

0578

BOX:

405

FOLDER:

3756

DESCRIPTION:

Callahan, Frank

DATE:

08/13/90



3756

0579

BOX:

405

FOLDER:

3756

DESCRIPTION:

Doran, Thomas

DATE:

08/13/90



3756

Witnesses:

Officer Murphy
Mug Lee

for Callahan -
Michael Boylan
Vancouver & Holmes
Habit & Washington -
for Doran -
Mr. Powers
277 Spring St.

9. ordered botman

Counsel,
Filed 13 day of Aug 1889
Plead, Not Guilty (14)

THE PEOPLE

at 108. 1st. de.
Pace 1st. de.
Frank Callahan
is with
leg and
Thomas Doran
H 30

Robbery,
[Sections 224 and 228, Penal Code].
degree.

JOHN R. FELLOWS,
District Attorney.

A True Bill

Comptroller
Foreman.
Call. Palt III September 9/90
Filed and committed
Sept 9/90
G. J. L.
Sept 9/90 6 mor 99

Court of General Sessions,

P a r t I I I .

The people of the State of New York, ;

against ;

Frank Callahan; & Thomas Doran. ;

Before Hon James
Fitzgerald, and
a Jury.

Indictment filed August 13th. 1890.

Indicted for Robbery in the first degree.

New York, Sep. 9th. 1890.

Appearances; For the people, Assistant District

Attorney G. S. Bedford.

For the defendant. Hugh Coleman.

WING LEE, a witness for the people, being sworn, testified
through an interpreter, as follows;---

I keep a laundry at No. 127 Green wich av. in
this city. I had seen the defendants Callahan and Doran
around my place previous to the 4th day of August. On
the fourth of August those two men came into my premises
and claimed that they had lost some washing. Callahan
spoke when he came in; he said "I lost my check and I want
to get my clothes". Doran was with him at the time.
I asked him what he had in his laundry and he said he had
some shirts and collars. I took up my book and looked to
see if I had such clothes in my store. While I was en-
gaged looking at the book they asked me for a chew of
tobacco. I answered them that I had no tobacco only Chinese
fine cut for smoking. While I was looking at the book,

0582

2

Callahan came up to me and stabbed me in the left eye. I am positive that Callahan is the one who came up and stabbed me. The blood was flowing from my eye and then I saw Doran come up to me and take hold of my neck and try to pull me down. When Doran was engaged in doing this Callahan was at my money drawer. While my head was being pulled down by this Doran, Callahan was going to the money drawer. I don't know exactly how much money was in the drawer but I believe there was about two dollars and a half. After they had gone all I found in the drawer was a few cents. When they had done this they left the place. My partner came out and these two men started to run. My partner was in the back part of the place; the kitchen. When these two men came in he didn't come into the store, until he heard me scream. I followed these men to Seventh av. and then they turned into 13th st. and down to 8th av., and then the officer arrested them for me. One was arrested four blocks ahead of the other. I was taken to the Station house, and there was such a pain in my eye that the Captain sent me to the hospital. This affair occurred about half past nine or ten o'clock in the morning. I didn't discover that all my money was gone until I returned from the hospital. I saw the knife in Callahan's hand at the time he stabbed me. I saw something in his hand when he came from the drawer, but could not tell that it was money.

Cross-examination.

Q. Did you see the money that was taken from Callahan?

A. Yes sir.

Q. Could you swear that that was the money which was in your drawer? A. Yes sir.

Q. Were you in the Station house when these young men were brought there? A. Yes sir.

Q. How much money did Callahan have in the station house?

A. I did not look at the money that was taken from him,

Young Foo, a witness for the people, sworn, testified.

I am a partner of the last witness in the laundry business on Greenwich av. I was in those premises the morning of the fourth of August, in the neighborhood of nine o'clock. While engaged in the kitchen I heard some noise outside, and I ran out to the store where my partner was. I saw these two prisoners and my partner run out of the store. I saw my partner chase them and I went after them. Before I went I locked the door and took the key with me. I went in the same direction as my partner for about two blocks. I cannot tell the names of the streets. I saw Doran go into a saloon and I got an officer and went into the saloon and had him arrested. My partner had the other man arrested by an officer.

Q. Are you positively certain that you saw these two men running out of your laundry? A. Yes sir.

Q. And they were the same two men? A. Yes sir.

Cross-examination.

Q. You are sure of that? A. Yes sir.

Q. You came out of the kitchen when you heard the voice of your partner? A. I heard a scream from the inner room, and when I came out I saw these two men and my partner running out.

Q. Did you see any blood on your partner's face before he left the laundry? A. I didn't see my partner stabbed in the eye until he ran out the door. When I came out of the back room I saw his face all dropping down. I didn't know these defendants before this day.

Michael Murphy,

a witness for the people, sworn testified;----

I am a police officer attached to the 29th Precinct. I was on duty as a police officer August 4th. At about ten o'clock on that morning I was standing on the corner of Greenwich and 8th av.. At that time a gentleman came up to me and had some conversation with me. In pursuance of that conversation I went right down to the corner of 13th street. and on that corner I saw Wing Lee and Frank Callahan the defendant. Wing Lee was chasing Callahan and I told him to stop. When he stopped I arrested Callahan. I asked him why he struck the Chinaman, and he said he would let no Chinaman strike him. I asked him if he struck the Chinaman and he said "Yes.". I arrested him. I noticed the Chinaman was

stabbed over the eye. There was blood on his face. I saw Wong Foo the other Chinaman a short time afterward and he was running in pursuit of Doran, and I caused his arrest in a saloon at the corner of 12th st. and 8th av. I did this with the assistance of my side partner. I had no conversation whatever with Doran in relation to this matter. I didn't hear the other prisoner hold any conversation with him. I didn't hear him make any statement in the police court or in the Station house.

Cross-examination.

Q. Did you search the prisoners? A. Yes sir.

Q. What did you find on Callahan if anything? A. I found \$1. 92. I found a dollar bill in the lining of his hat and 92 cents in his clothes.

Q. Did you find any knife upon him? A. I found a knife open in his pocket.

Q. Was it bloody? A. I didn't look at it particularly.

Q. Have you got the knife? A. Yes sir, I've got it here.

Q. Was it open or shut? A. It was open.

Q. In which pocket was it? A. In the inside coat pocket. I asked Callahan where he got the money and he said that his boss had paid him the night before. I took the money from him and I now produce it in court.

Q. Did you ask Callahan whether he stabbed the Chinaman?

A. I didn't ask him if he stabbed him; I asked him what he struck him for.

Q. Did you know whether he had stabbed the Chinaman?

A. No sir. I didn't know.

Q. Did you ask him whether he stabbed him? A. No sir.

D e f e n d e e .

Frank Callahan, one of the defendants, sworn testified;---

I am 22 years of age. I live at Flushing av. Bro
Brooklyn. I am a member of the 12th Regiment, National
Guard, State of New York, Company C. I am a member
of the regiment at the present time. On the day in
question I was in the place of this chinaman.

Q. Did you rob his till? A. No sir.

Q. Did you attempt it. A. No sir.

Q. Did you go in there for that purpose? A, No sir.

Q. Did anybody rob the till while you were in there?

A. No sir.

Q. Do you know of anything being taken from there?

A. No sir.

Q. Tell the Jury what brought you in there, and what
took place? A. On the 4th of August I met

Thomas Doran on the corner of Leroy and Hudson streets,
at a quarter after seven on my way to work. Thomas Doran
asked me to have a drink. I went in and came out. I met
another young man and we also went in and had drinks.
After this we had several drinks together, and I found that

it was half past seven and too late for me to go to work. Doran and I walked until about ten o'clock. I told Doran that I was going to this Chinaman's to get a shirt which I had left there some time before. We went into the Chinaman's place and I asked him for the shirt, telling him I had lost the check, and the chinaman didn't make any effort to look over the books, and I said "Will you please oblige me by looking over the books", he said he would not. The other Chinaman was there sitting at a desk all that time. He made no effort to look over the books. I told him that if he needed the shirt any more that I did, he could have it. The other chinaman pulled a stick on me and made a blow for my head. Then the two of them came up to me and I pulled the stick from one of them and struck him a blow in the face. I saw something like a blade in the hand of one of the Chinaman, but I wouldn't be sure whether it was a knife or not. I told Doran we had better go out. We ran towards 7th av. and the Chinaman ran after us. When we got near a police officer I stopped and the officer arrested me. The knife which was in my pocket I had opened in the liquor store. I am a plumber by occupation and generally carry the knife open in my right hand pocket.

Cross-examination.

Q. Have you ever done time in any penal institution?

A. No sir, I have been arrested for being drunk and I got three months.

- Q. What did you get three months for? A. For disorderly conduct.
- Q. You have been arrested also for drunkenness?
- A. Yes sir.
- Q. You had several drinks on this morning before you went to the laundry? A. Yes sir.
- Q. You were living in Brooklyn on the 4th of August?
- A. Yes sir, all the time.
- Q. How was it when you were living in Brooklyn that you had your clothes washed in this laundry. A. I had been living up in that neighborhood and had left this shirt there before I moved over to Brooklyn.
- Q. You went in there about what time? A. About ten o'clock in the morning.
- Q. The second Chinaman is mistaken if he says he was in the kitchen at the time you came in? A. Yes sir, he was sitting at the desk in the store.
- Q. Did you try to take the stick off him when he hit you? A. Yes sir.
- Q. You succeeded in getting it? A. Yes sir. They got the best of us and we ran away.
- Q. Do you always carry this knife open? A. Yes sir. I always carry the knife open when I am at work at my trade.
- Q. And that is as true as everything else you have testified to? A. Yes sir.
- Q. When the Chinaman struck you he was in the desk,

was he? A. Yes sir.

Q. Where did he strike you first? A. In the back of the neck.

Q. How could he strike you in the back of the neck when he was sitting behind the desk? A. He came around.

Q. Are you married? A. Yes sir.

Q. How long since you have been living with your wife?

A. Six months.

?

Thomas Doran, a witness for the people, sworn testified.

I live at No. 8 Greenwich street this city with my mother. I am 20 years of age.

Q. Were you in this Chinaman's place on the day in question? A. Yes sir.

Q. Did you go to that drawer and attempt to take any money? A. No sir.

Q. Did you have anything to do with the taking of any money? A. No sir.

Q. Did you get any of the Chinaman's money? A. No sir.

Q. Did you go there to assist any other person in robbing the Chinaman? A. No sir.

Q. The money that was found in your possession was not the Chinaman's money? A. No sir.

Q. You went into that store and you saw the fight between Callahan and the Chinaman? A. Yes sir.

0590

10

Cross-examination.

Q. When was it you took the complainant by the neck?

A. I didn't put my hands on the complainant at all.

Q. Have you ever been convicted of any offence?

A. No sir.

Q. Have you ever been arrested? A. I was arrested
three times.

The Jury returned a verdict, of

"Guilty of Robbery in the First Degree."

0591

Indictment filed Aug. 13-1890

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against
FRANK CALLAHAN and Thomas
DORAN

Abstract of testimony on

trial, New York Sept. 9th

1890.

Q. Have you ever been charged of any offence?

A. I don't but I have on the complaint of a girl.

Q. When was it you took the complaint by the necks

cross-examination.

0592

Police Court-- 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss

of No. 127 Greenwich Avenue Street, Aged 32 Years
 Occupation Laundry being duly sworn, deposes and says, that on the
4 day of August 1888, at the 9 Ward of the City of New York,
 in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
 ponent by force and violence, without his consent and against his will, the following property, viz:

Good and lawful money of
the United States issue of

of the value of One dollar and fifty two cents (1 ⁹²/₁₀₀) 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 force and violence as aforesaid by

Frank Callahan and Thomas Doran
 (now here) while acting in concert with
 each other - from the following fact
 to wit: that said defendants
 came to deponents place of business
 at the aforesaid premises and
 stated that they had lost a ticket
 representing some laundry which had
 been left at deponents place of business.
 And that while deponent was
 looking for his entry book, said
 defendant Doran stabbed him
 with an knife then and there
 mistake in name by
 Doran & Co.

day of
 1888

Sworn to before me this

Police Justice

0593

held in his hand and that said
Defendant Callahan took hold of
and opened a drawer containing
said property and took same
and carried away the same
and that said defendant
immediately ran away
And that deponent is informed
by Officer Michael Murphy of the
4th Precinct Police that he found
an open knife in said defendant's
Callahan's pocket, and that said
property was found in said
defendant's Doran's pocket.

August 0
J. J. Bailey

\$4.11

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 188
I have admitted the above named
to bail to answer by the undertaking hereunto annexed.
Dated 188
There being no sufficient cause to believe the within named
guilty of the offence mentioned, I order he to be discharged.
Dated 188
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

1
2
3
4

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0594

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 25 years, occupation Michael Murphy
Policeman of No. 9th Precinct Police Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Henry Lee
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this
day of

4 August 1889 Michael Murphy

La J. C. Bruff
Police Justice.

0595

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

Frank Callahan 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.

Frank Callahan

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

N.Y.

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

Answer.

145 Mulberry Av. Brooklyn N.Y. 2 years

Question. What is your business or profession?

Answer.

Plumber

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

Answer.

I went in for my laundry and the defendant and his man assaulted me. I did not steal anything. I did not start the complaint

Frank Callahan
mark

Taken before me this

day of

August 1890

Police Justice

0596

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

District Police Court.

Thomas Doran

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.

Thomas Doran

Question. How old are you?

Answer.

21 years

Question. Where were you born?

Answer.

U.S.

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

Answer.

8 Remick St - 6 or 7 months

Question. What is your business or profession?

Answer.

Beer bottle

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.

The chairman hit Callahan first and Callahan defended himself. I did not grab him or steal anything. The money found in my pocket was mine and I earned it on Long Island where I was working.

Thomas Doran

Taken before me this

4

day of

August 1891

Police Justice.

0597

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.....

Frank Callahan and Thomas Doran
guilty thereof, I order that *he* be held to answer the same and *he* be admitted to bail in the sum of *25* Hundred Dollars, *Each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *he* give such bail.

Dated *Aug 4* 1890 *John J. Callahan* 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.

0598

Police Court

2

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Wing Lee

117 1/2 Lexington Ave
Frank Callahan
Thomas Doran

Robbery
Offence
Films was associated

3

4

Dated

August 4

1889

O. Reilly

Magistrate

Murphy

Officer

Precinct

Witnesses

No.

Young
127 Lexington Ave

Street

No.

Street

No.

Street

\$

2500

to answer

Commuted

BAILED,

No. 1, by

Residence

Street

No. 2, by

Residence

Street

No. 3, by

Residence

Street

No. 4, by

Residence

Street

0599

**YING MEI,
CHINESE LAUNDRY.**

**NO. 11 SEVENTH AVENUE,
Bet. 11th & 12th Sts., NEW YORK.**

Price.

GENTS' & BOYS'

LADY

0600

Grand Jury Room.

PEOPLE

PS.

Please telegraph to
Captain of the 9th Precinct
Enquire if Officer
Murphy of his Command
will be able to appear
in Court on
Friday the 29th inst

Yours Respy
John R. Fellows
Constable
Aug 27/90
over
J.R.F.

0601

Captain Wright
Officer is sick
and does not know
how soon he will
be able to report.

John

0602

Hon Judge

Dear Sir

As I can
not procure an
interpreter ^{and} besides
my lawyer is out
of town.

Will your honor
postpone the case
until next week?

