

05 13

BOX:

444

FOLDER:

4092

DESCRIPTION:

Labattaglio, Metteo

DATE:

07/13/91



4092

71 76 Melton
25 Chamberlain

Counsel,

Filed

Pleas,

13 day of July 1887

Atty. Genl. (4)

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

THE PEOPLE

31 - Thoms
31 - Jones

Matter Subrogatio

committed
by
JOHN R. FELLOWS,

District Attorney.

No witness present in Court

A True Bill.

Foreman.
J. C. [Signature]

Part 31 May 5/92
L. J. [Signature]
L. J. [Signature]

Witnesses

vide desk
of witness
attached to
the complaint
within

COURT OF GENERAL SESSIONS.

----- x
 People, etc. :
 plaintiff :
 against :
 Matteo La Battaglia, :
 defendant :
 ----- x

City and County of New York, ss.

J. M. H. Fuller Jr being duly sworn, says
 He does business at *427 Canal* Street in the City of New
as a Smuggler York. That he knows the defendant above named, and has
 known him for five years last past. That during all of the
 time deponent has been acquainted with said defendant he
 has found him to be an honest, industrious, peaceable and
 law abiding citizen.

Sworn to before me, this *Dr. W. H. Fuller Jr*
19th day of May 1892.

J. M. H. Fuller
Commissioner of Seeds.
City of New York

COURT OF GENERAL SESSIONS.

-----x
 People, etc. ;
 plaintiff ;
 against ;
 Matteo La Battaglia ;
 defendant ;
 -----x

City and County of New York, ss.

George W. Rumbold being duly sworn, says,
 He does business at *409 Canal Street* in the City of New
as a painting & decorating establishment
 York. That he knows the defendant above named, and has
 known him for five years last past. That during all of the
 time deponent has been acquainted with said defendant, he
 has found him to be an honest, industrious, peaceable and
 law abiding citizen.

Sworn to before me, this *George W. Rumbold*
12th day of May 1892.

John H. Muller
Comer of Seeds
City of New York

COURT OF GENERAL SESSIONS.

----- x
 People, etc. :
 plaintiff :
 : :
 against :
 Matteo La Battaglia, :
 defendant :
 ----- x

City and County of New York, ss.

George Metzger being duly sworn, says
 He does business at *427 Canal Street* in the City of New
~~York~~ *Leader in Trade &c.*
 York, That he knows the defendant above named, and has
 known him for five years last past. That during all of the
 time deponent has been acquainted with said defendant he
 has found him to be an honest, industrious, peaceable and
 law abiding citizen.

Sworn to before me, this
^{12th} day of May 1892.

George Metzger

Open H. Moller
 Council of Deeds
 City of New York

COURT OF GENERAL SESSIONS.

----- x
 People, etc. plaintiff :
 against :
 Matteo La Battaglia, :
 defendant :
 ----- x

City and County of New York, ss.

Ferdinand Bartels being duly sworn, says
 He does business at *412 Canal Street* in the City of New
as a Bird Fancier
 York. That he knows the defendant above named, and has
 known him for *more or less* ~~five years~~ last past. That during all of the
 time deponent has been acquainted with said defendant he
 has found him to be an honest, industrious, peaceable and
 law abiding citizen.

Sworn to before me, this
 12th day of May 1892.

F. Bartels

Wm. H. Miller
 Comptroller of Deeds
 City of New York

COURT OF GENERAL SESSIONS, PART III.

----- X
 :
 The People of the State of New York, :
 :
 against : Before
 : Hon. Fred'k Smyth,
 : and a Jury.
 Matteo Lebataglia. :
 :
 ----- X

Indictment filed July 13, 1891.

Indicted for assault in the first degree.

New York, May 5, 1892.

A P P E A R A N C E S:

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

For the Defendant,
Mr. J. Miller.

VITALE SOLIMANDE, a witness for the People, sworn, testified:

I am in the rag business and live at 163 Prince Street in this city. On the 29th. of June last I saw this defendant at No. 31 Thompson Street. Previous to that time my wife had a row with his wife on account of the children. I was in the yard of 31 Thompson St. at 8 o'clock in the morning. He was above me in his room. While I was talking to his wife he came out of his window and shot at me four or five times. His window was on the second floor of the house. I ran behind a box. At the time he shot he said: "Now, once forever we shall finish it". After he went back into his room I went down to report the case to the Police Authorities. I met an officer upon the street. We went up into his house and searched for him but he was gone. Then I went

2.

to the Station House on 10th. Street and and got out a warrant for his arrest. Three or four days later I saw him under arrest at the Police Station.

Cross-examination:

I am a cousin of the wife of the defendant. I have never had any controversy with the defendant, but I have had some rows with his wife. At the time of the shooting I was gathering up some wood in the yard, which I was going to take up to my rooms. I was about the distance of twenty feet from the rear wall of the house in the yard. I was about in the centre of the yard. When I heard the first shot I ran behind the box. I know that the defendant is a barber at No. 424 Canal Street.

CHARLES A. HART, a witness for the People, sworn, testified:

I am a police officer attached to the 5th. Precinct. I saw the complainant on the 29th. of June 1891. He made a complaint to me that the defendant had shot at him in his own yard. I went to the house, searched for the defendant but was unable to find him. This is a three story tenement house. The defendant's apartments were in the rear. I examined the yard. In the rear fence I found a small bullet. I inquired for the defendant in his house but was informed that he was not there. Another officer arrested him a few days later on a warrant.

Cross-examination:

The ball which I found was in the rear fence about three feet from the house. It was imbedded in the

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3.

wood of the fence.

TONY DELISA, a witness for the People, sworn, testified:

I live at 163 Prince Street. I know the complainant and I know the defendant. On the 29th. of June 1901 I was in the back yard of 31 Thompson Street. At about 3 o'clock in the morning I saw the defendant with a revolver fire two shots down into the yard. He was in the window with his revolver and as soon as I saw him shoot I dodged with my head and I felt the bullet passing close by my head. I ran away.

Cross-examination:

I am the brother-in-law of the complainant. After the first shot was fired I ran into the hallway. My brother-in-law ran behind some box.

DEFENSE:

JOSEPH VISCONDI, DONATO NAMOLI of 123 West Broadway, testified to the good character of the defendant.

METTEO LEBATTGLIA, the defendant, sworn, testified:

I am a barber. I reside at 31 Thompson St. My place of business is at 124 Canal Street. I have four men working there. I know the complainant and have known him for 8 or 9 years. He is a relative of my wife and lives in the same house with me. I had nothing whatever to say to him up to the time of this occurrence. He had been quarrelling with my wife and his wife had also had a row with my wife. The Sunday before the shooting they

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4.

had a row and he threatened to kill my wife. On the morning of the shooting when I went away to work they had another row. I came back for my breakfast at about 8 o'clock and when I got into the yard I found a crowd of people. They were all fighting and wanting to kill my wife. I went upstairs and when I got there I looked out of the window and I spoke to the complainant and told him: "I told you many times to leave my wife quiet". He said: "I am not afraid of you". Then I told him that I was not afraid of him. I then fired off the revolver in the air in order to frighten him. I saw a great many men down in the yard with hatchets and sticks and I thought they were going to kill me. That is the reason I fired the pistol out of the window. I did not intend to kill anybody.

Cross-examination:

When I shot the pistol I went with some friends on an excursion. I didn't return home until that evening between 9 or 10 o'clock. I kept this revolver because in America you are not sure of the people and it is necessary to carry a revolver. When I returned to the house I left it on a shelf in the house. Afterwards I sold it to a man who was going into the country for \$2.

0525

5.

CATHARINE LAGROTA, a witness for the defendant, sworn, testified:

I know the complainant and I know the defendant. I remember the morning of the 29th. of June. I have seen the woman fighting and quarrelling together, and after they had this quarrel the wife of the defendant sent for her husband. When the defendant got there the only thing I saw or heard was that someone said: "Come away and let us see what you want". I saw the defendant fire out of his window into the air.

Cross-examination:

I was in my window when I saw this. I live on the floor above the defendant.

FORTUNATO LABATTGLIA, a witness for the defendant, sworn, testified:

I am the wife of the defendant. I know the complainant in this case. He is a cousin of mine. I had several quarrels with him. On the morning of the shooting when I was cooking my breakfast the wife of the complainant came into the hallway and made an improper proposition regarding my little girl. She also called me vile names. When my husband arrived he asked me what was the matter. While we were having our breakfast the complainant and his friends came into the yard and commenced calling me vile names. My husband, in order to frighten them, fired his revolver into the air.

The Jury returned a verdict of guilty of assault in the second degree.

1931-61 P. 101 B. 1111 1111 1111

Indictment filed July 13-1891

COURT OF GENERAL SESSIONS

Part III.

))))

THE PEOPLE &c.

against

METTEO LEBATTGLIA.

Abstract of testimony on

trial, New York May 5th

1892.

...the jury returned a verdict of guilty of as-
sault in the second degree.
...the jury returned a verdict of guilty of as-
sault in the second degree.
...the jury returned a verdict of guilty of as-
sault in the second degree.
...the jury returned a verdict of guilty of as-
sault in the second degree.

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List of Witnesses

Vitala Salazar
Officer Hart. 84 Precinct
Maurice Blocher 35 Sullivan St
Tony DeLisa 165 Ponce St
Leonardo Fernandez 36 Laight St
Rosa Capata 33 Thompson Street
Vezumar Zamora 33 Sullivan St

u

0528

Purple

388
M. L. L. L. L.

W. L. L.

0529

Police Court— 2 District.

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

Vitale Salamando

of No. 165 Bruce Street, aged 30 years,

occupation Rag business being duly sworn

deposes and says, that on the 29th day of June 1897 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and BEATEN~~ by Matteo

Labattaglia, who pointed, and aimed a loaded revolving pistol containing cartridges of leaden bullets and powder and discharged four of said cartridges at deponent's body and said bullets passing closely to deponent's body. Said assault was committed

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 29 day }
of June 1897 } Vitale Salamando

W. D. ... Police Justice.

0530

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Meattio Labattaglio 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.

Meattio Labattaglio

Question. How old are you?

Answer.

30 Years

Question. Where were you born?

Answer.

Italy

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

Answer.

31 Thompson St. 9 years

Question. What is your business or profession?

Answer.

Barber

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
meatto Labattaglio,*

Taken before me this

day of July

1891

[Signature]
Deputy Justice

0531

Sec. 151.

Police Court 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County 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 Vital Salasando

of No. 165 Prince Street, that on the 29 day of June

1889 at the City of New York, in the County of New York, he was assaulted feloniously by Matteo Labattaghis

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 each and every of you, to apprehend the said Defendant and bring him 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 29 day of June 1889

W. M. ... POLICE JUSTICE.

0532

In B.M. 32 M. Italy Barber N. No. 32. Thompson Street

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.

POLICE COURT 2 DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Warrant—General.

Mateo Salamando

vs.

Mateo DeBattaglia

Dated *June 29* 188*1*

McNishon Magistrate.

Samuel Officer.

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

Samuel Officer.

Dated *July 1* 188*1*

This Warrant may be executed on Sunday or at night.

W. M. McShane Police Justice.

0533

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

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

Dated *July 2* 18 *91* *[Signature]* Police Justice.

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

Dated *July 5* 18 *91* *[Signature]* Police Justice.

There being no sufficient cause to believe the within named *[Name]* guilty of the offence within mentioned. I order he to be discharged.

Dated _____ 18 _____ Police Justice.

0534

24 July 2^o 2³⁰ PM.
Paroled E.H.

W 182 887
Police Court---2--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Vitale Salomando
165 Prince St.
Matteo Labattaglia

Officer J. J. Casault

BAILABLE

No. 1, by Giuseppe Viscardi
Residence 71 Thompson Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

2
3
4

Dated July 1st 1887

Hogan Magistrate.

Officer _____ Precinct.

Witnesses James H. Hart

No. 18th Precinct Police Street.

Mami Glockner

No. 3 _____ Street.

No. 16 _____ Street.

* 500 to answer

Paid
Arrest
Mistake



To the Honorable Recorder Smyth. -

We, the undersigned, beg leave to petition Your Honor, for clemency and mercy, in the case of the People - against Matteo La Battaglia recently tried before Your Honor, in which the defendant was convicted of assault in the second degree with a ^{strong} recommendation of "Mercy" from the jury.

The defendant was never arrested before, and has always been considered a man of peace and quietude.

He is a married man, and has dependent upon him a wife, and four children, the age of which children is respectively seven, four, and two years, and a baby eight months old.

For the twelve ^{or thirteen} years that the defendant has been in this country, he has been a barber, and for the last six years defendant has followed that pursuit at N^o 424 Canal Street, in the City of New York.

The defendant has been not only steady in his work, but is also

a thrifty and industrious Italian, sober, respected and liked by all who know him.

We believe that he was led into this quarrel, and that he was goaded to such an extent, that it was only with a desire to scare off his assailants, and avert trouble to himself that he fired off the revolver, and with no intention of hurting, or assaulting any one.

We cheerfully and sincerely testify to his good character, and we beg that your honor will heed our appeal and petition and grant such mercy as the law will warrant.

We remain,

Your obedient servants,

Name	Occupation	Residence
Tricery ^{his} _{of} Bianco ^{with} _{with} ^{Porter} _{with} ¹⁵⁷⁰⁻¹⁵⁷⁴ _{dry-goods}	Porter	41 Sullivan St.
Giuseppe ^{his} _{of} Troiano ^{Barber}	Barber	2203-2 nd Ave.
Baldass ^{his} _{of} Magarri ^{Rockman}	Rockman	31 Thompson St. Business 42 nd Canal
W. H. Fuller ^{of}	Physician & Druggist	Residence 85 Varick
Joseph ^{his} _{of} Manger ^{Bird Store}	Bird Store	42 nd Canal St.
Carl ^{his} _{of} Jermann ^{Tobacconist}	Tobacconist	425 Canal
D. J. Howell ^{of}	Shoe dealer	419 Canal St.
John Krueger ^{of}	Care man	37 Mulren St.

Name	Occupation	Residence
Chas. Herzberg	Druggist	40 Grand St. 17
Edw. Wall	Druggist	48 Grand St.
Joseph	Burglar	71 Grand St.
Joe Carmody	Merchant	499 Brown St.
A. Bellando		500 Brown St.
ROLD Dia		16 Thompson St.
John J. Baldoni		62 Thompson St.
H. Engelhoff	Dry Goods	41 Grand St.
R. Lambert		30 Grand St.
Cairdi	Merchant	
Peter Aldo		37 Grand St.
A. L. Moore	Book Room	80 Varick St.
Daniel D. Craig		88 Duane St.
P. Kingsmith	Shoes	78 Varick St.
Chamon Moos		40 Varick St.
Wilson & Alban	Real Estate	156 Varick St.
J. B. Terrell		205 Spring St.
John Howell		203 Spring St.
James Phillips		183 Spring St.
J. M. Kelly	Merchant	5th St. 1st St.
Michael Cohen		338 Hudson St. Tailor
Jacob Suss		375 Broadway. Tailor
J. Milster		340 Hudson St. Delicatessen
Chas. Basassa		39 Thompson St. Groceries
John Strata		407 Grand St.
J. J. Pincus		166 Grand St.
Ed. Miller		129 Varick St.

