

0452

BOX:

454

FOLDER:

4177

DESCRIPTION:

McDermott, Thomas

DATE:

10/19/91



4177

POOR QUALITY
ORIGINAL

0453

Counsel,
Filed 19 Oct 1891
Pleads, *Maguelly 20*

THE PEOPLE

DS.

Thomas McDermott

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

James McDermott

Oct 27/91

Foreman.

James H. Miller

S.P. 9 yrs - P.B.M.

Mary Corcoran

Margaret McDermott

R A P E.
(Sections 278 and 218, Penal Code.)

POOR QUALITY
ORIGINAL

0454

Police Court 2 District.

City and County } ss.
of New York.

Mary Corcoran
of No. 402 West 41st Street, aged 16 years,
occupation housework being duly sworn, deposes and says,
that on the about 8th day of September 1891, at the City of New
York, in the County of New York,

And many times since
almost daily, Thomas J. Mc Dermott
(now here) who is deponent's step father, did
commit the crime of rape upon deponent,
person and forcibly ravish her, and
have sexual intercourse with her against
her will. Deponent was left alone
with the Defendant at their residence
at No 402 West 41st Street, and
the Defendant forcibly seized deponent
and prevented her outcry by placing
his hand over her mouth, and he
forcibly held deponent while he performed
such acts of sexual intercourse, and
he frequently threatened to murder
deponent if deponent should make
any outcry or expose his crime. The
Defendant repeated the same offense
this day about the hour of 11 o'clock
A.M. at No 402 West 41st Street, where
deponent lives; and he then and there
had sexual intercourse with deponent,
using violence and threats. Deponent
then as soon as she got an opportunity
went to the Station house of the 20th
Precinct and made complaint ^{against} the
said Defendant. The only reason deponent
has not made complaint before now
on account of defendant's threats.

SWORN TO BEFORE ME

THIS 13 DAY OF

October 1891

POLICE JUSTICE.

Mary Mc Dermott

POOR QUALITY
ORIGINAL

0455

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Thomas J. Mc Dermott

Question. How old are you?

Answer. 28 years

Question. Where were you born?

Answer. U.S.

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

Answer. 402 West 41st - 7 years

Question. What is your business or profession?

Answer. All sorts of work

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

Answer. I am not guilty

Thomas J. Mc Dermott

Taken before me this
day of October

1889

Police Justice.

[Signature]

POOR QUALITY
ORIGINAL

0455

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

By Oct 14/18
of 200.00 bail
J. H.

Police Court District.

13/10

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary Ciccarone
H. 2. 27 4/18
James J. Mc Dermott

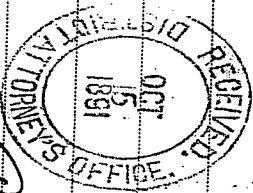
Offence

Rape

Dated Oct 19 1882

Magistrate
J. H. Sawyer
Officer
J. H. Sawyer

Witness
Margaret M. McDermott
H. 2 West 41
Street



No. _____
Street _____
to answer

Com

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

Thomas J. Mc Dermott

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

Dated Oct 19 1882 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0457

Name and Cell No. of Writer.

Thomas M. C. Bennett
Cell 293

Full Address of Letter.

Judge Martineau
Lawrence Street, N.Y. City

Rules for Guidance of the Friends of Prisoners.

Letters should be confined to family or business matters. Put name and date of sentence on envelope. Daily, weekly sensational, immoral and political papers or books not allowed. Visits permitted once in two months; no visiting on Sundays or Holidays. Articles of cooked or prepared food, not exceeding 100 lbs., allowed once in two months. Tea, coffee, or chocolate not allowed. Tobacco, underclothes, etc., may be sent at any time. Boxes and packages, by express, must be plainly marked with name and date of sentence of prisoner, and prepaid.

Sing Sing Prison, N.Y., Nov. 20, 1892.

Hon. Judge Martineau
Dear Sir

I received your kind letter in answer to mine. I do not think you fully remember my case when sentence was pronounced by you on me, you spoke in very severe terms for which of course you were justified in which the case was presented to you. Well, I am sure if I had spoken at the time or had chance to explain my case in all its bearings you would have been more lenient towards me. There is much more than I have already told you in my former letter. This girl + her mother were influenced against me by two other women by the name of Smith + Gilhooly + I hope if you make inquiry you will not allow their opinions to influence you against me. I do not

POOR QUALITY
ORIGINAL

0458

expect anything to be done for me at the
present time. But trust that when a favorable
time comes for me to write to the Governor
that you will have looked into + considered
my case + do whatever justice in your
power for me. I hope you will pardon my
annoyance to you in writing so much but
I have not a friend in the world to do any
thing for me. The address of my former
Employer may be found of Louis Post 539. I have
his name is Jacob Brewer Again Hoping you
will ^{excuse} me for bothering you I am

Respectly

Thomas McBurnett
Sing Sing Prison

Dec 9 93. Sentenced Oct 27/1891

ny.

POOR QUALITY
ORIGINAL

0459

Thomas
Mc Dermott

filed Oct 7/91

POOR QUALITY
ORIGINAL

0460

Name and Cell No. of Writer.

Thomas M. Cerny
Cell 293

Full Address of Letter.

Judge Martin
Criminal Sessions Court
New York City

Rules for Guidance of the Friends of Prisoners.

Letters should be confined to family or business matters. Put name and date of sentence on envelope. Daily, weekly, sensational, immoral and political papers or books not allowed. Visits permitted once in two months; no visiting on Sundays or Holidays. Articles of cooked or prepared food, not exceeding 100 lbs., allowed once in two months. Tea, coffee, or chocolate not allowed. Tobacco, underclothes, etc., may be sent at any time. Boxes and packages, by express, must be plainly marked with name and date of sentence of prisoner, and prepaid.

Sing Sing Prison, N.Y., Oct. 23, 1892.

Hon. Judge Martin
Dear Sir-

I am writing stating making an appeal to the Governor for a reduction of my sentence but before doing so I ask you to explain my case in a truthful & exact manner in which way I was guilty when brought before you I was so overwhelmed & not having any legal advice I did not know what to say. my story will stand investigation also my character I plead guilty before you on Oct 27th/91 for criminal assault upon the person of Mary Corcoran & sentenced to 9 years. When I first met the mother of Mary Corcoran in 1879 or 80 about a year from that time we went to live together although I asked her to marry me she did not do it her daughter Mary was then going on 8 years old we lived together up to the time I was arrested for the assault on her daughter I always worked

POOR QUALITY
ORIGINAL

0461

+ was a moderate drinker. The daughter
slept in the same bed with me + always
foolish with me. The first time I did anything to
her was in June 1891 she lay in bed + began fooling
with me she took hold of my privates + asked what
this was + what that was + got pushing against me
she put her arms around me + then I did what
I ought not to have done. This was the first time but
after that she used to lay with me often + some
times she was more anxious than I was she often
in the presence of her mother would lift up
her clothes + show her limbs + say look at that
ain't it a good one she would very often want
to go down stairs to see an other woman + I would
object to it. she would then say, let me go down
stairs + I will do that now I was not the first
one that had connections with her - as I would
naturally know. But I cannot prove who was
the morning she had me arrested I had
been out looking for work when I came home
the girl Mary was drunk + vomiting I asked
her what was the matter she gave me a

short answer + then I beat her after awhile
I sent her for the morning paper + instead
of getting the paper she went to the Station
House + had me arrested. now your Honor I
know I did wrong but I was weak + was
tempted instead of being the tempter + am sure
if you had known the facts as they are here
you would have been more lenient with me
I am a young man + have a life before me
+ this has been a terrible lesson to me I know
I deserve to be punished but I think you will
admit that my sentence is rather heavy under the
circumstances I always supported them both
I have not a friend in the world to look
after my interest. now as to the girl being
drunk I can refer you to witnesses who saw her
they are William Herdes who drives a 6th floor car
+ the other is Joseph Bence 575 St. 48th St. You
can refer to Mr Bence as to my Character
+ to the neighbors in the vicinity of my
home your Honor - I write you this that
you may investigate + if you think that

POOR QUALITY
ORIGINAL

0462

I am worthy of any leniency at the hands
of the Governor - that you will kindly use
what influence you can in my favor - I
think the girl was influenced to have me
arrested by an other woman in the house
who did not like me because I come to see
let Mary go down to clean up her room for
her & where they were drinking your Honor
I hope you may know of it & that this
may act in my favor I am very

Respect

Thomas M^{rs} Bennett
Sentenced Oct 27th 1891 for
Criminal Assault upon
Mary Brennan

POOR QUALITY
ORIGINAL

0463

Police Department of the City of New York.

Precinct No. 28

New York Oct 13th 1891

I hereby certify that
I have this day examined
Mannie Goodman of 402
W-41 St. and find no
evidence of present
violence, nor do I
find any person present
of J. J. Decker
Surgeon of R. D. D.

35 W-49th

POOR QUALITY
ORIGINAL

0464

496

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas McDermott

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Thomas McDermott*
of the CRIME OF RAPE, committed as follows:

The said *Thomas McDermott*,
late of the City of New York, in the County of New York aforesaid, on the *thirteenth*
day of *October*, 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 *Mary Donovan*,
then and there being, wilfully and feloniously did make an assault, and her
the said *Mary Donovan*, then and there, by force and with violence to
her the said *Mary Donovan*, 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 *Thomas McDermott*
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said *Thomas McDermott*,
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 *Mary Donovan*, then and there being,
wilfully and feloniously did make another assault with intent her the said *Mary*
Donovan, 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 Thomas McDermott
of the CRIME OF RAPE, committed as follows:

The said Thomas McDermott
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 Mary Donovan, then and there being, wilfully and
feloniously did make another assault, and an act of sexual intercourse with her the said
Mary Donovan, then and there wilfully and feloniously did
commit and perpetrate, against the will of the said Mary Donovan,
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 Thomas McDermott
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-
mitted as follows:

The said Thomas McDermott
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 Mary Donovan, then and there being,
wilfully and feloniously did make another assault, with intent an act of sexual intercourse with
her the said Mary Donovan, 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 LANCEY NICOLL, *District Attorney.*

0466

BOX:

454

FOLDER:

4177

DESCRIPTION:

McGee, Peter

DATE:

10/16/91



4177

0467

BOX:

454

FOLDER:

4177

DESCRIPTION:

McGee, Peter

DATE:

10/16/91



4177

POOR QUALITY
ORIGINAL

0468

Witnesses:

Saul L. Bensusan

This appears to be the
first offense of deft.
I believe he was
imprisoned under
the influence of liquor
at the time of the
occurrence. I re-
commend the acceptance
of plea of Petit Larceny
Oct 23/91 McDavies
answ

Counsel,

Filed

16 day of

1891

Pleads,

THE PEOPLE

32 vs.

168 vs.

Grand Degree.
Penal Code.]

Grand Larceny.
[Sections 828, 88/

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

[Signature]

Foreman.

Panel 3 - October 23/91.

Pleads - Petit Larceny

Pen bond.

POOR QUALITY
ORIGINAL

0469

Police Court

District.

Affidavit—Larceny.

City and County } ss:
of New York,

Samuel L. Bennett

of No.

159 Prince
Driver

Street, aged 32 years,

occupation.

deposes and says, that on the 10 day of October 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

A quantity of woollen
cloth of the value of Thirty Six Dollars
\$36 -

the property of J. Rosengweig of 65 Ludlow Street and
in deponent's care and charge

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 Peter Mc Kee (now here) for the reason
that on the above date the above described
property was in deponent's truck in Crosby Street.
Deponent is informed by John Ballard that he
saw the defendant later, steal and carry away
the said property and that he further told the
defendant not to take the said property.
Ballard further informs the deponent that the
defendant Mc Kee carried the aforesaid cloth
into Jersey Street where deponent found the
same and identified it as the property that
was in his care and charge. Wherefore deponent
charges the said Mc Kee with the larceny of the
same and prays that he may be held to answer.

S. L. Bennett

Sworn to before me, this

19th

day

1891

Police Justice.

POOR QUALITY
ORIGINAL

0470

CITY AND COUNTY
OF NEW YORK, } ss.

aged 19 years, occupation Clerk of No.

56 Marion Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Samuel L. Bennett
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12
day of October 1899

John Ballard

James C. Beatty
Police Justice

POOR QUALITY
ORIGINAL

0471

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK,

Peter Mc Gee 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.

Peter Mc Gee

Question. How old are you?

Answer.

32 years.

Question. Where were you born?

Answer.

New York

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

Answer.

168 Mulberry Street. 2 years.

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty.

Peter Mc Gee

Taken before me this
day of *October*

1891

Police Justice.

POOR QUALITY
ORIGINAL

0472

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

Police Court---
District.

1314

THE PEOPLE, etc.,
ON THE COMPLAINT OF

Samuel S. Russell
159 Prince Street
1st fl. Me. Ave.

Offence

Larceny
Theft

Dated

October 12

1891

Residence

10

Magistrate.

No. 3, by

Fogarty & Sons

Officer.

Residence

10

Precinct.

Witness

John Ireland

Street.

No. 4, by

St. Michael's

Street.

No. 5, by

10

Street.



No. 6, by

1000

to answer

No. 7, by

1000

to answer

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

Defendant

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

Dated October 12 1891 Dr. J. C. 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 h to be discharged.

Dated 18 Police Justice.

POOR QUALITY
ORIGINAL

0473

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Peter Mc Gee

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

of the CRIME OF GRAND LARCENY IN THE
as follows:

The said

Peter Mc Gee
of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed
late of the City of New York, in the County of New York aforesaid, on the tenth
day of October in the year of our Lord one thousand eight hundred and
ninety-one, at the City and County aforesaid, with force and arms,

thirty-six yards of cloth of
the value of one dollar
each yard

of the goods, chattels and personal property of one

Isaac Rosenzweig

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

De Lancey Nicoll,
District Attorney.

0474

BOX:

454

FOLDER:

4177

DESCRIPTION:

McGowan, John

DATE:

10/14/91



4177

0475

BOX:

454

FOLDER:

4177

DESCRIPTION:

Gleason, Harry

DATE:

10/14/91



4177

0476

Chas F Clark Jr

off Helvetbrand

Filed 1/4 day of

Filed 1/14 day of Oct 1891

Pleads, *Am. 175*

THE PEOPLE

Degree.
Penal Code.]

John McGowan

and

Harry Gleason

7 Sent to Elvira Obermeyer
Oct 4/95 by Jacob H. Gunde
on Jackson ~~from~~ off on paper

July 25, 1915 District Attorney.

A TRUE BILL, *as R. 111*

at 3. July 3193, 1400.

1

Oct 22/91

Vol. 7
Fred & Constance P.

Wm. L. G. 2 yrs. 1881

POOR QUALITY
ORIGINAL

0477

64/91
THE PEOPLE

vs.

JOHN MCGOWAN.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE MARTINE.

Wednesday, October 21, 1891.

Indictment for grand larceny in the first degree.

CHARLES F. CLARK, Jr., sworn and examined.

I live now at 308 East 105th Street, I am a piano mover for Lyons Bros. 106th Street and Third Avenue, I have been employed by them eight months, I recollect the morning of the 5th of October, I was with my boss till about one o'clock, I came down as far as the stable and went across the street and stopped there about ten minutes; I parted with him about a quarter to one at 342 106th Street. I had with me at that time \$12.95, a new coat, two handkerchiefs, a key and a paper of tobacco. I laid the coat alongside of me in the wagon. I had two five dollar bills and two one dollars in my left hand pocket and ninety-five cents in the other; the wagon that I was in was in front of the stable, there were no horses in the wagon, they were in the stable.

I laid down on the wagon and fell asleep. The next I remember was when young Gleason came to me and was turning me over, I woke up and saw McGowan with his hands in his pocket; the reason I did not catch him I thought they would run a knife in me. Gleason turned me on the side, I was lying down against the wagon and he turned me over, McGowan had his hand in my left hand pocket where the bills were, I could plainly see his face. They walked on the other side of the street until they came to the lamp-post and examined the handkerchief and young Gleason blew his nose and gave it back to

POOR QUALITY
ORIGINAL

0478

McGowan; my handkerchief was in the hip pocket of my pantaloons and McGowan took it out. I had seen young Gleason before but I did not see the defendant before until I saw him by the wagon, young Gleason had the coat, McGowan had the handkerchiefs, I did not see anybody else around there at all; they went around Second Avenue and that is the last I saw of them, I went up and reported it to Officer Hildebrand.

We went to Gleason's house and I identified him in bed that same morning in his house in Second Avenue, young Gleason told us where McGowan lived, we went then from Gleason's house to McGowan's house in 108th Street and got him, he was in bed; I identified him the minute I went in the door, this was about an hour and a half after I first saw them, I am positive that McGowan is the boy who had his hands in my pocket, I then went down to the Station House with the officer and made the charge. The coat and vest were worth \$16.50 and the handkerchiefs, one blue and one red were worth ^{about} twenty-five cents. I know Thomas Flynn, he is night watchman at the building near where I was on the truck, I saw him that night between two and three o'clock, it was after I lost the property that I saw him about twenty minutes after.

CROSS EXAMINED.

I got up Sunday morning about ten o'clock and went up to the office and the stable and had my dinner; it is not a fact that I commenced drinking on Sunday with some friends, I do drink a glass of lager but never drank whiskey in my life, this was Monday morning that I was robbed. After I left the boss I had a glass of beer in a saloon at 106th Street. I should think it was a quarter to two when I fell asleep on the truck, I am not a married man. I have a room and a bed to sleep in, I

POOR QUALITY
ORIGINAL

0479

go to work at all hours. I was going to get a piano to move for a Mr. Johnson of Far Rockaway, I was to get it a little after three o'clock in the morning, I did not go home because it was too far, I live at 418 East 89th Street, I should judge it was about two o'clock that the things were taken from me and I should judge it would be half past three or a quarter to four when I went to Gleason's house and had him arrested; the officer told me that he saw Gleason with my coat and two handkerchiefs, it is not a fact that they were arrested about twenty minutes to five that morning but it was about four o'clock. After I was robbed I went and woke up the boss and told him what had happened. Do you mean to tell this jury that two men came up to you while you were lying on the truck and they turned you over twice and robbed you of your money while you were awake and that you made no resistance and that for two hours afterwards you never reported the robbery to a policeman? Yes sir. Is this one of the highway robbers that robbed you? (Pointing to Gleason.) Yes, I have known Gleason ever since I worked for Lyons, which is eight months. I saw no revolver or knife with them. It is not a fact that I was so drunk on that truck that night that I have no recollection of what occurred. I have never been in trouble or arrested myself. I have not been drinking anything to-day, I never drank a drop of whiskey in my life; the officer was at 106th Street and Second Avenue when I told him of the robbery, very near a block from the truck.

THOMAS FLYNN, sworn and examined.

I live 327 East 106th Street and I am a watchman and was so on the 5th of October in 106th Street between First and

POOR QUALITY
ORIGINAL

0480

Second Avenues. I recollect the morning of the 5th of October, Monday, I know the witness Clark and saw him that time, he came up towards the wagon, I think it was about one o'clock in the morning; he came up and talked to a man who sat on the end of the wagon, he said some words I don't want to say, I was about sixty or seventy feet distant from where he was; at the time he was in the wagon he was lying on his left side and his knees were up against the sideboard, he was snoring very hard but whether he was asleep or not I could not tell, I think he was there about an hour and finally the two men Gleason and the defendant, they came from the inner side of the street over towards the wagon; finally this fellow McGowan said, "Officer, he will get cold there. I said, "never mind him, you let him alone, you don't leave a hand on him"; if they had I would try to prevent them; I told them not to interfere; they asked who he was and I said he was either Lyons or Lyons' driver and that he lived across the way. Many a night he bunked there during the summer, him and other fellows in hot weather and it will do him no harm to-night.

Gleason went to the north side of the street, he saw a little white kitten and wanted to catch the kitten. I did not see him do anything else in connection with this man Clark; I did not see Clark get off the truck, I did not see him for about two hours after, he came from the truck and asked me Pop, a good many call me Pop. I said, "what is up", I did not know what he wanted. He said, "I got robbed to-night, did you see anyone around the wagon." I asked him, "did you get robbed or lose your money?" He said he did. I said, "it is right to tell you all I seen, I saw two, Gleason and the

POOR QUALITY
ORIGINAL

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other man whom I do not know." When he came up the first time Clark seemed to be under the influence of liquor, I guess I did not see him again until about three hours afterwards, he was on the truck during all the three hours, when I saw him the next time he did not appear to be as drunk as I thought he was because he talked very sensibly. I gave him the name of Gleason and that his mother lived on the east side of Second Avenue and I told him to go up there. I did not see the two boys any more after, I kept a close eye lest there might be anything of that kind until I believe I began to doze myself, I think I was there for an hour and a half after they left; I was inside the building when I was dozing and before that I sat outside on a lot of planks so that I could have a good view. Did you notice where these two boys went, McGowan and Gleason, when they left the truck?

They went to the north side of the street. You are positive you saw McGowan that night and that he was near the truck? Yes. Clark asked me if I seen anybody at the back of the truck, he did not tell me at that time that he knew who had robbed him, he only asked me if I seen anybody at the back of the truck. I told him I did, I would not hide it from anybody if they were guilty.

WHITFIELD HILLDEBRAND, sworn and examined.

I am a police officer of the 27th precinct and I have been an officer for nearly ten years, I recollect the early morning of the 5th of October, at two o'clock in the morning I was on the corner of 106th Street and Second Avenue, I seen two boys standing down the street a ways under a lamp-post and one of them had two pocket handkerchiefs in his hands

POOR QUALITY
ORIGINAL

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looking at them and when he looked at the pocket handkerchief he passed it over to Gleason and he blew his nose on it and handed it back to McGowan. I walked down to them and I passed right by Gleason and saw him having a coat hanging on his arm. I knew Gleason before that, McGowan was with him, I knew him before too. I know Charles F. Clark. The two boys walked down towards First Avenue on the north side of the street. I saw a truck in that neighborhood that night but I did not see the complainant on the truck. There are trucks in the street from one end of it to the other; the truck that the complainant is said to have been on was nowhere near the lamp-post, I did not see the truck where the man was on. I met Clark about half past three o'clock in the morning and had a conversation with him, I went with him and arrested these two boys, I went to Gleason's house first and got him and from there went to McGowan's house, he was in bed and was identified by Clark. I told him to get up and dress himself and come along to the Station House, that Clark had accused him of robbing him of his coat and some money and two pocket handkerchiefs, he got up and dressed himself and went to the Station House. He said he would not do it but I told him if he did not get up I would have to use force to make him get up; he said then that he would get up and go with me; we went to the Station House from his house, I asked him going down whether he had taken the coat or anything and he said he did not; I asked him where he got the pocket handkerchiefs from and he said they were his own. I did not see the pocket handkerchiefs. The two of them said that; they said nothing further in reference to the case. When you saw Clark and had a conversation with him, what was his condition with

reference to sobriety? He was just about the same as he is now, he was perfectly sober that morning when I met him.

CROSS EXAMINED.

He did not appear to me to have been drinking, I do not know that I ever saw Clark before that morning, I did not hear the testimony of Flynn on the stand, I did not hear Flynn say that he was under the influence of liquor and that he was using bad language, I did not hear Flynn say on the witness-stand that the man was lying on the truck snoring and that when he woke up at four o'clock he appeared to be like a man who had been drinking, I did not hear what he said for I was in the hall.

It was Gleason who had the coat, I could not tell in the dark what color it was, it was a short cutaway coat. The reason why I did not arrest them on the spot was that I did not think Gleason was a thief, I knew him about seven or eight years as I was on the post, I never heard that he was not honest, I have known the defendant quite a while to see him but not to talk to him. I do not know whether he works for a living or not, he has never been in trouble to my knowledge.

The Case for the Defence.

JERRY SCANLAN, sworn and examined.

I live at 235 East 108th Street; I work for John D. Crimmins, the contractor, I remember meeting the complainant on the night of the arrest of these two defendants, that was Sunday night, October 5th, I saw him in an intoxicated condition on the corner of 106th Street and First Avenue between the hours of eleven and twelve o'clock on Sunday night, he was in such a condition that he was incapable of taking care of himself, he was staggering around there, I am positive of that.

POOR QUALITY
ORIGINAL

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I had never known this man before but I recognized him, I was not at the Police Court the time these boys were arraigned.

It was probably fifteen or twenty minutes to twelve when I saw him staggering around.

CROSS EXAMINED . I do not know the boy McGowan but I have seen Gleason occasionally in the neighborhood where I am living, I know his mother and his father is dead. I occasionally go into a saloon but I am no whiskey drinker, I can drink a glass of beer or sarsaparilla; I was perfectly sober that Sunday night when I saw Clark.

What were you doing out so late that night? I was visiting friends down at 60th Street between First and Second Avenue.

I have been in Mrs. Gleason's house since the indictment was found against her son but I have never spoken a word to her about the case. I heard about this affair two nights after it happened; it was rumored around the neighborhood that young Gleason and McGowan were arrested for robbing somebody in First Avenue, I did not say I knew who had been robbed.

I did not learn until last night that it was the young man Clark who had been robbed that Sunday night; this young Gleason's bondsman sent for me and I said, "I seen that party and I will go down there and testify that I seen Clark in that condition that night." I have not seen Clark until today and I recognized him here in the Court-house. I did not see the bondsman, he sent a messenger with a notice that He got for these parties to appear in Court to-day. I said last night to young Gleason's mother that I could identify the man that was drunk at the corner of 106th St. and First Avenue that night, it was Sunday night, October 5th, it happened two weeks ago, it was the 5th of October I think but

I would not say positively, I fixed the date between the 5th and the 6th of October, it happened two weeks ago last Sunday night. Mrs. Gleason did not say anything to me at all about coming down here to-day, she told me nothing about the trial; I told her I would come down to hear the trial come off.

JANE McGOWAN, sworn and examined.

I live at 240 East 108th Street, the defendant is my son, he is an apprentice learning the stone cutting trade, he has been at it two years and he lives with me, he earns one dollar a day, he gives me every two weeks twelve dollars; he has been arrested once for boxing in the street and he was arrested once four or five years ago for taking one dollar, it was not him took it, it was the other little boy and he was arrested, his trial was going on before Judge Cowing and Judge Cowing told him there was no one to claim the money.

My boy is in his nineteenth year, he worked for Mr. Gill between First Avenue and the river at 106th Street and he was working there up to the day of his arrest, he has always been a good boy.

CROSS EXAMINED.

He has worked for Gill & Son two years, Mr. Gill is not here in Court, I could not tell exactly what hour my boy came home that night, I went to bed and left the door open about half past ten, he was not in then but when I got up at two o'clock he was in, the officer came into my house about five o'clock, he was in bed with his little brother. The officer did not know which one to take.

POOR QUALITY
ORIGINAL

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JOHN MCGOWAN, sworn and examined.

The last witness on the stand was my mother and I live with her, I am an apprentice to R. Gill & Sons, foot of East 106th Street. I have been arrested before about five years ago and sent to the House of Refuge when I was thirteen years old, I went right to work for Gill & Son when I came out and have never been arrested since, I give my wages to my mother.

I saw the complainant a little before two o'clock on that Sunday night, I was standing with young Gleason and Mr. Flynn when I saw him. I saw him lying on the wagon snoring, we were going down on the same side the truck was on, Gleason and I; we looked at the man and Mr. Flynn came right down and held the lanterns up to his face, he looked at him and said he knew the man, we walked up and down First Avenue and at 107th Street we met Mr. Moore, the "cop". Do you mean the policeman who was in Court? No sir, another policeman, he sent us looking for this officer; we did not stay long with Mr. Flynn when we saw this man snoring on the truck, about three or four minutes, that was the first time I had ever seen him, we walked away about our business. I said to Flynn he ought to have his legs and his feet put in the wagon; he snored hard enough to be drunk. Did you or young Gleason roll him over? No sir. Did you put your right hand in his pocket and extract some bills and roll him over again? No sir. I parted with Gleason at 110th Street and Second Avenue and went home. I did not carry a watch with me that night but as near as I can guess I arrived home before two o'clock, I was arrested about five o'clock. You say you had nothing to do with taking this man's money, was there any money found upon you at the time you were

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arrested? No sir, not a cent only I had a five cent piece in this pocket and the officer seen that. Was there any coat or vest belonging to this complainant found upon you? No sir. Did you have that man's coat and his handkerchief? No sir. Did you see Gleason have it? No sir. Did you blow your nose in that handkerchief one hundred and fifty yards away from the complainant where he could see you that night? No, but I loaned a handkerchief to Gleason.

CROSS EXAMINED.

I met my friend Gleason that night a little after eleven o'clock coming down towards 106th Street around the corner. I was going home, I had been down to see a party between 105th and 106th Streets and First Avenue and I came up to the corner of 106th Street and Second Avenue, I met my friend Gleason and had a conversation with him; he says to me, "I am locked out, Jack, I will stop out an hour or so with you." We took a walk down towards 107th Street and we sat down for a while, we took a second walk and that is how we met this man lying in the wagon; Gleason and I stayed together two or three hours walking around; we saw people that night between eleven o'clock and two but did not talk with them. I had seen Flynn, the night watchman before that watching the buildings but never talked to him; the first I saw of him that night was while I was standing at the wagon; he came down and held up the lantern and said he knew that man. What were you doing with the man that occasioned him to say that, anything? No sir, we were looking at him and he said he knew him, we walked about our business, we stood talking to him a few minutes and went down towards First Avenue. I said to Flynn that the man's feet ought to be put in the wagon, Gleason did not say anything to him, I

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was talking to Flynn about five minutes the time I was at the wagon. I went then around First Avenue to 107th Street and met this officer and went looking for this other officer up to 110th Street, when I found the policeman in 107th Street I turned back and he went his way and we went home. I saw Officer Hildebrand yesterday who testified here. Did you see him that night? No sir. Do you recollect his saying that he saw you and Gleason standing under the lamp light? No sir. And that you had two handkerchiefs and you held them up and Gleason, your friend, had a coat on his arm? Yes, I heard him say that. And he said it was sometime about two o'clock? Yes sir. You do not recollect his seeing you but was that the fact that you did have two handkerchiefs and you were with Gleason and Gleason had a coat on his arm? It is a fact I had a handkerchief of my own. Did Gleason have a coat on his arm or did you have a coat on your arm that night? No sir. You do not recollect standing then under a gaslight that night with Gleason and blowing your nose, as the officer describes it, having these handkerchiefs and Gleason having an overcoat? I recollect giving Gleason my handkerchief and his blowing his nose and he gave it to me back. Gleason did not have a coat on his arm nor you either? No sir. Where were you when you gave the handkerchief to Gleason? Standing by a lamp-post on the corner of 106th St. and Second Avenue. I was sent to the House of Refuge for a year and nine months accused of stealing a dollar but I did not steal it. You had never seen this man Clark before, had you? No sir. I saw him at the Station House and here yesterday.

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HARRY GLEASON, sworn and examined.

I live at 2074 Second Avenue with my mother and am fifteen years old, my mother keeps a saloon and I work for her, she is a widow. I know the complainant in this case and Clark who was on the witness-stand. The first time I saw ~~the com~~ Clark ~~plaint~~ was when he came up with Officer Hilldebrand to pull ~~him~~ the complainant out of the wagon ; it was around two o'clock that I saw the complainant in the wagon, I only saw his feet hanging out, at that time I was in company with the defendant about eleven o'clock on the corner of 106th Street. I had known the defendant about six or seven months; on this night we took a walk around the block, we stood at the wagon and saw the man snoring and when we were over there Flynn came up and put the lantern in his face and told us that he worked in Lyons'. We went about our business around the block; we met this Mr. Moore, a policeman he asked us if we would go down and look for an officer; we told him yes, we walked down 110th Street up to First Avenue and through 110th St. and we could not find him. He asked you to find an officer that had a beat at a certain place? Yes; we took a walk around the block, I left him, the defendant, and went home, it was five minutes to two I guess when I reached home.