By so doing I
am obliged.

Yours humbly,
Krig See

Aug 16/90

0603

Police Captain.

Dear Sir.

I was told
that one of your officers
was looking for me yesterday
to appear before the
Grand Jury. Will you
please inform me
^{where} ~~where~~ that I ought to find out
~~where~~ ^{where} I will go down
to the Court? I
am not working in
124 Greenwich St now
Hence, officer can
find me in the enclosed
address.

Yours truly
Harry Lee

Aug 24/90

0604

Police Department of the City of New York.

Precinct No.

New York, 189

John R. Fellows
Dist. Attorney
Sir

Enclosed find Address of
Complainant versus Thos. Doran
and Frank Callahan indicted for
Robbery. The Officer in the case,
Michael Murphy, is on Sick list at
present.

Respectfully
Charles W. L. Schier
Sergt. 9th Dist.

0605

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Franka Ralladnan
Thomas Doran

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

Franka Ralladnan and Thomas Doran

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

The said *Franka Ralladnan and Thomas Doran*, both —

late of the City of New York, in the County of New York aforesaid, on the *fourth* day of *August*, in the year of our Lord one thousand eight hundred and ~~eighty ninety~~ *ninety*, in the time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Wm. J. Lee*, — in the peace of the said People, then and there being, feloniously did make an assault, and

the sum of one dollar and ninety
two cents in money, lawful money
of the United States of America
and of the value of one dollar
and ninety two cents, —

of the goods, chattels and personal property of the said *Wm. J. Lee*, —
in the presence of the said Wm. J. Lee, — against the will,
and by violence to the person of the said *Wm. J. Lee*, —
then and there violently and feloniously did rob, steal, take and carry away, *the said*
Franka Ralladnan and Thomas Doran, and
each of them, *being then and there aided*
by an accomplice actually present, to wit:
each by the other, and being also then and
there armed with a dangerous weapon, to
wit: with a certain dangerous knife. —
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.

0606

SECOND COUNT—

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

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said

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

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, taken and carried away from the said

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

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

JOHN R. FELLOWS,
District Attorney.

0607

Second COUNT:—

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

and *Thomas Doran* —

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

The said *Franka Palladman and Thomas Doran, both* —

late of the City of New York, in the County of New York aforesaid, on the
fourth day of *August*, — in the year of our Lord
one thousand eight hundred and *ninety*, with force and arms, at the City and
County aforesaid, in and upon the body of one *Wing Lee*, —
in the Peace of the said People then and there being, feloniously did make an assault
and *in* the said *Wing Lee*, —
with a certain *knife*

which the said *Franka Palladman and Thomas Doran*
in *their* right hands then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

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

SECOND COUNT—

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

Franka Palladman and Thomas Doran
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Franka Palladman and Thomas*
Doran, both —

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said *Wing Lee*, — in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and *in* the said
with a certain *knife*

which the said *Franka Palladman and Thomas Doran*
in *their* right hands then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York,
and their dignity.

0608

THIRD COUNT—

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

Frank Callahan and Thomas Doran
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Frank Callahan and Thomas Doran*, both —

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Wm. J. Lee*, — in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *kill*, the said *Wm. J. Lee*, — with a certain *knife* —

which *they* the said *Frank Callahan and Thomas Doran* in *their* right hand, then and there had and held, in and upon the *body* of *him* the said *Wm. J. Lee*, —

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *Wm. J. Lee*, —

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

JOHN R. FELLOWS,

District Attorney.

0609

BOX:

405

FOLDER:

3756

DESCRIPTION:

Callahan, Mary

DATE:

08/13/90



3756

Witnesses:

Bridget Mahon
M. Charlton
Margaret Daly

After examination, I recommend
the discharge of defendant upon
his recognizance.

August 15/90. C. D. Barker
Affd.

123. Found a

Counsel,
Filed 13 day of Aug 18 90
Pleads, Not Guilty (14)

THE PEOPLE
vs.
I
Mary Callahan
4
Grand Larceny Second degree.
[Sections 528, 531 —, Penal Code.]

JOHN R. FELLOWS,
District Attorney.

A TRUE BILL

Edward J. Ryan
Aug 18/90 Foreman.
on his oath to
any other. also
on his own oath
Affd.

0611

Police Court—4 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

Bridget Walsh
of No. 418 West 53rd Street, aged 20 years,
occupation Servant being duly sworn

deposes and says, that on the 7th day of August 1890 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Thirty two Dollars, good and lawful money of the United States and two receipts for money paid by deponent. Altogether of the value of Thirty two Dollars (\$32.00)

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 Mary Callahan (now here)

from the fact that deponent put the said sum of money and the receipts, said receipts being hereto annexed, in her trunk in a room at the premises No 418 West 53rd Street about the hour of 4 1/2 O'clock P M on the 6th day of August. Deponent is informed by Margaret Daly that at about the hour of 5 O'clock A M on August 7th she Margaret saw the defendant coming from the trunk and saw that the said trunk had been opened. Deponent is further informed by the said Margaret, that she, Margaret, found the said two receipts, which are

Sworn to before me, this 18th day of August 1890

Police Justice

06 12

here to annexed in the bedroom where
the defendant slept. Dependent further
says that she has since seen the said
receipts and fully identifies them as
her property and charges the said
defendant with feloniously, taking,
stealing, and carrying away the said
property and prays that she may
be dealt with as the law directs.

Dependent before me } Bridget Walsh
this 8th day of August 1890.

D. M. M. M. M.

Police Justice

~~Bridget Walsh~~

06 13

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 60 years, occupation Margaret Daly
Kup House of No.

418 West 53 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Bridget Walsh

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

Sworn to before me, this

day of

8
August 1887

Margaret Daly

W. M. Mahon

Police Justice.

06 14

Sec. 193—200.

4

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Mary Callahan

Question. How old are you?

Answer.

39 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

No 418 West 53rd St 3 weeks

Question. What is your business or profession?

Answer.

Removance

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
Mary Callahan
Mum

Taken before me this

day of August 1886

John J. Mulvaney

Police Justice.

06 15

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

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

Dated *Aug 8* 18*90* *W. W. Wheeler* Police Justice.

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

Dated.....18..... Police Justice.

There being no sufficient cause to believe the within named.....

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

Dated.....18..... Police Justice.

06 16

Police Court---

✓ 1228 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Bridget Walsh
418th West 53rd
Merry Kullahan

Offence: *Harassment*
Indecent

Dated

Aug 8 1890
W. McMahon Magistrate.
Riley & Churton Officer.

22 Precinct.

Witnesses

Margaret Daley
No. *418 West 53* Street.

No.

Street.

No.

Street.

\$

1000
to answer
Y. Com

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0617

This to be kept by the
purchaser of the
DRAFT.

New York Aug. 1st 1889
J. S. Stuart & Co. have issued their draft on
ULSTER BANK LIMITED, BELFAST, IRELAND.

No. 45473

pay to B. C. C.
in favor of Grace Anderson or
John Walsh.

This to be kept by the
purchaser of the
DRAFT.

New York Aug. 1st 1889
J. S. Stuart & Co. have issued their draft on
ULSTER BANK LIMITED, BELFAST, IRELAND.

No. 45472

pay to B. C. C.
in favor of Grace Anderson or
John Walsh.

06 18

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Mary Rallahan

The Grand Jury of the City and County of New York, by this indictment, accuse *Mary Rallahan* —

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

The said *Mary Rallahan*,

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *August*, in the year of our Lord one thousand eight hundred and *ninety* —, at the City and County aforesaid, with force and arms,

the sum of thirty two dollars in money, lawful money of the United States of America, and of the value of thirty two dollars, and two pieces of paper of the value of fifteen dollars each, —

of the goods, chattels and personal property of one *Bridget Walsh*, —

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

John R. Bellows
Attorney

06 19

BOX:

405

FOLDER:

3756

DESCRIPTION:

Callum, Ellen

DATE:

08/06/90



3756

0620

39.

Morse

Witnesses

Patrick O'Connell

Officer Kemp

Counsel,

Filed

6 day of Aug 1890
Pleads, Not Guilty (of)

THE PEOPLE

vs.

Ellen Callum

N.D.

11¹⁵

Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 537 — Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Commander J. M.
Aug 12, 1890
On the day of delivery of man.
per arch and his
now being for.

After investigation; I recommend
release of said person, and defend-
ant's discharge upon her own

recognition;

Aug 14⁹⁰.

Ad. Banks

Off.

0621

Police Court—2 District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 156 W 52

Patrick O'Connell

occupation Coachman

Street, aged 20 years,

being duly sworn

deposes and says, that on the 28 day of July 189 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

one diamond of the value of
thirty 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 Ellen Gallum (now here)

from the fact that deponent saw said defendant take said diamond from the setting of a gold pin then and there was in a scab by him Patrick O'Connell

Sworn to before me this 15 day of July 189

P. J. H. H. H. Police Justice.

0622

Sec. 198-208.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Ellen Callum

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

Canada

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

Answer.

111 W 28 St

3 years

Question. What is your business or profession?

Answer.

I keep a Boarding House

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
Ellen Callum

Taken before me this

day of

Aug

1894

J. J. O'Reilly Police Justice.

0623

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

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

Dated July 1 1890 Do J. C. Reilly Police Justice.

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

Dated Aug 2 1890 Do J. C. Reilly Police Justice.

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

Dated 18 Do J. C. Reilly Police Justice.

0624

Police Court--- 2

1205
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick O'Connell
vs.
Ellen Callum

Offence
Lawrence from
the person

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

Aug 1
D O R

1890

Magistrate.

O'Connell & Brett

Officer.

19

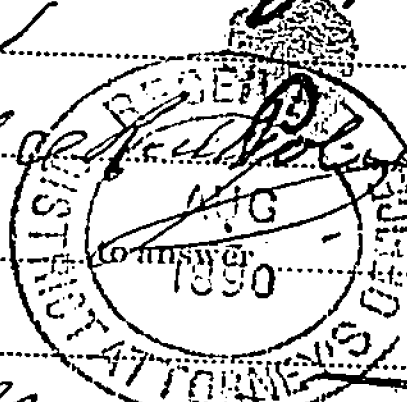
Precinct.

Witnesses

Complainant committed
to the House of Detention
in default of \$100. To
appear

No.

\$1000



Committed

0625

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 2 DISTRICT.

Edward F Brett
of the 19 Precinct Police Street, aged _____ years,
occupation _____

being duly sworn deposes and says
that on the _____ day of _____

at the City of New York, in the County of New York, _____ 188_____
Patrick J. Connell

The within named Complainant
is a necessary and material
witness against Ellen Callum
charged with Larceny and
he asks that he give
surety for his appearance to
testify

Edward F. Brett

Sworn to before me, this

of

May 1892

day

Police Justice.

0626

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Ellen Callum

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

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

The said Ellen Callum

late of the City of New York, in the County of New York aforesaid, on the twenty-eighth
day of July in the year of our Lord one thousand eight hundred and
ninety, in the day time of the said day, at the City and County
aforesaid, with force and arms,

one diamond of the
value of thirty dollars

of the goods, chattels and personal property of one Patrick O'Connell
on the person of the said Patrick O'Connell
then and there being found, from the person of the said Patrick O'Connell
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.

John L. Fellows,
District Attorney.

0627

BOX:

405

FOLDER:

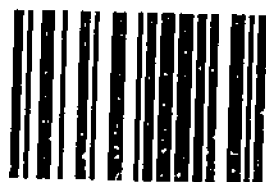
3756

DESCRIPTION:

Carroll, Thomas

DATE:

08/20/90



3756

Witnesses:

I hereby consent
to defendant's dis-
charge on his own
recognizance for the
reason that the com-
plainant cannot
be found. (See af-
fidavits annexed
hereto.)

Dated N. Y., Sept. 16, 1900
Edward Gross
~~deputy Sheriff~~

219. 76. & 76.

Counsel, Wm. J. Boyhan
Filed 20 day of Aug 1899
Pleads, Not Guilty (21)

THE PEOPLE	vs.	Robbery, [Sections 224 and 225, Penal Code].
	I	King
Thomas Carroll		

JOHN R. FELLOWS,
District Attorney.

A True Bill.
J. M. L. R.

Foreman.

Part III September 16/90
On m. of Dist Atty -
Def. discharged by his
own way.

0629

Police Court, *Third* District.CITY AND COUNTY } ss
OF NEW YORK,

of No.

Occupation

*208 East 10*Street, Aged *42* Years*Frank Miller*
Retired being duly sworn, deposes and says, that on the
day of *August* 188*8*, at the *14th* Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:*One Gold Watch, one gold
watch ring, one Diamond
pin and four Dollars, in gold
and lawful current money of the
United States, all of the total
value of Fifty Five Dollars*

of the value of

the property of

Fifty Five
Compulsary DOLLARS,
and that this deponent has a probable cause to suspect, and does suspect, that the said property was
feloniously taken, stolen, and carried away, by force and violence as aforesaid by*Thomas Carroll (now here)*
and two unknown men
not yet arrested, in the man-
ner following to wit: Deponent
was on his way home, going
through East 11th Street, between
the hours of One and two o'clock
on said night and date, and
as he was between Third and
Fourth avenues, then and there
said Defendant Carroll and
two unknown men fell upon
Deponent, grabbed him by the

day of

Sworn to before me, this

188

Police Justice.

0630

throat, struck Dependent in
the face and knocked him
senseless; When Dependent
came to and revived he found
said property gone; and Officer
Christian Hyde of the 14th Precinct
informed Dependent that he
arrested said Carroll while
on a run through East 11th Street
and Dependent identified said
Carroll as one of the men who
robbed him on said night of date
and Dependent now charges said
Carroll and said unknown men
with taking, stealing and carrying away
said property by force and violence in
the manner aforesaid and prays that
said Carroll be dealt with as the Law
directs

Presented before me
this 9th day of Aug 1888

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

Police Justice
Dated 1888

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

1
2
3
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

to answer General Sessions.

0631

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation _____ of No. _____

Christian F. Hon
Policeman
the 14th Precinct Police Street, being duly sworn deposes and

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

Sworn to before me, this _____
day of _____ 1886

9th
Christian F. Hon
Hagan
Police Justice.

0632

Sec. 198, 200

CITY AND COUNTY } ss.
OF NEW YORK, }

3 District Police Court.

Thomas Carroll 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 *me* that the statement is designed to
enable *me* if he see fit to answer the charge and explain the facts alleged against *me*
that he is at liberty to waive making a statement, and that *his* waiver cannot be used
against *me* on the trial.

Question. What is your name?

Answer. *Thomas Carroll*

Question. How old are you?

Answer. *23 Years of Age*

Question. Where were you born?

Answer. *New York City*

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

Answer. *908 East 11th St 1 Year*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am not guilty*
Thomas Carroll

Taken before me this
day of *May*
188*9*

Police Justice.

0633

District Attorney's Office.

Part 3,
PEOPLE

vs.

Thomas Carroll

Sept 16th

Officer Edward Samuel

Compt & Officer

Sept 11/94 Morgan

0634

New York Aug 11th 1890
Third District Police
Group
Sgt Edward Hogan
Residing Justice.

