

0059

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

O'Brien, James

**DATE:**

04/13/92



4365

0060

POOR QUALITY ORIGINAL

48

Witnesses:

*James O'Brien*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

147

X

Counsel,  
Filed *13*  
Pleads,

day of *April* 1892

*Section 498, in Chapter 255A.*  
Burglary in the Third Degree.

THE PEOPLE

vs.

*James O'Brien*

*James O'Brien*  
*137th St*  
*New York*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Robert Johnson*  
Foreman.  
*John J. Kelly*  
*James O'Brien*

*per bmd.*

0061

POOR QUALITY ORIGINAL

Police Court - 2<sup>nd</sup> District.

City and County } ss.:  
of New York,

Leonard Beck

of No. 592 - S. Avenue - Street, aged 32 years,

occupation Butcher being duly sworn

deposes and says, that the premises No 592 - S. Avenue Street,

in the City and County aforesaid, the said being a Three story Brick

Building and which was occupied by deponent as a Butcher Store

and in which there were at the time a number of boxes, by means

were BURGLARIOUSLY entered by means of forcibly Breaking

an iron screen on a window, leading

from the yard into said store -

on the 29 day of March 1892 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of pennies - and silver coin

of the amount and value of one dollar

and ten cents (\$1.10) - a counterfeit Silver

Dollar, and two English silver pieces

of the value of an English shilling each

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid

BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

James O'Brien (now here)

for the reasons following, to wit: That about the hour of

7.30 o'clock P.M. of the aforesaid date, deponent

securely closed and fastened said premises,

and at that time said screen was in a

good and perfect order, and securely fastened

said window, and that about the hour of

11.30 o'clock P.M. deponent was awakened

by a noise in an adjoining yard, and on his going down in his store, he discovered

0062

POOR QUALITY ORIGINAL

the aforesaid person broken, and the said property taken and stolen from a drawer in said store - and that about the hour of 1.30 o'clock A.M. of the 30<sup>th</sup> day of March 1892 - Deponent is informed by Officer James Giblin of the 20<sup>th</sup> Precinct Police, that he found and arrested the defendant in the yard of premises No 596 - E. Avenue, and that he found a quantity of pennies - and a Counterfeit Silver dollar - and two English shilling Silver pieces - Deponent further says that he has seen the said Counterfeit Silver dollar and said English shilling pieces - and fully and truly recognizes the same as his property - and as part of the property which was stolen from him on said date - Deponent therefore charges the defendant with having committed a Burglary, and asks that he may be held and dealt with as the Law may direct -

Sworn to before me this } Leonard Beck  
 30 day of March 1892 }  
 Police Justice

Police Court District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Burglary

Dated 188

Magistrate

Officer

Clerk

Witnesses:

Committed in default of \$ Bail

Bailed by

No. Street

0063

POOR QUALITY ORIGINAL

1877

CITY AND COUNTY } ss.  
OF NEW YORK, }

*James Giblin*

aged \_\_\_\_\_ years, occupation *Police Officer* of No. \_\_\_\_\_

*20th Avenue Police*

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Leonard Beck*

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

Sworn to before me, this \_\_\_\_\_ day of *March* 189*2*

*James Giblin*

*[Signature]*  
Police Justice.

0064

POOR QUALITY ORIGINAL

(1235)

Sec. 198-200

2  
District Police Court

CITY AND COUNTY OF NEW YORK, ss.

*James O.'Brien*

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

Question. What is your name?

Answer. *James O'Brien*

Question. How old are you?

Answer. *39 years -*

Question. Where were you born?

Answer. *New York*

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

Answer. *435 West 19 Street - 10 years -*

Question. What is your business or profession?

Answer. *No 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*

*James O'Brien*

Taken before me this

day of

189

Police Justice.

0065

POOR QUALITY ORIGINAL

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

Police Court--- District.

355

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Edward Clark*  
359 1/2 St Ave  
*James Adams*

Offence *Burglary*

Dated *March 30* 1892

*Oliver* Magistrate.

*Hubert* Officer.

Witness: *John Medvedic* Precinct.

No. *596 - S. Avenue* Street.

*Henry Englemann*

No. *594 - S. Avenue* Street.

No. *1000* Street.

\$ *1000* to assist



*Clark*  
*Adams*

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 *1000* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *March 30* 1892 *Oliver* 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.

0066

POOR QUALITY ORIGINAL

483

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James O'Brien

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

James O'Brien

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

The said

James O'Brien

late of the 70th Ward of the City of New York, in the County of New York aforesaid, on the 29th day of March in the year of our Lord one thousand eight hundred and ninety-two in the night-time of the same day, at the Ward, City and County aforesaid, a certain building there situate, to wit, the store of one Leonard Beck

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

SECOND COUNT—

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

*James O'Brien*

of the CRIME OF *Petty* LARCENY

committed as follows:

The said

*James O'Brien*

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

*divers coins, of a number, kind, and denomination to the Grand Jury aforesaid unknown, of the value of one dollar and ten cents, one counterfeit coin, in semblance of the coin of the United States of America of the kind called dollars, of the value of one cent, two silver coins of the United Kingdom of Great Britain and Ireland, of the kind called shillings, of the value of twenty-five cents each*

of the goods, chattels and personal property of one

*Leonard Beck*

in the

*store*

of the said

*Leonard Beck*

there situate, then and there being found, in the

*store*

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

0058

POOR QUALITY  
ORIGINAL

THIRD COUNT:

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

*James O'Brien*  
of the Crime of RECEIVING STOLEN GOODS, committed as follows:

The said

*James O'Brien*  
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, with force and arms, at the Ward, City and County aforesaid,

*the same goods, chattels and personal property described in the second count of this indictment*

*Leonard Beck*  
of the goods, chattels and personal property of

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said *Leonard Beck*

unlawfully and unjustly did feloniously receive and have; (the said

*James O'Brien*  
then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, 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.*

0069

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

O'Brien, John

**DATE:**

04/06/92



4365

0070

POOR QUALITY ORIGINAL

No. 35.

Counsel, *Ed*  
Filed *6* day of *April* 189*2*  
Pleads,

*John O'Brien*  
Grand Larceny, *Second* Degree,  
[Sections 828, 831 Pennl Code.]

THE PEOPLE

vs.

*John O'Brien*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*D. M. Conover*

Foreman.

*J. J. ...*

*Pen one up*

Witnesses:

*Arthur ...*

*Spier ...*

0071

POOR QUALITY ORIGINAL

Police Court

1st District.

Affidavit—Larceny.

City and County of New York, ss:

of No. 170 Bowery, occupation of Nathan Vermont Street, aged 36 years, being duly sworn, deposes and says, that on the 29th day of March 1892 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 nighttime, the following property, viz:

One Spring Overcoat  
One Suit away Coat  
9 yards of Woolen

Being together of the value of  
Twenty Dollars  
of William Bennett in care 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 O'Brien

(who is a wheel for the reasons following to wit that about the hour of 8 o'clock p.m. on the night aforesaid said property was in a show case which was located and which was in front of said premises and deponent saw said defendant wrench off the lock on the said show case and walk away and immediately returned and attempted to take said property when deponent observed him to be arrested and charged him with having attempted to take steal and carry away said property.

Nathan Vermont

Sworn before me, this 30th day of

of Police Justice.

0072

**POOR QUALITY ORIGINAL**

1st District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. John O'Brien

Question. How old are you?

Answer. 23 years.

Question. Where were you born?

Answer. New York

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

Answer. 28 2d Avenue. 5 years.

Question. What is your business or profession?

Answer. Painter

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

Answer. I am not guilty

John O'Brien  
+  
John O'Brien

Taken before me this 30th day of April 1934  
[Signature]  
Police Justice.



0074

POOR QUALITY ORIGINAL

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

*John O'Brien*

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

*John O'Brien*  
attempting to commit the crime of *second* DEGREE, committed  
of the City of GRAND LARCENY IN THE  
as follows:

The said *John O'Brien*

late of the City of New York, in the County of New York aforesaid, on the *29th*  
day of *March* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, with force and arms,

*one overcoat of the value of  
twenty-five dollars, one coat  
of the value of twenty dollars,  
and nine yards of cloth of the  
value of three dollars each yard*

of the goods, chattels and personal property of one *William Bennett*

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

*De Lancey Nicoll,  
District Attorney*

0075

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

O'Brien, William

**DATE:**

04/26/92



4365

0076

POOR QUALITY ORIGINAL

~~344~~  
343

Counsel,  
Filed, 26 day of April 1892  
Pleads, *Amend*

GAMING HOUSE, Etc.  
[Sections 343, 344 and 385, Penal Code]

THE PEOPLE  
*vs*  
39  
75  
William O'Brien

DE LANCEY NICOLL  
District Attorney

A TRUE BILL.

*W. H. O'Han*  
Foreman.

Part 3. May 4, 1892  
P. Pleads Guilty, 1st count  
Fac 100, 1st  
Commitment to City Prison in  
detail of payment of bond.

Witnesses  
*James J. Cronin*  
*Wm. A. O'Connell*

0077

POOR QUALITY ORIGINAL

~~343~~  
343

Counsel,  
Filed, 26 day of April 1892  
Pleads, *Company of*

[Sections 343, 344 and 385, Penal Code.]  
GAMING HOUSE, Etc.

THE PEOPLE  
*vs.*  
37  
75  
William O'Brien

DE LANCEY NICOLL  
District Attorney

A TRUE BILL.

*W. H. O'Pham*  
Foreman.

Part 3. May 4, 1892  
P. 124  
The 100, 1st court  
agreed that the...  
of the... of the...

Witnesses:  
*James J. Cronin*  
*Thomas A. Cameron*

0078

POOR QUALITY ORIGINAL

Police Court, 3 District.

City and County } ss.  
of New York,

of Seventh Precinct James J. Cronin Street, age 31 years,  
occupation Police officer being duly sworn, deposes and says,

that on the 20<sup>th</sup> day of February 1892 at the City of New  
York, in the County of New York, William O'Brien (now

here) did at premises 264 East Broadway, keep and maintain as the owner, agent or superintendent a place used for gambling and did allow to be used a room table and establishment for such purpose, that at gambling or banking game where money or property was dependent upon the result, was earned on in said premises in violation of Section 344 of the Penal Code.

Deponent further says: that on the night of said day deponent visited said premises which is a licensed liquor store and which is conducted by the defendant and a large number of men were therein congregated about a table some of whom were participating in a gambling game where money or property was at stake engaged in a gambling game commonly known as "Bank" and there was money upon the table which was the stakes or money which was dependent upon said gambling game

Sworn to before me }  
this 21<sup>st</sup> February, 1892 } James J. Cronin

Charles W. Linton  
Police Justice

0079

POOR QUALITY ORIGINAL

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name.

Answer. *William O'Brien*

Question. How old are you?

Answer. *39 years*

Question. Where were you born?

Answer. *Russia Poland*

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

Answer. *164 East Broadway; 3 weeks*

Question. What is your business or profession?

Answer. *Soloan keeper*

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*

*William O'Brien*

Taken before me this *21*  
day of *February* 189*4*  
*Charles J. Dennis*  
Police Justice.

0080

POOR QUALITY ORIGINAL

DATED March 1st 1892  
 No. 1 of Morris Gleason  
 Residence 16 Ludlow Street  
 No. 2, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_

No. 577  
 Street \_\_\_\_\_  
 \$ \_\_\_\_\_ to assess  
Paul [Signature]  
 District Attorney  
 FEB 18 1892  
 DISTRICT ATTORNEY  
 OFFICE

Dated Feb 21 1892  
David Magistrate  
Branan Officer  
Magistrate P. [Signature]  
 No. \_\_\_\_\_  
 Street \_\_\_\_\_  
 No. \_\_\_\_\_  
 Street \_\_\_\_\_

Police Court, 3  
 District 215  
 THE PEOPLE vs. James [Signature]  
 ON THE COMPLAINT OF William [Signature]  
 Offense, Keeping Gambling house

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, Feb 21 1892 Charles [Signature] Police Justice.

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

Dated, Feb - 22nd 1892 Charles [Signature] Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0081

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
AGAINST

*William O'Brien*

The Grand Jury of the City and County of New York, by this indictment  
accuse *William O'Brien*

(Sec. 343, Penal Code.) of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING, committed as follows :

The said *William O'Brien*

late of the *7th* Ward of the City of New York, in the County of New York aforesaid,  
on the *20th* day of *February* in the year of our Lord one thousand  
eight hundred and ninety-*two*, and on divers other days and times as well before as after,  
to the day of the taking of this inquisition, at the Ward, City and County aforesaid, with force and  
arms, unlawfully did keep a certain room, in a certain building there situate, to be used for gambling,  
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. (Sec. 344, Penal Code.)

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

*William O'Brien*

of the CRIME OF ALLOWING A ROOM, ESTABLISHMENT, TABLE AND APPARATUS TO  
BE USED FOR GAMBLING PURPOSES, committed as follows :

The said *William O'Brien*

late of the Ward, City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
and on said other days and times, at the Ward, City and County aforesaid, a certain room in a

0082

POOR QUALITY  
ORIGINAL

certain building there situate, and a certain gambling table and establishment, and divers cards, chips, devices and apparatus, a more particular description whereof is to the Grand Jury aforesaid unknown, and cannot now be given, the same being suitable for gambling purposes, with force and arms, feloniously did allow to be used for gambling purposes, 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. (Sec. 385, Penal Code.)

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

*William O'Brien*  
of the CRIME OF MAINTAINING A PUBLIC NUISANCE, committed as follows:

The said *William O'Brien*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, and on said other days and times, at the Ward, City and County aforesaid, with force and arms, a certain common gaming house there situate, for *his* lucre and gain unlawfully and injuriously did keep and maintain; and in *his* said common gaming house, then and on said other days and times, there unlawfully and injuriously did cause and procure divers idle and ill-disposed persons to be and remain, and the said idle and ill-disposed persons, on the day and in the year aforesaid, and on said other days and times, to game together and play at a certain unlawful game of cards called "*Bank*" in the said common gaming house aforesaid, there did unlawfully and injuriously procure, permit and suffer, and the said idle and ill-disposed persons, then, and on said other days and times, in the said common gaming house aforesaid, by such procurement, permission and sufferance of the said *William O'Brien*

there did game together and play at said unlawful game of cards, for divers large and excessive sums of money, to the great annoyance, injury and damage of the comfort and repose of a great number of persons, good citizens of our said State, there inhabiting and 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 and dignity of the People of the State of New York.

DE LANCEY NICOLL,  
*District Attorney.*

0083

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

O'Connell, John

**DATE:**

04/26/92



4365

0084

POOR QUALITY ORIGINAL

339.

Witnesses:

*John Mohr*

Counsel.

Filed, 21. day of April 1892

Pleads, *Adversely*

*Grand LARCENY, and*  
**(MISAPPROPRIATION.)**  
(Sections 528 and 53 / of the Penal Code.)

THE PEOPLE

vs.

*John O'Connell*

DR LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. A. Doham*

Foreman.

*Part 2 - May 3, 1892*

*trial and acquitted*

0085

POOR QUALITY ORIGINAL

(1865)

Police Court—2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

John Whalen

of No. 11 Vandam Street, aged 34 years,

occupation Clerk being duly sworn,

deposes and says, that on the 11 day of April 1892 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:

a gold watch and gold chain and a gold key all of the value of seventy dollars

\$ 70 -

Sworn to before me, this 20 day of April 1892

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 O. Connell (not arrested) under the following circumstances.

Deponent, on said date, was in the room at the northwest corner of Washington and Perry streets, about the hour of 9 o'clock P.M. on said date. Defendant was employed there as a bar tender. Deponent was drinking in the place, and after deponent had expended all the money he had deponent pledged the said watch with the defendant for a loan of two dollars and defendant promised to return said property to deponent on the repayment of the said two dollars.

Police Justice.

0086

POOR QUALITY ORIGINAL

subsequently on April 16 1892 Deponent  
 went to said place and saw the  
 defendant there and deponent handed  
 the said two dollars to the defendant  
 and deponent demanded the return  
 of the said watch and defendant  
 then denied that he had received the  
 said property from deponent. Whereupon  
 deponent charges defendant with  
 feloniously appropriating said property  
 to his own use.

John W. Huban

Sworn to before me this 20 day  
 of April 1892  
 J. S. Brady  
 Police Justice

0087

POOR QUALITY ORIGINAL

(1335)

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

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

Question. What is your name?

Answer. John O'Connell

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Ireland

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

Answer. 547 Hudson St Six months

Question. What is your business or profession?

Answer. Bar tender

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

Answer. I am not guilty I do not know the complainant I never have seen him in the store nor did I ever loan the complainant the sum of two dollars  
John O'Connell

Taken before me this 22

day of April

1897

John J. [Signature]  
Police Justice.

0000

POOR QUALITY ORIGINAL

Sec. 151.

Police Court 2 District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police  
Justices for the City of New York, by John W. Whalen  
of No. 11 Street, that on the 11 day of April

1887 at the City of New York, in the County of New York, the following article to wit:

Watch and gold chain and gold  
Key

of the value of Seventy Dollars Dollars,  
the property of John Whalen

was taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and  
believe, by John O. Connell

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

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

Dated at the City of New York, this 21 day of April 1887  
John W. Whalen POLICE JUSTICE.

0089

POOR QUALITY ORIGINAL

Police Court ..... District.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated ..... 188

Magistrate

*Henry T. Sheridan* Officer. S.

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.

Police Justice.

Dated ..... 188

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.

Police Justice.

The within named

0090

POOR QUALITY ORIGINAL

BAILED

No. 1, by Wm. W. W. W.  
 Residence 213-13 Beekman Street

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

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

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

Police Court... District.

THE PEOPLE, etc.  
ON THE COMPLAINT OF

John W. W.  
John D. W.

Offense Larceny  
Jelony

Dated, April 1892

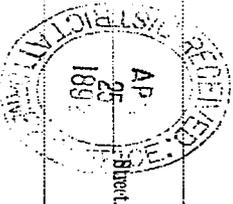
John Magistrate  
Handy & Henderson Precinct  
C.O.

Witnesses

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

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

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



1000 to answer  
1000 to answer  
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, April 20 1892 John D. W. Police Justice.

I have admitted the above-named Defendant to bail to answer by the undertaking hereto annexed.  
 Dated, April 22 1892 John D. W. Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.  
 Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0091

POOR QUALITY ORIGINAL

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

*John O'Connell*

The Grand Jury of the City and County of New York, by this indictment, accuse  
of the CRIME OF *Grand LARCENY, in the second degree* committed  
as follows:

The said *John O'Connell*

late of the City of New York, in the County of New York aforesaid, on the *11th*  
day of *April* in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, being then and there the *bailee*  
of *one John Wheelan*

and as such *bailee* then and there having in his  
possession, custody and control certain goods, chattels and personal property of the said  
*John Wheelan*  
the true owner thereof, to wit:

*one watch of the value of forty dollars, one chain of the value of twenty dollars, and one key of the value of ten dollars;*

the said *John O'Connell* afterwards, to wit:  
on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,  
did feloniously appropriate the said *goods, chattels and personal property*

to his own use, with intent to deprive and defraud the said *John Wheelan*  
of the same, and of the use and benefit thereof; and the same goods, chattels and personal  
property of the said *John Wheelan*

did then and there and thereby feloniously steal, 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.

0092

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

O'Donnell, Margaret

**DATE:**

04/13/92



4365

0093

POOR QUALITY ORIGINAL

157  
 Counsel, *PAE X*  
 Filed, *19* day of *April*, 189*2*  
 Pleads, \_\_\_\_\_

THE PEOPLE

vs.

*Margaret Bondy*  
*vs. The People*  
 Ho

INJURY TO PROPERTY.

[Section 654, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*W. H. Johnson*  
 Foreman.  
*W. H. Johnson*  
 Foreman.  
*W. H. Johnson*  
 Foreman.  
*Pen 2 months*

Witnesses:

*Rachel Blumberg*

0094

POOR QUALITY ORIGINAL

CITY AND COUNTY OF NEW YORK. } ss.

POLICE COURT, DISTRICT.

of No. 105 Greenwich Street, aged 35 years,

occupation Washed being duly sworn, deposes and says

that on the 4<sup>th</sup> day of April 1892

at the City of New York, in the County of New York one Margaret O'Connell

knowing and wilfully and maliciously did break and destroy a large plate of glass in the window of said premises of the value of forty dollars by standing in front of it and casting from her hands a large piece of stone thereby breaking said plate of glass  
Rachael Blumberg  
her marks

Sworn to before me this 1892 of April day  
M. J. [Signature] Justice

0095

**POOR QUALITY ORIGINAL**

District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Margaret O'Ronnell*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *105 Greenwich*

Question. What is your business or profession?

Answer. *Seam woman*

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*  
*Margaret O'Ronnell*  
*innocent*

Taken before me this  
August 1st 1904  
*[Signature]*  
Police Justice.

0096

POOR QUALITY ORIGINAL

BAILED,

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

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

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

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

Police Court  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Richard W. ...*  
*Margaret ...*

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

Offense

Dated \_\_\_\_\_ 1892

*Stuart ...*  
*Connell*

Precinct

Witnesses

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

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

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

to Justice



401

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 *100* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give sufficient bail.

Dated, *April 4* 1892 *W.D. ...* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0097

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
AGAINST

*Margaret O'Donnell*

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

*Margaret O'Donnell*  
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* PERSONAL PROPERTY OF ANOTHER,  
committed as follows:

The said *Margaret O'Donnell*

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

*one pane of plate glass*

of the value of *forty dollars*  
of the goods, chattels and personal property of one *Rachael Blumberg*,  
then and there being, then and there feloniously did unlawfully and wilfully *break*

*and destroy;*

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.

0098

POOR QUALITY ORIGINAL

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment further accuse the said *Margaret O'Donnell* of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* REAL PROPERTY OF ANOTHER, committed as follows:

The said *Margaret O'Donnell* 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,

*one pane of plate glass,*

of the value of *forty dollars* in, and forming part and parcel of the realty of a certain building of one *Aaron Blumberg* there situate, of the real property of the said *Aaron Blumberg* then and there feloniously did unlawfully and wilfully *break and*

*destroy;*

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.*

0099

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

Oertel, William

**DATE:**

04/14/92



4365

0100

POOR QUALITY ORIGINAL

155.

Counsel,

Filed

1/4 day of April

1892

Pleads,

[Section 498, 504, 528, 537, 1.]  
L. Burglary in the Third Degree.

THE PEOPLE

vs.

William Bertel

De LANCEY NICOLL,  
District Attorney.

496-100

A TRUE BILL.

Geo. H. Johnson  
Foreman.

April 14 1892

Rem 30 days

Witnesses:

Peter Lewis

0101

POOR QUALITY ORIGINAL

Police Court— 30th District.

City and County { ss.:  
of New York,

Peter Weiss

of No. 229 Seventh Street, aged 41 years,  
occupation fish dealer being duly sworn

deposes and says, that the premises No. 229 Seventh Street, 11 Ward  
in the City and County aforesaid the said being a two story brick building

and which was occupied by deponent as a fish market

~~and in which there was at the time a human being by name~~

were BURGLARIOUSLY entered by means of forcibly breaking a  
pane of glass of the size of a board four feet  
by two feet in a shop window leading  
into said market on the first floor

on the 27 day of March 1888 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Good and lawful money of the United  
States of the amount and value of four  
dollars

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

William Oertel  
now here

for the reasons following, to wit: Deponent securely locked and  
fastened the doors and windows in said fish  
market at about the hour of four o'clock  
and twenty minutes P.M. on the 27 inst.  
and on the following morning at about the  
hour of eight o'clock and forty five minutes  
A.M. deponent discovered said market  
had been broken up and said property  
taken stolen and carried away

0102

POOR QUALITY ORIGINAL

The defendant admitted and confessed to defendant in the presence of Officer Henry Smith of the 13<sup>th</sup> Precinct Police that he had committed said burglary and that he had stolen three dollars and fifty five cents

Sworn to before me

this 3<sup>rd</sup> day of March 1902 Peter Weiss

Charles McIntosh  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
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 1888  
Police Justice

I have admitted the above named  
to bail to answer by the undertaking hereunto annexed.  
Dated 1888  
Police Justice

There being no sufficient cause to believe the within named  
guilty of the offense therein mentioned, I order he to be discharged.  
Dated 1888  
Police Justice

Police Court, District, \_\_\_\_\_  
THE PEOPLE, &c.,  
on the complaint of  
vs.  
1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offense—BURGLARY.

Dated 1888  
Magistrate.  
\_\_\_\_\_  
Officer.  
\_\_\_\_\_  
Clerk.  
\_\_\_\_\_  
Witnesses,  
No. \_\_\_\_\_ Street,  
\_\_\_\_\_  
No. \_\_\_\_\_ Street,  
\_\_\_\_\_  
No. \_\_\_\_\_ Street,  
\_\_\_\_\_  
\$ \_\_\_\_\_ to answer General Sessions.