It was sometime before two that you saw this man Clark in this wagon? Yes sir. What time elapsed from the time you saw Clark in this wagon until you got to your own home?

It was two o'clock when I got in the house. From the time you saw Clark in your judgment how long did it take you to meet Officer Moore to walk up to 110th Street and then to your own house, did it take ten, fifteen or twenty minutes?

It took me about ten minutes. You live right in the

POOR QUALITY
ORIGINAL

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neighborhood? Yes sir. Were you ever arrested before?
No sir. You went to school up to the last vacation?
Yes sir. This man Clark claims that you and this defendant
turned him over a couple of times, robbed him of a certain
sum of money and wearing apparel that was lying at his side,
did you do anything of the kind? No sir. What about this
handkerchief incident down at the corner of 106th Street and
Second Avenue? McGowan pulled out his handkerchief, ^I ~~and~~ asked
him for the loan of it and I handed it back to him. Did
you have this man's coat hanging on your arm? No sir. Did
you have any coat on your arm under a blazing gaslight after
the commission of the robbery? No sir. You say that you
were in bed at the time that the officer came up and arrested
you? Yes sir, I slept with my cousin, I was asleep at the
time he entered the house; Clark, the complainant, was with
the officer in the room at the time. After my arrest I was
taken to the Station House and denied my guilt there to the
sergeant at the desk and the next morning at the Police Court
also and so did this defendant. Did you see Clark, the
complainant at any time that night except the once when you
were with the defendant and in company with Flynn? No sir,
that is the only time.

CROSS EXAMINED. I am a bar-tender for
my mother, I did not tell them in the Police Court that I was
bartender, I left school last July, I left my home that Sun-
day night about eleven o'clock and took a walk around 106th
Street, I met McGowan at the corner, the night was warm and
we took a walk around. I told him the door was locked, I
went back and tried to get in ^{after} ~~before~~ I met McGowan. My mo-
ther did not tell me not to go out, I had no key, I never had

POOR QUALITY
ORIGINAL

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been locked out before, I did not intend to stay out all night. How did you get in the house that night? When I left McGowan I went down and the door was open, I don't know who opened it. I had seen Flynn before, I knew he was the night watchman. I had not seen Flynn before I saw the man's feet hanging out of the wagon. We saw Flynn coming across with the lantern, we went around the block afterward. I did not see Officer Hilldebrand until he came up to the house to arrest me. I heard him say on the stand that he saw me having a coat under my arm standing under a lamp light at two o'clock in the morning and that the defendant McGowan had two handkerchiefs but that is not the fact; the officer is mistaken when he says he saw McGowan and I standing under a lamp-post at two o'clock in the morning. I sometimes close up our saloon at eleven and half past eleven o'clock and take a chair and sit out by the door, I never stayed out later than a quarter to twelve, it was an unusual thing for me to be out that time of night and the only reason that I came give for being out was that it was a warm night and I thought I would take a walk around. Have you been to the House of Refuge? No sir, I was never arrested before, I am fifteen years old. How long have you known McGowan? I know him about six or seven months. How often did you see him? I would see him when he came from work. Would he stop in your place? Yes sir, he stopped there once in a while, he might stop in there once or twice a week. We live over the saloon, McGowan would come into the saloon for a glass of sarsaparilla and go home. Would you spend the evening with him often? When we used to go to the museum, that is the only time I would be with him. Up to the

Q museum in Central Park? No, up in 115th Street and Third Avenue. You mean the museum on the west side of Third Avenue near 115th Street? Yes. How often would you go there, you and he? Once a week. Has your mother any bartender but you? No sir, I am the only one. You remember the time that you got this handkerchief from the defendant? Yes sir, a little off Second Avenue, about five or ten feet from the lamp-post, I had to wipe my nose. You had the handkerchief belonging to this defendant? Yes sir, and I handed it back to him. Whether this officer saw you or not you do not know? No sir, I do not know. Have you any recollection of seeing the officer there on that corner that night? No sir.

LEWIS LYONS, called in rebuttal by Mr. Townsend.

My business is express, I know Clark, the complainant in this case and he worked for me very nearly eight months; I recollect seeing Clark on Sunday night the 4th of October in front of my house No. 342 East 106th Street. What time? At nine o'clock. How long did you stay with him? I stayed with him until about twenty minutes after eleven. During that time did you notice him as to his condition as to sobriety? Yes sir, he was perfectly sober. Did he drink anything with you? No sir. Do you know where he went after leaving you? No sir, I do not. Where did you part? Right in front of our own house. I had something for him to do in the early morning, I do not know what he did after he left me.

The Jury rendered a verdict of guilty of grand larceny in the second degree.

He was sentenced to the Penitentiary for two years.

POOR QUALITY
ORIGINAL

0494

(1305)

Police Court— District.

Affidavit—Larceny.

City and County } ss.
of New York, }

of No. 418 East 89 Street, aged 28 years,

occupation Plano Mower being duly sworn,

deposes and says, that on the 5 day of Oct 1897 at the City of New

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

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

Good and law full
money of the United States issue
to the amount of Twelve Dollars
and ninety five Cents, and also
a Dress Coat and two handkerchiefs
of the value of sixteen dollars altogether
of the value of twenty eight dollars
and ninety five Cents

\$28.95

the property of

Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen
and carried away by

John M. Gowan and Harry
Gleason (both now here) and acting
in concert from the fact that
deponent was asleep on a bench
on East 106th Street and
at about the hour of 2. A.M.
deponent was awakened by some
one fumbling around him. Deponent
saw the said defendant Gleason turn
him (deponent) over, and felt the said
defendant M. Gowan take the said
money from the left hand pocket of
the pants then and then were on
the person of deponent. Deponent
also saw the said defendant Gleason

Sworn to before me, this _____ day

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Police Justice.

POOR QUALITY
ORIGINAL

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with the coat of defendant in
his possession.

Defendant therefore accuses
the said defendants with having
feloniously taken, stolen, and
carried away said property
from defendant's possession and
person.

Subscribed before me this } Charles Clark
5 day of October 1891 }

C. O. Mead
Police Justice

POOR QUALITY
ORIGINAL

0496

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

Fifth District Police Court.

John McGowan 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. *John McGowan*

Question. How old are you?

Answer. *18 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *240 East 108th Street 3 years*

Question. What is your business or profession?

Answer. *Stone cutter*

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. *Not guilty*

John McGowan

Taken before me this

day of

1891

Police Justice

POOR QUALITY
ORIGINAL

0497

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer.

Harry Gleason

Question. How old are you?

Answer.

15 Years

Question. Where were you born?

Answer.

A. M.

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

Answer.

2074 2 Avenue 10 Years

Question. What is your business or profession?

Answer.

laborer

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

Answer.

Not guilty

Harry Gleason

Taken before me this

5

day of

[Signature]
Police Justice

POOR QUALITY
ORIGINAL

0498

BAILED,
No. 1, by _____
Residence _____
No. 2, by James O'Connor
Residence 1880 Lexington St.
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____

Police Court, 1st District.

THE PEOPLE, &c.

vs. THE COMPLAINANT

James O'Connor
410 E. 8th St.
New York City

James O'Connor
410 E. 8th St.
New York City

James O'Connor
410 E. 8th St.
New York City

Dated Oct 5 1889

Wm. H. McQuinn
Magistrate

Witnesses James O'Connor
Precinct 2

No. 327 E. 10th St.

No. 2 Bail
Street, _____

No. 2000
to answer by _____
Street, _____

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

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

Dated Oct 5 1889 Wm. H. McQuinn Police Justice.

I have admitted the above named James O'Connor to bail to answer by the undertaking hereto annexed.

Dated Oct 6 1889 Wm. H. McQuinn Police Justice.

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

Dated _____ 1889 _____ Police Justice.

POOR QUALITY
ORIGINAL

0499

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

523

THE PEOPLE OF THE STATE OF NEW YORK,

against

*John McGowan
and
Harry Gleason*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *John McGowan
and Harry Gleason*
of the CRIME OF GRAND LARCENY IN THE *first* DEGREE,
committed as follows:

The said

John McGowan and Harry Gleason, both

12.95
late of the City of New York in the County of New York aforesaid, on the *fifth* day of
October in the year of our Lord one thousand eight hundred and ninety- *one*
at the City and County aforesaid, with force and arms, in the *night* time of said day,
divers promissory notes for the payment of money, being then and there due and unsatisfied (and of
the kind known as United States Treasury Notes), of a number and denomination to the Grand Jury
aforesaid unknown, for the payment of and of the value of *twelve*

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

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

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

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

*cents, one coat of the value of
fifteen dollars, and two handkerchiefs
of the value of fifty cents each*

of the goods, chattels and personal property of one *Charles F. Clark, the younger, on*
the person of the said Charles F. Clark, the younger, then and there being found,
from the person of the said Charles F. Clark, the younger
then and there feloniously did steal, take and carry away, against the form of the statute in such
case made and provided, and against the peace of the People of the State of New York and their
dignity.

DE LANCEY NICOLL,

District Attorney.

0500

BOX:

454

FOLDER:

4177

DESCRIPTION:

McHenry, George

DATE:

10/20/91



4177

0501

Off Remy

C. M. Maxwell

8/3/3

Handwritten signature

Filed C

189 /

Preads,

THE PEOPLE

五

12

George McHenry

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Ernst Schumacher

Oct 3. ~~2~~ November 2/91
Foreman.

Pleads Guilty -

25.2.2 = deg

290 pm 73A
16/08 MON

POOR QUALITY
ORIGINAL

0502

N. Y. GENERAL SESSIONS.

-----X
The People &c.

Agst.

George Mc Henry
-----X

City and County of New York, SS:

Michael J. Reidy being duly sworn deposes and says:
I am a Police officer attached to the 15th Precinct.
On the 23rd of October 1891, I was patrolling my post
among University Place near 13th Street, when I saw the
prisoner hurriedly leave Wolfer Brothers saloon, No. 72
University Place, having in his arms an overcoat and cut
away coat. The prisoner wore a pea jacket which was
thick enough to answer the purposes of an ordinary over-
coat. After he had got a little distance from the
saloon, he started on a run, whereupon I followed him,
overtook him and arrested him. He was not in an in-
toxicated condition, walked along and ran steadily and
knew perfectly well what he was doing.

The prisoner swears falsely when he swears that he
only took away the overcoat, for he actually had the cut-
away coat belonging to the complainant with him when I
arrested him, and both the overcoat and cutaway coat were
identified by the complainant as his property when I
brought the complainant back to the saloon.

Sworn to before me this
11th day of November, 1891.

Michael J. Reidy
John B. McGinnis
Clerk of Court N.Y.C.

POOR QUALITY
ORIGINAL

0503

49

No. 49

THE PEOPLE OF THE STATE OF
NEW YORK

against

George M. Henry

Applicant

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 82 CHAMBERS STREET.

NEW YORK CITY.

POOR QUALITY
ORIGINAL

0504

N.Y. General Sessions.

-----:
The People &c., :

against :

George McHenry. :

-----:

To Hon:DeLancey Nicoll,

District Attorney &c.,

Sir:-

PLEASE TO TAKE NOTICE, that upon the foregoing affidavit
a motion will be made before the Hon:James Fitzgerald Judge
of the Court of General Sessions in Part 111 of said Court,
on the 10th day of November 1891, at 11 A.M. Why the plea
of guilty heretofore entered by the defendant should not be
vacated and set aside and that a plea of not guilty be
substituted therefore, and that he be permitted to come in and
defend upon the merits thereof and for such other and further
relief in the premises, as to the Court may seem just and
proper in the premises

Dated New York November 7th 1891.

Yours &c.,

Louis Steckler

Attorney for Defendant

Pulitzer Building

New York City

POOR QUALITY
ORIGINAL

0505

N.Y. General Sessions.

The People &c., :

agst :

George McHenry. :

City and County of New York, ss:-

George McHenry being duly sworn deposes and says:-

That he is the defendant herein. That he is charged with the commission of a felony to wit: Larceny in the ^{2nd} Degree. That he is charged with the commission of Larceny in taking an overcoat containing a sum of money and property of the complainant herein.

That on the day upon which the complainant alleges this larceny was committed your deponent was in the saloon at *the* *Cor. University Pl. and 13th* Street in New York City.

That your deponent was in said saloon from four oclock in the afternoon until a few minutes before he was arrested that night and had been drinking very heavily during the day to such excess that your deponent was intoxicated and while in such drunken and intoxicated condition while leaving the saloon in question your deponent took the coat which the complainant identified as his own and which your deponent believed was his own coat he having had an overcoat on his person that day.

Deponent left said saloon about nine oclock in the evening with this coat on his arm and after he had walked a short distance he was arrested and charged with the commission of this crime, in stealing the plaintiffs coat and the contents

POOR QUALITY
ORIGINAL

0506

thereof.

✓ Your deponent had no intention of committing a Larceny nor of taking this coat, but while in this drunken and intoxicated condition took what he believed was his own property and did not appropriate any portion of the contents of the foregoing to his own use.

Your deponent was called upon to plead in this Court on the 30th day of ~~October~~ ^{on the 2nd day of November 1891, deponent was arraigned & for trial} 1891, and through inadvertence, error and mistake plead guilty to the charge.

✓ That deponent again re-iterates that he was innocent of any intention to commit a crime. That his condition was such at the time that he was insensible to the fact that he was in the act of committing an offense and your deponent pleaded guilty to the indictment or a lesser degree believing that the fact of having stolen property in his possession was such strong evidence that it would necessarily mean a conviction, and that no contradiction of the fact of his having a coat under these or any other circumstances could avail him any on the trial.

Deponent was never arrested or charged with the commission of an offense previous to this one, and under all these circumstances asks that the plea of guilty entered by him heretofore be set aside, and that he be permitted to plead not guilty to the charge and that he may be placed on trial to defend himself on the merits thereof.

And your deponent will forever pray &c.,

Sworn to before me, this
10th day of November 1891.

} Geo. McHenry
Wm E Morris
Commissioner of Deeds
Notary Public
N.Y. City

POOR QUALITY
ORIGINAL

0507

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

upon _____ the _____ therein
by delivering to, and leaving with _____ personally _____

_____ true cop _____ thereof _____

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

Sworn to before me this
day of _____ 189

W. G. H. Court.

The People v.

Plaintiff.

AGAINST
George M. Henry
Defendant.

Off. Savit
and
Notice of Motion

Charles Steckler,
Attorney.

PULITZER BUILDING,
CORNER PARK ROW AND FRANKFORT ST., NEW YORK CITY.

affidavit of me
and indorsed notice of
entry is hereby admitted.

Dated, N. Y., Nov 7th 189
W. Henry Breckel
Dist. Atty.

To _____ Esq.

ad. to Mr.
Atty.

S. L. Henry Breckel
officer

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

in this action.

Dated, N. Y., _____ 189

Yours, &c.,
Charles Steckler,
Attorney for _____

To: _____

Esq.,

Atty. for _____

POOR QUALITY
ORIGINAL

0508

POLICE COURT—2 DISTRICT.
CITY AND COUNTY }
OF NEW YORK, } ss.

RECOGNIZANCE TO TESTIFY.

BE IT REMEMBERED, That
the 25 day of October in the year of our Lord 1891
Thomas Rubble
of No. 211 East 34 Street, in the City of New York,
and Henry Myefers
of No. 72 University Place Street, in the said City,
personally came before the undersigned, one of the Police Justices in and for the City of New York, and
acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say: the said

Thomas Rubble
the sum of _____ Hundred Dollars,
and the said Henry Myefers
the sum of _____ Hundred Dollars,
separately, of good and lawful money of the State of New York, to be levied and made of their respective
goods and chattels, lands and tenements, to the use of said People, if default shall be made in the con-
dition following, viz:

The Condition of this Recognizance is such, That if the person first above recognized shall personally
appear at the next COURT OF General SESSIONS of the Peace, to be holden in and
for the City and County of New York, and then and there Testify and give such evidence, in behalf of
the People of the State of New York, as he may know concerning an Offence or Larceny
said to have been lately committed in the City of New York aforesaid by _____

George McHenry

And do not depart thence without leave of the Court, then this Recognizance to be void, otherwise to
remain in full force and virtue.

Taken and acknowledged before me, the }
day and year first above written. }

[Signature]
Police Justice.

Thomas Rubble
Henry Myefers

POOR QUALITY
ORIGINAL

0509

CITY AND COUNTY } ss.
OF NEW YORK, }

the within-named Bail, being duly sworn, says that he is a Henry Walfers holder in
said City, and is worth Two Hundred Dollars,

over and above the amount of all his debts and liabilities; and that his property consists of

Fixtures and Stock of Liquors and
Regars situated in Stone No 72
Wholesale Place and worth 10000
Dollars free and clear of all
incumbrances

Henry Walfers

Sessions.

New York

THE PEOPLE, &c.

Recognition to Testify.

ss.

Magistrate

Filed

day of

188

POOR QUALITY
ORIGINAL

05 10

CITY AND COUNTY } ss.
OF NEW YORK.

POLICE COURT,

DISTRICT.

of No. *15th Precinct* *Michael J. Reidy*
occupation *Officer* Street, aged *23* years,
that on the *23rd* day of *October* being duly sworn, deposes and says
at the City of New York, in the County of New York *1891* arrested

George McHenry upon Complaint
of *Thomas Kibbe* charged with Larceny.
Deponent says that said Kibbe is
a material witness for the people and
that he has no permanent residence in
this City wherefore deponent prays
that the defendant be committed to
the House of Detention.

Michael J. Reidy

Sworn to before me this *24th*
day of *October* 1891

Police Justice.

POOR QUALITY
ORIGINAL

0511

Police Court—

District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No. 211 East 34 Street, aged 37 years,
occupation Coachman

deposes and says, that on the 23 day of October 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

One overcoat of the value of seventy dollars, money amounting to thirty ^{seven} dollars, and a cut away coat of the value of thirty dollars — all of the value of one hundred and thirty seven dollars

\$ 137

The property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by

George Mc Henry (nowhere)
The said property was in deponent's possession while deponent was in a saloon corner of 13th Street and Murray Place about the hour of 9.30 O'clock P. M. on said date. Deponent was asleep in a side room when the said property was taken and deponent is informed by Policeman Michael J. Reedy (now here) that he caught the defendant with the said stolen property in his possession in the act of carrying the same away about one block away from said saloon

Thomas Kibble

Sworn to before me this 24 day of October 1891

Police Justice.

POOR QUALITY
ORIGINAL

05 12

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 27 years, occupation

Michael J. Reidy
Officer

of No.

15th Avenue

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

Thomas Kibbe

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

Sworn to before me, this 24

day of

Sept

1887

Michael J. Reidy

[Signature]

Police Justice.

POOR QUALITY
ORIGINAL

0513

Sec. 193-200.

CITY AND COUNTY OF NEW YORK, ss.

2 District Police Court.

George Mc Henry
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. *George Mc Henry*

Question. How old are you?

Answer. *34 years*

Question. Where were you born?

Answer. *N. Y.*

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

Answer. *300 First Avenue*

Question. What is your business or profession?

Answer. *Turnbine Moving*

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

Answer. *I went to the gent's toilet and*

left my coat on the table. I was

intoxicated and when I came out

I took the complainant's coat

by mistake from the same place where

I left my coat. I did not know

I had the complainant's coat until

the officer came.

Geo M Henry

Taken before me this

day of

October

1889

Police Justice

POOR QUALITY
ORIGINAL

05 14

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

Police Court... 2 District...

1350

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas Kibbe

House of Detention

George McHenry

Offence Vagrom
Jelohy

2
3
4

Offence

Dated

Oct 24

1881

Residence

Hogan

Magistrate

No. 3, by

Reddy

Officer

Residence

15

Precinct

Witnesses

Call the office

No. _____

Street

No. _____

Street

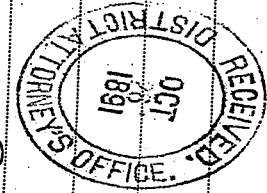
No. _____

Street

\$ 1000 to answer

Q.C.D.

Sgt.



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 _____

George McHenry

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

Dated Oct 24 1881 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

05 15

No. 1

408

District Attorney's Office.

Part 3.
PEOPLE

VS.

George W. Henry
Nov 13

all issued

Nov 10/91

Officer Reich
Cont'd off 5

POOR QUALITY
ORIGINAL

05 16

505

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Mc Henry

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

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

The said

George Mc Henry

late of the City of New York, in the County of New York aforesaid, on the *23rd*
day of *October* in the year of our Lord one thousand eight hundred and
ninety-*one*, at the City and County aforesaid, with force and arms,

*one overcoat of the value of
seventy dollars, one coat of the
value of thirty dollars, and
the sum of thirty seven dollars
in money, lawful money of the
United States of America, and
of the value of thirty seven dollars*

of the goods, chattels and personal property of one

Thomas Kibble

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.

POOR QUALITY
ORIGINAL

0517

SECOND COUNT—

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

George Mc Henry
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

George Mc Henry
late of the City and County aforesaid, afterwards, to wit: on the day and in the year afore-
said, at the City and County aforesaid, with force and arms,

*one overcoat of the value of
seventy dollars, one coat of the
value of thirty dollars, and the
sum of thirty-seven dollars in
money, lawful money of the
United States of America and of
the value of thirty-seven dollars,*

of the goods, chattels and personal property of one

Thomas Kibble
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before
feloniously stolen, taken and carried away from the said

Thomas Kibble
unlawfully and unjustly did feloniously receive and have; the said

George Mc Henry
~~then and there well knowing the said goods, chattels and personal property to have been~~
feloniously stolen, taken and carried away, against the form of the statute in such case made
and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

05 18

BOX:

454

FOLDER:

4177

DESCRIPTION:

McMahon, John

DATE:

10/08/91



4177

POOR QUALITY
ORIGINAL

05 19

Witnesses:

Off Gallagher

Counsel,

Filed

8th day of Oct

1891

Pleads,

Myself

THE PEOPLE

vs.

7

John McMahon

Assault in the Third Degree.
(Section 219, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

Part II
64-27

A TRUE BILL.

[Signature]

Foreman

Transferred to the Court of Special
Sessions for trial and final disposition.

Part 2.....Oct 19th 1891...

POOR QUALITY
ORIGINAL

0520

Court of General Sessions of the Peace

491

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John McMahon

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

— John McMahon —

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

The said

— John McMahon —

late of the City of New York, in the County of New York aforesaid, on the *Twenty-seventh*
day of *September* in the year of our Lord one thousand eight hundred and
ninety — *one* —, at the City and County aforesaid, in and upon the body of one
William J. Gallagher in the peace of the said People then and there being, with force
and arms, unlawfully did make an assault, and — *him* — the said *William J. Gallagher*
did then and there unlawfully beat, wound and illtreat, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0521

BOX:

454

FOLDER:

4177

DESCRIPTION:

McMahon, Thomas

DATE:

10/15/91



4177

POOR QUALITY
ORIGINAL

0522

Witnesses:

Grand Jurors

Grand Jurors

I am of opinion that the
sum of two thousand dollars
is bail in the within case
will secure the attendance
of the deft upon his trial
Oct 2, 1891

Wm. J. Clark
W. A. Smith atty

Lock on motion

of D. after J. 30
\$2000-

The complainant herein cannot be found
after many efforts made by the district
attorney informed by the officer that com-
plainant was drunk at time of
commission of alleged crime & is an
opinion that with his testimony there
would be but little chance of conviction
& therefore recommends defendant

Counsel,

Filed

1891

Pleas,

THE PEOPLE

vs.

Thomas Mc Mahon

#12

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Robbery,
(Sections 224 and 229, Penal Code.)

P. 3. Dec. 1891
in record
S. A. H. - atty
divided in his
own record P. 3. H. 12

POOR QUALITY
ORIGINAL

0523

5.000 Bond \$4
Self. 11. 10 a.m.

Complainant Bailed
by Simon Starin
20 Chambers

BAILED,
No. 1, by Michael P. Chapman
Residence 39 West 7 Street
No. 2, by _____
Residence _____ Street
No. 3, by _____
Residence _____ Street
No. 4, by _____
Residence _____ Street

Police Court 2 District.
1893

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frank S. McMillen
Hired of James J. McMillen
James J. McMillen

1 _____
2 _____
3 _____
4 _____
Offence Robbery

Dated October 9th 1891

Keely Magistrate.

Samuel R. Clark Officer.

Central Precinct.

Witnesses

No. _____
Street, _____

No. _____
Street, _____



No. 5000 Street, 93

James J. McMillen

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

_____ guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 5.000 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 October 9th 1891 John S. Keely Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0524

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
Thomas M. Mahon

Taken before me this
day of *Sept* 1887
John S. Kelly

Police Justice.

POOR QUALITY
ORIGINAL

0525

Police Court District.

CITY AND COUNTY } ss
OF NEW YORK,

Frank D Melville

of No. 1158 Broadway Street, Aged 35 Years

Occupation Actor

being duly sworn, deposes and says, that on the
9th day of October 1887, at the 6th Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

One Gold watch one Gold chain

and one Gold charm the whole

valued at Seventy five dollars

\$ 75 - 00
100

of the value of Seventy five DOLLARS,
the property of Dependent

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 force and violence as aforesaid by

Thomas M^c Mahon (narrator)
from the fact that deponent was on Park
Row this City at about the hour of 2 A.M.
on said date. That deponent had said
property in his vest pocket. That defendant
came up to deponent and caught hold
of him by the throat and did with force
and violence take said property from him.
That deponent caught hold of defendant
and made an alarm and that the
defendant was arrested by Officer
Clark and that deponent subsequently found
said property in his outside coat pocket.
Dependent therefore charges the defendant with Robbery
and prays that he be held to answer
Frank D. Melville,

Sworn to before me this

day of

1887

John E. Kelly
Police Justice

POOR QUALITY
ORIGINAL

0526

Police Court 7 District.

City and County } ss.
of New York.

of No. 300 Mulberry Street, aged William Clark years,
occupation Detective being duly sworn, deposes and says,
that on the 1 day of October 189 1, at the City of New
York, in the County of New York,

me Frank D. Melville, known here, is a
necessary and material witness for
the people of the State of New York, in a
certain action against one Thomas
Mahoney for Robbery. Dependent further
says that he has good reason to believe
that said Melville will not appear when
wanted to testify, as the Group of General
Inspection and asks that he be committed
to the house of detention.

Subscribed before me this 1 day of October 1891 } William Clark
John E. Kelly
Police Justice

POOR QUALITY
ORIGINAL

0527

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Frank. L. Melville

of No. 1158 Broadway Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 27 day of NOVEMBER 189 / at the hour of 10¹⁰ in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Thomas M. Mahon

Dated at the City of New York, the first Monday of NOVEMBER
in the year of our Lord 189 /

DE LANCEY NICOLL, *District Attorney.*

POOR QUALITY
ORIGINAL

0528

Court of General Sessions.

THE PEOPLE

vs.

Thomas McMahon

City and County of New York, ss :

Frank Dowling being duly sworn, deposes and says : I reside at No. 409 West 25th Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the 21st day of November 1891, I called at No. 1158 Broadway, New York City the alleged address of Frank L. Melville the complainant herein, to serve him with the annexed subpoena, and was informed by

the gentleman in charge of the office, which is a Theatrical agency, that Frank L. Melville had left there three (3) weeks ago and he did not know where said Melville was or when he would come back. I called again on the 27th inst. and was unable to learn anything further.

Sworn to before me, this

27th day

of November 1891

David Anderson
Notary Public
N.Y. Co.

Frank Dowling

Subpoena Server.

POOR QUALITY
ORIGINAL

0529

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Thomas Mc Mahon

Offence: *Robbery*

Laurence Nicolls
~~JOHN R. FELLOWS,~~

District Attorney.

Affidavit of

Frank D. Lovell

Subpoena Server.

Failure to Find Witness.

Frank D. Melville

POOR QUALITY
ORIGINAL

0530

PART II.

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.
If this Subpoena is disobeyed, an attachment will immediately issue.
Bring this Subpoena with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

426

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To *Frank L. O. Melville*
of No. *1158 Broadway* Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *27th* NOVEMBER 1891 at the hour of *10¹⁰* in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

James W. Mahon

Dated at the City of New York, the first Monday of
in the year of our Lord 1891

NOVEMBER

DE LANCEY NICOLL, District Attorney.

GLUED PAGE

POOR QUALITY
ORIGINAL

0531

Court of General Sessions.

THE PEOPLE

Frank N Melville

vs.

Thomas McMahon

City and County of New York, ss:

William J Clark being duly
sworn, deposes and says: I am a Police Officer attached to the Central Office Precinct,
in the City of New York. On the 25th day of November 1891,
I called at H. Cortiss' Dramatic Agency
#1158 Broadway & also at #166-E.33rd St
the alleged residences of Frank N Melville
the complainant herein, to serve him with the annexed subpoena, and was informed by

Parties in charge that the said
Melville had not been at either of
the above named places for the past
month and that they had no
knowledge of his present whereabouts
or where he can be found

Sworn to before me, this 27th day
of November 1891

William J Clark

John A. Maguire

Courtesy Clerk
N. Y. City

POOR QUALITY
ORIGINAL

0532

Court of General Sessions.

THE PEOPLE, on the Complaint of

Grand J. D. Melville

vs.

Thomas M. M. M.

Offense:

JOHN R. FELLOWS,

District Attorney.

Affidavit of Police Officer

William J. Clark

Co. C. Precinct.

Failure to find Witness

POOR QUALITY
ORIGINAL

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas McMahon

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

Thomas McMahon

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

The said

Thomas McMahon

late of the City of New York, in the County of New York aforesaid, on the *ninth*
day of *October* in the year of our Lord one thousand eight hundred and
ninety- *one*, in the *night-time* of the said day, at the City and County aforesaid,
with force and arms, in and upon one *Frank D. Melville*
in the peace of the said People then and there being, feloniously did make an assault; and

*one watch of the value of
forty dollars, one chain of
the value of twenty dollars
and one chain of the value
of fifteen dollars,*

of the goods, chattels and personal property of the said *Frank D. Melville*
from the person of the said *Frank D. Melville* against the will
and by violence to the person of the said *Frank D. Melville*
then and there violently and feloniously did rob, steal, take and carry away,

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

De Lancey Nicoll
District Attorney.

0534

BOX:

454

FOLDER:

4177

DESCRIPTION:

Mega, Michael

DATE:

10/09/91



4177

0535

BOX:

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FOLDER:

4177

DESCRIPTION:

Mega, Rocco

DATE:

10/09/91



4177

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BOX:

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FOLDER:

4177

DESCRIPTION:

Norris, Robert

DATE:

10/09/91



4177

Dec. 7 for trial
no *DePalmer*

Witnesses:

Eus E Downing
Wm Wardensky
Lilly Watson
John Padolce
John Doola

Counsel,

Filed

day of

1891

Pleas,

THE PEOPLE

vs.

Michael Mega
Robert Mega
Robert Morris
(770)

Murder in the First Degree.
(Section 183, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

Dec 15, 1891

Indictment returned
(see below)

A TRUE BILL.

Foreman.