Frank Miller

W.
Thomas Carroll

Frank Miller being and
only sworn deposer and
says,

Q. You and you
were assaulted on
Aug the 7th 1890?

A

Yes Sir,
between one and two
o'clock in the morning
I came from East
14th St and was on
my way home and
went through East
11th St from 14th to 8th

Q

Q. You had been drinking
 A. I had

Q. You were pretty well
 under the influence of
 liquor?

A. I was a little
 intoxicated

Q. Is your
 memory very clear as
 to what took place?

A. I know that I was
 walking through 11th,
 I live in 10th St.

Q. Did you not
 intend to go through
 10th St?

A. I thought I was
 in 10th St, I got there by
 mistake, and that is
 where the robbery took
 place

Q. Did you ever
 see the Defendant?

3

before that night?

A. Yes Sir,
Q. You have no acquaintance with him?

A. Yes Sir,
Q. How long a period of time did this assault take?

A. It might have been two or three minutes.

Q. Was it over a minute?

A. Yes Sir,
Q. How far from you were these men when you first saw them?

A. I do not

know.
Q. And they came from behind you?

A. Yes Sir

(3)

H.

Q. The first you knew
 was to receive a blow
 a They took me by
 the throat from
 behind and threw
 me on the ground

Q. That was the first
 a intimidation you had?
 Yes Sir, it was

Q. Very dark Will you
 swear positively, now,
 after thinking over this
 matter, taking into
 consideration the
 darkness of the night
 that this Defendant is
 one of the three that
 assaulted you?

a. I

Q. Remember his face
 for how long a time
 did you see him

0638

5

u. About a minute or

Q. Two. Was he the one who took you by the throat?

u. He took hold of

Q. me. What did he do particularly to you?

u. If you can state?

Q. I cannot state that, he was one

Q. There were three of them, is that why

you think he is one, because he was arrested and the other two went away, or are you certain from the identification of his face?

u. Yes, Sir, from

Q. his face. Can you

5

6

Describe the other
two men?

A. If I could
see them, I cannot
describe them with-
out seeing them.

Q. Would you have
been able to describe
this defendant if he
had not been arrested?

A. Yes Sir,
Q. Why can you not
describe the other
men?

A. I might know
them again, if I
saw them, but I can
not describe them.

Q. You have no
idea how they look?

A. One was a small
fellow, with clean

7

Q. Shown face, I do not
 know the other. Did
 you have the same
 view of them that you
 had of this Defendant?

A. The whole thing
 was in a couple of
 seconds.

Q. You saw
 him for a couple of
 seconds?

A. I mean a
 couple of minutes.

Q. Have you
 any idea of what a
 minute is? Do you
 know how many
 blocks you can walk
 in two minutes?

A. I could walk
 from 3rd to 4th av in
 2 minutes.

7

J.

Q. Do you know any thing more, except that Geyl saw this man Defendant, for a few minutes, on that night in a dark street?

A. That is all I know.

Q. Do you think you would have known this Defendant if he had not been arrested, if you met him in the street?

A. Yes Sir,
I was before me }
this 11th day of Aug 89 }

Police Justice

J.

9.

Christian. Then our
officers attached to the
1st Precinct Police,
being duly sworn,
deposed and say,

Q. Did you arrest the
Defendant?

A. Yes Sir,

Q. When and where?

A. At 2.10 A.M.
on 17th 1890 in E
11th Street and 11th
Ave.

Q. At the time you
arrested him what
was he doing?

A. He ran towards
me, I was trying a
door.

Q. Just as you
arrested him did
you hear any cries
or noise?

9

10

Q. What did you do
when you arrested
him?

A. I saw two (2)
young men run-
ning towards Mid-
way, the opposite direc-
tion. I brought him
to the complainant,
the complainant was
under the influence of
Liquor, I saw his
chain hanging down,
I asked him what
was the matter with
him, he said he was
robbed and struck
in the back of the
head and on the
right eye, I asked
him if he could iden-
tify this young man
(10) (Defendant) and the

0644

11

Complainant said that is one of them, the three followed me from some circus balloon and I took the Complainant and the Defendant to the Attorney House

Q

Did you after that find any property where the Complainant had been knocked down,

A.

Yes Sir, a ring, a watch ring and a walking cane

Q.

Did Mr Miller identify the property as his?

A.

He did, all the property, but I searched the Defendant and did not find anything on him

11

12

Q. How far from the place where you arrested the Defendant did you find the Defendant?

Q. About 15 feet.
A. It is ~~about~~ a dark street?

Q. A. Yes Sir, Did you ask Miller if he identified the Defendant and did he say, yes?

Q. A. Yes Sir, Did Miller identify the Defendant right away?

Q. He identified him right away, I had him about two minutes and he looked at him, the Defendant was willing

13

Q. To go with me
Was the Defendant
running towards H¹W

A. Yes Sir,

Q. Was there any trap
on the Avenue, there?

A. No Sir, they run
every 20 minutes after
12 O'clock

Q. Did the
Defendant give you
any explanation?

A. No Sir,
Q. He denied being one
of the men or being
in their company?

A. His complainant said
he was with the other
men.

Q. The complainant
was intoxicated?

A. He was unable to
care for himself

13

14

Q. Did you make a charge of intoxication against him?

A. Yes Sir,
 Q. You thought him sufficiently intoxicated to make a charge against him?

A. Yes Sir,
 I swore before me
 this 11th day of Aug 1870

Police Justice

15

Thomas Carroll, the
defendant being
sworn in his own
behalf, deposes and
says, I am a clerk

Q. Do you remember
the night in question

A. Yes Sir,

Q. Where had you been?

A. 42 1st St, E, 13th St,
playing cards

Q. Hear what
Averne is that?

Q. Hear what? Av,
What direction did
you take after leav-
ing there?

A. Towards
3rd Avenue as far
as 11th St,

Q. Which way
were you going?

A. Towards a 4th St

15

16

Q. Now Sir, I wanted
to stop at 14th Ave for
some coffee and Colman,
Were you in company
with anyone?

A. No Sir, I was
alone.

Q. Did you see
the Occurrence there?

A. No Sir,
Q. Did you see any
one Assaulted?

A. No Sir,
Q. Did you Assure
any one?

A. No Sir,
Q. Did you take anything
from anybody?

A. No Sir,
Q. Where do you say you
had been?

A. No 139, E. 13th St.

~~13~~ 14

Q. Where is that ⁸ Godang ¹⁴
 A. Between ⁸ Godang ¹⁴
 Avenue, in a base-
 ment

Q. What kind of a
 place is it?

A. A Lager Beer
 Saloon

Q. What time did
 you leave there?

A. Between half
 past One and twenty
 minutes to two o'clock,
 We were playing cards,
 five of us, Hall,
 Murray, McHugh and
 Clark

Q. In whose com-
 -pany did you leave
 the place?

A. Those four

Q. men Where did you go

(14) ~~13~~

18

to with them?
 A. In the corner of 13th
 Street and 3rd Ave, When

Q. You got there, what
 did you do? What
 took place?

A. We all started
 to go home, I had
 got collar and two (2)
 pairs of cuffs I
 asked a friend of
 mine to mind the
 collar and cuffs
 while I went in the
 closet, when I came
 out I could not
 see him

Q. Where did
 you go to then?

A. As far as I know
 13th St and 3rd Ave, S. E.

Q. Corner, Where did you

14

Q go to after that?
 A To James Longman
 house after my
 Dollars and cuffs, I
 rang the bell and
 got no answer. It is
 a furnished room
 house. I then went
 to 11th Street and 4th

Q. av. How long was
 that before you were
 arrested?

A. Q. 3 or 5 minutes
 How came you to be
 down between 3rd &
 4th av when you
 ran into the arm
 of the Officer?

Q. A. It is a
 corner house, I live
 in 318 East 11th Street,
 I went to a 4th av

15

26

Over to see a friend

Q. of mine Who is your

friend?

A. A lady friend

Q. What kind of a

place is it?

A. A furnished room

Q. Where? What is your

A. business?

A. A Book makers

clerk on the race

track

Sworn to before me

this 11th day of Aug 1890

Police Justice

\$2000 to answer.

M. J. Treacy

Stenographer

0654

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

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

Dated *Aug 9 188* *E. Hogan* Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0655

Aug 9-9.30 a.m.
" 11 10 a.m.
Police Court *91 13* District *1243*

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Miller
vs. Earl D. D.
Chs Carroll

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

2 _____
3 _____
4 _____

Dated *Aug 9* 18*90*

Hogarth Magistrate

Mon Officer.

14 Precinct.

Witnesses _____

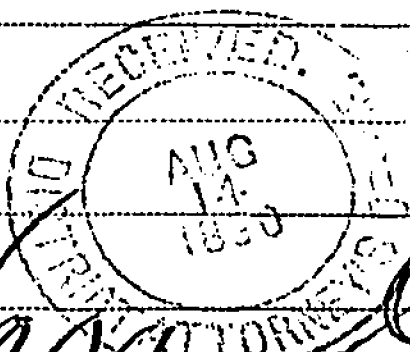
No. _____ Street.

No. _____ Street.

No. _____ Street.

to answer

Mon



0656

PART III.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA OF ^{em} WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE

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

To *Francis C. Miller*

of No. *208 East 10th* Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the day of *November* 1890, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Thomas William Carroll

Dated at the City of New York, the first Monday of *November* 1890, in the year of our Lord 1890.

JOHN R. FELLOWS, *District Attorney.*

Department of Records and Information Services

0657

ould the case not be
assigned in Court
ney's Office about it,
inconvenient to rema
state this early to
ill when served, plea
et Attorney's Office.
ou know of more tea
he Magistrate, or if
was not there broug
strict Attorney or o

THE PEOPLE

vs.

Thomas Carroll

City and County of New York, ss.:

Christian F. Thom

being duly

sworn, deposes and says: I am a Police Officer attached to the

in the City of New York. On the

15th

day of

14th Precinct,
September 18 90

I called at

208 East 10th Street

the alleged

residence

of

Francis Miller

the complainant herein, to serve him with the annexed subpoena, and was informed by a

waitress of said premises, that said Miller
had gone out of the City, about six
weeks ago, and she did not know when
he would return.

I also called at No 237 East
13th Street, where said complainant told me
he resided, but when I called there I could
obtain no information about said Millers
whereabouts.

Sworn to before me, this

16th

day

of

Sept. 18 90
J. H. Houghen
Notary Public (44)

Christian F. Thom

0658

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

Thomas Carroll

JOHN R. FELLOWS,

District Attorney.

Apparatus of Police Officer

Christian J. How

14

Precinct.

Failure to Find Witness.

0659

PART III.

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

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

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

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

To *Frank Miller*

of No. *208 - East 10th* Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the *10th* day of *September* 1890, at the hour of 11 in the forenoon of the same

day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Thos. Canale

Dated at the City of New York, the first Monday of *September* in the year of our Lord 1890.

JOHN R. FELLOWS, *District Attorney.*

0660

TORN PAGE

Court of General Sessions.

THE PEOPLE

vs.

Thomas Carroll

City and County of New York, ss:

Jacob Deubert

being duly

sworn, deposes and says: I reside at No.

Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of

the City and County of New York. On the 10th day of September 1898

I called at 208 East 10th Street (Three times)

the alleged residence of Frank Miller

the complainant herein, to serve him with the annexed subpoena, and was informed by The

~~alleged residence of the~~
complainant that the said Miller had
left their about five weeks ago
saying that he was going away to the
country and had no reason to
expect his return at any time.
I made other enquires in the neighborhood
with no better result as to his
present whereabouts

Sworn to before me, this

16

day

of

Sept 18 98
Notary Public

Jacob Deubert

Subpoena Server.

Court of General Sessions.

THE PEOPLE, on the Complaint of

vs.

James Carroll

Offence :

JOHN R. FELLOWS,
District Attorney.

Affidavit of

James Deubert

Subpoena Server.

Failure to Find Witness.

0661

0662

3

DISTRICT POLICE COURT.

THE PEOPLE
ON COMPLAINT OF

Frank Miller Examination had *Aug 11th* 188*9*
vs *Mr Carroll* agst. *Anna Hogan* Before *Police Justice.*

I *H. J. Treacy* Stenographer of the *3* District Police Court, do hereby certify that the within testimony in the above case is a true and correct copy of the original Stenographer's notes of the testimony of *Frank Miller* and all herein as taken by me on the above examination before said Justice.

Dated

August 13th 188*9*

H. J. Treacy Stenographer.
A. J. Farr Police Justice.

0663

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 3rd DISTRICT.

Christian Mon
of No. 1011 H. Freeman Street, aged 24 years,
occupation Policeman being duly sworn deposes and says,
that on the 7 day of August 1889
at the City of New York, in the County of New York,

Memor Carroll (now
here) was charged by
Frank Miller with being
assaulted and robbed
and as material and
necessary evidence is
wanting Dependent
ask that said Carroll
be detained till said
evidence is produced
Christian Mon

Sworn to before me, this

1889

day

Police Justice

0664

91
Police Court, *S* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

M Carroll
vs.

AFFIDAVIT.

Dated

189

Hogben Magistrate.

Men Officer.

Witness,

Disposition,

2 Aug 8th 2³⁰ P.M.

2 Aug 9th 9 A.M.

0665

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Randall

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

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

The said Thomas Randall,

late of the City of New York, in the County of New York aforesaid, on the *seventh* day of *August*, in the year of our Lord one thousand eight hundred and *eighty-ninth*, in the *middle* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Franka Miller* — in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of forty dollars, one watch-ring of the value of five dollars, one pin of the value of ten dollars, and the sum of four dollars in money, lawful money of the United States and of the value of five dollars,

of the goods, chattels and personal property of the said *Franka Miller*, from the person of the said *Franka Miller*, against the will, and by violence to the person of the said *Franka Miller* — then and there violently and feloniously did rob, steal, take and carry away, *the said*

Thomas Randall being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid as yet unknown; —

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

John R. Bellows
District Attorney

0666

BOX:

405

FOLDER:

3756

DESCRIPTION:

Carson, James

DATE:

08/08/90



3756

65

Witnesses:

Patrick Samon
Hiram Douglas

David Ford

Wm. C. Thompson
James Carson
13th Jan 1890

as per official
book

Boysen and Harry
after the goods
when reached
to them 707

Counsel,
Filed 8 day of Aug. 1890
Pleads, Not Guilty (11)

THE PEOPLE
vs.
James Carson
[Section 407, Penal Code]
Burglary in the second degree.

JOHN R. FELLOWS,
District Attorney.

A TRUE BILL
Edward L. Brown

Foreman.

Aug. 11, 1890
Plead, Burg. 3d
24th Sept 1890
Wednes. Aug. 20, 1890

0668

Police Court— 4 District.City and County } ss.:
of New York,of No. 431 - 3rd Avenue Street, aged 45 years,
occupation Water being duly sworndeposes and says, that the premises No. 431 - 3rd Avenue Street, 19th Ward
in the City and County aforesaid the said being a Four story brickdwelling in part
and which was occupied by deponent as a dwelling
and in which there was at the time a human being, by name Patrick Trainorand Essie Trainor
were BURGLARIOUSLY entered by means of forcibly opening the
window of a bedroom on the first
floor of deponent's apartmenton the 28 day of July 1898 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:On bed, bedding, two valises, wearing
apparel and shoes together of the value
of about seventy-five dollars
(\$75.00)the property of deponent, and deponent's boarders
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 byJames Carson now herefor the reasons following, to wit: deponent locked and securely
fastened the door and window of the said
room about the hour of One O'clock P.M. on
said date. About the hour of Three O'clock
P.M. deponent was awakened by his
wife and went to the said room and
discovered that the window had been
forced open as aforesaid. Deponent
went to the stairs and saw the defendant

0669

going out of the door to the street and run
Barry Deponius followed the defendant
and caused his arrest and charges
the defendant with burglariously
entering the premises of a person
and proving that he may be dealt
with as the law directs

Shewn before me Patrick J. Trainor
this 28th day of July 1890
Charles W. Linton
Police Justice

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

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

Police Court, District.

