

Sworn to before me, this 5 day of October 1899, John Massoni

Amesbury
Police Justice.

1160

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Giuseppe Puto 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 he is at liberty to waive making a statement, and that h waiver cannot be used
against h on the trial.

Question. What is your name?

Answer. *Giuseppe Puto*

Question. How old are you?

Answer. *13 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *494 Water St 2 mos.*

Question. What is your business or profession?

Answer. *None*

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

Answer. *I am not guilty*
Giuseppe Puto
none

Taken before me this

day of *October* 188*8*

Alvin C. Smith
Police Justice

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

_____ Defendant
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of _____
_____ Hundred Dollars. _____ and it appearing that he is under the age of sixteen years, that he be committed to the custody of the New York Society for the Prevention of Cruelty to Children, until he give such bail.

Dated, _____ 189 _____

_____ Police Justice.

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

Dated, _____ 189 _____

_____ Police Justice.

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

Dated, _____ 189 _____

_____ Police Justice.

1160

198 Police Court--- District. 1083

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Mazzoni
22 West 10th St
Missouri
Officer

BAILED.

No. 1, by *Alvin Roublo*
Residence *160 West* Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Date, *Oct 5* 1893
Meade Magistrate.
Waener Officer.

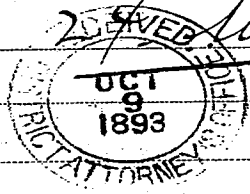
Witnesses *Hugo Shutes*
No. *Joseph Pissoni* Street.

No. _____ Street.
No. _____ Street.
No. _____ Street.

\$ *1000* to answer *LS*

Com. to S. P. C. C.

Committed
Bails



1163

1852

CITY AND COUNTY
OF NEW YORK, } ss.

POLICE COURT, / DISTRICT.

James Walker

of No. 4 Precinct Street, aged years,

occupation Police Officer being duly sworn, deposes and says

that on the 17 day of Sept 1893

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

Giuseppe Prieto (now here) for stabbing and cutting one John Mazzone on the left side of the body with a knife and causing such injury to said Prieto Mazzone that he is unable to appear in court - said Mazzone in the presence of deponent identified the defendant as the person who inflicted said injury - deponent asks that the defendant be held to await the result of said injury

Jas. J. Walker

Sworn to before me, this

of

day

Police Justice.

1164

142

Police Court, _____ District,

THE PEOPLE, Etc.,

ON THE COMPLAINT OF

Guiseppi Pinto

vs.

AFFIDAVIT.

Assumed

Dated

Sept 18 1893

Mark Magistrate.

Walker Officer.

4 Precinct

Witness,

1/2

Disposition

*Committed without Bail
to the Sheriff of the Superior
at Sept 25 10 30
5 2/27 2 P.M.
Oct 3 1893*

1169

Sec. 192.

104
7 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Demetrius F. Mattina Police Justice
of the City of New York, charging Giuseppe Pisto Defendant with
the offence of Nasauet or John

Mazzoni
and he having been brought before said Justice for an examination of said charge, and it having been made
to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and
the hearing thereof having been adjourned,

We, Giuseppe Pisto Defendant of No. 490
Mattina Street; by occupation a Post Black
and Salvino Ruvolo of No. 160 Mattina
Street, by occupation a Merchant Surety, hereby jointly and severally undertake
that the above named Giuseppe Pisto Defendant
shall personally appear before the said Justice, at the 104 District Police Court in the City of New York,
during the said examination, or that we will pay to the People of the State of New York the sum of Two
Hundred Dollars.

Taken and acknowledged before me, this 26

18 95

Demetrius F. Mattina POLICE JUSTICE.

116A

CITY AND COUNTY } ss.
OF NEW YORK, }

Sworn to before me, this 2 Oct 1893
Michael J. Burke
Justice.

Sabino Rounsalo
the within named Bail and Surety being duly sworn, says, that he is a resident and *Free*
holder within the said County and State, and is worth *Forty* Hundred Dollars,
exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities,
and that his property consists of *The house & lot of land*

situated at 160 7th Street New York is
worth thirteen thousand dollars
clear of all encumbrances
Sabino Rounsalo

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Undertaking to appear
during the Examination.