December 9th 1891

Tried and acquitted

Indictment returned on 12th
commencing on 12th
up to Michael Mega & Robert Morris
1891

I William who

and his case has reported some that
the people have no evidence sufficient to
justify a prosecution of the indictment.
There is no evidence that defendant Michael
Mega. DePalmer. jointly indicted
have been held & acquitted. I there-
fore recommend that the indictment
against Mega & Robert Morris be dismissed

DeLancey Nicoll

DeLancey Nicoll

Dec 15/91

0538

Luc E Downing
 Max Merdinsky
 Lily Watson
 John Padolee
 John Isola

Filed
day of
1891
Peters, Wm. H. & Co.
THE PEOPLE

52

2

Michael Mega¹²
 Royce Mega⁹¹
 Robert Morris⁷⁷⁰

District Attorney.

Dec 15. 1891

143 Indictment dismissed
(see below)

TRÉBBI

Foreman.

December 9th 1891

Tried and acquitted
 Resolved to pursue my
 course in studying and
 in the mechanical
 sciences
 Yours
 J. H.

Mr Freeman who

And this case has reflected home that
the people have no evidence sufficient to
justify a prosecution of the worst.
I must spare the defendants Michael
^{Johnson} Mega. ~~Robert~~ ^{John} Mega. fairly warned
have been held a acquitted. I there-
fore recommend that the indictment
against Mega & Robert Smith be dismissed.

Deane & Mearns

Robert Allen

Dec 15/91

Coroner's Office.

TESTIMONY.

Counter x There were four
one empty chamber & one empty
shell x

Afterward learned how
the fight originated on informal
from differed parties around
Arrested Rocco Mega sent him
to station house, and sent Mr
Lank along with several other
witnesses x I found out
while investigating the case
that the fight originated through
the fact of a man who was
coming through Mulberry street
from the direction of Bay
Blanding in front of 63 Mulberry
street & running in the street
Several women were on the
other side opposite in front
of 58 Mulberry St. One of the women
made an insulting remark to one
of the men, which was the
origin of the fight. It was by my
orders that Michael Mega, and other
prisoners were arrested. Those
women began to scold x

There was a bottle fired from 63
Mulberry and struck 54 Mulberry

Taken before me

this day of

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CORONER.

Coroner's Office.

TESTIMONY.

Lillo Watson said that she saw a man come out of No 68 Mulberry St and pull a revolver from his pocket and fire. She pointed out Thomas Busacca as the man who did the shooting. I said dont make no mistake now, you will have to swear to what you say. She said that I could swear to it on my life. I then arrested the man. Took the prisoner to the Chambers Street Hospital and confronted him with the boy Michael Delago. I said Michael who shot you. Did Mickey do you know this man. He nodded his head in the affirmative. I said again is this the man that shot you. He said no that my friend. I said Michael who made the fight in Mulberry street. He said Michael Mayo made the fight. The Roundsmen's

James E. Howling

Taken before me
this 18 day of Aug 1881
Frederick L. Roy
CORONER.

Coroner's Office.

TESTIMONY.

6th Prec

John D O'Brien being duly sworn
says:

I arrested Charlie Rocca Mega.
and Thomas Bussacca and turned them
over from information received
indirectly in connection with the
shooting. I heard a shot in the
neighbor 3 o'clock in the morning
in the direction of Mulberry to
By & Park I ran there I found
officer Downing & I found a
boy lying by the curb stone in
front of the 3 Mulberry. Another
officer came up & I sent for
an ambulance. We tore open the
boys shirt and we found that
he had been shot in the left
portion of the abdomen. While
waiting for the ambulance,
Lillian Watson came over to me in
a very excited manner & pointed
out the keeper of the res Thomas
B who she said did the
shooting. Are you sure of that
said I she said yes. I arrested
him and searched the saloon.
I found the revolver on the

Taken before me

this 1 day of

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CORONER.

POOR QUALITY
ORIGINAL

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Coroner's Office.

TESTIMONY.

Max Modensky being duly sworn
says:

I reside at 84 Byard street,
About three o'clock this I was
in the restaurant at 63 Mulberry
street, watching a game. I was standing
on the sidewalk I saw Rocco Mega
fire a shot and then run into
58 Mulberry street. Some one threw a
soda water bottle across the street,
shortly afterward the shooting took
place.

his

Max X Modensky
Mark

Taken before me
this 18th day of August 1891
Lehman and [Signature]

CORONER.

POOR QUALITY
ORIGINAL

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Downing, an officer from the Sixth Precinct, called as a witness by the Coroner, was duly sworn, and testified as follows:

By the Coroner.

Q. Officer, just tell the jury all that you know with reference to the case of Micael Delgatti.

A. On the 18th day of this month, August, I was standing at the corner of Worth and Mulberry streets, and I heard some noise, a shot fired, and I listened a moment and ran down

other commotion, and I ran to Mulberry street, and met Max Madensky; I asked him what was the matter; he said there was a man shot; I asked him where, and he said up in front of 63 Mulberry street. I said "Do you know who shot him?" He said "Yes", and I said "who shot him?"

Mr. House objects to the line of testimony that the witness is about to give, on the ground that it is a conversation which the witness had with Madensky regarding the person who fired the shot, and that there is no evidence that the person against whom the statement is made was present at the time and heard the statement.

Mr. Frank joins in the objection on general principles unless it is shown that the person charged was

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present at the time the statement was made.

The Coroner:- While this objection might be perfectly proper in the Court of General Sessions or the Court of Oyer and Terminer, yet the officer here was the first one on the scene of the alleged shooting or alleged homicide; he is about to tell the jury as to what took place at the time; he is simply telling upon what grounds he proceeded to do thus and thus. The jury can take it for what it is worth. He is about to tell us why he proceeded to make arrests &c., and I think I will allow the testimony.

Witness continues:- After I asked him who did the shooting he said he didn't know the man's name, but it was the boy who played the guitar and lived in 58 Mulberry street; I asked him if he was sure, and he said "Yes"; I told him to be careful, as he would have to swear to it; he said he saw him shoot; I asked him where he went; he said he went into 58 Mulberry street. I know the two Mega boys play the guitar, and I went in the rear yard and looked around, and I looked in the water-
✓ closet, and Lillie Watson was in the watercloset; I asked her if she saw any one run in there; she said "No". I know where
✓ Michael Mega lives with the woman he claims to be his wife; it is on the top floor; I went up and rapped at the door; it was locked; I put my shoulder to the door and burst it in, and as

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I burst the door in Flora Mega was half reclining on a couch, and she jumped up, and I asked her if anybody ram in there for the last few minutes, and she said No; I didn't see anybody in the room; I looked out on the fire escape, and then I went to the adjoining room; there was a woman sick with consumption there; I know her, because I had her locked up before; I asked her if she heard anybody come up within a few minutes, and she said, Yes, somebody came up there just a few minutes ago and locked the door, and everything got still; I said there was a man shot in the street, where did he go? and then she wouldn't say any more. I came back and asked Flora Mega if this fire escape lead to the roof, and she said Yes; I went up and looked over down in 52 Mulberry street, and I saw at a scuttle hole a shadow disappear down through the scuttle hole as I stood on the roof; I ran over the roof and rapped, and I ran over the roofs and randed clear down to the street, and did not see anybody; I went into the street and went to where the boy was shot, and the other officer told me he went for an ambulance. As I was looking over the boy I said "Does anybody here know anything about the shooting?" and Lillie Watson said "Yes; that man there (Tomaso Busacca) done the shooting; I saw him shoot." I said "How do you know?" She said "I saw him run out of the hallway and pull a revolver out of his hip pocket and fire." Roundsman O'Brien directed me to take the

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two prisoners to the station house, Busacca and Watson. In the meantime the ambulance went to the hospital, and the Sergeant directed me to take Busacca down to the hospital to see if the boy could identify him; I took him there; the boy was very low, his condition was very low; his father was there; I couldn't revive him first; I asked him, "Mikie, who shot you, Mikie?"

Mr. House objects to this line of testimony on the ground that no foundation has been laid for it; that it must be shown that the officer asked him whether he had and hope of recovery, and whether he believed he was about to die, and that if it cannot be shown that the boy had abandoned all hope of recovery and expressed a belief that he was about to die the testimony should not be allowed, as it is not shown to be a dying declaration.

Mr. Frank joins in the objection.

The Coroner:- I think I shall reserve my decision on that point until we are all through; if we have enough evidence without it that objection may stand.

By the Coroner.

Q. Just proceed and tell us aside from that what you did.

A. You don't ^{want} me to tell what the boy said? A.

Q. Not at present. A. I took the man back to the sta-

tion house.

Q. Did you make any further arrests? A. I arrested Katie Sullivan as a witness.

Q. You told us about Madensky? A. Yes, sir.

Q. Did you get through with him? A. Yes, sir.

Q. I forget whether you testified he identified any one?

A. Yes, sir.

Q. Whom did he identify? A. Charles Mega.

Q. Madensky identified this young man Charley Mega as the one who did the shooting? A. Yes, sir.

Q. Did anybody else identify him? A. Not as I know of.

Q. That is the only witness that identified him as the one who did the shooting? A. I couldn't answer that.

Q. So far as you know? A. So far as I know.

By Mr. Frank.

Q. When you saw Lillie Watson the first time where was she? A. In the watercloset in the rear of 58 Mulberry street.

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

Q. What did you say? A. I asked what she was doing in there, and she said she was in the watercloset; I asked if anybody went up there, or went upstairs, and she said No.

Q. Did you say anything about the shooting? A. I asked if there was trouble in the street, and she said she didn't

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know anything about it.

Q. Who is this Lillie Watson.

Objected to by Mr. Simms.

Q. Have you seen her before?

Objected to by Mr. Simms.

By the Coroner.

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

Q. Have you seen her before? A. Yes, sir, a thousand times.

Q. Where does she live? A. Mulberry street.

By Mr. Frank.

Q. What is her business?

Objected to by Mr. House as irrelevant and immaterial.

Mr. Frank:- The officer testified that Lillie Watson said Busacca did the shooting; for that reason my client was arrested and put in jail and is charged with this crime. I want to show that the word of Lillie Watson is not to be relied upon. First she said she didn't know anything about it; afterwards she said he did the shooting. I want to show she is a common prostitute and there is no reliance to be placed upon her word.

The Coroner. I hardly think that would affect the result of this investigation even if you did prove she

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was a common prostitute.

By the Coroner.

Q. What did Lillie Watson say to you that morning in reference to the shooting? A. I asked her what she was doing there; she said she was in the watercloset; I asked if she saw anybody run up, and she said no she didn't see anybody. About five minutes afterwards she said "That (Tomaso Busacca) is the man who done the shooting; I saw him run out of the hallway and pull out the revolver and shoot.

By the Coroner.

Q. You know this woman? A. I do, sir.

Q. How long have you known her? A. Three years; two to three years.

Q. Did you ever have occasion to know her well enough as an officer so as to give an answer to that question?

A. Yes, sir; I have.

Q. Just answer. A. The woman is a prostitute; I have had her locked up several times.

Q. Did you bring Busacca to the deceased at the hospital?

A. I did, sir.

Q. Was anything said?

Mr. House:- We object.

Mr. Frank:- This is a conversation between Busacca and the officer and the deceased.

Q. At the time you brought Thomas Busacca to the deceased

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did the deceased say anything connecting Busacca with the shooting?

Mr. House:- We object.

Q. The Coroner:- I have ruled on that as stated a moment ago; if there is enough evidence so that the jury can bring in a verdict I will let the objection stand.

By Mr. Sinms.

Q. Officer, what time did you arrive upon the scene of this affair? A. About twenty minutes after three.

Q. You went where? A. To 58 Mulberry street.

Q. And then to the roof of 52? A. Yes, sir.

Q. Whom did you meet when you got down? A. A crowd.

Q. Did you meet Madensky? A. I met him before I went up.

Q. What conversation did you have with him? A. He came running down to me as he saw me coming up Mulberry street from Park Row; I asked him "What is the matter?" He said "There is a man shot up the street." I said "Do you know who shot him?" and he said "Yes; I saw it."

Q. He saw what? A. Who fired the shot. I asked him if he knew who it was; he said, Yes, he knew who it was, but he couldn't tell the name, only the boy that played the mandolin or guitar in Mulberry street. I asked him which way

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he went, and he said he ran into the hallway of 58.

Q. Are you acquainted with Rocco and Michael Mega? A.
Yes, sir; I know them well.

Q. Which is Charles? A. The one next to Michael.

Q. Rocco is the nickname for Charles? A. Yes, sir.

Q. Which plays the guitar? A. Both of them.

Q. What did you do after that? A. I went up to Mike's
room; I knew where he lived.

Q. You didn't discover him there? A. No, sir.

Q. What became of Madensky? A. He stood out in the
street, where the shooting was done.

Q. You left him there? A. Yes, sir.

Q. When did you subsequently take Madensky in charge?

A. The roundsman took him with some others; I told him I
wanted him as a witness.

Q. Were you in his company again? A. No, sir.

Q. Who took Madensky and Rocco Mega? A. I can't tell
whether it was Detective Schermer or the acting Captain.

Q. You were not there? A. Yes, sir.

Q. When he was identified? A. Yes, sir.

Q. In what manner was he identified, and where? A. In
the back room of the station house, Elizabeth street, Sixth
Precinct.

Q. When? A. About half past seven in the morning.

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Q. Of the 18th of August? A. Of the 18th of August.

Q. How did it take place? A. About six prisoners were placed in a line, five or six of them, and those witnesses we had were brought in one at a time.

Q. Who was brought in first? A. I can't tell; I can't say.

Q. How were they identified? A. Either the acting Captain or detective Schermer said "Put your hand on the party who did the shooting. Max Madensky came in and put his hand on Charley."

Q. What occurred after that? A. There were three or four others brought in, and each one nearly identified a different man. Lillie Watson was brought in, and she placed her hand on Eusacca; there was another witness brought in, I don't know his name, but know him when I see him; he placed his hand on John Pedolse. There is another witness here who examined him; I can't tell who it is now; that is all that was identified.

Q. On that morning of the 18th, about twenty minutes after three o'clock, Max Madensky came to you and told you he had seen the man who did it, and said it was the boy who played the guitar, and on the same morning identified Rocco Mega as the man he saw who fired the shot? A. Yes, sir.

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By Mr. House.

Q. On the same morning some other witness identified Pedolse? A. Yes, sir.

Q. And on the very same morning another man identified this man Busacca as the one who fired the shot? A. Yes.

Q. So that on that same morning after you had a conversation with Madensky other witnesses identified two other persons as being the person who fired the shot? A. Yes, sir.

Q. Where was Lillie Watson at the time she pointed out Busacca? A. About as far as you are to me.

Q. She was in the street? A. Yes, sir.

Q. She was near where the boy was shot? A. Yes, sir; not ten feet away.

Q. Didn't you turn around to the crowd and ask "Is there any one here who knows who did the shooting?" A. Yes, sir.

Q. And then didn't she step forward? A. Yes, sir.

Q. And didn't she point out this man (Busacca)? A. Yes, sir.

Q. Was there any hesitation on her part? A. No, sir; she walked right up to him.

Q. And didn't you tell her she better be careful, as she would have to swear to it? A. Yes, sir; and she said "All right, she could swear to it a thousand times."

Q. Were you in the station house when she picked him out?

A. Yes, sir.

Q. Was he in a line? A. Yes, sir.

Q. How many others were there in the line? A. About six or eight.

Q. Wasn't there more than six or eight? Wasn't there some ten or twelve?

Mr. Simms:- He said "about."

By the Coroner.

Q. Can you tell us about when this identification took place? Were the witnesses also placed in line? A. No, sir; they were standing with us in the crowd.

Q. Were you all in the same side of the room? A. The witnesses were on one side and the prisoners on the other.

Q. Were there any other persons there? A. I couldn't tell.

Q. Was detective Price there? A. Yes, sir.

By Mr.

Q. Can you state for the benefit of his Honor and the jury here whether or not this man here (Busacca) said that was the man (Pedolse) who fired that shot? Now you remember from having your attention called to the fact that Busacca, who is charged by Lillie Watson, went over at that time and identified John Pedolse as the one who fired the shot? A. Yes, sir; I know positively he did.

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Q. You know he identified this person, John Pedolse, as the person who fired the shot? A. Yes, sir.

By Mr. Frank.

Q. How long a time elapsed after the shot was fired that you saw Lillie Watson? A. A minute and a half.

Q. In what building did you see her? A. In the rear of 58 Mulberry street.

Q. Did you rush in there? A. Yes, sir.

Q. And you came in a minute and a half after the shot was fired? A. Yes, sir.

Q. Did you see her run in there? A. No, sir.

Q. Do you think it possible for her to run in there and you not have seen her? A. Oh, yes, she could.

Q. And when you asked her whether she knew anything about the trouble what did she say? A. She said she didn't know anything about it.

Q. In spite of the fact that a few minutes later when you saw her---

A. She said Busacca did it.

Q. How long after was it before she pointed him out in the police station? A. Four or five minutes.

By Mr. House.

Q. How long have you been in this precinct? A. Ever since I was on the force.

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Q. How long is that? A. Since 1888.

Q. And you have had considerable to do with the class of people who live around there? A. Yes, sir.

Q. And at times you have been detailed to go out and get evidence where offenses have been committed? A. Yes, sir.

Q. And they are very loth to give information? A. Yes, sir; they are very close-mouthed.

Q. And you have to prod them up pretty lively to get information? A. Yes, sir.

Q. So that this Lillie Watson when you first saw her she--

A. She appeared to be scared, and spoke under her breath.

Q. And when you asked her if she knew anything about any trouble in the street, she spoke low under her breath?

A. Yes, sir; low under her breath.

Q. And when you got out into the street and she, when you said "Is there anybody here who knows anything about this shooting?" identified this man (Busacca) you didn't think anything strange about it? A. No, sir.

Q. Because it was your natural experience? A. Yes, sir.

By Mr. Simms.

Q. The first time you seen her (Lillie Watson) that morning was in the watercloset? A. I saw her prior to the shooting.

Q. Subsequently to the shooting the first time was up-

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stairs? A. No, sir; in the watercloset.

Q. In the watercloset upstairs? A. No, sir; in the rear of 58.

Q. But previous to that Madensky had told you that he had seen the boy that played the guitar with a pistol in his hand and saw him fire the shot, and saw Delgatti fall? A. Yes, sir.

Q. And that was Rocco Mega? A. Yes, sir.

Q. And this boy (Rocco Mega) was subsequently identified by Max Madensky on the same morning as the man he saw do the shooting? A. Yes, sir.

By Mr. House.

Q. Into which house did you first go? A. 58 Mulberry street.

Q. And you went to the top floor? A. Yes, sir.

Q. And who lived there? A. Michael Mega.

Q. Do you know where Rocco lived? A. On the ground floor right back of the liquor store.

Q. The first place you went in 58 was upstairs to Mike's rooms? A. Yes, sir.

Q. And this Madensky had subsequently identified Rocco?

A. Yes, sir; he subsequently did.

By the Coroner.

Q. Do you know of anybody else who identified Rocco?

A. I couldn't say.

By Mr. Frank.

Q. Do you know where Lillie Watson lives? A. She has no regular home; she lives most anywhere.

Q. Wasn't she at one time an inmate of 58 Mulberry street?

A. I believe she was.

Q. Wasn't she at the time of the shooting? A. I believe she was.

Q. By whom is it controlled? A. It is leased by Rocco Mega and Mike Mega's father.

Q. So she is virtually a tenant of Rocco Mega's father?

A. Yes, sir.

Q. And she is an inmate of the house 58 Mulberry street?

A. She lives there in the house with John Pedolse, her man.

Q. She is his mistress you say? A. Yes, sir.

Q. Is she frequently with the Megas? A. Oh, yes.

Q. Did you ever see them together? A. I see her going in and out there.

By the Coroner.

Q. You never saw them quarrel? A. No, I never saw her quarrel. I beg your pardon; she is of a quarrelsome disposition.

Q. Did you ever see her quarrel with those boys?

A. No, sir.

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Q. She volunteered the testimony she gave? A. After I asked her.

Q. You didn't coax her a second time? A. No, sir; she said it right out like anybody would under the circumstances.

Q. No coaxing was necessary? A. No.

By Mr. Levy.

Q. How many families in that building? A. I couldn't tell; they are almost all Italian families; working people.

By the Coroner.

Q. Is it a large tenement house? A. Yes, sir; there is a front and rear house.

By Mr. House.

Q. You made-- since the firing of this shot you have been engaged in investigating it? A. Yes, sir.

Q. And you made some quiet endeavors to find out the truth of the matter, the true state of affairs?

Objected to by Mr. Simms, on the ground that the witness has testified to what he has done.

Q. Isn't it true, that from the investigation that you and the other officers have made that you have arrived at the conclusion that this Delgatti was accidentally shot?

Objected to as improper, Objection sustained.

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Lillie Watson, called as a witness by the
Coroner, was duly sworn, and testified as follows:

By the Coroner.

Q. Is it Miss or Mrs. Lillie Watson? A. Mrs.

Q. Where do you live? A. 58 Mulberry street.

Q. Is your husband alive? A. No, sir; he is not.

Q. You are a widow? A. Yes, sir; I am.

Q. How long have you lived at 58 Mulberry street?

A. A little over a month.

Q. On the morning of the 18th of August, 1891, tell the
jury all that you know with reference to the shooting of Mi-
chael Delgatti; speak loud.

A. I was standing on the curbstone in front of 58 about
20 minutes after three o'clock, when this man (Busacca)---

Q. What is his name? A. I don't know his name. He
came out of 63 Mulberry street; it is used as a gambling
house; this man came out and made water on the sidewalk.

Q. You mean Busacca? A. Yes, sir; I holloosed across
the street, I holloosed "You dirty old Dago, what are you
standing there on the sidewalk making water for? Why don't
you go to a truck?" As I said that he fired a stone about
that size (about a foot long), a big paving stone, across the
street. Me and Rocco Mega was standing side by side on the

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sidewalk.

Q. When you made that remark was that when he fired the stone at you? A. Yes, sir. Flora Mega and Katie Sullivan went across the street and asked him what he fired the stone for.

Q. They ran across the street? A. They were standing at the curbstone.

Q. Did you hear them? A. Yes, sir; then he struck Katie Sullivan here in the law, and blackened her, and kicked her in the leg also; then after that Mike Mega and Rocco ran across the street to see what was the matter with Flora fighting with this man, and Mike had an axe in his hand, and this young Irish fellow (Norris), I don't know his name, he had a piece of iron, a pipe, iron pipe, it was about that length (three or four feet long), and Mike holloosed "Surround him", and then they went to get around the man (Busacca), and as they did he pulled a revolver from his pocket; I could see the revolver glitter.

Q. And did what? A. And fired. Those boys run down the street.

Q. Where was Delgatti at the time? A. Standing in front of 63.

Q. When he fired the shot Delgatty was standing there?

A. Yes, sir; as he pulled the revolver out of his pocket

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this Irish fellow (Norris) and the two Mega boys run down the street.

Q. What followed? A. Then the man (Busacca) fired the shot after those boys.

Q. Did the shot hit anybody? A. It hit this little boy Michael Delgatti) and he fell on the sidewalk.

Q. How many shots were fired? A. Only one.

Q. You are positive you saw him draw a revolver and fire the shot? A. Yes, sir.

Q. The shot was fired at those two boys; while they were running he fired the shot? A. Yes, sir.

Q. And hit this boy Delgatti? A. Yes, sir. As he fired the shot he run into the hall, and I could see him pulling off his coat and hat.

Q. Did you see what became of the revolver? A. No, sir.

Q. Did you follow him? A. No, sir.

Q. What did you do? A. I stood on the sidewalk yet; first I went into the watercloset, and then came out.

Q. You are positive you saw the shooting? A. Yes, sir.

Q. You saw this man Michael Delgatti fall? A. Yes, sir.

Q. Who was present at the time of the shooting? A. The two Mega boys and that Irish boy there (Robert Norris).

Q. Call him Norris; his name is Norris. Where was Pedolse? A. I didn't see him in the crowd at all.

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Q. The Megas, Busacca, Norris, yourself, the deceased, Flora Mega, Katie Sullivan, and who else were present?

A. That is all I seen.

Q. That constituted the crowd? A. The crowd that I saw.

Q. After the shooting what did Busacca do? A. He run into the hallway and pulled his coat off; I seen him pull it off as he went into the hall; there was a back door leading into this gambling house; he came out after that and stood in front in his shirt sleeves.

Q. Did he have a hat on at the time of the shooting?

A. Yes, sir.

Q. And a coat? A. Yes, sir.

Q. How long before he came out? A. Immediately.

Q. Did you say anything to him? A. No, sir; I didn't speak to him.

Q. Were you there when the officers came? A. Yes, sir.

Q. Where did the officer first find you? A. In the closet, in the rear of 58.

Q. What conversation did you have with the officer?

A. He asked me if I seen any of the shooting, or anybody run into the hallway, and I told him No, at first.

Q. Did you then go into the street? A. Yes, sir.

Q. How soon after did you see the officer again?

A. Three or four minutes.

Q. Then a crowd had gathered? A. Yes, sir.

Q. You saw the officer, Downing, come and go where the boy was lying? A. Yes, sir.

Q. Did he say anything at the time? A. He asked, "Is there anybody here that seen the shooting done?" I told him Yes, I seen it.

Q. Did anybody else say anything about it? A. No, sir; I didn't hear anything else. I told him I seen this man (Busacca) pull a pistol out of his pocket and shoot, and he told me that I should swear to it.

Q. He said you would have to swear to it? A. I told him I could swear to it.

Q. How long have you known Busacca? A. About two years, going in and out of this gambling house.

Q. At the time of the shooting were you on friendly terms with Busacca? A. I never spoke to him.

Q. Had you quarreled with him? A. No, sir.

Q. Had you had any trouble of any kind? A. No, sir; I never did.

By Mr. Frank.

Q. How old are you? A. I am going on 25.

Q. Where were you born? A. Boston.

Q. How long did you live in Boston? A. I lived there till I was seven years old, and then was brought up to Concord

Massachusetts; I lived there till I was pretty near sixteen.

Q. What did you do there? A. I was married there.

Q. To whom? A. French fellow.

Q. What is his name? A. His name was Frank-- I can't say it in French; his first name was Frank.

Q. What is the last name? A. It is so hard I can't say it.

How long did you live with him? A.

Q. ^ Near four years.

Q. And you don't know his name now? A. I can't pronounce it.

Q. What letter does it begin with? A. "P."

Q. What is the next letter? A. Something like that big actor.

Q. You say you were married to him? A. Yes, sir.

Q. In church? A. No, sir.

Q. Where were you married? A. I was married with the District Attorney.

By the Coroner.

Q. You mean by a magistrate? A. Yes, sir; the court.

By Mr. Frank.

Q. What court?

Objected to by Mr. House.

Q. How long did you live with him? A. Near four years.

Q. When did you part from him? A. I can't remember it;

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I was sixteen when I was married.

Q. Under what circumstances did you leave him?

Objected to by Mr. House.

The Coroner:- That has nothing to do with the Coroner's investigation. You want to know what she has been doing in New York. It makes no difference what she did in Massachusetts. You can ask her how long she has been in New York, and what she has done.

Q. Is your first husband dead? A. Yes, sir.

Q. When did he die? A. About six years ago.

Q. And you lived with him four years? A. Yes, sir.

Q. How old were you married? A. Going on sixteen.

Q. You came to New York after his death? A. No, sir; I came to New York long before his death.

Q. What did you do when you arrived in New York? A. Well, I went into New York as a prostitute.

Q. So you became a prostitute when you arrived in New York? A. Yes, sir.

Q. How did you get the name of Watson?

Objected to by Mr. House as irrelevant and immaterial.

The question was allowed.

A. I got that from a man I lived with.

Q. Were you at any time an inmate of the house 58 Mulberry

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street? A. I was at the time this happened.

Q. Is that a house of prostitution? A. It is not a house of prostitution; there is different rooms there; I occupied a room in the rear on the ground floor on the left hand side going in.

Q. What part do the Megas occupy? A. Mike lived on the top floor.

Q. And Rocco? A. Off the bar room, the front house in the rear of the bar room.

Q. Where do you live? A. In the rear house.

Q. Who is your landlord? A. I don't pay no rent; the man I live in with him and his woman rent the rooms.

Q. From whom? A. I don't know; Rocco has the property to place so far as I know.

Q. You are friendly with Rocco and Michael? A. Yes, sir.

Q. You are on good terms? A. Yes, sir.

Q. You say the first you saw was when Mr. Busacca came on the sidewalk and urinated there? A. Yes, sir.

Q. On what side of the street was he? A. Right in front of 63.

Q. And that is the west side of Mulberry street?

A. Yes, sir.

Q. How long after he came out did you speak to him?

A. When he was standing there.

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Q. What did you say to him? A. I holloosed over across the street to him; I said "You dirty Dago, what are you standing there for? Why don't you go to a truck?"

Q. What did he say? A. He fired a stone.

Q. You were on the east side? A. Yes, sir.

Q. At this time, while Thomas Busacca was on the west side, where was this boy Delgatti? A. He was standing right near the trucks.

Q. Which side of the street? A. On the same side as this man; I can't pronounce his name.

Q. You don't know his name? A. I don't know his name.

Q. He was on the West side? A. Yes, sir.

Q. Was it north or south of 63? A. I don't know which it was; it was just below.

Q. Was it towards Park street? A. The man was standing towards Bayard street, and the boy was standing below him.

Q. That is south? A. Towards Park street.

Q. On the right or left side of Busacca? A. You can judge that; he was standing on the right, Busacca was on the right side.

Q. Where was the boy? A. The boy was standing just catecornered from him.

Q. As soon as you holloosed at him he came over? A. No.

Q. He fired a stone? A. Yes, sir.

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Q. Staying on the same side of the street? A. Yes, sir.

Q. What happened after that? A. The Mega boys went over there, them and Norris; these two girls went over first and asked the man why he fired the stone, and then they were holding, and he struck this Katie Sullivan twice.

Q. Did he strike you? A. No, sir; I didn't go near.

Q. They ran over to your assistance? A. They didn't come to my assistance.

Q. Who had the axe? A. Michael.

Q. What did Rocco have? A. I didn't see him with anything.

Q. Will you describe to the jury as best you can the position of the different parties at the time the shot was fired, the place they were standing at the time the shot was fired? A. I was about half way in the middle of the street, about in the centre; Mike Mega had the axe in his hand; he was standing a little ways from me, just in front of me.

Q. In what direction? A. Right facing me.

Q. On which side of the street? A. On the side 63 is on, by the wagons.

Q. That is the east side?

Officer Downing:- 63 is the West side.

Q. He was standing on the west side; where was Busacca?

A. Standing right in front of him, only a little ways from

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him; he wasn't quite close to him.

Q. On the left or right side? A. In front of 63.

Q. You say at the time you didn't know Busacca's name?

A. No; but I knew him from seeing him in this gambling house.

Q. When did you find out his name? A. Not till we were here before.

Q. The officer testified when he asked who fired the shot you said "Thomas Busacca." A. I said no such thing; I put my hand on the man.

Q. After the shot was fired what did you do? A. I told you before that I went to the watercloset.

Q. How long after the shot was fired? A. About a minute.

Q. After the shot was fired you saw Thomas Busacca run into the hall and take off his coat? A. Yes, sir; I did.

Q. You waited till he took off his coat before going to the closet? A. No, sir; when I came out he was standing there with no coat or hat.

Q. You saw him run in the hall and take off his coat?

A. Yes, sir.

Q. Before you went to the closet? A. Yes, sir.

Q. You didn't see him come to the street? A. No, sir; but when I returned he was there.

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Q. Did you see Busacca take a pistol out of his pocket?