0103

POOR QUALITY ORIGINAL

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 37 years, occupation Police Officer of No. 125

Franklin Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Peter Russo

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

Sworn to before me, this 30 day of March 1890, Henry A. ...

Charles N. ...  
Police Justice.

0104

**POOR QUALITY ORIGINAL**

Sec. 199-200.

3-

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

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

Question. What is your name.

Answer.

*William Oertel*

Question. How old are you?

Answer.

*21 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*No home*

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.*

*William Oertel*

Taken before me this

*30*

*Charles W. Hunter*  
Police Justice.

0105

POOR QUALITY ORIGINAL

BAILED,

No. 1, by .....  
Residence.....  
Street.....

No. 2, by .....  
Residence.....  
Street.....

No. 3, by .....  
Residence.....  
Street.....

No. 4, by .....  
Residence.....  
Street.....

Police Court, District, 355

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Peter J. Bell  
William G. Genter  
Offense, Burglary

1  
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Dated, March 30<sup>th</sup> 1892

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Witnesses  
Pauline Sprin  
Precinct, Office.



No. 570  
to answer

to answer  
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, March 30<sup>th</sup> 1892 Charles N. Jantzen Police Justice.

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

Dated, 189 Police Justice.

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

Dated, 189 Police Justice.

0106

POOR QUALITY ORIGINAL

483

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

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Oertel*

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

*William Oertel*

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

The said *William Oertel*

late of the *11th* Ward of the City of New York, in the County of New York aforesaid, on the  
*27th* day of *March* in the year of our Lord one  
thousand eight hundred and ninety-*two* in the *right* time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the *building* of  
one *Peter Geiss*

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

0107

POOR QUALITY ORIGINAL

SECOND COUNT—

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

*William Oertel*

of the CRIME OF *Petit* LARCENY committed as follows:

The said *William Oertel*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *right* time of said day, with force and arms,

*the sum of four dollars in money, lawful money of the United State of America, (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of four dollars*

of the goods, chattels and personal property of one

*Peter Geiss*

in the

*building* of the said *Peter Geiss*

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

*De Lancey Meall*  
*District Attorney*

0108

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

Ohearn, John

**DATE:**

04/20/92



4365

Witnesses:

Clara Simmons

The evidence I give in this case depends upon a black female who was with the deft at the time and also in company with the complainant. As the evidence is such a doubtful character I command that the defendant be discharged on his own recognizance  
H. H. Thompson  
April 28/92 A. H. B.

233  
Counsel, *[Signature]*

Filed *20* day of *April* 1892

Pleas, *[Signature]*

THE PEOPLE

vs.

*[Signature]* John Ohearn

Grand Larceny, *[Signature]*  
[Sections 528, 580, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

*[Signature]*  
A. H. B. 27/92

A TRUE BILL.

*[Signature]*  
Foreman.

*[Signature]*  
April 28/92

*[Signature]*  
D. H. Thompson  
*[Signature]*

0110

POOR QUALITY ORIGINAL

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, DISTRICT.

*Joseph Schuman*  
of *the 6th Precinct Police* Street, aged \_\_\_\_\_ years,  
~~occupation~~ being duly sworn deposes and says,  
that on the \_\_\_\_\_ day of \_\_\_\_\_ 188

~~at the City of New York, in the County of New York,~~ *John C. Kelly*  
*and Clara Simmons (now present)* are  
necessary and material witnesses  
against *John O'Hara* charged with  
*Lunacy from the prison*

Wherefore defendant asks that  
said witnesses give surety for their  
appearance to testify  
*Joseph Schuman*

Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 188\_\_\_\_  
*[Signature]*  
Police Justice.

POOR QUALITY ORIGINAL

Police Court 1 District 6 Affidavit—Larceny.

City and County of New York, ss:

of No. 370 Seventh St 131 1/2 Street, aged 26 years, occupation Clerk being duly sworn,

deposes and says, that on the 17 day of June 1892 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 lawful money of the United States consisting of divers bills of divers denominations, of the amount the value of Twenty dollars

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 O'Leary (or informant)

Deponent is informed by Clara Summers that she saw said defendant take said money from the pockets of the clothing then and there worn by him. Deponent is, informed by Clara Summers that said defendant put some drug in the liquor he gave deponent to drink and he fell asleep.

John C. Kelly

Sworn to before me, this

day

John C. Kelly  
Police Justice.

0112

POOR QUALITY ORIGINAL

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Clara Simmons*

aged *20* years, occupation *nothing* of No.

*58 Mulberry* Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *John Kelly*  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this *18*  
day of *Apr* 18*92*

*Clara* <sup>*hw*</sup> *Simmons*  
*mat.*

*[Signature]*  
Police Justice.

0113

**POOR QUALITY ORIGINAL**

(1835)

Sec. 108-200

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty*

*John O'Keefe*

Taken before me this

*18*

day of

*[Signature]*

Police Justice

0114

POOR QUALITY ORIGINAL

Notices for C. Kelly  
has been made for  
by Wm D. Shannon  
330 South St  
Brooklyn

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

Police Court... 101- District 442

THE PEOPLE vs. C. Kelly  
ON THE COMPLAINT OF  
John Kelly  
1 John Adams  
2

Offense Larceny from the person

Dated, April 18 1892

Magistrate  
Schuyler T. Price  
23 p 35 p

Witnesses  
John C. Kelly  
Eugene Summers

committed to the House  
of Detention in default  
of \$100 to hold by  
Charles Anderson

No. \_\_\_\_\_  
\$ 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 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, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0115

POOR QUALITY ORIGINAL

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Ohearn

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

John Ohearn

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

The said

John Ohearn

late of the City of New York in the County of New York aforesaid, on the 17th day of April in the year of our Lord one thousand eight hundred and ninety-two 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 forty-five

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

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

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

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

of the goods, chattels and personal property of one John C. Kelly, on the person of the said John C. Kelly, then and there being found, from the person of the said John C. Kelly 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.

0115

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

Oswald, Otto

**DATE:**

04/12/92



4365

0117

**BOX:**

477

**FOLDER:**

4365

**DESCRIPTION:**

Lindsey, Richard

**DATE:**

04/12/92



4365

0118

POOR QUALITY ORIGINAL

108. W. Boylan

Counsel, \_\_\_\_\_  
Filed, 12 day of April 1892  
Pleads, Not Guilty

26  
141/613  
THE PEOPLE  
vs.  
B  
Oth Oswald  
and L.  
Richard Lindsay  
P.S. 360 7 1/2  
Larson

POLICY.  
[§§ 343 and 344, Penal Code.]

Dr LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

Wm H. Johnson  
Foreman.  
J. L. Gray, Jr.  
Perth Seal Smith &  
Pindeman  
Each find \$50.

Witnesses:  
A. Countock

0119

GLUED PAGE

POOR QUALITY ORIGINAL

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK.

Ballday 1893

9-18-27

364-54/5

Auctioneer

of 41 Park Row, New York City, being duly sworn deposi

21 years of age, and is employed as Chief agent of

Suppression of Vice, that he has just cause to believe, is in

and charge that Richard Lindsey here present

and Otto Oswald " " "

whose real name unknown, but who can be identified by

did, at the city of \_\_\_\_\_ County

of \_\_\_\_\_ and State of New York, on ~~or about~~ the 18<sup>th</sup> day of March 1892,

unlawfully use a room, table, establishment or apparatus for gambling purposes—and

did engage as ~~a dealer or game keeper~~ in a gambling or banking game, where money or

property was dependent upon the result—and did sell, or offer to sell what is com-

monly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing

or drawn numbers of a certain lottery, hereto annexed, and did endorse and use a book or

other document for the purpose of enabling others to sell or offer to sell lottery policies,

writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing

or drawn numbers of a lottery, against the form of the statute of the State of New York

in such case made and provided, and particularly section 344 of the Penal Code.

Deponent further says, he has just cause to believe, is informed and verily does

believe, his information being based upon personal observation and from statements made by

R. B. McCully to deponent

that the said

Richard Lindsey and Otto

Oswald aforesaid, ~~now~~ <sup>did</sup> have in their possession, at in and upon

certain premises occupied by them and situate and known as number 141 East

13<sup>th</sup> street

in the city of New York and within

the County and State aforesaid, for the purpose of using the same as a means to commit a

0120

GLUED PAGE

POOR QUALITY ORIGINAL

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK.

*Ballday 1913*  
*9 17 27*

*164-54/5*

*Deponent*

of 41 Park Row, New York City, being duly sworn depos

21 years of age, and is employed as Chief agent of

Suppression of Vice, that he has just cause to believe, is in

and charge that Richard Lindsay

and Etta Oswald

whose real name unknown, but who can be identified by

*141 E 13th*  
*Richard P. 13th*  
*New York City*

did, at the City of New York County  
of New York and State of New York, on ~~or about~~ the 16<sup>th</sup> day of March 1892,

unlawfully use a room, table, establishment or apparatus for gambling purposes—and  
did engage ~~as a dealer or game-keeper~~ in a gambling or banking game, where money or  
property was dependent upon the result—and did sell, or offer to sell what is com-  
monly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing  
or drawn numbers of a certain lottery, hereto annexed, and did endorse and use a book or  
other document for the purpose of enabling others to sell or offer to sell lottery policies,  
writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing  
or drawn numbers of a lottery, against the form of the statute of the State of New York  
in such case made and provided, and particularly section 344 of the Penal Code.

Deponent further says, he has just cause to believe, is informed and verily does  
believe, his information being based upon personal observation and from statements made by

R. B. McClellan to deponent

that the said

Richard Lindsay and Etta  
Oswald aforesaid, ~~now~~ <sup>did</sup> have in their possession, at in and upon

certain premises occupied by them and situate and known as number 141 East  
13<sup>th</sup> Street

in the City of New York and within  
the County and State aforesaid, for the purpose of using the same as a means to commit a

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GLUED PAGE

POOR QUALITY ORIGINAL

James Otto Pd 21  
R.B.M.C.

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK.

Anthony Courtick

of 41 Park Row, New York City, being duly sworn deposes and says, he is more than 21 years of age, and is employed as Chief agent of the New York Society for the Suppression of Vice, that he has just cause to believe, is informed and verily does believe, and charge that Richard Lindsey here present and Otto Oswald whose real name unknown, but who can be identified by

did, at the city of                      County of                      and State of New York, on ~~or about~~ the 18<sup>th</sup> day of March 1892, unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage ~~as a dealer or game keeper~~ in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did endorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided, and particularly section 344 of the Penal Code.

Deponent further says, he has just cause to believe, is informed and verily does believe, his information being based upon personal observation and from statements made by R. B. McCully to deponent that the said

Richard Lindsey and Otto Oswald aforesaid, ~~now~~ <sup>did</sup> have in their possession, at in and upon certain premises occupied by them and situate and known as number 141 East 13<sup>th</sup> street in the city of New York and within the County and State aforesaid, for the purpose of using the same as a means to commit a





0124

POOR QUALITY ORIGINAL

public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Subscribed and sworn to before me this }  
19<sup>th</sup> day of March 1892. } Anthony Conitock  
*[Signature]*  
Police Justice.

CITY OF New York AND COUNTY OF New York ss.  
Robert B. McCully of 41 Park Row

being further sworn deposes and says that on the 18<sup>th</sup> day of March 1892, deponent visited the said premises, named aforesaid, and there saw the said Otto Oswald and Richard Lindsey aforesaid, and

had dealings and conversation with them as follows:  
Deponent found Richard Lindsey in room back of cigar store, with entrance through Cigar Store kept by Otto Oswald, and there saw him write, record on his manifold, and sell the paper annexed to foregoing affidavit, hereto annexed and made part of this complaint, and deponent paid said Lindsey the sum of 20 cents for the same. Deponent visited said premises subsequently and saw said Lindsey and Oswald present, and saw the matter seized upon a search warrant taken,

Subscribed and sworn to before me }  
this 19<sup>th</sup> day of March 1892. } Robert B. McCully  
*[Signature]*

0125

**POOR QUALITY ORIGINAL**

Deponent further says, that he is informed, has just cause to believe, and verily does believe from personal observation, transactions, and statements had with the said \_\_\_\_\_ that the said \_\_\_\_\_ aforesaid

now ha in possession in, at, in, and upon certain premises occupied by \_\_\_\_\_ and situate and known as the premises and place described in foregoing Affidavit in the \_\_\_\_\_ of \_\_\_\_\_, and within the County and State aforesaid, for the purpose of using the same as a means to commit a public offense, divers and sundry device, apparatus, tables, establishment, paraphernalia, layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the provision of Chapter IX of the Penal Code of the State of New York.

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_\_

*[Handwritten Signature]*  
Police Justice.

THE PEOPLE	ON COMPLAINT OF	AGAINST	Violation Sec. 344, P. C. Gambling and Policy.
	<i>Anthony Santoro</i>		
		1 <i>Walter Arnold</i>	
		2 <i>Richard Lindsey</i>	
		3	
		4	
		5	
		6	

Affidavit of Complaint.

WITNESSES:

0126

POOR QUALITY ORIGINAL

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. Richard Lindsey

Question. How old are you?

Answer. 25 years.

Question. Where were you born?

Answer. New York

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

Answer. 360. West 17th Street. 6 years.

Question. What is your business or profession?

Answer. Driver

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

Richard Lindsey

Taken before me this 19 day of March 1919  
John P. DeWitt  
Police Justice.

0127

POOR QUALITY ORIGINAL

Sec. 151.

Police Court, 1<sup>st</sup> District.

CITY OF New York COUNTY OF New York AND STATE OF NEW YORK.

In the name of the People of the State of New York: To the Sheriff, or any Deputy Sheriff or Peace Officer of the County of New York, or to any Marshal, Constable 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 Anthony Pountak and R. B. McCully of No. 41 Park Row Street, charging that on the 17<sup>th</sup> day of March 1892 at the City of New York, in the County of New York that the crime of selling what is commonly called a lottery policy

has been committed, and accusing John D. an elderly man, must face, gray hair, and appearing to be about 55 years of age whose real name is unknown but who can be identified by R. B. McCully thereof.

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

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Deputy Sheriffs, Peace Officers, Marshals, Constables and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 1<sup>st</sup> 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 18<sup>th</sup> day of March, 1892. P. G. Duffy POLICE JUSTICE.

POLICE COURT, 1<sup>st</sup> DISTRICT.

THE PEOPLE, &c., ON THE COMPLAINT OF

Anthony Pountak and R. B. McCully

John D.

Warrant-General.

Dated March 18<sup>th</sup> 1892.

P. G. Duffy Magistrate. W. E. Connelley Officer.

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

John D. Connelley Officer.

Dated March 19<sup>th</sup> 1892

This Warrant may be executed on Sunday or at night.

Police Justice

REMARKS.

Time of Arrest.

Native of

Age

Sex

Complexion

Color

Profession

Married

Single

Religion

Write

0128

POOR QUALITY ORIGINAL

District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Otto Oswald*

Question. How old are you?

Answer. *26 years*

Question. Where were you born?

Answer. *Switzerland*

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

Answer. *141 East 13<sup>th</sup> Street, 6 years*

Question. What is your business or profession?

Answer. *Seegar Maker*

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 Otto Oswald*

Taken before me this

day of

*March 19*

*[Signature]*  
Police Justice

0129

POOR QUALITY ORIGINAL

BAILED,  
 No. 1, by Wm R. Stennell  
 Residence 139 Kameel Buxley Street  
 No. 2, by W  
 Residence \_\_\_\_\_ Street  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street

Police Court... District...  
 1891

THE PEOPLE, v.  
 ON THE COMPLAINT OF

Anthony Capobianco

1 Otto Oswald  
 2 Richard Lindley

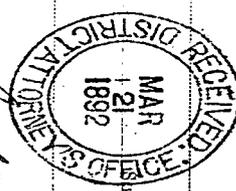
# 2

Offense Vis of Policy Lottery

Dated, March 19 1892

Duffley Magistrate  
Wm. Chumack Officer

Witnesses A. B. Mc Callie  
41 Park Row Street



No. \_\_\_\_\_ Street  
 \$ 100 to Minister  
Bevilled

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

Defendants

guilty thereof, I order that 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, March 19 1892 Stephens Police Justice.

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

Dated, March 19 1892 Stephens Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0130

POOR QUALITY ORIGINAL

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
AGAINST

*Otto Oswald  
and  
Richard Lindsey*

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

*Otto Oswald and Richard Lindsey*

of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said *Otto Oswald and Richard Lindsey both*

late of the *17th* Ward of the City of New York in the County of New York aforesaid, on the *Seventeenth* day of *March* in the year of our Lord one thousand eight hundred and ninety-*two*, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called "Policy," where money and property was dependent upon the result, 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

*Otto Oswald and Richard Lindsey*

of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said

*Otto Oswald and Richard Lindsey both*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, unlawfully did keep a certain room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public and private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers and documents, 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

*Otto Oswald and Richard Kindsey*

of the CRIME OF SELLING TO ANOTHER WHAT IS COMMONLY KNOWN AS A LOTTERY POLICY, committed as follows :

The said

*Otto Oswald and Richard Kindsey*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

*Robert B. McCully*

a certain paper, instrument and writing, commonly called a Lottery Policy, which said paper, instrument and writing, called a Lottery Policy, is as follows, that is to say :

*Ball day 1/4/3  
9-18-24  
37-45-54-9-5  
BN 1/4/3  
19-28-37-10*

(a more particular description of which said instrument and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), 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

*Otto Oswald and Richard Kindsey*

of the CRIME OF SELLING A PAPER AND WRITING, IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows :

The said

*Otto Oswald and Richard Kindsey*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

*Robert B. McCully*

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of

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POOR QUALITY ORIGINAL

which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper and writing is as follows, that is to say :

*Ballday 14/3*  
*9-18-24*  
*34-45-54/5*  
*BDV 16/3*  
*19-28-37/10*

(a more particular description of which said paper and writing is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

FIFTH COUNT:

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

*Otto Oswald and Richard Lindsey*

of the CRIME OF SELLING A WRITING PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows :

The said

*Otto Oswald and Richard Lindsey, both*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown and cannot now be given), which said paper, writing and document is as follows, that is to say :

*Ballday 14/3*  
*9-18-24*  
*34-45-54/5*  
*BDV 16/3*  
*19-28-37/10*

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), 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.*

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POOR QUALITY ORIGINAL

109. W. J. Boyhan X

Counsel, \_\_\_\_\_  
Filed, 12 day of April, 1892  
Pleads, Not Guilty 14

Witnesses:  
A. Condit

[SS 843 and 844, Penal Code.]

POLICY.

THE PEOPLE

vs.

B  
Otto Oswald  
and B  
Richard Binchley  
(2 Cases.)

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

W. J. Boyhan  
Foreman.  
Both plead guilty & pris  
I was sworn del  
Fined in another case

0134

POOR QUALITY  
ORIGINAL

City, County and State of New York, ss:

*R. B. McCully* Being duly sworn, deposes and says  
that *Otto Oswald and Richard Lindsey*

here present are the ones known and called as *John*  
*otter*, and *James Otto*  
respectively in the annexed Affidavit dated the *18<sup>th</sup>* day of  
March 1892.

Subscribed, and sworn to before me : *Robert B. McCully*  
This *19<sup>th</sup>* day of March 1892

*[Signature]*  
Police Justice.

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GLUED PAGE

POOR QUALITY ORIGINAL

*Ballday 1/13*

*9-18-27*

*34-40-57/5*

*New York* } ss.  
RK.

*BA 10/3*  
*19-30-37/10*

*Anthony*  
being duly sworn depo  
Chief agent of

"Exhibit A"

suppression of vice, that he has just cause to believe, is informed and verily does believe, and charge that *John Alto, Sarah Alto, and James Alto*

whose real names are unknown, but who can be identified by *R. B. McCully*

did, at the *City* of *\_\_\_\_\_* County of *\_\_\_\_\_* and State of New York, on or about the *17<sup>th</sup>* day of *March* 1892

unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as a dealer or game-keeper in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did endorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided, and particularly section 344 of the Penal Code.

Deponent further says, he has just cause to believe, is informed and verily does believe, his information being based upon ~~personal observation and from~~ statements made by

*R. B. McCully* to deponent

that the said

*John Alto and James Alto*

aforsaid, now had in their possession, at in and upon certain premises occupied by them and situate and known as number, *141 East 13<sup>th</sup> street*

in the *City* of *New York* and within the County and State aforsaid, for the purpose of using the same as a means to commit a

0136

GLUED PAGE

POOR QUALITY ORIGINAL

*Ballday 113*  
*4-17-27*  
*W. 4577/5*

*BR 16/3*  
*29-50 3/10*

*New York*  
RK.

*Anthony*  
being duly sworn deposed  
that I am a chief agent of

"Exhibit A"

suppression of vice, that he has just cause to believe, is informed and verily does believe, and charge that *John Otto, Daniel Otto, and James Otto*

whose real names ~~are~~ unknown, but who can be identified by *R. B. McCully* did, at the *City* of *\_\_\_\_\_* County of *\_\_\_\_\_* and State of New York, on or about the *17<sup>th</sup>* day of *March* 1892

unlawfully use a room, table, establishment or apparatus for gambling purposes—and did engage as a dealer or game keeper in a gambling or banking game, where money or property was dependent upon the result—and did sell, or offer to sell what is commonly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing or drawn numbers of a certain lottery, hereto annexed, and did endorse and use a book or other document for the purpose of enabling others to sell or offer to sell lottery policies, writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing or drawn numbers of a lottery, against the form of the statute of the State of New York in such case made and provided, and particularly section 344 of the Penal Code.

Deponent further says, he has just cause to believe, is informed and verily does believe, his information being based upon ~~personal observation and from~~ statements made by

*R. B. McCully*

to deponent

that the said *John Otto and James Otto*

aforesaid, now has in ~~their~~ possession, at in and upon certain premises occupied by ~~them~~ and situate and known as number, *141 East 13<sup>th</sup> street*

in the *City* of *New York* and within the County and State aforesaid, for the purpose of using the same as a means to commit a

0137

GLUED PAGE

POOR QUALITY ORIGINAL

141 E 13<sup>th</sup> St, 16/92  
Otto (Pat) 10<sup>0</sup>  
FBI Bureau

Baldwin 173  
9-18-27  
94-45-345

COUNTY OF New York } ss.  
STATE OF NEW YORK.

Anthony Bonitock

New York City, being duly sworn deposes and says, he is more than  
is employed as Chief agent of the New York Society for the  
suppression of vice, that he has just cause to believe, is informed and verily does believe,  
and charge that John Otto, Sarah Otto, and James Otto

whose real names are unknown, but who can be identified by R. B. McCully  
did, at the City of \_\_\_\_\_ County  
of \_\_\_\_\_ and State of New York, on or about the 17<sup>th</sup> day of March 1892.

unlawfully use a room, table, establishment or apparatus for gambling purposes—and  
did engage as a ~~dealer or game keeper~~ in a gambling or banking game, where money or  
property was dependent upon the result—and did sell, or offer to sell what is com-  
monly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing  
or drawn numbers of a certain lottery, hereto annexed, and did endorse and use a book or  
other document for the purpose of enabling others to sell or offer to sell lottery policies,  
writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing  
or drawn numbers of a lottery, against the form of the statute of the State of New York  
in such case made and provided, and particularly section 344 of the Penal Code.

Deponent further says, he has just cause to believe, is informed and verily does  
believe, his information being based upon ~~personal observation and from~~ statements made by

R. B. McCully

to deponent

that the said

John Otto and James Otto

aforsaid, now has in his possession, at in and upon  
certain premises occupied by them and situate and known as number, 141 East  
13<sup>th</sup> street

in the City of New York and within  
the County and State aforesaid, for the purpose of using the same as a means to commit a

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GLUED PAGE

POOR QUALITY ORIGINAL

141 E 13<sup>th</sup> St. 16/92  
Otto 100

Ballday 173  
9-11-27  
14.4554/5

COUNTY OF New York ss.  
STATE OF NEW YORK.

Anthony Santob

New York City, being duly sworn deposes and says, he is more than  
is employed as Chief agent of the New York Society for the  
suppression of vice, that he has just cause to believe, is informed and verily does believe,  
and charge that John Otto, Sarah Otto, and James Otto

whose real names were unknown, but who can be identified by R. B. McCully  
did, at the City of        County  
of        and State of New York, on or about the 17<sup>th</sup> day of March 1892.

unlawfully use a room, table, establishment or apparatus for gambling purposes—and  
did engage as a ~~dealer or game-keeper~~ in a gambling or banking game, where money or  
property was dependent upon the result—and did sell, or offer to sell what is com-  
monly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing  
or drawn numbers of a certain lottery, hereto annexed, and did endorse and use a book or  
other document for the purpose of enabling others to sell or offer to sell lottery policies,  
writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing  
or drawn numbers of a lottery, against the form of the statute of the State of New York  
in such case made and provided, and particularly section 344 of the Penal Code.