THE PEOPLE, &c.,
on the complaint of

vs.

1.
2.
3.
4.

Offence—BURGLARY.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses.

No. Street.

No. Street.

No. Street.

\$ to answer General Sessions.

0670

Sec. 193-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

14 District Police Court.

James Carson 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. James Carson

Question. How old are you?

Answer. 38 years old

Question. Where were you born?

Answer. New York City

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

Answer. 531 Kent Avenue,oklyn - 3 years

Question. What is your business or profession?

Answer. Blacksmith's Helper

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 Carson

Taken before me this

day of

1887

Police Justice.

0671

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.....

Dependence
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 *July 28* 18 *90* *Charles K. Smith* Police Justice.

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

Dated.....18.....Police Justice.

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

Dated.....18.....Police Justice.

0672

1170

Police Court--- *H* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick Francis
737 3rd Ave
James Carson

Officer

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *July 26* 18*90*

James H Magistrate.

O'Donoghue Officer.

73 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

§ *1009* to answer *G.S.*

Each

0673

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 Barron

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

James Barron

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

The said *James Barron*,

late of the *nineteenth* Ward of the City of New York, in the County of New York aforesaid, on the *twentieth* day of *July*, in the year of our Lord one thousand eight hundred and *ninety*, with force and arms, about the hour of *three* o'clock in the *day* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Patricia Brannin*.

there situate, feloniously and burglariously did break into and enter, there being then and there some human being, to wit: *the said Patricia Brannin*,

within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *Patricia Brannin*,

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

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

John F. Barron,
District Attorney

0674

BOX:

405

FOLDER:

3756

DESCRIPTION:

Casulick, Niccolo

DATE:

08/22/90



3756

0675

POOR QUALITY
ORIGINAL

Witnesses:

W. Meyer
~~*W. Meyer*~~
W. Seymour

Counsel,

Filed

261 *Philip Knopfer*
38 Park Row
22 day of *Aug* 1890
Pleads, *Not Guilty (20)*

THE PEOPLE

vs.

Niccolo Casulich

H. D.

MURDER IN THE FIRST DEGREE

[Section 183, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

To follow Miller case

W. J.

A True Bill.

James D. H.
Before (reorder) judge.
Commissioner find deft
insane - committed to the
Hudson Reformatory for insane
by court - Jan'y 19, 1891

0676

POOR QUALITY
ORIGINAL

Witnesses:

W. Meyer
~~*W. Meyer*~~
Wm. Seymour

Counsel,

Filed

261. *Philip Carpenter*
35 Park Row
2nd day of *Aug* 18*90*
Pleads. *Not Guilty (20)*

THE PEOPLE

vs.

Niccolo Casulick

H.

MURDER IN THE FIRST DEGREE

[Section 188, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

James L. Ryan
Before Recorder of the
County of New York
Commissioner find a left
issue - *Committed to the*
State Prison for issue
by Court - Jan'y 19, 1891

0677

CITIZENSHIP APPLICATIONS.

IN RE: J. LOPEZ, :

Respondent. :

TRIAL BY JURY. :

On reading the annexed affidavits of David S. Gortner, Theodore S. Gortner, Theodore S. Gortner, Theodore S. Gortner, Amadio S. Gortner and David S. Gortner, and on all the affidavits and other evidence, it is ORDERED, that the application for a writ of habeas corpus be granted and that a term thereof to be held in Part II in the City of New York, on the 22d day of October, 1936, at 11 o'clock in the forenoon; and that at the time then if the people show cause why a commission should not be appointed to examine the defendant and report to the Court on to his insanity, as provided by Section 830 of the Code of Criminal Procedure, ^{it is ordered,} and notice of this application be given to the District Attorney in the City and County of New York by serving upon him copies of this order and the annexed affidavits this day.

J. Longthorpe
Recorder

0678

Pol.

1. GENERAL SESSIONS .

----- X

THE PEOPLE, :

-against- :

NICOLA CASULICH . :

----- X

City and County of New York, ss:

FRANK GOSCHINA being duly sworn deposes and says:--

I am a ship chandler and live at No. 163 President Street, and my place of business is at No. 15 Union Street, South Brooklyn.

I am 56 years of age, and am an Austrian by birth.
I have been in this Country 24 years.

"2

After this homicide was committed, several of my countrymen came to me and begged me to do what I could to defend Casulich. Get him a lawyer and see that the proper testimony was taken. They said that he was crazy and had no friends here. At first I refused to do as requested. I never met the man, and never heard of him until the time of the homicide, but I finally consented out of humanity.

I have experienced great difficulty in looking up the evidence. Casulich himself has been unable to give
"3 me any assistance; he does not seem to take any interest in

the case, or care whether he is convicted or not, nor could he give me information about witnesses. A good many witnesses who, I am informed and believe, could testify to his insanity, are employed on ships that are not now in port and have not been since I first learned of the case. I have used all the diligence possible under the circumstances. Through the Austrian Consul I received, last month, from Austria, statements of witnesses there. I annex the substance of the translation.

"4 From my investigation of the case I am satisfied that it is of the utmost importance that we be permitted to take the testimony of these and other witnesses in Austria, and unless the Court allows it to be done, very serious injury may result to the man who, I believe, was insane and not responsible for his act when he committed this homicide.

The first time I went to see Casulich in the Tombs he did not appear to realize that he had done anything, but he laughed, and when I spoke to him about it, he said that that was nothing, that the Judge had told him that he would let him go in a few days. When I told him that he took it very easy for a man who had committed such a crime, he said "Why, I pray every night for the man I killed, and I that God will come and free me".

Sworn to before me)

October, 1890.)

Thos. Cacciola,
Notary Public, Kings County,
Certificate filed in New York Co.

Frank Corchia.

0680

Fol.

1. GENERAL SESSIONS.

----- X
THE PEOPLE, :
-against- :
NICOLA CASULICH. :
----- -X

City and County of New York, ss:

PHILIP CARPENTER, being duly sworn, deposes and says: I
am counsel for the defendant.

He is charged with the crime of murder in the first
degree.

An issue of fact has been joined herein by a plea of
not guilty entered by the defendant. There have been no
further proceedings in the action to my knowledge.

"2 The testimony of the following named witnesses is ma-
terial to the defense of the action;- Gioranni G. Casulich,
Firmina Nicolich, Matteo Vidulich, Marco Vidulich, Girachino
Suttora, Pietro Stefenich, Domenico Casulich, Casulich,
all of said witnesses reside out of the State and in Lussin-
piccolo, Austria, the former home of the defendant. The
last two persons above named are the father and mother of
the defendant.

The defendant desires to offer the plea of insanity as
a specification under the plea of not guilty under section
336 of the Code of Criminal Procedure, and the testimony of

0681

the witnesses above named is material upon that issue.

"3 I am informed and believe that the defendant is insane, and was so at the time of the homicide, and that fact tending to support that defense can be proved by the testimony above named.

The sources of my information and grounds of my belief are interviews had with the defendant himself, statements made to me by persons who know him, and who know his family, the affidavits of some of whom are hereto annexed, and by a physician who has examined him.

I have used the utmost diligence in the examination of the facts in this case, and the procuring of the evidence.

"4 The case was not mentioned to me until August when I was on my vacation, and from which I did not return until *August* the 29th. Since that time I have done everything that I have been able to in the preparation of the case. The prisoner has been unable to give me any help at all. He was unable even to tell me who to see as witnesses in regard to his case. He talks the English language very imperfectly and the services of an interpreter have been necessary at interviews with him. Since I have received from Mr. Coschina, who received them through the Austrian consul, copies of the statements made at Lussinpiccolo, Austria, by the brother and other countrymen of the defendant, I wrote to the defendant's father Domenico Casulich to ascertain the facts bearing on his mental and physical health, and any hereditary tendency to insanity. To that letter I have not yet received a reply, now will it be due for a few days in the ordinary course

0682

of the mails. I did not ^{know} until my return from a few days absence in Boston, on October 13th, that the District Attorney proposed to press the trial at any particular time, and was much surprised to learn at that time that the case had been on the Calendar on Friday, October 10th, and ^{that} it was then stated that he was to be tried as soon as his case was reached.

Some of the countrymen of the defendant have advised that the defendant plead guilty to a crime of a less degree than that with which he is charged, if the District Attorney would accept such plea. Not wishing to incur the responsibility of advising him to so plead, or not to, I also wrote his father, at the same time, upon that point, asking his views as to the advisability of the step.

I believe that justice may be denied this unfortunate man, unless this motion for a commission be granted, and the time desired to fully prepare his case, be given.

"7 Sworn to before me)
October 20th 1890.)

Philip Carpenter

Carrie R. Barrett.
Notary Public,
King's Co.
Certificate filed in Sup. Ct.

0683

Pol.

1. GENERAL SESSIONS.

----- x
THE PEOPLE, :
-against- :
NICOLA CASUBICH. :
----- x

City and County of New York, ss:

DENISEA CHERUBINI being duly sworn deposes and says:

I am the wife of Joseph Cherubini, and live with him at No. 1 Summit Street, South Brooklyn. I am 39 years old. I came to this Country about seven years ago. Before I came here I lived all my life in Lussinpiccolo, Austria. I lived only two blocks from where the father, mother, brothers and sisters of the defendant lived, and I was acquainted with them. I knew the defendant himself when a boy, but

"2 it was so long ago that I do not remember much about him there. I saw him here about the 1st part of July, 1890.

I keep a boarding house at No. 1 Summit Street, and about the 1st of July he came to my house and asked for breakfast. I gave it to him. He acted very queerly indeed while eating, and afterward I thought the man was insane.

He stood in front of the looking-glass while he was eating, and was laughing and talking to himself and making faces; "3 he also used very bad language, both obscene and profane.

0684

When I would ask him to stop, he appeared to not understand me, and would answer me as if I had asked him something else. After breakfast he went out and ran up and down the street, and then returned, ran up the steps, into the house and up stairs. We all thought he was crazy. He wanted to engage board with me, but I refused to take him because I thought he was crazy. While he was there that day I could not get any rational answer from him; he talked in a rambling disconnected manner.

"4 About the middle of July he came to the house, and without saying a word to anybody went up stairs to the top of the house, and then back again and out, without speaking to any one. When he came down stairs he was running and acting very queerly; also muttering and talking to himself and throwing his arms around. It was only a few days after this that I heard of the homicide being committed.

When I lived in Austria, I knew the defendant's family very well. His father and mother are living. He has two brothers and one sister. I knew the defendant's grandmother on his mother's side. She died a short time before I came to this Country. She used to act very queerly indeed; talked wildly at times, and acted strangely and seemed to be out of her head. People thought she was crazy.

"5 I also knew the defendant's mother's sister Perine. When I left Austria she was living, I do not know whether she is still living or not. She was violently insane at times and frequently had to be locked up by the authorities. She

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frequently threatened to do violence to people, and was considered dangerous. She was married and had several children. Her three sons were crazy- one of them died in an asylum.

"6 I also was slightly acquainted with an uncle of the defendant- his mother's brother. His name is Pietro Ragusin. Several people noticed his crazy actions, and I feel sure that many could be found in Lussinpiccolo who would testify to that fact.

Another uncle of the defendant, his mother's brother, Romano, was so crazy that he was not even able to take care of himself.

Sworn to before me)

"7

October, 18th, 1890.)

Domenica Cherubini

*L. Cacciola,
Notary Public, Lussino.
Certificate filed in New York Co.*

0586

Pol.

1. GENERAL SESSIONS.

----- x
THE PEOPLE, :
-against- :
NICOLA CASULICH. :
----- x

City and County of New York, ss:

VINCENZO GIURGEVICH being duly sworn deposes and says:

I am longshoreman and stevedore, and live at No. 122 Union Street, South Brooklyn. I have known Nicola Casulich for five or six years. He boarded in my house for ten days about six years ago. I got rid of him as soon as I could because he acted like a crazy man. He kept trying to get into trouble with everybody around the house, and we were all afraid of him; he insulted everybody. He was a sullen, stupid sort of a fellow, if we would ask him one question, he would answer another- he did not seem to understand what was said to him.

Last July I was discharging a cargo on board the Nemirna, in the Erie basin at South Brooklyn. The defendant Casulich had a place on the same ship, and had been working two days. I was present on the third day when I heard the Mate tell him to go to work, but he refused and began washing his clothes. He did not appear as if he knew what he was

0687

doing. About five days later I was discharging another cargo on the barque Vitez, which was also in the Eric basin.

"5 He came on board the ship to get work. The Mate saw him first and tried to send him away, because he was crazy, but he would not go away and insisted upon waiting for the Captain. After waiting a short time, however, he left. While he waited he walked back and forth on the deck, acting very queerly; then he went away and came back in the afternoon with his working clothes and went down in the hold to go to work, without saying a word to any one. He worked a couple of hours, and then came up and said the work was too hard for him, and the Mate said he had better go home, but he said he would wait for the Captain. At supper time he sat down on the trunk of one of the sailors. *(as the sailor himself on the next morning told me)* The sailor asked him to get up and let him get the tobacco out of the trunk, but Casulich said that he would not; that he might have got it before. The sailor took him by the hand to pull him up from the trunk, when Casulich took his hand in both of his, and putting it to his mouth, bit his thumb so that the sailor was not able to work for over two weeks. This was about July 11th, about ten days afterward I heard of the homicide.

I have no doubt whatever that he was insane.

Sworn to before me)
 "5 October 18th 1890.)
 L. H. Cacciola
 Notary Public, Kings County,
 Certificate filed in New York C.

Francis Lingenich.

0688

Pol. .

1. GENERAL SESSIONS .

----- X
THE PEOPLE, :
-against- :
NICOLA CASULICH. :
----- X

City and County of New York, ss:

Considine, alias Spiro C. C. C.
PETER ~~CASULICH~~ being duly sworn deposes and says:--

I keep a boarding house at No. 10 Union Street, South Brooklyn. I first met the defendant Casulich about the 1st of last July. He came to see me at the house, and asked me to get a ship for him if I could, and I told him to come back the next day. I got him a place on the barque Memirna. He went to work and worked two days, and on the third day about 7 o'clock in the morning he came to the house again and said he had left the ship. He could not explain to me what the trouble was so that I could understand it, so I went on board the ship to find out about it. The Mate told me that the man was crazy; that when he told him to go to work that morning, he would not go but began washing his clothes. When he again told him to go to work, the Mate said that Casulich knocked him down and left the ship.

This ship sails from here to Java. I cannot tell when she will be back in port again. Punch, Edey & Co. are the agents.

That evening Casulich came to the house again and
"3 wanted me to board him, but I declined because I considered
him crazy and was afraid to have him around. He acted
very queerly and did not seem to understand what I said to
him, and answered different things than those said to him.

A few days afterwards I was at Mr. Coschina's of-
fice at No. 15 Union Street, South Brooklyn, when Casulich
came in. He did not notice me at all; I asked him if he
had a place, but he did not look at me at all. A few days
after that he came to my house again and asked me to get
him a job again, and I told him that I could not get him
"4 another ship. I knew he was crazy and I did not want to have
anything more to do with him.