A. I did; I saw it glitter.

Q. Out of what pocket? A. Out of his pants pocket behind.

By the Coroner.

The two Mega boys at the time you saw him fire the shot were running in what direction? A. Towards the Park street.

Q. On what side? A. On the same side as the shot was fired.

Q. That was the 63 side? A. Yes, sir.

Q. At the time the shot was fired? A. Yes, sir.

By Mr. Simms.

Q. Where was Delgatti standing? A. In front of 63.

Q. Where was Delgatti? A. That is the man who was standing at 63.(indicating Busacca).

Q. And Delgatti was there? A. No; he was below about ten or twenty yards, as far as I can judge.

Q. Show us just how far, pointing towards the front of this building; as far as from here to the second door?

A. As far as from here to the ~~XXXXXX~~ rolling door (about fifteen feet).

By Mr. Frank.

Q. In front of what house was Delgatti standing when the shot was fired? A. I said he was standing below 63.

Q. Near what house? A. Well, about a door or a door and a half from 63.

Q. Towards Park street? A. Yes, sir.

Q. Where was Busacca standing? A. In front of 63.

Q. In what direction was the boys running? A. Towards Park street.

Q. At the time the shot was fired was the boy between Busacca and the Mega boys? A. He was; because they run past him.

By a Juror.

Q. She said she saw this man (Busacca) take the revolver out of his pocket, and the officer said she told him she was coming out of the hall with the revolver in his hand.

By the Coroner.

Q. What did you tell the officer? A. I told him I saw the man take the revolver out of his pocket, and saw it glitter, and saw him fire it in front of 63.

By Mr. Simms.

Q. Where were you that morning? A. I was standing in front of 58.

Q. You, Katie Sullivan, Rocco Mega---

A. I was standing alone, but Rocco was standing along side of me when the stone was fired.

Q. Where had you been before that? A. In the house.

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Q. Was Rocco with you? A. No, sir.

Q. He lives in the rear of the premises? A. No, sir;
in the back room of the front building.

Q. Where do you live? A. In the rear building.

Q. How was it you were up so late? A. I was out on the
occasion of prostituting my body for my living.

Q. Was Rocco there? A. He was on the sidewalk.

Q. Was Katie Sullivan there? A. She was.

Q. And Flora Mega? A. Yes, sir.

Q. Weren't you all talking there? A. No, sir; I wasn't
talking.

Q. Rocco and you were good friends? A. Yes, sir.

Q. He occasionally visits you? A. Not any more than any
other girl.

Q. He does visit you? A. No, sir.

Q. You are on friendly terms? A. He speaks to me as I
pass in and out.

Q. You spoke to him that morning? A. I didn't; he run
across the street.

Q. You saw this man across the street urinating in the
street; were you in front of 58 when you saw Thomas Busacca
urinating in the street? A. Yes, sir; and I said "You dirty
old Dago, what are you doing there?"

Q. What did he do? A. Fired a stone.

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Q. Where were the others? A. Rocco was in sight of me.

Q. How long? A. Three or four minutes.

Q. You had been talking together? A. No, sir; I never changed words with him.

Q. He stood and you stood? A. Yes, sir.

Q. Was it three or four minutes after he began to urinate that you spoke? A. No, sir; right away.

Q. Did he say anything in reply? A. No, sir.

Q. You could see across the street? A. Yes, sir.

Q. And you could see it was Thomas Busacca? A. Yes, sir; there was a light right in the window.

Q. So the light was behind Busacca? A. Yes, sir.

Q. And he obstructed the light? A. No, sir; it shone out.

Q. Who went across when he threw the stone over?

A. Flora Moga and Katie Sullivan.

Q. And then what did he do? A. He struck Katie.

Q. What did Katie Sullivan do? A. She didn't do anything.

Q. You are positive this man (Busacca) is the man you saw strike Katie Sullivan? A. Yes, sir.

Q. And the man you saw urinating? A. Yes, sir.

Q. And the man who threw the stone across the street?

A. Yes, sir.

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Q. And the man who fired the pistol? A. Yes, sir.

Q. And you are as positive of that as you are of any other testimony you have given here today? A. Yes, sir.

Q. You are a friend of Rocco? A. Yes, sir.

Q. You live together? A. No, sir; not together.

Q. You meet him often? A. I meet him going in and out.

Q. He might be called your friend? A. He couldn't be called my friend any more than any other.

Q. You never quarreled with him? A. No, sir.

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✓
Katie Sullivan, called as a witness by the Coroner, was duly sworn, and testified as follows:

By the Coroner.

Q. Where do you live? A. 13 Grand street.

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✓
Lillie Watson recalled by Mr. Simms testified as follows:

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Q. You know John Pedolse? A. Yes, sir.

Q. Can you point him out? A. Yes, sir. (Witness points out John Pedolse).

Q. You didn't see him in the crowd that morning?

A. No, sir; I did not.

Q. He might have been somewhere outside? A. I couldn't swear to that.

Q. He might have been somewhere outside without your seeing him? A. I couldn't swear to that.

Q. Might not he have been there? A. He might have been, but I didn't see him.

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K a t i e S u l l i v a n's examination resumed by the Coroner.

Q. Will you tell the jury all that you saw on the morning of August 18th, 1891, relative to the shooting in question?

A. I was standing at 58 Mulberry street that morning, and this gentleman there--

Q. Who is that? A. Busacca; there were five or six of us at the time.

Q. Who were they? A. Lillie Watson, Flora Mega, Norris, the Mega boys and myself.

Q. Did you see Busacca fire the stone? A. Yes, sir. Before that I was in the street, and I heard her hollooc something at the man, and I saw him fire the stone; I went over and asked him what he fired the stone for; he said it was none of my business, and he up with his hand and hit me in the jaw, and he made a kick for my stomach, but hit me in the leg. Rocco went over and said something to him, and then he said "I wont take any fooling off you or anybody else." He said "I will kill somebody before morning." He stood with his hand on his hip pocket. I heard a shot, but I couldn't tell who fired.

Q. You have told us all so far as you can recollect what transpired? A. I couldn't say who fired. I didn't see who fired it. That I couldn't swear to.

By Mr. Simms.

Q. The man whom you went across the street to, how did he talk, English or Italian? A. In English.

Q. Do you understand Italian? A. No, sir.

Q. Did he talk in English? A. Yes, sir.

Q. You could understand it plainly? A. Yes, sir.

Q. What was the condition of that street that night, light or dark? A. Between light and dark; it was a kind of nice night out.

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Q. Are you sure this is the man (indicating Busacca)?

A. Yes, sir; he was standing with his coat on, and a light straw hat; there is always a light in the window where he was standing.

Q. It was three o'clock in the morning? A. Nearly half past three.

Q. You are satisfied this is the man that kicked you and hit you? A. Yes, sir.

Q. Did he talk English? A. He said it was none of my business, and he would kill somebody before morning. I didn't do anything; I walked across the street to see why he fired the stone. After he hit me Michael Mega and Flora and Charloy came over, and we came back across the street together, and with that the shot was fired.

Q. Who had this hatchet? A. I didn't see anybody with anything in their hands; I didn't see no hatchet.

Q. Then you went where? A. Into 53rd Mulberry street.

Q. Where? A. I stayed in the yard. Officer O'Brien came and asked Flora if she saw anything of the shooting, and she said No.

Q. And then what occurred? A. He took Rocco in.

Q. Where was he then? A. In the door between the saloon and his own room.

Q. Did you see him take him out? A. I didn't see him

take him out; I saw him at the door.

Q. Where did Rocco go after you went in? A. I couldn't say; I didn't see him.

Q. Did you see a pistol in Rocco's hands? A. No, sir; I didn't see anything in any man's hands that was with me.

Q. You heard the shot where it came from? A. No, sir.

Q. Where were you? A. I was in the middle of the street.

Q. You didn't look? A. No, sir.

Q. You didn't care? A. As long as it didn't hit me.

Q. You didn't see a pistol in Rocco's hands? A. No, sir; I never did in my life.

Q. Did you see a pistol on the bar? A. No, sir; because I wasn't many times in there.

Q. You went in to see Rocco? A. No, sir; I never went in unless I wanted a drink.

Q. You know Rocco very well? A. Yes, sir.

Q. You talk to him going to and from your house? A. Bid him the time of day.

Q. Buéacca isn't a friend of yours? A. No, sir; I never saw him before.

Q. Rocco and Charley were? A. Yes; I am on friendly terms with everybody.

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By Mr. Frank.

Q. What is your business? A. I am a bookfolder.

Q. Is that the only ~~xxxxxyxxxxxx~~ way you earn a living?

A. No; I am a prostitute.

Q. Did you ever stop at 63 Mulberry street? A. Yes, sir; occasionally.

Q. How long before this occurrence? A. Oh, many a time.

Q. That was more than once or twice? A. I have been there often, but not to stay over night.

Q. How often were you at 58? A. Many a time.

Q. What were you doing there? A. Looking for sport.

Q. Did you use the rooms there? A. No, sir; I never used a room in the house.

Q. How long have you known the Megas? A. Slightly acquainted a little over a month.

Q. You are friendly with Lillie Watson? A. I speak to her when I see her.

Q. You are on friendly terms? A. Yes, sir.

Q. You are at the House of Detention? A. Yes, sir.

Q. Do you occupy the same room? A. Yes, sir.

Q. I suppose you spoke about what you were detained for?

A. No, sir.

Q. You are positive of that? A. Yes, sir.

Q. Not one word was said about the occurrence? A. No.

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Q. And that is as true as anything else you have testified to today? A. Yes, sir.

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J o h n I s o l a , called as a witness by the Coroner, was duly sworn, and testified as follows:

By the Coroner.

Q. Where do you live? A. 474 Pearl street.

Q. What is your occupation or business? A. Fruit vendor.

Q. Were you present at the shooting? A. Yes, sir; but I didn't see the shooting.

Q. Tell the jury what you know of the occurrence in question, that took place on the morning of the 18th of August, on Mulberry street. A. That is Tuesday morning; I went around to 63 Mulberry street to get a plate of Macaroni; I went inside, and I looked back in the kitchen and seen the light turned, and I said the cook isn't in, and I see this man (Busacca) sleeping, lying on a chair near the table.

Q. Where? A. In 63, and I sat down a little while.

Q. The door was open then? A. No, sir; a friend of mine came walking out and said "I think I will go home."

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Q. Who was your friend? A. Nicholas Gorini. I says "I Will go down with you." We came out and I stopped to make water in front of a wagon.

Q. That is, in the street? A. Yes, sir; and he went in again; I noticed on the other side of the street there was seven or eight people over there, women and men mixed; there was two walking on the street, and the others was sitting down; one said "Look at that man watering over there, and he aint got anything."

Q. What was that? A. This woman says "Look at that fellow pissing over there; he aint got no prick." I said "You get one so good as this." She said "You better give that to your mother, you dirty son of a bitch; your mother is a whore! I see another one stoop down and pick up the skin of a watermelon, and I said "Don't you fire that"; she fired it and hit me in the face, and I picked up a stone that weighed about 35 pounds, I couldn't throw it, I could only roll it; that last one there that just talked--

Q. Katie Sullivan? A. She came over and said "Who are you throwing that stone at?" I said "I am throwing it at the one who hit me with the watermelon skin. She struck me and spit in my face; I tried to avoid her, and I couldn't. Then I turned around and smacked her six or seven times in the face. This man (Rocco) came over and says, "What are you

hitting this woman for?" I said because she hit me with the watermelon skin. He said "If you don't look out I will smash you in the jaw." I had my coat off, and I put it down on the sidewalk, and said "Come in the middle of the street if you want to hit me in the jaw; I will fight you fair." With that this Michael Mega and Robert Norris came over; I noticed this fellow (Michael) he had something that looked like an axe, and the other one (Norris) he had something in his hand that looked like a club.

By Mr. Simms.

Q. Did you see anything else in the hands of those who came over? A. No, sir; when I seen them I went on the sidewalk; there were people there, and they stood in the middle of the street, and they didn't come over. That big girl over there (Flora Mega) she was near me, and she was cursing me, and I was looking out and these fellows were saying "Why don't you come out?" and this one (Flora Mega) said, "Jump in on him he hasn't got nothing." This man Michael Mega says to the other fellow over there (Norris) "Are you with me?" and he said "Yes; don't you see I am with you?" "Well", he said, "leave us jump in for him", and I jumped in the restaurant.

Q. Whose restaurant? A. Busacca's.

Q. You jumped into Busacca's restaurant? A. Yes, sir. I went inside, thinking they would come in, and I grabbed two

soda water bottles; nobody came in; I went through the hallway, and when I got out I threw a bottle in the direction they were standing, and that man (Busacca) he grabbed me here so I wouldn't throw the other bottle.

Q. Where were you at that time? A. In front of 63; and he squeezed me right here (around the breast), just as I pegged the bottle somebody says "Shoot him", and out rang the shot.

Q. In what direction did you hear that come from?

A. I don't know.

Q. Was it on the same side of the way? A. It was around there; I don't know whether it was there or not.

By the Coroner.

Q. You don't know who made the remark? A. No, sir.

Q. What followed after that? A. A shot.

By Mr. Simms.

Q. From what direction did it come? A. I think from 56 or 58. This man Busacca let go of me, and he kind of pinched me; I said "I am shot"; I holloed "Oh, my God, I am shot." This Jew boy (Madensky) he says "That is all right, John, I know who done the shooting", and I turned my eyes and saw him (Delgatti) twisting himself like an eel near the gutter, and this man here (Busacca) says "Get away from here; you spoil my business." I went away and went into the yard and came home.

Q. Did he say that to you in Italian or English?

A. Italian.

Q. Has he ever spoken English to you? A. He don't know how to talk English; some times a little word or something.

Q. All the conversation you had with him was in Italian?

A. Yes; but I didn't have any talk with him at all.

Q. Didn't you go in his restaurant? A. Yes, sir.

Q. You talked with him when he had hold of you?

A. No, sir.

By the Coroner.

Q. Didn't he say, "Get away, you spoil my business?"

A. He said that in Italian.

By Mr. Simms.

Q. How long have you known Busacca? A. About seven years or so.

Q. All the conversation you have had with him during the time you have known him has been in Italian or English?

A. Italian.

Q. He can't talk English well? A. He can talk a little.

Q. But not well, or clearly? A. I don't know.

Q. You were the man who urinated in the gutter?

A. Yes, sir.

Q. You were the man who threw the stone? A. Yes, sir;

I am the man

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Q. And you are the man who kicked Katie Sullivan? A. I didn't kick her, I slapped her.

Q. Did you see Busacca at any time in the street making water in the gutter? A. No, sir, not making water; he was at his door.

Q. Was he to the curbstone? A. No, sir.

Q. Did he throw any stone? A. No, sir.

Q. Did he take any part? A. I don't think he would take it up for me.

Q. Did he go in the fight? A. No, sir.

Q. What did he do, if anything? A. When I was rolling the stone over he grabbed me, but I had rolled it; he said "What are you throwing?" When he grabbed me he said "You better not throw that."

By Mr. Frank.

Q. This shot was fired while he was holding you? A. Yes, sir.

Q. Did he fire the shot? A. No, sir.

Q. Could he have fired it without your knowing it?

A. He didn't have anything to do with it.

Q. The shot was from the other side of the street?

A. I think it was; I don't know where it came from.

Q. With which hand was he holding you? A. I don't know, I was too much excited, I didn't know which; it was either one

or the other.

By Mr. Levy.

Q. How long have you been in this country?

A. I was born here.

Q. Your parents are Italian? A. Yes, sir.

Q. Isn't Busacca a relation of yours? A. No, sir.

Q. Or of your family's? A. No, sir.

Q. Are you married? A. Yes, sir.

Q. Isn't he a relation of your wife's? A. No, sir.

Q. How old are you? A. Twenty-four.

Q. What is your business? A. Fruit vendor.

Q. You go into Busacca's very often? A. I go in to get
a plate of Maccaroni once in a while.

Q. Sometimes ten times a week? A. Sometimes fifty
times.

Q. You are very friendly with Busacca? A. Yes, sir.

Q. He is a great personal friend? A. Yes, sir.

Q. He is a great friend of yours, isn't he? A. No.

Q. You are a great friend of his? A. No.

Q. Didn't you say a few minutes ago you were? A. Well,
he is a friend like anybody else.

Q. He is a great friend of yours? A. Not too great.

Q. You go there thirty or forty times a week?

A. That don't make no difference.

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Q Not to eat forty or fifty times a week? A. No, sir.

Q You don't eat so often as that? A. I said I go there a couple of times, and he (Mr. Levy) said I go there ten times.

Q How many times do you usually go there a week?

A. Six times, or four times.

Q Two or three times a day? A. No, twice, or so.

Q You go there in the night usually? A. No, sir; not in the night; I go home.

Q You were never there in the night? A. I was there that night. I was in 45 Baxter street playing Bowling Alley till one o'clock; then they closed up the place.

Q What time did you go to Busacca's place? A. Three o'clock.

Q What were you doing between one and three? A. Sitting at the door, 45 Baxter Street, talking with friends.

Q That is around the corner from this place of Busacca's?

A. Yes, sir.

Q Not very far? A. No, sir; only around the corner.

Q You know the Megas? A. I have seen them, but never had any conversation with them.

Q You know their father? A. No, sir.

Q You have never been in their place? A. No, sir.
Q Never had any talk? A. No, sir.
Q Have you been to see Busacca since he was arrested?
A. No, sir.
Q Have any of his friends come to see you about his being arrested? A. No, sir.
Q How did the police get you? A. I read they were looking for me, and I surrendered myself.
Q In what paper did you read that? A. I read so many I don't know what paper.
Q Was it a newspaper? A. Yes, sir.
Q You read English? A. Yes, sir.
Q What is your name? A. John Isola.
Q Was it published in the paper John Isola? A. No, they were looking for Genola.
Q Is that your nickname? A. Yes, sir.
Q And you thought that meant you? A. Yes, sir.
Q Whom did you see? A. Mr. Price.
Q Did you tell him what you knew about this case?
A. Yes, sir.
Q How long after the shooting did you go to see him?
A. Three days.
Q Did you know this Italian boy (Delgatti)? A. Yes, sir.

Q You had known him? A. Yes, sir; I have seen him; he has shined my shoes.

Q Did you see him standing around when this took place?

A. No, sir.

Q Was he in that fight or quarrel? A. No, sir.

Q Did you ever go into the building 58? A. No, sir.

Q You remember how Busacca was dressed that night?

A. I think he didn't have any coat on.

Q Did he have a hat on? A. I don't think so.

Q He had a vest on? A. Yes, sir.

Q You are not certain whether he had a coat on or not?

A. No, sir.

Q You are sure he had a vest on? A. Well, I am not quite sure; but I think he had.

Q You came out of Busacca's restaurant, and went out on the street, and left Busacca in the restaurant? A. Yes, sir.

Q How long after that did he follow you? A. About fifteen minutes or so.

Q And you were on the sidewalk fifteen minutes before he came out? A. Yes, sir; about fifteen minutes.

Q What were you doing? A. I was pissing on the sidewalk.

Q It took you fifteen minutes? A. No, sir.

Q What were you doing? A. I pissed, and then that woman hollered at me.

Q He didn't come out then until after you had that beautiful conversation? A. No, sir.

Q Then he came out? A. Yes, sir.

Q After you threw the stone? A. No, sir, while I was throwing it.

Q You didn't lift that stone up? A. No, sir.

Q You rolled it over? A. Yes, sir.

Q You thought you would frighten them? A. Yes, sir.

Q This stone that you speak about was a ~~big~~ paving stone?

A. No, I don't think it was; it was some other kind of a stone.

Q Where did it lie? A. In the gutter.

Q How large was it? A. About that big (indicating about two feet).

Q You didn't lift it up in your hands? A. I couldn't lift it up; it was too heavy.

Q While you were taking this stone for the purpose of rolling it, as you say, Mr. Busacca came out of the restaurant? A. Yes, sir.

Q And he saw you take this stone up? A. Yes, sir.

Q Did he hear any of the talk between you and the people?

A. I don't know.

Q You saw him bend down to pick up the stone? A. He went to catch me so I wouldn't throw it.

Q Did he catch you? A. Yes, sir; but it was too late.

Q How far were the people standing from you? A. They were on the other side of the street, around 58.

Q Did you expect to hit them with this stone? A. No, sir.

Q You only wanted to frighten them? A. Yes, sir.

Q They do those things in Mulberry Street? A. Yes, sir.

Q When he came out from the restaurant he tried to stop you? A. Yes, sir.

Objected to by Mr. Simmes as having been gone over.

Q He got hold of you? A. Yes, sir.

Q How did he catch hold of you? A. With his hand.

Q How? A. He grabbed me with his hand.

Q Did he catch your arm? A. Yes, sir.

Q Did he come behind you? A. No, sir, on the side of me.

Q He caught your right arm? A. Yes, sir.

Q He didn't catch both arms? A. No, sir, he grabbed me like that, and the stone had went.

- Q When you got up what did you say to him? A. Nothing.
- Q But notwithstanding that he grabbed you by the breast -
- A. That was when the shot was fired.
- Q Did you go back into the store again? A. No, sir.
- Q Did you still stay on the sidewalk? A. Yes, sir, I stood there till the women came over.
- Q Till this Katie Sullivan came over? A. Yes, sir.
- Q And then you snacked her in the jaw? A. She hit me first; she struck me and spit in my face and called me vile names, and I tried to avoid it, and she hit me again, and I hit her.
- Q After you hit her the Mega boys came over? A. Yes, sir; Rocco.
- Q Did you know his name? A. No, sir.
- Q You never met him before? A. No, sir.
- Q You never saw Norris before? A. No, sir.
- Q Did you ever see Padolse before? A. Yes, sir; I had seen him.
- Q You have talked to him? A. No, sir.
- Q You know him? A. Not to talk to.
- Q He was there that night? A. Not that I know.
- Q Didn't you see him? A. No, sir.

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Q There was a light in Mr. Busacca's window? A. Yes, sir.

Q Candle, lamp or gas? A. Gas.

Q That was shod out on the street from the house?

A. Yes, sir.

Q And it made the sidewalk in front of 63 there light, didn't it? A. Yes, pretty light.

Q So you could see the people on the sidewalk?

A. Yes, sir.

Q You could see their faces? A. Yes, sir.

Q You could see Busacca's face? A. Yes, sir.

Q And when these boys came over you could see their faces?

A. Not very well?

Q You could see Busacca's? A. I could see that when he grabbed a hold of me.

Q Could you see these boys' faces? A. Yes, sir; but not so well.

Q Why couldn't you see them? A. They came from the other side.

Q You were in the light? A. They didn't reach the light.

Q They stood in the street? A. Yes, sir.

Q You say you saw Padols there? A. I didn't say anything of the kind.

- Q Did you see the next man, Morris, there? A. Yes, sir.
- Q Did he come over? A. Yes, sir.
- Q Did he talk to you? A. No, sir.
- Q He came over? A. Yes, sir.
- Q And stood in the middle of the street? A. Yes, sir.
- Q He didn't approach the sidewalk? A. No, sir.
- Q How far away did the three stand from you when they came over? A. About six feet from the other sidewalk, from the east side, six feet in the street.
- Q So that the talk between you and them was always had, you standing on the sidewalk, on the side of 63, and they standing on the sidewalk on the other side? A. Yes, sir.
- Q So that you hollered it to each other? A. Yes, sir.
- Q So it was dark on the other side? A. Yes, sir.
- Q No light? A. Not much.
- Q They were only six feet away from the sidewalk?
- A. About six feet.
- Q Give these gentlemen an idea how long you think six feet are? A. About to the middle there, of the rail.
- The Coroner: That is a pretty fair guess, I think.

POOR QUALITY
ORIGINAL

0596

Q The light - was the moon shining that night? A. I didn't take notice.

Q The street was very light? A. No, sir.

Q It was very dark? A. Pretty dark.

Q The only light that was seen in that neighborhood was the light that came from Busacca's store? A. Yes, sir.

Q You say the night was dark? A. Yes, sir.

Q And you say there were no lights upon the street excepting one light that came from Busacca's store; is that true? A. I didn't say there was no other light; I said there was a light in his ~~xaw~~ window, I don't know whether there was in other windows.

Q It was absolutely dark on the other side of the street? A. Yes, sir.

Q Could you, standing in front of 53, have seen the faces of the people on the other side of the street? A. Not on the sidewalk.

Q If you had stood in the gutter? A. No, sir.

Q If you had stood about the distance from where you are to where Detective Price is could you have seen them?

A. I think I could.

Q Are you sure about it? A. Sure. of it.

Q See the faces plainly and distinguish the faces?

A. Yes, sir; I think I could.

Q The other side of the street was dark? A. Yes, sir.

Q No light at all coming from the houses? A. Not where they were standing, it was dark.

Q You said that the side upon which these boys stood there was no light? A. No, sir.

Q Is that true? A. Yes, sir.

Q The only light in that neighborhood there was came from the other side, of Busacca's store, is that true?

A. There was a light in his window.

Q You didn't see any other light? A. No, sir.

Q You are sure that they didn't cross the street, and didn't come across to you?

Objected to on the ground that the witness hasn't said that.

By the Coroner:-

Q Did they cross the street? A. They came over with the ax and one with a club.

Q Didn't you say a few minutes ago that they stood about six feet away from the curb stone? A. I meant they went six feet, and then when they chased me inside they crossed the street then.

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Q When you say they chased you inside of the building, you mean before the shot was fired? A. Yes, sir.

Q And you stood in the store? A. Yes, sir.

Q How long were you in the store before the shot was fired? Don't you understand that question? After they chased you in until you heard the shot fired, how long was it? A. When I went inside I stood there about half a minute, and then took those soda water bottles and came out.

Q And you walked on the sidewalk and curb stone and into the gutter? A. I was near the gutter.

Q And you threw the soda water bottle? A. Yes, sir.

Q And you heard it break a window on the other side?

A. Yes, sir.

By the Coroner:-

Q Something broke? A. Yes, sir.

Q It sounded like a window? A. I don't know whether it was the bottle or the window.

By Mr. Levy:-

Q After you came out of the store with the bottles did Busacca follow after you? A. He grabbed hold of my arm.

Q On the sidewalk? A. Yes, sir.

Q So he did follow after you? A. I don't know.

Q Did he grab you on the sidewalk? xA. Yes, sir.

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Q You left him in the store? A. I didn't leave him in the store.

Q Where was he standing when you took the bottle?

A. There was nobody in the store when I went there.

Q Where was Busacca when they closed you into the store?

A. He was outside in front of his door.

Q Didn't you see him standing in front of his door?

A. Yes, sir.

Q When you ran out and throw one bottle he came to the curb of the street and pulled your arm? A. Yes, sir.

Q When did he grab your breast? A. When I threw the bottle, just as I throw the bottle he grabbed me.

Q He stood behind you? A. Yes, sir.

Q And as you throw the bottle he stood behind you, so he was covered by you from the people on the other side?

A. Yes, sir.

Q Did you say anything as he held you? A. No, sir.

Q How long is it since you had a pistol? A. I never had one.

Q Did you have a pistol that night? A. No, sir.

Q Didn't you borrow one? A. No, sir.

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Q Didn't you go to Busacca's store and get one? A. No, sir.

Q You are sure you had no pistol? A. Yes, sir.

Q Busacca's restaurant is a wide room? A. No, not so wide.

Q How wide is it?

By the Coroner:-

Q Is it as wide as this room? A. About as wide as from that railing over there.

Q As you came out of the store there is a little counter?

A. Nearer the window, no, sir.

Q Where is the counter? A. Inside.

Q Away in the back of the store? A. Not away in the back.

Q How far from the door? A. I never handled no rule.

By the Coroner:-

Q Is it as far as that first door? A. It as a little further; about as far as the second bench. (About 25 feet)

By Mr. Levy:-

Q On that counter there is a cigar case? A. Yes, sir.

Q Have you ever stood alongside of that cigar case?

A. No, sir.

Q You have never been near that cigar case? A. I never went behind the cigar case.

Q I said near it? A. I have been near the counter to pay some macaroni.

By Mr. Frank:-

Q You say when you went to pay? A. Yes, sir.

By Mr. Levy:-

Q Mr. Isola, this cigar case is on the counter, and you pay it at that counter, whatever you purchase? A. I usually pay there or they take it.

Q You have seen a cigar case there? A. Yes, sir.

Q Is it opened from the back, the front, or top?

Objected to as immaterial.

A. It opens from the side.

Q There is a little catch isn't there? A. I don't know.

Q Isn't it a fact that you saw a pistol in that little cigar case on the very night of the shooting? A. No, sir.

Q Did you ever see one there? A. No, sir.

Q Did you ever see Mr. Busacca handle ~~the~~ pistol?

A. No, sir.

Q You never saw him take one, or use it, or handle it, or have one? A. No, sir.

Q Don't you know he has a pistol? A. No, sir.

Q Hasn't he exhibited one to you? A. No, sir.

Q Did you ever ^{meet} ~~hit~~ the Lillie Watson woman before?

A. No, sir.

- Q Never saw her before that night? A. No, sir.
- Q Are you sure of that? A. Yes, sir.
- Q Did you ever meet Katie Sullivan before? A. No, sir.
- Q Never saw her before that night? A. No, sir.
- Q You are sure you didn't strike her till she had first struck you? A. No, sir.
- Q Have you worn your face in the same way without hair for some time? A. Yes, sir; always.
- Q Never wore any mustache? A. Not for some time.
- Q Have you during the past year? You didn't have a mustache on the night of this shooting? A. No, sir.
- Q Did you have your hair clipped as close as it is now? A. This is the way I had it.
- Q Did you have a light shirt on that night? A. I had an undershirt on.
- Q Have you ever been in any trouble? A. No, sir.
- Q Indicted? A. No, sir.
- Q Have you ever been arrested?

Objected to by Mr. Sinms; objection sustained.

By Mr. Palmieri:-

- Q What is your occupation? A. Fruit vender.
- Q What are the working hours? A. I work from six o'clock in the morning till seven o'clock at night.

Q Then you go to Busacca's place at night? A. No, sir; I go home.

Q Once in a while? A. Once in a while.

Q For what purpose? Aren't you a gambler?

Objected to by Mr. Simms.

A. No.

Q You weren't gambling that night?

Objected to by Mr. Simms.

Q So you say that night was very dark on the other side of the street, wasn't it? A. Yes.

Q You are not sure whether Norris came over or somebody else; you are not sure of Norris? A. He came over; he was with this other man Michael Mega.

Q Have you ever seen him before? A. No, sir.

Q Were you in a position to see that man? Where were you standing? A. On the sidewalk.

Q And it was dark on the other side of the street?

A. Yes, sir.

Q And when he approached you, how came you to recognize him? A. Well, I looked in his face.

Q And still you can swear that this is the man that came over with Michael Mega? A. Yes, sir.

Q Rocco didn't come over? A. He came over first and that man came, after the two of them came.

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Q Rocco came first? And when you saw the others approach you went inside and called for help, the other friends of yours, about twenty men? A. No, sir.

Q Did you at any time play cards at 68?

Objected to as immaterial and irrelevant.

By Mr. Simms:-

Q You say it was absolutely dark; by that you mean there were no lights on that street?

By the Coroner:-

Q What do you mean by absolutely dark? A. There was no light.

By Mr. Simms:-

Q But you did see people on the opposite side of the street? A. Yes, sir.

Q Seven or eight? A. Yes, sir.