0539

Name	Occupation	Residence
Gimnasoni Domenico Cancilleriam	Fusdori Garofalo Physician	32 Grand St 186 Spruce St 11 Charlton St

0540

Wright of General Services

Re Perche

Mattis de Battaglia

Catillon

A. de la...

de la...

Lotte...

Ronde Singsht,

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Mettes Labattaglio

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

Mettes Labattaglio

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

The said Mettes Labattaglio,

late of the City of New York, in the County of New York aforesaid, on the 29th day of June, in the year of our Lord one thousand eight hundred and eighty-nine with force and arms, at the City and County aforesaid, in and upon the body of one Vitale Solimando in the peace of the said People then and there being, feloniously did make an assault and to, at and against him the said Vitale Solimando a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Mettes Labattaglio in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge, with intent him the said Vitale Solimando 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

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

The said Mettes Labattaglio,

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 Vitale Solimando in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against him the said Vitale Solimando a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said Mettes Labattaglio 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 shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, JOHN R. FEEBOWS, District Attorney.

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BOX:

444

FOLDER:

4092

DESCRIPTION:

Langston, Ralph E.

DATE:

07/07/91



4092

Witnesses:

Madame de G...

Madame de G...

*Madame de G... at
#1000
July 13/91*

*Paul
J. M. Murray
438 Jackson
City*

Counsel,

Filed

day of

1891

Pleas,

Not Guilty

THE PEOPLE

vs.

B

Ralph E. Langston

DE LANCEY NICOLL,

District Attorney,

committed

A TRUE BILL.

Richard S. Coll

Foreman,

Part 3, October 20/91

*Indict. by Grand Jury
Mary. Dist. Ct.*

Oct 19 1891

From an examination of all the facts in the within case I am of opinion that no conviction can be had as the evidence of the people depends on the complainant Lavin who waited two and a half (2 1/2) years after the alleged abduction before making her complaint and who was of the age of sixteen years and five months on January 15th 1889 which was the date of the alleged abduction. It further appears that the complainant after the alleged abduction by "inveiglement" continued to have illicit intercourse with the defendant which intercourse was voluntary and with her consent and in the absence of any promising marriage. In view of all these facts and other circumstances I believe that the County should send the defendant to a trial in this case which could only result in a verdict of acquittal. I therefore recommend that the indictment be dismissed.

*R. Hauckhoff Sycamore
194 N. Court Street - City*

91

Helen Magdalen Graff. Residing at
 353. Stanhope Street Brooklyn, says
 Her parents names are Valentine Graff.
 and Savina Graff. That she was Eighteen
 years of age in August 1890. She
 23rd Day. That she and her sister
 Katie Graff. ~~was~~ ~~been~~ ~~raised~~ ~~with~~
 their parents at 118. 7th Street in
 the city In November 1888. That
 on the Second Sunday in November
 1888. She and her sister left their
 house at about seven o'clock for
 the purpose of taking a walk.
 She packed up some one dollar
 23rd Street through 23rd Street to
 Broadway. Then ~~down~~ up Broadway
 to between 21st and 26th Street
 when at this point they met
 Mr. William Brown. of 102. W. 34th.
~~who~~ who was walking down with
 the Ralph Laugston. They knew
~~them~~ Mrs. Brown. who and she introduced
 Laugston to them. and they accompanied
 them to as far as 26th Street.
 and then stood talking fifteen or 20
 minutes. out of Broadway. on 26th
 Street and near the corner. Then they
 said them good night. and returned

0545

the same way to our home - Langston
met ~~the~~ ^{Helen} accidentally in about a
week - In 2nd Street near Broadway
about seven o'clock - She was with
her sister - He accompanied us.

From 15th Street on - He left us
at Mr. Norton - He asked Helen
if she could write to her - I said she said
no - He asked to make an appointment
to meet him - She said she would not.
Then in about a week, near 23rd St.
Elevators Station on 6th Ave. ~~He~~
~~just~~ left ~~He~~ ~~was~~ ~~Dr. G.~~ ~~there~~
when we had ~~just~~ ~~come~~ ~~home~~.
Mr. Norton from writing a friend
at 38th Street and 2nd. He continued
our stroll across 23rd St. Langston
was alone - He asked if she could
write to Helen - I then said she
could write to me and I gave him
my address - 118 - E. 7th Street.
He stood talking about 15 minutes -
He then left - His was on a
Saturday night - On the following
Tuesday - I ^{Helen} received a letter from
him - Full of endearing terms - Then
Helen and Kate met Langston ^{again}
by appointment. Now in the letter.

in 26th Street between Broadway and
 Sixth an. ~~at~~ at half past seven.
~~My~~ They walked on over to
 Lexington an. Then up as far
 as 38th Street. While walking ~~at~~
~~Lexington~~ down Lexington, ~~the~~ ~~man~~
~~said~~. I was satisfied I did
 not like his actions - although
 they were not improper. And I
 said to him - to leave me and
 I went home to alone. He
 said it was no more than a
 friendly place so long as
 he had seen me up to see
 me down. He then continued in
 my company to 23rd St. and
 Lexington an. I refused to
 talk with him - He said I had
 had Chloroform He would Chloroform
 me. I said nothing. He then said
 He would like what he saw on
 He left me then.

Then on Christmas night - 25th Dec.
 '88. Katie and Helen - were walking
 up 6th an. Between 25th and 26th St.
 On the way to see their friends in 38th
 Street. And Mr. Met. Laestadius -
 He said ~~to~~ Katie they
 don't you. Try to make your

2.

quite safe on his hands. - The appropriation
 and I said I must forgive him. - And
 began to think I liked him. - The
 saw he would like to meet me (Kell)
 on the 15th of January, at 26th
 Street and Broadway. - At 3 PM -
~~at~~ That day I met him by
 appointment - at 26th Street
 and Broadway. - It was Thursday.
 It was very cold. Clear. - He
 said to guess I was almost too
 late to go to Theatre - but but
 let us go and sit down somewhere.
 I said there I said I must go
 to no place where Legum was
 sold - as I had been - then in
 Queen place before. - He said
 It is not necessary for you
 to write anything. - Yes but
 I said I do not care for the
 gentleman to write anything.
 Then he then said he will go
 into some quiet place and sit
 down - where there is no Legum
 sold. - I then said I must return
 to home - He said No - I should
 not leave - I had nothing I must see
 happen to me - He then standing at
 this time - then he started through

26th Street to Lexington - on the way
 she said - These are my pretty
 Nurses, I must like to marry you
 and you make you mistress of
 one of them - She then said
 she had to see a friend of his
 at New York I should walk up
 Lexington to 32nd Street ^{and then to 32nd Street.} And
 she would turn me there - She left
 and went through 29th Street - towards
 32nd Street - and I continued to walk
 up to 32nd Street - Then through
 32nd Street till I met him in
 the Street walking towards me -
 I saw her you met your friend
 he said he had - He was then
 walking through 32nd Street
 in the direction of Lexington Ave.
 talking - He got to a house in
 32nd Street between 6th and 7th
 Ave - I can describe it - When
 he said - Come up into this place -
 I said - An you saw nothing will
 happen to me here - If so don't
 take me - He says you are a
 you will come out safe - By
 this time a woman appeared
 at the door - She went up stairs

than a night's rest

And he asked me to follow - she
 was a very tall woman - 2 flights
 up - front room - He I went in
 first - He followed - She the
 woman went out He closed the
 door - And locked it - He then
 said take off your coat - I said
 I would not - He said take off
 your hat there is no danger in
 that - I took ~~it~~ off and placed it
 on my lap - I was sitting in a
 rocking chair - I did not notice the
 bed in the room - until after
 He locked the door - He then left the
 room - saying he must be right back -
 He returned in a few minutes - with
 a glass containing some of kind of
 liquor - ~~in the bottom of it~~
 He handed it to me and said
 Helen drink this - I said I would
 not - I was not accustomed to
 drinking liquor - And I would
 not - I never had drunk liquor
 in my life or bar - He then
 saw you had got to - I then
 took it and struck his head -
 and spilled a portion of it - The
 balance he drank - I then took
 my hat on my hat - and then to

the door. calling the kids. When
 he found the key was not in
 the door - He caught hold of
 me - around the waist from
 behind - pulled me and I jumped
 me upon the bed - I said
 "Permanis - oh - three - then he
 put his hand up to my throat -
 and forbade me from screaming -
 He then had intercourse with me -
 I was trying my utmost to prevent
 him - He said - What during the
 time - He said "What the
 consequences are I will marry you -
 I cried - ~~It is true~~ He said as soon
 as he was through - I got to dress
 the house - I said I would I feel
 any body I quit - He said I
 should not - as it would ruin
 my reputation - As he would
 surely marry me - I said I
 will not leave the house - He
 said you must not care to
 stay here - ~~What up~~ - He said
 not to say anything about it - I had
 the man marry me - He says
 do you think that I will leave
 you miserable for one moment.

(3.)

He says I think too much of you
 as you already know - I then
 left the place - and Mr Walker
 went to 6th av. - down 6th
 av. - I was very quiet - He
 picked up a piece of paper - and
 placed it in his coat - saying
 this day Mrs Mrs Meyer, Upper
 Mrs in my name - He left me
 26th and ~~Down~~ - ~~Upper~~ ~~Down~~
 and 6th av. - I met them and
 told my sister - Katie saw
 Mrs Lezzie Hornbryer. She was
 then stopping at my home -
 She lives in Stanton Street.
 Her husband's name is Jacob
 Hornbryer - I told them all
 about it - He wrote to me the
 following day - and continued to
 write 3 or 4 times a week.
 I met him once a week - I told him
 I thought he was very mean to act
 that way towards me and was
 an innocent girl - He said might
 not have taken advantage of
 me - He said it might not be
 worth any of them - as they
 would make me his wife - and
 he repeated that he was very

In August '89 In the day
 - then at 31st Street near
 Washington of Maryland He had
 intercourse with me - for times
 including the first -
 The last time was 27th July
 at 7th Ave between 24th & 25th
 Sts. - He said He must have
 one six miles from there
 that night - also told Katie -
 I met him several times
 after that and on the 24th
 of May - He went to 32nd St.
 and I told him this is the
 place where we had been the
 first day - This was in
 May 1891 - I first noticed I
 was in a family way a week
 after 27th of July '91 - I wrote
 him ~~about~~ about it - He said
 I should not be worried It was
 probably a cold - I then wrote
 another 2 weeks - and spoke
 to him again - He said He did
 know how it came to - but nevertheless
 I should have patience a little longer -
 I asked him - to get me out of the
 truth by naming the community

0554

I have seen the mud mounds
in 4 weeks time from
then — on May 27th or thereabouts.

I saw the mud mounds on
June 15th

~~the 15th~~
on Monday the 10th of June — and
my son I had been day — that
the mud mounds are —

Devised and sworn to } Helen. P. G. Graft.
before me July 6th 1891 }
Justices
Court of Deeds
City of Cork, N.Y.

0555

922

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Helen Magdalen Graff
353 Stanhope St

Ralph E. Langston
~~*William B. ...*~~

Offence... Involvement for...
Personal interference

Dated: *July 6* 1891

Witnesses, *Katie Graff*

No. *353* Stanhope Street,

Brooklyn

No. _____ Street,

No. _____ Street,

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Richard E. Sanafon

The Grand Jury of the City and County of New York, by this
Indictment accuse *Richard E. Sanafon*

of the crime of *incestuous and adulterous* an unmarried

female of vicious and depraved character into a house
of prostitution for the purpose of carnal intercourse,
committed as follows:

Heretofore, to wit:

on the 15th day of January
1889, at the City and County of said, the
said Richard E. Sanafon, late of the City
and County of said, did knowingly
incestuous and adulterous one Helen M. Taylor
who was then and there an unmarried
female of vicious and depraved character, into
a certain house of prostitution, the date,
for the purpose of carnal intercourse; 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.

Deputy Clerk,

District Attorney.

0557

BOX:

444

FOLDER:

4092

DESCRIPTION:

Lenhartt, Charles

DATE:

07/20/91



4092

M. W. Meyer
#124
Maurice Meyer

Witnesses:

Counsel,
Filed *20* day of *July* 189*1*
Plends, *for* *Charles Emhardt*

Grand Larceny *second* Degree.
[Sections 528, 537, — Penal Code.]

THE PEOPLE

vs.

Charles Emhardt

DE LANCEY NICOLL,
District Attorney.

De Lancey Nicoll

A True Bill.

Andrew J. Cott
July 27, 1891
Perman.
Tried and acquitted

0559

Police Court— 4 — District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Barrie Clemens

of No. 249 E. 35th Street, aged 35 years,

occupation Let furnished rooms being duly sworn

deposes and says, that on the 6th day of December 1889 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, in the day time, the following property, viz:

Two suits of gent's clothes.
One over coat - one coat and
one vest. one black lace dress.
together of the value of one
hundred and twenty five dollars.

(#125.00)

the property of different lodgers, and
all in deponent's care and
custody.

and that this deponent
has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen,
and carried away by Charles Lenhardt (now dead)
from the fact that on the 5th
day of December 1889, the said
defendant hired a room from
deponent, and on the following
morning December 6th, he the
defendant left deponent's house,
before deponent was up, and after
he left deponent discovered that
all of said property was missing,
and deponent did not again
see the defendant until about 10.30
o'clock A.M. July 14th 1891, when he
the defendant came to deponent's
house, at no 249 E 35th Street.

Subscribed and sworn to before me this 1st day of December 1889.
Police Justice

for the purpose of hiring a room
from defendant. When defendant
immediately identified the defendant
as the person that had engaged
said room from defendant on said
5th day of December 1889.

Wherefore defendant charges the said
defendant with feloniously taking
stealing and carrying away said
property from the premises no 48
Prospect Place.

Sworn to before me }
this 14th day of July 1891

Miss Carrie Clemens

Wm Howard
Police Justice

0561

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Charles Lenhardt 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.

Charles Lenhardt

Question. How old are you?

Answer.

49 years old

Question. Where were you born?

Answer.

Germany

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

Answer.

Buffalo.

Question. What is your business or profession?

Answer.

Waiter

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

Answer.

I am not guilty

Ch Lenhardt

Taken before me this

19

William J. ...

Police Justice.

0562

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 Vank

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

Dated *July 18* 18 *97* *Henry Munson* 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.