Taken the day of 18

Justice.

1167

Dr. D. A. CASELLA,
159 WORTH ST.

OFFICE HOURS:
From 9.30 to 10 A. M.
" 12 to 1 P. M.
" 6 to 8 P. M.

New York, Sept. 23rd 1893

This is to certify that John
Mazzoni of No. 22 Mulberry
who has been under
my treatment since the
17th ult suffering from
a stab wound on the left
side of his chest, has entirely
recovered and is now
out of all danger.

Respectfully,
Yours

Daniel A. Casella M.D.

1168

Dr. D. A. CASELLA,
159 WORTH ST.

OFFICE HOURS:

From 8.30 to 10 A. M.
" 12 to 1 P. M.
" 6 to 8 P. M.

New York, Sept. 17th 1893

This is to certify that
John H. Aggoni of No. 22 Mulberry St
is under my treatment suffering
from a stab wound on the
left side of his chest between
the 9th & 10th ribs. He is confined
to his bed suffering considerable
pain both on motion and on
respiration, being in quite
a dangerous condition it
would not be safe to have
him move from bed & not
a few days at least for
fear of having peritonitis
set in.

Dr. D. A. Casella

Charles H. Casella M.D.

1169

Court of General Sessions.

The People

vs.

Guineppi Ruto

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

No. 297 FOURTH AVENUE,
(Corner East 23d Street)

New York, ^{4th} October 5 1893

CASE NO. 75570. OFFICER Schutter.
DATE OF ARREST September 18th 1893.
CHARGE

Assault. (felony)

AGE OF CHILD 15 years.
RELIGION Catholic.
FATHER

Antonio

MOTHER

RESIDENCE 494 Broadway.

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

Society has no record of boy's ever having been arrested before. Boy's father states, that boy and himself are in America only four months. They live with father's brother Joseph and have no home of their own. Mother is still in Italy.

All which is respectfully submitted,

William Lusk
Supt

To Dist. Ct.

*Court of
General Sessions.*

The People

vs.

Giuseppe Pinta

PENAL CODE, §

Albany (below)

**Report of the New York Society
for the Prevention of Cruelty
to Children.**

ELBRIDGE T. CERRY,

President, &c.,

No. 297 Fourth Avenue,

Corner East 23d Street,

NEW YORK CITY.

1170

1171

PART III.

THE COURT ROOM IS IN THE FIRST STORY.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

4 de

In the Name of the People of the State of New York.

To *Off. Walker*

of No. _____ Street, _____

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the *9th* day of **NOVEMBER** 189*3* at half-past ten o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Giuseppe Pinto

Dated at the City of New York, the first Monday of **NOVEMBER** in the year of our Lord, 189*3*

DE LANCEY NICOLI, *District Attorney.*

1172

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Giuseppe Panto

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

Giuseppe Panto

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

The said

Giuseppe Panto

late of the City of New York, in the County of New York aforesaid, on the *seventeenth* day of *September* in the year of our Lord one thousand eight hundred and ninety-*three*, with force and arms, at the City and County aforesaid, in and upon the body of one *John Mazzoni* in the peace of the said People then and there being, feloniously did make an assault, and *him* the said

John Mazzoni

with a certain *knife*

which the said

in *his*

Giuseppe Panto

right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent

him

the said

John Mazzoni

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

SECOND COUNT—

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

Giuseppe Panto

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

The said

Giuseppe Panto

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *John Mazzoni* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

John Mazzoni

with a certain *knife*

which the said

in *his*

Giuseppe Panto

right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

1173

THIRD COUNT—

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

Giuseppe Puro

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

The said

Giuseppe Puro

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *John Mazzoni* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *him* the said

with a certain *knife*

John Mazzoni

which

he

the said

Giuseppe Puro

in

his

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

side

of

him

the said

John Mazzoni

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

John Mazzoni

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.

1174

**END OF
BOX**