Q And saw Rocco Mega, Michael Mega, Katie Sullivan, Flora Mega, and Robert Morris, approach you that morning?

A. Yes, sir.

Q And they were quite near to you? A. Yes, sir.

Q How near? A. About six feet away from the other sidewalk, coming this way.

Q But near to you enough to recognize them clearly and plainly? A. Not plainly enough.

Q But it was plainly enough for you to recognize that it was Rocco Mega and Mike Mega, and Katie Sullivan, and Norris, and Flora, you recognized them? A. Yes, sir.

Q There is no doubt but you saw them and recognized them?

A. No, sir.

Q Did you have a pistol that night? A. No, sir.

Q Did you see a pistol in the hands of Busacca?

A. No, sir.

Q Did you see anyone have a pistol that night? A. No, sir.

Q Where were you at the time Delgatti fell, or saw him *lying* on the sidewalk? A. I was near the gutter, and I turned my head and saw him lying down.

Q At the time did you have your back to Delgatti when you heard the shot? A. No, sir.

Q Were you back of Delagtti at the time, did he have his back towards you? A. I didn't see him till I saw him lying there.

Q Where were you? A. On the sidewalk.

Q With whom? A. With Busacca.

Q In what direction were you facing at the time you heard the shot? A. Looking into 58 or 56.

Q In what way was Busacca facing? A. I don't know;

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he was behind me.

Q Did he have hold of you from behind? A. He grabbed me, I said.

Q Where was he, in front of you or behind you? A. Behind me.

Q This was just after you threw the bottle? A. Yes, sir.

Q And did you have one bottle in the other hand?

A. Yes, sir.

Q What did you have in the right hand, anything at all?

A. I had a bottle in each hand.

Q Busacca took you by the left breast? A. Yes.

Q Did you see anything in his hand at all? A. No, sir.

Q After the shot was fired did you turn to him? A. I said, "I am shot", and that Jew boy said, "That is all right John, I know who done the shooting."

Q Then did you look at Busacca after that? A. He grabbed me, and said, "Get away from here".

Q Did he have anything in his hand? A. No, sir.

Q Just before that Madensky said, "I know who done the shooting"? A. Yes, sir.

Q Did he say who did it? A. No, sir.

By Mr. Levy:-

Q You fired your bottle with the right hand? A. Yes, sir.

Q And you stood in front of him? A. Yes, sir.

Q And he caught you by the left breast? A. Yes, sir.

Q And he used his left hand? A. I don't know.

Q Where was his other hand? A. I don't know; he was behind me.

Q Did he have hold of you with his right hand? A. I don't know.

By Mr. Frank:-

Q Could Mr. Busacca have fired the shot without your knowing it, while holding you? A. I don't think he could.

Q Are you not positive? A. I am not positive of anything; I didn't see him doing anything; I don't know whether he could or not.

Q Did the shot come from the same side of the street?

A. I don't know.

Q If Mr. Busacca had shot wouldn't you have heard it more distinctly?

Objected to; objection sustained.

Q Was the shot so distinct that the pistol could have been held by a person next to you? A. No, sir.

Q Where did that shot appear to come from? A. I think from the other side of the street, to me.

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Q Did it appear to come from your side of the street?

A. I don't think it did.

By Mr. Levy:-

Q Did you see the flash of the pistol? A. I seen the flash.

By the Coroner:-

Q Be careful when you answer questions; this is a very important question.

By Mr. Levy:-

Q From what direction did that flash come? A. I don't know from what direction; I was so excited I didn't see which direction; I think it came from the other side of the street.

Q Will you swear to it? A. No, sir, I can't.

By Mr. Simms:-

Q To the best of your knowledge, you saw that flash from the other side of the street? A. Yes, sir.

By Mr. Levy:-

Q You have stated to his Honor and this Jury that you saw the flash? A. Yes, sir.

Q You have stated that you have seen the flash?

A. Yes, sir.

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Q You don't know from where it came, do you? A. No, sir.

Q Did you see in what direction it went? A. No, sir;
I was so excited I don't know how.

Q You don't know whether it came from 65? A. I don't
know.

Q Or from 61? A. No, sir.

Q ~~Doesn't know~~ whether it came from 56? A. I think it came
from 56 or 58.

Q Did you see it come across the street? A. No.

By Mr. Simms:-

Q You were facing 56 and 58 at the time he took hold of
you? A. Yes, sir.

Q You couldn't see behind you? A. No, sir.

Q So if you saw the flash it must have been in front of
you; you were standing with your back to Busacca's saloon?
A. Yes, sir.

Q And to the best of your knowledge it came from 56 or
58? A. Yes, sir.

Q You couldn't see it if it came from behind? A. No,
sir.

Q You saw it? A. Yes, sir.

By Mr. Levy:-

Q As a matter of fact do you know from what direction
that flash came? Can you swear? A. No, sir.
(68)

By Mr. Simms:-

Q But to the best of your knowledge it came from 56 or 58? A. I think it did; I won't swear it did.

By Mr. Palmieri:-

Q You don't know from where it came? A. I seen the flash, but I don't know which way it came.

By Mr. Simms:-

Q But to the best of your knowledge it came from 56 or 58? A. Yes, sir.

By the Coroner:-

Q You are now under oath; you know what that means?

A. Yes, sir.

Q You know what the result is if you commit perjury?

A. Yes, sir.

Q What is the result? A. I will go to prison.

Q This is a question that concerns everybody in this case, a very important question; can you now wear positively, or do you know positively, from what direction that flash came?

A. No, sir.

Q To the best of your knowledge, can you tell us from what direction it came? A. No, sir; I cannot.

By Mr. Frank:-

Q Was it near the side of your head? A. No, sir.

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06 1 1

Q Did you smell any gun powder? A. No, sir.

Q But it appeared to be from the other side of the street?

Objected to by Mr. House.

By the Coroner:-

Q I want to ask about this man Busacca; have you had a chance to converse with him since the shooting? A. No, sir.

Q Didn't you converse with him right after the shooting? A. No, sir.

Q Do you mean to tell the Jury that right after the shot was fired you didn't say a word to him or he to you?

A. Busacca says, "Go away, you spoil my business"; I didn't say anything to him.

Q After that you had no chance to converse with him?

A. No, sir.

Q Have you conversed with any friends of Busacca's about this case? A. No, sir.

Q Has anybody been to see you about the case? A. No, sir.

Q Did you understand the questions put to you during this examination? A. Yes, sir.

Q Did you understand what the lawyers and Jury and Court asked? A. Yes, sir.

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Q And you have answered according to the best of your understanding? A. Yes, sir.

Q And about the language; you say you and Busacca conversed in Italian during the last seven or eight years?

A. Yes, sir.

Q Did you ever speak English to him? A. No, sir.

By Mr. Frank:-

Q From your acquaintance with Mr. Busacca do you know whether he can speak English? A. I don't know.

By the Coroner:-

Q How many years have you known Busacca to be in the City of New York? A. He didn't live here.

Q How long have you known him here? A. Six or seven years.

Q He must have lived in the city? A. He lived in Newark.

Adjourned until 3 P. M.

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3 P. M.

Met pursuant to adjournment.

Examination of JOHN ISOLA, resumed.

By Mr. Levy:-

Q At the time you went into the restaurant of Mr. Busacca were there any other people in the room? A. Yes, sir, two or three.

Q Do you know them? A. I didn't look at them; I don't know who they were; I think one was the father of the boy.

Q Which boy? A. The boy that was killed.

Q Who else? A. The boss and two other men.

Q Would you know them again? A. Only my friend Gerino.

Q When you heard the shot and Busacca let go of you you felt pain in your breast? A. Yes, sir.

Q You thought you were shot? A. Yes, sir.

Q You said, "Oh, my God, I am shot?" A. Yes, sir.

Q When you saw the boy on the ground you saw you were not? A. I didn't know. This man got a hold of me and said, "Get away you spoil my business."

Q Where did you go from there? A. Through the restaurant, through the hallway and then through the yard;

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there are three yards.

Q You went into the restaurant of 63? A. Yes, sir.

Q Into the yard? A. Yes, sir.

Q And where else? A. To the third yard below.

Q You jumped over the fences? A. No, sir.

Q You walked through the yards? A. Yes, sir; there is a door; I went down to the third house, and came into 63, the third house below.

Q Three houses below 63? A. Yes, sir.

Q Instead of going down the street, you went over two or three yards and came out of the same yard? A. Yes, sir.

Q What number? A. I don't know what number; I think it was 59.

Q And then you came out on the street again and went home? A. Yes, sir.

By the Coroner:-

Q You didn't go back to the scene of the shooting?

A. No, sir; I went home.

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MAX MADENSKY, called as a witness by the Coroner,
was duly sworn, and testified as follows:-

By the Coroner:-

Q How old are you? A 19.

Q Where do you live? A 85 Bayard Street.

Q Do you live there with your parents? A No, sir.

Q With whom? A Strangers; I am stopping there.

Q Do your parents live in the city? A I have no
parents.

Q Any relatives? A I have a brother; he lives in
Ludlow Street.

Q Is he married? A No.

Q You live at 85 Bayard Street? A Yes, sir.

Q How long have you lived there? A About two years.

Q You must understand these 12 gentlemen are the Jury;
the last one must hear you as well as the first one; tell
the Jury all that occurred on that morning, everything that
took place that you know of; not what others say, but
everything you know of your own knowledge? A I was
there at the time the fight was; I was in the middle of
the sidewalk, and I seen this man fire a bottle over there,
this man Canola.

By the District Attorney:-

Q The last man on the stand? A. Yes, sir.

By the Coroner:-

Q You saw him fire a bottle? A. When he fired the bottle he shot out with the pistol; he fired a shot, and I yelled out, "John, I know who fired the shot." And he run in -

By Mr. Simms:-

Q Who fired the shot? A. Rocco Mega; just after Genola fired the bottle; Genola went into the restaurant and in about a minute the cop came, and I told him the man who fired the shot, and he asked me where he went and I told him he went in 58 Mulberry Street, and he went in a hallway and was looking around and didn't find him and he came down with me again and another officer took me down the street, and took me to the station house, and I told the same there.

Q Is that all? A. That is all I know.

Q How close were you to Rocco Mega? A. Three or four feet.

Q Had you known him before that? A. Yes, sir; many times.

Q You knew who Rocco Mega was? A. Yes, sir; but not by name.

Q Did you see the pistol in his hand? A. Yes, sir.

Q Did you see him fire the shot? A. Yes, sir.

Q Did you hear the report? A. No, sir; I only seen him fire the shot.

Q Did you see the flash? A. Yes, sir.

Q Was there a noise about there at the time? A. No; not much noise.

Q But you saw that pistol in his hand? A. Yes, sir.

Q Did you see Delgatti fall? A. Yes, sir; about a minute after he fired the shot.

Q And at that time you were within three or four feet of Rocco Mega? A. Yes, sir.

Q Could you plainly and distinctly see the pistol in his hand? A. Yes, sir.

Q And did you? A. Yes, sir.

Q And you saw the flash? A. Yes, sir.

Q And immediately after you saw Delgatti fall? A. Yes, sir.

By MR. Levy:-

Q Where were you born? A. In Russia.

Q How long have you been here? A. About seven years.

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Q Did you come over here alone? A. I didn't ^{come} with my parents.

Q You came over yourself about seven years ago?

A. Yes, sir.

Q You are nineteen now? A. Yes, sir.

Q So you were twelve years old when you came here?

A. Yes, sir.

Q No one brought you over here? A. I came with people I know from the city where I lived; Suwalka, Russia.

Q What is your business, do you work? A. Peddling.

Q What do you peddle with? A. Feather dusters.

Q How long have you peddled? A. Since I came over here.

Q Since you were twelve years old? A. Yes, sir.

Q Where have you lived in these twelve years?

A. I lived in Ludlow Street, I stopped a couple of years with my brother, and then lived in 24 Orchard Street a couple of years and now I live in Bayard Street.

Q Whom do you live with? A. People I know.

Q What are their names? A. Frank.

Q Now, Max, you were out at three o'clock in the morning?

A. Yes, sir.

Q Had you been peddling during the day? A. Yes, sir;
three or four hours.

Q In the morning or afternoon? A. In the morning.

Q In the afternoon you didn't do anything? A. No, sir.

Q What did you do? A. I was sitting in the store
where I bought my goods, 85 Bayard Street.

Q You live with him? A. Yes, sir.

Q And you buy your goods from him? A. Yes, sir.

Q You didn't go out peddling in the afternoon?
A. No, sir.

Q You had your supper in Frank's house? A. No, sir.

Q You eat somewhere else? A. Yes, sir.

Q With whom? A. On the Bowery; go in a restaurant and
eat.

Q What time in the evening did you go to Mulberry Street?
A. About ten o'clock.

Q Had you been in any other place except to eat - and walk
around? A. That is the only place.

Q You were not along the street grousing at all?
A. No, sir.

Q You were never arrested before? A. Arrested for
license, twice.

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Q You don't know any policeman connected with the 6th Precinct station? A. No, sir.

Q Don't you know Officer Downing? A. I know when I told him who fired the shot. him

Q You didn't know him before then? A. No, sir.

Q You slept in Frank's house, 35 Bayard, the night before the time of the shooting, didn't you? A. No, sir.

Q Where did you sleep the night before? A. I was out all night.

Q Where were you? A. In Mulberry Street.

Q What were you doing? A. Sitting in the restaurant at 33.

Q You know Mr. Busacca? A. Not well.

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

Q You have gone into his place, and he has given you food to eat, hasn't he? A. No.

Q He never gave you anything to eat? A. No, sir.

Q What else were you doing there? A. Watching a game of cards.

Q People play cards there? A. Yes, sir.

Q A great many people? How many about a dozen men seated there playing cards? A. No, there was not no dozen.

Q Well, about ten? A. Yes, sir.

Q And they were seated at different tables playing cards in Busacca's place? A. Yes, sir.

Q That was the night before the shooting? A. Yes, sir.

Q And you stayed there yourself all night? A. I stayed there all night.

Q Did you play cards? A. No.

Q Did you get any work in that place during that night? A. No, sir.

Q Aren't you employed to do little odd jobs in the restaurant? A. No, sir.

Q After you got through sitting there you went home?

A. I waited till seven o'clock and had my breakfast, and then went home.

Q That was the night of the morning in which the shooting took place? A. I was waiting till daylight came?

By Mr. Simms:-

Q This was on the night of the 17th? A. Yes, sir.

By Mr. Levy:-

Q Have you often stayed out in his restaurant before then? A. Three or four nights a week.

Q You go there three or four nights a week and stay there all night? A. Yes, sir.

Q And when you go there what do you go there for?

A. Just to go and see the game, the way they played the game.

Q How long a time have you been going three or four nights a week there? A. About two months.

Q About two months you have been in that habit?

A. Yes, sir.

Q Max, on the morning of the night of the shooting, that is after you left that place at seven o'clock in the morning, you went home? A. Yes, sir.

Q What time did you go home? A. What do you mean?

Q After you left the restaurant the morning before the shooting, the 17th? A. I went home and went out peddling.

Q How long after you got home did you start peddling?

A. About nine o'clock.

Q You started at nine o'clock, and how long did you peddle? A. Till about two o'clock.

Q How many hours did you peddle altogether, on that day?

A. About four, three or four.

Q How many? A. About four or five.

Q Or six, or how many? A. About five; four or five.

Q You peddled four or five hours; what did you do besides

peddle? A. Nothing.

Q Go along the Bowery? A. No; I never went along there.

Q Bleecker Street? A. No, sir.

Q Never got so far as that? A. No.

Q Where did you go? A. Up town.

Q And you peddled four or five hours? A. Yes, sir.

Q So when you got through it was what time? A. Two or three o'clock.

Q Then you came home again? A. Yes, sir.

Q Did you go right straight to Frank's? A. Right straight to Frank's.

Q That was about three o'clock? A. Yes, sir.

Q How long did you stay there? A. About an hour.

Q From there where did you go? A. Around the corner, in Mott Street.

Q How long did you stay there? A. An hour or two.

Q And then? A. Came back to the store and stayed a while.

Q What time was that? A. About seven o'clock.

Q At seven o'clock where did you go? A. Around to the door, ~~straight~~

Q At 85 Bayard Street? A. Yes, sir.

Q How long did you stay there? A. Till about ten o'clock, and then went down to Mulberry Street.

By Mr. Simms:-

Q Whereabouts? A. Sixty-three.

By Mr. Levy:-

Q So that you remained at 63 Mulberry Street from that time until the time that this quarrel and the shooting occurred? A. Yes, sir.

Q Between ten o'clock at night and three o'clock in the morning what were you doing? You say you got to 63 Mulberry Street at ten o'clock? A. Yes, sir.

Q What were you doing in the meantime? A. Sitting in the restaurant, doing nothing.

Q In Busacca's place? A. Yes, sir.

Q Doing nothing? A. Nothing.

Q Who was there? A. The people was in there.

Q Whom do you know, any of them? A. No.

Q Don't ^{you} know any of them? A. A couple of them.

Q What are their names? A. I don't know their names.

Q You don't know the names of any of the people who were in there from that time? A. No, sir.

Q What were they doing? A. Playing cards.

Q Playing anything else besides cards? A. No, sir.

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Q Do you know Isola or Genola? A. Yes, sir.

Q How long have you known him? A. About two months;
as long as I came in the place there.

Q You have talked to him? A. Not many times.

Q Sometimes? A. Yes, sir, sometimes.

Q Was Genola there? Did you ever see him there?

A. A couple of times.

Q How many times altogether? A. I seen him three or
four times a week.

Q Everytime you saw him there what was he doing?

A. Nothing; he was sitting there for an hour or two and
came out again.

Q Doing anything at all? A. He came in and eat some-
thing, and then went out.

Q Did he ever do anything else? A. No, sir.

Q Was he there on the night of the shooting? A. I
didn't see him there.

Q What time was it you left 63 Mulberry Street? When
did you go away from there?

A. What date?

Q On the night of the shooting? A. About half past 3.

Q You left there about half past 3 you say? A. Yes, sir.

Q Was he there on the night of the shooting? A. I didn't see him there.

Q But the night before you say you were there all night until half past three in the morning, when you went away?

Did you see John Isola in that place? A. No, sir.

Q He was not there? A. No, sir.

Q Are you sure of that? A. I didn't see him there.

After the shooting was done I didn't see him there.

Q Did you see him in there the whole of that day and until the time of the shooting? A. I seen him about two or three o'clock; that is the only time.

Q How long before the shooting? A. About half an hour.

Q Did he go into the restaurant? A. Yes, sir.

Q And did he come out again? A. Yes, sir.

Q How long before the shooting did he go out again?

A. About five or ten minutes.

Q You stayed in the restaurant all the time?

A. Yes, sir.

Q From ten o'clock that night until half past three o'clock you didn't go out? A. No, sir.

Q You saw a great many people come in during that time?

A. Yes, sir.

Q And go out? A. Yes, sir; and a lot of people would come

in and have something to eat.

Q In the back of this restaurant, 63, there is another room? A. There is a kitchen there.

Q These people that play cards, where do they play?

A. Out in the store, they play casino.

Q In the restaurant they play? A. Yes, sir.

Q Did you hear any noise outside of the store after John Isola went out five or ten minutes before the shooting?

A. I heard a noise.

Q What noise? A. They hollered out there was a fight outside.

Q Who hollered? A. Some boys.

Q Some boys in the restaurant? A. Yes, sir.

Q Did you go outside? A. Yes, sir; and they all went out.

Q How many went out? A. I don't know.

Q Was there two or three or six or ten? A. About three or four men.

Q Wasn't there more than that? A. No, sir.

Q Wasn't there six or eight? A. No, sir.

Q There was you and Bussacca? A. Yes, sir.

Q And who else? A. And a couple more.

Q Where did you stand? A. I was standing in front of the restaurant right by the gutter on the sidewalk.

Q Did you see John Isola by the gutter? A. Yes, sir.

Q How far from John Isola were you standing when you got to the gutter? A. About five feet.

Q That is about from where you are to where I am?

A. I don't know.

Q Is that the distance? A. It was about from here to there.

Q What were you doing, looking at John Isola? A. I was looking where the fighting was. This man ^{Isola} ~~Michael~~ ~~Is~~ said - he stepped up here and said, I will give you a fair fight.

Q Who said that? A. Isola.

Q Who said it? A. This fellow (Isola) said to him, "Step up here and I will give you a fair fight." He had an ax in his hand.

Q Who had? A. Michael Mega.

Q Was there anybody next to him, standing next to Mike?

A. Yes, sir.

Q Who else? A. The man Norris. This fellow (Rocco) was standing alongside of him.

Q Did you see Padolse there? A. No, sir.

Q Michael Mega stood in the center of the street?

A. Yes, sir.

Q Next to him stood Norris? A. Yes, sir.

Q And about five feet away from him on the other side stood Rocco Mega? A. Yes, sir.

Q And the big fellow back there Isola, he said come out in the middle of the street and I will give you a fair fight? A. Yes, sir.

Q Where was Isola standing? A. On the edge of the sidewalk.

Q Did you see Busacca on the edge of the sidewalk? A. No, sir.

Q Where was Busacca when this took place? He was standing right up at his door? A. Yes, sir.

Q How far was Busacca standing away from where Isola stood at the time the shot was fired? A. About from there (indicating).

Q You saw the shot fired? A. Yes, sir.

Q You are sure of that? A. Yes, sir.

Q You saw it fired? A. Yes, sir.

Q How far away from Isola was Busacca when the shot was fired? Consider that question; be careful. A. About fifteen feet away.

Q I want you to understand my question; at the time you

saw the shot fired - look at me - at the time you saw the shot fired - understand - that is plain, how far away from Isola was Busacca standing? A. About fifteen feet.

Q Now then you are sitting here? A. Yes, sir.

Q Give me your idea of about how far your idea is of fifteen feet? A. About from here to the door.

Q Isola stood on the edge of the curb stone, and Busacca stood about that distance to the door, at the time the shot was fired, away? A. Yes, sir.

By Mr. Simms:-

Q Did you see Bussacca and Isola together at any time?

Did you see Busacca have a hold of Isola?

Objected to by Mr. Levy as leading.

By the Coroner:-

Q From the time that the noise was heard in the saloon and from that time on that Busacca and Isola went out of the saloon, after that time did you see them close together on the street? A. I seen them when he run, when the shot was fired, and he wanted to run in the store.

Q Who? A. Genola.

Q I want you to tell us at the time, as you claim you saw the person fire that shot, how far was Busacca from Isola, or Isola from Busacca? A. About fifteen feet.

Q You are positive of that? A. Yes, sir.

By Mr. Simms:-

Q At the time how near was Busacca to him? A. He was by his door.

Q How far away? A. I don't know.

Q Show how far? A. About ten feet.

Q At any time you were outside, did you see Busacca and Isola together? A. No, sir; not close together.

Q You heard this shot fired? A. Yes, sir.

Q And immediately you said, to John Isola, "That is all right, I know who fired the shot?" A. That is what I said.

Q Where was Busacca? A. He was by his door.

Q Had he been close to Isola? A. I don't know; I didn't see.

Q You were not looking that way? A. No, sir.

Q He might have been there? A. Yes, sir.

Q He might have been near him at the time? A. Yes, sir.

Q You were looking in that direction? A. I was looking across the street.

Q Therefore Busacca and Isola might have been together, but you were not looking in that direction? A. No; I didn't see them.

Q Where were you, at the right of them? A. On the other side.

By the Coroner:-

Q What do you mean by the other side? A. Busacca was on the 68 side; I was looking towards the other side.

By Mr. Simms:-

Q And you saw a pistol in the hands of Carlo Mega?

A. Yes, sir.

Q And you saw the flash from that? A. Yes, sir.

Q And immediately after that you say you saw Delgatti fall? A. Yes, sir.

Q And then you heard Isola make some remark? A. I don't know.

Q You said something to him? A. Yes, sir; I said "John, I know who fired the shot."

By the Coroner:-

Q What made you say that? A. Because I thought he was shot.

Q Did he say anything? A. Yes, sir; he said, "Oh, I am shot."

Q And you said - A. "I know who fired the shot."

Q You testified that this man (Rocco) fired the shot?

A. Yes, sir.

By Mr. House:-

Q You saw the pistol in the hand of this fellow? (Rocco)

A. Yes, sir.

Q You saw the flash? A. Yes, sir.

Q You heard Isola say, "I am shot"? A. Yes, sir.

Q You said, "I know who fired the shot"? A. Yes, sir.

Q At the time the shot was fired Busacca was fifteen feet away from Isola, wasn't he? At the time the shot was fired where was Busacca standing? A. I don't know; I didn't look at that time.

Q Didn't you say you saw him standing by the door?

A. Yes, sir.

Q At the time the shot was fired? A. I don't know whether it was that time.

Q You saw Isola very plainly, didn't you? A. Yes, sir.

Q When he said, "I think I am shot"? A. Yes, sir.

Q Was Busacca standing next to him? A. No.

By Mr. Sims:-

Q When the bottle was thrown you were looking towards the middle of the street? A. Yes, sir.

Q And you don't know whether Busacca was standing by Isola or not? A. He was not there at that time.

Q Come now to the time that that bottle was thrown; you were near the curb? A. Yes, sir.

Q Looking towards 58? A. Yes, sir.

Q And you testified that you don't know whether Busacca was by Isola or not; was that correct at that time?

A. I don't know.

Q You don't know whether he was by Isola or not? A. No, sir.

By the Coroner:-

Q At the time Isola, this man here, - you saw him throw a bottle? A. Yes, sir.

Q At that time do you know where Busacca was standing or where he was? A. I don't know where he was standing at that time.

By Mr. Levy:-

Q Was Busacca next to him at the time he threw the bottle?

A. I don't know if he was.

Q You can see plainly? A. Yes, sir.

Q You saw Isola? A. Yes, sir.

Q Did you see him plainly? A. Yes, sir.

Q Did you see Busacca stand next to Isola at the time the bottle was thrown? A. I don't know whether I did or not; I didn't look backwards.

By the Coroner:-

Q We want to know whether he was standing next to him?

A. I don't know if he was.

By Mr. Simms:-

Q But you did see Isola fire the bottle? A. Yes, sir.

By the Coroner:-

Q How soon after that was the shot fired? A. Right after the bottle was fired I heard the shot.

By Mr. Simms:-

Q Did you follow that bottle with your eyes? A. Yes, sir.

Q Did you continue to look in that direction? Did you keep right on looking where the track of the bottle was?
A. Yes, sir.

By Mr. Levy:-

Q ~~xxx~~ You and I get along so nicely; take it calm; look at me; look me in the eye; Max, you went out to the edge of the curb when you heard there was a fight in the street, is that true? A. Yes, sir.

Q And you saw Isola standing out there? A. Yes, sir.

Q And you had known Isola before? A. Yes, sir.

Q And when you saw Isola standing there he was standing there alone? A. Yes, sir.

Q Are you sure? A. I am not sure.

Q Was Busacca with him? A. I don't know.
Q Where did you leave Busacca? A. By the door.
Q Did he walk over to him? A. I don't know.
Q It was light, wasn't it? A. Yes, sir.
Q You saw Isola with the bottles? A. Yes, sir.
Q Couldn't you see whether there was anybody next to him?
A. I didn't see anybody next to him, not at the time he
fired the bottle.
Q Are you sure about that? A. Yes, sir.
Q You didn't see anybody standing next to him at the time
he fired the bottle? A. No, sir.
Q You swear you didn't see anybody stand next to Isola
when he threw the bottle? A. Yes, sir.
Q Are you sure of that? A. Yes, sir.
Q Sure? A. Yes, sir.

By the Coroner:-

Q Why do you hesitate to answer? Why don't you answer
right to the point yes or no, or if you don't know say so?
A. I said no.

By Mr. Levy:-

Q You didn't see Busacca standing next to Isola when he
fired the bottle? A. Yes, sir.

Q Did you see Busacca stand alongside of Isola when the shot was fired? A. No, sir; he was standing by his door all the time.

Q He was not standing next to Isola when the shot was fired? A. I don't know.

Q Was he standing at his door? A. Yes, sir.

Q Was he standing next to Isola? A. I don't know.

Q You didn't see Busacca next to Isola when he threw the bottle? A. No, sir.

Q And you didn't see Busacca next to Isola when the shot was fired? A. No.

Q Because you said the shot was fired right away after the bottle was thrown? A. Yes, sir.

Q And there was no time for anybody to run over to Mr. Isola after the bottle was thrown before the shot was fired? A. No.

Q So that Mr. Isola stood there alone when the bottle was thrown? A. He stood in the gutter and Busacca was standing by his door.

By Mr. Simms:-

Q You didn't see Busacca standing by Isola, because you were not looking in that direction; you testified you were looking in the direction in which that bottle was fired; you were, weren't you? A. No.

Q The Coroner: Answer yes or no, and know what you are to answer.

Q You were looking in the direction of 58 Mulberry Street when it was fired? A. Yes, sir.

Q So that Busacca might have been near to Isola at that time? A. He might have been.

Q And you were not looking in that direction? A. No.

By Mr. Levy:-

Q Suppose this is where the restaurant was here, and this is where Busacca stood; is that right? A. Yes, sir.

Q Where that police officer is standing, that is about 15 feet away from where Isola stood? A. Yes, sir.

Q You heard - you saw Isola standing out there? A. Yes, sir.

Q He had two bottles in his hand? A. Yes, sir.

Q He threw one bottle? A. Yes, sir.

Q And you heard a shot? A. Yes, sir.

Q When you heard that shot where was Busacca standing?

A. I don't know where he was standing; I didn't look.

By the Coroner:-

Q The counsel wants to know at the moment this shot was fired, do you know where Busacca was standing? A. I don't know.

By Mr. Levy:-

Q Do you know German better than English? A. Yes, sir.

Mr. Levy: Ask him ~~xxxx~~ the time he saw the bottle thrown and when the shot was fired whether Mr. Busacca was standing alongside of Isola.

The Coroner asked the question in German.

A. I can't tell.

Q Did Busacca stand next to Isola? A. I don't know.

By Mr. Levy:-

Q You remember a few minutes ago saying you did know, don't you? A. I didn't understand what you were saying.

By Mr. Summs:-

Q What did you do after you saw this Carlo Mega fire the shot, saw Delgatti fall, and said to Isola "John, I know who fired the shot"? A. I ran down the street and met this officer, Downing, and I said, "There is a man shot up the street", and he asked "Do you know who shot him?" I said, "Yes" he said, "Where did he go?" I said, "58 Mulberry Street."

Q Did you tell him who fired the shot? A. I told him I know the fellow, but didn't know his name.

Q Was this the fellow? (Carlo) A. Yes, sir, I told him it was the fellow that played the guitar down in the saloon. He said, "I think I know the fellow."

By the Coroner:-

Q Are you sure you didn't make a mistake? A. Yes, sir.

Q Don't both play the guitar? A. Yes, sir; but I am sure this is the fellow that fired the shot.

-----oOo-----
JOHN PADOLSE took the witness stand:-

By the Coroner:-

Q Have you a lawyer? A. No, sir.

The Coroner: Do you represent him, Mr. Frank?

Mr. Frank: I have been requested to but I have never seen him before.

The Coroner: Do you represent him?

Mr. Frank: I don't think it would be proper for me to act under the circumstances.

Q You speak English? A. Yes, sir.

Q How long have you been here? A. Seven years.

Q Did you understand what the witnesses and buyers were speaking of? A. Yes, sir.

The Coroner: You are now a prisoner, one accused of this crime; you need not testify if you do not want to; if you do it may be used for or against you as the case may be; but if you think you can testify

without injuring yourself - if you don't think it is going to injure you, you can testify.