Deponent further says, he has just cause to believe, is informed and verily does  
believe, his information being based upon ~~personal observation and from~~ statements made by

R. B. McCully

to deponent

that the said

John Otto and James Otto

aforesaid, now has in his possession, at in and upon  
certain premises occupied by them and situate and known as number, 141 East

13<sup>th</sup> street

in the City of New York and within  
the County and State aforesaid, for the purpose of using the same as a means to commit a

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GLUED PAGE

POOR QUALITY ORIGINAL

141 E 13<sup>th</sup> St. N.Y. 16/92  
Otto P.O. 10<sup>0</sup>  
P.O. 10<sup>0</sup>

CITY OF New York COUNTY OF New York } ss.  
AND STATE OF NEW YORK.

Anthony Bonitock

41 Park Row, New York City, being duly sworn deposes and says, he is more than  
years of age, and is employed as Chief agent of the New York Society for the  
Suppression of Vice, that he has just cause to believe, is informed and verily does believe,  
and charge that John Otto, Sarah Otto, and James Otto

whose real names are unknown, but who can be identified by R. B. McCully  
did, at the City of \_\_\_\_\_ County  
of \_\_\_\_\_ and State of New York, on or about the 17<sup>th</sup> day of March 1892,

unlawfully use a room, table, establishment or apparatus for gambling purposes—and  
did engage as a ~~dealer or game-keeper~~ in a gambling or banking game, where money or  
property was dependent upon the result—and did sell, or offer to sell what is com-  
monly called a "lottery policy," and a certain writing, paper, or insurance, upon the drawing  
or drawn numbers of a certain lottery, hereto annexed, and did endorse and use a book or  
other document for the purpose of enabling others to sell or offer to sell lottery policies,  
writings, papers or documents in the nature of a bet, wager or insurance, upon the drawing  
or drawn numbers of a lottery, against the form of the statute of the State of New York  
in such case made and provided, and particularly section 344 of the Penal Code.

Deponent further says, he has just cause to believe, is informed and verily does  
believe, his information being based upon ~~personal observation and from~~ statements made by

R. B. McCully

to deponent  
that the said

John Otto and James Otto

aforsaid, now has in their possession, at in and upon  
certain premises occupied by them and situate and known as number, 141 East  
13<sup>th</sup> street

in the City of New York and within  
the County and State aforsaid, for the purpose of using the same as a means to commit a

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POOR QUALITY ORIGINAL

public offense, divers and sundry device, apparatus, tables, establishment and paraphernalia layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the Provisions of Chapter IX of the Penal Code of the State of New York, wherefore deponent prays that warrants may be issued for the arrest of the persons named aforesaid, and to search for, seize and take possession of all of said unlawful matter, and that all be dealt with according to law.

Subscribed and sworn to before me this }  
18<sup>th</sup> day of March 1892 }

Anthony Bourtock

*[Signature]*  
Police Justice.

CITY OF New York AND COUNTY OF New York ss.

R. B. McCully of 41 Park Row

being further sworn deposes and says that on the 16<sup>th</sup> & 17<sup>th</sup> days of March 1892, deponent visited the said premises, named aforesaid, and there saw the said John Otto and James Otto aforesaid, and had dealings and conversation with them as follows:

Deponent entered premises and saw JOHN OTTO present in the Cigar Store who said to Deponent: "You didn't get anything on your play this morning." Deponent said: "All right, I will try it again for this afternoon on the same gig, 19 28 37", and handed the said JOHN OTTO the sum of ten cents. The said JOHN OTTO took the play and went into a rear room, returned in about three minutes and handed Deponent paper aforesaid and marked "Exhibit A", for which Deponent paid the said JOHN OTTO the sum of ten cents.

Deponent further says, that on the 17th. day of March 1892, Deponent again visited said premises and saw JAMES OTTO. Two men were present in the room where the said JAMES OTTO was behind a long desk with a manifold book such as is used for recording what are commonly called "Lottery Policy" lying before him on the desk. Back of said desk was blackboard with two lines of numbers, representing the drawings marked upon it in chalk

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Deponent asked the said JAMES OTTO for last night's slip. The said JAMES OTTO handed one to Deponent, then took a piece of paper and wrote the figures

9 18 27  
34 45 54

upon it and handed the said paper to the said JAMES OTTO and said: "give me those for all day for five cents." The said JAMES OTTO took the paper, and then taking a piece of blank paper from the desk, put it under his manifold sheet, and with his pencil recorded the play upon manifold and paper at the same time, then with a lead pencil wrote on top of the play,

"B all day 17/3",

and handed the same to Deponent and Deponent paid the said JAMES OTTO the sum of twenty cents for the same, giving the said JAMES OTTO a twenty-five cent silver piece and receiving back five cents change.

The said JAMES OTTO appeared to Deponent to be about twenty-five years of age, medium sized, brown hair and mustache.

The said JOHN OTTO appeared to Deponent to be about twenty-five years of age with very dark hair and mustache, and rather small in stature.

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POOR QUALITY ORIGINAL

Deponent further says, that he is informed, has just cause to believe, and verily does believe from personal observation, transactions, and statements had with the said John Otto and James Otto that the said John Otto and James Otto aforesaid now has in their possession in, at, in, and upon certain premises occupied by them and situate and known as the premises and place described in foregoing Affidavit in the City of New York, and within the County and State aforesaid, for the purpose of using the same as a means to commit a public offense, divers and sundry device, apparatus, tables, establishment, paraphernalia, layouts, chips, deal boxes, cards, lottery tickets, lottery policies, writings, papers, books and documents for gambling purposes, in violation of the provision of Chapter IX of the Penal Code of the State of New York.

Subscribed and sworn to before me this } Robert B. McCully  
18<sup>th</sup> day of March, 1892. }  
[Signature]  
 Police Justice.

*Violation Sec. 344, P. C. Gambling and Policy.*

THE PEOPLE					
ON COMPLAINT OF	<u>Anthony Cornuto et al.</u>	AGAINST			
			1 <u>John Otto</u>		
			2 <u>James Otto</u>		
			3		
			4		
			5		
			6		

Affidavit of Complaint.

WITNESSES:  
Anthony Cornuto  
R. A. McCully

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POOR QUALITY ORIGINAL

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. Otto Oswald

Question. How old are you?

Answer. 26 years.

Question. Where were you born?

Answer. Switzerland

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

Answer. 141. East 13th Street. 6 years

Question. What is your business or profession?

Answer. Sign Maker

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  
Otto Oswald

Taken before me this 19 day of March 1934  
[Signature]  
Police Justice

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POOR QUALITY ORIGINAL

District Police Court.

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Richard Lindsey*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *250 West 17th Street. 6 years*

Question. What is your business or profession?

Answer. *Driver*

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*

*Richard Lindsey*

Taken before me this *19* day of *March* 189*7*  
*[Signature]*  
Police Justice.

0145

POOR QUALITY ORIGINAL

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 City and County of New York:

Proof by affidavit having been this day made before me, by Anthony Bourtois and R. B. McCully of 41 Park Row Street, New York City, that there is probable cause for believing that John Otto and James Otto, whose real names are unknown but each of whom can be identified by R. B. McCully

has in their possession, at, in and upon certain premises occupied by them and situated and known number 141 East 13th Street in said City of New York certain and divers device, establishment, apparatus and articles suitable for gambling purposes, lottery policies, lottery tickets, circulars, writings, papers and documents in the nature of a bet, wager or insurance upon the drawing or drawn numbers of a lottery, books and other documents for the purpose of enabling others to sell lottery policies and other writings, papers and documents, black-boards and gaming tables, with intent to use the same as a means to commit a public offense.

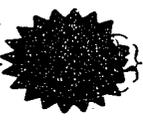
YOU ARE THEREFORE COMMANDED, at any time of the day or night time to make immediate search on the person of the said John Otto and James Otto and in the building situate and known as number 141 East 13th Street aforesaid, for the following property, to wit: all Faro layouts, all Roulette Wheels and layouts, all Rouge et Noir, or Red and Black layouts, all gaming tables, all chips, all packs of cards, all dice, all deal boxes, all lottery policies, all lottery tickets, all circulars, all writings, all papers, all documents in the nature of bets and wagers, or insurance upon the drawings, or drawn numbers of a lottery, all books all documents for the purpose of enabling others to gamble or sell lottery policies, all black-boards, all slips or drawn numbers of a lottery, all money to gamble with, and all device, establishment, apparatus and articles suitable for gambling purposes.

And if you find the same, or any part thereof, to bring it forthwith before me at the First District Police Court at the Fourth Avenue Court House in the City of New York.

Dated at the City of New York, the 18th day of March 1892

[Handwritten signature]

POLICE JUSTICE



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POOR QUALITY ORIGINAL

Inventory of property taken by *John McConnick* the Peace Officer by whom this warrant was executed :

~~Faro layouts, Roulette Wheels, Roulette layouts, Rouge et Noir lay-  
 outs, gaming tables, chips, packs of cards, dice, deal  
 boxes, deal trays for holding chips, cue boxes, markers, or tally cards.  
 ivory balls, lottery policies, lottery tickets, circulars, writings,  
 papers, black boards, slips, or drawn numbers in policy, money.  
 manifold books, slates~~

*1223 Chips, one layout  
 1 table, 1 deal tray, 2 Chairs - 1 zinc, 2 blank  
 manifold books, 2 pencils, 1 package  
 of Drawings - 2 lottery Circulars -  
 150 sheets manifold - 2 slate Black Boards,  
 1 package of papers or return slips.*

City of New York and County of New York ss:

*John McConnick* the Officer by whom this warrant was executed,

do swear that the above Inventory contains a true and detailed account of all the property taken by me in this warrant.

Sworn to before me, this *19th*  
day of *March* 18*92*

*John McConnick*

Police Justice.

Police Court--- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Anthony Bonetto et al.*

*John Otto*

*James Otto*

*141 E 13*

Dated *March 18* 18*92*

*Cy. Duffy* Justice.

*McConnick* Officer.

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POOR QUALITY ORIGINAL

PAIDED,  
 No. 1, by David R. Stranally  
 Residence 189 Lawrence Street  
 No. 2, by ds  
 Residence \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_

Police Court... District

THE PEOPLE, ETC.,  
ON THE COMPLAINT OF

Anthony Ametrak

1 Otto Oswald

2 Neiland Lindberg

3 # 1

Offense Vio. of Lottery Policy

Date, March 19 1892

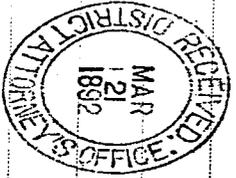
Magistrate duffy

Officer M. Linnick

Witness Danah

Witness A. B. Mc Kelly

No. 21 Park Row



No. \_\_\_\_\_  
Street \_\_\_\_\_  
In witness whereof  
David

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

Defendants

guilty thereof, I order that 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, March 19 1892 [Signature] Police Justice.

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

Dated, March 19 1892 [Signature] Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0148

POOR QUALITY ORIGINAL

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK AGAINST

Otto Oswald and Richard Lindsey

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

Otto Oswald and Richard Lindsey of the CRIME OF KEEPING A ROOM TO BE USED FOR GAMBLING PURPOSES, committed as follows:

The said Otto Oswald and Richard Lindsey both

late of the 17th Ward of the City of New York in the County of New York aforesaid, on the Eighteenth day of March in the year of our Lord one thousand eight hundred and ninety-two, at the Ward, City and County aforesaid, with force and arms, unlawfully did keep a certain room in a certain building there situate, to be used for gambling purposes, to wit: to be used for the purpose of therein conducting a certain gambling game commonly called "Policy," where money and property was dependent upon the result, 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

Otto Oswald and Richard Lindsey

of the CRIME OF KEEPING A ROOM TO BE USED FOR THE PURPOSE OF SELLING LOTTERY POLICIES THEREIN, committed as follows:

The said Otto Oswald and Richard Lindsey both

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, unlawfully did keep a certain room in a certain building there situate, to be used for the purpose of therein selling and offering to sell what are commonly called Lottery Policies, and divers writings, papers, and documents in the nature of bets, wagers and insurances upon the drawing or drawn numbers of certain public and private lotteries, and of therein endorsing and using books and other documents for the purpose of enabling divers persons to sell and offer to sell lottery policies and other such writings, papers and documents, 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

*Otto Oswald and Richard Lindsey*

of the CRIME OF SELLING TO ANOTHER WHAT IS COMMONLY KNOWN AS A LOTTERY POLICY, committed as follows:

The said

*Otto Oswald and Richard Lindsey both*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

*Robert B. McCully*

a certain paper, instrument and writing, commonly called a Lottery Policy, which said paper, instrument and writing, called a Lottery Policy, is as follows, that is to say:

*Ball day 1893*

*9-18-24  
36-45-54/5-10*

(a more particular description of which said instrument and writing so commonly called a Lottery Policy is to the Grand Jury aforesaid unknown, and cannot now be given), 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

*Otto Oswald and Richard Lindsey*

of the CRIME OF SELLING A PAPER AND WRITING, IN THE NATURE OF A BET AND WAGER UPON THE DRAWN NUMBERS OF A LOTTERY, committed as follows:

The said

*Otto Oswald and Richard Lindsey both*

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

*Robert B. McCully*

a certain paper and writing, in the nature of a bet and wager upon the drawn numbers of a certain lottery, the same being a scheme for the distribution of property by chance among persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of

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POOR QUALITY ORIGINAL

which said lottery is to the Grand Jury aforesaid unknown, and cannot now be given), which said paper and writing is as follows, that is to say :

*Ballday 18) 3*  
*9-18-24*  
*36-45-54 7510*

(a more particular description of which said paper and writing is to the Grand Jury aforesaid unknown, and cannot now be given), 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.

FIFTH COUNT:

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

*Otto Oswald and Richard Lindsey*  
of the CRIME OF SELLING A WRITING PAPER AND DOCUMENT IN THE NATURE OF AN INSURANCE UPON THE DRAWING OF A LOTTERY, committed as follows :

The said

*Otto Oswald and Richard Lindsey*  
late of the Ward, City and County aforesaid, afterwards, to-wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms, feloniously did sell to one

*Robert B. Nicoll*

a certain paper, writing and document in the nature of an insurance upon the drawing of a certain lottery, the same being a scheme for the distribution of property by chance among certain persons who had paid or agreed to pay a valuable consideration for such chance (a more particular description of which said lottery is to the Grand Jury aforesaid unknown and cannot now be given), which said paper, writing and document is as follows, that is to say :

*Ballday 18) 3*  
*9-18-24*  
*36-45-54 7510*

(a more particular description of which said paper, writing and document is to the Grand Jury aforesaid unknown, and cannot now be given), 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.*

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**BOX:**

477

**FOLDER:**

4366

**DESCRIPTION:**

Pacciarelli, Michele

**DATE:**

04/29/92



4366

0153

POOR QUALITY ORIGINAL

Witnesses:

*May Peluso.*

*Angeline Belluso*

THE PEOPLE

ABDUCTION  
[Section 92, Sub. 1, Penal Code.]

*Michel Paccione*

DR. LANCELOT COLL,

Director of Prison

A TRUE BILL.

*John H. Deham*

Foreman.

*F. J. Jones*

*383. E. W. me 7*  
*W. J. Jones*  
Counsel,  
Filed, 24 day of *Sept* 1902  
Plends, *by* with *sample* 1/3

*Handwritten signatures and notes, including 'DR. LANCELOT COLL' and 'Director of Prison'.*

0154

POOR QUALITY ORIGINAL

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY OF NEW YORK, ss.

An information having been laid before David F. McHugh a Police Justice of the City of New York, charging Michael Piccilli Defendant with the offence of Abduction

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, Michael Piccilli Defendant of No. 22 Spring

Street; by occupation a Engineer

and Salvator Angino of No. 307 E 111th

Street, by occupation a Manufacturer Surety, hereby jointly and severally undertake that the above named Piccilli Defendant

shall personally appear before the said Justice, at the District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Twenty Hundred Dollars.

Taken and acknowledged before me, this 10th day of April 1892

Michael Piccilli; Salvator Angino POLICE JUSTICE.

0155

POOR QUALITY ORIGINAL

CITY AND COUNTY OF NEW YORK, ss.

*John P. ...* Police Justice.

Sworn to before me, this

10<sup>th</sup> April 1892

*Salvatore Angone*  
the within named Bail and Surety being duly sworn, says that he is a resident and *House* holder within the said County and State, and is worth *Twenty* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *on half interest stock and fixtures of a* *manufacturing situated No 2<sup>nd</sup> 1/4* *Burdenham Street said interest* *being of the value of \$11,000*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Undertaking to appear during the Examination.*

vs.

Taken the ... day of ... 18

Justice.

0156

**POOR QUALITY ORIGINAL**

THE PEOPLE, COURT OF GENERAL SESSIONS, PART 1.  
vs. BEFORE JUDGE COWING.  
MICHELE PACCIARELLI.

Thursday, February 9, 1893.

Assistant District Attorney Macdonna, for The People.

Mr. LeBarbier, for The Defendant.

Indictment for RAPE and ABDUCTION.

A jury was empannelled and sworn, and Mr. Macdonna opened the case for the People.

Mr. LeBarbier: I ask that your Honor direct the District Attorney to select the count he will go to trial on.

The Court: Not at present -- I will reserve my decision.

Mr. LeBarbier: Note an exception. Furthermore, I would like to have it appear upon the record now that I except and object to the remarks of the learned District Attorney in his opening, wherein he states that for two months illicit relations continued, at intermittant times, and that she, the complainant, had a conversation with the defendant, to the effect that he would take her to Brooklyn, which he did, going to 107 East 4th street, which room he hired and paid for; as immaterial, irrelevant and incompetent, and as likely to prejudice the jury. I also except to the opening of the learned District Attorney, wherein he states that Mrs. Moore will certify that she saw him there, went there in the night-time and came out in the morning; on the same ground. And I also except to the District Attorney's statements, on the ground that the defendant took her to a place in the city of Brooklyn, on the ground that that is not within the jurisdiction of this court; and on the further ground that the District Attorney stated that this act oc-

0157

**POOR QUALITY ORIGINAL**

curred on Sunday, February 7, and this indictment charges that it was on the 9th day of February, 1891.

MARIANA PELUSO, sworn and examined, through the interpreter:

By Mr. Macdonna:

Q. Does she speak English?

Interpreter: She says no.

Q. What is her name?

A. Mariana Peluso.

Q. Where do you live?

A. In 71 Mulberry street.

Q. In this city?

A. Yes, sir.

Q. How old is she?

Objected to, as incompetent and immaterial.

Objection overruled.

Exception.

A. Fourteen years old.

Q. When, what day is her birthday?

A. I don't remember, my mother can say when I was born.

Mr. LeBarbier: I move that that be stricken out, her statement, that she says she is fourteen years of age.

The Court: I will leave that in.

Mr. LeBarbier: Note an exception.

By Mr. Macdonna:

Q. Were you employed in October, 1892, by the firm of Angene Leone & Co., at No. 4 Birmingham street, in this city?

A. Yes, sir, I was in February, 1892.

By the Court:

Q. In the city of New York?

A. Yes, sir.

By Mr. Macdonna:

Q. What is that place, what kind of a factory?

2

A. A macaroni factory.

Q. Was this defendant employed there too?

A. Yes, sir; he was a foreman there.

Q. Was he your foreman?

A. Yes, sir, he was the foreman of me also.

Q. Now, did you ever have connection with this defendant, at that place?

Objected to, except at the time specified in the indictment.

Q. On or about February 9, 1892?

Objected to. Objection overruled. Exception.

A. Yes, sir, I had.

Q. Whereabouts in those rooms, what floor?

A. On the fourth floor.

Q. About what time of day?

A. It was between eleven and twelve o'clock in the morning.

Q. In the day-time?

A. Yes, sir.

Q. Were there other girls in the place at the time, or was she alone with this defendant?

A. There was another girl on the first floor, but I was alone with him on the fourth floor.

Q. There was nobody in the building from the first floor, where there was a girl, up to the fourth floor where you were with this defendant?

A. No, sir.

Q. Ask her if she can fix the day of the week?

A. Sunday.

Q. The factory was not open for work?

A. No, it was on a Sunday; and on the Sunday the factory doesn't work.

3 Q. How did you come to be there on Sunday, if there was no

work? A. The prisoner told me that I should go on Sunday to shift over the paste, macaroni.

Q. And you went there to do that?

A. Yes, sir; we knew nothing at all, and we went.

Q. And did you turn over any paste that day?

A. Yes, sir, we turned over some paste.

Q. Now, ask her to describe exactly what occurred when they got on the fourth floor, what he said and what he did?

A. We were on the first floor and he told me to go up to the fourth floor to turn over the paste on that floor. When we got on the fourth floor I saw that there was no paste at all to turn over, and there and then he threw me on the floor; then, when I was on the floor, he says, "You are a darling, and a dear thing," to me, and he put his hand on my mouth, saying, "I will marry you." I said, "I want to go home, let me go." He said, "If you leave me now I shall kill you, I shall shoot you, and then afterwards I will shoot myself."

Q. Go on?

A. And then he had connection with me on the floor.

Q. Now, was there complete connection?

A. Yes, sir; and I am in the family way now also.

Q. Did you ever, before that time or since that time, have connection with any other man?

A. No, sir.

Q. Ask her was there complete penetration, did his person enter hers?

Interpreter: She says that it did, and that she is now in the family way.

By Mr. Macdonna:

4 Q. Now, did you go home then, that day?

A. No, sir, I did not; he didn't want me to go home.

Q. What else occurred that day?

A. He took me over to Brooklyn, and he hired a house -- she says, in Brooklyn, and I lived there-----

Mr. LeBarbier: I move that part of the answer be stricken out, on the ground that it is immaterial, incompetent and irrelevant.

The Court: On the ground of the abduction count it might be material.

Mr. LeBarbier: Let the time be specified.

By Mr. Macdonna:

Q. How long after this Sunday, when the defendant had connection with her, was it that he took her to Brooklyn?

A. The day after he took me to Brooklyn.

Q. And whereabouts in Brooklyn did he take you to?

A. It is 34th street, in Brooklyn, across the river.

Q. She doesn't know the number, does she?

A. No, sir.

Q. Was it 4th street or 34th street?

A. She says 34th street.

Q. Does she know Mrs. Moore?

A. We crossed the river at 34th street, and then we went to Brooklyn.

Q. Does she know the number of the house he took her to in Brooklyn?

A. I forget the number.

Q. Do you know Mrs. William Moore?

A. Yes, I do.

Q. Was it to her house he brought her in Brooklyn --- is this the lady (pointing to a lady) to whose house he brought her?

A. Yes, sir.

5 Q. Did you go there in the night-time or in the day-time?

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A. We went over at five o'clock in the afternoon.

Q. Did you stay there all night?

A. Yes, sir, and the next morning he took me back to my work.

Q. Did you sleep with him in that house, in the same bed?

A. Yes, sir.

Q. The next day did you go over again, did he bring you over again?

A. Yes, sir; after I finished my work I went again to Brooklyn with him.

Q. How many times, did you continue to go to that house?

A. A week.

Q. Did you see your mother, during that time, around about the place in Birmingham street?

A. No, sir; he didn't want me to see my mother.

Q. Did he say anything to you about not seeing your mother?

A. I was crying, and begged him to let me see my mother; he says, "You must not see your mother, and if you go and see your mother then I will go and shoot you, and then afterwards I will shoot myself."

Q. You continued to live at this house of Mrs. Moore's, in Brooklyn, with him until he was arrested?

A. Yes, sir -- my mother had him arrested on a Saturday night.

Q. Now, after he was arrested and indicted -- did you go to Pittsburgh with him when he went away?

Objected to.

The Court: On the abduction count it may be material.

Mr. Le Barbier: Note an exception.

Witness: No.

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By The Court:

Q. Ask her if she is the wife of the defendant, or ever was?

A. No, sir.

Q. Never was married to him?

A. No, sir.

By Mr. Macdonna:

Q. Do you know whether he is married or not?

A. Yes, sir, he has got a wife and two children.

CROSS EXAMINATION:

By Mr. LeBarbier:

Q. When was it that you first went to this macaroni factory?

A. I don't remember the date -- my mother knows all about it.

Mr. LeBarbier: I move that that be stricken out.

The Court: Yes, strike it out.