0563

#124 x 1920
Police Court--- District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Carrie Clumms
249 E 35th St.
Charles Lenhardt

1
2
3
4

officer
Lancum

Dated July 14 1891
Murray Magistrate.
Mr. Carty Officer.
214 Precinct.

Witnesses Josephine Fay
No. 249 E 35th Street.

No. Street.

No. Street.

\$ 1000 - to answer

Com 922

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Lenhardt

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Charles Lenhardt*

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

The said

Charles Lenhardt

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

*three coats of the value of ten
dollars each, three vests of the
value of five dollars each, two
pair of trousers of the value of
five dollars each pair, one dress
of the value of fifty dollars and one
overcoat of the value of twenty dollars,*

of the goods, chattels and personal property of one

Carrie Clemons

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.

*He Lancelotti Ricoll,
District Attorney.*

0565

BOX:

444

FOLDER:

4092

DESCRIPTION:

Leonard, Charles

DATE:

07/27/91



4092

draw for office

Witnesses:

Witness signature lines

Filed 27 day of July 1891

Pleads,

THE PEOPLE

vs.

Charles Leonard

Burglary in the Third Degree

DE LANCEY NICOLL, District Attorney.

A TRUE BILL.

Richard L. Cook

July 27, 1891

Pleas as M. Burglary

Pen Sept 16, 1891

7

0567

CITY AND COUNTY }
OF NEW YORK, } ss.

William Henderson
Police Officer

aged _____ years, occupation _____ of No. _____

39th Street

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

William Griffiths

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

Sworn to before me, this

30

day of

July

189*8*

M. J. [Signature]

Police Justice.

John C. Henderson

0568

Police Court— 5 District.

City and County } ss.:
of New York.

of No. *1665 Madison Street*, aged *40* years,
occupation *Saloon Keeper* being duly sworn

deposes and says, that the premises No. *1665 Madison Street* 12 Ward
in the City and County aforesaid the said being a *store and dwelling*

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

were BURGLARIOUSLY entered by means of forcibly *breaking the*
fastenings of a rear window
between the interior of said store and
the yard belonging thereto

on the *20* day of *July* 188*8* in the *night* time, and the
following property feloniously taken, stolen, and carried away, viz:

Legars Cigars and money,
together of the value of
Five hundred dollars

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

Charles Leonard

for the reasons following, to wit: *that deponent the evening*
previous securely fastened the windows
and doors of said premises and
left them for the night now deponent
is informed by Officer William
of the 29th Precinct that he discovered
the deponent in said premises
arrested him and found in his
possession a bunch of keys and

0569

a few cigars which defendant has seen
and fully identified as belonging
to him and further that defendant
examined the premises and found
them broken as described and
further that said Leonard had
no business in said premises.

Wm Griffiths X

Sum before me this
20th day of July 1891

Wm Griffiths
Police Justice

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

Dated 1888 Police Justice

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

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

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

Police Court, District

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

vs.

1
2
3
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses.

No.

Street.

No.

Street.

No.

Street.

to answer General Sessions.

0570

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

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

Question. What is your name?

Answer. *Charles Leonard*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *Germany*

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

Answer. *Nowhere*

Question. What is your business or profession?

Answer. *Kitchenman*

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*
Charles Leonard

Taken before me this

20

day of *July* 188*8*

Wm. J. Field

Police Justice

0571

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

Clifford

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

Dated..... 18

M. J. [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.

0572

191. / 952
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Griffiths
#665 1/2 Madison Ave
Charles Demand

Bung
Officer

2
3
4
Dated *July 30* 1891
Weld Magistrate.

Studson Officer.
29 Precinct.

Witnesses
No. _____ Street.
No. _____ Street.
No. _____ Street.

\$ *25.00* to answer.
CS
Bung 3
PH

BAILED.

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles Leonard

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

Charles Leonard

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

The said Charles Leonard

late of the 12th Ward of the City of New York, in the County of New York aforesaid, on the
twentieth day of July in the year of our Lord one
thousand eight hundred and ninety-one, in the night time of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the store of

one William Griffiths

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

SECOND COUNT—

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

Charles Leonard

of the CRIME OF Petit LARCENY

committed as follows:

The said

Charles Leonard

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the ~~day~~^{night} time of said day, with force and arms,

ten cigars of the value of five cents each and ten keys of the value of ten cents each

of the goods, chattels and personal property of one

William Griffiths

in the

store

of the said

William Griffiths

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

De Lancey McCall,
District Attorney.

Handwritten mark

0575

BOX:

444

FOLDER:

4092

DESCRIPTION:

Leone, Pietro

DATE:

07/29/91



4092

0576

POOR QUALITY ORIGINAL

Witnesses:

M. 199

199

Counsel,

26. Cottage

Filed

day of

1891

Pleas,

Not Guilty

THE PEOPLE

vs.

Pietro Leone

RAPE.
(Sections 278 and 279, Pennl Code.)

15. Passaic N.J.

DE LANCEY NICOLL,

District Attorney.

Grand Jury

A TRUE BILL.

Nicholas J. Cook

Foreman.

Nov 9 1901

Grand Jury

15. Passaic N.J.

Nov 7 1901

17 76

0577

*The New York Society for the
Prevention of Cruelty to Children*

100 EAST 23D ST. (COR. FOURTH AVE.)

New York, July 14. 1891.

Court of General Sessions of the Peace in and for the
City and County of New York.

*The People
against
Pietro Leone*

Notice of Prosecution.

To the District Attorney of the
City and County of New York,

Sir: This Society is interested in the prosecution of
the above defendant, and is familiar with the facts of the
case. It respectfully requests that before sending the papers
to the Grand Jury, fixing the day of trial, consenting to
any postponements thereof, or to any reduction of bail, or
final disposition of the charge, you will duly notify me as
its President and Counsel, so that I may confer with you
in regard thereto. This request is made pursuant to the
statute (Laws of 1886, Chapter 30, Section 1), and in
furtherance of the ends of Justice.

I have the honor to remain, with great respect,

Elbridge T. Gerry,
President. &c.

0578

N. Y. GENERAL SESSIONS

CRUELTY TO CHILDREN

THE PEOPLE



NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

Rape.

0579

Fish

District Police Court.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.

Augustine Wilson

of Number *100 East 25th Street* being duly sworn,
deposes and says, that on the *30th* day of *June* 1891, at the
City of New York, in the County of New York, *the deponent is*

informed and has just cause
to believe, one Pietro Leone, now
present, did wilfully and
unlawfully, perpetrate an
act of sexual intercourse
with a certain female not
his wife, and under the
age of sixteen years, to wit,
with one Antonia Codomo
aged nine years, in a water-
closet situated in the yard
of No 154 West Street in said
city in violation of section
278 of the Penal Code.

Wherefore the complainant prays that the said *Pietro Leone*

may be ~~apprehended, arrested and~~ dealt with according to law.

Sworn to before me, this

day of *July*

10th
1891

A. Wilson

John J. Kelly

Police Justice.

0580

CITY AND COUNTY }
OF NEW YORK, } ss.

Antonio Codomo

aged *9* years, occupation *none* of No.

157 West 5 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Augustine Wilson*

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

Sworn to before me, this *10*
day of *July* 18*91*

Antonio Barber

Police Justice.

0581

NEW YORK DISPENSARY,

137 CENTRE STREET.

DR. CONDUCT W. CUTLER,
PHYSICIAN-IN-CHIEF.

New York

July 7, 1891

Society for the Prevention of Cruelty to Children.



The little girl bearer has been assaulted by a man last week, the 2 of July. I have examined her & found her recently deflorated and with a purulent discharge which under microscopical examination proved to be gonorrhoea.

J. M. Ryan M.D.

215 Second Ave

See blotter #58

pages, page #176

0582

95

Police Department of the City of New York.

Precinct No. 10.

New York, July 9, 1891

This certifies that I have this day examined Peter Leon aged 18 yrs. Residence Passaic, who is now detained at this Precinct Station House.

I find that said Leon has an induration (Swelling) in the right groin due to an abscess (abscess) which was opened about two months ago. There is a mucopurulent discharge from the urethra, upon pressure. The patient states that he was infected by Connection on

0583

95
Police Department of the City of New York 2

Precinct No.

New York, 189

March 21 and has been under
medical treatment. The
urethral discharge is moderate
in quantity and from chronic
urethral disease.

It is my opinion that
~~the patient~~ Peter Leon is
suffering from chronic urethral
discharge consequent upon
a gonorrhoea contracted
according to his statement Feb.
21. 9

Respectfully Submitted
Dr. F. F. Lubner M.D.
Police Surgeon Sixth Dist.

0584

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Pietro Leone 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.

Pietro Leone

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

Italy

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

Answer.

Pasaic, New Jersey

Question. What is your business or profession?

Answer.

Tailor

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

Pietro Leone

Taken before me this

day of *July* 1897

Police Justice.

0585

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.....

Pietro River

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ~~Five~~ *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 *1 July* 18*91* *P. J. Kelly* 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.

0586

916.199

Police Court--- District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

Augustine Thuman
vs.

1 PIETRO LIONE

2

3

4

Offence RAPE
Sec 248 P.C.

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated 10 JULY 1891

D. O'REILLY Magistrate.

T.H. QUINLAN Officer.

10 Precinct.

1 ANTONIA CODEMO 9 YRS

100 E 23rd Street.

2 MARIA CODEMO

154 MOTT Street.

3 DR J.M. BYRON

137 CENTRE ST } Street.

or 215 - 2nd AVE

4 DR W.P. FLUNTER

10 PRECT 5th } Street.

41 ST 4th AVE

1500 to answer

1891

Handwritten signature

How is the execution of an Italian Viceroy's

Government's potential on all points but

Tenement when people are down. It is the
subject of you to give me a good lesson.

The suddenness of the testimony of the
depts. witness as to 30th.

do such as others on the part
of witnesses of prosecution. Only a
few days before July 19th.

Bill not in the case

And if we prove the brother was
in N.Y. showed to no prove that the
other brother (the prisoner) was in
Passaic

That Government is contemporaneous with the execution
from Passaic

Tony Perna + saw deft at 8 + 12 + 16

Joe Pellegrino - never spoke to Pietro's
brother about the case.

The ^{of June} ~~birth~~ ^{was} on Friday.
Saw deft there on 8 + 11 AM
He was discharged that day.

Frank Dora + saw deft in his brother's
store at 6 + 11.

later spoke to my wife about
the case + it was Tuesday
~~He was dead that day.~~

Michael Perna

June 30

June 27th

June 25th

His brother went to work

9 AM 30th

Saw the brother at 1:30, did not go to
work, was going to work +

He was sick and did not go to work.

The brother recalled someone that he was
with him from ^{the 2nd} + July 1

no contradiction of the fact that deft
admitted that he had had a girl +

THE COURT OF GENERAL SESSIONS

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE
VS.
PIETRO LIONE.

BRIEF FOR THE PEOPLE.

STATEMENT

The defendant, a young Italian tailor, of 18 years, is CHARGED WITH RAPE upon Antonia Codemo, aged nine years. It appears, he followed Antonia into the water closet of the yard of 157 Mott Street, on or about the 30th of June, 1891; pushed her down upon the seat; raped her; and infected her with Gonorrhoea.

She became sick and was taken to the Dispensary, 137 Centre Street, on July 7th, where Dr. Bryon discovered the cause and instructed her parents to question her. She told them of the outrage, - giving fear and shame as the reasons for not having told them before.

Her father had defendant arrested on the 9th of July.

EVIDENCE FOR THE PEOPLE.

WITNESSES:

- ✓ Antonia Codemo of 100 East 23rd Street,
- Marie Codemo of 157 Mott Street.
- July 11th ✓ Dr. J. M. Bryon of 157 Centre Street, also Test. in Court
- July 9th ✓ Dr. W. F. Fluhrer, of 41st St. & 5th Ave. ...

ANTONIA CODEMO, now in St. Mary's Hospital, very sick, and consequently not very bright and clear on the details, says: It happened in the forenoon a few days before the "Fourth" (of July). Lione pushed her back on the water closet and did "bad" to her. She identifies defendant positively. She had gone into the closet with her little sister and two other children about three years old when her mother had gone to the shop for work.

MARIA CODEMO, mother, will testify as to the age of Antonia, if necessary.

DR. BRYON will prove girl has been deflowered and diseased.

DR. W. F. FLUHRER can testify to defendant's gonorrhoea (See doctor's certificate.)

DEFENSE.

Defendant is silent, but his friends say he would like to settle matter by marrying girl.

Is it probable
Temperature

White's ...

0590

done for [unclear]

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

PIETRO LIONE.

PENAL CODE, *in*

BRIEF FOR THE PEOPLE.

COURT OF GENERAL SESSIONS--Part *One*

Before Hon. *J Smyth*
Assistant District Attorney *McDonat* for the People.
Calendar for *Nov 6* 1891

No. <i>1</i>	THE PEOPLE, &C.		
	vs.	<i>A J Wilson</i>	<i>L</i>
<i>Pietro Leone</i>		<i>W Quinn</i>	<i>SA</i>
<i>Rapes</i>		<i>Annonia Codomo</i>	<i>L</i>
		<i>Maria do</i>	<i>P</i>
		<i>D J M Byron</i>	<i>L</i>
		<i>D W F Hubner</i>	<i>P</i>

No. <i>2</i>	THE PEOPLE, &C.		
	vs.	<i>no answer</i>	<i>Daniel Green</i>
<i>Norman Orydale</i>			<i>L</i>
<i>Ass</i>		<i>W Martin</i>	<i>SA</i>
		<i>no answer</i>	<i>John Oegan</i>
			<i>L</i>
		<i>no answer</i>	<i>James Pollard</i>
			<i>L</i>

THE PEOPLE, &C.

150 vs
V

THE PEOPLE
vs.
PIETRO LIONE.

COURT OF GENERAL SESSIONS, PART I.
BEFORE RECORDER SMYTH.

Friday, November 6, 1891.

Asst. Dist. Atty. Macdonna for the People .

Mr. Coleman for the Defendant.

Indictment for rape.

A Jury was empannelled and sworn.

Mr. Macdonna opened the case for the People .

Mr. Coleman: The District Attorney must not say anything in re-
gard to the condition of the Defendant.

The Court: He did not say anything that he has not a perfect right
to state. He says that he intends to prove that in conse-
quence of an act of sexual intercourse which he says took
place between the Defendant and this little child, she was
infected with a venereal disease. He has a right to say
that; if he does not prove it, the Jury will pay no attention
to it.

Counsel: I will take an exception.

The Court: Yes, note an exception.

Counsel: I now object to any statement made by the District At-
torney as to any examination made by the doctor of the de-
fendant.

The Court: Objection overruled.

Counsel: Note an exception.

ANTONIO MODERNO, sworn and examined.

By Mr. Macdonna Q. Antonio, how old are you? A. Nine.