Mr. Padolse: I can say what I know, what I see.

The Coroner: You understood what I said, didn't you?

Mr. Padolse: I want to testify.

The Coroner: You do this of your own free will?

Mr. Padolse: Yes, sir.

The Coroner: Not under compulsion?

Mr. Padolse: No, sir.

The Coroner: You understand in case you testify whatever you say you are responsible for the examination; do you know that?

Mr. Padolse: Yes, sir.

JOHN PADOLSE, was sworn as a witness by the Coroner, and testified as follows:-

By the Coroner:-

Q Do you know what an oath means, to tell the truth, the whole truth and nothing but the truth, so help you God?

A. Yes, sir.

Q Do you write? A. No.

Q How do you spell your name? A. I can't spell, but I can write.

Q Just write your name here, Padolse, John we have got?

Witness writes P-a-d-o-l-s-e.

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

Q How old are you? A. Twenty-one.

Q Are you married? A. No, sir.

Q What is your business? A. Musician.

Q On the morning of the 18th of August at the time of the shooting in Mulberry Street, were you present? A. Yes, sir, I was down in the restaurant, 54.

Q At that time, between the hours of three and four you were in the restaurant 54 Mulberry Street? A. Yes, sir.

Q Tell the Jury all that you know about the shooting?

A. Yes, sir. I was down at the restaurant 54 and heard the fight on the street, and I stood in front of 54 about a second, and I seen this fellow, Michael Mega, and that fellow, Isola, fighting.

Q You saw them fighting? A. Yes, sir. So this Michael Mega came to me and wants to give me an iron bar to help; I said no, I won't fight with those people, they are friends of mine.

Q What did he have - an iron bar? A. No; an ax.

Q Did he give you the ax? A. No, the iron bar; I said no, they are friends of mine, I won't fight; I didn't have

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any reason to fight; when I ~~saw~~ ^{said} that I see Isola with his hands in his pocket as if about to shoot, or something; he made a show as if to shoot; so that fellow, Isola, he said "don't come near, I will shoot you."

Q Isola said so? A. Yes, sir.
By Mr. Simms:-

Q To whom? A. Michael Mega; so I said I want you to stop; he said, "I don't care to stop" and he jumped on the sidewalk; Norris -

Q What did Norris do? A. He stood in the street; he didn't jump on the sidewalk; all at once I heard said, "Look out, he has got a pop"; I saw Rocco Mega stood this side of me with a pistol in his hand.

Q Are you positive of that? A. Yes, sir; I was scared myself of that. I saw a bottle fired, and I turned around to go away; at the same time I heard a shot; I was scared, and ran to the restaurant; I was scared to get a shot and to get locked up myself.

By Mr. House:-

Q What is your name? A. John Padolse.

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

Q Is that the same house where the Mega boys live?

A. Yes, sir.

Q Whom do you live there with? A. I stop there; I live with a friend there.

Q What is the name of your friend? A. Jimmy Ross.

Q What is your business? A. Musician, sometimes cook in a restaurant; everything I can get.

Q How long have you been here? A. Seven years.

Q You have been locked up in the Tombs? A. Yes, sir.

Q What cell do you occupy there, what room do you occupy in the city prison? Are you alone? A. No; me and Busacca.

Q You and Busacca occupy the same cell in the Tombs?

A. Yes, sir.

Q Do you remember the morning that this boy was shot?

A. Yes, sir.

Q Do you remember Officer Price? A. Yes, sir.

Q He arrested you, didn't he? A. Yes, sir.

Q And stood you up in a line? A. Yes, sir.

Q And didn't Busacca come in and point you out as the one who fired the shot? A. Yes, sir; he came in and pointed me out.

Q Do you mean to say Busacca didn't say you were the one who fired the shot? A. Yes, sir; he said so.

Q Busacca charged you with firing the shot? A. Yes, sir.

Q And since you have been in the Tombs you and Busacca were in the same cell together? A. Yes, sir.

Q How long have you been there together? A. A couple of weeks, thirteen days.

Q You have not talked about this at all? A. No, sir.

Q Busacca hasn't said anything to you about it? A. Unless once I said if I see a lawyer or court I will tell the truth.

Q Did you ask Busacca why he said you were the man who fired the shot while you were in the Tombs those thirteen days and you were locked up in the same cell together, did you ask him why he told the police you killed the boy? A. No, sir.

Q Although you knew he had charged you with shooting Delgatti? A. Yes, sir.

Q But during this time you said nothing to Busacca as to why he said to the police that you were the man who fired the shot? You never asked him? A. No, sir.

Q You didn't care, did you? A. Because I wasn't guilty

Q Do you know Lillie Watson? A. Yes, sir.

Q How long have you known her? A. Seven or eight months.

Q Haven't you lived with her in this house, 58? A. Yes, sir.

Q She is known as your woman? A. Yes, sir.

Q And you knew on this night that she had charged Busacca with killing this boy? A. Yes, sir.

Q And ^{what} did you ~~xx~~ say in the station house when Busacca said that you were the one that fired the shot? A. I said I didn't know.

Q Didn't Officer Price ask you who fired the shot? A. I wouldn't say at that time.

Q You wouldn't tell who did fire it? A. No, sir.

Q You were asked however, who did fire it? A. Yes, sir; Mr. Price asked me.

Q And you refused to tell? A. I said I didn't know, because I was not guilty; I didn't want to blame anybody.

Q But since you have been locked up in the same cell with Busacca you made up your mind to blame Mike Mega? A. I don't make up my mind at all; I heard everybody wanted to blame me for fighting and the shot.

Q Who blamed you for firing the shot? A. Busacca, I don't know of anybody else.

Q And you have been locked up thirteen days in the cell with him? A. Yes, sir.

Q And you say Rocco Mega fired the shot? A. No, sir.

Q What were you doing out all this night? A. I was playing cards at the restaurant, 54.

- Q How far away from Busacca's place is that? A. Across the street.
- Q Have you ever been in Busacca's place? A. Yes, sir, before.
- Q How many times? A. I used to be there.
- Q Did you know Busacca? A. A couple of months.
- Q Who was it - you said Michael Mega was a friend of yours? A. I know everyone - and didn't want to fight; they were not friends of mine; they know me on my face; that is all; I don't have anything to do with them. Michael and Rocco are friends of mine.
- Q Where do you live? A. In the back.
- Q Is there a front and rear house there? A. Yes, sir, I live in the rear house.
- Q Which one of the two houses do you live in? A. The rear.
- Q On what floor? A. The first.
- Q How long have you been living there with Lillie Watson? A. About a month.
- Q Who lives there with you? A. The boss and his woman.
- Q And you and your woman? A. Yes, sir.
- Q What is the boss' name? A. Jimmy Ross.
- Q Is he in Court? A. I don't know.

Q Just let me see - what is your business? I want to get it on the record; what do you do for a living? A. Musician and cook; everything I can get.

Q What instrument do you play? A. Cornet.

Q Whom did ~~xxxxxx~~ you play for last? A. About a couple of years ago; I have forgotten the name; I have got an instrument.

Q You say you play on the cornet? A. Yes, sir.

Q You blow the wind through the trumpet? A. Yes, sir.

Q You have not blowed the wind through the trumpet in over two years? A. I was in a band two years ago.

Q Since then where did you play? A. No place.

Q Whom did you cook for within that time? A. Fifty-seven.

Q How long have you been going there? A. About a couple of months ago.

Q Take two months off two years that leaves twenty-two months; what have you been doing during that time?

A. Nothing.

Q Isn't it true that you live off that girl there?

(Lillie Watson) A. No, sir; I have plenty of friends.

By Mr. Simms:-

Q Notwithstanding the fact that Busacca said you were the man that did the shooting you still say you saw a pistol in

the hands of Rocco Mega that morning? A. Yes, sir.
Q And you were right close to him? A. Yes, sir.
Q How far away? A. About a foot, that is all.
Q And you saw that pistol in his hand? A. Yes, sir.
Q Very plainly? A. Yes, sir.
Q And you heard someone say, "Look out, he has a pop.?"
A. Yes, sir.
Q And then you left? A. Yes, sir.
Q And you had turned your back on Carlo and went away?
A. Yes, sir.

By Mr. House:-

Q Where was Busacca at the time? A. He was standing
in front of the door.
Q Of the restaurant? 63? A. Yes, sir.
Q About how near to the door? A. Right on the corner
of the door.
Q Suppose this is the door, was he standing against it?
A. On this side, right in the window way.
Q Where was Isola standing? A. I didn't see him.
Q At the time you heard he had a pop you left?
A. Yes, sir.
Q You said you saw somebody fighting? A. Mike and
Isola.

Q Where was Busacca standing at that time? A. In the middle of the sidewalk.

Q How near was Isola to him at the time? A. Isola was on the front of the yard.

Q You mean the hall? A. On the telegraph posts.

Q How far away from Busacca was he? A. About ten feet.

Q So that Isola when he was fighting with Mike was ten feet away from Busacca? A. Yes, sir.

Q Where was Isola when you heard someone say, "He has a pop"? A. The same place; no, I didn't see Isola at that time.

Q Where was Busacca at that time? A. In front of the door.

Q How soon after you heard that "Look out" did you hear a pistol shot? A. At the same time; I walked a couple of feet and heard a shot.

Q Did you see that boy that was killed? A. He was working with me in the restaurant.

Q You and this boy came out together? A. Yes, sir.

Q How large was the boy Delgatti, about your size?

A. Smaller than I am.

Q About up to your chin? A. Yes, sir.

Q About the size of that boy in the door? A. A little bit larger.

Q He was in the block? A. Yes, sir.

Q He had nothing to do with the fight? A. No, sir.

By Mr. Palmieri:-

Q What was Norris doing at that time? A. I didn't see him fight; I see him standing at the door.

Q What door? A. On the front of the restaurant on the sidewalk in the street.

Q Was he doing anything? A. No, sir.

Q That night as I have been informed you were with Rocco Mga? A. Yes, sir.

Q You were playing with him, weren't you? A. I don't remember.

Q And you say that this Rocco had a pistol in his hand? A. Yes, sir.

Q How did you see it? A. I saw it in the light.

Q Wasn't it dark? A. Yes, sir.

Q The otherside was dark; how did you see the pistol; in the first place you have testified this Rocco was a friend of yours. A. I saw something.

Q You saw something, but couldn't distinguish it what it was? A. Something that looked like a pistol.

Q Did it glitter? A. Yes, sir.

Q Couldn't it be a dagger or a stiletto? A. I couldn't tell.

Q Couldn't it be an ax? A. I couldn't tell.

By Mr. Frank:-

Q From the time you were arrested until to-day, did you speak to anybody about this occurrence, except Busacca?

A. No, sir.

Q Did anybody tell you that Max Madensky had charged Rocco Mega with committing this murder? A. No, sir.

Q Did anybody tell you that Madensky would testify that Rocco Mega had a pistol? A. No, sir.

By Mr. Simms:-

Q When you heard some one say "Look out, he has a pop", you saw a pistol in Carlo Mega's hands? A. Yes, sir.

Q And you immediately left? A. Yes, sir.

By Mr. Levy:-

Q You say this man put his hand to his pocket as if to draw a pistol? A. Yes, sir.

Q Didn't you hear Isola say, "I will shoot? A. Yes, sir; I heard it when he said, "Don't come up to me."

Q And all the time he held his hand in his pistol pocket? A. Yes, sir.

By Mr. Simms:-

Q Did you see him take it out? A. No, sir.

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

By Mr. Frank:-

Q After you saw Isola with his hand to his pistol pocket did he go to Busacca's saloon? A. I couldn't tell.

Q How soon did you see Isola with bottles in his hand?

A. I didn't see any bottles; I heard the bottle break when it was fired.

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CHARLES JOHNSON, called as a witness by the Coroner,
was duly sworn, and testified as follows:-

By the Coroner:-

Q Where do you live? A. 97 Bayard Street.

Q What is your occupation? A. Chimney ~~man~~ sweep.

Q Tell us what you know, if anything, with reference to this shooting on the morning of the 18th of August, 1891?

A. I don't know a great deal; I stood there the morning of the fracas; I came out of 63, and they were having some

big noise, and I came out, and there was a crowd, and an excitement, on both sides of the street, and these two boys -

Q Michael and Carlo? A. Yes, sir, and Norris and Padolse, and I walked over to them and said, "Boys, have some sense; go inside; don't raise any muss, because you know that you are wrong." they says, "Go away Johnson; I don't want you around here"; I says, "I will stay here; it is not right for you to raise a muss here," and they goes to work and Mike - the four of them stood abreast, I don't know their names -

Q Carlo, Michael, Robert Norris, and John Padolse?

A. These four stood together, and I went over and told them to go in the house where you belong, don't raise any disturbance, because you know you are wrong, and then Genola - I says you better stop your fighting out here, stop it, you are wrong, and Mike says to me, "Johnson go on, I don't want you to be in it at all;" I says, "I am ^{not} going to be in it." In a few minutes he says, "Will you stick to me?" And that stout one, Norris, says, "I will stick to you", and he says, "You are a lot of God damned curs, every one of you." I says, "Mike, it is as I say, you will find I am never wrong about anything". I came out, he says,

"Go away Johnson" and they rushed by me, and Genola was standing right on the curb stone, just like that, in front of 68, and Busacca stood in front of his door, with his hands folded, and I stood in the middle of the street; when they rushed across the street, when Mike says to him "Will you stick to me" they said yes and they rushed across by me, and he made a dive at Genola with the ax, and Genola run into the restaurant and Untermeyer -

Q Who is that? A. I don't know any other name but Untermeyer.

Q You mean Busacca? A. Yes, sir, that gentleman there. So then when he did that, as soon as they ran in, then of course, naturally, they closed right in, after the biggest one crossed the street, and they got thick in the street, and in a few minutes, I saw John Genola come out of the hallway with two bottles in his hand; still I stands in the street; then everybody fled from that side to the 58 side; still I continued to stand still because they knew better than to hit me; I stood still and they all rushed over and Genola pegged a bottle and it went back into the window, and bang goes the shot, and I heard this little boy holler, Papa, Papa, and as soon as he did that they all

commenced to scatter; I don't know who fired the shot; the shot must have been behind me, because if it had been in front of me I would have seen it.

Q. In the front of 58? A. I was nearly in the middle of the street; I advanced towards 63; I heard Genola when he said, "I think I am shot" I stood close enough to hear he says that; I heard him say that. Then this man Unter-meyer was no nearer to Genola than I am to you.

Q At the time of the shooting? A. I am alluding to the time the shot was fired; he (Genola) stood in this position he stood on the curb in this manner, and he stooped down to pick up another stone and Genola said I am shot.

Q Where was Busacca at the time? A. He was nowhere near.

By Mr. House:

Q You heard the shot? A. Yes, sir.

Q And immediately did you look around to where Genola was? A. I was looking at him.

Q At the time you heard that shot did you see Busacca have hold of Genola? A. I didn't see him have hold of him at all.

Q How close was he to him? A. About six feet from him.

By the Coroner:-

Q Did you see Busacca near Genola when he fired the bottle? A. No, sir.

Q Where was he then? A. He stood in his door.

By Mr. Simms:-

Q Did you ever see them together there? A. I have seen them together.

Q Did you see them together at that time? A. Oh, no, sir.

Q I mean before the shot? A. Genola was sitting in there talking, and this man Busacca was asleep on the table.

Q And then Busacca came out? A. He never came out until after the stone was first fired in the street. They made so much noise I walked out of the house.

Q How long after the time the stone was fired until Busacca was on the sidewalk? A. I stood there when he did that, when the rock was fired; this man Busacca gets up off the table and walks out; I couldn't tell how near he was to the door; somebody came in and said "Genola is fighting with a lot of pimps", I said, "I don't run ~~to~~ no fights, because I might get killed myself"; everybody got out, and I said, "Say boys -

Q From the time the stone was fired until the time the shot was fired, did you see Busacca and Genola together at all? A. No, sir.

Q Mightn't they have been together and you didn't see it?

A. Yes, sir.

Q Could the man Busacca have grabbed him by the left breast without your seeing it? A. When the bottle was fired I stood as close to Genola as Mr. Frank is to me. Just about that distance. (About eight feet); when he run, he run out of the hallway; the ~~man~~ mob all fled across the street again, they thought he had something to hurt them; he had two bottles; he dropped one, and stooped to pick it up and he holds up like this and says, "I think I am shot."

By Mr. Simms:-

Q Was Busacca there? A. I didn't see; I couldn't tell whether he was or not.

Q You couldn't see, you couldn't tell, because you were in conversation with Mega? A. I was not in conversation with anyone; I stood by myself looking at it.

Q You couldn't tell whether Busacca and Genola were together? A. I don't know that.

Q You have no recollection of that? A. I don't remember anything about it.

POOR QUALITY
ORIGINAL

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Q You say you think you heard the shot from behind you?

A. Yes, sir.

Q From the direction of 58 Mulberry Street? A. No, sir; from where I stood it seemed to be behind me, from nearer sixty.

Q But it seemed to come in the direction from which this mob went? A. Yes, sir; 60 or 62.

Q You claim it came from the east side so far as you can judge? A. I wouldn't be positive; I stood nearer the west side than the east side, and as soon as the bottle crashed into the window, bang goes the shot.

Q Busacca and Conola were on the west side of the street?

A. Yes, sir.

Q And that shot appeared to come from the east side, from the direction of 60 or 62 Mulberry Street? A. If it came from 60 it would be on the east side.

Q It came from the direction of the mob? A. It is two doors from 63, the hall I mean.

By the Coroner:-

Q Are you speaking of the side where the restaurant is?

A. It either came from that side or 62.

Q Anyway it was from behind you? A. It was certainly behind; if it had been in front of me I could certainly have seen it; I was looking in the direction of the fight-

ing.

By Mr. House:-

Q You appear to be quite an intelligent gentleman, and you say you saw Isola or Genola when he threw the first bottle? A. I seen him when he fired the bottle.

Q You saw that man Genola when he threw the bottle?

A. Yes, sir.

Q And you heard the crash of breaking glass? A. Yes, sir.

Q And immediately after you heard the pistol shot?

A. I did.

Q If you can, tell us where Busacca was standing at the time you saw Genola throw the bottle? A Genola, so far as I know, this man, Busacca, stood in front of his restaurant, *with hands folded*, with no hat on.

Q At the time the bottle was thrown? A. Just at the time after the bottle was thrown I seen him throw and then bang goes the shot.

Q And Busacca was standing there with his hands folded?

A. Yes, sir, I seen him.

By Mr. Frank:-

Q What were you doing that night prior to this occurrence?

A. I just came out of the house.

Q Where do you live? . A. 97 Bayard Street.

Q Where did you go when you left the house? A. I walked around to Busacca's restaurant.

Q What time did you get there? A. I couldn't say; I have no idea.

Q Sometime about two o'clock? A. It might have been two or half past two.

Q How long did you stay there? A. Till the police got everybody they could get.

Q How long did you stay in the restaurant, 63? A. I don't know how long; I stayed there till the fight began.

Q Where was Busacca till it began? A. He was lying on the table asleep.

Q Lillie Watson has testified that Busacca came on the sidewalk and urinated in front of the place and they had a dispute, and Busacca fired the shot; is that true? A. No, sir.

Q She has testified that she saw Busacca take a pistol out of his hip pocket and fired, and the boy fell; is that true? A. I don't know whether it is or not.

Q From what you saw? A. I am only telling what I know.

Q From what you saw that night, did Busacca fire that shot?

Objected to by Mr. House.

By The Coroner:

The Coroner: You may ask him what Busacca was doing at the moment the shot was fired.

Q At the time the shot was fired, did you see Busacca?

A I didn't see him.

Q How soon after the shot was fired, did you see him?

A I suppose it would be two minutes; it seems to me as soon as the shot was fired he had just walked out of the door, the time the shot was fired, and he said something in Italian and walked down towards the boy, and the boy walked over towards the sidewalk, and laid down on his back.

Q At the time you were facing 63 Mulberry Street? A I was near 62.

Q With your face towards 63? A I was looking in the direction of 58 and 63 too; I was looking like this, (look-around on both sides of him); I was looking where the most excitement was.

Q From what direction did it come? A I couldn't say.

Q Did Busacca have his coat on at that time? A He had no coat on at all.

Q Then when Lillie Watson testified he ran in the place and took his coat off and came out - she testified that he fired the shot and ran into the hall, took off his coat, and came out? A Oh, no, that is not true.

By Mr. Simms:-

Q You testified that Genola did not urinate? A. I don't know anything about that; that is before my time there.

Q Did you see this man John Padolse there? A. I did, sir.

Q How near to Rocco Mega? A. He stood just as they sit now, except that this man Untermeyer is between them.

Q He was right next to Rocco Mega? A. No, sir; next to Robert Norris.

Q How far away from Rocco Mega? A. They stood side by side; I suppose about a foot and a half.

Q And you saw John Padolse and Rocco Mega, and John Padolse right near Mike Mega? A. I have seen them just as I have testified.

Q Did you see that boy Madensky there? A. Yes, sir.

Q Where was he as you recollect? How far from Rocco Mega? A. He was in the mob of them.

Q Was he close by? A. He was on the west side; he was right in with them, and until they made that rush to follow up they were all near together like that.

Q He was right close to Rocco Mega? A. I wouldn't say.

By Mr. Levy:-

Q Which side of the way did you say that boy Max Madensky was on? A. I couldn't say exactly the time the shot and bottle was fired.

Q Did you see him? A. Yes, sir; I seen him when I walked out of 63.

By the Coroner:-

Q We would like to know where Max Madensky was at the time of the shooting, or right after it? A. Before the shooting I don't know where he was, during the shooting, after the shooting I didn't see him, after the shooting, but I seen him when the crowd went together and these people chased *Isola* inside, I seen him next to the restaurant then; I don't know where he was when the shot was fired.

Q The mob came from the east side? A. Yes, sir.

Q And then you lost track of him? A. Yes, sir; and I kept track of no one in particular only I seen Genola when he came out.

By Mr. House:-

Q Where did you first come from when you came on the scene of the fracas? A. I came from 97 Bayard Street.

Q How long had you been in 63? A. I couldn't say.

Q Ten minutes? A. I couldn't say; I don't know, because I had no particular time to go out or come in.

POOR QUALITY
ORIGINAL

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Q Do you mean to say under oath, you can't tell how long before that shot was fired you had been there? A. No, sir.

Q An hour? A. I don't know.

Q Five minutes? A. I don't know.

Q One minute? A. No, sir; I could say this, I had been there longer than a minute.

Q Had you been there ten minutes? A. I suppose longer.

Q Fifteen minutes? A. I couldn't say.

Q Where had you been before? A. I came from my house, 97 Bayard Street.

Q You don't know what time you left there? A. I wasn't feeling good; I got up and asked for coffee -

Q Did you get your coffee? A. No, sir.

Q Did you see Max Madensky there that morning in that restaurant? A. I seen him come in and go out.

Q How long did he stay there? A. I don't know; he didn't stay long.

Q He says he got there at ten o'clock and went out at half past three? A. He might have come in and went out again while I was there.

Q Did you see anybody playing cards that night before the shot was fired? A. I believe there was somebody playing the scooper game, the same as we would play cassino.

Q There wasn't anybody playing craps there? A. I didn't see anybody playing that game.

By Mr. Palmieri:-

Q Was Norris doing anything at that time? A. Who is Norris?

Q You have talked about him too? A. That was the first time I had seen him, then, to my knowledge and didn't know anything about him at all, and then when this one says "Come on we will do so and so", and he says, "Are you with me", and Norris says, "yes, I am with you", I looked to see what he had in his hand and it looked like a piece of gas pipe.

Q You didn't see him strike anyone? A. No, sir.

Q Or raise it? A. I did not, sir.

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OFFICER JAMES E. DOWNING, recalled by Mr. Simms:-
testified as follows:-

Q You attended at the hospital with this man Busacca?

A. Yes, sir.

Q Who else was present? A. His father, ^(Delgatti's) and a couple of house surgeons and the janitor there.

By the Coroner:-

Q Is Michael Delgatti's father here? A. He is in Court

Q Is this the man? A.

The father rises and is identified.

A. Yes, sir; two of the house surgeons and the janitor and the father of the boy.

Q And Busacca? A. Yes, sir.

Q What conversation took place between you and the deceased Delgatti?

Objected to by Mr. House on the same ground as before.

The Coroner: I will allow it simply as a matter of identification; the answer will be in accordance with that theory.

A. I shook the boy a couple of times, and the doctor gave him a couple of hypodermic injections; I asked him if he was going to die, and to tell the truth, and he said, "Me tell the truth". He was not a very smart, bright boy. I says, "Mike, who shot you", and he didn't speak, and I shook him again and I says, "Do you know me", he says, "You are Jimmy, the policeman", I says, "This man Busacca is locked up for shooting you", and I said, "Did he shoot you". His father spoke to him in Italian and I said to

Tony, "Don't speak to him in Italian while I am speaking to him", and I pushed him back; I said, "Mike, did this man (Busacca) shoot you"? I have locked him up for shooting you." He said, "No, he no shoot; he my friend; he my father's friend". I shook him again a couple of times and said, "Mike, who make the fight in Mulberry Street"? He said "Mike Mega", I said "Who else", he said, "Juge"; I suppose he meant Genola, I wrote down as much as I understood of it.

Q Did he say who fired the shot? A. No, sir; he said he didn't know.

Q Was that all the conversation that you recollect?

A. That is all; I was about half an hour getting that much out of him.

By Mr. House:-

Q You had considerable trouble in getting anything from him? A. Yes, sir.

Q He appeared to be dazed? A. He was quite stupid.

Q He didn't appear to understand readily? A. No, sir.

Q And on one occasion the doctor gave him hypodermic injections? A. Yes, sir; he gave him three.

Q Were you examined the other day? A. Yes, sir.

Q (Producing paper) Is that your writing? That signature? A. Yes, sir.

Q Do you remember at the time you signed that deposition what you testified to? A. Yes, sir, just the same I testified to to-day.

By the Coroner:-

Q You mean it is the same in substance? A. Yes, sir.

By Mr. House:-

Q Did he say to you at the time ~~xxxxxxx~~ you asked him who made the fight in Mulberry Street that the crowd made the fight? A. Yes, sir; I said, "How many was in the fight, Mike", I asked him "Fifty", he said, "Oh, a lot make the fight".

Q And he also said Michael Mega made the fight? A. Yes, sir; I said, "Tell me the man". He said "Michael Mega". I asked him "Who shot you". "Me don't know", he said.

Q He did say there were a great many making the fight? A. Yes, sir.

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FRANK S. PRICE, of the 6th Precinct, called as a witness by the Coroner, was duly sworn. and testified as follows:-

By the Coroner:-

Q You are Ward Detective? A. Yes, sir. (128)

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Q Tell the Jury what connection you had with this matter?

A. This case was given to me on the morning of the 18th at six o'clock; I went to investigate it, and took an interpreter with me, Officer O'Rourke, and went in to see Busacca, and through the interpreter I learned he thought he knew the man who fired the shot. He ~~said~~ said he was a man with a shirt on and no vest and a watch chain hanging down here, coming to the pocket here (indicating) I went and arrested John Padolse, as he answered the description, and he had a watch-chain - from having a watch-chain around here; when I fetched this John Padolse up we took the rest of the men out, and we first fetched out Max Madensky, and he put his hand on Rocco Mega, and then Busacca put his hand on John Padolse.

Q Isn't it true that this man Busacca identified John Padolse, as the man who did the shooting? A. After Max pointed him out.

Q Do you know whether or not Busacca and Padolse have been locked up in the same cell since? A. I don't know whether they have or not.

By Mr. Simms:-

Q You say Busacca said he thought he knew the man?

A. Yes, sir.

Q And when he pointed out Padolse, he said he thought this man Padolse was the man? A. Yes, sir.

By Mr. House:-

Q How many men were standing up in line at the time?

A. Seven or eight.

Q Where was Busacca at the time before he went in to identify them? A. In the Sergeant's room.

Q What did you say to Busacca before that? A. We told him through Officer O'Rourke to put his hand on the man that he said fired the shot.

Q Did you watch Busacca? A. Yes, sir.

Q What did he do? A. He put his hand on the man.

Q Did he hesitate? A. No, sir.

Q Did he look along the line? A. Yes, sir; and put his hand on him.

Q What did he say then? A. He said something in Italian to the officer.

Q Didn't you talk to Busacca at all? A. I can't talk to him.

Q Do you say he couldn't speak any English at all?

A. He didn't speak any to me.

Q You didn't find this pistol? (Producing pistol)

A. No, sir.

Q Do you know who did? A. Yes, sir, Roundsman O'Brien; his statement is he found it in 63, the restaurant, in the cigar case.

Q What name is over that place? A. I don't know.

Q How long have you been a ward man in that precinct?

A. Since February.

Q You have gone past that place? A. It is an Italian name, and I am not sure what name it is.

Q Will you not now swear that the name over that door is not the name of Busacca? A. I will not.

Q Don't you know it is not? A. No, sir.

Q Where were these men standing at the time of the identification? A. In the sitting room.

Q Is that the room back of where the sergeant and captain are? A. Yes, sir.

Q And that is where the officers sit - it is the sitting room? A. Yes, sir.

Q Who were standing in the line? A. Rocco and Michael Mega, Norris, Padolse, and there is two Jew boys out there held in the House of Detention; that man with the glasses and that boy.

Q That boy over there and the man with the glasses?

A. Yes, sir; and that boy on the back seat (Louis Cohen).

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Q Max Madensky was in line? A. No, sir.

Q Clark was in line? A. Yes, sir.

Q This man Bernard Shelly? and Clark and John Padolse, Robert Norris, Rocco Mega and Michael Mega were all standing in line? A. Yes, sir.

Q When this man Busacca was sent out to make his identification? A. They were all standing up.

Q He passed down the whole line and picked out this man?

A. That man was the third man from the end.

Q Where was this man? A. The second from this end.

Q When he went out to make his identification he could see this man? A. Yes, sir.

Q Will you swear he didn't look at this man? A. I will not swear he did or did not.

Q He made no hesitation at all? A. No, sir.

By Mr. Simms:-

Q When was Madensky brought in? A. Before Thomas Busacca was brought in.

Q What did he do? A. Put his hand on Rocco Mega.

Q What did he say? A. He said "This is the man that fired the shot".

Q When did Padolse say he had seen the pistol in the hands of Rocco Mega? A. One day last week he sent over to us

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from the Tombs; we thought he wanted to make a confession; we took a Notary Public with us, me and the acting captain, and a witness and Notary Public, and went to this man and asked if he wanted to make a statement; he said, "I want to tell all I know about it". We asked him what he wanted to tell and he said -

Objected to by Mr. House. The question was allowed subject to the *objection*.

Witness: We asked him what he wanted to tell, he said, "All I know; I see the fight, and see the pistol in Rocco Mega's hands; I asked how near he was to him and he said within two or three feet. We didn't have the Notary Public take it down. What was brought out then was brought out to-day.

Q When did Johnson tell you this shot came from behind him in the direction of where these men were? A. On the third day after the shooting when Genola surrendered himself; Johnson said, I give you this man, because he knows all about it. I told them fellows to stop he said I told them there would be trouble if they didn't stop.

Q Anything else? A. We took this Genola up and he made a statement.

By Mr. House:-

Q What day did you arrest Padolse? A. On the morning
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of the 18th, about half past seven.

Q The shooting took place about half past three? A. In that neighborhood.