By the Court:

Q. when she first went to work there -- how long was it?

A. I don't remember; it was after two months that I was working in that factory when such a thing happened.

By Mr. LeBarbier:

Q. Did you go every day to that factory?

A. Yes, sir.

Q. And were there many girls working there?

A. Yes, sir, there was two other Sicilian girls.

Q. But were there other girls, not Sicilian, working in the factory during those two months?

A. We were first three of us, and afterwards two more came.

Q. On what floor did you work?

A. One day we worked on the first floor, and another day

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on the second, and another day on the fourth, and so on.

Q. When you went to that factory, how long did you work on the first floor?

A. Every day we change, going up and down, from one floor to the other.

Q. When you worked on the first floor were there other girls working with you?

A. No -- there was one on another floor, and two others on another floor.

Q. How long was it after you went there that you worked on the fourth floor?

A. We change, going up and down; when the paste was dry up stairs then we changed floors.

Q. Fix the time, in and around the 7th of February, when she says the defendant did this act. Had she been working the day before, or two or three days before, on the fourth floor?

A. Yes, sir.

Q. Had you been working there alone?

A. No, there was another girl along with me.

Q. What was the name of the other girl?

A. Caroline.

Q. Caroline what?

A. I don't know her other name.

Q. Had Caroline been working there when you went to the factory?

A. Caroline took me to work in that factory.

Q. What was the work that was carried on on that fourth floor?

A. We turned over the paste, drying it.

Q. Was there any paste there the day before, or two or three days before, the time that you say the defendant did this act?

A. Yes, sir; there was.

Q. Was there any paste on that floor the Saturday previous to

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this Sunday?

A. There was long paste, there

was on Saturday Macaroni -- long paste but not small paste.

Q. Now, you say "We went there;" who do you mean by that?

A. I went on that Sunday with Caroline.

Q. And after you reached the factory did you go directly to the fourth floor?

A. When we got into the factory we stopped first down below, near the office.

Q. After stopping at the office what did you do?

A. The boss then told me that he required me -----

By the Court:

Q. That is, the prisoner told her?

A. No, no, the boss, Angene Leone (Pointing to a man in court) That man there told me to go up on the fourth floor to work.

By Mr. LeBarbier:

Q. Was the boss there that day, that Sunday?

A. Yes, sir, he was.

Q. He, the boss, was there that Sunday?

A. Yes, sir.

Q. Why did you say in your examination-in-chief that when you got to the factory there was nobody there?

A. First I said there were no working people in the factory that day.

Q. Well, was there anybody else besides the boss and this girl Caroline there, and the defendant?

A. There was some other people at work.

Q. A moment ago you said there were no working people there. Now, how many people were there that Sunday?

A. When I went first into the factory then I saw people working; that was not on a Sunday that I got there. When

this thing happened to me, when I was there, there were no people working.

Q. Now, then, on this particular Sunday, the 7th of February, was there anybody there besides the boss, Caroline, the defendant and yourself?

A. There were only myself, Caroline, the boss and himself when such a thing happened.

Q. Did you go with the defendant alone to the factory that day?

(Question withdrawn.)

Q. Where did you meet Caroline that day to go with the defendant?

A. On the Saturday evening I told Caroline to come and call for me, at my house.

Q. Had Caroline ever called at your house before?

A. No, sir.

Q. Why did you ask Caroline to call that next day?

A. Caroline came that morning to my house; she says, "Let us go up to the factory to turn up the paste;" and I went.

Q. Up to this time, on that Sunday, you hadn't as yet seen the defendant?

A. Yes, I knew him before, because he was the foreman.

Q. That is not my question; my question was if Caroline had ---

By the Court:

Q. Did she see the defendant before she got to the factory that Sunday?

A. She says, I knew him when I was working there.

Q. When did she see him for the first time, that day?

A. I saw him that morning, in the factory.

Q. For the first time that day?

A. Yes, sir; then I saw him when I got into the factory.

By Mr. LeBarbier:

- Q. Had you ever been around to that factory on any previous Sunday?  
A. No, that was the only Sunday.
- Q. That was the first time that you had gone there to that factory on a Sunday with Caroline?  
A. Yes, sir; it was the first time.
- Q. The first thing, then, that you knew about going to that factory was when Caroline came to your house, and said, "Let us go to the factory to turn over the paste?"  
A. Yes, sir; that is it.
- Q. What time was it that Caroline called upon you that Sunday?  
A. Five minutes to ten o'clock.
- Q. Why do you say five minutes to ten o'clock?  
A. Because I looked at the clock before I left the house.
- Q. Was there a clock in your house?  
A. Yes, sir.
- Q. You are quite certain about that?  
A. Yes, sir.
- Q. What kind of a clock is it?  
A. It is one of these clocks that they put on the mantel-piece.
- Q. What kind of a clock was it, can you describe it?  
A. It is about this height (showing), with a glass face and a wooden frame.
- Q. When Caroline came there that morning, were you alone?  
A. There was my mother with me. My mother didn't care for me to go, but Caroline forced me to go.
- Q. In what way did she force you to go to the factory?  
A. Caroline told me, "You know we have got to go over to turn this paste." I said, "All right;" and I went.
- Q. But you didn't know it till Caroline told you?

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A. She showed me how to turn over the paste.

Q. Did Caroline say anything to you about Angene Leone, the boss, at the time she called on you that Sunday?

A. She didn't say anything particular about Angene, but she says, "Let us go to turn over the paste, as the boss wants us to do so."

Q. Didn't Caroline tell you that she was going there that Sunday to meet the boss?

A. Caroline told me only that we had to go to turn over this paste.

Q. Had there been any extra number of employees the week before this Sunday in question, there at the factory?

A. I didn't count them, I don't know.

Q. Well, was there more than the usual number?

A. I don't know.

Q. Had you ever, during these two months previous to this Sunday in question have occasion to go to the factory not on working days, to turn over the paste?

A. No, sir; I did not.

Q. Now did you ever go there since that time, to turn over paste?

A. No, sir.

By the Court:

Q. Did you ever turn over any paste after this 7th of February?

A. No, sir.

By Mr. LeBarbier:

Q. What time did you and Caroline leave your house that Sunday morning?

A. I already told you once before that it was five minutes to ten.

Q. Don't look so cross at me. How long did it take you to go to the factory?

A. Five minutes.

Q. That is, did you go from 71 Mulberry street to No. 4 and 6

Birmingham street --- is that the number of the factory?

A. I don't know the number of the factory, if it is 4 or 6.

Q. When you arrived at the factory who was the first person you saw there?

A. On the Saturday night they, the prisoner and the boss, gave the key to the other girl; and on the Sunday morning it was that we opened the factory.

Q. Now, on the Saturday night previously, when the key was given to this other girl, do you mean Caroline?

A. Yes, sir.

Q. Was anything then said about coming to the factory the following day?

A. They told us, "You will have to come to-morrow morning, to turn over the paste, at ten o'clock. We shall be here at eleven o'clock."

Q. Then you knew that you were to go to the factory?

A. I didn't know it, but the other girl knew it.

Q. What do you mean by saying that when the key was given to Caroline you were told to come the following day to the factory -- you just answered that question yourself.

Interpreter: She answered that question, saying that she heard it from that girl.

Q. When the key was given to Caroline on the night before, what were the words that you heard said?

A. I was near the door, and Caroline was near the door, and I didn't hear the conversation nor knew what they did.

Q. Then why did you say, a moment ago, that when the key was given to Caroline -- that is, that she or you were to come the following day, or both.

Interpreter: She said that the other girl told her that.

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Q. No, she didn't; I refer to the minutes that there may be no misunderstanding. I ask you, did you, on that Saturday night previous to the Sunday in question, hear from anybody that you were to go to the factory the following day?

A. NO.

Q. Now, I ask you to be positive. The following day, when Caroline called at your house, as you say, at five minutes to ten, did you know for what purpose she came to see you?

A. I didn't know it.

Q. On the Saturday previous to the day in question did you see a key given to Caroline?

A. I have already told you that I didn't.

Q. Now, then, after you arrived at the factory, within five minutes --- who opened the door?

A. Caroline.

Q. Did you go right in with her then?

A. We did go inside together, and then she locked the door again.

Q. Now, was there any other entrance to the factory?

A. I don't know if there any other entrance, but the prisoner at the bar and the boss came down from the roof.

Q. Now, after you went into the factory and locked it, where did you and Caroline first go?

A. We turned the paste on the first floor.

Q. How long did it take you to turn the paste on that first floor?

A. About a quarter of an hour.

Q. Were you and Caroline alone on that first floor during that quarter of an hour?

A. Yes, sir.

Q. When what did you do?

A. Then we saw the prisoner and the boss coming up from the top.

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By the Court:

Q. Coming down from the top?

A. Coming down from the top.

By Mr. LeBarbier:

Q. Did you see them come in from the roof -- you said that a moment ago?

A. Yes, sir; we saw them coming down the steps from the roof.

Q. Was there any aperture in that roof, to get into the factory, any opening?

A. There is a door that opens on the roof.

Q. Did you see that door open?

A. That door is fastened by an iron bolt; they opened it and they came down.

Q. Was that the only lock on that door from the roof?

A. Only the bolt.

Q. You could see that bolt from where you were; could you not?

A. No, sir, I couldn't see it; but there was no other way for them to come in, I saw that door.

Q. Now, I ask you, that I may not misunderstand you -- did you see them coming in that opening from the roof?

A. I didn't see them coming through that door, but they told us that they came from the roof.

Q. That is, Angene and the defendant told you that; is that so?

A. He told me that he came from the roof when he done that thing to me.

Q. You have stated that you remained a quarter of an hour on the first floor, it took you that time to turn over the paste, that it was then that you saw the defendant and the boss. Now, is that the fact, did you see them at that moment?

A. They came down from the top, and

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we saw them and they saw us whilst we were turning the paste on the first floor.

Q. What did you say to the defendant when you saw him on the first floor?

A. I told him, "What are you doing here, why did you come from the roof, what are you going to do?" and he answered, "We don't want anything, and we don't want to do anything."

Q. You said to the defendant, "Why did you come from the roof?" and you said a moment ago that you didn't know he came from the roof until he told you, when he did the act. You please explain?

A. I says, "Why did you not come through the door?" He said, "It was much better for us to come through the roof, because, otherwise, people might have seen us coming in here."

Q. Now, I ask you --- after you entered the factory you went up one flight of stairs; did you not?

A. No, sir, we didn't, we went in the first floor, the ground floor.

Q. Is the ground floor on the same floor that the entrance-door to the factory is?

A. There are some steps from the street, to go up to the first floor, but I don't know how many.

Q. How many do you think? A. I don't know.

Q. Can you say a dozen steps, or one or two steps?

A. About ten -- I don't know.

Q. Did the steps go right up straight after you entered the door?

A. No; you have got to walk a little bit before you reach the steps, and then you get on top of the stairs and get into the first floor.

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Q. Now, I ask you, after you opened that door, and you got in -- what is the distance from the door to the steps, about?

A. The distance is from here to yourself.

Q. About four feet --- that is a yard, is there not an open yard?

A. No, it is not a yard; there is a small passage.

Q. Is a passage-way from the door, where you enter, to the steps?

Objected to as immaterial.

Q. You said, did you not, that the reason why the defendant said he did not come in through the door, was because he did not want to be seen by people on the street?

A. Yes, sir.

Q. Now, to shorten matters, I ask you, could you see that door from the first floor, the door of the street, upon which you entered?

A. I could see the door.

Q. Now, then, when the defendant came into that room, what other conversation, besides what you have related, did you have with him?

A. He told me, "You will go up stairs to the fourth floor, and the other girl will remain down here."

Q. Are those about the first words that he said to you?

A. That is what he told me, as soon as he came in.

Q. Then did you go with him?

A. I knew nothing at all, and I went up to the fourth floor.

Q. Did Caroline say anything at this moment when the defendant asked you to go up to the fourth floor?

A. No, sir; she did not.

Q. After you got on the fourth floor, was there any paste

there? A. When I got up there I told him, "Where is the paste that you brought me up here to turn?" The prisoner answered, "There is no paste here to turn."

Q. When you were going up to the fourth floor did the defendant do anything to you, did he touch you in anyway?

A. He didn't touch me going up. When we arrived there I asked him, "Where is the paste to turn?" He said, "What paste, there is no paste here."

Q. Did you have any conversation with him going up to the fourth floor?

A. He was ahead of me on the fourth floor, when I arrived there.

Q. When you started out from the first floor, how far ahead of you was the defendant?

A. The distance between us was from here to this gentleman (showing).

Q. And did it continue in that way up to the fourth floor?

A. I said, "What do you want me to come on the fourth floor for?" He says, "Go on," and he went up and then I followed him.

Q. But you knew what you were going up to the fourth floor for, did you not?

A. I knew nothing at all, I only knew that I was going up to turn some paste.

Q. Now, then, did he take you by the hand as he took you up?

A. No, sir, he didn't.

Q. Did he kiss you before he got you up on the fourth floor -- yes or no?

A. No, sir; it was only when I was on the floor that he kissed me.

Q. Did he put his arms around you before you got on the fourth floor?

A. He didn't touch me going up, because he was before me on the fourth floor.

Q. Now, when you got up on the fourth floor, is it a large

floor there, or a room through which you have to pass?

A. The room is a large room, about half this room.

Q. Immediately after getting on that floor what did the defendant do?

A. As soon as I got there he caught hold of me with his arms around my body, and threw me on the floor.

Q. That was the very first thing that was done?

A. Yes, sir.

Q. Before he threw you on the floor, just as he put his arms around you, did he kiss you?

A. Yes, sir.

Q. Did he put his arm around your neck?

A. No, sir, he caught hold of me with both arms, so that I could not move.

Q. Did he put his hands in your dress, on your bosom?

A. He did not.

Q. Now, then, after he took you around the waist, that way, around the shoulders, did you immediately fall down with him?

A. He threw me on the floor, he caught hold of me and threw me on the floor.

Q. Was he on top of you when you were on the floor?

By the court:

Q. Did he fall on top of her?

A. He threw me on the floor, and then he came on top of me.

By Mr. LeBarbier:

Q. Now, are the stories very high in that building?

Objected to as immaterial.

Objection overruled.

A. I don't know; I didn't measure any of these houses.



A. No, sir, I did not.

Q. Or to the boss, as to what happened?

A. No, sir; I was afraid of telling the boss about it.

Q. Then what did you do? A. I then went to my house, and then he afterwards came and took me away.

Q. Did you see your mother? A. Well, he didn't allow me, he didn't give me time to go home, but he caught hold of me and forced me to go away with him, and he hired a house where we were.

Q. What did you mean, a moment ago, by saying that you went home?

Interpreter: She said, "I wanted to go home; I wanted to go home, but he would not let me go home."

Q. Now, did you come down stairs with him in that factory?

A. I came down before him, and I went to try the door, and tried to open it, but the door was locked; he came down and he caught hold of me, and took me to the house he had hired.

Q. I ask you, when you came down and found that door locked, how did you get out?

A. When he came down afterwards and caught hold of me he opened the door, the defendant at the bar.

Q. Did you all four go out together?

A. He took me away and Caroline and the boss remained behind.

Q. Now, when you went out of that door, where was the first place that you went to?

A. He took me over to Brooklyn.

Q. Did he take you over immediately, that Sunday?

A. He didn't allow me to go to my house, but he took me

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over that very moment to Brooklyn.

Q. You are positive about that, are you not?

A. Yes, sir, certainly, I am positive.

Q. Now, then, on your direct-examination, the question was put to you by the learned Assistant District Attorney, in so many words, "How long after this connection did you go to Brooklyn?" and you answered, "The day after."

A. I didn't want to say that, or probably I made a mistake, but he did not allow me to go to my house; but he took me, that very same day, over there.

Q. Is that answer correct to that question, that you went to Brooklyn the day after?

The Court: She said not, she said it was the same day, if she said that she did not mean it.

By Mr. LeBarbier:

Q. Now, what way did you go to Brooklyn that day?

A. We walked two blocks from the factory, and then we took the cars, at Canal street, then we took the elevated, at the Canal street station.

Q. How long were you up on that fourth floor?

By the Court:

Q. At the time the defendant is alleged to have had connection with her?

A. Do you think I was going to count the minutes that he laid me underneath him.

By Mr. LeBarbier:

Q. How long were you on the fourth floor?

By The Court:

Q. Let her give her best judgment -- half an hour--how long it seemed to her?

A. Probably a quarter of an hour.

By Mr. LeBarbier:

Q. Why, then, did you say, on your examination-in-chief, that

"we went to Brooklyn at five o'clock?"

Objected to, as immaterial.

By The Court:

Q. Ask her if she went to Brooklyn at five o'clock?

A. I cannot speak of the hours, I cannot speak of the time, as in the factory there were no clocks and I had no watch in my hands.

By Mr. LeBarbier:

Q. Can you state about what time you got to the house that day, Mrs. Moore's?

A. Probably between six and

half-past six.

Q. Did you take supper at Mrs. Moore's that night?

A. That night when we got there he bought some meat, and he cooked it, and we ate it.

Q. On the following morning did you come to New York with him?

A. Yes, sir; he brought me over to my work the next morning.

Q. Now, did you remain all that day at the factory?

A. I worked all that day in the factory up to five o'clock, and at that hour he took me back to the house at Brooklyn.

Q. For how many days did he repeat this?

A. I remained with him up to the next Saturday after the Sunday that this thing occurred.

Q. When was it you went to your mother's house, for the first time?

A. I went back to mama when she had him arrested; it was on a Saturday evening.

Q. Now, do you know when it was that he was arrested?

A. Saturday evening.

Q. How long after this act that he did to you?

A. He did this to me on Sunday, and he was arrested on

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the following Saturday.

A Juror: When was this?

The Court: A year ago, the 7th of February, 1892.

By Mr. Le Barbier:

Q. Now, will you swear that you stayed with him a week there, and that the following Saturday after the act that he did to you, he was arrested? A. I do.

By the Court:

Q. Did she ever stay with him after that week?

A. No, sir, because he was arrested, and I went to the House of the Good Shepard.

Q. Are you now in the family way from being with him a year ago?

A. I was delivered of a baby while I was in the House of the Good Shepard, and the baby is now in the hands of the nuns.

By Mr. LeBarbier:

Q. What month was your baby born in? A. I don't know the month that the child was born; he is dead now.

Q. Try to remember, if you can, what month?

A. I don't remember the month; my mother knows everything about it.

By the Court:

Q. The child is dead you say?

A. He died before he was born, five and a half months.

Q. Five and a half months before it was born, you say?

A. I had a miscarriage.

By Mr. LeBarbier:

Q. you can't state, you say, the month?

A. No, sir.

By Mr. Macdonna:

24 Q. When you went to the elevated railroad, <sup>out</sup> to this place

where did you go from the Canal street station, what street did you go to?                   A. Thirty-fourth street.

Q. And then you went down 34th street to the ferry?

A. Then we walked to 34th street and took the ferry-boat.

Q. And went over to Brooklyn?                   A. Yes, sir.

Q. Now, ask her if she can fix the date, and the month which she left this place and went over to Brooklyn, that Sunday?

A. The 7th of February, Sunday.

By the Court:

Q. Last year?                   A. It will be a year in May.

By Mr. Macdonna:

Q. Ask if it was not in April?

A. It was in Winter -- mama knows it.

Q. What month was it, if she can locate the time that she left this factory she described, on that Sunday, and went to Brooklyn?

The Court: She said the 7th of February, 1892.

By Mr. Macdonna:

Q. Is she positive about that?

A. Yes, sir, because it is written on some papers.

Q. Is that the only reason she knows it?

A. Yes, sir.

Q. Ask her how she knows it was in the Winter?

Interpreter: She answered your question; she said, "I don't know, my mother knows about it."

Q. She is not certain about the date then?

A. No, sir; mother knows all about it.

Q. Her mind is clear as to the occurrence, but not as to the date; is that right?

Objected to, on the ground that he cannot impeach

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POOR QUALITY  
ORIGINAL

A. I am sure, positive, about what happened with the prisoner, but I am not sure about the date. My mother knows about it.

Q. Now, was the reason that you didn't tell when you came down out of the loft, that he had threatened to kill you -- was that the reason you did not tell what occurred?

Objected to, on the ground that she has answered the question already.

Q. What was the reason she did not tell, when she came down stairs?

A. I was ashamed and frightened of speaking about it.

Q. Why was she frightened, what frightened her, was it what he said?

A. He told me not to tell anybody.

Q. On the day that this act took place with you, in the factory, did you go to Brooklyn?

A. Yes, sir, it was on a Sunday; on that Sunday that he took me over to Brooklyn.

Q. Did you see the defendant after he was arrested?

A. No, sir; I was with the nuns and I never saw him any more.

By the Court:

Q. Until you saw him in court?

A. Yes, sir.

By Mr. LeBarbier:

Q. Is it not a fact that, about two months after this act was done to you, you saw the defendant?

A. I haven't seen him any more, after he was arrested.

Q. Did you go to his house any time after he was arrested?

A. I was shut up with the nuns, I couldn't go to his house.

Q. Is it not a fact that you went to his house with him, two months after his arrest, and stole his gold watch?

0182

POOR QUALITY  
ORIGINAL

A. I didn't rob his gold watch, he gave it to me.

Q. Is it not a fact that, two months after the arrest, you went to his house; and broke open the door of his room?

A. How could I break his door if I was locked up in the college?

Q. Yes, or no; I want an answer?

A. I did not break into his house; he gave me the watch that Sunday at the factory, and he said, "Keep it in your pocket for me."

Q. Did he give you that watch before he took you up stairs?

A. He gave me the watch before the thing happened.

Q. Now, I have examined you pretty closely and pretty severely as to what took place when the defendant met you on that first floor, and you said nothing about the watch; did you?

A. You never asked me about it.

Q. You have stated when you were on the first floor the defendant and the boss came in, and the first words he said, were "Caroline stay here, and you come with me to the fourth floor, to turn over the paste." I asked you if that was everything that was said, and you said, "Yes." Now, I ask you, was it before he invited you to the fourth floor, or just after he invited you to the fourth floor that he gave you the watch?

A. He gave me the watch on the fourth floor, and he says, "Keep it for me in your pocket."

Q. Then I asked you, and I pressed the question very closely, when he got you up on the fourth floor what was the first thing that was said, and you said he seized you by the arms and threw you on the floor, and threatened you. Now, did he give you the watch before he threw you on the floor?

A. He gave me the watch before-hand, I wanted to give it back to him; he says, "No, you keep it in your pocket."

Q. Did he give you the watch before he put his arm around your body, yes or no?

Interpreter: Shall I give her answer?

The Court: Yes, what is her answer?

The Witness: He gave me the watch to deceive me.

The Court: I will strike that out.

By Mr. LeBarbier:

Q. Did he give you the watch before he put his arms around your body, yes, or no? A. Yes, sir.

Q. When was it that you offered to return the watch to him?

A. I wanted to return it whilst he was putting it in my hand, and I said, "Take it back."

Q. Now I repeat, was that all the conversation that was said when he got you on the first floor, the first words were, "Here is this watch?"

A. She says the only conversation that we had is that: "Take and keep my watch."

Q. Did he tell you what for to take and keep his watch?

A. To deceive me, to do what he did.

Mr. LeBarbier: I move to strike that out.

The Court: That is in answer to your question, but I will strike it out.

By Mr. LeBarbier:

Q. What were the first words that he said to you, all I want is the conversation? A. I didn't want to take the watch; he says, "Take it," and he gave it to me, just to do what he did to me.

Q. Then how long did you keep that watch?

A. When he was arrested I had the watch in my pocket, and I gave it to my mother.

By The Court:

Q. Have you ever been married?

A. No.

By Mr. LeBarbier:

Q. Is it not a fact that about two months after you say the defendant did this thing to you, you went to his rooms and broke in the door and took out this gold watch and a new suit a clothes; yes or no will satisfy me?

A. I told you already no, that I was in the House of the Good Shepard -- how could I open his door.

By Mr. Macdonna:

Q. When he was arrested, you were taken in charge by the Society for the Prevention of Cruelty to Children?

A. Yes, sir.

Q. And then you went to the House of the Good Shepard, and you are still in the House of the Good Shepard?

A. Yes, sir.

Q. And you came from the House of the Good Shepard into court?

A. Two days I have been in the Society's rooms.

Q. She went to the Society from the House of the good Shepard?

A. Yes, sir.

Q. Now, how long were in Brooklyn with this man, how many days?

The Court: She said about a week.

By Mr. Macdonna:

Q. You had this watch with you during that week, you carried it with you?

A. Yes, sir, I had it all the week when he was arrested; then I gave it to my mother.

Q. And he saw it with you, you used it during that week you were with him in Brooklyn?

A. Yes, sir, he knew it, because he gave it to me.

Friday, February 10, 1893.