The same day he asked me if he could get married
to my niece. She lives in my house, and he had seen her
perhaps a couple of times only.

After this he went to work on another ship- the
Vitez. I know the Captain and Officers very well; I got the
crew for the ship. The Captain and the Mate and some of the
sailors told me afterward what happened on the ship. They
said that Casulich started to work of his own accord, with-
out authority, and at evening when the work was over he
"5 went into the sailors' forecastle and commenced to throw
things all over the floor. When they objected he would
not stop. They said that finally he sat down on a trunk
of one of the sailors, and refused to get up when asked to,
and when the sailor took hold of him to get him up, he bit
his thumb so badly that he could not work for about fifteen

0690

days. I have never seen Casulich since that time.

On the occasions when I did see him, after the first time, he always acted queerly, and plainly showed that he was crazy.

Sworn to before me) ^{his} (Peter X Cousine.
mark

"6 October 18th, 1890)

Thos. Casicola,
Notary Public, Kings County,
Certificate filed in New York Co.

0591

Fol.

1. GENERAL SESSIONS.

THE PEOPLE, :

-against- :

NICOLA CASULICH.. :

- - - - - x

City and County of New York, ss:

ANTONIO BUSAVICH being duly sworn deposes and says:--

I live at No. 25 President Street, South Brooklyn.
I am a ship caulker. I have known the defendant Nicola Casulich for 18 years. I knew him in Iussinpiccolo, Austria, before he left his home. I married his sister. I came here about 3 years ago.

Two brothers and one sister of my wife's mother (who is also the defendant Casulich's mother) were crazy.

"2 One uncle died in Panama, about two years ago, of his insanity. The other uncle and the aunt are now living in Iussinpiccolo. At one time the uncle that is now living, tried to drown himself; at another time he wandered away, and the people all turned out to search for him, and he was finally found the next day in the woods. He did not seem to know what he was about. His condition when he was found I cannot testify to personally, as I was not present myself. I was told the facts as above stated.

I had not seen Casulich before until last July,
 "3 when he came to my house in Brooklyn, came inside and sat
 down without saying a word for ten minutes, without asking
 for anybody or anything, then he jumped up and went out,
 saying "I am busy, I have no time to lose". Three days
 after that I met him on the corner of Hamilton and President
 Streets, and I asked him what he was doing there. He said
 "I was waiting for you". He had no appointment to meet me
 there, and had no reason to expect me. He said "I want
 money; I have not a cent". I gave him \$5 and he went away.

He came to my house the second time in July. The
 "4 stove was red hot. He put his foot on top of it, and when
 I told him that he would burn himself he said "I don't care".
 That was all the conversation during the second visit. I
 had heard for a long time that he was crazy. I noticed it
 particularly myself on these occasions; when I saw him in
 July he acted very strangely indeed.

Thirteen days before I heard of the homicide, I
 met him again. I noticed then, as I had before, that he
 was crazy. I advised him to go home, and not take any other
 ship, and he promised me that he would.

"5 I think it of great importance that the testimony
 of his father and mother and other witnesses in Lussinpico-
 colo, be taken to show the facts about insanity in the
 family, and also about the previous health and disposition of
 Casulich. If my wife was here she could testify to these mat-
 ters. She did not come over with me. I expect to go back

0693

in a few weeks. I have heard that there was insanity in the grandparents of Casulich, but am not able to testify to it to my own knowledge.

I have also heard various things tending to show that Casulich's mother was insane, in addition to the facts that I have seen myself.

Sworn to before me)

#6

October 5th, 1890.)

Antonio Buscanel.

Shos. Cassola

Notary Public, Kings County.

Certificate filed in New York Co.

0694

Pol. GENERAL SESSIONS .
1.

----- x
THE PEOPLE, :

-against- :

NICOLA CASULICH. :
----- x

Abstract containing substance of depositions taken by
the Mayor of Lussinpiccolo, Austria, August 20th 1890.

City Hall of Lussinpiccolo, August 20th 1890.

Giovanni G. Casulich, being duly sworn, says:-- Through
the New York Herald, I learned the sad news that my brother
Nicola, who has been away from home for the last five years,
is now in prison in New York under a charge of murder.

It is necessary to bring the fact of his insanity
to the attention of the Court in order to show that he was
"2 not conscious of the criminal act committed by him, and to
that end I pray this respectable municipal body, to take the
depositions of certain persons in Lussinpiccolo, who had
occasion, being with my brother, of seeing that he was sub-
ject to mental disorders, and I further pray that the depo-
sitions may be forwarded to the Imperial and Royal Consulate
General of New York, with the request that they be delivered
to the Court of that City so that they may be attached to
the trial papers.

Firmina Nicolich being interrogated, answered as follows: I saw Nicola Casulich in the City of Buenos Ayres in March 1888, and got the impression that he was of unsound mind. Sometimes he would speak rationally but sometimes incoherently. He was given to prayer, and declared that he intended to become a friar. He showed himself to be very pious. One day he stayed in Church, praying, from 10 o'clock in the morning until 5 in the evening- he would quit his work to pray. At night, although sleeping in company with other persons in the same room, he would get on his knees and pray. He used to give alms and purchase candles.

Matteo Vidulich, being duly sworn says: I knew Nicola Casulich in Buenos Ayres, and as soon as I saw him, I understood he was not all right mentally. He would not live with his companions, as is customary to do, for the purpose of economy, but lived all alone. He erected in his room a large wooden cross, before which he would continually pray. He would often leave his work and go to church, especially on Saturday when he would go regularly to Confession.

On one occasion he asked 10 of us, all of usassin-piccolo, to take a drink, but instead he took us to Church. Another time he came on board a vessel in which I was to sell cloaks.

All these acts undoubtedly show that he was not in the rightful possession of his mental faculties.

0696

Gioacchino Suttara, being duly sworn, says: I knew Nicola Casulich in Buenos Ayres in 1889. He often used to come on board our ship and even sleep there because he had no permanent dwelling place. His conduct and all his acts indicated that he was affected with a mania, and especially religious mania, because he always went to church. Whenever he was invited to go some place, he would excuse himself saying he had to go to church.

"6

Petro Stefanich being duly sworn says: I saw Nicola Casulich in Buenos Ayres about a year ago. He was continually speaking incoherently, jumping from one argument to another, so that I got the impression that he was a man whose mental faculties were deranged.

I often heard others speak of him and of his conduct which denoted that he was not in the full possession of his mental faculties.

Marco Vidulich, being duly sworn, says: In November, 1889, I worked in Buenos Ayres. Having heard people speak of Nicola Casulich, and having been friends from childhood, I went to see him on board the barque "Genitore", with some other countrymen of his. Casulich, however, did not give them a good reception, but turned his back and went into the sailors' cabin, saying he was busy because he had to go

"7

0697

to church. His behavior confirmed the statements which I had already heard about him.

On board the barque he behaved himself in such a manner that he was dismissed because he would frequently stop working and go on shore.

Note.

I have the honor of transmitting these papers to the Most Respectable Imperial and Royal Consulate General of New York, requesting that the same be forwarded to the Court in which is pending the case against the unfortunate Nicola Casulich.

Meanwhile it is hereby declared that, by reason of statements made by the many persons of this place, who reside in America, the general opinion here is that the said Casulich is affected with mania.

From the City Hall, Massimiccolo, August 21, 1890.

The Mayor ("Podesta")

(Signed)

G. R.

0698

GENERAL SESSIONS.

THE PEOPLE,

against

NICOLA CASULICH

AFFIDAVITS AND ORDER.

PHILIP CARPENTER,

ATTORNEY FOR DEFENDANT.

38 PARK ROW,

NEW YORK CITY

To John R. Fellows Esq
District Attorney

To His Honor Recorder Frederick Smyth

The petitioners William Simor of California, Frederick Meier, Otto Gedtgen and Herman Kingi, the latter three Germans of Germany, respectfully petition Your Honor for a compensation, having been detained as witnesses from the 22nd day of July 1890 until the 29th day of January 1891, using up their savings and losing their position on board of ship.

The detention occurred under the following circumstances:

The petitioners are seamen and on the 22nd day of July 1890 boarded at no. 12 Hamilton Str. city of New York. While there and your petitioners presence on, Nicholas Kussalich, stabbed a man and your petitioners, who had not taken part in any quarrel or scuffle, but were only and accidentally present, were arrested and placed in the house of detention.

In the course of time they were brought before the Grand jury and gave their testimony without any coercion. Afterwards they were informed, (This was about Christmas time, but your petitioners are not so certain about it) that Kussalich had been declared a lunatic and that he would not be tried. On the 29th

of January 1891 they were discharged, as already stated.

When your petitioners were detained they had some money, which they spent during their incarceration for tobacco and other trifles to make time pass. They even borrowed some money from the party owning the boarding house N-13 Hamilton street for your petitioners found it hard to be confined. They are in debt to the boarding house keeper \$25 each. During their incarceration their ship sailed and they are now without position and without money, without any fault of their own.

Your petitioners therefore pray your Honor to grant them an order, relieving them of their want by allowing them a compensation for the time of their incarceration in the House of Detention.

And they will ever pray &c

W. Seymour
F. Meyer
Otto Gädgen
Herm. ^{nick} + Mingsi
_{mint}

City and county of New York, ss.

Before me the undersigned appeared W. Seymour, F. Meyer, Otto Gädgen and H. Mingsi, who after having the above petition read to them severally declared the contents thereof to be true of their own knowledge except those parts stated therein

0701

as alleged on information and belief and as to such
part they believe it to be true.

Subscribed to
before me this 2nd of
February 1891

J. Giffuni

W. Seymour

L. Meyer

Otto Gadtjen

Herb + Muri
mark

Index Aug 22, 1890.

July 90,

pro. ~~pro.~~

Dekeach of the
petitioners has
440. 7/9

Citation of

William Simon
Fredr. Meyer
Otto Goodwyn
Herm. Winge

seamen, detained as
witnesses, for compen-
sation.

To the District Attorney

Please take notice that an
application will be made on
basis of the within petition to
His Hon Recorder Smyth
on Wednesday morning Febu
ary 4th 1891 at 10 o'clock in
the morning at the General
Session Court Room No. 2,
Chambers Street, City of New York

Respectfully
J. Van Hook
att'y.
for Center St.

0702

0703

GENERAL SESSIONS .

----- X
THE PEOPLE , :

-against- :

NICOLA CASULICH . :
----- X

On reading the annexed affidavits of Philip Carpenter, Damenica Cherubini, Vincenzo Giurgevich, Peter Considine, Antonio Busavich and Frank Coschina, and on all the pleadings and proceedings herein, it is DIRECTED, that the application for a commission be heard before said Court at a term thereof to be held in Part II in the City of New York, on the ²² day of October, 1890, at 11 o'clock in the forenoon; and that at the same time the people show cause why a commission should not be appointed to examine the defendant and report to the Court as to his insanity, as provided by Section 658 of the Code of Criminal Procedure, ^{it is Ordered,} and that notice of this application be given to the District Attorney in the City and County of New York by serving upon him copies of this order and the annexed affidavits this day.

October 20th 1890.

Henry C. Reed

0704

Fol.

1. GENERAL SESSIONS.

----- x
THE PEOPLE, :
-against- :
NICOLA CASULICH. :
----- x

City and County of New York, ss:

FRANK COSCHINA being duly sworn deposes and says:--

I am a ship chandler and live at No. 163 President Street, and my place of business is at No. 15 Union Street, South Brooklyn.

I am 56 years of age, and am an Austrian by birth. I have been in this Country 24 years.

"2

After this homicide was committed, several of my countrymen came to me and begged me to do what I could to defend Casulich. Get him a lawyer and see that the proper testimony was taken. They said that he was crazy and had no friends here. At first I refused to do as requested. I never met the man, and never heard of him until the time of the homicide, but I finally consented out of humanity.

I have experienced great difficulty in looking up the evidence. Casulich himself has been unable to give me any assistance; he does not seem to take any interest in

"3

the case, or care whether he is convicted or not, nor could he give me information about witnesses. A good many witnesses who, I am informed and believe, could testify to his insanity, are employed on ships that are not now in port and have not been since I first learned of the case. I have used all the diligence possible under the circumstances. Through the Austrian Consul I received, last month, from Austria, statements of witnesses there. I annex the substance of the translation.

"4 From my investigation of the case I am satisfied that it is of the utmost importance that we be permitted to take the testimony of these and other witnesses in Austria, and unless the Court allows it to be done, very serious injury may result to the man who, I believe, was insane and not responsible for his act when he committed this homicide.

The first time I went to see Casulich in the Tombs he did not appear to realize that he had done anything, but he laughed, and when I spoke to him about it, he said that that was nothing, that the Judge had told him that he would let him go in a few days. When I told him that he took it very easy for a man who had committed such a crime, he said "Why, I pray every night for the man I killed, and I ^{believe} that God will come and free me".

Sworn to before me)
October, 18th 1890.)

Frank Casulich
Thos. Cacciola
Notary Public - Kings County
Certificate filed in New York Co.

0706

Fol.

1. GENERAL SESSIONS.

----- x
THE PEOPLE, :
-against- :
NICOLA CASULICH. :
----- -x

City and County of New York, ss:

PHILIP CARPENTER, being duly sworn, deposes and says; I
am counsel for the defendant.

He is charged with the crime of murder in the first
degree.

An issue of fact has been joined herein by a plea of
not guilty entered by the defendant. There have been no
further proceedings in the action to my knowledge.

"2 The testimony of the following named witnesses is ma-
terial to the defense of the action;- Gioranni G. Casulich,
Firmina Nicolich, Matteo Vidulich, Marco Vidulich, Girachino
Suttora, Pietro Stefenich, Domenico Casulich, Casulich,
all of said witnesses reside out of the State and in Iussin-
piccolo, Austria, the former home of the defendant. The
last two persons above named are the father and mother of
the defendant.

The defendant desires to offer the plea of insanity as
a specification under the plea of not guilty under section
336 of the Code of Criminal Procedure, and the testimony of

the witnesses above named is material upon that issue.

"3 I am informed and believe that the defendant is insane, and was so at the time of the homicide, and that facts tending to support that defense can be proved by the testimony above named.

The sources of my information and grounds of my belief are interviews had with the defendant himself, statements made to me by persons who know him, and who know his family, the affidavits of some of whom are hereto annexed, and by a physician who has examined him.

I have used the utmost diligence in the examination of the facts in this case, and the procuring of the evidence.

"4 The case was not mentioned to me until August when I was on my vacation, and from which I did not return until *August* the 29th. Since that time I have done everything that I have been able to in the preparation of the case. The prisoner has been unable to give me any help at all. He was unable even to tell me whom to see as witnesses in regard to his case. He talks the English language very imperfectly and the services of an interpreter have been necessary at interviews with him. Since I have received from Mr. Coschina, who received them through the Austrian consul, copies of the statements made at Lussinpiccolo, Austria, by the brother and other countrymen of the defendant, I wrote to the defendant's father Domenico Casulich to ascertain the facts bearing on his mental and physical health, and any hereditary tendency to insanity. To that letter I have not yet received a reply, nor will it be due for a few days in the ordinary course

0708

of the mails. I did not ^{know} until my return from a few days absence in Boston, on October 13th, that the District Attorney proposed to press the trial at any particular time, and was much surprised to learn at that time that the case had been on the Calendar on Friday, October 10th, and ^{that} it was then
"6 stated that he was to be tried as soon as his case was reached.