Q At the time Busacca identified Padolse, did you have any conversation with Padolse? A. I said when I arrested him, "I want you to go up to the station house", he said, "All right; me do nothing; me do nothing".

Q You said "I want you to go to the station house?" A. Yes, sir.

Q You didn't tell him he had done anything? A. No, sir.

Q You only told him you wanted him to go to the station house? A. Yes, sir.

Q Did you tell him after that that Busacca had identified him and said he fired the shot? A. No, sir; because I didn't know he was the man Busacca wanted.

Q After you had put Padolse under arrest and after he had put his hand on Busacca, then did you have any conversation with him? A. No, sir; I took him to Court right then.

Q Didn't you tell him at that time he had been identified by Busacca as the man who fired the shot? A. No, sir.

Q Did you tell him up here before the Coroner? A. No, sir.

Q How long had Padolse been in the Tombs before he sent for you and said he would tell who fired the shot? A. About five or six days.

Q And that was after he had been brought here and held to await the action of the inquest? A. Yes, sir.

Q And you made a statement here that day? A. Yes, sir.

Q And testified here that day that Busacca had identified him as the man who fired the shot? A. Yes, sir.

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JOHN D. O'BRIEN, an officer of the 6th Precinct, called as a witness by the Coroner, duly sworn, and testified as follows:-

By the Coroner:-

Q Tell the Jury in what manner you are connected with the case? A. On the morning of the 18th of this month I was standing on the corner of Baxter Street and Park Row and heard a shot in the direction of Mulberry Street; I ran towards Mulberry, and I seen people looking in the direction of Bayard Street; I went up there and in the front of 63 Mulberry I saw Officer Downing ^{and Roundsman Welsh} and also seen the boy lying

over on the gutter and half on the sidewalk; I asked the officer what had been the trouble; he said the boy was shot; he pulled up the boys shirt, and showed me where the wound was; at that time the boy was half unconscious. I sent for the ambulance, and Officer Downing said he heard who it was had done it, and he went over towards 58 Mulberry Street.

Q That is where Rocco lives? A. Yes, sir.

By Mr. House.-

Q When did you get this pistol? A. While I was investigating the case, Lillie Watson came over and said she knew who fired the shot.

Q Where and when did you get this pistol? A. I asked Officer Downing if he knew who it was fired the shot, he said no, and spoke to the crowd, and Lillie Watson said, yes, I know, and she came over and pointed out Busacca and said that is the man, I said are you sure, and she said, yes I seen him. I said be careful you will have to swear to this, she said, he pulled the pistol out of his pocket and she seen the flash; with that I placed him under arrest and went through the restaurant of 63 and searched for the pistol; she said he went in after firing the shot, and in the cigar case in the store I found this pistol.

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By the Coroner:-

Q Can you identify that pistol? A. Yes, sir; I know it by the peculiar formation of the trigger.

Q And these cartridges? A. Yes, sir.

The pistol and five cartridges were identified by Officer O'Brien, as those found in the cigar case of the restaurant, 63 Mulberry Street.

Q Can you tell from your own knowledge, what calibre that bullet is? A. I should judge about thirty-eight calibre.

Q But you don't know? A. No, not positively.

Q What is that pistol? A. It is a 38 calibre, either that or large 32.

Q Look at it and see? A. That is the pistol I found in the cigar case.

Q That is a large 32 calibre? A. Large 32, or small 38

Q Did you take any cartridges from the pistol? A. No, sir; there was one vacant chamber.

Q Did you see the cartridge taken from the body of Delgatti? A. I did not.

Q Have you ever seen it? A. Not till this morning.

Q (Producing bullet) Is that it? A. As it has been pointed out to me that is the one.

Q What is the calibre of that? A. I can't tell; it is a larger calibre.

Q And wouldn't go into that pistol? A. No, sir.

By Mr. House:-

Q Do you know now, as you sit there, what the real calibre of this pistol is? A. I do not know, for the simple reason I did not examine it carefully enough; but I examined it sufficiently to identify it as the one I took out of the cigar-case.

Q And there is no doubt but this is the pistol you found in the cigar case? A. There is no doubt in the world.

Q So you are not able to tell now what the calibre of this pistol is? A. No, sir.

Q You found four shells with ball cartridges in this pistol? A. Five.

Q You found five loaded shells? A. Yes, sir.

Q And you found one of these barrels empty? A. Altogether.

Q Not even an exploded shell in it? A. No, sir.

Q Who took these cartridges out of this pistol? A. I do not know; they must have been taken out in the station house.

Mr. Price: I took them out.

Q You say you believe that is the ball taken from the body of the deceased Delgatti? A. From information and belief.

Q And your belief is that is of what calibre? A. 38 calibre.

Q Have you ever made experiments in testing bullets fired from pistols or revolvers? A. Never.

Q So that you can't say whether a bullet fired will flatten together and enlarge itself after it strikes an object?

A. My opinion is that if it strikes a hard substance it will, but if it strikes a soft substance -

Q Then you differ from some of the best experts about striking cartilage or veins or nervous tissue?

By Mr. Frank:-

Q You say you found five cartridges? A. Yes, sir.

Q Did you find any shell in the empty chamber? A. No, sir.

Q Neither cartridge, bullet, nor shell? A. No, sir.

Q Did the pistol have the appearance of having been recently discharged? A. Not to me.

Q If it had been could you have ascertained it? A. I could by the smell and heat, because I discovered the pistol so soon after the shooting, the heat could not leave the

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barrel.

Q It was perfectly cool when you got it? A. Yes, sir.

By Mr. House:-

Q When did you first hear the shot? A. In the neighborhood of twenty minutes to half past three.

Q And you immediately proceeded to find out what the trouble was? A. Yes, sir.

Q How long were you over where the boy was before you went into the restaurant for the pistol? A. Not two seconds.

Q Didn't it take two seconds to ask what the trouble was and send for the ambulance? A. No, sir.

Q You first heard a pistol shot? A. Yes, sir.

Q And you started to find out where it was? A. Yes, sir.

Q You thought it came from Mulberry Street? A. Yes, sir.

Q You ran through Park Street to Mulberry Street?

A. Yes, sir.

Q Then where did you go? A. Up Mulberry Street toward Bayard; I discovered the boy partly unconscious lying in front of 63.

Q What length of time did it take you to go up where the shot was fired? A. Not more than two minutes.

Q After you got there you saw the boy? A. Yes, sir.

Q To whom did you first speak? A. Officer Downing; on my way going up, I says, "What is the matter, Downing", he says, "A boy is shot" and all I done was to stoop down and look at him; another officer came, and I sent for an ambulance.

Q Did you come back again? A. Yes, sir. I asked him if anybody knew who it was that done the shooting, and this woman, Lillie Watson, came over and pointed out this Busacca.

Q What did you say to Busacca then? A. I spoke to her and asked if she was sure, if she would be willing to swear she seen him pull the pistol out of his pocket and seen the flash; I searched him and turned him over to another officer, and went through the restaurant and searched and found this pistol.

Q And do you mean to say it didn't take you more than two seconds to do all that? A. It didn't take more than ten minutes from the time the shot was fired till I found the pistol. I stooped over the body of the boy probably two seconds.

By Mr. Simms:-

Q How many cartridges in the pistol? A. Five.

Q And one chamber empty? A. Yes, sir.

Q There was no empty cartridge? A. No, sir; the chamber was empty.

Q Do you know to whom this pistol belongs? A. Since I have heard it belongs to Pasquale Ventrilla.

Q Whose name is over the door there at 63? A. I don't know.

By a Juror:-

Q Do you remember in what position the hammer was when you found it? A. In the same position it is now; the hammer was on the empty chamber.

Q But no shell in the chamber? A. No, sir.

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PATRICK CORCORAN, an officer from the 6th Precinct, duly sworn, testified as follows:-

By Mr. Simms:-

Q You arrested Carlo Mega, otherwise known as Roco Mega?

A. Yes, sir.

Q Where? A. In the room of the 1st floor of 58 Mu 1-

berry Street, this city. 5

Q On the morning of August 18th, 1891? A Yes, sir.

Q What was his condition when you arrested him? A. I called him out and asked him to take a walk up to the station house, and he seemed to be nervous and excited; he seemed to be trembling, in fear; I asked him if he witnessed the fighting; he said he did; I said did you see the shot fired, he said he did, I asked him who fired it and he said I don't know, I asked where is Mike, he says, Mike run away after the shot was fired; so walking up to the house he seemed to be greatly excited, and his voice trembled from fear.

By Mr. House:-

Q From what? A. He seemed to be afraid.

By Mr. Simms:-

Q You says his hands and arms trembled? A. His arms trembled.

Q Did you have any other conversation? A. No.

By Mr. Levy:-

Q He made no resistance at all? A. No, sir.

Q He walked quietly along with you? A. Yes, sir.

The Coroner: I was going ~~ask him~~ to ask the usual question of the prisoners, whether they now desire to testify in this proceeding, on behalf

of the two
On behalf of the two Megas counsel state that they refuse to testify here and as to Norris counsel says he advised his client to testify.

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OFFICER O'BRIEN, recalled.

By Mr. House:-

Q You say Officer Downing pulled up the boys shirt so you could see the wound? A. Yes, sir.

Q Where was it? A. A little above the navel, on the left side, I seen the wound, but didn't examine it particularly; my idea was to catch the prisoner as soon as possible.

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ROBERT NORRIS, took the witness stand, was duly sworn by the Coroner, testified as follows:-

By the Coroner:-

Q Where do you live? A. 58 Mulberry.

Q How old are you? A. 21 years old.

Q Married or single? A. Single.

Q What is your occupation? A. Fruit peddler.

Q State to the Jury so far as you know what took place on the morning of the 18th of August, 1891? A. Well, me and this Michael Mega was sitting on 58 and this brother was outside talking with some girl, and a stone came across, and this Kate walked over to some man over there, I think it was that man there, and she walked over to him and says a man hit her and then kicked her; I saw Charlie Mega go over and I heard loud talking and his brother Mike went over and he had an ax in his hand.

Q Do you mean an ax or hatchet? A. This is the one. (Indicating to one in Court).

Q What else took place? A. I had a piece of gas pipe in my hand -

Q About what size, three or four feet? A. Yes, sir; I went out with him too, and I went over there, and I seen a crowd, and that fellow over there, Isola, put his hand in his pocket, and Mike got afraid and walked off, and a crowd came over from the restaurant, and Mike asked me if I would help him; I said yes, and I went over, and as soon as Mike got over they all rushed in.

By Mr. Simms:-

Q They all rushed in to Busacca's saloon? A. Some stayed out around the windows.

Q Did Isola rush in there? A. Yes, sir.

Q After you saw him with his hands behind him? A. Yes, sir.

By Mr. Palmieri:-

Q Was it before or after? A. He had his hand in his pocket, and he rushed in after; then Mike came over, and him and his brother started to go across the street, and the first thing I knew a bottle came through the air and caught the rim of my hat and took it right through the window; I started then to run and I run and heard a shot.

Q From what direction? A. I think right from 63.

Q Did you see anybody fire the shot? A. I don't know who pegged the shot.

By Mr. Simms:-

Q You heard it? A. Yes, sir.

Q You don't know where it came from? A. I think from the noise it came from the other side; I kept rushing down towards Worth Street.

By Mr. Palmieri:-

Q Did the shot come from the same direction where the bottle was fired? A. Yes, sir, that is where I am most sure of it.

By Mr. Simms:-

Q Where were you rushing? A. Towards Park Street.

Q That is south in the direction of Worth Street?

A. Yes, sir.

Q So that this shot was behind you? A. Yes, sir.

Q You don't know where it came from? A. The bottle came and made a crash and the shot came at the same time.

Q You don't know whether it came from one side of the street or the other? A. I looked over to the other side and there were people there.

Q You don't know whether it came from the east or west side? A. I wouldn't be positive.

Q You don't know, do you? A. I would be most sure it came from 68.

Q You think it did? ~~xxxYasxxxxxxx~~ A. Yes, sir.

Q You think it did? A. Yes, sir.

Q But you don't know? A. No, sir.

Q You can't swear positively whether it came from the east or west side? A. No, sir.

By the Coroner:-

Q You can't swear positively from where that shot came?

Is that the fact? A. That is the fact.

Q Can you swear whether it came from the west or east side of the street? A. No, sir.

By Mr. House:-

From the best of your impression did the shot come from the side upon which 63 is or not? A. Yes, sir; to the best of my impression.

Q From the same direction where the bottle was fired you heard the shot at the same time the bottle was fired?

A. Yes, sir.

Q And where did it come from? A. Like over this direction.

By the Coroner:-

Q That is the best of your judgment? A. Yes, sir.

By Mr. Simms:-

Q Do you know Carlo and Mike Mega? A. Yes, sir.

Q You were with them that night? A. I was with Mike.

Q They were friends of yours? A. Yes, sir.

By Mr. Palmieri:-

Q Where was Rocco? A. He started to run over to the house.

By Mr. Frank:-

Q What part of the fight between the boys and these women did you see? Tell all you know before the shot?

A. I was sitting on the stoop with Mike and heard the stone come over.

By the Coroner:-

Q What part of the fight did you witness? Give it for the benefit of counsel - between Isola, the Mega boys, and these women? A. The most was when the crowd came out of the restaurant and I see Mike go over to assist his brother and see Isola with his hand in his pocket; I see him talking to Charlie with his hand in his pocket, and when he saw Mike, Mike says to me, will you help me; I says yes.

By Mr. Frank:-

Q Did you see any of the women fight with Isola or have anything to say to him? A. No.

Q Did you see Busacca fight with Mike Mega? A. He was on the sidewalk; I seen such a crowd I didn't take notice.

Q Did you see him fight with the Mega brothers? A. No, sir.

By the Coroner:-

Q By what name do you know Isola? A. I never seen him prior to that morning.

Q Did you see the pistol in the hands of that man?

A. No, sir; I didn't see no pistol.

Q He was in the act of drawing something? A. Yes, sir.

Q You saw no pistol? A. No, sir.

Q Are you positive of that? A. Yes, sir.

The Coroner: The medical testimony, gentlemen, is that the deceased came to his death from a penetrating pistol shot wound of the abdomen; that is the cause of death.

Gentlemen of the Jury, I don't propose to detain you any length of time with any remarks; but I would call your attention to what the law requires you to do in this case. The province of the Coroner is to inquire into the cause of death. The code says when death has occurred by other than natural causes, either natural or otherwise, it becomes the duty of the Coroner, in conjunction with the Jury he shall summon, to look into the cause of death, and state from the evidence presented before them, how death was caused, in what manner, at what time and place and by what means. In this case it seems death was caused from criminal means so your duty is a very plain one in that respect, but I must confess in this case there are very remarkable features presented for your examination, and during all my experience I will say this is the most complicated case I have ^{had} occasion to preside over. You see here five prisoners, each of whom is

accused of having committed the act of homicide or having committed murder, in having caused the death of this young man Delagatti. Only one shot was fired yet each is charged with having fired it; therefore I appreciate your position, which is a difficult one. It is quite natural that each of the prisoners should try to protect himself, because self preservation is the first rule of nature, and that each prisoner should try and make out a case for himself, a case of exoneration. You have heard testimony since this morning; I have allowed it to go in fully; I have allowed more latitude than I do usually, from the fact as stated to you briefly this morning in respect to the argument of Mr. House that there being five prisoners here, each accused of the same crime, it would be proper to let all facts go in and you have had presented here to-day a full line of testimony concerning the occurrence which is said to have happened at No. 63 Mulberry Street on the morning of the 18th of August last. It will become your duty first to state the time second the place, and third, the manner in which this boy Michael Delgatti met his death, and who, in your opinion caused or is responsible to the law for that

death. In that respect, of course, you are to consider first the evidence in its entirety, and secondly, you are to consider and closely scrutinize and watch the conduct of the different witnesses, for when there is a doubt, when one witnesses charges a man positively with the crime, and he being the only one - for instance take Madensky; he swears positively that Rocco Mega fired that shot, that he saw him take that pistol, point it, and fire the shot, and that he saw Delgatti fall. In that case on the evidence of Madensky you are to be the judges of his conduct as a witness, and as to what value you attach to his evidence. As to the other witnesses, take for instance, that Busacca has been charged in this case; in another respect other witnesses claim that he had nothing at all to do with it and are just as positive as the others. Therefore you must carefully weigh the evidence pro and con in reference to these various prisoners. Padolse is not represented by counsel; he is the only one not represented by counsel, and I would commend his testimony to your special consideration; he is unrepresented by counsel, and therefore did not perhaps have the same opportunity of a defence as the

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other prisoners who are represented. I deem it necessary for me to say to you that you have a very responsible duty to perform here. There was only one shot which caused the death of this unfortunate boy as he was at the time, and the fact that the police have seen fit and have worked very earnestly and diligently on this case, and have done everything in their power to get at the *truth*, but have brought before you, and on probably very good causes, those five prisoners will make it your duty to say, if you can, which one of those five prisoners in your opinion fired that shot and consequently became responsible for the death of Delgatti. You may not be able to fasten that conclusion upon one; you may be undecided, and may say you are not quite positive as to one or more. You may therefore, if you see fit, from the evidence designate the one you think fired the shot, or you may also express an opinion as to the other four, as the case may be. In other words I desire this Jury - I must pay you the compliment of being very attentive, having asked but few questions but proper ones; sometimes we have jurors that ask questions foreign to the subject matter. I will ask you carefully, conscientiously

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sciously and consistently to consider the evidence that has been given from this witness stand. There has been something said as to some of these women who have confessed on the stand that they are public prostitutes. I charge you on that point that even if they are that does not discredit them with you as to the evidence they have given. They may be public prostitutes, which is to be deplored, but it does not follow that their testimony is not entitled to credence. Any witness coming here whose testimony is unimpeached must be considered, as far as you possibly can as truthful, until impeached. I ask you to aid me to the best of your ability in arriving at a fair and reasonable conclusion, in arriving at a verdict that will be of service to the people you represent, and if necessary that may be of service to any other authority should it become necessary for any other authority to make any further investigation of this case. Consider the evidence carefully - consider everything, all the surroundings, all the facts and then after you have done that return to the Court room and bring in a written verdict and I trust it will be a verdict

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that will be do justice to all concerned.

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VERDICT: We, the Jury, in the case of the cause of death of Michael Delgatti, find that he came to his death from a pistol shot wound inflicted on the morning of the 18th of August, 1891, between the hours of 3 and 3.30, A. M., at or near the premises 63 Mulberry Street, in the City of New York, and from the evidence, we, the Jury, are not able to determine by whom the shot was fired. It is our unanimous opinion that Michael Mega, Rocco Mega, Robert Morris should be held to await the action of the Grand Jury and that John Padolse and Tomasso Busacca were not implicated in the shooting.

-----000-----

Mr. Simms: I move you that all the prisoners present be held to await the action of the Grand Jury, and furthermore, that the witnesses be committed to the House of Detention, except such as are under bail.

**POOR QUALITY
ORIGINAL**

0697

their bail to continue.

the Coroner: I think I will make the following disposition; as to Michael Mega, Rocco Mega and Robert Norris, I shall commit them to the city prison without bail to await the action of the Grand Jury. And as to Tomasso Busacca and John Padelse I will require five thousand dollars bail in each case, they in the meantime to be committed to the city prison until bail is furnished, to await the action of the Grand Jury.

-----ooo-----

POOR QUALITY
ORIGINAL

0698

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question—What is your name?

Answer—*Michael Mega*

Question—How old are you?

Answer—*19 yrs*

Question—Where were you born?

Answer—*New York City*

Question—Where do you live?

Answer—*58 Mulberry Street*

Question—What is your occupation?

Answer—*Bar tender*

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

Not Guilty
Michael Mega

Taken before me, this *31* day of *August* 18*91*
Richard H. Ery — CORONER.

POOR QUALITY
ORIGINAL

0699

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
7 Years	Months	Days	Italy	Chandlers St Hoop	Aug 18/91

3rd Quor 667 1891
HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

Michael Delgatti

whereby it is found that he came to
his Death by the hands of

Michael Moya
so that

Dec 9/91

Imprest taken on the 31st day

of August 1891

before

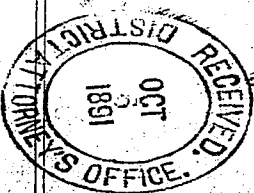
Richard Henry Coroner.

Committed

Obtained

Discharged

Date of death



POOR QUALITY
ORIGINAL

0700

Coroner's Office,

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question—What is your name?

Answer—Robert Norris

Question—How old are you?

Answer—21 years

Question—Where were you born?

Answer—New York City

Question—Where do you live?

Answer—58 Mulberry Street

Question—What is your occupation?

Answer—Reader

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

Not Guilty

Robert Norris

Taken before me, this 31st day of August 1887

William Leary

CORONER.

POOR QUALITY
ORIGINAL

0701

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question—What is your name?

Answer—Rocco mega

Question—How old are you?

Answer—20 years

Question—Where were you born?

Answer—Italy

Question—Where do you live?

Answer—58 Mulberry Street

Question—What is your occupation?

Answer—Musician — ~~Baritone~~

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

Not Guilty

Rocco mega

Taken before me, this

31st day of August 1891

Ferdinand Levy

CORONER.

POOR QUALITY
ORIGINAL

0702

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question—What is your name?

Answer—

John Padolse

Question—How old are you?

Answer—

21 years

Question—Where were you born?

Answer—

Italy

Question—Where do you live?

Answer—

58 Mulberry Street

Question—What is your occupation?

Answer—

Musician

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

Not Guilty

John Padolse

Taken before me, this

31st day of August 1887

Edmund A. Levy

CORONER.

POOR QUALITY
ORIGINAL

0703

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question—What is your name?

Answer—*Tommaso Busacca*

Question—How old are you?

Answer—*41 years*

Question—Where were you born?

Answer—*Italy*

Question—Where do you live?

Answer—*Newark N.J. business 63 Mulberry St.*

Question—What is your occupation?

Answer—*Carpenter & Restaurant Keeper*

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

Not Guilty

Tommaso Busacca

Taken before me, this *24* day of *August* 18*87*

Edmund Levy CORONER.

John Tabolvic

Xmn

You were charged with being the person who had discharged the shot that killed Delgatti, were you not?

And you knew that that charge had been made against you, did you not? A I know it, yes

And you knew that Mr Busacco the keeper of the restaurant at No. 63 was the person who made the charge?

XX

What did you say to Busacco while you were locked up with him two weeks, if anything?

One time I asked him "How can you swear that I fired the shot?" He said "If you ^{didn't do it} know who ^{you} know who done it" I says "All right I tell the truth when I go to Court; I won't say anything ~~here~~ before

Was that all you had to say to him?

A Yes sir XXXXX

We didn't have a talk about this case

(2)

I Tell the jury all that you said to Busacco that you remember while you were locked up that two weeks about the shooting?

How can you swear that I fired the shot. He said well, if you did not fire the shot you know who fired it. You can tell the truth. I say all right. If I go to Court I will tell what I know. I won't say any thing before, because Rocco Mega was a friend of mine and I always knew Rocco M. for good fellow too.

I asked B. why he had charged me with the crime.

He said "What you charge me for, that is all"

I did not charge B with doing the shooting.

I know his (Rocco's) general rep. down there in M. St.

I do not know

Didn't u say a few moments ago that u knew him as a good fellow? C. J. C.

POOR QUALITY
ORIGINAL

0706

(By interpreter) (Palmeri)

Do you know the general rep. of Rocco
Mantovani. It for peace and
unity. - ~~etc~~

It is good.

Has always been

**POOR QUALITY
ORIGINAL**

0707

*Pathology Test
at Trial*

Coroner's Office.

TESTIMONY.

Frank S. Price, 6th Precinct being duly sworn, says,

I made an investigation this morning in reference to the shooting that took place this morning in front of 63 Mulberry street, ~~that~~ and arrested John Padolse from information that he in company with Michael Mays & Rocco Mays his brother, and Robt Morris went across the street from 58 Mulberry Michael Mays having this hatchet in his hand to go over and protect some woman that had been assaulted. They got in the middle of the street and met some people who had assaulted this woman at that time the shot was fired. The description I got from the prisoner Thomas Busacca ~~talked~~ with.

The information that I got in reference to the hatchet was obtained from Lillie Watson. The others were prisoners were arrested this morning at 4 o'clock.

Frank S. Price

Taken before me

this 18 day of Aug 1891
Ferdinand [Signature] CORONER.

POOR QUALITY
ORIGINAL

0709

Coroner's Office.

TESTIMONY.

street breaking glass. In return
for this there was a shot
fired from No 58 Mulberry street.
From the informant that I
received there were ^{the} only four of
58 Mulberry street, Rocco Mega, Michael
Mega, John Podosa Robert Norris at the
time the shot was fired, and I
think it was one of them.

John A. D. Bruer

Taken before me

this 18 day of Aug 1891
Richard Henry
CORONER.

Coroner's Office.

TESTIMONY.

Of James C. Downing 6th Precinct being
duly sworn says:

I heard a shot fired on Mulberry
street between Park & Byard streets at
the same time he heard a rape. When
the shot was fired I ran in the
direction, and when I got there I
found a large crowd of people on
street, and then I found a boy
on the sidewalk shot in the abdomen.
Max Modensky 85 Byard told me that
the man who fired the shot ran in
at 58 Mulberry street. Asked him if he
was sure he said yes. Said that he
was a man who played a guitar. When
up stairs next to the roof. Rapped on
the door, but nobody answered.
Burst open the door, and found
the girl sitting on a chair. Asked her
if anybody came in she said yes.
When I told her that a man had been
shot she would say no more.
When on the roof and crossed to 52
Mulberry and saw some one disappear
through the roof. Went in the
building but could find no one.
Went out on the street and went
over where the boy was shot.

Taken before me

this

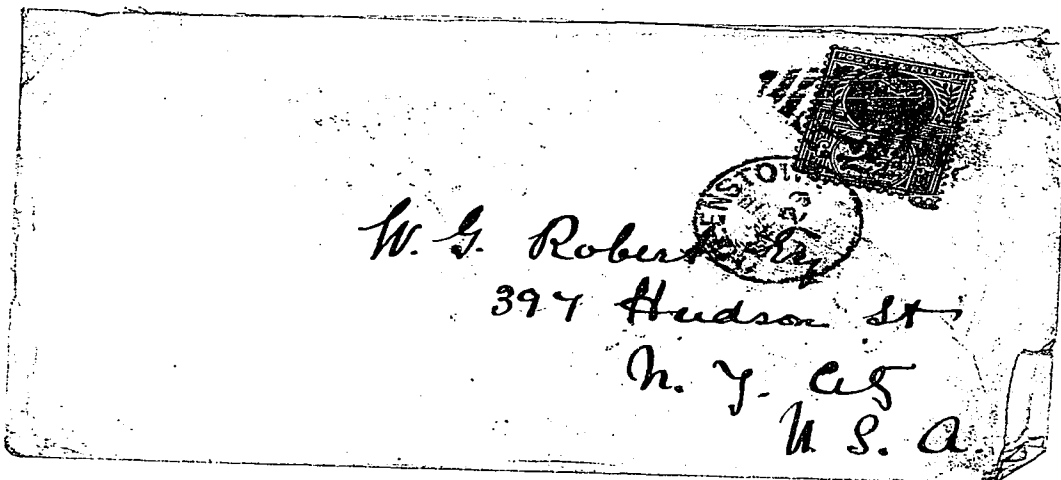
day of

188

CORONER.

POOR QUALITY
ORIGINAL

0711



POOR QUALITY
ORIGINAL

0712

POLICE DEPARTMENT OF THE CITY OF NEW YORK,

Precinct No. _____

White Helgath
H. 151191

POOR QUALITY
ORIGINAL

0713

POLICE DEPARTMENT OF THE CITY OF NEW YORK,

Precinct No. _____

Mike Helgatte
Statement

POOR QUALITY
ORIGINAL

0714

Aug. 18th 91

De no Mr Mann
be My Friend
My Father Friend
Mrs Mayo Make
de Right
Leaving George

POOR QUALITY
ORIGINAL

0715

UNITED STATES OF AMERICA,
STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

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

Information upon oath having been this day laid before me, that
the crime of *Forgery in the first degree* has been committed and
accusing *John Macormack* thereof:

You are therefore Commanded forthwith to arrest the above-named *John Macormack*
and bring him before me at *my chambers in the Sessions Building in the Park* in the City of New York,
or in case of my absence or inability to act, before the nearest or most accessible Magistrate
in this County.

Dated at the City of New York, in the County of New York aforesaid, this *17th* day of
November 1891.

Frederick Smyth
Recorder of the City of New York

POOR QUALITY
ORIGINAL

0716

UNITED STATES OF AMERICA,
State of New York.

THE PEOPLE

OF THE STATE OF NEW YORK.

against

John Macormack

WARRANT OF ARREST.

Issued November 17, 1891

Frederick Smyth Magistrate.

Van Buren Ten Officer.

To *Frederick Smyth* Esquire.
Recorder of the City of New York
CITY AND COUNTY OF NEW YORK, SS.

The return of *Jacob von Gerichten*
a Detective Sergeant of the Municipal Police of the City of New
York respectfully shows that the within named *John*
Macormack can not with due diligence be found within
the State of New York.

Dated at the City of New York, in the County of New York
aforesaid, this *17th* day of *November* 18*91*

Jacob von Gerichten
Detective Sergeant.

Roach

STATE OF NEW YORK, :
:ss:
CITY AND COUNTY OF NEW YORK, :

The information of JACOB J. THOMPSON, of Number Thirty-two Park Place, in the City of New York and State of New York, laid before FREDERICK SMYTH, Esquire, Recorder of the City of New York, in the City, County and State of New York, and a Magistrate and Officer having power to issue a warrant for the arrest of a person charged with a crime, the seventeenth day of November, in the year of our Lord, one thousand eight hundred and ninety-one, who, being duly sworn, deposes, alleges and says, as follows:-

That on the first day of September, in the year of our Lord one thousand eight hundred and ninety-one, he was and ever since has been and now is the Assistant Secretary of the Metropolitan Life Insurance Company, a corporation duly created and existing under and by virtue of the laws of the State of New York, having its principal office for the transaction of business in the said City of New York.

That one John Macormack, late of the City of New York, in the County of New York aforesaid, on the eleventh day of September, in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, having in his custody a certain instrument and writing, to-wit: A bankcheck issued by the said Metropolitan Life Insurance Company, in the words and figures following, that is to say:--

POOR QUALITY
ORIGINAL

0718

Roach

\$180⁰⁰. New York, Sept. 11, 1891. A. 177083.

NATIONAL SHOE & LEATHER BANK.

Pay to the Order of Mary Roach, one hundred ~~and~~ eighty 100
Dollars, in full for all claims and demands under Policy
No. 4021793.

J. M. CRAIG, Actuary. GEO. H. GASTON, Secy.
did afterwards, to wit: on the day and in the year afore-
said, at the City and County aforesaid, feloniously forge
on the back of the said bank check a certain instrument and
writing commonly called an endorsement which said forged
instrument and writing commonly called an endorsement, is
as follows, that is to say.

Her
"MARY X ROACH."
Mark.

and also that the said John Macormack afterwards, to wit:
on the day and in the year aforesaid at the City and County
aforesaid with force and arms the said forged endorsement
then and there feloniously did utter, dispose of and put off
as true, with intent to defraud, he the said John Macormack
then and there well knowing the same to be forged, 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.

W H E R E F O R E informant prays that a war-
rant may issue for the arrest of the said John Macormack

POOR QUALITY
ORIGINAL

0719

and that he be dealt with according to law.