W. TRAVIS GIBB, sworn, and examined by Mr. Macdonna:

Q. Doctor Gibb, you are a regularly graduated physician?

A. Yes, sir.

Q. Practicing in this city?

A. Yes, sir.

Q. Do you hold any official position?

A. I am Instructor of the Diseases of Woman, at the New York University, and the Examining Physician for the Society for the Prevention of Cruelty to Children.

Q. Now, were you Examiner for that Society in April last?

A. Yes, sir.

Q. Did you, in April last, or subsequent to that time, examine Mariana Peluso?

A. On the 19th of last April I examined her; yes, sir.

Q. Where did you examine her?

A. At my office, No.

365 Lexington avenue.

Q. Now, what physical condition did you find her in?

A. I found her genital organs were well developed, and that there had been a complete rupture of the hymen, a complete penetration of her genital organs by some blunt object.

Q. Was she with child at that time?

A. There were no special signs of pregnancy. In a case like that I make no examination of the uterus, on account of the danger from rupturing the vagina, the hymen.

Q. Your examination was just as to the external parts?

A. The external genitals; there was no reason to make an internal vaginal examination.

## CROSS EXAMINATION:

By Mr. LeBarbier:

Q. A physician can determine, though, after the expiration of a month, whether or not a woman is with child?

A. No, sir.

Q. Can you state whether this woman was with child or not?

A. No, sir; I cannot. I made no examination with the idea in view, of finding that out. I had no suspicion of it, there was no suspicion of it, and nothing was said to me about it.

Q. That she might be with child?

A. No, sir; she spoke no English, and the Society Agent who brought her to me spoke no Italian. I got her history, her name, from him, and nothing from her.

Q. Did you not consider it your duty also to determine whether or not she might have been with child?

A. No, sir, I did not consider it my duty in a case of that kind, because, in a case like that, it was too soon to make a positive diagnosis of pregnancy. An absolutely positive diagnosis cannot be made until 2 1/2 or 3 months, and then only under the most favorable circumstances.

Q. This examination took place what day?

A. The 19th of April.

Q. That is almost a month and a half after the 7th of February?

A. Yes, sir.

Q. Don't you think by some little further examination you could have determined whether or not she was with child?

(Objected to. Objection sustained. Question withdrawn.)

Q. Is that the only time that you examined her?

A. I never saw her from that day until the day before yesterday -- the 19th of April.

0187

POOR QUALITY ORIGINAL

Q. you are not a physician of the Society to attend to the delivery of women pending their detention?

A. The Society has no physician for that purpose that I know of.

ANGELINO PELUSO, sworn, and examined By Mr. Macdonna, through the interpreter, testified:

Q. Where do you live, Mrs. Peluso?

A. No, 71 Mulberry street, city of New York.

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

Q. How many children have you? A. Four.

Q. Is this one of your children, Marina Peluso?

A. Yes, sir.

Q. This one here (pointing to the complainant)?

A. Yes, sir.

Q. How old is she? A. She was fifteen years last July.

Q. Where, in April last, was her (the witness's) child working?

Objected to, on the ground that it is impeaching the complainant, for the reason that the complainant has sworn that in February, on the 7th, she was working at this factory, that she went with the defendant one week, and at the expiration of that week she was then taken in custody by the Society, and therefore she was not working at that factory in April.

The Court: It is not an impeachment, it is not offered to impeach, as I understand. I will allow the question.

Mr. LeBarbier: Note an exception.

By Mr. Macdonna:

Q. Where was she working early in the month of April, 1892?

33 A. In the shop of a man named Angene.

0188

**POOR QUALITY ORIGINAL**

Q. Where is the shop? A. I don't know the name of the street.

Q. Do you know whether it is Birmingham street?  
A. It sounds something like that, but I can't say.

Q. She knows the boss of the place, doesn't she?  
A. Yes, sir.

Q. While her daughter was working in that factory, did she live with her, at her house? A. Yes, sir.

Q. When did she cease to live in that house?  
A. She was taken away in the month of April.

Q. What time in the month of April?  
A. It was a week before Easter.

Q. What was the last day she lived at home?  
A. It was the week before Easter that that man took away my daughter.

By the Court:

Q. Which man, the prisoner? A. The prisoner at the bar.

The Court: It is conceded to be the 17th of April.

By Mr. Macdonna:

Q. Do you remember what day that was, Monday or Sunday?  
A. I don't remember, I forget.

Q. After your daughter went away from the house did you go to the factory where she was working, the factory of Angene?  
Objected to. Objection overruled. Exception.  
A. I did go to the factory of Angene.

Q. Once or many times? A. I went there every day.

Q. Did you see this defendant there?  
A. Yes, sir, I did.

Q. Did you tell him you wanted to see your daughter?  
A. Yes, sir, I did.

34 Q. What did he say? A. He told me that he wanted to

marry my daughter; I told him, "You can't marry my daughter, because she is still young, and you have got sons of your own."

Q. Sons of your own?                   A. Children of your own.

Q. Well, what did he say to that?

A. He said that he wanted to marry her on the Brooklyn Bridge, and I said, "It is impossible." I told him, "It is impossible for you to marry my daughter, because she is still very young, and I want to take her back to Italy."

By the Court:

Q. How old is her daughter, the complainant in this case?

A. She was fifteen years last July.

Q. She is not sixteen yet?                   A. No, sir.

Q. Has she ever been married?                   A. No, sir.

The Court: Her daughter, according to her testimony, disappeared, went away from her home, on the 10th of April, and not on the 7th of February, as she has testified.

Mr. LeBarbier: I move that all the testimony of this witness may be stricken out, as immaterial, irrelevant and incompetent.

The Court: Motion denied.

Mr. LeBarbier: Note an exception.

CROSS EXAMINATION:

By Mr. LeBarbier:

Q. How long had you known the defendant, previous to seeing him on the 10th of April, or about that?

A. I only knew him a few days before.

Q. Where was it that you had seen him then?

A. I saw him once before, in the factory, and I saw him afterwards, when he sent for me, asking me to let him marry my daughter.

0190

POOR QUALITY  
ORIGINAL

- Q. Was it at this conversation that you have testified to that he sent for you?                   A. He sent for me, and when I saw him then we had that conversation.
- Q. Had you ever been to the factory before that conversation you had with him?                   A. Only once.
- Q. And, if I am correct, was that about four days previously to this time when she had the conversation about marrying the daughter?                   A. It was many days before, it was on the day that I took the breakfast to my daughter.
- Q. You took the breakfast to your daughter, at the factory, what do you mean by that?                   A. Yes, sir, I did.
- Q. Had you been in the habit of taking the breakfast to the daughter?                   A. I only took the breakfast to my daughter once.
- Q. How was it that you did it only once?                   A. She asked me before she left home to get her some more bread, and I took it.
- Q. This was about what time in the morning?                   A. It was before twelve o'clock.
- Q. Had you had any conversation with the defendant about your daughter before he sent for you, and you had this conversation that you have related?                   A. It was only once that I spoke to him, I met him in the factory.
- Q. But at the time, this once that she spoke to him, meeting him in the factory, nothing was said at that time about her daughter and the defendant?                   A. No, sir, he did not.
- Q. How was it you came to receive word from the defendant, in what way, by whom?                   A. A man from the factory

came and called me.

Q. Up to this time had your daughter been in your house continuously?  
A. Yes, sir.

Q. Ask her if she understood my last question, and is "yes" the proper answer?  
A. While this man came to

see me she was working at the factory still.

Q. Up to the time this man came to see her had her daughter been living with her, continuously?

A. Yes, sir; she was all the time in my house.

Q. When you called upon the defendant, upon this invitation, as you have stated, did he speak first to you about your daughter?  
A. He commenced talking, saying,

"I seduced your daughter, and I want to repay her the damage that I have done."

Q. And did he say he could repay her that damage on the Brooklyn Bridge, by marrying her there?

A. Yes, sir, and he always wanted to take me there.

Q. What part of the bridge were they to be married on, according to his idea?  
A. I do not know, I cannot say; I refused to go.

Q. Was anything said about the Statue of Liberty?

A. No, sir, he did not.

Q. When he said that to you, about seducing your daughter, did you then reply, "You are a married man, and cannot do it?"

A. Yes, sir, I did.

Q. When was it you had learned he was a married man?

A. I was told by the man from the factory that came to call me, when he sent for me.

Q. The man when he came to see you, stated to you -- what were his first words, that the defendant is a married man and

wants to see you?

A. He says, "Come with me, as Michele Pacciarelli has something to tell you;" and then I went and Michele Pacciarelli told me that he had seduced my daughter, and was ready to marry her.

Q. But she said, a moment ago, that she knew the defendant was a married man because a man that came from him had told her; is that correct? A. Yes, sir.

Q. Now, in what way was that said?

A. When he came and asked me to go and see him, I asked him, "Who is this man that wants to speak to me? Is he a young man or is he a married man?" He answered "He is a married man."

Q. Do you know the name of the man that came to see you?

A. I don't know; he is a Sicilian.

Q. Did you ask him for his name?

A. No, sir, I did not.

Q. Have you seen him since?

A. I saw him once, after that.

Q. Had you seen him before that?

A. Yes, sir, I knew him, by sight, before.

Q. Where did you see him?

A. He lived in the same yard where we lived.

Q. Did you know him by his first name?

A. I didn't know.

Q. When you spoke to him, did you call him by any name?

A. No, sir, I did not.

Q. Does he still live in the same premises where you live?

A. No, sir.

Q. Do you know where he now lives?

A. No, sir, I do not.

Q. Was he working at the factory at that time?

A. Yes, sir; he did.

Q. How do you know that he was working at the factory?

A. I knew it because from the neighbors that lived in the same yard, that went to work together.

Q. Can you give me the name of any of the other neighbors that went to work with him?

A. One of them was named Caroline.

Q. Is she a girl?

A. Yes, sir.

Q. Do you know what her last name is?

A. I don't know it.

Q. Do you know whether it was Russo?

A. I don't know.

Q. Did she live on the first floor?

A. She did.

Q. You lived on the top floor?

A. I live on the second floor.

Q. And did Caroline go with this man to the factory?

A. Yes, sir, he was the uncle of that Caroline.

Q. How long had you known Caroline?

A. About a year.

Q. Did she go to the factory with your daughter?

A. Yes, sir.

Q. And would she come home with your daughter?

Objected to, as immaterial and irrelevant.

Objection overruled.

A. Yes, sir.

Q. When Caroline came back with your daughter from work, on those days, did the uncle return with them?

Objected to, as immaterial and irrelevant.

Objection overruled.

0194

POOR QUALITY ORIGINAL

A. Sometimes he came in their company, and sometimes he came after they did come.

Q. After the 10th of April, when the Society, as I understand it, took your child, did you see your daughter again?

A. I saw her afterwards only once a month.

Q. Now, can you state when it was the Society did take your child?

A. The Society took my child after

I had the defendant arrested.

Q. Has your child been in the custody of the Society ever since?

A. Yes, sir.

Q. Do you know when it was your child was delivered of a fetus?

A. Yes, sir; it was in the month of August; I have got the letter there that can prove it; there is a man that has got that letter.

By Mr. Macdonna:

Q. What is his name?

A. Thomas Bochero; he is outside.

By Mr. LeBarbier:

Q. Do you know when it was that she had this child?

A. There is the number, and the address of the hospital in this letter.

By Mr. Macdonna:

Q. Tell her to take that in her hand, and find out from that paper the date of that paper, and where it occurred?

A. I cannot read, but this is the letter that I received.

Q. Did you receive that letter?

A. I received this letter, through the post, and then, the day after receiving this letter, I went up to the hospital.

By Mr. LeBarbier:

Q. Did you see your daughter in the hospital?

A. She was sick in bed, and they did not allow me to see her.

Q. After you had this conversation with the defendant, when he told you he seduced your daughter, did you see him after that again?

A. No, sir, I did not.

By The Court:

Q. Did the defendant tell her the circumstances of the seduction, where it took place and all about it?

A. He only told me that he seduced her, and that he was ready to marry her.

Q. The defendant told her that he had seduced her daughter, and he was ready to marry her?

A. Ready to marry her, yes, sir, your Honor.

By Mr. LeBarbier:

Q. Can she give the year of the birth of her daughter, and where it was?

A. I don't know the year that she was born, but she was born in Beanio, the Province of Aublino.

By A Juror:

Q. Whereabouts, what hospital was it that the child was born in?

A. I cannot say; I know that I went to that hospital, crossing the river on a ferry-boat.

Another Juror: I would like to ask her how long she has been married, your Honor.

By The Court:

Q. How many years has she been married?

A. Twenty-four years.

By a Juror:

Is this her eldest child?

A. I have got an older girl than that one; she is married, and this is the

second one.

Q. What is the difference between the ages of the older one and this one?

A. In August last she is seventeen years; she is going on her eighteenth year now.

Q. The eldest daughter is seventeen? Ask her how long she was married when her first child was born?

A. I lost <sup>three</sup> before these two here.

By Mr. Macdonna:

Q. Ask her was it in response to this letter, which she has identified as receiving through the mail, in this envelope, that she went across the water to the hospital to see her daughter, and found her daughter in bed, and they wouldn't allow her to see her?

A. It was after receiving that letter that I went over across the river in the steamboat; and I asked to see my daughter; I was not allowed to see her; they told me she was in bed.

Q. What with, what ailed her, did she see her, does she know?

A. Because she had a miscarriage.

Mr. Macdonna: I offer that envelope in evidence, fixing the date plainly; it is August 11, 1892.

By Mr. LeBarbier:

Q. How long was it after your marriage that your first child was born?

A. It was not a year.

Q. And the second child?

A. About another year afterwards.

Q. And the third child?

A. And the third the same.

Q. And the fourth child?

A. I cannot say if it was a year or two years, after the last one died.

Q. Are you certain that you have been married twenty-four years?

A. Yes, sir, I am.

0197

POOR QUALITY  
ORIGINAL

Q. There was three that died before this one was born, I understood her to say?

A. Three died before the eldest daughter was born.

Q. When was the fourth child born?

A. I cannot say; that is the best answer that I can give.

By The Court:

Q. She is sure that the complainant is not sixteen years old, is she?  
A. Positive that she is not sixteen years of age.

By Mr. LeBarbier:

Q. But you cannot say what year this child was born in, can you?  
A. She has been fifteen years in the month of last July.

By Mr. Macdonna:

Q. Who was with you when you went to the factory to try to see your daughter, anybody?  
A. I went with a younger daughter of mine.

By Mr. LeBarbier:

Q. That child just before this one is how old?  
A. The one before?

Q. Mariana, how old?  
A. She was thirteen years in the month of last December.

The Court: She has stated already that the child born before Mariana was seventeen years old.

MARCELLUS BARLATTO, sworn, and examined by Mr. Macdonna:

Q. Mr. Barlotto, where do you live?

A. No. 101 East 9th street.

Q. Where did you live in April last?

A. I lived there, the same address.

43 Q. Where do you do business?

A. In April last I was at 55 1/2 Mulberry street.

Q. In this city?

A. Yes, sir.

Q. Do you know the defendant?

A. Yes, sir.

Q. Did you see him on or about the 11th of April last, in your office, 55 1/2 Mulberry street, in this city?

A. Yes, sir.

Q. Did you have any conversation with him, concerning this case or of the girl, Peluso?

A. I did.

Q. Please state exactly what it was?

A. I don't remember exactly the words that were used.

Q. Give us the substance, as near as you can recollect; he came in first, didn't he?

A. Yes, sir.

Q. You hadn't sent for him?

A. No, sir, I hadn't.

Q. What did he say that he wanted you to do?

A. He wanted me to intercede with the family, that they should not press this charge.

Q. The family of Peluso?

A. Yes, sir; he ad-

mitted that he was guilty.

Q. What did he say when he admitted it?

A. He said that the girl was a bad one, that she had connection with other men, that he, too, had connection with her, something to that effect. I do not say those are exactly the words that he used.

Q. Did he say anything as to what you should say to the family when you went?

A. He told me that I should interfere in his behalf, not to press the charge. That, if there was any expenses in the case, that he would pay them.

Q. Did he say anything further to you, about money?

A. Well, he said, if there was any expenses in the case that he would be willing to pay any amount to get out of this case.

0199

**POOR QUALITY ORIGINAL**

CROSS EXAMINATION:

By Mr. LeBarbier:

Q. How long have you known the defendant?

A. I didn't know him at all, only knew him when we went away with Officer Price to arrest him, and found him on the roof, and he was pointed out to me as being Michele Pacciar-elli, and that is the only time I ever saw him.

Q. When was that? A. It was some time in April; I think, in the beginning of April.

Q. Can you state the date? A. I could not.

Q. Did you have any conversation with him, then, at the time of his arrest? A. Yes, sir.

Q. Did he tell you then, also, that he was guilty?

A. No, he did not, he said he was not guilty, he didn't know the girl.

By the Court:

Q. He said he didn't know the girl?

A. Yes, sir.

By Mr. LeBarbier:

Q. Any other conversation that you had?

A. I had several conversations with him.

Q. With him, at that time?

A. Yes, sir, at that time.

Q. What other conversation did you have with him?

A. That is about all the conversation I had with him; he denied knowing the girl at all.

Q. Did you speak to him in Italian or in English?

A. In Italian and in English, both. He speaks good English.

Q. Did you tell him what he was charged with?

A. I did.

0200

POOR QUALITY  
ORIGINAL

Q. And he said he didn't know the girl?

A. That's what he told me.

Q. Did you go to the station house with him?

A. I did.

Q. Do you know the complainant in this action?

A. Not the complainant; I know the father.

Q. The father of the girl?

A. Yes, sir.

Q. You have known him some time; have you?

A. Yes, I have known him some years.

Q. How long was it after this that you saw him in the office?

A. It was two or three days after he was arrested, I do not recollect the exact date, but two or three days after.

By the Court:

Q. You mean the defendant?

A. The prisoner.

Q. Two or three days after he was arrested, you saw the prisoner, in your office?

A. Yes, sir.

Q. The second time?

A. No, no; that was the first time, the counsellor means.

Q. You saw him first when he was arrested, and then, two or three days after, he came to your office?

A. Yes, sir. I don't believe it was the second time, because I saw him the same day, in court.

By Mr. LeBarbier:

Q. How long was it after his arrest that you saw him in your office?

A. Two or three days after he was

arrested.

Q. Had you told him to call upon you?

A. I did not.

Q. Had you ever known him before the arrest?

A. I did not.

Q. Had you given him your name?

46 A. I had given his boss my name.

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POOR QUALITY  
ORIGINAL

- Q. Had you given him your name? A. No, sir.
- Q. Where is your office? A. It was then at 55 1/2;  
I am at 50 now.
- Q. 55 1/2 what? A. Mulberry street.
- Q. With whom were you employed at that time?  
A. I was with Mr. Caponigri.
- Q. A money broker? A. Yes, sir.
- Q. Did you give him the name of Caponigri?  
A. Not him, no, sir.
- Q. How long were you with him? A. With whom?
- Q. With the defendant--- at the time of his arrest, in company  
with him? A. As long as it takes to go  
from Birmingham street up to the station house.
- Q. How long did it take? A. Five or six minutes, I  
suppose.
- Q. Did you enter the station house with him?  
A. Yes, sir.
- Q. Did you go up before the Judge? A. I did.
- Q. You had never seen him before; had you?  
A. No, sir.
- Q. Yet you went with the officer to identify him; did you not?  
A. I didn't identify him; no, sir.
- Q. How did you point him out, you said you pointed him out?  
A. I didn't say that.
- Q. After these five minutes, and when you left him there in  
the station house, you didn't see him before he called at  
your office, I understand you to say?  
A. No, sir; I saw him in the Tombs Police Court.
- Q. Did you see him from the time of his arrest, between that  
time and the time he called in your office?  
A. I saw him in the Tombs Police Court.

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POOR QUALITY  
ORIGINAL

Q. Was that in the meanwhile?

A. Yes, sir; it was after he was up in the station house, and the sergeant sent Officer Price down with him, to the Tombs Police Court, and I went down with him.

Q. Had you told him, up to this moment, your name?

A. I didn't.

Q. Did you give him the name of your employer?

A. No, sir.

Q. How long was it after you saw him at the Tombs that he called at your office, or rather your employer's office?

A. I said, two or three days after.

Q. What time of day was it?

A. I think it was

around noon-time.

Q. Was anybody there?

A. Yes, sir; Angene was there.

Q. Who is Angene?

A. Mr. Pacciarelli's employer.

Q. Is he here, in court?

A. I don't know whether he is here or not.

Q. Was he here yesterday?

A. I saw him here yesterday; yes, sir.

Q. He is one of the proprietors of that macaroni factory; is he not?

A. I believe he is.

Q. Don't you know that he is?

A. I don't know.

Q. What is the name of that factory?

A. The name is Angene, Leone & Co. It was that way, but I believe it has been changed.

Q. Was it that way in April, the time you saw this defendant?

Objected to.

Q. Was it Angene Leone, the man who called with the defendant in your office?

A. Yes, sir.

Q. Was anybody else there?

A. Mr. Caponigri was there.

48 Q. Did he hear the conversation?

A. He did not.

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POOR QUALITY  
ORIGINAL

- Q. Why not? A. They came in my private office.  
It is in the rear of the bank.
- Q. The conversation was carried on altogether in your private office, was it not? A. Yes, sir.
- Q. Did you there tell him anything further about this charge?  
A. I did not.
- Q. Did you speak about the charge at all?  
A. Well, they spoke about it.
- Q. Did you say you could do anything?  
A. I told them I would see the parents, and try and see whether they would not withdraw the charge; but I thought it was impossible, because the father was half-crazy over this matter.
- Q. Is it not the fact that, in that conversation there, you said to the defendant, if he gave you five hundred dollars you could settle the case?  
A. No, sir; they said something about five hundred dollars.
- Q. Five hundred dollars was mentioned?  
A. Yes, sir.
- Q. Then you said you would see the family?  
A. That's what I said, but not about the five hundred dollars.
- Q. You said you would see the family? A. I did.
- Q. Did you not tell him that you could take him to a lawyer; yes or no? A. I did not, he had a lawyer there.
- Q. Who was his lawyer? A. Man of the name of Gorman, I believe.
- Q. Did you say you would take him to the office of Blake & Sullivan?  
A. I did not. I couldn't say that,

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POOR QUALITY  
ORIGINAL

because Blake & Sullivan were counsel for the complainant.

Q. They were counsel for the complainant?

A. Yes, sir.

By Mr. Macdonna:

Q. Did you go over to Brooklyn with the defendant?

A. I did, with the defendant and Officer Barkley, of the Society.

Q. He was under arrest at the time?

A. Not with the defendant -- with the complainant; I went with the girl.

Q. And with Officer Barkley of the Society?

A. Yes, sir.

Q. Where was the number, 177 East 4th street?

A. Yes, sir; 4th street. I don't remember the number; it was near the river, the house of Mrs. Moore.

Q. You have seen her here?

A. Yes, sir.

Q. You had a conversation with Mrs. Moore?

A. Yes, sir.

Mr. LeBarbier: I move that the testimony of the last witness, on the question of going to Brooklyn, be stricken out, upon the ground that no time was specified, and, therefore, it is irrelevant and immaterial.

The Court: Motion denied. The testimony is in already, without objection.

Mr. LeBarbier: Note an exception.

ANN MOORE, sworn, and examined by Mr. Macdonna:

Q. Where do you live, Mrs. Moore?

A. Long Island City.

50 Q. What street and number?

A. No. 177 East 4th street.

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POOR QUALITY  
ORIGINAL

Q. How long have you lived there, Mrs. Moore?

A. Five years, next May.

Q. You rent rooms there; don't you?

A. I own the house.

Q. In the month of April last, did you rent a room to a man---  
the defendant will stand up----

Mr. LeBarbier: Objected, to, on the ground that it is long after  
the occasion of this abduction, in the month of April, and  
this is centering around the 7th of February.

The Court: I will allow it.

Mr. LeBarbier: Note an exception.

By the Court:

Q. Did you rent a room to the prisoner at the bar?

A. Yes, sir; to that man.

By Mr. Macdonna:

Q. This is the man who came to you, you had a conversation with  
him?

A. He came to me on a Sunday, and  
asked to see the rooms, and went up stairs and looked at  
them, and asked the rent. I told him eight dollars. He  
asked me if I would let them any less, and I told him no,  
that I could let them often since they had been vacated  
if I would take children. He said he got no children, but  
himself and wife.