Some of the countrymen of the defendant have advised that the defendant plead guilty to a crime of a less degree than that with which he is charged, if the District Attorney would accept such plea. Not wishing to incur the responsibility of advising him to so plead, or not to, I also wrote his father, at the same time, upon that point, asking his views as to the advisability of the step.

I believe that justice may be denied this unfortunate man, unless this motion for a commission be granted, and the time desired to fully prepare his case, be given.

"7 Sworn to before me)
October 20th 1890.)

Philip Carpenter

Carrie A. Barrett
Notary Public Kings Co.
Cert. filed in N.Y. Co.

0709

Fol.

1. GENERAL SESSIONS.

----- x
THE PEOPLE, :

-against- :

NICOLA CASULICH. :
----- x

City and County of New York, ss:

DAMENICA CHERUBINI being duly sworn deposes and says:

I am the wife of Joseph Cherubini, and live with him at No. 1 Summit Street, South Brooklyn. I am 39 years old. I came to this Country about seven years ago. Before I came here I lived all my life in Lussinpiccolo, Austria. I lived only two blocks from where the father, mother, brothers and sisters of the defendant lived, and I was acquainted with them. I knew the defendant himself when a boy, but it was so long ago that I do not remember much about him there. I saw him here about the 1st part of July, 1890.

"2 I keep a boarding house at No. 1 Summit Street, and about the 1st of July he came to my house and asked for breakfast. I gave it to him. He acted very queerly indeed while eating, and afterward I thought the man was insane. He stood in front of the looking-glass while he was eating, and was laughing and talking to himself and making faces; "3 he also used very bad language, both obscene and profane.

0710

When I would ask him to stop, he appeared to not understand me, and would answer me as if I had asked him something else. After breakfast he went out and ran up and down the street, and then returned, ran up the steps, into the house and up stairs. We all thought he was crazy. He wanted to engage board with me, but I refused to take him because I thought he was crazy. While he was there that day I could not get any rational answer from him; he talked in a rambling disconnected manner.

"4 About the middle of July he came to the house, and without saying a word to anybody went up stairs to the top of the house, and then back again and out, without speaking to any one. When he came down stairs he was running and acting very queerly; also muttering and talking to himself and throwing his arms around. It was only a few days after this that I heard of the homicide being committed.

When I lived in Austria, I knew the defendant's family very well. His father and mother are living. He has two brothers and one sister. I knew the defendant's grandmother on his mother's side. She died a short time before I came to this Country. She used to act very queerly indeed; talked wildly at times, and acted strangely and seemed to be out of her head. People thought she was crazy.

I also knew the defendant's mother's sister Perine. When I left Austria she was living, I do not know whether she is still living or not. She was violently insane at times and frequently had to be locked up by the authorities. She

frequently threatened to do violence to people, and was considered dangerous. She was married and had several children. Her three sons were crazy- one of them died in an asylum.

"6 I also was slightly acquainted with an uncle of the defendant- his mother's brother. His name is Pietro Ragusin. Several people noticed his crazy actions, and I feel sure that many could be found in Lussinpiccolo who would testify to that fact.

Another uncle of the defendant, his mother's brother, Romano, was so crazy that he was not even able to take care of himself.

Sworn to before me)

"7 October, 18th, 1890.)

Monica Chaudron
Thos. J. Quaciaty
 Notary Public - Kings Co.
 Certificate filed in New York Co.

0712

Fol.

1. GENERAL SESSIONS .

----- x
THE PEOPLE , :
-against- :
NICOLA CASULICH . :
----- x

City and County of New York, ss:

VINCENZO GIURGEVICH being duly sworn deposes and says:

I am longshoreman and stevedore, and live at
No. 122 Union Street, South Brooklyn. I have known Nicola
Casulich for five or six years. He boarded in my house for
ten days about six years ago. I got rid of him as soon as
I could because he acted like a crazy man. He kept trying
to get into trouble with everybody around the house, and we
were all afraid of him ; he insulted everybody. He was a
"2 sullen, stupid sort of a fellow, if we would ask him one
question, he would answer another- he did not seem to under-
stand what was said to him.

Last July I was discharging a cargo on board the
Nemirna, in the Erie basin at South Brooklyn. The defendant
Casulich had a place on the same ship, and had been working
two days. I was present on the third day when I heard the
Mate tell him to go to work, but he refused and began washing
his clothes. He did not appear as if he knew what he was

doing. About five days later I was discharging another cargo on the barque Vitez, which was also in the Erie basin.

- "3 He came on board the ship to get work. The Mate saw him first and tried to send him away, because he was crazy, but he would not go away and insisted upon waiting for the Captain. After waiting a short time, however, he left. While he waited he walked back and forth on the deck, acting very queerly; then he went away and came back in the afternoon with his working clothes and went down in the hold to go to work, without saying a word to any one. He worked a couple of hours, and then came up and said the work was too hard for him, and the Mate said he had better go home, but he said he would wait for the Captain. At supper time he sat down on the trunk of one of the sailors. ^{^ (as the sailor himself on the next morning told me)} The sailor asked him to get up and let him get the tobacco out of the trunk, but Casulich said that he would not; that he might have got it before. The sailor took him by the hand to pull him up from the trunk, when Casulich took his hand in both of his, and putting it to his mouth, bit his thumb so that the sailor was not able to work for over two weeks. This was about July 11th, about ten days afterward I heard of the homicide.

I have no doubt whatever that he was insane.

Sworn to before me) *Vincenzo Surgenich*

"5 October 18th, 1890.)

Thos. Cacciola

*Notary Public - Kings County
Certificate filed in New York Co.*

0714

Fol.

1. GENERAL SESSIONS .

----- x
THE PEOPLE, :
-against- :
NICOLA CASULICH. :
----- x

City and County of New York, ss:

Considine, alias Spiro Cethkovic
PETER ~~CANSTAY~~ being duly sworn deposes and says:--

I keep a boarding house at No. 16 Union Street,
South Brooklyn. I first met the defendant Casulich about the
1st of last July. He came to see me at the house, and asked
me to get a ship for him if I could, and I told him to come
back the next day. I got him a place on the barque Nemirna.
He went to work and worked two days, and on the third day
about 7 o'clock in the morning he came to the house again
"2 and said he had left the ship. He could not explain to me
what the trouble was so that I could understand it, so I
went on board the ship to find out about it. The Mate told
me that the man was crazy; that when he told him to go to
work that morning, he would not go but began washing his
clothes. When he again told him to go to work, the Mate
said that Casulich knocked him down and left the ship.

This ship sails ⁹from here to Java. I cannot tell
when she will be back in port again. Funch, Edye & Co. are
the agents.

That evening Casulich came to the house again and
"3 wanted me to board him, but I declined because I considered
him crazy and was afraid to have him around. He acted
very queerly and did not seem to understand what I said to
him, and answered different things than those said to him.

A few days afterwards I was at Mr. Coschina's of-
fice at No. 15 Union Street, South Brooklyn, when Casulich
came in. He did not notice me at all; I asked him if he
had a place, but he did not look at me at all. A few days
after that he came to my house again and asked me to get
him a job again, and I told him that I could not get him
"4 another ship. I knew he was crazy and I did not want to have
anything more to do with him.

The same day he asked me if he could get married
to my niece. She lives in my house, and he had seen her
perhaps a couple of times only.

After this he went to work on another ship- the
Vitez. I know the Captain and Officers very well; I got the
crew for the ship. The Captain and the Mate and some of the
sailors told me afterward what happened on the ship. They
said that Casulich started to work of his own accord, with-
out authority, and at evening when the work was over he
"5 went into the sailors' forecastle and commenced to throw
things all over the floor. When they objected he would
not stop. They said that finally he sat down on a trunk
of one of the sailors, and refused to get up when asked to,
and when the sailor took hold of him to get him up, he bit
his thumb so badly that he could not work for about fifteen

0716

days. I have never seen Casulich since that time.

On the occasions when I did see him, after the first time, he always acted queerly, and plainly showed that he was crazy.

Sworn to before me) ^{his} Peter X Considine
mark

"6 October 18th, 1890)

Wm. S. Bacciola
Notary Public - Kings County
Certificate filed in New York Co.

07-17

Fol.

1. GENERAL SESSIONS .

THE PEOPLE, :
-against- :
NICOLA CASULICH. :
--c-----x

City and County of New York, ss:

ANTONIO BUSANICH being duly sworn deposes and says:--

I live at No. 25 President Street, South Brooklyn.
I am a ship caulker. I have known the defendant Nicola Cas-
ulich for 18 years. I knew him in Lussinpiccolo, Austria,
before he left his home. I married his sister. I came
here about 3 years ago.

Two brothers and one sister of my wife's mother
(who is also the defendant Casulich's mother) were crazy.

"2 One uncle died in Panama, about two years ago,
of his insanity. The other uncle and the aunt are now liv-
ing in Lussinpiccolo. At one time the uncle that is now
living, tried to drown himself; at another time he wandered
away, and the people all turned out to search for him, and
he was finally found the next day in the woods. He did not
seem to know what he was about. His condition when he was
found I cannot testify to personally, as I was not present
myself. I was told the facts as above stated.

0718

I had not seen Casulich before until last July,
"3 when he came to my house in Brooklyn, came inside and sat
down without saying a word for ten minutes, without asking
for anybody or anything, then he jumped up and went out,
saying "I am busy, I have no time to lose". Three days
after that I met him on the corner of Hamilton and President
Streets, and I asked him what he was doing there. He said
"I was waiting for you". He had no appointment to meet me
there, and had no reason to expect me. He said "I want
money; I have not a cent". I gave him \$5 and he went away.

He came to my house the second time in July. The
"4 stove was red hot. He put his feet on top of it, and when
I told him that he would burn himself he said "I don't care".
That was all the conversation during the second visit. I
had heard for a long time that he was crazy: I noticed it
particularly myself on these occasions; when I saw him in
July he acted very stangely indeed.

Thirteen days before I heard of the homicide, I
met him again. I noticed then, as I had before, that he
was crazy. I advised him to go home, and not take any other
ship, and he promised me that he would.

"5 I think it of great importance that the testimony
of his father and mother and other witnesses in Lussinpic-
colo, be taken to show the facts about insanity in the
family, and also about the previous health and disposition of
Casulich. If my wife was here she could testify to these mat-
ters. She did not come over with me. I expect to go back

0719

in a few weeks. I have heard that there was insanity in the grandparents of Casulich, but am not able to testify to it to my own knowledge.

I have also heard various things tending to show that Casulich's mother was insane, in addition to the facts that I have seen myself.

Sworn to before me)

Antonio Bussanich

#6

October 18th, 1890.)

Thos. Bacciala

*Notary Public - Kings County
Certificate filed in New York Co.*

0720

Fol. GENERAL SESSIONS .

1.

----- x
THE PEOPLE , :
-against- :
NICOLA CASULICH . :
----- x

Abstract containing substance of depositions taken by
the Mayor of Lussinpiccolo, Austria, August 20th 1890.

City Hall of Lussinpiccolo, August 20th 1890.

Giovanni G. Casulich, being duly sworn, says:-- Through
the New York Herald, I learned the sad news that my brother
Nicola, who has been away from home for the last five years,
is now in prison in New York under a charge of murder.

It is necessary to bring the fact of his insanity
to the attention of the Court in order to show that he was
"2 not conscious of the criminal act committed by him, and to
that end I pray this respectable municipal body, to take the
depositions of certain persons in Lussinpiccolo, who had
occasion, being with my brother, of seeing that he was sub-
ject to mental disorders, and I further pray that the depo-
sitions may be forwarded to the Imperial and Royal Consulate
General of New York, with the request that they be delivered
to the Court of that City so that they may be attached to
the trial papers.

Firmina Nicolich being interrogated, answered as follows: "3 I saw Nicola Casulich in the City of Buenos Ayres in March 1888, and got the impression that he was of unsound mind. Sometimes he would speak rationally but sometimes incoherently. He was given to prayer, and declared that he intended to become a friar. He showed himself to be very pious. One day he stayed in Church, praying, from 10 o'clock in the morning until 5 in the evening- he would quit his work to pray. At night, although sleeping in company with other persons in the same room, he would get on his knees and pray. He used to give alms and purchase candles.

"4 Matteo Vidulich, being duly sworn says: I knew Nicola Casulich in Buenos Ayres, and as soon as I saw him, I understood he was not all right mentally. He would not live with his companions, as is customary to do, for the purpose of economy, but lived all alone. He erected in his room a large wooden cross, before which he would continually pray. He would often leave his work and go to church, especially on Saturday when he would go regularly to Confession.

On one occasion he asked 10 of us, all of Lussin-piccolo, to take a drink, but instead he took us to Church. Another time he came on board a vessel in which I was to sell cloaks.

"5 All these acts undoubtedly show that he was not in the rightful possession of his mental faculties.

Gioacchino Suttara, being duly sworn, says: I knew Nicola Casulich in Buenos Ayres in 1889. He often used to come on board our ship and even sleep there because he had no permanent dwelling place. His conduct and all his acts indicated that he was affected with a mania, and especially religious mania, because he always went to church. Whenever he was invited to go some place, he would excuse himself saying he had to go to church.

"6

Petro Stefanich being duly sworn says: I saw Nicola Casulich in Buenos Ayres about a year ago. He was continually speaking incoherently, jumping from one argument to another, so that I got the impression that he was a man whose mental faculties were deranged.

I often heard others speak of him and of his conduct which denoted that he was not in the full possession of his mental faculties.

Marco Vidulich, being duly sworn, says: In November, 1889, I worked in Buenos Ayres. Having heard people speak of Nicola Casulich, and having been friends from childhood, I went to see him on board the barque "Genitore", with some other countrymen of his. Casulich, however, did not give them a good reception, but turned his back and went into the sailors' cabin, saying he was busy because he had to go

"7

0723

to church. His behavior confirmed the statements which I had already heard about him.

On board the barque he behaved himself in such a manner that he was dismissed because he would frequently stop working and go on shore.

Note.

I have the honor of transmitting these papers to the Most Respectable Imperial and Royal Consulate General of New York, requesting that the same be forwarded to the Court in which is pending the case against the unfortunate Nicola Casulich.

Meanwhile it is hereby declared that, by reason "8 of statements made by the many persons of this place, who reside in America, the general opinion here is that the said Casulich is affected with mania.

From the City Hall, Lussinpiccolo, August 21, 1890.

The Mayor ("Podesta")

(Signed)

G. R.

C. H. Magee
Chas Chetwood

15

GENERAL SESSIONS

THE PEOPLE?

against

NICOLA CASULICH.

#7

AFFIDAVITS AND ORDER.

Subd Nov 14 1898

PHILIP CARPENTER,

ATTORNEY FOR DEFENDANT,

38 PARK ROW.

NEW YORK CITY

*Madden for Carpenters
for copy of records.
Madden for Carpenters
to move into Dept
of Mental
Corrections. Gravel
See previous motion.
Nov 14/98 F.S.*

0724

0725

JESSE S. NELSON,
COUNSELLOR AT LAW,
No. 11 PINE STREET,

NEW YORK.

Jan. 16th 1891.

The People
Carulick

Hon. DeLancey Nicoll
Dist Atty.

Dear Sir:

The Report of the
Commission in this action has
been handed to Recorder Smyth.