Q. Where do you live? A. In Mott Street.

Q. What number? A. 157.

Q. And did you live at 157 Mott Street in June and July last?

A. Yes sir.

Q. Who did you live with, Antonio? A. With my mother.

Q. With your mother and your father? A. Yes sir.

Q. What floor did you live on? A. On the top floor.

Q. Do you know the prisoner Pietro Leone, do you know that boy?

A. Yes sir.

Q. Where did he live? A. The next door to me.

By the Court. Q. Did he live in the same house as you?

A. The next door to me.

Q. On the same landing? A. Yes sir.

By Mr. Macdonna:

Q. In the same house? A. Yes sir.

Q. The next apartment? A. The next door to us.

Q. Do you remember on or about the 30th of June seeing him in the yard?

Objected to as leading. Objection overruled.

Exception.

A. Yes sir.

By the Court. Q. Where were you when you saw him?

A. In the closet there.

By Mr. Macdonna. Q. In the water-closet? A. Yes sir.

Q. Who was with you there? A. My two little cousins.

Q. What was the name of your little cousin?

A. Tony Morono.

Q. How old is Tony? A. Four.

Q. What was the other little cousin's name? A. Rocco.

Q. How old was Rocco? A. Three.

Q. Were they in the closet with you? A. Yes sir.

Q. Was the door of the closet closed? A. Yes sir.

Q. Was it locked? A. Yes sir.

Q. Was the key turned in it?

Objected to as leading. Objection overruled.

Exception.

A. No sir.

By the court. Q. Was there a key to the door of the closet?

A. Yes sir.

Q. Did you have the key? A. Yes sir. it was in the door, inside.

Q. Did you go down stairs to go to the closet?

A. Yes sir.

Q. Did you have a key to open it? A. Yes sir.

Q. You opened the closet and went in? A. Yes sir.

Q. And then did you lock the closet from the inside?

A. Not with the key.

Q. What did you lock it with? A. I only closed the door.

Q. But you did not turn the key in the lock? A. No sir.

By Mr. Macdonna. Q. Now when you were in there did anybody come to the door? A. Yes sir.

Q. Who? A. Pietro.

Q. The prisoner at the bar? A. Yes sir.

Q. And did he go in the closet? A. Yes sir.

Q. What did he do when he came there, when you first saw him?

A. He came in the closet.

Q. He came into the closet? A. Yes sir.

Q. Did he say anything to you? A. No sir.

Q. Did you say anything to him? A. Yes sir.

Q. Tell us what you said to him? A. I wanted to push him away and said, "go away".

Q. Did you try to push him away? A. Yes sir, and he was too strong for me.

Q. Did he take hold of you? A. Yes sir.

By the Court. Q. You told us you tried to push him out of the closet

A. Yes sir.

Q. Tell these gentlemen what you did do, just show what you did?

A. I tried to push him out of the closet, he was too strong for me.

Q. How did you push him, with your hands? A. Yes sir, he was too strong for me, he locked the door with the key and he put his hand on my mouth that I would not scream.

By Mr. Macdonna. Q. Did you see him turn the key in the door?

A. Yes sir.

By the Court. Q. Tell me what he did to you? A. He took out his privates and put it into mine.

Q. What else did he do? A. He stayed there about half an hour and then he went out.

Q. Now go on, what else? A. And then me and my two cousins went out.

Q. And when you went out where did you go to? A. I went up to my house upstairs.

Q. When you got upstairs to your house who did you see up in your house? A. Nobody, my mamma was working.

Q. Was noone in the house? A. No sir.

Q. Your mamma then was out working somewhere, is that it?

A. Yes sir.

- Q. What did you do then? A. Then my mamma -----
- Q. What time did your mamma come? A. It was twelve o'clock when my mamma came.
- Q. At dinner time? A. Yes sir.
- Q. What were you going to say about your Mamma?
- A. I did not tell my Mamma the first time because I was afraid that she would hit me.
- Q. Well, go on? A. After there was a spot on the bed.
- Q. On whose bed? A. On my bed where I was sleeping.
- Q. When was that spot, was it the same day that this thing was done to you? A. No, it was two or three days after.
- Q. And then what happened? A. There was a spot on the bed and my Mamma said, "who did that" ", and I said, "I did it." After my Mamma said how did you do that, I told her that a man hurt me.
- Q. Did you tell her who the man was? A. Yes sir.
- Q. Did you tell his name? A. Yes sir.
- Q. Now what else? A. There was nothing else.
- Q. Did your Mamma look at you and examine you?
- A. Yes sir.
- Q. Examined your clothes? A. Yes sir.
- Q. What then happened to you, was there any doctor came to see you? A. My mother brought me to the doctor.
- Q. What was the name of the doctor you were brought to?
- A. I forget the name, I do not know the name of the doctor.
- Q. Did the doctor look at you? A. Yes sir.
- Q. Did you see the doctor more than once? A. Yes sir.

Q. How many times did you see the doctor? A. I went to the doctor about one week

Q. Your Mamma took you to the doctor every day for about a week?
A. Yes sir.

Q. Did you have medicine given to you? A. No sir.

Q. No medicine? A. No sir.

Q. You know what medicine is? A. Yes sir.

Q. You did not take any physic or medicine? A. No sir.

By Mr. Macdonna. Q. Do you know where the doctor was, was it in Center Street? A. Yes sir.

By the Court. Q. Tell me this, was it after this spot was found on the bed that you went to the doctor? A. Yes sir, the next day.

Q. The next day after your mother found the spot on the bed you went to the doctor? A. Yes sir.

CROSS EXAMINED.

By Counsel. Q. Where have you been living ever since this affair happened, Sissy?

By the Court. Q. Are you with the Society now? A. Yes sir.

Q. How long have you been with the Society A. About one month.

By Counsel. Q. Where were you living at the time that you speak of?

A. The same place.

Q. What number was the place? A. No. 157 Mott Street.

Q. How long had you been living there before the 30th of June?
A. I am living there yet.

Q. How long had you been living at 157 Mott Street before the 30th of June? A. I do not remember.

Q. About the 30th of June were you taken in charge, after the 30th of June were you taken in charge by the Society in 23rd Street and Fourth Avenue? A. Yes sir.

Q. How long a time was it after this affair happened before you were brought to the doctor or do you remember?

A. It was two or three days and then Mamma brought me one week to the doctor and the doctor said I should go to the Hospital if my Mamma wanted me.

Q. Were you in the hospital? A. Yes sir.

Q. How long have you been with the Society the last time at 23rd Street? A. I was not to the Society at all but I am there now one month.

Q. Are you stopping with the Society now? A. Yes sir.

Q. How long have you been stopping there, one month?

A. Yes sir.

Q. In whose care were you placed while in the Society, do you understand what I mean, who had charge of you?

A. A lady.

Q. Do you know her name? A. Yes sir.

Q. What is her name? A. One is Bertha and one Miss Victoria.

Q. Did you have a conversation with any gentlemen while you were in 23rd Street and Fourth Avenue, did you talk with any of them? A. Yes sir.

Q. Did you talk with any of those gentlemen about this case?

A. No sir.

Q. Did any of those gentlemen ask you what had happened to you?

A. No sir.

Q. Did you tell any of the gentlemen connected with that Society, do you understand what I mean, Sissy? A. Yes sir.

Q. Did you tell any of the gentlemen connected with that Society what happened to you? A. No sir.

0500

- Q At any time? A. No sir.
- Q Did you tell anyone what had happened to you, outside of your mother?
A. No sir.
- Q. Told nobody at all? A. No sir; when the girls asked me in the Society I said that I am only a witness.
- Q. That is all you said? A. Yes sir.
- Q. Did anyone tell you to say that? A. No sir ----- in the hospital they told me so.
- Q. To say you were only a witness? A. Yes sir.
- Q. Who told you in the hospital? A. The Sisters, that I should say to the girls, if the girls asked me what I am there for, I only shall say that I am there for a witness.
- Q. Did you tell any gentleman connected with the Society in 23rd Street, you know what I mean when I say the Society?
A. Down to the office I did.
- Q. Did you tell any gentleman connected with the Society in the office, what you were there for? A. Yes sir.
- Q. Who was the gentleman? A. It was one of the officers.
- Q. Did you know his name? A. No sir.
- Q. Did you have a conversation with him about this matter, did you talk with him about this matter? A. Yes sir.
- Q. Did you tell him what happened? A. Yes sir.
- Q. What did he say to you? A. My Mamma was there too.
- Q. What did the gentleman say to you connected with the officer?
A. The officer said "you should go and look for the man."
- Q. Did you have any conversation with that same gentleman or any other gentleman connected with that office since you left the hospital?
A. No sir.

- Q. At any time? A. No sir.
- Q. None of them conversed with you, did you talk with any gentleman connected with the office since you were there this last time about this matter? A. No sir.
- Q. You know what I mean when I say, about this matter, this case in Court? A. No sir.
- Q. Did you talk with anyone about this case? A. No sir.
- Q. Not at all? A. No sir, but the office down stairs.
- Q. You mean the District Attorney spoke to you about the case, one of the District Attorneys or someone connected with the office -----how many days was it after this affair before you told your mother?

By the Court. Q. He wants to know ----- you said that the Defendant did something bad to you in the watercloset, you told us all about that? A. Yes sir.

- Q. Now how many days after the defendant did that bad thing to you did you tell your mother about it? A. I told Mama two or three days after that.

By Counsel. Q. Do you know what day of the week this was on Sissy, that the defendant did this? A. No sir.

- Q. What hour in the day was it? A. I do not remember the hour

- Q. About, as near as you can tell, I want ask the exact hour. A. I think it was about twelve, everybody was upstairs.

- Q. Was dinner ready at that hour? A. Yes sir.

- Q. Was there anybody else in the water-closet beside you at the time he done this thing to you A. No sir.

- Q. How long were you and he in there? A. About half an hour.

- Q. Do you live with your father and mother? A. Yes sir.

By Mr. Macdonna. Q. Did you understand what the gentleman just asked you? A. Yes sir.

Q. He asked you if there was anybody in there when the prisoner did this thing to you, now think that over?

A. There was my two little cousins.

By Counsel. Q. At the time that the defendant done this thing to you?

A. Yes sir.

GEORGE M. SWIFT, sworn and examined.

By Mr. Macdonna. Q. Dr. Swift, you are a regular licensed graduate and practitioner? A. I am.

Q. Are you connected with one of the hospitals in this city?

A. I am attending physician at St. Mary's Hospital for Children in West 34th Street.

Mr. Macdonna: Will your Honor allow me to examine the other doctors?

JOHN H. BYRON, sworn and examined.

By Mr. Macdonna. Q. Doctor, you are a regularly graduated physician

A. Yes sir.

Q. Practicing in this city? A. Yes sir.

Q. Are you connected with any dispensary or hospital?

A. I am connected with a dispensary and with two colleges.

Q. Are you connected with a dispensary in 137 Center Street?

A. Yes sir.

By the Court. Q. Tell the jury the name of the dispensary?

A. It is the New York Dispensary.

By Mr. Macdonna. Q. Did you on or about the 7th day of July last at that dispensary see this child Antonio Coderno?

Objected to as leading and calling for an answer as to the exact time. Objection overruled.

Exception.

A. I saw this little girl on the 6th of July.

Q. Where did you see her, Doctor? A. In the New York Dispensary, room No. 5.

Q. What is room No. 5, an examining room?

A. Room No. 5 is an office and I occupy it in the morning from nine to twelve for an unclassified general medical class of the New York Dispensary.

Q. Applicants for relief? A. All kinds of medical and surgical cases.

Q. Was he alone? A. No sir.

By the Court. Q. Who brought her, her mother? A. Her mother, a person that was called her mother.

By Mr. Macdonna. Q. Do you see her mother in Court, do you recognize her? A. I could not certainly recognize her.

Q. Did you make an examination of the child at that time?

A. I made an examination of the child that same day.

Q. What time that day? A. I could not tell you because it was a very occupied day, I had about one hundred

and fifteen patients that day and I could not remember.

Q. You examined her? A. I examined her because the

woman that came with her told me that the child had ---

Objected to.

By the Court. Q. Doctor, do you recollect the child?

A. I do recollect the child.

Q. And that child was brought to this dispensary on the 6th of July?

A. Yes sir, on the 6th day of July, I recollect it perfectly well.

Q. She was in company with a woman who represented herself to be her mother? A. Her mother.

Q. It is immaterial in what room you made the examination or what hour you made the examination but will you tell the jury if you did make an examination of the person of that child, I understood you to say you did? A. Yes sir, I did.

Q. Will you tell the Jury what examination you did make, what part of the body and what the examination you made?

A. I examined her genitals.

Q. What did you find? A. I found that they were very much irritated with purulent discharge and on account of the lack of time, as I say, because that day I had a hundred and fifteen patients to see in three hours, I told the mother to come the next day, the woman that was with the child, the woman told me she was the mother of the child.

Objected to.

By Mr. Macdonna. Q. You told her to bring her back? A. To bring her back but before doing that I took some pus out of the genitals and I put it in a covered glass to examine it.

Q. Did you examine it? A. I examined the pus.

Q. What did you find, this purulent discharge you speak of from her genitals? A. Yes sir.

Q. What did you find? A. I found in the pus gonococci.

Q. Doctor, explain to the jury what gonococci is?

A. Gonococci are the germs of an infectious discharge, it is always an infectious disease and it only comes by contagion ---- it is due to gonococci.

Q. In what particular disease of men and women is this gonococci discovered, are those germs found? A. In gonorrhoea.

Q. It has the indicated germ in it of gonorrhoeal discharge?

A. It is the characterized and only germ found as the cause of gonorrhoea.

Q. Did you see this girl again the day after? A. I saw the girl the day after when the woman brought her, and there was a man with the woman then.

Q. Did you examine her again when she came back?

A. I examined her again.

Q. Doctor, give us the result of that second examination?

By the Court. Q. Tell the jury in the first place, what kind of an examination you made? A. It is always a genital

examination, I examined her genital organs.

Q. Go on?

A. They were echymotic, very much irritated and I did not think it proper to make -----

Objected to.

Q. You found them very much irritated?

A. Very much irritated and having found the gonococci I told the mother I thought -----

Objected to.

Q. You found what?

A. That the genitals were very much irritated.

Q. What opinion did you arrive at, what was the result of your examination as to what the disease was?

A. I arrived not as an opinion but at the conviction that the girl had gonorrhoea and that this gonorrhoea could not take place without having had contact with some substance or some body that contained gonococci.

By Mr. Macdonna. Q. What did you discover as to the physical condition of her genitals besides this irritation and this discharge that you speak of?