By the Court:

Q. Nobody but himself and his wife?

A. Yes, sir.

By Mr. Macdonna:

Q. And did he pay you some money to secure those rooms?

A. He paid me five dollars deposit.

Q. On account?

A. Yes, sir; he asked for a re-  
ceipt for the five dollars.

Q. And you gave it to him?

A. Yes, sir.

Q. And then he went away from the house; did he?

A. He went away from the house.

Q. When did he return, Mrs. Moore?

A. I can't say, was it in April? I have been thinking over the thing.

Q. When did he return after this Sunday?

A. He came on the following Monday, he moved in with some furniture. And I asked him when he was going to move, and he told me on Wednesday, and then he moved on Monday. When I seen him moving up stairs I went up and asked him, "Why, I thought he was not going to move before Wednesday," and he said, "Well, he got off that day." So on Thursday, I saw a woman there; I occupied half the floor on the same floor he does, and occupied the floor down stairs. I had a bedroom up stairs, and went up to see him; when she saw me she opened the door, she came out on her back door, it is the rear part of the house that she occupied.

Q. They took a rear room? A. Three rooms.

Q. What time in the morning was it that you saw this woman come out of the room that this man had hired?

A. About nine or ten O'clock. Of course, I don't remember positively the time, because I passed no remark.

Q. Was he there in the room at the time?

A. That I don't know.

Q. Had that woman gone into that room the night before?

A. I don't know, sir. I hadn't heard them come in.

Q. You didn't hear them going in? A. No, sir.

Q. Is this the girl you saw out of that room? (Pointing to the complainant.) A. Yes, sir; she looked much older then, because she was kind of poorly clad.

Q. That is the girl? A. Yes, sir.

## CROSS EXAMINATION:

By Mr. LeBarbier:

- Q. Is your husband living? A. Yes, sir.
- Q. Have you a family? A. Yes, sir.
- Q. You have lived there about five years?
- A. Five years next May.
- Q. Do you rent rooms? A. No, sir; I own the house.
- Q. Do you rent rooms? A. Yes, sir.
- Q. How long have you been in the habit of renting rooms in that house? A. Going on four years.
- Q. Do you demand any reference when you rent your rooms?
- A. Yes, sir; I would like to know where parties comes from.
- Q. Did you demand any reference of the defendant?
- A. Yes, sir; I asked him where he came from, he told me he couldn't just remember the street; I asked him what he did, and he told me he was an engineer.
- Q. He said he was an engineer? A. Yes, sir.
- Q. You do not think, Mrs. Moore, that you may be mistaken?
- A. No, sir, I don't. I think that is the man.
- Q. You say he is the man, or you think he is the man?
- A. Well, I can't positively say to recognize him; as far as my belief is, he is the man.

By the Court:

- Q. According to your best judgment he is the man?
- A. Yes, sir, he is the man.

By Mr. LeBarbier:

- Q. Can you say that the defendant at the bar is the man that hired the room from you, by answering yes or no?
- A. As far as my best judgment-----

Mr. Macdonna: You are not required to answer yes or no.

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POOR QUALITY  
ORIGINAL

The Witness: As far as my best judgment is, he is the man.

By Mr. LeBarbier:

Q. Will you swear that the defendant is the man?

A. No, sir; I will not.

By the Court:

Q. But you will swear, to your best judgment?

A. To my best judgment, your Honor.

By Mr. LeBarbier:

Q. What month was it that this man came?

A. I can't say; I kept no record. The gentlemen that came to me, I told them that I haven't let them (the rooms) since.

Q. Have you had any conversation, since yesterday, with anybody about this case?

A. No, sir, not that I know of, unless the gentlemen asked me here in the court house---

Q. Did you hear testified yesterday that it was on the 7th day of February?

A. No, sir.

Q. Was it on that day that the defendant and this girl went there?

A. No, sir; the rooms were occupied then by another party.

Q. How long did these other parties occupy the rooms?

A. Before that?

Q. No. After the 7th of February, afterward, they were in it?

A. They were out on the first of May, before the month was up -- he was out before the month was out.

Q. On the 7th of February, 1892, these rooms that you speak of, the rear rooms, were rented out to whom?

A. To a wede lady.

Q. How long had she been in the house?

A. About eight months.

Q. Had you rented the rooms by the month?

A. Yes, sir.

Q. If she was there on the 7th of February, did she remain through the month of February?

A. No, sir; she moved the 18th of March, the day after Patrick's day. That I positively remember.

Q. And after the 18th of March-----

A. February, I mean to say, she moved in February.

Q. Now, then, how long was it after the 18th of February before you say the man that it seems is the defendant rented rooms from you?

A. That I can't say.

Q. Can you say it was a month or two months?

A. No, sir, it was not two months.

Q. Was it a month?

A. I can't say, the only thing I can say is, I thought of it here to-day, I had been planting the garden at the time---- whether it was March or April, it was the last of the month he took the rooms.

Q. But you cannot say that it was the month of April or May?

A. It was in either March or April.

Q. Either the last of March, when they moved out, was it, or the last of April?

A. It was in April, if they moved out, or else in May--- I can't say whether they moved into the rooms the first of April or the first of May.

Q. You know the defendant is charged with a very serious crime?

A. I suppose so. I don't want to go against him.

Q. With that recollection in your mind, realising the seriousness-----

A. He is the only man that rented rooms from this to now, and before: but only one lady; we occupy the rooms ourselves.

Q. After he went into the rooms, how long did he stay there?

A. He came and moved his furniture on Monday.

Q. Did he come alone?

A. No, sir; there was a man, who had the load of furniture, with him.

Q. When he came and made the agreement did he come alone?

A. Yes, sir; there was nobody with him.

Q. Can you say what day of the week that was?

A. That was on Sunday.

Q. Then he moved when, on Monday?

A. Yes, sir; the next day.

Q. Now, did he come alone?

A. I didn't see him come in at all, I heard him walk up stairs.

Q. Was any woman with him?

A. I can't say.

Q. Can you say whether there was or not?

A. I can't say.

Q. Did you see any woman in the house?

A. Not until Thursday.

Q. What time Thursday did this man, who resembles the defendant, as you say, walk with a woman?

A. I didn't see any woman.

Q. That was the first you saw of a woman, Thursday?

A. Yes, sir.

Q. In the morning, or afternoon?

A. I saw her in the morning, coming out of the room and going down stairs with a basket, and I went out in the afternoon myself, to the store; and I had been out maybe two hours, and when I came back, she stood on the stoop, and then I noticed her to be an Italian.

Q. Did you speak to her, in English?

A. Yes, sir; I said, "Good-evening."

Q. Did she answer you in English?

A. No, sir; she didn't answer me at all.

Q. You saw her quite frequently; did you or did you not?

A. Yes, sir, right at the door.

Q. You say she looked older than she does now?

A. Yes, sir; I took her to be a girl of seventeen or

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**POOR QUALITY ORIGINAL**

eighteen; I didn't know her age, I am not speaking about that; I only speak to what she looked like.

Q. Of course you don't know anything about the law of this State, concerning age?

A. I don't know anything about the parties.

Q. You don't know anything about the law of this State concerning age; do you?

A. No, sir.

Q. You say she was poorly clad?

A. Yes, sir.

Q. How was she clad?

A. She had an old shawl over her shoulders, and a calico dress; nothing on her head.

Q. Was anything covering her face?

A. No, sir.

Q. So you saw her face?

A. Yes, sir.

Q. Was her face older than it is now?

A. I don't know. I only just partly looked at the woman when I passed --- whether she was the woman was to live in the rooms, I had no idea. She didn't answer me.

Q. You didn't pay any attention to her face?

A. No, sir; I bid her good-evening, and passed in.

Q. Did you see her after that time?

A. Yes, sir; I had been in the garden -- I couldn't tell the month -- I thought it must be in May, I can't say.

Q. Was she in the garden?

A. No, sir.

Q. The first time you saw this girl, you say, was in the hallway?

A. Coming out of the rooms, into the hall.

Q. And that then you did not observe her closely; did you?

A. No, sir.

Q. When was it, after that, that you saw her?

A. That same afternoon.

Q. Where?

A. On the stoop.

Q. Did you observe her face?

A. No, sir, more than bidding her good-evening, and pass-

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POOR QUALITY  
ORIGINAL

ed in; she didn't answer me.

Q. From observing her on those two occasions, could you have identified her afterwards?

A. Well, I think I couldn't. Those two gentlemen took her to the room; but she is the same girl that I have seen here to-day that those two men have taken.

Q. After that second time when you saw her, when was it you saw her again?

A. I haven't seen her from the time I looked out of the window -- I heard one of the men go out and close the door; I lived then on the ground floor, and I went to the front room and raised the window and I looked out, and I saw the two go up the street. That's all I ever saw -- a man and woman, their backs were turned to me.

By Mr. Macdonna:

Q. This man?

A. I don't know, sir; they simply passed out of the stairs, going out of the front door.

By Mr. DeBarbier:

Q. How long was that girl in your house?

A. She moved in there whatever Monday he took the rooms. The Thursday after I seen her come out of the rooms. She has not been many nights in the house, because there was a pad-lock on the door when he put in his furniture.

Q. How long do you think she was there?

A. I don't think she was there more than four or five times altogether.

Q. Do you think she remained a week, after that Thursday?

A. I kept no record at all of her being in the house. He took the rooms on Monday. Either that day week, or Tuesday, or the next day, I heard him walk up stairs, over my head. I lived down stairs.

58 Q. You didn't see them up stairs, though?

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POOR QUALITY  
ORIGINAL

A. I went up stairs.

Q. Did you see them?

A. I knocked on the door, and the man opened the door.

Q. Now, then, how long did they stay in your house after that?

A. I couldn't tell you how many days they have been, but I don't think they were more than a night or two from that until they moved their things away altogether. There was a pad-lock on the door, and, of course, when the door was locked on the outside, they couldn't get in there.

Q. Did you rent that room after they left?

A. No, sir.

Q. It hasn't been rented since?

A. I occupy them myself.

Q. Did you have any other rooms rented in that house?

A. The top floor.

Q. Double rooms, were they?

A. Floors, but I occupied the front myself. There is water in the back and front; there are four bed-rooms off the sides.

Q. I mean to say rooms for couples or single?

A. No, sir, I never let out single; I let out three rooms; I occupy the front myself, down stairs, floor.

Q. You never let out single rooms, you say?

A. No, sir.

Q. You spoke about being in the garden?

A. I was in the garden, and she sat by the window, and I seen her.

Q. Now, what time, do you think, what month, can you say, that was?

A. Positively I can't say, was it April or was it May -- that I can't tell.

Q. I ask you, has her face changed to this day from what you had seen her?

A. She looks much better.

Q. In what way?  
better.

A. She looks fatter, and much

By Mr. Macdonna:

Q. Regular living?

A. Yes, sir.

By Mr. LeBarbier:

Q. Are you prepared to say she is the same girl?

A. She is the girl the gentlemen took me to me, and asked me if I recognized her.

Q. Will you say that is the girl who remained in your place?

A. No, sir; I will not.

By the Court:

Q. To the best of your judgment is it?

A. To the best of my judgment it is.

FRANK S. PRICE, sworn, and examined by Mr. Macdonna:

Q. Officer Price, you are attached to what precinct?

A. The 29th precinct, now.

Q. And do you remember, on the complaint of the mother of the Peluso girl, arresting the Peluso girl and this defendant at the bar?

A. Yes, sir.

Q. Where did you arrest them?

A. At Birmingham street, No. 4, I think the number is.

Q. In a macaroni factory?  
him in the macaroni factory.

A. I didn't arrest

Q. You went to the macaroni factory?

A. Yes, sir.

Q. What time of day was it?

A. About eleven o'clock.

Q. On what day?

A. It was on a Saturday, I think the 9th of April.

Q. Who did you arrest first?

A. I first went up

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POOR QUALITY  
ORIGINAL

the girl's sister-in-law, to identify her, I think. I fetched her down and brought her to the mother, her mother was down in the street, I brought her down three flights and left her with her mother, and went up to the macaroni factory again to see if this man was there, this defendant. I went all the way to the roof, the scuttle on the roof was open; I didn't see anybody. I asked the boss where he was.

Q. You had a conversation with the boss?

A. Yes, sir; I had a conversation with the boss, and the boss said he was around -----

Q. You got no information from the boss as to where he was?

A. No.

Q. You went out on the roof and looked for him yourself?

A. Yes, sir. When I got on the roof I didn't see him, but I saw the way he could jump to the other roof; I didn't want to jump it, the other roof was about eight feet lower. I went down the street, I went down to the third tenement house, and went up on the roof there, and he was behind the chimney.

Q. On the third house south of the factory?

A. Yes, sir.

Q. In what position was he when you found him?

A. Sitting down, he was crouching behind the chimney.

Q. Had you known him before you arrested him?

A. No.

Q. You had a conversation with the boss, on what floor?

A. On the ground floor.

Q. When you went up stairs did you have the girl with you, to identify the prisoner?

A. I did not.

Q. Did you go up alone?

A. No, Mr. Barlotto was

61 with me.

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POOR QUALITY  
ORIGINAL

- Q. Did you go up on the roof? A. Yes, sir.
- Q. Had you anybody, besides Mr. Barlotto, with you on the roof?  
A. No, sir.
- Q. Had you spoken to anybody beside the boss before going up on the roof?  
A. There was a girl could talk English, up on the third floor; she talked English.
- Q. Because of her talking to you, did you go up on the roof?  
A. No, she didn't know nothing. I saw the scuttle open, and I went up.
- Q. When you got on the roof, did you see the defendant?  
A. On the roof of the factory?
- Q. Yes? A. No, I did not.
- Q. You walked over on the roof, did you?  
A. I walked over to the edge of the building, the factory.
- Q. Then there is a lower house there? A. A lower house.
- Q. Did you see the defendant there?  
A. I didn't see him then.
- Q. Did you go back? A. I came back.
- Q. So that you hadn't seen him at all, at this time?  
A. Not up to that time I hadn't seen anybody on the roof.
- Q. When did you go to Officer Barlotto?  
A. No, I came right down stairs then. Barlatto was there, and I said, "I think he is on the other roof, come up with me," and he went up with me.
- Q. Did you go up on the other roof?  
A. I went up on the roof of the tenement house, two or three houses below.
- Q. Did you find him there? A. Yes, sir.
- Q. Did you say anything to him? A. I placed him under arrest and told him I wanted him to come to the station house; he said, "Let me go in and see the boss;" I said,

"I have no time for bosses, I want you to come to the station house."

Q. Was Barlot to with you at the time? A. Yes, sir.

Q. Was there any other conversation that you had with the defendant? A. No; no other.

Q. Did you take him down into the factory?

A. I took him down into the street, I didn't let him get into the factory.

Q. Then you took him to the station house?

A. Yes, sir.

Q. Did you have any conversation about the crime charged?

A. No, sir; they were all chattering, the mother and this girl and him, they were all chattering, in Italian; I couldn't tell what they were saying.

Q. Where did you take him from the station house?

A. To the Tombs court.

Q. Did you have any conversation with him?

A. No.

Q. Or any conversation with him since? A. No, sir.

Q. Was Barlot to with you when you arrested him?

A. Yes, sir.

Q. And did he continue with you in the station house?

A. Yes, sir.

Q. And was he with you at the Tombs? A. Yes, sir.

Q. Was he bailed at the Tombs, after the examination?

A. The court was closed; we went back, I took him down there Sunday morning, and he was committed, and I understood he was bailed afterwards; I don't know.

Q. Did you go to Pittsburgh, on the extradition papers, to bring him back, when he forfeited his bail and went away?

A. No, sir.

Objected to.

Objection sustained.

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POOR QUALITY  
ORIGINAL

SEPEAPHINE BUCCIVRI, sworn, and examined by Mr. Macdoma,  
through the interpreter.

- Q. Do you know this defendant? A. Yes, sir.
- Q. Do you know Mr. Barlatto? A. Yes, sir.
- Q. Do you know where Barlatto's office was, in April last?  
A. Yes, sir.
- Q. What number? A. 155 1/2 Mulberry street.
- Q. Do you know a man named Angene? A. Yes, sir.
- Q. The employer of this man? A. Yes, sir.
- Q. Do you remember when this man was arrested?  
A. I don't remember the date.
- Q. You remember about his being arrested?  
A. Yes, sir.
- Q. Do you remember, two or three days after he was arrested,  
seeing him and Angene in the office of Barlotto at 55 1/2  
Mulberry street, in this city? A. Yes, sir.
- Q. Did Angene and this man, and Mr. Barlotto, while you were  
there, go back into the back office alone?  
A. No, sir; I looked out of the window; I seen Angene  
and Michele Pacciarelli went into Barlotto's office.
- Q. You only saw them go in? A. Yes, sir.

CROSS EXAMINATION:

By Mr. LeBarbier:

- Q. Did you see them go in the front door?  
A. Yes, sir.
- Q. You were where? A. At the window, just across  
the way.
- Q. And you saw the defendant, and Angene, the boss of that  
factory, go into this office together?  
A. Yes, sir.
- 64 Q. After that did you see them? A. I saw them go out.

Q. You saw them come out? A. Yes, sir.

Q. But you didn't hear any conversation?

A. No, sir.

Q. Or see them go into any back office?

A. No, sir; I saw them go into the office, but I didn't see whatever they done in there.

Q. When you saw them go into the office, did you lose sight of them? A. No, sir.

By The Court:

Q. You didn't see them after they got in the office; did you?

A. Oh, no.

By Mr. LeBarbier:

Q. How long have you known Angene?

A. I never knew him, only I knew him-----

Q. Where did you first meet Angene?

A. In his place there, the factory.

Q. Did you ever work there? A. No, sir.

Q. When did you first meet him? A. The day Angelino Peluso and myself came over to the office and took Mariana; first we went over and took Mariana away, and Michele Pacciarelli came up and he says, "Let us alone, she is my wife," or whatever he said.

Q. What day was this? A. The day we got him arrested.

Q. The day you got him arrested, he said, "She is my wife?"

A. Yes, sir.

By the Court:

Q. That is, the defendant said, "Let us alone, she is my wife?"

A. Yes, sir; and he says, "She has got my gold watch in her pocket; let her come in."

By Mr. LeBarbier:

Q. What day was this? A. The day we got him arrested.

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POOR QUALITY  
ORIGINAL

Q. This was just before he got arrested?

A. Yes, sir, just the same day, in the morning.

Q. You were at the factory?

A. Yes, sir; with Angelino Peluso.

Q. Did you see him under arrest?

A. Yes, sir.

Q. Did you see the officer go up to him?

A. Yes, sir.

Q. Where did the officer arrest him?

A. At the roof.

Q. You did not follow him on the roof?

A. No, I was waiting down -----

Q. Did the officer come down with him?

A. Yes, sir.

By Mr. Macdonna:

Q. Do you remember the officer coming down and bringing down the girl, first, and giving her to her mother?

A. No.

Q. The officer did not come down first with Mariana when he went up into the factory, Officer Price?

A. No; Mr. Barlatto took Mariana Peluso, and Price took the defendant.

Q. Did he bring down Michele Pacciarelli from the factory or from another house?

A. From the factory.

Q. You are quite certain about that; are you?

A. Yes, sir.

Q. When the officer says he didn't bring him down from the factory but that he got him on another house, two or three doors away -----

A. I saw him, he went in the factory, and he went through the roof, I didn't see the regular door, wherever he went or anything.

Q. You don't know how he got out?

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**POOR QUALITY  
ORIGINAL**

A. No, sir; we were waiting outside.

Q. Did he not go on the street with Price, where you were all chattering?

A. Yes, sir.

Q. You don't know whether Price came down out of the factory, or whether he came down out of another building?

A. No, sir.

Q. All you know was he came there, and had Michele with him?

A. Yes, sir.

By Mr. LeBarbier:

Q. You saw the officer go in the building?

A. Yes, sir.

Q. Did you see him go in alone?

A. Yes, sir; with Mr. Barlatto.

Q. Now, then, was that the first time the officer went into the building?

A. Yes, sir, that was the first

time.

Q. How long did he stay in the building?

A. About half an hour; he was looking all around.

Q. Did you see him come out of the building?

A. Certainly we did.

Q. You saw him come out of the building; did you?

A. Yes, sir.

Q. When he came out of the building did he have Michele Pacciarelli with him?

A. Yes, sir.

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

A. No, sir; no mistake.

By the Court:

Q. The detective says he went out of the building and went up in another building, and behind the chimney he found the prisoner; all you know is what he told you?

A. Yes, sir, I only saw him when he was brought on the

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**POOR QUALITY  
ORIGINAL**

street; I don't know where they brought him from.

By Mr. LeBarbier:

Q. Did you see him brought out of the factory by the officer?

A. No, sir; we was waiting outside; we saw Michele Pacciarelli, and the officer brought him out.

Q. Did he come out of the factory?

A. I ain't sure of it, whether it was the next door or the factory; I seen it was just next to it.

Mr. Macdonna: That is the case for the People.

THE CASE FOR THE DEFENCE.

Mr. LeBarbier: I ask your Honor to direct the District Attorney to elect upon which count he will go to the jury.

The Court: I deny the motion.

Mr. LeBarbier: I ask that the count for rape be taken from the jury, on the ground that there is no corroboration.

The Court: I will submit this case to the jury on the second count of the indictment -- the crime of perpetrating an act of sexual intercourse with a female, under the age of sixteen years, not his wife.

Mr. LeBarbier: I submit to your Honor that on that count there is no corroboration.

The Court: I deny your motion.

Mr. LeBarbier: Note an exception.

Mr. LeBarbier opened the case for the Defence.

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POOR QUALITY  
ORIGINAL

CAROLINE RUSSO, sworn, and examined by Mr. LeBarbier:

- Q. You are an Italian; are you not? A. Yes, sir.
- Q. What is the name of your husband? A. Lasaruo.
- Q. Where do you live?  
A. 108 Mulberry street, in this city.
- Q. Did you ever live at 71 Mulberry street?  
A. Yes, sir.
- Q. Did you live there in the month of February, 1892?  
A. Yes, sir.
- Q. Did you ever work in the macaroni factory at that time?  
A. Yes, sir.
- Q. Do you know where that factory was?  
A. I don't know the name of the street.
- Q. Do you know Mariana Peluso? A. Yes, sir.
- Q. Is that the girl (pointing to the complainant)?  
A. Yes, sir.
- Q. Did you ever work with her in that factory?  
A. Yes, sir.
- Q. Did she live in the same house that you did?  
A. Yes, sir.
- Q. On what floor did you live?  
A. We lived on the first floor, and they lived on the top floor.
- Q. Did you go to work with Mariana, in the mornings, to the factory?  
A. Yes, sir; and we came back in the evening together.
- Q. And was that done every day? A. Every day.
- Q. Do you recollect that the defendant was arrested, early last year?  
A. I remember that he was arrested, but I don't remember the day.
- Q. Can you recollect whether you and Mariana, down to that time, went to the factory together and returned?

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POOR QUALITY  
ORIGINAL

A. We went together to the factory up to the date, always, that the defendant was arrested.

Q. Did you ever go to that factory on a Sunday?

A. Never.

Q. Do you know Angene, the boss?

A. Yes, sir.

Q. Did he ever give you a key, on any Saturday, telling you to come back on a Sunday to turn over the paste?

A. He never gave me the key of the factory, and we have never been there on a Sunday.

CROSS EXAMINATION.

By Mr. Macdonna:

Q. When were you married, what year?

A. I was married on the 17th of June, last year; I have been married for seven or eight months.

Q. How long is your child dead?

A. My baby is alive.

Q. How long after you were married was the baby born?

A. Seven months.

Q. What became of your husband, Lasaruo, after the child was born?

A. He went afterwards to work at Pittsburgh.

Q. Was it on account of the promptness of the arrival of the heir that he left?

A. He was not afraid of anything; but found work there and went to Pittsburgh.

Q. When?

A. I do not remember the month when he went.

Q. Has he sent for you since he went away?

A. He did.

Q. Did you go?

A. No, sir; I didn't go.

Q. Where is your child now?

A. At my home.

Q. You have been down here two days, in this case, haven't you?

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POOR QUALITY  
ORIGINAL

A. This is the only day that I have been here.

Q. You have been here all day; haven't you?

A. Yes, sir.

Q. And how old is your baby? A. Two months old.

Q. And who is nursing the baby? A. My mother has got the baby; I nurse the baby but my mother is holding it now.

Q. Did she testify that she was in the factory on this Sunday or any Sunday? A. I have never been in that factory on a Sunday.

Q. Never was in that factory on a Sunday?

A. No, sir, I never have been on a Sunday.

Q. Do you know a man named Angene?

A. I know him; he is the boss.

Q. Isn't it true that, on the Sunday testified to by Mariana, she, the witness, was down stairs, on the first floor of that factory, having connection with Angene, the proprietor of that place, while the defendant and Mariana were up stairs?