Sworn to before me this seventeenth :
day of November, in the year of our :
Lord, one thousand eight hundred and :
ninety-one. :

J. J. Thompson

Fredk Smyth

Recorder of the City of New York.

Roach

UNITED STATES OF AMERICA,
STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK.

ss.

The deposition of Jacob J. Thompson taken upon oath this seventeenth day of November in the year of our Lord one thousand eight hundred and ninety-one, before Frederick Smyth, Esquire, Recorder of the City of New York, in the County and State of New York, in support of the foregoing information, who, being duly sworn, deposes and says:

That he is over forty years of age and has his place of business at number 32 Park Place in the said City of New York.

That he is an officer of the Metropolitan Life Insurance Company, the corporation referred to in the foregoing information, to wit, the assistant secretary and cashier thereof.

That on the 11th day of September, A. D. 1891, said Company had in its employ, as an assistant superintendent of local canvassers and agents, one John Macormack, the same John Macormack referred to in the foregoing information and the deposition of Mary Roach annexed.

That on the 14th day of May, A. D. 1888, the said Metropolitan Life Insurance Company, upon the application of one Owen Riely theretofore made, issued a policy of life insurance upon the life of said Owen Riely, by which said policy said Metropolitan Life Insurance Company agreed to pay upon the death of said Owen Riely, the sum of one hundred and eighty dollars, pursuant to the conditions and terms

of said policy of life insurance.

That on or about the 10th day of September, A. D., 1891, the said John Macormack presented to the said company, through his superintendent, William G. Roberts, whose deposition is hereto annexed, a certain paper writing commonly known as a death claim, by which it was represented and made to appear that said Owen Riely upon whose life said company had theretofore issued a policy of life insurance issued as aforesaid, had died, and that the beneficiary under said policy, to wit, one Mary Roach, made claim for the amount of insurance due upon said policy of life insurance issued upon the life of said Owen Riely.

That thereafter and on or about the 11th day of September, A. D. 1891, such said claim was allowed, and a certain paper writing commonly known as a bank check for the amount due upon such said policy of insurance, to wit, the sum of one hundred and eighty dollars, lawful money of the United States, was issued by said Metropolitan Life Insurance Company to pay such said claim, a copy of which said bank check is fully set out in the foregoing information and the deposition of Mary Roach hereto annexed.

That such said bank check was thereafter delivered, as deponent is informed by William G. Roberts, whose deposition is hereto annexed, to said John Macormack for the purpose of having same delivered to the said Mary Roach, claimant and beneficiary as aforesaid, in settlement of the claim under said policy of life insurance.

That thereafter and on or about the 11th day of September, A. D., 1891, such said bank check was returned to the said Metropolitan Life Insurance Company by the said

POOR QUALITY
ORIGINAL

0722

John Macormack, with what purported to be the endorsement
of the said Mary Roach written across the back thereof,
which said endorsement is as follows, that is to say:

her
"MARY X ROACH".
mark

Sworn and subscribed to before me *J. J. Thompson*
this seventeenth day of November.
A. D. 1891.

Fredk Smyth Recorder of the City of New York.

Roach

UNITED STATES OF AMERICA,
STATE OF NEW YORK, } ss.
CITY AND COUNTY OF NEW YORK.

The deposition of William G. Roberts of number 397 Hudson Street in the City of New York, taken upon oath this seventeenth day of November, in the year of our Lord one thousand eight hundred and ninety-one, before Frederick Smyth, Esquire, Recorder of the City of New York, in the City, County and State of New York, in support of the foregoing information, who, being duly sworn, deposes and says:

That he is over thirty years of age, and is the superintendent of the Metropolitan Life Insurance Company, having charge of said company's branch office at number 397 Hudson Street in said City of New York.

That in the month of September, in the year of our Lord one thousand eight hundred and ninety-one, this deponent had associated with him as an assistant superintendent, one John Macormack, the same person referred to in the foregoing information.

That deponent knew said John Macormack well, and recognizes the photographic picture hereto annexed, marked, "A", as being the picture likeness of said John Macormack.

That said Macormack was employed to perform the duties of an assistant superintendent of local canvassers and agents representing the said Metropolitan Life Insurance Company, in deponent's district in the said City of New York. As such assistant superintendent it was his duty, among other duties, to examine and report upon each death claim presented by the beneficiaries under policies of life in-

insurance theretofore issued by said Metropolitan Life Insurance Company in his, said Macormack's, sub-district. It was his further duty to examine and report upon such claims, and if found to be just, recommend same for payment by the said Metropolitan Life Insurance Company. It was the further duty of the said John Macormack, as such assistant superintendent, to receive from this deponent the bank check drawn by the said Metropolitan Life Insurance Company in payment of death claim so recommended and approved by the said Macormack, and to deliver the said bank check to the beneficiary and claimant, and to receive from him or her a receipt therefor. In the event of the beneficiary and claimant demanding the money which said bank check represented and called for, it was the further duty of said Macormack to obtain from the beneficiary and claimant his or her endorsement upon the back of such bank check, and thereupon to pay to the beneficiary and claimant the amount of money set out in and call for by said bank check, in lawful money of the United States, and to thereupon return to the said Metropolitan Life Insurance Company the said bank check, with the endorsement of the beneficiary and claimant written upon the back thereof.

That on or about the eleventh day of September in the year of our Lord one thousand eight hundred and ninety-one, at the said City of New York, this deponent delivered to the said John Macormack the bank check referred to and set out in the foregoing information and the deposition of Mary Roach hereto annexed, and at the same time deponent instructed the said John Macormack to deliver the same to the said Mary

Roach, and obtain her receipt therefor.

That thereafter and on or about the said eleventh day of September, at the said City of New York, the said John Macormack returned said bank check to this deponent, at the same time stating to this deponent that he had tendered said check to the said Mary Roach and that upon her expressing a desire to receive the money represented in and by said check, to wit, the sum of one hundred and eighty dollars, he did then and there obtain from the said Mary Roach her endorsement in writing upon the back of said bank check, and did thereupon pay to the said Mary Roach the sum of one hundred and eighty dollars, lawful money of the United States, and did obtain from her, her receipt therefor.

That the said John Macormack then and there stated to this deponent that the name written upon the back of said check was the endorsement of the said Mary Roach, and thereupon this deponent paid to the said John Macormack the sum of one hundred and eighty dollars, lawful money of the United States of America.

That when this deponent delivered the said bank check to the said John Macormack there was no endorsement upon the back thereof, and when, to wit, on or about the eleventh day of September, in the year of our Lord one thousand eight hundred and ninety-one, the said John Macormack returned said check to this deponent, there was written on the back thereof what purported to be the name of Mary Roach in the following words, to wit,

her
MARY X ROACH"
mark

Sworn to and subscribed before me
this seventeenth day of November,
A. D., 1891.

Wm. S. Roberts

Frederick Smyth Recorder of the City of New York.

UNITED STATES OF AMERICA. :
STATE OF NEW YORK. : ss:
CITY AND COUNTY OF NEW YORK. :

The deposition of Mary Roach, taken upon oath this seventeenth day of November, in the year of our Lord one thousand eight hundred and ninety-one, before Frederick Smyth, Esquire, Recorder of the City of New York, in the City, County and State of New York, in support of the foregoing information, who, being duly sworn deposes and says:--

That she is over twenty-one years of age, and resides at Number 84 King Street, at the City of New York, in the County and State of New York.

And deponent further says that during the month of April, A. D. 1888, she resided at Number 9 Varick Place, in said City of New York.

And deponent further says that on the fourteenth day of May, A. D. 1888, the Metropolitan Life Insurance Company, of the City of New York, issued a certain policy of life insurance upon the life of deponent's son, Owen Riely, for the sum of one hundred and eighty dollars, and which said policy of life insurance is numbered 4621795.

And deponent further says that she was the beneficiary under said policy of life insurance.

And deponent further says that she has been shown a certain bank check or draft drawn by the Metropolitan Life Insurance Company to the order of this deponent, for

POOR QUALITY
ORIGINAL

0727

the sum of One hundred and eighty dollars, and of which
such said check the following is a true copy:-

\$180⁰⁰

New York, Sept. 11, 1891. A 177683.

National Shoe & Leather Bank.

Pay to the order of Mary Roach one hundred eighty
100 dollars in full for all claims and demands under
Policy No. 4621793.

J. M. CRAIG, Actuary.

GEO. H. GASTON, Secy.

And deponent further says that such said check
purports to have been endorsed by this deponent by her mark
X, but deponent declares the truth and fact to be that she
never endorsed such said check nor affixed her mark to any
such endorsement, nor did she ever authorize any other per-
son to do ^{so} endorse such said check for her or in her name or
by affixing her mark thereto.

And deponent further says that she has received
no part of the money mentioned and set out in such said
check, nor has any other person received same for her by
her authority.

And deponent further says that her said son Owen
Riely mentioned in said policy of life insurance is now
alive.

And deponent further says that neither she this
deponent nor her said son Owen Riely ever resided at Number
43 Seventh Avenue in the said City of New York.

Sworn and subscribed to before me :

this 17th day of November A.D. 1891. :

Mary ^{her} Roach
mark

Frederick Smyth Recorder of the City of New York.

POOR QUALITY
ORIGINAL

0728

UNITED STATES OF AMERICA. :
STATE OF NEW YORK. : ss:
CITY AND COUNTY OF NEW YORK. :

The deposition of Owen Riely taken upon oath this seventeenth day of November, in the year of our Lord one thousand eight hundred and ninety-one, before Frederick Smyth, Esq., Recorder of the City of New York, in the City, County and State of New York, in support of the foregoing information, who being duly sworn deposes and says:-

That he is over twenty-one years of age, and resides at Number *74* *Thurs* Street in the City of New York, in the County and State of New York.

And deponent further states that he is the son of Mary Roach of Seventy-four King Street in said City, and is the Owen Riely named in a certain policy of life insurance issued by the Metropolitan Life Insurance Company of the City of New York, which said Policy of Life Insurance is numbered 46211793, and bears date the 15th day of May, A. D. 1868.

And deponent further says that at the time such said policy of life insurance was applied for he resided at Number Nine Varick Place in said City of New York.

And deponent further says that neither he this deponent nor his said mother Mary Roach ever resided at Number 43 Seventh Avenue in the said City of New York.

Sworn and subscribed before me
this seventeenth day of November A.D. 1891.

:
:
: *Owen Riely*

Fredk Smyth Recorder of the City of New York.

POOR QUALITY
ORIGINAL

0729

Sept 11/91

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Jacob Thompson
32 Park Pl.
vs.

John Macormack

Offence

Dated November 17 1891.

Witnesses Henry Roberts

No. 397 Hudson Street,

Mary Beach

No. 74 King Street,

Owen Riley

No. 74 King Street,

0730

New York, Aug 17th 1887.

Sir :

Please hold an Inquest on the body of

Age: 17 years — months — days. Admitted Tues + day, August

Nativity, Stacy; of _____
Mother _____ By Amelance

.....in U. S.,in City. From 61 Guilberry St B

Civil Bond:.....Occup.: Examined by Dr. Stebbins.

Suffering from symptoms of.....c

Penetrating Gusto of our address

Said Injuries said to have been received..... D

It is reported that boy was a bystander
while fight was in progress and was accidentally
injured.

Death took place Thurs day, August 18th 1891 at 5¹⁵ o'clock a. M.

The Autopsy revealed.....

Remarks: G

HOUSE SURGEON PHYSICIAN.

- Ad. 4. State the day of the week.
Ad. A. State whether by *Ambulance or Friends*.
Ad. B. State whether from a *Precinct or a Residence* and give the name.
Ad. C. State whether from *Natural Causes* or from *Shock* (conscious or unconscious) due to *Injuries*, and if so, give *name, place, date, number, character, and Extent* of Injuries, always stating where indicated, whether *right or left*.
Ad. D. State *when, where, how*, by what *means or persons* received, also whether *Accidental, Suicidal or Homicidal*; in falls, the distance, location and place; in *Burns and Scalds* the *circumstances* attending the same; in *runover* cases, the line of *Street Car, Railroad or Conveyance*; in *Weapons*, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.
Ad. E. State *name, date, place, character and results of any operation or amputation* performed.
Ad. F. Give a short resume of the *Autopsy* with the *Pathological Diagnosis* and the *Cause of Death* at the End.
Ad. G. State here any important facts not embodied in the above statements.

POOR QUALITY
ORIGINAL

0731

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

THE INFORMATION OF James T. Howard, of 35 Wall
Street in said City, Attorney and Counsel at Law,
laid before James T. Howard Esquire, one of the Justices of the
Court of General Sessions in said City, of the City of New York, and a Magistrate and Officer
having power to issue a warrant for the arrest of a person charged with a crime, the
Twenty day of October in the year of our
Lord one thousand eight hundred and ninety, who, being duly sworn, deposes,
alleges and says, as follows, on information and belief:

THAT on the twelfth day of December, in
the year of our Lord one thousand eight hundred and ninety;
one John Macormack, late of the City of New York, in the County of
New York aforesaid, at the City and County aforesaid, did feloniously draw in

his endorsement and signature on a certain instrument and
note being a check drawn on the
Metropolitan Edge Sumac Company, a corporation
organized and existing under the laws of this State,
in the words and figures following to wit:

"\$ 100.00 New York Sept 10 1891 A. 175965
National Place at Beeth Bank
Pay to the order of Missie Kiehl
one hundred eighty six 100 Dollars
in full for all claims and demands under Policy No 452953
John Craig Anthony Agent St. Francis Agency
did then and there with intent to defraud, feloniously
forge upon the back of said bank check a certain
endorsement as follows to wit:

"Missie Kiehl"
and there the said John Macormack, afterwards
to wit, on the day and in the year aforesaid, at
the City and County aforesaid, did feloniously
with intent to defraud, utter, dispose of and run
off as true, the said forged endorsement to the
and there well knowing the same to be forged,

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.

WHEREFORE, informant prays that a warrant may issue for the arrest of the
said John Macormack and that he be dealt
with according to law.

Sworn to before me, this 22d day of
October in the year of our Lord, one
thousand eight hundred and ninety one

E. E. P. Howard
James T. Howard
Judge General Sessions

POOR QUALITY
ORIGINAL

0732

UNITED STATES OF AMERICA,
STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

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

Information upon oath having been, this day laid before me, that
the crime of Forgery in the first degree has been committed and
accusing John Macormack thereof:

You are therefore Commanded forthwith to arrest the above-named John
Macormack and bring him before me at my chambers in the
Session Building in the City Hall Park in the City of New York,
or in case of my absence or inability to act, before the nearest or most accessible Magistrate
in this County.

Dated at the City of New York, in the County of New York aforesaid, this 23rd day of
October 1891.

James Fitzgibbon
Judge General Session

TESTIMONY.

Philip Edmund Evans sworn says on August 18th 1891 at the Chaubert St Hospital I made a post-mortem examination of the body of Michael Delgatto

I found a pistol shot wound two and three-quarter inches to the left of the median line and four inches below the left nipple. The bullet struck the cartilage of the 9th rib and penetrated the outer edge of diaphragm, lower border of left lobe of liver passed above the lesser curvature of the stomach, penetrated the pancreas and lodged in the left side of the body of the 2^d lumbar vertebra near upper border.

The abdominal cavity was filled with blood

The Peritoneum was filled with extravasated blood

The Brain Kidneys Stomach spleen and other organs were normal

Death was due to penetrating pistol shot wound of the abdomen with resulting shock & hemorrhage

P. Edmund

Sworn to before me,

this

day of

189

CORONER.

POOR QUALITY
ORIGINAL

0734

-----X
The People &c.

vs.

Rocco Mega et al.
-----X

Hon. DeLancey Nicoll,

Dear Sir :

Rocco Mega, Michael Mega and Robert Norris were jointly indicted by the Grand Jury of murder in the first degree.

The case of Rocco Mega was presented to a petit jury at the Court of Oyer & Terminer, this week, the jury rendered a verdict of not guilty..

I have investigated carefully all the evidence against the other two co-defendants, Michael Mega and Robert Norris, and have no hesitancy in saying that I am satisfied that neither of them fired the shot which killed the boy Delgatti, upon which the indictment was framed.

N.Y. Dec. 11th, 1891.

Yours respectfully,

Francis L. Wellman

POOR QUALITY
ORIGINAL

0735

THE PEOPLE OF THE STATE OF
NEW YORK

against

Alfred
Michael Muep
Robert Morris

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 82 CHAMBERS STREET.

NEW YORK CITY.

Witnesses Before Coroner - June

	Pages
✓ Downing James E.	2-125
Watson Ellie	19
Sullivan Katie	34-35
✓ Isola John	40-72
✓ Medensky, Max	74
✓ Padolse John	92
Johnson Chak	112
✓ Price Frank S.	128
✓ O'Brien John D.	135-144
✓ Corcoran Patrick	142
Norris Robert	144
✓ Donlin Philip M.D.	

POOR QUALITY
ORIGINAL

0737

Palladino - Mega is his landlord -
Slept on fire escape #38 -

Witness before
Coroner jury

POOR QUALITY
ORIGINAL

0738

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

W. P. Edward

35 Wall St.

1356 Co. B. 88.

John Macormack

Dated *October 22*, 189*1*

Witnesses,

Street,

Street,

Street,

POOR QUALITY
ORIGINAL

0739

DISTRICT ATTORNEY'S OFFICE,
City and County of New York.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Edward
389 Ave. C
1356 Corbett St.

John Macormack

*Office lying in the
way of the*

Dated *October 22*, 189*1*

Witnesses,

John Edward Street,

No. Street,

No. Street,



R.M.S. "TEUTONIC"

September 28th 1891

Dear Mr. Roberts,

You will see from the date on this that we are quite a long way on our journey. I may first state that I am writing under very unfavorable circumstances. I am holding on for all I am worth with one hand & trying to write with the other so you must excuse all shortcomings. I am pleased to say that I have stood the voyage wonderfully never having had a moment's sickness. We had it very pleasant the first 3 days & the ship was as steady as a fingboat but on Friday night it freshened up & yesterday & today the waves have been rolling mountains high & there has

been nothing that you could call a
 storm only a very steady wind & high
 sea. I can tell you I have had
 lots of fun watching the way people
 have been rolling about on board.
 We had some fun at dinner
 today especially & I do not believe
 half a dozen people managed to get a
 comfortable dinner. I will have to stop
 for a few minutes as we are going to have
 a lecture from a celebrated Canadian Professor
 of Phenology. Well the lecture is over &
 it was very interesting indeed. If you
 had been with me for the last
 few days I think you would have

enjoyed yourself very much. I have
 been up at 6 every morning. Have ^{my} my
 bath & then out for a walk till
 breakfast time. After breakfast
 another cigar & a walk. Then a
 book & my ~~steamer~~ chair till
 lunch time. Then another smoke
 & a lounge etc. till supper. Then
 we usually have a few songs &
 a game of cards or a talk then
 a smoke & another bottle of
 Bass & off to bed for
 a good night sleep. I

Guess I will leave the
finishing of this till tomorrow
when I can put in the time of
arrival etc. 11:15 A.M. Sunday

We arrived in sight of the Fastnet
about half an hour ago. We have had
nice weather for the last few hours &
it is now a beautifully clear day
so I anticipate a very pleasant
sail along the coast. I must now
close as they are getting the mail bag
ready. Remember me to all with
best wishes.

Yours faithfully
J. Macmillan

POOR QUALITY
ORIGINAL

0744

499

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Michael Mega, Rocco
Mega and Robert Norris*

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

Michael Mega, Rocco Mega and Robert Norris

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

The said *Michael Mega, Rocco Mega and
Robert Norris, all —*

late of the City of New York, in County of New York aforesaid, on the *thirteenth*
day of *August*, 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 one
Michael Delligatti, in the peace of the said People then and there being,
wilfully, feloniously and of *their* malice aforethought did make an assault; and the said
Michael Mega, Rocco and Robert, a certain pistol then and there charged and
loaded with gunpowder and one leaden bullet, which said pistol the said *Michael Mega,*
Rocco and Robert in *their* right hands then and there had and held,
to, at, against, and upon the said *Michael Delligatti —*
then and there feloniously, wilfully and of *their* malice aforethought, did shoot off and
discharge, and the said *Michael Mega, Rocco and Robert,*
with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the
gunpowder aforesaid, shot off, sent forth and discharged, as aforesaid, *aim*, the said
Michael Delligatti, in and upon the *head* of *him*
the said *Michael Delligatti*, then and there feloniously, wilfully and of
their malice aforethought, did strike, penetrate and wound, giving to *him*
the said *Michael Delligatti*, then and there, with the leaden bullet
aforesaid, so as aforesaid discharged, sent forth and shot out of the pistol aforesaid, by the

POOR QUALITY
ORIGINAL

0745

said *Michael Mega, Rocco and Robert*, in and upon the ~~admonition~~ of
the said *Michael Dellagatti*, one mortal wound of the breadth of
one inch, and of the depth of six inches, of which said mortal wound ~~the~~
said *Michael Dellagatti*, at the City and County aforesaid,
~~from the said~~ ~~day of~~ ~~in the~~
~~year aforesaid, until the~~ ~~day of~~ ~~in the same year~~
~~aforesaid did languish, and languishing did live, on which said~~
~~day of~~ ~~in the year aforesaid, the said~~
~~at the City and County aforesaid, of the said mortal~~
~~wound did die.~~
Then and there died.

AND SO THE GRAND JURY AFORESAID do say: That the said _____
Michael Mega, Rocco and Robert, him,
the said *Michael Dellagatti*, in the manner and form, and by
the means aforesaid, wilfully, feloniously and of *their* malice aforethought, did kill
and murder, against the form of the statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*

0746

BOX:

454

FOLDER:

4177

DESCRIPTION:

Mitchell, Sarah

DATE:

10/22/91



4177

POOR QUALITY
ORIGINAL

0747

Witnesses:

Off Dolan

Counsel,

Filed, 22nd day of Oct 1891

Pleads, *Guilty*

THE PEOPLE

vs. *L. B.*

Sarah Mitchell

KEEPING A HOUSE OF ILL-FAME, ETC.
(Sections 822 and 825, Penal Code.)

DE LANCEY NICOLL,

District Attorney.

Indictment
Quarantined

A TRUE BILL.

Robert B. Smith

Foreman.

Oct 23/91

James D. Smith

Sentence suspended

R.B.M.

POOR QUALITY
ORIGINAL

0748

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer. *Sarah Mitchell*

Question. How old are you?

Answer. *45 years or*

Question. Where were you born?

Answer. *New York City*

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

Answer. *101 31st St 3rd Floor*

Question. What is your business or profession?

Answer. *Chambermaid*

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*

Sarah Mitchell

Taken before me this

day of

1884

Police Justice.

POOR QUALITY
ORIGINAL

0749

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 Thomas Dalton of No. 150 Street, that on the 5 day of Sept 1891, at the City of New York, in the County of New York, James Dor did keep and maintain at the premises known as Number 136 West 23 Street, in said City, a House of Prostitution and there unlawfully procure and permit as well men as women of evil name and fame, and of dishonest conversation to visit, frequent and come together for unlawful sexual intercourse, and for the purpose of prostitution, and there unlawfully and wilfully did permit said men and women of evil name and fame there to be and remain ~~drinking, dancing, fighting,~~ disturbing the peace, whoring and misbehaving themselves whereby the peace, comfort, and decency of persons inhabiting and residing in the neighborhood and there passing is habitually disturbed in violation of the statute in such case made and provided.

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 body of the said

James Dor and all ~~vicious~~ disorderly and improper persons found upon the premises occupied by said James and forthwith bring them 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 10 day of Sept 1891
John S. Kelly POLICE JUSTICE.

POOR QUALITY
ORIGINAL

0750

Police Court— District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

WARRANT—Keeping Disorderly House, &c.

Dated 188

Magistrate

Officer.

Precinct.

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

Officer.

Dated 188

This Warrant may be executed on Sunday or at
night.

John J. Kelly Police Justice.

Dated

188

Police Justice.

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.

The within named

POOR QUALITY
ORIGINAL

0751

BAILED
No. 1, by John H. H. H. H.
Residence Coed Division
Street
No. 2, by
Residence
Street
No. 3, by
Residence
Street
No. 4, by
Residence
Street

Police Court
District

THE PEOPLE, &c.,
OF THE COMPLAIN OF

James A. H. H.

Mark H. H. H.

Keating a
Disorderly House

Offence

Dated Sept 11

Magistrate

Officer

Witnesses

No. 500
Street

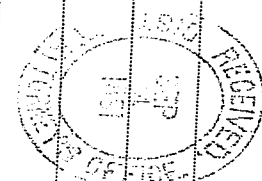
No. 500
Street

No. 500
Street

No. 500
Street

No. 500
Street

No. 500
Street



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

Defendant

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

Dated Sept 11 1891 John S. Kelly Police Justice.

Defendant

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

Dated Sept 11 1891 John S. Kelly 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 Sept 11 1891 John S. Kelly Police Justice.

POOR QUALITY
ORIGINAL

0752

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

Thomas Dolan
of No. *15 Precinct Police* Street, being duly sworn, deposes and says,
that *Sarah Mitchell* (now present) is the person of the name of
Jane Doe mentioned in deponent's affidavit of the *10*
day of *September* 188*7* hereunto annexed.

Sworn to before me, this

day of *Sept* 188*7*

Sarah Mitchell
John S. Kelly
POLICE JUSTICE.

Sec. 322, Penal Code.

CITY AND COUNTY OF NEW YORK { ss.

3 District Police Court.

Thomas Dolan
of No. *15 Precinct Police* Street in said City, being duly sworn says
that at the premises known as Number *136 West 3rd* Street,
in the City and County of New York, on the *8* day of *Sept* 188*7*, and on divers
other days and times, between that day and the day of making the complaint

Jane Doe
did unlawfully keep and maintain and yet continue to keep and maintain a *house of prostitution*
and did then, and on the said other days and times, there unlawfully procure
and permit as well men as women of evil name and fame and of dishonest conversation to visit, frequent and come
together for unlawful sexual intercourse, and for the purpose of prostitution and lewdness, and then and on the said
other days and times, unlawfully and wilfully did permit and yet continues to permit said men and women of evil
name and fame there to be and remain ~~drinking, dancing, fighting~~ disturbing the peace, whoring and misbehaving
themselves, whereby the peace, comfort and decency of persons inhabiting and residing in the neighborhood, and
there passing is habitually disturbed, in violation of the statute in such case made and provided.

Deponent therefore prays, that the said *Jane Doe*
and all vile, disorderly and improper persons found upon the premises, occupied by said *Jane Doe*
may be apprehended and dealt with as the law in such cases made and provided may direct.

Sworn to before me, this

day of *Sept* 188*7*

Thomas Dolan
John S. Kelly
Police Justice.

Count of General Leavins
The People v.
appt.
Sarah Mitchell }

City & County of New York ss.

Sarah Mitchell the defendant being duly sworn deposes and says I was employed at the time of my arrest at No 136. West 3rd Street as Chambermaid, and was only temporarily in charge of the house at the time, the proprietress having gone out. I never had any other connection with the establishment only as Chambermaid working for a salary - I left said place after my arrest and now reside at 226 Sullivan Street in said city, being employed as laundress. I will never again seek employment nor accept work in a house similar to the one in which I was arrested. The proprietress of said house has since my arrest given up said premises

POOR QUALITY
ORIGINAL

0754

and has moved therefrom,
having removed everything from
said premises, I do not live
with anybody having any con-
nection with said premises
I have never before been un-
der arrest.

Sworn to before me
Oct 23^d 1891.

} Sarah Mitchell

0755

My Friend
Dear Sir,

POOR QUALITY
ORIGINAL

0756

U.S. General Session Court.

The People -

against

Isaac Ellsberg

Respondent.

LEVY, FRIEND & HOUSE,
Respondent's ATTORNEYS,
25 CHAMBERS ST., NEW YORK.

Due and timely service of a copy of the within
this _____ day of _____ 189

Attorney for

Sup.:-

Please take notice, that the within
is a true copy of an
in this action, this day duly filed
and entered, in the office of the
Clerk of this Court.

Dated, N. Y., 189

Yours &c.,

LEVY, FRIEND & HOUSE,

Att'ys for

To

Esq.,

Attorney for

POOR QUALITY
ORIGINAL

0757

Court of General Sessions of the Peace

470

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
AGAINST

Sarah Mitchell

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

Sarah Mitchell

(Sec. 322,
Penal Code.)

of the CRIME OF KEEPING AND MAINTAINING A COMMON BAWDY HOUSE AND HOUSE
OF ILL-FAME, committed as follows:

The said *Sarah Mitchell*

late of the *fiftieth* Ward of the City of New York, in the County of New York afore-
said, on the *eighth* day of *September* in the year of our Lord
one thousand eight hundred and ninety-*one*, and on divers other days and times, as
well before as afterwards, to the day of the taking of this inquisition, at the Ward, City and County
aforesaid, a certain common bawdy house and house of ill-fame, unlawfully and wickedly did keep
and maintain; and in said house divers ill-disposed persons, as well men as women, and common
prostitutes, on the days and times aforesaid, as well as in the night as in the day, there unlawfully
and wickedly did receive and entertain; and in which said house the said evil-disposed persons and
common prostitutes, by the consent and procurement of the said

Sarah Mitchell

on the days and times aforesaid, there did commit whoredom and fornication; whereby divers unlaw-
ful assemblies, disturbances and lewd offenses on the days and times aforesaid, as well in the night
as in the day, were there committed and perpetrated; to the great damage and common nuisance of
all the good people of the said State there inhabiting and residing, in manifest destruction and sub-
version of and against good morals and good manners, 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

Sarah Mitchell

(Sec. 385,
Penal Code.)

of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *Sarah Mitchell*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *eighth*
day of *September* in the year of our Lord one thousand eight hundred and

POOR QUALITY
ORIGINAL

0758

ninety- *one* —, and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep and maintain a certain common, ill-governed house, and in *her* — said house for *her* — own lucre and gain, certain persons whose names are to the Grand Jury aforesaid unknown, as well men as women, of evil name and fame and dishonest conversation, to frequent and come together then and on said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in said house, at unlawful times, as well in the night as in the day, then and on said other days and times there to be and remain, tippling, drinking, gaming, cursing, swearing, quarreling, making great noises and otherwise misbehaving themselves, unlawfully and wilfully did permit and suffer, to the great annoyance, injury and danger of the comfort and repose of a great number of persons, good citizens of our said State there residing, and passing and repassing, to the common nuisance of the said citizens, 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

Sarah Mitchel

(Sec. 323,
Penal Code.) of the CRIME OF KEEPING A DISORDERLY HOUSE, committed as follows:

The said *Sarah Mitchel*

late of the Ward, City and County aforesaid, afterwards, to wit: on the *eightth* — day of *September* — in the year of our Lord one thousand eight hundred and ninety- *one* — and on divers other days and times between the said day and the day of the taking of this inquisition, at the Ward, City and County aforesaid, unlawfully did keep a certain ill-governed and disorderly house, the same being a place of public resort, and in the said house and place of public resort, for *her* — own lucre and gain, certain persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together, then and on the said other days and times, there unlawfully and wilfully did cause and procure, and the said men and women in *her* — said house, at unlawful times, as well in the night as in the day, then and on the said other days and times, there to be and remain, drinking, tippling, gambling, rioting, disturbing the peace, whoring and misbehaving themselves, unlawfully and wilfully did permit, and yet continues to permit, by reason whereof the peace, comfort and decency of the neighborhood around and about the said house were, and yet are habitually disturbed, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.