A. I did not make an examination of that kind.

- Q. Did you examine the hymen? A. No sir, I did not.
- Q. You do not know whether it was abraded? A. Her genitals were in such a condition that they would not allow me to make any kind of an examination.
- Q. On account of what? A. Of the irritation, they were completely irritated, they were echymotic, they were in a state that I could not touch the girl.
- Q. Tell the jury what echymosis is? A. It is an effusion of blood underneath the skin, it is just what happens when a man has a black eye ----- a black eye is called echymosis, it is an effusion of blood in the meshes of the skin; and the girl was in that condition. very much irritated, echymotic and so sore that I could scarcely touch her.
- Q. What became of her after the second examination, Doctor, do you know? A. Seeing what in my opinion was gonorrhoea, an infectious case of contagious disease, I thought ----
- Q. What did you do with her, where did you send her, what became of her, did you send her to the hospital?
- A. I sent her to the Society for the Prevention of Cruelty to Children.

By the Foreman. Q. The condition of this girl was that she was very much inflamed? A. Yes sir, very much inflamed.

CROSS EXAMINED by Counsel.

- Q. How many stages of gonorrhoea are there?
- A. Well, there may be two stages of gonorrhoea, there is but one disease.
- Q. How many stages of gonorrhoea are there?
- A. Acute and chronic.
- Q. Are there not three stages of gonorrhoea?

A. I do not know that there are three.

Q. Do you recognize Duitts' Modern Surgery as a standard work?

A. No sir.

Q. What college have you graduated from? A. I am graduated in two universities.

By the Court. Q. Tell us the names of the universities?

A. I am a graduate of a University of Lima, Peru, South America.

Q. What is the name of the other university?

A. The University of Naples, Italy, 1937.

Q. How long, Doctor, have you been connected with this dispensary? A. Two years.

By Counsel. Q. What are you, a homopathic doctor or the other?

A. I am a common sense doctor.

By the Court. Q. What do you mean by a common sense doctor, do you know what homeopathy is? A. I know what homeopathy is.

Q. Do you practice homeopathy? A. No sir.

Q. Do you know what alopathy is? A. Yes sir.

Q. Do you practice that? A. No sir.

Q. What do you practice? A. I practice scientific medicine.

By Counsel. Q. Have you ever seen Duitts' work? A. No sir.

Q. Do you not know as a matter of fact that the United States government during the last war issued a copy of this work to each surgeon in the army? A. No sir, I do not know it.

Q. Do you recognize Thomas on the Diseases of Women as a standard work? A. I do not recognize it as a standard work.

Q Can you tell me what stage this girl was suffering from at the time you examined her? A. The acute stage.

Q. Was that the first, second or third stage?

A. If I tell you the acute stage it is the first stage I answer the question, it is the acute stage.

By the Court. Q. He wants to know if that is the first stage?

A. Yes, I can answer the question according to what I know, I cannot answer the questions Counsel wants me to get into, I do not recognize the first, second or third stages of gonorrhoea, I do not recognize that work either as a standard work.

GEORGE M. SWIFT recalled by Mr. Macdonna.

Q. Doctor, I believe you said you were connected with St. Mary's Hospital for Children? A. Yes sir.

Q. Did you during the month of July have this complainant in this case Antonio Cederno under your charge in that hospital? A. I did.

Q. Do you remember what time you took her under your care, Doctor? A. She was admitted to St. Mary's Hospital, July 9.

Q. You examined her, did you? A. I examined her then, yes sir.

Q. You examined her genitals? A. I did.

Q. Tell us what the examination was? A. I examined her genital organs as I was told the case came from the Society for the Prevention of Cruelty to Children and I found they were very much irritated; there was a very free secretion of pus coming from the vaginal passage and that was all.

By the Court. Q. Did you examine that pus, Doctor?

A. I did not.

Q. What was the cause of this pus, what was the disease, if any?

A. The disease apparently was what we call gonorrhoea, the appearance of the pus was satisfactory to my mind of that fact.

By Mr. Macdonna. Q. You diagnosed the case as a case of gonorrhoea?

A. I did.

Q. After examining her person and this pus ----

A. I did not make such an examination of the pus as I might, I decided the child had gonorrhoea.

By the Court. Q. You made a sufficient examination to satisfy yourself what it was? A. Yes sir, perfectly.

By Mr. Macdonna. Q. How long did you have her under treatment?

A. She was in the hospital as well as I can remember about two months, I do not remember when she was discharged.

Q. Do you know where she went after leaving the hospital?

A. I do not.

Q. And that is all you know about the case?

A. That is all I know about it .

Q. You treated her during the two months? A. I treated her during the two months.

Q. Do you know whether she was discharged cured?

A. Yes sir, she was discharged cured.

CROSS EXAMINED.

By Counsel. Q. Do you recollect about the day of the month when you examined her?

The Court: He says July 9th.

By Counsel. Q. Did you observe at that time what was the stage of

the disease? A. There was a profuse purulent discharge. One assumes that is the early part of the disease.

Q. Doctor, if you examined her on the 9th of July and this sexual intercourse happened thirty days that would be ten days.

A. Ten days.

Q. Does not gonorrhoea take effect after incubation from two to eight days generally? A. I think it is sometime within a day or two. sometimes it is within a week, it differs at times showing its periods.

Q. What is the limit, eight days? A. That I do not know.

Q. Do not the authorities lay down that as a rule that the gonorrhoea takes effect upon a person from two days after incubation to eight days? A. I think the ordinary notion is two or three days.

Q. What I mean, Doctor, is this; is not the outside limit eight days and the inside limit two days after incubation?

A. I do not think there is any limit.

Q. You recognize Duitts' work as a standard medical work?

A. I know nothing about it.

Q. You know there is such a work? A. Yes sir, I have seen the title of it.

Q. You do not know that it is sold as a standard work to medical colleges? A. I do not.

Q. Do you not know that it is used as a medical work in Bellevue.

A. I do not.

Q. Have you been to Bellevue? A. I am a graduate of Bellevue Hospital, Bellevue Hospital is not a medical school. I do not care to see the book, thank you. I was in Bellevue Hospital but I am not a graduate of Bellevue Hospital Medical

College.

Q. Cannot the gonococci be inoculated into the vagina without actual sexual intercourse with a man, that calls for yes or no?

A. I should say yes.

Q. Would not a female sometimes sitting upon a seat in a water-closet where another female had sat prior who was infected with the gonorrhoea and had left some of the gonococci after her, receive that gonococci into her system provided her vagina sat right over that?

A. Possibly.

Q. Will not a person receive the gonococci provided they wear a pair of drawers which comes in contact with the vagina?

A. Certainly it is contagious.

Q. If they sleep with another person, say a female for instance, and that female bestows any of the gonococci into the sheets or any parts of the bed and the child of the female sleeping alongside should receive some into the vagina would it not inoculate the same way as if she had actual sexual intercourse with a man?

A. Not in that way I should

not think, no sir. I suppose if any of the fluid should come in contact with the genitals of a second party I should say it might occur.

By the Court. Q. But no other way?

A. No other way.

Q. The mere fact that people sleep together would not do it?

A. No sir.

By Counsel. Q. Leucorrhoea is commonly called the whites, is it not?

A. Yes sir.

Q. Suppose a female puts her hands on her vagina in washing and cleaning herself and some of the leucorrhoea should get on the fingers and she accidentally or otherwise touched the vagina of her child, would not that inoculate into the

system of the female the gonorrhoea and the germs of the gonococci be inserted? A. Possibly with the direct contact of course.

Q. Then it does not follow as a matter of positive proof because a female has gonorrhoea that she received the gonococci from having sexual intercourse with a man?

A. No, it does not follow.

Q. Doctor, we will come down to the stages of the disease, the first stage of the disease is a sort of tickling or irritable sensation, is it not, from two to eight days?

A. Yes sir, that is the description.

Q. After eight days the time when inflammation sets in?

A. That would be ordinarily called the second stage--- inflammation is attended with discharge--- the first part is when the mucus membrane is ^{the} dry stage and there is secretion during the second stage.

Q. And then the discharge of pus that you speak of would naturally come after eight days when the work of inflammation sets in? A. It might occur earlier, as I said before.

Q. Not very often? A. I think it does occur, it depends on the virulency of the poison.

Q. Not as a rule --- when a high state of inflammation sets in is not about the second stage. A. I say it depends entirely on the virulence of the disease, it may be in two or three days.

Q. As a rule? A. No, I do not think that would be the rule.

Q. Now Doctor, in the first stage the patient notices a little itching at the orifice of the urethra, which is rather

swollen and red, with a slight serous or thin whitish discharge. Is the disease is not checked, it passes after a few days into the second or acute inflammatory stage ---- after eight days time? A Ordinarily.

Q. You did not examine the child, Doctor, as to the condition of the hymen, did you, at the time?

A. The secretion was so profuse that I could not see the hymen, I did not take the trouble.

By Mr. Macdonna. Q. In answer to the Counsel's question as to the possibility of somebody being inoculated with this gonococci did you ever hear of a case under the circumstances as described to you in his hypothetical question in your medical experience? A. I have heard that claimed by patients.

Q. But your knowledge of the history of the case did not go beyond the statement of the patient to you as to how it occurred? A. It did not.

Q. What would be the effect of the variation in temperature a lowering of the temperature on the vitality of this gonococci, suppose for instance they were exposed say, on the seat of a closet or on the bed, exposed to the outer air, would they be as vital as if they retained the temperature of the body from which they were discharged?

A. No, they would be naturally less active.

Q. But still have life? A. Yes, possibly.

Q. Did I understand you to say, Doctor, that the leucorrhoea which might come from many other things than infection contain gonococci? A. I did not say that, no sir.

Q. And when the Counsel put the hypothetical question to you that a woman with her hands filthy with the leucorrhoeal

discharge might touch somebody else it would not give them gonorrhoea? A. NO.

Q. She might infect them with the whites? A. Yes sir.

Q. An examination of leucorrhoeal discharge does not expose under the microscope the characteristics of gonococci that is found in the gonorrhoeal discharge? A. No sir.

By the Court. Q. Are they not different? A. They are different.

Q. Leucorrhoea and gonorrhoea are well defined diseases?

A. Not always; there is no always in medicine.

Q. Is it not a matter that can be easily discovered by any well informed and educated physician whether a woman is suffering from leucorrhoea or whether she is suffering from gonorrhoea?

A. It is not always possible.

Q. You examined this child, didn't you? A. I did.

Q. You examined her sufficiently to be able to give the jury an opinion? A. I satisfied myself what the disease was.

Q. Was she suffering from Leucorrhoea or gonorrhoea?

A. In my opinion she was suffering from gonorrhoea, as I said before.

By Counsel. Q. Suppose a man had sexual intercourse with his own wife and at the same time she was affected by leucorrhoea and the blood would not be in a proper state, would he not be apt to take the disease from his wife? A. He might

possibly have some slight discharge, yes,,not the gonorrhoea.

Q. Would not that complaint on the part of the husband if not attended to turn into the most dangerous and worst disease than the actual gonorrhoea itself? A. I have never

known of any such instance.

Q. Have you ever heard of such cases? A. I say I have not.

I never heard of such cases.

- Q. If a man were to come to you, Doctor, and show you that he was affected in the private parts and had all the appearance of gonorrhoea and he told you that he got that from his wife, and an examination revealed the fact that his wife had falling of the womb and that she was also suffering from the leucorrhoea severely and that you were satisfied in your own mind that she was virtuous would you not attribute that to the condition of the wife?

Objected to. Objection sustained.

- Q. Don't the medical works lay down such things having taken place?

Objected to. Objection sustained. Exception.

- Q. Doctor, can a man have sexual intercourse with a woman without effecting a breakage of the hymen? A. I think that is recognized as a fact, yes sir.

- Q. You do recognize it as a fact, having taken place?

A. Yes sir.

- Q. Do you recognize the fact that a woman may become pregnant without having sexual intercourse with a man?

The Court: Excluded.

- By a Juror. Q. In this disease in your opinion, does the length of time for a complete development depend on the amount of germs that are inuculated? A. No sir, I do not think so.

- By Mr. Macdonna. Q. One is as good as ten thousand?

A. Yes sir.

- By Counsel Q. Would the inflammation of the vagina depend upon the length of time to be wholly inflamed? A. No sir.

WILLIAM TRAVIS GIBBS, sworn and examined.

By Mr. Macdonna. Q. You are a regular graduated physician, are you?

A. Yes sir.

Q. Practicing in this city? A. Yes sir.

Q. Did you at any time subsequent to the 30th day of June of this year examine this complainant appearing in this case?

A. I examined this child on the 11th of September at St. Mary's Hospital in this city.

Q. Did you examine her genitals, Doctor? A. Yes sir.

Q. Describe to the Jury just what condition you found?

A. I found a slight mucous purulent discharge, a discharge of pus, mucous, some pus coming from her vagina, the mucous membrane covering the vagina was reddened and the hymen in my opinion, had been partially ruptured.

Q. On what was that opinion based about this partial rupture?

A. Upon the ragged condition of the edges of the hymen which had been apparently torn.

Q. From the history of the case which you received at that time, Doctor -----

A. I did not receive any history, I was ordered to examine the case.

Q. You did not receive any history? A. No sir.

Q. From that examination would you have considered that partial rupture you speak of was recent or remote?

A. Remote.

Q. How remote? A. That would be impossible to say.

Q. Fix a minimum limit?

Objected to. Objection sustained.

Q. What other conditions did you find, did you make a general examination? A. The child was in a very poor

physical condition; she was rather weak, looking rather enemic, she looked as if she had had a fit of sickness.

Q. Have you examined her recently?

A. I have not seen her since.

Q. Do you know where she went?
tal.

A. She was in the hospi-

Q. Do you know where she went from the hospital?

A. I could not say.

CROSS EXAMINED.

By Counsel. Q. The hymen may be ruptured from many causes?

A. Yes sir.

Q. The hymen may be ruptured from the effects of a fall?

A. Yes sir.

Q. Sometimes when children are running upon those roller skates and should receive a fall, would it not be liable to effect a rupture of the hymen at times?
would injure them more than that. If they did such a thing as that, if they had such a fall.

A. I think it

By the Court. Q. Some other part of the human organization would be injured also as well as the hymen?

A. Yes sir.

WILLIAM F. FLUHRER, sworn and examined.

By Mr. Macdonna. Q. Doctor, you are a regularly graduated physician practicing in this city?

A. Yes sir.

Q. Are you connected with the police department?

A. Yes sir.

Q. In what capacity?

A. Police surgeon.

Q. Did you Doctor, subsequent to the 30th day of June or on the

9th day of July examine Pietro Leone?

By the Court. Q. Have you seen that defendant before, Doctor?

A. I have seen him before

Q. Where was it? A. In the Tenth precinct Station house on the 9th day of July.

Q. He was brought there in custody? A. I do not know when he was brought in, I was summoned to examine him on that day and saw him.

By Mr. Macdonna. Q. Did you examine his genitals?