A. I repeat that I have never been there on a Sunday.

Q. Any other day -- ask her about that again, repeat it to her?

A. I had nothing to do with Angene.

Q. Ask her, was she ever in that factory when Angene and this defendant and Mariana were there, and nobody else was in it?

A. No, sir.

Q. Tell her that we would like to have her here Monday morning, with the two months old baby?

A. She will bring the baby.

MARIANA PELUSO, recalled by the Court:

Q. Is this the girl Caroline who went that Sunday with you to your employer's place of business?

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POOR QUALITY  
ORIGINAL

A. She is the same girl that came and called at my house.

Q. And you went with her that Sunday to the place where the macaroni was made?

A. Yes, sir; we did; she came and called at my house.

Q. And went with you that Sunday? A. Yes, sir.

CAROLINE RUSSO, recalled by Mr. LeBarbier:

Q. You have heard her statement; you say that is not true, do you not? A. It is a lie -- she can say

whatever she thinks proper, but on a Sunday I never have been in that place.

LINA PACCIARELLI, sworn, and examined by Mr. LeBarbier:

Q. Are you the wife of the defendant? A. Yes, sir.

Q. Have you any children? A. Yes, sir.

Q. How many have you? A. Two.

Q. How old are they? A. I have a little girl, she is three years of age; and a little boy, he is a year and a half old.

Q. Have you always lived with your husband from the time of your marriage? A. Yes, sir.

Q. Down to what date? A. Dow to the 9th of April.

Q. Where did you live? A. I live No. 22 Spring street

Q. During all that time? A. Yes, sir.

Q. Does your husband sleep with you every night?

A. Yes, sir.

Q. No doubt in your mind at all about that?

A. No, sir.

Q. Why did you not sleep with him on the night of the 9th of April?

A. Because he was arrested.

72 Q. When did he return to you? A. The 10th of April.

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POOR QUALITY  
ORIGINAL

- Q. The following day? A. To the third of May.
- Q. The 10th of April was the following day?  
A. Yes, sir.
- Q. Did you sleep with him that night? A. Yes, sir.
- Q. And did you continue to sleep with him, every night?  
A. Yes; sir; every night.
- Q. Without interruption? A. Without interruption or anything.
- Q. Down to what date? A. Down to the 3rd of May.
- Q. When, after that, did you sleep with him, after the 3rd of May?  
A. About the 20th of May again.
- Q. Where was it then you slept with him?  
A. In Chicago.
- Q. On the third of May, 1892, did your husband go to Chicago?  
A. Yes, sir.
- Q. You are certain about that? A. Yes, sir.

CROSS EXAMINATION:

By Mr. Macdonna:

- Q. Now, you testified that you always lived with your husband, since you were married? A. Yes, sir.
- Q. Ever since you were married, every night he slept with you, except the night he was arrested? A. Yes, sir; except the night he was arrested.
- Q. You said all this occurred at Spring street, in this city--- that is where you lived? A. Yes, sir.
- Q. Where was your husband on the 27th day of June, 1892?  
A. He was in Pittsburgh.
- Q. Were you in Pittsburgh with him? A. Yes, sir.
- Q. Did you go to Pittsburgh after him? A. Yes, sir.
- Q. How long ahead, had he got to Pittsburgh?

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POOR QUALITY  
ORIGINAL

went with him to Pittsburgh.

Q. Did you ever see that young lady before (pointing to the girl Giaccia)?

A. Yes, sir; I seen her before.

Q. Where did you see her?  
three months ago, in Pittsburgh.

A. I saw her about

Q. This husband of yours, who has slept with you every night since you were married--during all these three years he has been a faithful, loving husband?

A. Yes, sir.

Q. He couldn't be better? A. He couldn't be better.

Q. And you never had any cause of complaint?

A. I have never had any trouble at all.

Q. You never said to anybody you had? A. No, sir.

Q. Did you ever see that man (pointing to a man in court)?

A. Yes, sir.

Q. Where did you see him? A. In New York, I knew him.

Q. Did you ever see him anywheres else?

A. No, sir, I didn't see him anwhere else, because I know him, because he was a neighbor, living in my mother's yard; I never had anything to do with him.

Q. You never spoke to him about your husband; did you?

A. No, sir.

Q. Or about his daughter? A. No, sir.

Q. Do you know whether your husband went to Pittsburgh, because-----

Objected to.

Objection overruled.

Q. Do you know why?

A. Yes, sir.

Q. Why?

A. He went because for work, he had a good job over there, that is the reason --- in Chicago he could

not get a good place.

Q. It was not because he was called here, in this court, to be tried for this crime? A. What do you mean by this?

Q. This particular thing that is here now ---don't you know that his bail was forfeited in this court, and he fled the jurisdiction? A. Yes, sir.

Q. And that he had to be extradicted?

Objected to.

The Court: They have a right to show that he ran away; you may disprove it.

Mr. LeBarbier: We claim he did not run away.

Mr. Macdonna: We will produce the papers.

Q. You know why he left; don't you?

A. Because he didn't want to stay in New York, on account of he hadn't lived good, but he went to Chicago, and I went after this, eleven days after, to Chicago, and from Chicago we went together to Pittsburgh.

Q. It was because he was indicted and skipped his bail he ran away? A. I don't know; I think so.

Q. Now, will you tell us what conversation you ever had, if any, with that lame man whom I produced here, concerning your husband?

Objected to.

Objection sustained.

By Mr. LeBarbier:

Q. Do you know why your husband went to Chicago?

A. Yes, sir.

Q. Can you state why he went to Chicago?

A. You mean how many days after?

Q. Why did you go there?

A. Because he went for

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POOR QUALITY  
ORIGINAL

- Q. He went there for work? A. Yes, sir.
- Q. Do you know that he was told to go to Chicago? You can say yes or no? A. I don't know.
- Q. Do you know Angene? A. Yes, I do know Angene.
- Q. Now, I repeat, do you know whether or not he was told to go to Chicago? Yes or no.  
A. I don't know.
- Q. He didn't find any work in Chicago; did he?  
A. No, sir.
- Q. And from there he went to Pittsburgh? A. Yes, sir.
- Q. And he did find work there; did he not?  
A. Yes, sir; he did find work.
- Q. It was work under contract; was it not?  
A. Yes, sir.
- Q. Do you know the parties with whom he worked?  
A. Yes, sir.
- Q. What are their names?  
A. Bonastile & Bisi.
- Q. And was he working down to the time when he came back to New York?  
A. Yes, sir.
- Q. And you were with him? A. Yes, sir.
- Q. You say you knew the girl Giaccia?  
A. Yes, sir.
- Q. You know her as a married woman; do you not?  
A. Yes, sir.
- Q. Do you know her husband? A. I don't know her husband; I never seen her husband.
- Q. She told you she was married?  
A. Yes, sir; she told me she was married.

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POOR QUALITY  
ORIGINAL

MICHELE PACCIARELLI, sworn, and examined by Mr. LeBarbier

Q. You are the defendant in this action?

A. Yes, sir.

Q. How old are you?

A. Twenty-three.

Q. You are a married man, the last witness was your wife,  
and you have two children?

A. Yes, sir.

Q. Have you always lived with your wife? except the times that  
have been mentioned here?

A. Yes, sir.

Q. Did you work in the factory of Angene, Leone & Co., in this  
city?

A. Yes, sir.

Q. When did you work there?

A. I worked since they put up the shop the first time.

Q. You worked under contract there, did you not?

A. Yes, sir.

Q. At so much per barrel?

A. Yes, I worked

there, and worked some places else, at so much per barrel,  
in another shop, in another factory, I used to do like that.

Q. When was it he first commenced working with Angene?

A. I think, 1890, three years ago; I don't remember; I  
think so.

Q. Did they have girls in that factory?

A. Yes, sir.

Q. How many?

A. Oh, there was about six or seven.

Q. How many girls were working there in the month of February,  
1892?

A. Since he put up his factory?

Q. No. In February, 1892, how many girls were working there?

A. There was seven girls and one boy.

Q. You were superintendent of that factory?

A. Yes, sir.

Q. You heard the complainant's statement, yesterday, about the  
girls being there; did you not? She said there were only

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POOR QUALITY  
ORIGINAL

three girls in the month of February?

A. I know better -- I was superintendant-- there was six or seven girls there.

Q. You know better, because you were superintendent?

A. Yes, sir.

Q. Did they work on every floor?

A. Every floor was occupied, three people on each floor.

Q. On the 7th of February, 1892, which was Sunday, did you go to the factory with Angene?

A. No; we didn't need to go to the factory on Sunday.

Q. Did you go there?

A. No.

Q. Were you there at any time on that day with Mariana Peluso?

A. No, nothing of the kind.

Q. She says that she went there with Caroline, that Caroline had the key and opened the door and went in, that they locked the door after they were there, and that you came in with Angene, that you found them on the first floor, and that you took Mariana up to the fourth floor, and had connection with her on that floor?

A. No, never do nothing of the kind. In another shop there was twenty girls --- I never was a man to do such a thing.

Q. You never did that with her on any occasion; did you?

A. No, I was in Pittsburgh, and I took a girl out of the shop-----

Q. That when you got there, or, rather, just before you did this to her, you gave her your watch; is that so?

A. Oh, no; they stole my watch, a gold chain and silver watch, and locket.

Q. That you came down stairs, and that you went out with Mariana, and that you took her then immediately to Brooklyn?

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POOR QUALITY  
ORIGINAL

A. Nothing of the kind.

Q. That you went to the house occupied by Mrs. Moore, and that there you engaged rooms?

A. This is the first time I saw Mrs. Moore, here in court.

Q. This is the first time?

A. The first time I ever saw her.

Q. No doubt in your mind; is there?

A. No, sir.

Q. Mariana says you kept her there a week?

A. Nothing of the kind.

Q. When were you arrested?

A. I was arrested on the 9th of April.

Q. Mariana says that on that Sunday you took her to Brooklyn, and that the following Saturday you were arrested; is that true?

A. That I took her on the Sunday

after I was arrested?

Q. No. On Sunday, the 7th, she says you took her to Brooklyn, and that on the following Saturday you were arrested?

A. No, sir.

Q. That is not true?

A. No.

Q. You were not arrested until the 9th of April?

A. The 9th of April.

Q. Where were you arrested?

A. I was arrested right

up on the roof.

Q. You heard the testimony of Officer Price here to-day, in this court?

A. Yes, sir.

Q. He says that, on the adjoining roof, behind a chimney, you were crouching, and he arrested you; is that so?

A. No; I was just at the end of the pipe, the water pipe comes on the roof, I was standing near the pipe fixing it up, I had to fix that pipe, it was leaking through the building, inside the building.

Q. Did you run up on the roof to get away from any officer?

A. No; I didn't have any business to run away.

Q. Did you know that the officer was after you on the 9th of April?

A. No, I never suspected anything of the kind; because I didn't do anything.

Q. You heard the testimony of Mrs. Peluso, on the witness-stand, today; did you?

A. Yes, sir.

Q. She says that she had known you, I think, for two or three days before she went to see you at the factory. Did she see you at the factory?

A. No.

Q. Did she ever, at any time or anywhere, have any conversation with you about her daughter?

A. I don't understand the lawyer, explain it again.

Q. Mrs. Peluso says that you sent somebody, a man, around to her house?

A. No.

Q. That then she came to your factory, and the first thing you said was, "I seduced your daughter, but I will marry her on the Brooklyn Bridge." What have you to say to that? Did you say that?

A. No, sir, I never saw her; maybe she was in the shop, and I was up stairs.

By the Court:

Q. You never saw the mother in your life?

A. No.

By Mr. LeBarbier:

Q. You saw her today?

A. I saw her to-day; I saw her here, but not in the shop.

Q. Were you always in any particular place in that factory, or up and down, on every floor?

A. I was up and down, on every floor.

Q. And if she did come, she didn't see you?

A. No; because maybe I was on one floor, and she be down stairs.

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POOR QUALITY  
ORIGINAL

Q. On the 9th of April you were arrested; and released the following day? A. Yes, sir.

Q. Did you remain in the city of New York -- until what time?

A. Until the 1st of May.

Q. And did you go to Chicago then? A. Yes, sir.

Q. In the meanwhile, had you been indicted -- that is to say, brought up to this bar and asked whether you were guilty or not guilty? A. No.

Q. Had you been brought down here, to court, do you recollect?

A. No.

Q. You did not plead until January 6, 1893?

A. Yes, sir.

Q. Now, why had you gone to Chicago?

A. I went to Chicago because the bondsman I had come down and pled, whether I was guilty or not guilty, but I told the owner of the property that I didn't know anything of the matter; he went bonds for me, and he says, "I will fix everything all right," and then I was brought to the lawyer, and the lawyer told me I had to come on a Monday, and then the bondsman says, "I will fix the matter; you can go," because I used to tell the owner of the property all the time what I have been in such trouble for, if I didn't do anything.

Q. Who was the owner of the property? A. Angene.

Q. Angene told you you could go away? A. Yes, sir.

Q. And you did go away, for the reason that he said he would attend to this matter, and you went to Chicago?

A. Yes, sir.

Q. And there you obtained no work; did you?

A. No, I was there for fifteen or sixteen days.

Q. And then you went to Pittsburgh? A. Yes, sir.

- Q. Did you get work there? A. Oh, yes.
- Q. You wroked there for some time?
- A. Yes, I worked for five or six months.
- Q. In the meanwhile, please state whether or not you were requested to come back to New York, by Angene?
- A. Yes, sir.
- Q. Did you come back? A. I did come back.
- Q. I mean to say, was there any question of trouble about girls with Angene, that you would not come back?
- A. Of course, because I didn't do anything; they arrested me.
- Q. Was there any question about females in the factory, about your coming back? A. No.
- Q. Then why did you not come to New York, when Angene requested you to come to New York?
- A. I didn't come to New York, because I send word to Mr. Angene that I didn't want any female in the shop. So the contract I had in Pittsburgh put the female out, because, I says, there being such trouble -- I didn't do anything.
- Q. You didn't want anything to do with females?
- A. Yes, sir.
- Q. Did Angene agree to that?
- A. Angene said he wanted to have females in the shop, the same as they used to.

Mr. Macdonna: I move to strike that answer out, as not responsive.

The Court: What Angene said is nothing more than hearsay testimony---however, it is in now. It is not proper to give conversations in that kind of way, unless it is given under the sanction of an oath. It is in, and let it stay in, for what it is worth.

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POOR QUALITY  
ORIGINAL

By Mr. LeBarbier:

Q. Did they send any warrant to Pittsburgh, to bring you back on a warrant? A. Yes, sir.

Q. Did you see Angene when you got back?

A. Yes, sir; I saw Angene when I got back.

Q. Where did you see him? A. I seen him down stairs.

CROSS EXAMINATION:

By Mr. Macdonna::

Q. Now, when you went away from Angene, in May, there was work going on there; was there not?

A. Yes, sir.

Q. You went away to get employment elsewhere, you went to Chicago to take a place; didn't you?

A. I went by his order.

Q. He sent you to Chicago? A. Yes, sir.

Q. There was work going on in the Birmingham street factory all the time; was there not? A. Yes, sir.

Q. All the time you were his superintendent, and he sent you to Chicago? A. Yes, sir.

Q. You stayed in Chicago fifteen days, without being able to get anything to do? You left Angene's factory full of people and full of work, and you went, by Angene's instructions, to the city of Chicago? A. Yes, sir.

Q. To look for work; you were fifteen days, and you could get no work; is that true? That is what you swore to already, I don't know whether it is true or not.

A. Angene told me that, to go, he said he can attend to his business.

Q. And he wanted you to go to Chicago, and you went to Chicago?

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A. Yes, sir.

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POOR QUALITY  
ORIGINAL

Q. You were there fifteen days without any employment, didn't get any work? A. No.

Q. Will you explain to the jury why it was that you should allow Mr. Angene to send you out of this town away a thousand miles -- what did you go that thousand miles for?

A. Because Angene told me that.

Q. But why do you suppose he told you-- what did you want to get out of town for?

He wanted to get me out of town because I told him many times I was not a man to do such a thing; he went bonds for me, he said, "I will fix everything myself, and you can go in Chicago."

Q. And that is the only reason you went to Chicago?

A. That's the only reason -- I never was in the court before.

Q. Did you ever see that young lady before (pointing to the Graccia girl)? A. Yes, sir.

Q. Did she work in the factory? A. Yes, sir.

Q. Did you see her in Pittsburgh? A. Yes, sir.

Q. You don't know how she got to Pittsburgh; do you?

A. No.

Q. You brought her there to get her work?

A. No, nothing of the kind. If you want me to explain it, I will explain it to you.

Q. What day did you see her in Pittsburgh? What time of the year, what month? A. I don't remember; I was

fifteen days in Chicago and then I went to Pittsburgh--- may be I saw her, I don't know the month; if it was after that, I can't tell that; I was working in a shop.

Q. Did Angene ever ask you to come back in the shop? Didn't he send ~~for~~ you, and ask you to come back -- answer that

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POOR QUALITY  
ORIGINAL

question?

A. My wife was in New York, and visited his people---his family.

Mr. Macdonna: I move to strike that out.

By the Court:

Q. Did Angene ask you to come back?

A. Angene told my wife that he wanted me back, and my wife told me. I sent word to my wife to tell Angene I wouldn't work for him unless he took females out of the shop. I had so much trouble -- I never used to do such a thing.

By Mr. Macdonna:

Q. You did hear from Angene -- you heard Angene wanted you to come back to New York, and you didn't come?

A. No. He went to the house, and asked for my wife; my wife was out.

Q. You heard from Angene that he wanted you to come back to New York; didn't you, yes or no?

A. Of him, no.

By the Court:

Q. Your wife told you that Angene wanted you to come back, your wife wrote to you?

A. Yes, sir.

By Mr. Macdonna:

Q. You were married in this city, your wife was living here, and your two children were in this city?

A. Yes, sir.

Q. And you want this jury to understand that Angene had power enough, by simply telling you to do it, to send you away a thousand miles, and when he wanted you to come back he was not powerful enough to bring you back? (To the Inter-

85

preter: See if you can't explain that to him.

0240

**POOR QUALITY  
ORIGINAL**

A. Angene wants to have me here again, I didn't know on what account; he wanted me to work again; I sent word to him, "I won't work in your shop, I didn't do anything wrong, may be you and somebody else do wrong, and put it on me," and that is why I didn't come back any more.

Q. In the meantime here was employment and your wife and two children, in the city of New York, waiting for you?

A. It was only fifteen days -- my wife was with me, she was living with me eight months. She came to New York, and Angene went to the house, and asked for me.

Q. First your wife came back to New York to live with your children?

A. Yes, sir; she was with me, since I was in Pittsburgh, for about eight months; she left Pittsburgh to come to New York, when Angene went to see her.

Q. When did you come back from Pittsburgh to New York, what was the month -- what month did Mr. McNaught bring you back?

A. Last month.

Q. What month was it you heard Angene wanted you to come back?

A. Before that.

Q. How many months? A. About twenty five days before, and then, some other time, they sent word. First I heard from Angene about four or five months ago, and the last time I heard from Angene it was when he went to see my wife, when she arrived in this city.

Q. When he heard from Angene, five months ago, did Angene ask him to come back to go to work?

A. Angene, four or five months ago, went to the house of my mother-in-law, and asked her to write to me, and let me know, so that I should come back and go to work with him.

Q. Now, as matter of fact, you were arrested in the city of Pittsburgh; were you not?

A. Yes, sir.

0241

POOR QUALITY  
ORIGINAL

Q. And you were taken out of jail there by an officer from New York, who went all the way from New York to get you-- Mc Naught; is that true? A. Yes, sir.

Q. And then you were brought back here? A. Yes, sir.

Q. As soon as you were brought back here you were put at the bar and asked to plead to this indictment? A. Yes, sir.

Q. On which indictment Mr. Angene was bondsman for your appearance to plead? A. He was my bondsman, but of course I didn't know at the time what had been done.

Q. You know what had been done, since you got back? A. I know nothing at all, because I had never been in court--I don't know what Angene has said or done.

Q. Has he seen Angene since he got back? A. Yes, sir; I saw him down stairs.

Q. Did he tell you, when you saw him, that this bond that he had given for you had been forfeited, and that the Sheriff was on top of him asking for the bond, the money? A. He didn't tell me nothing, because, before, he told me that.

Q. He didn't tell you anything? A. When I went in Chicago he told me that; he didn't tell me anything when I was brought here.

(The question is put to the defendant by the interpreter, and he answered, "He did not.")

Q. Now, he has been sitting here, and heard the testimony of Officer Price? A. Yes, sir.

Q. Where did Officer Price arrest him? A. He arrested me on the roof of the factory, close to the water pipe.

0242

POOR QUALITY  
ORIGINAL

Q. On the roof of the factory -- you are certain about that?

A. Yes, sir.

Q. It is not true that you got down from the factory to the lower roof, on the other side, and went behind the chimney?

A. No; I didn't have any business to go there.

Q. You didn't go? A. I didn't go, no.

Q. And that story of the officer's is not true?

A. No, I didn't go on the other side of the building at all.

Q. You heard what the officer said; did you?

A. That is what the officer said; if the Judge will allow me to say a word-----

By the Court:

Q. Is it true, what the officer said?

A. No, that ain't true, judge.

Q. You were arrested, you say, on the top of the roof, where you were working; on the very building you were working?

A. Yes, sir; I was fixing the water pipe, it was leaking, the water ran down through the building.

Q. You were arrested on the roof of the factory where you were working?

A. Yes, sir.

Q. Not on any other roof?

A. No, sir.

By Mr. Macdonna:

Q. Do you know Barlatto? A. Yes, I saw Barlatto.

Q. You heard what he testified to, about your going to his office three days after you were arrested; did you hear that, yes or no?

A. Yes, sir.

Q. Is that true?

A. I went with the bondsman, because Barlatto wanted to have five hundred dollars out of it, and he told my brother-in-law-----

Mr. Macdonna: I move to strike out the answer, as irresponsible.

(The question was put by the interpreter, and the defendant answered, "Yes, we did.")

Q. Did you say to him, Barlatto, that you would like to get this case settled?                   A. No, nothing of the kind;

he was speaking with Angene; I didn't have nothing to say.

Q. Mrs. Moore, this woman who came all the way from Brooklyn--- you never saw before?                   A. No, sir; I never

saw her until I seen her in this trial.

Q. Never saw her before?                   A. No, sir.

By the Court:

Q. Barlatto says that you told him that you had connection with this complainant, but she was a bad girl, and others had connection with her, too; is that true?

A. Nothing of the kind, Judge.

Q. Did you tell him that?

A. I never speak to Barlatto at all, I only heard, when I came from Pittsburgh and was arrested, I heard he wanted five hundred dollars; and he told my father-in-law he wanted five hundred dollars.

Q. Did you tell the mother you wanted to marry this girl?

A. Nothing of the kind.

Q. Did you tell the mother you had seduced her, and you wanted to marry her?                   A. No, sir.

Q. You did not tell Barlatto that you had seduced her?

A. I didn't speak with Barlatto at all.

Q. Didn't say a word to him?                   A. Just the owner of the property spoke -- Angene.

Q. But you didn't speak to him?                   A. Nothing; not a word.

By Mr. Macdonna:

Q. Do you remember Mr. Barlatto, his going to Pittsburgh?

A. Yes, sir.



0245

POOR QUALITY  
ORIGINAL

- Q. A. I discharged two girls, and this other girl.
- Q. You discharged this girl, the complainant?
- A. The complainant, and four girls.
- Q. When did you discharge her?
- A. About sixteen months ago.
- Q. What did you discharge her for?
- A. I sent them all away.
- Q. What made you discharge the complainant?
- A. I discharged that girl, I discharged some other girl, too; I discharged them because I didn't want any more girls in the shop; I saw things going on in the shop were crooked.
- Q. What was the crooked things you saw in the shop?
- A. I saw they were fooling around; sometimes I was down on one floor, and found they were fooling with the man; there was two girls and two men.
- Q. But did you ever see this girl fool with any man?
- A. Two other men.
- Q. You saw her fooling with two other men?
- A. Some man in the shop.
- Q. What is his name? A. I don't remember; I don't think he is there any more.
- Q. You say this girl makes this charge against you because you discharged her? A. I discharged the girl.
- Q. That is the reason she makes the charge, in your opinion, against you? A. Yes, sir; because I discharged her.
- Q. She was working in the shop just previous to the time--how long before that had you discharged her, before she made the charge against you? A. I discharged her before, two or three months ago.
- Q. Two or three months before? A. Yes, sir.
- Q. Hadn't she worked in that shop three months previous to the

time you were arrested?

A. She worked there, I discharged her before.

Q. Then you took her back? A. I didn't take her back; the owner of the property went and took her back.

By Mr. LeBarbier:

Q. That is, Angene? A. Yes, sir; I didn't have any power to take the girl in the shop. I wanted to have boys in the shop, not girls any more.