Herewith I beg to hand you
a copy of the Report and to return
all the original papers, the
receipt of which please acknowl-
edge and oblige

Yours Very truly
Jesse S. Nelson

0726

Police Department of the City of New York,

Precinct No. 7

New York, Oct 11th 1890

Tuesday July 22nd 1890 - 250 P. M.
 Nicholas Cosulich 30 yrs. White Austria
 carpenter. Single 13 Hamilton St
 This Prisoner is charged with during an
 altercation between him and Joseph Moore
 at about 2³⁰ P. M. in the sailors
 boarding house 13 Hamilton St kept by
 Thomas Flynn with stabbing Moore in
 the heart with a sheath knife from
 the effects of which he died in a few
 minutes and before the arrival of the
 Ambulance from Gouverneur Hospital
 which had been summoned It appears
 Cosulich had a few words with Moore
 who was an employee of the boarding
 house when suddenly Cosulich drew the
 knife and plunged it into the heart
 of Moore which act was witnessed
 by Sam Seymour Fred St. Meyer
 Otto Brothen and Herman Finke all of
 13 Hamilton St. Coroner notified witnesses
 sent to house of Detention by Coroner Hawley
 body removed to the morgue at 8 P. M.
 off Patrick J. Foley sent to watch the
 body of Joseph Moore 13 Hamilton St.
 John Fitzgerald Sgt. J. E. E. E.

0727

Less 1/2

#4

Court of General Sessions of the Peace,
County of New York.

The People,
against
Nicola Casulick

Indictment,
for Murder, in the First Degree,
of Joseph Morris, filed Aug. 22nd, 1890.

Gentlemen:

Please take Notice, that the under-
signed, the Commissioners heretofore appointed
herein, by order, bearing date the 14th day of
November, 1890, and made by ^{Honorable} Fred-
erick Smyth, Recorder of the City of New York,
to examine the defendant, as to his sanity,
will meet, for a hearing of the matters, in
said order named, at the Chambers of said Recorder, No.
32 Chambers Street,
in the City of New York, on Saturday, November 29,
1890, at two o'clock in the afternoon.

Dated, New York, November 24th, 1890.

Yours, &c.,
Jesse S. Nelson,
Frank P. Foster, M.D.
Commissioners.

To John R. Fellows, Esq.,
District Attorney, for the People,
Phillip Carpenter, Esq.,
Attorney for Defendant.

Court of Gen. Sessions

The People

against
Nicola Casaulick

Notice of Hearing
before Commissioners.

vs

Have introduced

To John R. Williams Esq.,
District Attorney,
for the People.

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*F. J. Keenan,
 Stenographer
 32 Chamber St.*

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2.

THOMAS J. O'DONNELL, being called and duly sworn, testified:

I am a Deputy Sheriff of the City and County of New York. At the request of the Commissioners herein, and on the requisition of the District Attorney, I attended this day at the Tombs, where the defendant Nicola Casulick is in confinement. By reason of the violence and the refusal of the defendant to accompany me, I have been unable to have him present at this hearing, without using force.

At the request of Mr. Carpenter, attorney for the defendant, the hearing of the Commission is adjourned to Thursday, December 4th, 1890, at 5 P.M., at the Tombs.

3.

Minutes of meeting of December 4th, 1890.

Pursuant to adjournment the Commission met this day at
5 P.M. at the Tombs Prison;

PRESENT: The Commission;

Assistant District Attorney Parker, representing the
People;

Mr. Philip Carpenter, Attorney for the defendant.

Defendant also present.

DOMENICA CHERUBINI, being duly sworn, testified as follows:

By Mr. Carpenter:

Q Are you the wife of Joseph Cherubini ?

A Yes sir.

Q You live with him at No. 1 Summit Street South Brooklyn?

A Yes sir .

Q How old are you?

A Thirty-nine years old.

Q When did you come to this country ?

A Next May, eight years.

Q Where did you live before you came here?

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4.

A Lussinpiccole, Austria.

Q Are you acquainted with the prisoner Nicolo Casulick?

A I have known his mother, his sisters and brothers, but not him; he was too young.

Q Where did you live with reference to the place where his mother, brothers and sisters lived?

A About the distance of eight minutes between my house and his house.

Q How intimately were you acquainted with them?

A I went to school with his sister and knew them well.

Q Did you know Nicolo himself, when he was a boy?

A No, I didn't know him, but I knew his brothers.

Q Have you seen him here in New York, or in Brooklyn, before this crime was committed?

A Yes, I saw him in my house.

Q About when?

A In July, this year; about the early part of July this year.

Q Do you keep a boarding house in Brooklyn?

A Yes sir :

Q State what happened when you saw him there in the early part of July?

A He came to my house and asked me if I would give him

board.

Q What else?

A I could not tell him yes or no;and then he asked me if I had something to give him to eat.I had him to sit down at the table near a looking-glass,and then he commenced to kick up a kind of a row,making jests and so on;and then when I saw him acting in such a way,I told him I had no room for him.

Q What did he do in front of the looking-glass?

A Laughing,making faces,and he asked me how much it would cost his dinner,and I told him wait here and I would tell him afterwards.

Q Did he use any profane language?

A There was some figures standing opposite the looking - glass;he uttered some words,then I could see that he was not right.

Q Did he use obscene or profane language?

A Yes sir;he used obscene language,the figure that he was looking at would give him the cock-stand

Q Did you ask him questions,and if so,did he answer them as asked or how ?

A He answered badly,irrationally answers he gave. I asked him one question and he answered in another way altogether

0736

6.

different.

Q Was this at breakfast time?

A Yes sir .

Q What did he do afterwards?

A He asked me what he owed me, and if she would have him at the house and she answered no, and he went away.

Q What did he do after leaving the house?

A He came back the same night and asked me if I would let him sleep there, I answered and said I had no room for him.

Q Did he run up and down the street?

A Yes; I saw him going up and down the street and going up stairs and down stairs. My daughter made the remark :
"mother, mother, the madman is passing by."

Q How did he talk in conversation with you, whether rational or not?

A Irrationally.

Q After that, some days later, did he come to the house ?

A He didn't come to my house, but I saw him on the streets in the neighborhood.

Q About the middle of July, didn't he come to the house and go up stairs?

A Yes, he came there about the middle of July. He went up

7.

to see some of his countrymen. At that time my daughter passed the remark: there is the madman.

Q Did you see him when he came down stairs and see whether he was talking to himself or not?

A Yes sir; I observed that when he walked he talked and made motions with his hands.

Q Talked to himself?

A Yes sir.

Q How soon after that before you heard of this homicide?

A A few days afterwards, four or three, I cannot precisely say.

Q Did you know the father and mother of Nicolo?

A Yes sir.

Q Are they living?

A They live, yes.

Q Did you know his mother's mother?

A I knew her, but she is dead.

Q What do you know about her mental condition?

A She went like the Moon, up and down; some days she was very good, and some days she was altogether contrary.

Q Can you give any particulars about the way she acted?

A She was some days very furious in her talk and meddling

0738

8.

with other people's business.

Q Was she ever confined as an insane person?

A Yes sir; her aunts kept her several times confined, sometimes in an asylum.

Q What do you know of the mental condition of Nicolo's mother?

A The mother was all right; but the brothers of the mother were all mad, and one sister also. Two uncles and one aunt mad, and they died with madness or insanity.

Q Did the mother's sister have children?

A Yes sir .

Q What was their mental condition?

A One of the children was mad, and in fact he was always confined in prison.

Q Did one of the children die in an asylum?

A Yes sir; one died in an asylum.

Q What was the mental condition of the other two sons of this sister?

A They were just the same as the other. They committed deeds that they were actuated not by bad ideas but through their madness.

Q Did you know the mother's brothers, Pietro and Romano?

A Yes sir; one of them died insane and the other one half mad.

By Mr. PARKER:-

Q Do you know how long the defendant has been in this country?

A I only saw him one the first of that July.

Q Did he ever tell you how long he has been in this country?

A He told me that he had only arrived thirteen days.

Q When you saw him first in July did he tell you that?

A I cannot exactly say, it was in the beginning of July. It was on that occasion that he told me.

Q Was that the first time you had ever saw him in America?

A Yes sir.

Q And do you know how he knew where your house was?

A I don't know how he got my address. I know that he boarded with another Austrian.

Q How many occasions did you see him in America before the date of this crime?

A Twice.

Q Was those the two occasions you have testified to as having seen him at your house?

A Yes sir; the time that he went up and down stairs.

Q Have you seen him at all since he has been confined on

0740

10

this charge ?

A No sir.

Q To-day is the third time you saw him in America?

A Yes sir .

By Mr. CARPENTER:

Q Were you personally acquainted with the mother and ~~her~~ her brothers and sisters and the grandmother on the mother's side of Nicolo?

A Yes sir, I was acquainted personally with all the family.

Q How many blocks away from there house did you live?

A About eight minutes walk.

By the COMMISSIONER:

Q How many years have you been in this country?

A Next May 23rd, I shall be here eight years.

Q Previous to that time did you reside in Lussinpiccolo, Austria?

A Yes sir; All my life.

Adjourned to Saturday, December 6th, 1890, at
5 P.M.

II.

Minutes of meeting of December 6th, 1890.

Appearances: the same.

OTTO P. EBERHARD, being duly sworn, says:

By Mr. CARPENTER;

Q Are you connected with the consulate of any foreign country?

A Yes sir, I am the Vice-Consul of Austria Hungary.

Q And the office of that Consulate is where ?

A 33 Broadway.

Q Has the Consulate received any communication from Lussinpiccolo in Austria regarding Nicolo Cassulick?

A Yes sir; two.

Q From what source did you receive them?

A We received them by the mail.

Q From whom?

A From the municipality in Lussinpiccolo, Austria.

Q From the Mayor of that municipality?

A Yes sir.

Q Have you compared the translation of these documents?

A Yes sir; the Consul did with me.

Q You found the translation annexed to them to be correct ?

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12.

A He did;the Consul testified to before me as a Notary Public.

Q Are the papers~~x~~ now handed you the originals and translations?

A Yes sir;they are the identicals.

Papers marked Exhibit "A" & "B" of this date.

By Mr. Parker:

Annexed to the motion papers praying for the appointment of this Commission is an abstract containing the substance of the depositions,the literal translation of which is annexed to exhibits "A" & "B".

Mr. Carpenter:

That is true with the exception of one exhibit being received after these papers being served.

-- Witness continuing --

By Mr. Carpenter:

Q Are you acquainted with the prisoner Nicolo Casulick?

A Yes,I have saw him twice.

Q Where?

A In our office.

Q Please describe what happened - state the time?

0743

13

A I remember before he committed the deed, but I can't perfectly well remember the date; it was during the summer time.

Q This year?

A Yes sir. Casulick came one day into the office, and talked to another Casulick, one in the office. Mr. Casulick was requested by him to help him, and he made the request in a very wild manner, showing he must be of a wild disposition or unsound mind. He stamped with his feet, and said he had to make the request that he, Casulick should help him, because he was a poor man and wanted to go home, and, because he was a religious man. The consulate advised him to go home. I came out of my room, looked at him and told him to go home, that there was no reason to speak in that manner and to make such a demand. Either the next day or the day thereafter, Casulick came again and repeated his request in a more rigid manner than before. I told Casulick, as the employe of the Consulate, to tell the man that we could not do anything for him, and that he should not molest us any longer. As soon as he heard the name of Casulick, he opened the gate in haste, came to the desk of Mr. Casulick and said, how are you, my cousin, you must do something for me because I am a religious man.

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Casulick turned pale when he approached him in such a manner. I interfered, and laid my hand upon his shoulder, and said, you had better be reasonable and go home, we cannot do anything for you. I asked Casulick whether he had a regular passport, and Casulick said he had not. At last he went, after staying threequarters of an hour. I can't tell the time he stayed there, we trying to get him out of the consulate.

Q Did you talk to him in his own language or no?

A I talked to him in English.

Q Was he violent when he was in the office?

A He stamped his feet and he knocked his fist down upon the desk, and approached Mr. Casulick in haste, so that man was frightened and got pale, and said, I am not your cousin, do not approach me in that manner - I could not say exactly what happened. I have only a general impression what has happened.

Q You didn't have such cases as this every day at the office?

A Almost every week, I should say one.

Q Cases of this same kind of conduct?

A Once in a while it happens, when a desperate man demands

something for what he is not entitled.

Q Did Nicolo Casulick appear to you of sound or unsound mind?

A Of unsound mind, but I am not an expert; but I should say he was out of his wits, because the way he acted. I asked him to answer intelligently, that we could not have him; that he had no passport; that we could not do anything for him whatsoever.

Q Another witness said that when one question was asked him he would answer another?

A Yes sir; I noticed that he would never answer any question, but go around in a way, that I said to Casulick, when he left the office, that man must be crazy. I said so the second time, the man acted in such a way. When a man comes in contact with such persons, I should have given the judgment, that man must be crazy.

Q Lussinpiccolo is within the country where your consulate has jurisdiction?

A Yes sir.

By Mr. PARKER:

Q Did you ever see him except upon those two occasions you have mentioned?

0746

16.

A Never before .

Q Do you recollect what month you saw him in the summer?

A It may have been June, I only remember that. I don't know when the deed took place .I was startled by reading in the newspapers, the deed.

Q Can't you recollect how long before the time you read that that you saw him in the office?

A Not more than a fortnight.

Q Do you know his relatives?

A None.

Q You don't come from that part of Austria?

A No sir; I don't come from Austria at all.

FRANK COSCHINA, being called and duly sworn, testified as follows:

By Mr. CARPENTER:

Q Are you a countryman of this defendant?

A No sir; I am from Delmatia?

Q Both in Austria, Hungary, are they not?

A No, he is no big distance between us.

Q Both in the same country?

A Yes sir.

Q You have interested yourself in behalf of Nicola Casulick, the defendant?

A Yes sir .

Q Since the last hearing have you seen the two prison doctors McGee and Chadwick?

A I did, this morning.

Q Did you serve subpoenas upon them?

A I did not; I got the subpoena. I told him it was unnecessary if he promised to be at five o'clock. I asked the doctors if either of them knew Nicolo Casulick was in the City Prison. The doctor answered me that he didn't know anything about Nicolo Casulick; that he didn't know anything about his case.

18.

PETER CONSIDINE, being called and duly sworn testified as follows:

By Mr. CARPENTER:

Q Where do you live ?

A 16 Union Street, Brooklyn.

Q What is your business ?

A I keep a boarding house sir.

Q Do you know the defendant Nicolo Casulick?

A Yes sir .

Q How long have you known him?

A I know him, I think, from the first or second of July, last July.

Q. How did you happen to see him first?

A He was coming to my house. Was living in New York. Come to my house. Of course, I had a shipping business - an asked if I had any chance for him to work - a ship carpenter, or something like that. So I had a little chance next day. It was afternoon I first saw him. I told him I had a chance. I says, call in the day after. He came to me the next day. Of course, I had a chance and went aboard.

Q What ship?

A The Austrian barque Namirna.

0749

19.

Q With him?

A Yes sir .

Q Did you get him a place and go to work the first day you went aboard of this ship?

A Yes sir .

Q When did you next see him?

A I saw him ~~the~~ day or two afterwards.

Q Did he come to you at any time to say that he had left the ship ?

A Yes sir .

Q What did he say about the reason that he left the ship?

A He went to take his work at the time that he should go, and the mate on board the ship, told him to go to your work, and he refused. The second time the mate told him go on with your work, and hearing this he had a fight with the mate and landed him on the deck of the ship. Then, afterwards, he came back to my house.