Objected to. Objection overruled. Exception.

A. I examined his genitals.

Q. What did you find, Doctor, from that examination?

Objected to on the ground that any information which he received in his professional capacity cannot be divulged.

Objection overruled. Exception..

Counsel: I offer another objection, I object on the ground that the proper foundation for proving this has not been laid.

The Court: That is overruled ----- another exception.

By the Court. Q. Now then, Doctor, go on and answer the question, you examined his genitals, did you?

A. I examined his genitals and found ----- I examined him personally.

By Counsel. Q. And professionally? A. Professionally and personally.

By the Court. Q. Go on, what did you find, Doctor?

A. I found that he was suffering from a discharge from the uretha, the discharge was a mucous and it contained pus also --- when he squeezed the uretha, four or five drops of pus came out. He also had a swelling in the right groin and this showed a mark of incision; there was a great deal

of induration about it and this was of recent standing.

Upon my questioning him he stated that -----

Objected to. Objection overruled. Exception.

By Mr. Macdonna. Q. Go on, Doctor? A. He stated that this discharge came from the intercourse that he had on March 21st with a woman, that he had been under treatment of a doctor since and this abscess in the right groin had been opened about two months previously. I then had the patient brought to my office that same evening of July 9.

By the Court. Q. You mean by that this man or the little girl?

A. No, the defendant here, I had the defendant brought to my office that evening and in my office I had him squeeze the urethra and I took the drop of pus from the end of the urethra and put it on a glass and after the proper manipulations put it under the microscope and examined it for the specific germ of gonorrhoea and gonococci and found them in abundance.

CROSS EXAMINED by Counsel.

- Q. Doctor, how old a man are you? A. I am forty-four.
- Q. You examined the prisoner as a doctor? A. Certainly not as a citizen, I examined him as a doctor.
- Q. You knew at the time that you examined him that he was the defendant in this case? A. I knew he was under arrest for some crime.
- Q. By whom had you been requested to examine the defendant? A. I was requested primarily by the sergeant in command at the station house who said it was ordered by the court.
- Q. Where was the prisoner brought to you? A. The prisoner

was brought to me from the rear room into the sergeant's room.

Q. What sort of a place, what station house?

A. This was in Mulberry Street, in the tenth precinct station house.

Q. There you examined him? A. There I examined him.

Q. You did not do anything, only went and examined him at once?

A. That is what I did.

MARIE CODERNO, sworn and examined, by Mr. Macdonna through the Interpreter.

Q. Where do you live? A. No. 157 Mott Street.

Q. Did you live in 157 Mott Street during the month of June and July last. A. Yes sir.

Q. Are you the mother of Antonia Coderno, the complainant in this case? A. Yes sir.

Q. How old is Antonia Coderno? A. Nine years old.

Q. When was her last birthday? A. She was nine years on the eve of Saint Antonia.

By the Court. Q. Can you give us the date of that?

A. Saint Antonia, that is the reason why she is called Antonia.

By Mr. Macdonna. Q. What month is the feast of St Antonia?

A. I do not remember, I remember that it is eve of St. Antonia.

Q. Her last birthday was her ninth anyhow? A. Yes sir.

Q. Do you remember hearing from your daughter about the 7th of July that she was sick? A. Yes sir.

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Q. Her last birthday was her ninth anyhow? A. Yes sir.

Q. Do you remember hearing from your daughter about the 7th of July that she was sick? A. Yes sir.

Q. How did you come to find out that she was sick?

A. The little girl told me ----

Objected to.

By the Court. Q. Ask her if she made any examination of the bed in which this child lay? A. No sir, I did not.

Q. Did she examine the child's clothes? A. No sir.

Q. Ask this woman after her daughter told her that she was sick what she did with her daughter?

A. I visited the girl.

Q. What girl did she visit that she is talking about now?

A. My little girl Antonia.

Q. What do you mean by that, is that a proper translation?

A. That is what she said, that is what she gave me.

Q. Where did she visit her? A. I visited her between her legs. (Examined, she means.)

Q. What did you find from that examination?

A. I found that she had blood.

Q. Anything else? A. Nothing more.

Q. Did you notice the bed on which she slept? A. I did look at the bed and I found blood stains on the sheets.

Q. After you discovered these blood stains on the sheets did you take her to 137 Center Street in this city, the dispensary? A. Yes sir, I did.

Q. Did you see Dr. Byron who was here on the stand today there?

A. Yes sir.

Q. Did he examine her? A. Yes sir.

Q. Did you in your conversation with your daughter hear how this thing had occurred, did she tell you? A. Yes sir, she did.

Q. After you had that conversation with her did you go to look

for Pietro Leone, the prisoner at the bar?

A. I did, sir.

Q. With your husband? A. Yes sir.

Q. Did you find him? A. Yes sir.

Q. How many days after you went to look for him?

A. One or two days afterwards.

Q. Did you find him in the same house in which you lived?

A. Yes sir.

Q. In the room in which he was living? A. Yes sir.

Q. Ask her if she knows where Pietro lived, did he lived in the same house with her?

A. Yes sir.

Q. On what floor does she live? A. The top floor.

Q. How many rooms has she got? A. Two rooms.

Q. Did Pietro live on the same floor? A. Yes sir, he lived in the opposite room to mine.

Q. That is on the other side of the hall, I suppose?

A. Yes sir.

Q. Who was living there with him, his father and mother.

A. No sir, he was living with a country^{wo}man of mine.

Q. Living with a countrywoman of hers on the other side of the hall?

A. Yes sir, just opposite.

Q. How long had he been living there? A. Two or three months.

Q. Was not you daughter taken up to St. Mary's Hospital in 34th Street?

A. Yes sir.

Q. And how long was she in the hospital there?

A. She remained there about four months.

Q. Two months all the other s say ---- did she go to see her while she was there?

A. I went to see her once and her

father went up twice.

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CROSS EXAMINED.

By Counsel. Q. Were you present in the dispensary in Center Street when the doctor examined your daughter. that is, were you in the same room? A. Yes sir.

Q. At the time he made the physical examination of your daughter? A. Yes sir I was present.

Q. How many days was that after you had been informed that Pietro had sexual intercourse was it that you took her to the doctor? A. One day and the same day.

By The Court. I presume that is one day and the day after according to this kind of translation.

By Counsel. Q. Ask her how many times she was in the dispensary with this child, twice or once?

A. I do not remember well. I have probably been there four times.

Q. What I want to know is how long was it after your daughter had told you about Pietro that you took your child to the dispensary? A. Two days afterwards.

Q. After the girl had told her? A. Yes sir.

Q. Do you know what day of the week that was on?

A. I do not remember.

Q. Do you remember whether it was on the 4th of July or before the 4th of July? A. I do not remember.

Q. Do you know what day of the week the 4th of July was on?

A. No sir, I do not know.

Q. Do you know what day of the month it was that this affair happened between your daughter and Pietro? A. She told me that it took place on a Sunday morning.

Q. Do you know what day of the week it was that she told you this matter took place between Pietro and your daughter?

A She spoke to me about it on a Tuesday morning.

- Q. Was it on the Sunday morning before that that the affair took place between her and the defendant? A. Yes sir.
- Q. How many days after she told you about this was it that you took her to the dispensary? A. It was on a Tuesday morning that I took her to the dispensary.
- Q. Do you know what day of the month that was on? A. No sir.
- Q. Do you know whether it was the latter part of the middle part of June that you took her there? A. I do not remember.
- Q. How long have you been in this country? A. Three years.
- Q. Do you live on the top floor of the house where you are now living? A. Yes sir.
- Q. Are you living in the same place now that you were then? A. Yes sir.
- Q. How many families occupy the floor on which you are now living? A. I do not remember well, probably eight or nine.
- Q. How many families ~~are~~^{was} occupying the floor at that time that your daughter spoke to you about this matter? A. I do not remember how many families lived on that floor.
- Q. Was Pietro living on the same floor or the floor underneath? A. On the same floor.
- Q. With another family A. Yes sir.
- Q. How many children have you got? A. Three children with this one four -- a baby in arms.
- Q. Did your daughter go to school at that time? A. Yes sir.

- Q. Was she at school on the day that you speak of, on Tuesday?
A. No sir, she was looking after her little sister, she was not at school.
- Q. How old was the little sister ~~was~~ she was looking after?
A. One year and a half.
- Q. Did she go to school at any time about that time?
A. No, it was since a week she had not been at school.
- By the Court. Q. For one week before that? A. She had not been to school for a week before this thing happened.
- By Counsel. Q. Had she been to school before that time?
A. Before she went to school, but since then she has not been to school more.
- Q. Was she at school on the Sunday before this Tuesday that you speak of, any kind of a school?
A. No sir, she went no place.
- Q. She stayed in the house all that Sunday, did she?
A. She did.
- Q. Did she stay in the house every Sunday? A. Yes sir.
- Q. And did she never go out Sunday to go to Sunday school or any place?
A. No sir.
- Q. Then you never sent her to Sunday school?
A. Sometimes I did.
- Q. How long ago was it since you sent her to Sunday School?
A. I do not remember.
- Q. Did she ever go to church on a Sunday? A. No sir, he is only a young girl.
- Q. How old is she? A. Nine years.
- Q. Nine years old and she don't go to church? A. No sir.
- Q. Do you go to church every Sunday? A. Yes sir.

- Q. Does your husband go?
 Objected to as immaterial. Objection sustained.
- Q. Do you know where Lione's brother lives?
 A. I do not know.
- Q. About how many people altogether were living on that floor at the time that you speak of, that is the Sunday in the month of June?
 A. She does not know.
- Q. About how many, I do not ask to specify the exact number?
 A. I do not know, I do not remember.
- Q. There are four families on the floor, are there not?
 Objected to. Question withdrawn.

VINCENZO CODERNO. sworn and examined.

By Mr Macdonna. Q. Are you the husband of the last witness?

A. Yes sir.

Q. The father of the complainant?
A. Yes sir.

Q. You live at 157 Mott Street with your family in this city and did so during June and July of this year?

A. Yes sir, three years I live in the same house.

Q. Do you remember on the 7th day of July your wife going to the dispensary with your daughter?
A. Yes sir.

Q. Did you hear at that time the cause of your daughter's illness?
A. I heard it from the mother.

Q. After you heard it from the mother did you go in search of the defendant Pietro Lione?
A. Yew, I did after hearing this.

Q. Did you know before that time where Pietro Lione lived?
A. He lived in the same house, I live next door.

Q. Did you find him next door?

A. No sir.

Q. You did not find him there?
away.

A. No sir, because he ran

Counsel: I move to strike that out.

The Court: Strike out "because he ran away".

By Mr. Macdonna. Q. Did you go to look after him?

A. Yes sir.

Q. How many days did you look for him?
three days I found him.

A. After two or

Q. Where did you find him?

A. I found him in the
house of some of his towns people in Crosby Street.

Q. Do you know the number?

A. I do not remember the
number.

Q. Was the police officer with you at that time, Officer Guin-
lan?

A. There was a cousin of mine in my company
and when I found out that he was in that house I sent him to
look for the officer.

Q. Were you there when the officer came?

A. Yes sir.

Q. Did you help the officer to arrest him?

A. I did.

Q. Did you go up to the room with the officer?

A. Yes sir.

Q. Who took hold of this boy first, the officer or you?

A. The police officer, I showed him the boy and the
police officer took hold of him.

CROSS EXAMINED by Counsel.

Q. Where do you live?

A. No. 157 Mott Street.

Q. And how long have you been living there?

A. Three years in the same house.

Q. Your little girl Antonia lives with you, doesn't she?

A. Yes sir.

Q. Was she living with you last June?

A. Always.

Q. And did you send her to school? A. Yes sir.

Q. Did she go every day? A. Yes sir, she did.

Q. Every day of her life? A. She had not been going to school for a few days because her little sister was sick.

Q. Did she stay in the house always on Sunday? .Yes sir.

Q. Never went out of the house on Sunday did she.

The Court: What has that got to do with it since she was born to the present time?

By Counsel. Q. She always remained in the house on Sunday?

A. Yes sir.

Q. She did not go to school on Sunday, did she.

A. Sometimes she went to Sunday School, the Sisters school.

Q. How often? A. When she had time she went every Sunday

Q. When was the last Sunday she did go prior to the time you speak of?

Objected to. Objection sustained.

Q. Do you work every day? A. Yes sir.

JOHN H. QUINLAN, sworn and examined.

By Mr.Macdonna. Q. Officer, you are attached to the Tenth Precinct, are you, of the municipal police of this city? A.Yes sir.

Q. Did you arrest this defendant, Pietro Lione? A.Yes sir.

By the Court. Q. Where and when? A. No.91 Crosby Street.

By Mr.Macdonna. Q. On what day? A. On July 8th.

Q. Who was with you when you arrested him? A. The father of the girl and another man.

Q. Where did you arrest him, what floor of the house?

A. July 8th.

Q. Did you have any conversation with him? A. No sir.
Mr.Macdonna: That is the case for the People.

The Case for the Defence.

Counsel for the Defendant opened the case to the Jury.

CARMINO LIONE, sworn and examined by Counsel.

through the Interpreter.

- Q. You are the brother of the prisoner at the bar?
A. Yes sir.
- Q. Where do you live, Mr. Lione? A. In Passaic, N.J.
Q. How long have you been living there? A. Three years.
Q. What business are you in. A. Fruit store.
Q. And how long have you been in business there?
A. Since the first of May of this year.
Q. Are you a married man? A. No sir.
Q. Do you remember the 30th of June last? A. Yes sir.
Q. Where were you on the 30th day of June last?
A. I was in New York.
Q. All day A. Yes sir, I went back to Jersey.
By the Court. Q. Ask him what part of the 30th of June he was in New York, what part of that day? A. I took the 6.30 train from Jersey.
Q. Did he take the 6.30 train to go home? A. To come to New York.
Q. It was in the morning that he came? A. In the morning.
Q. He took the 6.30 train for New York on the morning of the 30th of June, what time did he get to New York?
A. I arrived here after seven o'clock.
Q. Then how long did he remain in the city before he went home?
A. I went to market, I remained up to three o'clock in the afternoon in New York.

Q. Then he went home, did he? A. Yes sir.

By Counsel. Q. Who did you leave in charge of your store while you were gone?

Objected to as immaterial. Objection overruled.

By the Court. Q. Who did he leave in charge of his store that morning?

A. I left in charge of the store my brother, the defendant.

By Counsel. Q. When you went back whom did you find in charge of the store?

A. My brother.

Q. That is, you mean your brother the prisoner here?

A. Yes sir.

Q. And did you see him after three o'clock? A. He remained there all the night and he left for New York on the first of July.

Q. Was he in the store when you left on that morning?

The Court: He said he left him in charge of the store.

By Counsel. Q. Has your brother ever been arrested before?