By a Juror:

Q. How did this little girl come in possession of this watch and chain? A. This watch and chain--- somebody stole it, a silver watch and a new suit.

Q. Were you robbed? A. My house.

Q. How did she come in possession of it?

A. That is something I saw on that table yesterday, and I notified the lawyer I saw my watch right there.

By the Court:

Q. Do you know how she became possessed of it?

A. No, I just seen the watch; my wife found it was all broken---I have a thousand witnesses can prove when they stole in my house.

By Mr. Macdonna:

Q. Did you hear your lawyer, yesterday, ask Mariana if she was not arrested for stealing that watch and some clothes from you -- did you hear him ask that question?

A. I don't understand that question.

(The question was put by the interpreter, and the witness answered, "I did hear the lawyer making that question to the witness.")

Q. Did you tell your lawyer to ask that question?

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POOR QUALITY  
ORIGINAL

Q. Was she ever arrested for stealing that watch, that that juryman has asked you about? A. No, sir; she was not arrested, because my wife didn't know who stole it, although she went to the Department.

Q. Then it is true she had the watch until you saw it on this table; is that right?

A. I thought that that watch was lost, and I only knew it when I saw it on the table yesterday.

Q. And yet, when he saw it on the table, he told his lawyer to ask the witness if she had not been arrested and brought to court, for stealing it from him?

A. I didn't ask the lawyer to put that question, but I told him only that I was robbed of that jewelry?

By a Juror:

Q. Were you robbed of that watch whilst you were working in that factory, or afterwards?

A. While I was working in the shop.

By the Court:

Q. You were robbed of the watch while you were working in the shop? A. While I was working in the shop.

Br. DeBarbier: I have the mother of that little girl, as a witness; I expect her back by four o'clock. I don't know whether your Honor would sit so long.

The Court: We had better close it to-day, we have spent so much time. What do you want to prove by her?

Mr. DeBarbier: I want to prove that that little girl, Caroline, was always in the house with her mother, on a Sunday, until the time of her marriage; I consider that very material.

Mr. Macdonna: If it will shorten the case, the People will concede that, if the mother was here, she would swear to that.

0248

**POOR QUALITY  
ORIGINAL**

Mr. LeBarbier: Then we rest.

Counsel summed up on both sides.  
The Jury rendered a verdict of GUILTY.

0249

POOR QUALITY ORIGINAL

Testimony in the  
case of  
Michele Piccarelli

Filed  
April 1953

CO 233  
US

THE NATIONAL ARCHIVES COLLEGE PARK, MARYLAND

CONTACT ARCHIVES FOR MORE INFORMATION

REF ID: A63870

0250

POOR QUALITY  
ORIGINAL

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

100 EAST 28D ST. (COR. FOURTH AVE.)

New York, April 29<sup>th</sup> 1892

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

*The People  
against*

*Notice of Prosecution.*

*Michael Paccialli*

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

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

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,  
President, &c.*

0251

POOR QUALITY ORIGINAL

N. Y. GENERAL SESSIONS

CRUELTY TO CHILDREN

THE PEOPLE



NOTICE OF PROSECUTION

BY THE SOCIETY.

ELBRIDGE T. GERRY,

President, &c.

63909

0252

POOR QUALITY ORIGINAL

Sheriff District Police Court.

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

Frank G. Barkley

of Number 100 East 23d Street being duly sworn,  
deposes and says, that on <sup>he has reason to believe and does believe</sup> ~~the~~ <sup>or about</sup> the 9th day of February 1892, at the  
City of New York, in the County of New York, at no. 4 Berning-

ham Street, in said city, one Michael  
Paccialli, now present did unlawfully  
and feloniously perpetrate, an act of sex-  
ual intercourse with and upon a  
certain female child called Mariana  
Peluso, the said child, being then and  
there actually under the age of sixteen years,  
to wit: of the age of fourteen years, in vio-  
lation of the provisions of section 278 of the  
Penal Code of the State of New York, as amended,  
and from the following facts: that deponent was  
been informed by said Mariana Peluso that on  
or about the 9th day of February 1892, the said Michael  
Paccialli took the said <sup>child</sup> ~~deponent~~ upon the fourth floor  
no. 4 Berningham Street, and did there have sexual  
intercourse with her, the said Mariana Peluso,  
as aforesaid, deponent further says that Michael Pacci-  
alli is not the husband of Mariana Peluso.  
Wherefore the complainant prays that the said

Michael Paccialli

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

Sworn to before me, this 10th  
day of April 1892

Frank G. Barkley

W. W. W. W. W.

Police Justice.

0253

POOR QUALITY ORIGINAL

131 E. 39<sup>th</sup> St

Apr 11<sup>th</sup> 92

Hon. Elbridge T. Gerry,

President of the Society for the Prevention  
of Cruelty to Children,

Dear Sir: -

I have this day examined  
the person of Mariana Peluso, aged 14 years  
of 71 Mulberry Street; and find there has  
been complete penetration of her genital organs  
by some blunt object.

Respectfully Submitted

W. Travis Tibb M.D.  
Consulting Physician

0254

POOR QUALITY ORIGINAL

CITY AND COUNTY }  
OF NEW YORK, } ss.

1377

*Mariana Kluseo*  
aged *10 1/2* years, occupation *factory girl* - of No. *71 Mulberry* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Frank B. Bailey*, and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this *15<sup>th</sup>* day of *April*, 1892 } *Mariana Kluseo*  
*her*  
*mark*

*W. W. ...*  
Police Justice.

0255

POOR QUALITY ORIGINAL

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

*Angerica Binsso*

of No. *11 Mulberry St* being duly sworn, deposes and says,  
that on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_ at the city of  
~~New York, in the County of New York,~~

Sworn before me this

18  
day

*she is the mother of one Maria  
Binsso, a female child, now present;  
she further says that the said  
Maria Binsso was born in the  
town of Beans, Italy, on the 2nd  
day of July 1877.*

*Angerica Binsso*  
*her*  
*mark*

*Police Justice*

0256

POOR QUALITY ORIGINAL

Sec. 198-200.

125

District Police Court.

CITY AND COUNTY }  
OF NEW YORK. } ss.

*Michael Paeciali*, 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. *Michael Paeciali*

Question. How old are you?

Answer. *Twenty-three years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *No. 22 Spring St. in mos.*

Question. What is your business or profession?

Answer. *Engineer.*

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*

*Michael Paeciali*

Taken before me this *16th*  
day of *April* 188*9*  
*[Signature]*

Police Justice.

0257

POOR QUALITY ORIGINAL

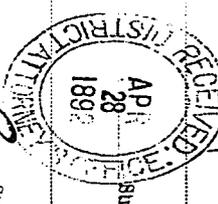
The undersigned Justice will read and certify the within case with absence  
 of Michael Farrell  
 Frank B. Buckley  
 Officer Justice  
 BAILED, *Salvatore Caspore*  
 No. 1, by *Salvatore Caspore*  
 Residence *174 Waverlyhall*  
 No. 2, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_

Police Court... 12th District  
 THE PEOPLE, etc.  
 ON THE COMPLAINT OF  
 1894

Offense *Stun*  
*Rape - Child under Sixteen yrs. Dec. 27, 1891*  
 1 Michael Farrell  
 2  
 3  
 4

Dated, April 10<sup>th</sup> 1892  
 J. E. Trainor Magistrate

Witness *M. J. Moore*  
*R. G. Coe*  
 No. *Mias Archer*  
 Street \_\_\_\_\_  
 No. \_\_\_\_\_  
 Street \_\_\_\_\_  
 No. \_\_\_\_\_  
 Street \_\_\_\_\_



No. *1000*  
 Street *CV*  
 2 o'clock & April 13, 1892  
 By *April 20 2 PM*  
*April 25 2 PM*  
*April 26 2 30 PM*

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

Dated, *Apr 26* 189 *[Signature]* Police Justice.

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

Dated, *Apr 26* 189 *[Signature]* Police Justice.

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

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

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

THE PEOPLE

VS.

BRIEF FOR THE PEOPLE.

MICHAEL PACCAILLI.

STATEMENT OF CASE:

The Defendant, Michael Paccailli, is charged with the crime of rape on Mariana Poluso, aged 14 years, residing at No. 71 Mulberry Street, which offense took place at No. 4 Birmingham Street, on the fourth floor of the maccaroni factory of Angene, Leone & Co., on or about Feb. 9th, 1892.

WITNESSES:

- ~~Mariana Poluso,~~
- ~~Mrs. Angelina Poluso,~~
- ~~Marcellus Barlatto,~~
- ~~Sarah Rochoero,~~
- ~~Mrs. [unclear],~~
- Frank G. Barkley,
- W. Travis Gibb, M. D.

MARIANA PELUSO, aged 14 years, will testify:

That in October, 1891, she obtained employment in the factory of Angene, Leon & Co., No. 4 Birmingham Street, where some thirty other girls were employed. That she there first met the Defendant Michael Paccailli, who some two months afterwards began to make free in addressing her. That she first had sexual intercourse with defendant on Sunday, February 7th, 1892. That on the Saturday previous, Defendant told Witness he desired her to come to the factory on Sunday to assist in some work; that she came there about noon; that Defendant requested her to accompany him to the roof of the factory where some maccaroni had been spread to dry. That they started toward the roof, and that when on the fourth floor which is a large loft, Defendant asked her to lay down on the floor, which she refused to do. That Defendant then forced her down, and, although she offered resistance, had complete sexual intercourse with her. That she was unwell at the time of intercourse, and, remembering her last courses, is able to fix the time of the occurrence.

That after the above time, the Defendant frequently had intercourse with her, generally at the same place, for about two months.

That on the Sunday preceding the arrest (which occurred April 9th, 1892), Defendant, believing Witness to be pregnant, told Witness that her parents would kill her when they ascertained the truth and thus induced her to go to live on the following Tuesday at a room which he hired for her at 177 E.4th St., L.I. City, where she stayed until the arrest, going to work at the factory every day however.

*Witness due  
into the  
living*

WITNESS will further state: That Defendant gave her his gold watch and chain to care for, which articles are now in her mother's

\*

0259

**POOR QUALITY ORIGINAL**

possession.

FURTHER: That Witness never had sexual intercourse with any person other than the defendant, Michael Paccailli.

MRS. ANGELINA PELUSO, mother of previous witness, will testify:

That child was last unwell about February 9th, 1892; that when she was absent from home about April 3rd, witness became anxious and went to the factory where she was refused any opportunity to see her daughter. That she continued to call daily at the factory with the same result until Saturday, the 9th of April, 1892, when she saw Mariana on the walk; that she approached her, and that the Defendant Paccailli aided the girl to escape from her. That she then went to the Sixth Precinct and caused defendant's arrest by Officer Price.

FURTHER that on Monday, April 14th, 1892, Defendant came to her, said he knew he had done wrong but that he would take Marian to Brooklyn and marry her. That when told he was already married, - defendant replied "that would make no difference, he had got the girl in trouble and he wanted to do right by her".

ALSO as to girl's age.

MARGELLUS BARLATTO, of 55 1/2 Mulberry Street, will testify: That on April 11th, 1892, the Defendant came to his office and offered to pay through him (witness) a sum of money -- Three Hundred Dollars -- to Mrs. Peluso to stop the prosecution.

ALSO that Defendant admitted to Witness that he had had sexual intercourse with the above named girl, Mariana Peluso.

SARAH BOCHERO will corroborate the mother Angelina Peluso only as to her visits to the factory.

MRS. WILLIAM MOORE, 177 E. 4th St., L.I. City, will testify: That she rented a furnished room at above address on April 4th to Paccailli, the Defendant, at \$5.00 per month, and that he brought there Mariana Peluso, whom she will identify, and introduced her as his wife. That she offered to pay him back his money if they would vacate the rooms, as she was not pleased with them as tenant. That they were missed from there on April 9th, 1892.

FRANK G. BARKLEY, Officer of THE N. Y. S. P. C. C., will testify:

That he went with Marian Peluso (also Mr. Barlatto and Sarah Rochero) to No. 177 E. 4th Street, L.I. City, where Mariana identified a room as the one in which she had stayed, having been taken there by Paccailli, from April 4th to April 9th, 1892.

ALSO that he has had charge of case from beginning.

W. TRAVIS GIBB, M.D., 365 Lexington Avenue, will testify that he made an examination of the person of Mariana Peluso and found evidence of the penetration of her genital organs by some blunt instrument. (Certificate on file).

0260

**POOR QUALITY  
ORIGINAL**

OFFICER PRICE, of Sixth Precinct (if necessary) will testify:  
That he arrested defendant on April 9th, 1892, on the complaint  
of Mrs. Angelina Peluso.

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0261

**POOR QUALITY  
ORIGINAL**

**N. Y. GENERAL SESSIONS**

**THE PEOPLE**

**AGAINST**

**MICHAEL PACCAILLI.**

PENAL CODE, §

**BRIEF FOR THE PEOPLE.**

0262

POOR QUALITY ORIGINAL

District Attorney's Office,  
City and County of New York.

City and County } ss.  
of New York,

Mary F. Giaccis

of No. 193 Mott Street, aged 14 years,  
occupation none being duly sworn, deposes and says,  
that on the second day of May 1897 at the City of New  
York, in the County of New York,

one Michele Pacciarelli, did <sup>feloniously</sup> take, receive  
employ, harbor and use, deponent then and  
now being a female under the age of  
sixteen years for the purpose of ~~sexual~~  
intercourse, he ~~state~~ said Michele Pacciarelli  
not being then and there, the husband of deponent.

That said crime was committed under  
the following circumstances to wit:

Prior <sup>and up to</sup> to the date above named the deponent  
had been in the employ of the said Pacciarelli  
who was in charge of a macaroni factory at  
number 2 and 4 Birmingham Street.

On the said date, he told deponent that he  
intended going out of town for the purpose of  
securing other girls to work in the factory and  
he asked deponent to accompany him to watch  
for the character of the employment. Deponent  
went to Jersey City with said Pacciarelli  
and there they met a girl, <sup>reportly</sup> and after <sup>this</sup> leaving  
her, deponent asked said Pacciarelli to take her  
home. He said he would do so, and took her to  
a railroad depot there, and ~~brought~~ <sup>took</sup> her on a  
train, representing that the train would take  
them to New York. Deponent had no knowledge of the  
fact that ~~there was no knowledge of the fact that~~  
there was no railroad communication between  
Jersey City and <sup>New York</sup>. Defendant and deponent  
remained on the train until it reached Pittsburgh.  
Here they got off and proceeded to a hotel there,  
where the defendant hired a room. After  
deponent had retired, the defendant Pacciarelli  
got into the bed, and had sexual intercourse  
with deponent.

Sworn to before me this  
10 day of June, 1898  
at New York

Mary F. Giaccis

0263

POOR QUALITY ORIGINAL

District Attorney's Office,  
City and County of New York.

City and County } ss.  
of New York, }

of No. 193 Mott Street, aged Louis Giaccio 41 years,  
occupation pedler being duly sworn, deposes and says,  
that on the second day of May 1893, at the City of New  
York, in the County of New York,

he called at the residence of one Michele  
Pacciarelli at number <sup>207 1/2</sup> ~~207~~ <sup>Eliphalet</sup> ~~Eliphalet~~ <sup>Prising</sup> Street  
(who, as appears by the accompanying  
affidavit of Mary J. Giaccio, is charged  
with the crime of abduction) and was  
informed by the wife of said Pacciarelli  
that he had left New York City, and had  
taken the said Mary J. Giaccio with him.  
Deponent obtained no information from  
of the whereabouts of the said Michele Pacciarelli and Mary J. Giaccio, until about  
four months later, when he received a  
letter from the said Mary J. Giaccio, nar-  
rating the facts showing the commission of  
the crime charged in the said accompanying  
affidavit.

The said Mary J. Giaccio was born on  
the twenty-fifth day of April, 1898, as appears  
by the annexed certificate of birth, and  
is therefore a few months less than  
fifteen years of age.

Sworn to before me } Luigi Giaccio  
this 10th day of January, 1893 }  
J. J. Anderson  
Notary  
at New York

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POOR QUALITY ORIGINAL

DISTRICT ATTORNEY'S OFFICE.

City and County of New York.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*the District Attorney*

vs.

*Nichole Pacciarelli*

*Office of the District Attorney  
and Administration  
New York*

Dated *January 10 1990*

Witnesses, *Frank J. Graccio*

No. *193 North* Street,

*Long Graccio*

No. *193 North* Street,

.....

No. .... Street,

.....

.....

.....

.....

.....

0265

**POOR QUALITY  
ORIGINAL**

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

THE PEOPLE

VS.

BRIEF FOR THE PEOPLE.

MICHAEL PACCAILLI.

STATEMENT OF CASE:

The Defendant is indicted for the crimes of Abduction and Kidnapping in taking one Mary F. Giaccia on or about May 2nd, 1892, from 2 & 4 Birmingham Street to Jersey City in the State of New Jersey and then under the pretense that he was returning her to New York, in company with a man named Frank and a woman named Nuncia Rossa, aged 18 years, took her to Pittsburg, Pennsylvania, where they went to a hotel where the defendant forcibly had sexual intercourse with her.

WITNESSES:

Marie Fidele Giaccia,  
Louis Giaccia,  
Juanina Rizza,  
Madelina Paccailli.  
W. Travis Gibb, M. D.

MARIE FIDELE GIACCIA states that she was 14 years of age on April 25th, 1892. That in the last of April, 1892, she met one Juanina Rizza, aged 20 years, of 202 Elizabeth Street, who asked her if she desired employment in a factory. That she (Witness) replied "Yes" and that she was then introduced to the Defendant, Michael Paccailli, who was a brother-in-law of the said Juanina Rizza. That after working in the factory a couple of days, on or about May the 2nd, 1892, the Defendant met Witness as she was leaving her house and accompanied her to Elizabeth Street near Houston, where they were joined by a man named Frank, and later the defendant told her that he would make good any loss of wages and asked her to accompany him and Frank to Jersey City, where Frank expected to meet "his girl" Nuncia Rossa, and together they would then return to New York. That she then accompanied him to Jersey City, where the defendant told her that it being rather late they had better take a train back to New York. That she demurred but the man Frank and the girl Nuncia persuaded her to accompany the defendant to the train which they boarded and later she ascertained from them that they were going to Pittsburg, Pennsylvania, and not to New York. That the woman Nuncia gradually quieted her down so that when she arrived in Pittsburg she accompanied the others to a hotel (name and address unknown), where she was assigned to a room and after locking the door went to bed. That some time thereafter the Defendant, whom she had left in the bar-room of the hotel drinking with the man named Frank, came to the room door, knocked thereon and, when she refused to let him in, bursted in and then by threats and physical force compelled her to have sexual intercourse with him.

That on the following morning, the Defendant took her to the

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**POOR QUALITY  
ORIGINAL**

house of a countryman, where they remained two days and two nights, during which time the Defendant had sexual intercourse with her several times. The third day after arriving in Pittsburg, he removed to another house where they remained three days and night where Defendant again had sexual intercourse with her. The Defendant then informed Witness that he was going to send for his wife, Madelina Paccailli, and the man Frank took her to another countryman's house, where the Witness remained about one month, the Defendant visiting her occasionally but not having any sexual intercourse with her there. That while at this last house the Witness met a young man, named Carmeno Cecceri, whom she married after one month's courtship, and with whom she has been living since at Bennett's Station, Pennsylvania. That Witness will also testify to having written to her father informing him what the Defendant had done to her; that her father then came on to Pittsburg, found the facts as she had written, returned to New York, secured warrant for arrest of Defendant, then again went to Pittsburg and secured Defendant's arrest.

WITNESS FURTHER POSITIVELY ASSERTS: That she had no intention of leaving New York; that prior to the time of sexual intercourse with Defendant in Pittsburg she was a virtuous girl, and that she is very anxious to have justice dealt out to Defendant.

LUIGI GIACCIA of 193 Mott Street will testify:  
That his daughter, Marie Fidele Giaccia, the foregoing witness was born in Italy on April 25, 1878; that she is therefore 14 years of age; that she departed from home on or about May 2nd, 1892, and that he knew nothing of her whereabouts until he received a letter from her dated Pittsburg, Pa., and learned the facts as stated by the foregoing witness.

JUANINA RIZZA, of 202 Elizabeth Street, will testify:  
That she introduced the complaining witness to her brother-in-law, the Defendant, upon which the said Marie Fidele Giaccia was employed by the Defendant, who was foreman in the maccaroni factory at Nos. 2 & 4 Birmingham Street.

MADELINA PACCAILLI, wife of the Defendant, will testify to the fact of having informed Luigi Giaccia (after the latter had received information from his daughter in Pittsburg) that her husband, the Defendant, Michael Paccailli, had left New York City and had taken the said Marie F. Giaccia with him.

W. TRAVIS CIEB, M.D., 365 Lexington Avenue, will testify as to having made a physical examination of the person of Maria Fidele Giaccia and found evidence of complete penetration of her genital organs by some blunt object. (Certificate on file)

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**POOR QUALITY ORIGINAL**

**N. Y. GENERAL SESSIONS**

**THE PEOPLE**

**AGAINST**

**MICHAEL PACCAILLI.**

PENAL CODE, §

**BRIEF FOR THE PEOPLE.**

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POOR QUALITY ORIGINAL

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

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Michele Pacciarotti*

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

*Michele Pacciarotti*

of the CRIME OF ABDUCTION, committed as follows:

The said *Michele Pacciarotti*,

late of the City of New York, in the County of New York aforesaid, on the ~~second~~  
day of ~~May~~ *May* in the year of our Lord one thousand eight hundred and  
ninety-~~two~~ *two*, at the City and County aforesaid, did feloniously take, receive <sup>and</sup> harbor,  
~~and employ~~ <sup>and employ</sup> one *Mary E. Giglio*, who was then and there a female  
under the age of sixteen years, to wit: of the age of ~~seven~~ *seven* years, for the purpose of  
sexual intercourse, he, the said *Michele Pacciarotti*, not being then and there  
the husband of the said *Mary E. Giglio*; 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 NICOLE~~  
*District Attorney*

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POOR QUALITY ORIGINAL

(513)

*Second* COUNT.

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

*- Nicolo Pacciarotti -*

of the CRIME OF *Kidnaping,*

committed as follows:

The said *Nicolo Pacciarotti,*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, *deliberately did unlawfully* invade and kidnap one *Manfred S. Fiacco,* with intent to cause even the said *Manfred S. Fiacco,* to without authority of law, to be sent out of the state, to wit: to the City of *Pittsburgh* in the state of *Pennsylvania,* and to be kept and detained against her will, 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 Jurey Miall,*

*District Attorney,*

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POOR QUALITY ORIGINAL

Witnesses:

May J. Snaccio  
Gerardo Pitta and wife  
Isabella -  
335 East 113<sup>rd</sup> St.

(11<sup>th</sup>)  
Counsel,  
M. J. Miller

Filed: *[Signature]*  
day of *[Signature]* 189*[Signature]*

Pleads, *[Signature]*

THE PEOPLE

vs.

*I*

Michele Raccivelli  
(2 cases)

ABDUCTION.  
[Section 292, Sub. 1, Penal Code.]  
*[Signature]*

DE LANCEY NICOLL,

District Attorney.

*[Signature]*  
189*[Signature]*

A TRUE BILL.

*[Signature]*  
Foreman.

0271

POOR QUALITY ORIGINAL

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 Acciariello*

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

*Michael Acciariello*

of the CRIME OF ABDUCTION, committed as follows:

The said *Michael Acciariello*,

late of the City of New York, in the County of New York aforesaid, on the *ninth*  
day of *February*, in the year of our Lord one thousand eight hundred and  
ninety-*two*, at the City and County aforesaid, did feloniously take, receive, harbor,  
employ and use one *Mariana Russo*, who was then and there a female  
under the age of sixteen years, to wit: of the age of *fourteen* years, for the purpose of  
sexual intercourse, he, the said *Michael Acciariello* not being then and there  
the husband of the said *Mariana Russo*; 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*

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POOR QUALITY  
ORIGINAL

~~Second~~ COUNT—

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

*Pacciarelli* —

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTERCOURSE  
WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS, NOT HIS  
WIFE, committed as follows:

The said *Michael Pacciarelli*, —

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, in and upon a certain female  
not his wife, to wit: her, the said *Mariana Petruso*, —  
then and there being, wilfully and feloniously did make ~~another~~ assault, she the said  
*Mariana Petruso*, being then and there a female under the  
age of sixteen years, to wit: of the age of *fourteen* years; and the said  
*Michael Pacciarelli*; then and there  
wilfully and feloniously did perpetrate an act of sexual intercourse with her the said  
*Mariana Petruso*, 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.*