A. Never.

Q. You know other people who know him, don't you?

A. Yes sir..

Q. What is his general character for peace and quietness?

A. He is very quiet and a very good boy.

CROSS EXAMINED by Mr. Macdonna.

Q. Do you know him to be a moral boy? A. Yes sir.

Q. You do not know him to go with girls, do you?

Objected to. Objection sustained.

Q. Do you know that when you left him on this day that you stated in your store in Passaic that he was suffering from a long standing case of gonorrhoea and had a bubo that had been cut?

Objected to. Objection overruled. Exception

A. Yes sir, I knew that he had it on for some time.

Q. Is that one of the grounds on which you base your statement that he is a boy of good character? A. Yes sir, because every man might fall into such a disease.

By the Court. Q. Ask him if his brother ever lived at 157 Mott St.

A. Yes sir, he lived at that house up to the 21st of June.

Q. What floor? A. The last floor.

Q. The last floor. does he mean that as the top floor or the bottom floor? A. I mean the top floor.

Q. Who was he living with there? A. He was boarding there.

Q. Boarding with whom? A. I know them by sight but I do not know their name .

Counsel: Now if your Honor please, I ask an adjournment until Monday morning, I am not in a physical condition to go on.

The Court: Are you going to examine the defendant?

Counsel: As it is now I do not think I will put him on the stand, I am frank to say that.

The Court: Have you got no other witnesses?

Counsel: I have, I say that in good faith as to the exact time he was in Passaic to establish the alibi; there are several witnesses.

The Court: I will let you examine any witness that you please with this understanding according to the statement you have made that this defendant is not to be examined in this case.

Counsel: I do, I will be frank to say that to you.

CARMINO LIONE recalled by Mr. Macdonna.

Q. Do you know anybody who saw your brother in Passaic on this Sunday that you speak about?

Objected to. Objection overruled. Exception.

A. If proof is required I can bring a hundred persons to testify.

Q. Give me the name of one? A. Michele Perma.

Q. Where does he live? A. No. 19 State Street Passaic

Q. Anybody else?

Counsel objected to District Attorney asking the names of his other witnesses .

A. Pellegrino Pepe.

Q. Where does he live? A. No. 19 State Street, the same place.

Q. What is the number of your place in Passaic?

A. No. 253 Main Avenue.

Q. Now then, some other name of some other witness who was there?

A. Tony Perna.

Q. Where does he live? A. No. 25 State Street, same place.

Q. Anybody else? A. Frank Doro. No. 25 State Street, same place, he boards there.

Q. Anybody else? A. Angelo Vallonenio.

By the Court. Q. Where does he live? A. No. 12 Maitland St.

By Mr. Macdonna. Q. Anybody else? A. I cannot remember at present; there are also American people that have seen him there.

Q. Give me the name of any American?

Objected to. Objection overruled. Exception.

A. I cannot give their names because they are people who come into the shop and bought fruit from me.

Q. Any other Italians than those? A. No sir.

Q. How do you know that these people saw your brother there, have you spoken to them? A. Because these do not work part of the day and they are customers of mine and they come into my shop to buy goods.

By the Court. Q. Did not he state that he left his shop and took the 8.30 train in Passaic and arrived in New York at half past seven and did not leave New York until after three --- what time of day did these men come to his store and buy goods? A. Because I left my brother in charge and these are people to whom I give credit and they pay me by the week and I found their names on the book.

Q. All these people you have named? A. Yes sir.

By Mr. Macdonna. Q. How do you know that these people saw your brother there, have you spoken to them?

A. I can answer that question by repeating that I found their names on my credit book.

By the Court. Q. Ask him since the arrest of his brother if he spoke to these men about this case?

A. Yes sir, I did, and they answered me that on that very day they had seen him.

Q. You have spoken about it to Michele Perna, to Pellegrino Pepe and to Tony and Frank Perna and Angelo Vallonenio?

A. Yes sir.

Q. You have spoken to all those people? A. Yes sir, because they know about it.

Q. When did you speak to them about it? A. I had a conversation and we spoke about it soon after he was arrested.

Q. Did you have one conversation or more than one conversation?

A. When they came to the store they always asked me about this case.

Q. Ask him to tell the jury and the court how he remembers that his brother was in Passaic on the 30th day of June, why he fixes the 30th day of June? A. I can prove it by the bill I have got here for goods. That I have bought here on that day.

By the Court. Q. He said something about the 4th of July and bannanas (showing bill to witness)?

A. I bought my goods on the 30th of June for the 4th of July.

By Mr. Macdonna. Q. That is how you fixed the 30th day of June, is it, as the day you came to town? A. Yes sir.

Q. When did you get that bill? A. Immediately that I bought the goods.

Q. On the 30th of June? A. Yes sir.

The Court adjourned.

Monday, November 9, 1901.

The Case of Pietro Lione continued.

TONY PERNA, sworn and examined by Counsel through the Interpreter.

Q. Where do you live? A. Passaic, N.J.

Q. How long have you been living there? A. Two years.

Q. What do you work at? A. I work in a woolen factory

Q. Do you know the prisoner at the bar Lione?

A. Yes sir, I do.

Q. How long have you known him? A. About two or three months.

Q. Ask him how long he knows this man? A. About two or three months, as I said before.

- Q. Does he know what month this is? A. This is the month of November.
- Q. Is it three months back he knows him? A. Yes sir.
- Q. What month did he first begin to know him? A. I saw him in the month of June last.
- Q. Do you know where he was on the 30th day of June last?
- A. He was in the store of his brother.
- Q. Where? A. In Passaic.
- Q. Do you know what street that is in? A. Main Street.
- Q. Do you know the number? A. I do not know the number.
- Q. What time in the day did you see the prisoner in his brother's store in Passaic, N.J. on the 30th day of June last?
- A. I saw him there at eight o'clock in the morning and I saw him at one o'clock in the afternoon and I saw him at nine o'clock in the evening.
- Q. Did you see him at any other time during the day?
- A. I saw him nearly all day in his brother's store.
- Q. Were you in the brother's store several times that day?
- A. Yes sir, I did go there to buy some things.
- Q. Did you see him any time after six o'clock in the morning and before one o'clock in the daytime at the store?
- The Court: He told you that he saw him at eight, at one and at nine o'clock, P.M.
- By Counsel. Q. Did you see him at any time after eight o'clock and before one o'clock in his brother's store in New Jersey on the 30th day of June last? A. I did.
- Q. About what hour did you see him before one o'clock if you know and after eight o'clock? A. I saw him at eight o'clock in the morning, one in the afternoon and nine at night.

- Q. What I want to know is were you in the store any time after eight o'clock in the morning and before one o'clock on that day in question? A. Yes sir, I was.
- Q. About how many times were you in there and how long were you in there? A. We had a talk and probably I was there for half an hour.
- Q. What time was that? A. I was there from one o'clock until half past one.

PEPE PELLEGRINO. sworn and examined, by
Counsel, through the Interpreter.

- Q. Where do you live. A. Passaic, N.J.
- Q. How long have you been living there? A. Over two years.
- Q. What do you work at? A. I work in a woolen factory.
- Q. Do you know the prisoner at the bar, Pietro Lionet? A. Yes sir, I have seen him over there.
- Q. Did you see him on the 30th day of June last? A. Yes sir, I did.
- Q. And where did you see him? A. I have seen him in his brother's store.
- Q. Where is that store? A. In Passaic.
- Q. Do you know the name of the street? A. I do not know the name of the street.
- Q. What kind of a store is it? A. Candy and fruit store.
- Q. What time did you see Pietr Lione on the 30th of June last? A. I saw him on the morning of the 30th at eight o'clock and another time I saw him at eleven o'clock.

Q. In the store? A. Yes sir.

By the Court. Q. At eleven o'clock in the morning?

A. Yes sir, eleven in the morning.

By Counsel. Q. Did you see him any other time on the 30th of June beside the two times you have mentioned?

A. I saw him some few days before the 30th of June also.

Q. In Passaic, N.J. A. Yes sir, in Passaic.

Q. Did he see him at any time during the 30th of June in his brother's store? A. I did not see him any more that day.

Q. Was he attending to his brother's store? A. Yes sir.

Q. In the brother's place? A. Yes sir.

CROSS EXAMINED.

By Mr. Macdonna. Q. What day of the week was the 30th of June?

A. Friday.

Q. You work in a woollen mill? A. The Butte Mill.

Q. Ask him does he work in the mill? A. I worked at the Butte Mill and now I am working somewhere else.

Q. Where were you working the 30th of June?

A. I was working outside, I was not working at the mill that day.

Q. Where was he working? A. I was working outside laying some pipes.

Q. Where, what street in Passaic was he working?

A. In Passaic, I don't know the name of the street.

Q. He lived two years in Passaic, has he? A. Yes sir, I only know the name of the street where I live, I don't know the names of the other streets.

Q. What is the name of the street you live in? A. In State St.

Q. In two years that is the name of the only street you know?

A. That is the only name that I know.

Q. How far from 258 Main Street, the store of Leone, was he working?

A. Probably two or three blocks.

Q. What time did you go to work in the morning?

A. I did not work on the 30th of June, I did not go to work.

Q. You did not work at all that day?

A. No sir, I did not.

Q. Then your statement that you did not work in the mill but you were working on the street is untrue, repeat that to him.

A. I was not working, I was discharged that day.

Q. What time that day were you discharged?

A. At the very morning, I did not go to work that day.

Q. Discharged in the morning?

A. I was discharged on the morning of the 30th of June.

Q. How often have you spoken to Pietro's brother here about this case, about what you would testify to here?

A. I only saw him the 30th of June and I saw him a few days before but I have not seen him since.

Q. How often have you spoken to the brother of Pietro, this man here about this case?

A. I have never had any conversation about this case with the brother.

By the Court. Q. Ask him what is the name of the boss he worked for in this mill?

A. Mr. Keko.

Q. When did he work in the mill last?

A. I do not remember the date I left the factory.

Q. Why?

A. I cannot keep everything in my head.

Q. How many days was it before the 30th of June?

A. It was a big long time.

- Q. How long? A. Probably about a month.
- Q. He does not know what month it was, does he? A. I do not.
- Q. And how long has he been working laying down the pipe?
- A. I worked at the pipes about four months and I am still working.
- Q. I thought he said he was discharged on the 30th of June?
- A. I worked before and I worked afterwards.
- Q. When did he go back to work. He was discharged on the 30th of June, what day did he go back to work?
- A. I remained sometime without having any work to do.
- Q. How soon after the 30th of June did he go back to work?
- A. I do not remember.

By Counsel. Q. When you state you were discharged from work on the 30th of June do you not mean to say that you were discharged from work on the street that morning, just put that question in that way. A. The work was stopped and I remained for a short time without doing anything and then I commenced again; after that time I have been a long time without doing any work.

- Q. When he says he was discharged on the 30th of June does he mean he was discharged from work on the street that morning or from the mill? A. From laying the pipes I was discharged.

By a Juror. Q. When you state you had no conversation with the brother, how do you remember that?

A. I remember it because on that day I paid my board.

By Counsel. Q. Do you pay your board on the 30th of June or the last day of the month or how often do you pay your board?

A. I pay my boarding rent only once a month.

- Q. You mean you occupy a room? A. Yes, and I pay two dollars a month for it.
- Q. The District Attorney asked you did you have any conversation with Mr. Lione's brother about this case at any time. now think for a moment whether you had or not any conversation with Lione about this case? A. No sir.
- Q. Do you recollect you had a conversation with me in the office about the case? A. Yes sir, I came to your office and had a conversation with you about this case.
- Q. Mr. Lione was there, wasn't he? A. Yes sir, he was.
- Q. Do you remember Mr. Lione speaking to you in Italian about the case? A. Yes I do.
- Q. Do you not remember after Lione spoke to me you put the question in English, you answered yes or no about the case? A. I answered the best way I could.
- Q. Then you did have a conversation with Mr. Lione about the matter? A. Yes sir, I have had conversation that day .
- Q. Were you not brought to my office for the purpose of conversing with me in regard to the case? Question withdrawn.

FRANCO DORO, sworn and examined by Counsel,
through the Interpreter.

- Q. Franc, where do you live? A. Passaic, N.J.
- Q. What is the name of the street where you are living? A. State Street.
- Q. Do you know Pietro Lione, the prisoner at the bar? A. Yes sir.
- Q. How long have you known him? A. About four or five months.

Q. Did you ever see him in Passaic, N. J.

A. Yes sir.

Q. Did you see him there on the 30th day of June last?

A. Yes sir, I saw him on the morning of the 30th at six o'clock.

Q. Did you see the prisoner Pietro Lione in Passaic, N.J., on the 30th day of June last?

A. Yes sir, I did.

Q. Where did you see him on that day?

A. I saw him there in his brother's store.

Q. Do you know what he was doing in the store?

A. His brother was absent and he was in charge of the store selling the goods.

Q. Did you see him any other time except six o'clock that day?

A. I saw him at night at nine o'clock.

Q. You did not see him any time from six in the morning until nine o'clock at night?

A. As I worked that day I

saw him in the morning before I went to work and I saw him at night after I finished my work.

By Mr. Macdonna. Q. Ask him this question exactly as I put it to you, have you arranged with the brother of Pietro Lione about testifying here?

A. No sir.

Q. Have you ever talked to him about what you were going to testify to here?

A. No sir.

Q. Did you ever speak to anybody?

A. No sir.

By Counsel. Q. When you say never talked, did you and Mr. Lione have a conversation, that is, did you tell Mr. Lione what you knew about the case, put the question in that way?

A. Yes sir, I did.

Q. Then you told him that you saw him there in the store did you, you told the brother?

A. Yes sir, I did.

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MICHAEL PERNA; sworn and examined by Counsel,
through the Interpreter

Q. Michael, where do you live? A. Passaic, N.J.

Q. How long have you been living there? A. Eighteen
months.

Q. What do you work at? A. I work in a woolen factory

Q. Do you know the prisoner Pietro Lions? A. Yes sir,
I do.

Q. How long have you known him? A. I have known him from
the 23rd to the 30th of last June when I saw him in Passaic.

Q. Did you see him in Passaic on the 30th day of June last?
A. I did.

Q. And did you see him at any time before the 30th day of June
last? A. I have seen him on the 25th and on the
27th.

By the Court. Q. What time did you see him on the 30th of June?
A. I have seen him between twelve o'clock and nine
o'clock in the evening.

Q. You saw him on the 27th? A. I have seen him on the
27th of June and also on the 25th.

By Counsel. Q. When you saw him on the 30th of June what was he
doing? A. He was in charge of his brother's
store, his brother had left for New York.

Q. Did you see him at any time before twelve o'clock on the
30th day of June? A. I did.

Q. What time? A. Nine o'clock.

Q. Were you in conversation with the prisoner in his store?
A. Yes sir, I did, I bought some goods from him.

CROSS EXAMINED by Mr. Macdonna.

Q. What time on the 30th of June did you see him?

A. I saw him at nine in the morning.

Q. Do you remember seeing him on the 27th of June?

A. Yes sir, I remember I saw him on the morning of the 27th.

Q. Do you remember what hour in the morning it was?

A. At six o'clock when I was going to my work.

By the Court. Q. Where?

A. To the woolen factory where

I worked.

By Mr. Macdonna. Q. When you saw him on the 25th of the month do you remember what hour that day it was you saw him?

A. I do not know precisely the hour but I know it was before noon.

Q. Do you know Pepe Pellegrino?

A. Yes sir.

Q. Does he work in the same factory with you, in the woolen factory?

A. No sir, he does not.

Q. Has he ever worked there with you?

A. Yes, he worked

there some time ago and he was turned out.

Q. What was he turned out for?

A. Because the boss

did not like his work.

By the Court. Q. Ask him how long he has worked himself in this factory?

A. I worked for fifteen months in the

same place, in the same factory.

Q. Is he working there now?

A. Yes sir.

Q. Was Pellegrino working there at the time that he worked?

A. Yes sir.

Q. What time was Pellegrino turned out as he says?

A. To the best of my recollection it was in the month of May that he was turned out.

- Q. What was he doing after the month of May? A. He went to work with the shovel in cutting out and opening trenches.
- Q. Ask him what kind of a day the 30th of June was?
A. It was on a Tuesday and it was a fine day.
- Q. You are sure about that? A. I am positive it was on a Tuesday and a fine day.
- Q. It did not rain that day at all? A. It was a fine day and it did not rain at all.
- Q. Ask him if he saw Mr. Lione the brother of the prisoner that morning, the 30th of June? A. Yes sir, I did..
- Q. What time did you see him? A. No sir, I did not see the brother because he left Passaic for New York at six o'clock in the morning.
- Q. He knows that, does he? A. Yes sir, I am positive.
- Q. Did he see him go? A. Yes, I did see him go.
- Q. You did see him go at six o'clock in the morning?
A. Yes sir.
- Q. Where did he see him? A. I was leaving my house to go to my work when I met him on his way to New York.
- Q. And he talked to him? A. I only said, good morning, and he told me that he was going to New York.
- Q. That was six o'clock in the morning? A. Yes sir.
- By Mr. Macdonna. Q. What time did you go to work in this factory?
A. Half past six and we commenced working at seven o'clock.
- Q. Did you commence working at seven o'clock on the morning of the 30th, this fine Tuesday? A. I did not work on the 30th of June, I was sick.
- Q. You were sick A. Yes sir.

Q. He got up and was going to his work and he met this man going to the station, where did he get sick after he met Lione the brother going to New York? A. I did not mean to say that I was going to work but I said I was standing opposite the house where I live.

Q. What ailed you, what was your sickness?

A. I had pains in my stomach.

Q. It did not prevent you from getting up at the usual hour, did it? A. Yes sir, I did get up, I did not like to remain in bed and I went and had a glass of whiskey.

By Counsel: Q. What time was it you say you saw the prisoner in the brother's store? A. Nine o'clock.

Q. When did you next see him? A. I saw him at noon.

CARMINO LIONE recalled by Counsel.

Q. Was your brother stopping with you prior to the 30th day of June in Passaic, N.J.? A. Yes sir.

Q. With you all the time for some time past? A. The 21st of June to the first of July.

Q. He stopped with you? A. Yes sir.

Q. Could he have come to New York at any time without your knowing it?

Objected to.

Question withdrawn.

Q. Did you see him all the time from the 21st of June up to the time you speak of? A. Yes sir.

Q. Do you understand what I say? A. I do not understand you.

Q. Did you see your brother all the time or most of the time from the 21st of June up to the 30th of June, the time you

testify to . . . Yes sir, I had him in my store all day.

Q. What I mean, did your brother stop with you from the 21st of June up to the 30th of June, the time you testified to?

A. He stopped in my house and lived with me up to the morning of the first of July.

Q. Did he stay with you all that time if you know?

A. Yes sir.

By Mr. Macdonna. Q. Do you know that he did not come to New York

from the 21st until the first of July? A. He came on the morning of Sunday, the 28th of June to go and see the doctor.

By the Court. Q. He said a minute ago that he was living with him from the 21st of June to the first of July?

A. He came to New York on the 28th of June to see the doctor in the morning and became back right away. returned about noon.

By Mr. Macdonna. Q. You were present in the Police Court when your brother was arraigned, were you not?

A. Yes sir, at the Tombs Court.

Q. Do you remember your brother swearing that he was not diseased and that he wanted to be examined at once, yes or no?

Objected to. Objection overruled. Exception.

A. No sir, I do not remember.

Q. Do you remember having a conversation with anybody in that Court on that day and saying it was too bad?

Objected to. Objection overruled. Exception.

A. Yes, I have had a conversation with somebody there.

Q. Did you say anything to Mr. Wilson?

The Court: Ask him the specific question.

By Mr. Macdonna. Q. Did you say anything to Mr. Wilson about your brother having been with you on the 30th of June and before the 30th of June? A. No sir, I did not.

Q. Did your brother sleep in your house from the 21st of June until the first of July? A. Yes sir, he slept with me.

By the Court. Q. In the same bed? A. Yes sir.

Counsel: That is the case.

Rebutting Evidence.

JOHN SALVANO, sworn and examined by Mr. Macdonna.

Q. Where do you live now? A. 154 Baxter Street.

Q. Did you during the month of June of this year and of July live at 157 Mott St. in this city? A. Yes sir.

Q. Do you know this defendant? A. Yes sir.

Q. Was he your bed companion at 157 Mott Street in this city? A. Yes sir.

Q. During the month of June and July? A. Yes sir. June and July.

Q. Do you remember having a conversation with him some few nights before the 4th of July last? A. Yes sir.

Q. What was said during that conversation?

Objected to that the time of day or night has not been placed. Objection overruled. Exception.

A. I do not remember the date exactly.

By the Court. Q. What, if anything, did the defendant that boy sitting there say to him?

Objected to. Objection overruled. Exception.

A. He slept with me in the same bed; he said one night

that he came home and we were talking he says, "something has happened to me to-day". I asked him what had happened to him and he says, "a young girl came near me in the bed and I have done her."

Q. Done what? A. That he had sexual intercourse with her.

By Mr. Macdonna. Q. How many days before the 4th of July was it that you had this conversation. A. I do not remember but it was before the 4th of July.

Q. Many days? A. A few days before.

Q. Before the night that you had this conversation with him had he been sleeping with you every night in the same bed?

A. Yes sir, every night we have been sleeping together for at least three or four months.

Q. At any time during the four months has he been away for eight or nine days? A. I cannot say, he might have been absent but I do not remember.

Q. Was he nine days before the night of this conversation?

A. No sir, he was not, we have always slept together.

By Counsel. Q. Do you know how long a time was it before the 4th day of July that you had this conversation with Pietro Leone.

A. I do not.

Q. It might have been a month? A. I cannot say because I do not remember.

Q. But you do know that he was away from you for eight or nine days at one time? A. I do not know, I cannot say this because I do not know it.

By a Juror Q. When did the defendant leave the house in New York?

A. I cannot remember, I do not know, it is sometime since he left the house.

Q. Ask him if he is still friendly with him?

A. Certainly we have been friends and we are still friends.

AUGUSTINE J. WILSON, sworn and examined by

Mr. Macdonna.

Q. What is your business, Mr. Wilson? A. An officer of the New York Society for the Prevention of Cruelty to Children.

Q. Did you arrest this defendant Pietro Leone?

A. No sir, I had charge of the case in the Tombs Court.

Q. You had charge of the case when it came up in the Tombs Court? A. Yes sir.

Q. You were present when he was examined on the 10th of July last? A. Yes sir.

Q. You speak Italian? A. Somewhat.

Q. Did you have any conversation on that day with the defendant?

A. Yes sir.

Q. Let us have it, tell us what it was. This was after he was arraigned charged with this crime, was it?

By the Court. Q. I suppose, Wilson, this man was arrested by a police officer as far as you know? A. Yes sir.

Q. And he was brought before the Magistrate at the Tombs Police Court? A. Yes sir.

Q. And you, as agent of the Society, seeing it was a case in which a child was involved, you took charge of the case in behalf of the Society, is that right? A. Yes sir.

Q. And that was the commencement of your connection with it?

A. Yes sir.

Q. This man was charged, was he not, in the Police Court with rape on this child? A. Yes sir, with rape.

- Q. After that charge was made in the Police Court did you have any conversation with the defendant? A. Yes sir.
- Q. And that was on the 10th of July? A. Yes sir.
- Q. You can state to the Jury what that conversation was?
 Objected to. Objection overruled. Exception.
- Q. Go on and state the conversation between you and the defendant, what he said to you and what you said to him?
 A. In the presence of the interpreter of the Court and several others I told the defendant -----
 Objected to.
- Q. You can go on? A. I told the defendant that the child present had made a very serious charge against him, viz., that of having had sexual intercourse with her and of her being diseased, and that I was about to ask him a question or two, that he need not answer anything; that he need not say a word to criminate himself. I said, the child says that you have had sexual intercourse with her and she is diseased. If you are not diseased, so much the better for yourself; if you are, that is your own matter. If you would like to be examined by a physician you can so state.
 He said, he would like to be examined, he wished to be examined by a physician. That was made known to the justice, Justice O'Reilly I believe was sitting ---- and made plainly known to himself, and the Judge ordered his medical examination by the doctor, I believe by Dr. Fluhrer. The brother was present and asked if anything could be done? I think I told him the best thing for him to do was to get a good lawyer.
- Q. Was this in the presence of Lione? A. Yes sir,
 he was standing at the bar; the best thing to do was to get

a good lawyer. that he would need one; he said it was too bad, he did not think that of him and he shook his head; I think he supposed he would be sent to Elmira.

Counsel: I move to strike that out.

The Court: Strike that out.

By the Court. Q. You told him the best thing he could do was to get a good lawyer? A. Yes sir.

Q. He thereupon got Counsellor Coleman?

A. I believe not in that court.

By Mr. Macdonna. Q. Did the brother of Lione say anything to you about his having been in Passaic with him?

A. No sir, not a word.

Q. And did Lione himself when you told him of the charge of dis-easing this child, did he say anything to you directly as to whether he was diseased or not? A. He said he was not.

Q. He said he was not? A. No sir.

CROSS EXAMINED by Counsel.

Q. At the time that you and Lione had this conversation where were you and he standing at the time, I mean the brother?

A. Right at the bar or at the outer rail dividing the prisoners.

Q. Was that in the Tombs Court? A. In the Tombs Court right at the railing dividing the audience from the prisoners.

Q. You mean the outer rail altogether? A. Yes sir.

Q. You were on the outer rail, were you not?

A. It was the railing corresponding to that, dividing the audience.

- Q. And the prisoner was on the inside? A. Yes sir.
- Q. Away from his brother? A. Yes sir.
- Q. Was the prisoner leaning up against the middle of the rail at the time? A. No sir, he was leaning against the same rail where the prisoners usually stand.
- Q. And did you speak in Italian or in English? A. I spoke in English to the brother.
- Q. And you have stated the conversation that you and he had at the time? A. Yes sir.
- Q. Do you recollect having charge of a case here last summer and a little girl testifying that you took her to dinner and instructed her what to say when she came back? Objected to. Objection sustained.

PASQUALE DIFORTUNA. sworn and examined by

Mr. Macdonna through the Interpreter:

- Q. Do you know the defendant Pietro Lione? A. Yes sir.
- Q. Have you ever seen his handwriting? A. Yes sir. I did.
- Q. You know it? A. I believe that I could.
- Q. Do you know Arneste Mazio? A. Yes sir.
- Q. An acquaintance of the defendant Lione? A. Yes sir.
- Q. Did Arneste ever show you a letter signed by Pietro Lione? Objected to. Question withdrawn.

Mr. Macdonna: That is the case.

Counsel: I ask your Honor to advise the jury that they cannot convict of either rape or attempt at rape for the reason that there is not sufficient evidence of penetration.

The Court: Refused. Exception.

The jury rendered a verdict of guilty.

0654

Testimony in
the case of
Pietro Leone

Filed July
1891.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Pietro Leone

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

indictment, accuse *Pietro Leone* —

of the CRIME OF RAPE, committed as follows:

The said *Pietro Leone*. —

late of the City of New York, in the County of New York aforesaid, on the *thirtieth*
day of *June* — in the year of our Lord one thousand eight hundred and
ninety- *one* , at the City and County aforesaid, with force and arms, in and upon
a certain female not his wife, to wit: one *Antonia Rodamo*. —

— then and there being, wilfully and feloniously did make an assault, and her
the said *Antonia Rodamo* , then and there, by force and with violence to
her the said *Antonia Rodamo* , against her will and with-
out her consent, did wilfully and feloniously ravish and carnally know, 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 *Pietro Leone* —

of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-

mitted as follows:

The said *Pietro Leone*. —

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 a certain female not his
wife, to wit: her the said *Antonia Rodamo* , then and there being,
wilfully and feloniously did make another assault with intent her the said *Antonia*
Rodamo , against her will and without her consent, by force and violence, to then
and there wilfully and feloniously ravish and carnally know, against the form of the Statute in
such case made and provided, and against the peace of the People of the State of New York and
their dignity.

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *Pietro Leone* —
of the CRIME OF RAPE, committed as follows:

The said *Pietro Leone*, —

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 a certain female not his wife, to wit: her the said *Antonina Codomo*, then and there being, wilfully and feloniously did make another assault, and an act of sexual intercourse with her the said *Antonina Codomo*, then and there wilfully and feloniously did commit and perpetrate, against the will of the said *Antonina Codomo*, and without her consent; 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.

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further
accuse the said *Pietro Leone* —
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *Pietro Leone*, —

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 a certain female not his wife, to wit: her the said *Antonina Codomo*, then and there being, wilfully and feloniously did make another assault, with intent an act of sexual intercourse with her the said *Antonina Codomo*, against her will and without her consent then and there wilfully and feloniously to commit and perpetrate, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

~~DE LANCY NICOLL, District Attorney.~~

Sixth COUNT:—

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

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTER-
COURSE WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS,
NOT HIS WIFE, committed as follows :

The said Pietro Leone,

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 a certain
female not his wife, to wit: her, the said Antonina Paderno,
then and there being, wilfully and feloniously did make another assault, she, the said
Antonina Paderno, being then and there a female under the
age of sixteen years, to wit: of the age of seven — years; and the said
Pietro Leone, — then and there
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said
Antonina Paderno — , against the form of the
Statute in such case made and provided, and against the peace of the people of the
State of New York and their dignity.

John R. Fellows
JOHN R. FELLOWS, District Attorney.