Q When the mate told him to go work what, if anything, did he do?

A He struck the mate and landed him on the deck.

Q Did he do anything about washing his clothes?

A Yes, he was washing his clothes while it was the time for him to go to the ship's work.

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Q Is that ship now in port, so that the mate could be called here?

A No sir, he has gone away.

Q After this event the defendant, did he come again and ask you to board him?

A Yes sir; he did.

Q Did you accept him as a boarder?

A No sir; I did not, because I saw the man was not in his right senses.

Q What did he do that led you to think that he was not in his right senses?

A He acted in such a way that compelled me to think that he was not in his right senses - the way that he approached me. I don't know if he was doing it on purpose or not.

Q Did he act like other men?

A When he came from the ship the first thing that he told me: so you told me that that ship was a good one - and as I knew that the ship was a No. 1 ship, I could see there was something wrong with the man.

Q When you asked him questions, did he answer the questions you asked or other questions?

A He told me that he had some quarrels with the mate. I

21.

didn't go on with the conversation because I saw the man was not right in his mind. Then, I went on board to see how this thing happened. He went on board before I did. I met him. He passed by me without addressing me a word, and after he passed me he came back and followed me on board. I went on board and I asked questions about the acting of this man. I was given a full statement by both the Captain and mate of the ship.

Q To what effect?

A They gave me all the particulars about the way he acted whilst on board the ship.

Q What did they say about his being out of his mind or not ?

A They told me that he was not a fit man to proceed with the ship because they thought he was mad.

Q What did they say he did?

A They told me the first thing, the day that he went on board they immediately saw that he was not the right man. When first he went on board he told to the Captain, he says: "Good morning Captain; what is the matter with you that you look so black in the face." Then, afterwards, he came back from the ship to me, and he asked me, after the first time, he came back to my house and asked me if I would

take him back again. I said, I don't want you any more in my house. I says, If you want another boarding house you can go to such and such a place. I gave him the address of another house. He thanked me for giving him the address of another house. He didn't go to that house.

Q You state in your affidavit, that he didn't seem to understand you, and answer different things from those said to him?

A Yes sir .

Q Is that so?

A Yes sir; he didn't answer to the questions I put to him but answered differently.

Q Did you see him a few days later at No. 15 Union Street?

A Yes sir, I did.

Q Did he notice you?

A He saw me but he didn't address one single word to me.

Q When did you next see him and what happened?

A I don't remember exactly the date when I saw him afterwards; I don't remember how many days afterwards.

Q What happened?

A When he come in he asked for Mr. Palmieri, and we answered we didn't know when he will come in. Some one in the

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place there asked him to sit down and wait. Then he sat down and not uttering one single word. I was distant from him just as we stand between myself and the defendant. Then I approached him and I said: "Nicolo, where are you living now?" And, he answered in a rough manner: "This is nothing to you." Then, I saw that he was not in his right mind.

Q Did he ask for another job, and if so, what did you say to him?

A Yes sir, he did.

Q What did you say to him?

A I told him: "It is better for you to go and look for a job yourself".

Q What, if any, conversation did you have with him about your neice?

A Yes sir, about the same time, or day after, the day after, I don't remember: "Do you see that neice of yours? I should like to marry her". Naturally I thought that the man was not in his right senses to make such a conversation.

Q How often had he seen your neice before that time?

A He only saw her about ten days before this time.

Q How many times did he see her?

A Probably, five or six times.

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Q After this time did he go to work upon another ship ?

A Yes sir.

Q How do you know ?

A I knew it from the Captain and the sailors of the ship that he went to.

Q Did you get the crew for that ship?

A Yes sir, I did.

Q What did the Captain and the mate or sailors tell you about his conduct on that ship, from the time he began to work ?

A He went on board and asked if he could have a berth on board that ship, the Captain answered him: probably I will be able to give you a job. He asked for a dollar of the Captain and the Captain gave him half a dollar and he went on shore, and at twelve o'clock he bought a jumper and went on board the ship. Then he commenced to work. When he left working he went into the fore-castle. He commenced throwing a lot of dirty rags and everything in the fore-castle, and the sailors told him that they didn't like to have such a dirty place as he was making. So he commenced quarrelling with the sailors. He offended them with bad words and commenced quarrelling with them; and he bit the finger of one of the sailors. The sailor was disabled for

several days;and,so the Captain put him on shore at once,
saying that he was not a man fit to belong to his crew.

Q When he began to work did he have employment from the
Captain?

A No;he was not on the ship's articles yet.

Q Did he go to work without authority or direction?

A The Captain was not on board when he joined the ship,and
he went to work. He said that the Captain told him he
could go on board and work.

Q From what you saw of the defendant Niccolo Casulick,what
was your opinion as to his mental condition?

A From all I have seen of the man my opinion that the man
is mad.

By Mr.PARKER:

Q Do you recollect reading in the newspapers of this man
committing a murder ?

A I didn't read it,but I heard it.

Q When did you hear that?

A I don't recollect exactly,I think it was the 22nd or 23rd
of last July.

Q How long before that was it when you last saw this man?

A Twenty days before.

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Q bHave you seen him since he has been arrested, since he has been in the Tombs?

A Only this evening.

By the Commissioner:

Q How long have you known this man ?

A The first or second of July last.

Q Did you ever see him before that in your life?

A No sir, I don't remember; I have never had anything to do with him.

Q Are you a relative of his ?

A No sir.

Q Do you know how he came to go to your house?

A He lived in New York in a boarding house, and some of my friends, or somebody, gave him my address in Brooklyn. Then he came to see me.

Q Do you know any of the relatives of this man?

A I know two of his brothers.

Q How did you become acquainted with them?

A I knew them here, in America.

Q Your only observations of the prisoner then was between the first and second of July and the time of the commission of this crime?

A Yes sir.

FRANK PALMIERI, being called and duly sworn, testified as follows:

BY MR. CARPENTER.

Q Where do you live?

A 53 Hamilton Avenue, Brooklyn.

Q What is your business?

A Ship-Wright.

Q Are you acquainted with the defendant Niccolo ?

A Only for two or three days.

Q When were those ?

A I don't recollect the time, but that must have been between May and June when he came aboard the barque Nemirna to help me to do some carpentering work.

Q Was it the same time as that described by the last witness, in the latter end of May, June or July?

A It was the same time that the last witness stated, yes sir.

Q That was in Brooklyn?

A Yes sir.

Q Please describe what happened?

A He went aboard and he met the Captain on the gang-way. He asked the Captain, he says: "How do you do Captain; what makes you look so cross, so black in the face?" he says.

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Well, the Captain looked at him, he says, you go to work with Palmieri, he set him to work with me. We worked together about half an hour. Afterwards, I saw the man looked like a lunatic. He was making a spar. I turned around and went to the mate. I say, Mr. Mate, I think that man is out of his mind; he was acting kind of a crazy man, turning his eyes and mouth. He stood looking at me and never said a word. I went to the mate and told him that man is not fit to go in this vessel; I think that man is crazy. I think so too, the mate said to me. We were working for a couple of days, I could not make head or tail out of him. If I would speak to him he would give me a kind of a cross word. I always complained to the Captain about him.

Q What did he do?

A He was working with an axe or adze.

Q What did he do.

A I told him to do such a thing he wouldn't do it. He turned around and put out his tongue, and making faces.

Q Did he make any gestures with his hands?

A Yes sir, the whole day long. He would drop his tools on deck and pick them up. He would talk to himself. He had a hammer in his hand and he chucked it on the side of

the vessel on the deck. I was afraid of him the two days
I was working with him. So we got through with our job -
that was on Monday morning. I was just going to do another
job, when I went aboard the vessel I saw a fight. This man,
the defendant here, striking the mate. I went over and
asked the mate, what is the matter. He said I went to the
forecastle to tell the man to go to work, he stood back. I
went to him and told him to go to work, in place of going
to work he piled up these dirty clothes and went on deck
and washed the clothes. The mate turned around and said,
here, I told you to go to work and not wash clothes; yester-
day was Sunday, you had time enough to wash your clothes.
One word and another he struck the mate. There was a big
pile of chains. He tumbled the mate on the pile of chains.
Then he walked away.

Q Did he work after that?

A No sir; the Captain discharged him. The Captain got in the
forecastle and called him out. He said, look here, I shipped
you to do some work and not to fight on the vessel. He
turned around and said, Captain, pay me I want to go. He
said he owed him two days work. The Captain paid him a
dollar and a half.

Q Do you know anything about his biting the finger of a

sailor ?

A No, I don't know anything about that. I heard he did.

Q Can you describe his actions to the Commissioner here any further than you have?

A No sir, I can't.

Q All the time he was working there, he talked to himself?

A Yes sir.

Q Have you seen him since until to-night?

A No sir; never seen him since until to-night.

By Mr. PARKER:

Q The first time that he came upon the ship Nemirna, he was hired for what kind of work?

A Carpenter.

Q Was he put under you, your work?

A Yes sir.

Q Did you give him orders?

A Yes sir.

Q When did he go to work?

A At seven o'clock.

Q You set him to work to make spars?

A Yes sir.

Q What did he do on the spar?

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A Working with an axe.

Q He had a tool?

A The Captain of the vessel gave it to him.

Q He used some tools?

A Yes sir .

Q You say he threw down the tools, was there any reason?

A No sir.

Q The orders you gave him did he obey them ?

A No sir.

Q When you gave him orders what did he do?

A Turned around and made faces at me, put his tongue out at me.

Q You state he said something to you?

A When I asked questions he would not answer me.

Q Did he call you any names ?

A No sir.

Q When he threw down the tools did he say anything?

A No sir, he said nothing.

Q What did he do?

A Work a while and pick them up.

Q How long did he continue to work?

A Two days.

Q Did he sleep on board the ship?

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A I can't tell you that, I believe so.

Q The second day, was his conduct the same as the first?

A Yes sir.

Q What day was you saw him coming out of the forecandle?

A The third day.

Q You saw him that day about what time?

A About half-past six in the morning.

Q Did you see him throw any of his clothes about?

A Yes sir.

Q Was he to work that day ?

A No sir.

Q He was not intended to work?

A No sir.

Q You say that the mate set him to work at carpentering work, and he had no business to wash the clothes?

A That was on Monday.

Q On that day he brought the clothes up from where?

A From the forecandle.

Q And to where?

A On the deck.

Q And set to work to wash them where ?

A On the deck of the vessel.

Q Whose clothes were they?

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A They must have been his own.

Q How did he come to have his clothes aboard there?

A The day he shipped to go to sea by the vessel.

Q Were there any other sailors washing their clothes?

A No sir, the mate told him not to wash his clothes.

Q What did he do then?

A He commenced arguing with the mate; one word to another he struck the mate.

Q What did the mate say to him?

A He didn't say nothing.

Q He asked for his pay?

A Yes sir.

Q He stated what was due him?

A A dollar and a half.

Q He walked off, that is all you saw of him?

A Yes sir.

Q When did you hear first that he was in prison on a charge of murder?

A Something like that; somebody told me.

Q Have you seen him since he was in prison?

A No sir.

Q When did you first know him?

A On the barque Minerva.

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Q Know all his people ?

A Yes sir.

Q Where?

A In New York, I knew his two brothers; one was here last year and the other one, three or four years ago.

Q Where are they now?

A They are sea captains.

Q What is his brother's first name?

A I don't know.

Q Did you associate with them very much?

A I did work for them.

Q Was there any peculiarity about them?

A Nothing peculiar.

Q Did their business all right ?

A Yes sir.

Q Talk sensible ?

A Yes sir.

Q And act sensible?

A Yes sir .

Q Did you know any more of his people ?

A No sir.

By Mr. CARPENTER:

Q From what you saw of this defendant, what is your opinion

35.

as to his mental condition?

A I believe the man is a lunatic.

BY the COMMISSIONER:

Q What was the first day that you had him working with you?

A I don't recollect the day.

Q Whether was it Sunday, Monday, Tuesday, Wednesday, Thursday or Friday?

A It was on Friday the first day he worked.

Q It was on what day that he was washing those clothes?

A On Monday.

Q And that was the same day that he struck the mate?

A Yes sir.

Q He was discharged that day?

A Yes sir.

Q He was working with you from Friday?

A Until Saturday at five o'clock.

Q Did you go aboard on Sunday?

A Didn't see him on Sunday.

Q You didn't see him from Saturday night until Monday morning?

A No sir.

The Commission adjourns to Saturday Dec. 13th at five P.M.

Minutes of meeting of December 13th, 1890.

Appearances : The same.

EGLA CHERUBINI, being called and duly sworn, testified as follows:

EXAMINED BY MR. CARPENTER:

Q Are you the daughter of Domenica Cherubini?

A Yes sir.

Q And you live with your father and mother at No. 1 Summit Street, South Brooklyn.

A Yes sir.

Q Are you acquainted with Casulick, the defendant, here?

A No, not acquainted with him.

Q You know him, you recognize him?

A Yes.

Q Did you see him at your house in South Brooklyn, last summer?

A I could not tell you when.

Q Was this last summer, sometime?

A Yes sir.

Q What happened?

A The first time I saw him he was eating at the table and making motions towards the looking glass.

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Q Did he get up from the table and go to the looking-glass?

A He sat down and make motions with his hands and mouth, I could not tell you what he was saying.

Q Was he talking to himself?

A Yes sir .

Q Was the mirror where he could see it at the table?

A It was right in front of him.

Q How long did that continue?

A I guess, about five or ten minutes.; I could not tell sure.

Q Can't you tell us what kind of motions he made?

A I could not tell; like that (indicating) moving his head and laughing.

Q Did he make faces at all ?

A Yes, he was eating bread and making motions.

Q When did you next see him?

A The second time I saw him pass. I saw him go up stairs. As soon as I saw him, I called mother, mother, I says, the crazy man has gone up stairs.

Q You say you saw him passing in the street?

A No, he was making faces. I then heard him go up stairs.

Q Did you see him after he went out?

A I saw him, he was running and jumping.

Q How was he running and jumping ?

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A Very funny; a man had the right sense he would not do that.

Q Did he walk a while and then run?

A Making a few steps and jump again, and talk to himself and make motions.

Q Making the same kind of motions?

A Yes sir .

Q Did you ever see him again?

A No, I never saw him again.

By Mr. PARKER:

Q Do you recollect in what month it was, you first saw him?

A I could not tell.

Q You heard about this murder didn't you ?

A Of course I heard my mother speak about him.

Q About how long before that was it you first saw him?

A I could not tell ~~him~~ you.

Q About the month?

A I could not say.

Q Was it in July?

A It was warm weather.

Q Was that the first time you saw him at the house ?

A Never saw him before.; no sir.

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Q Did he speak Italian?

A Yes sir .

Q b Were you there when he first came in?

A I don't know if that was the first time.

Q Were you there when he came in?

A No,I was not there that day.

Q You heard whatever talk he had with your mother when you were there ?

A No sir,I didn't hear it.

Q How long after was it that you saw him the second time?

A I could not tell that.

Q Was it the same day ?

A I don't know.

Q Two or three days after ?

A It might have been.

Q What made you say,there goes the madman or the crazy man?

A Because I saw him acting like that in the street and in front of the looking glass.

Q The first time you saw him you come to the conclusion that he was out of his mind?

A Yes sir,I thought he was crazy.

Q Have you ever seen him since that second time ?

A No,I never did see him since.

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JOSEPH CHERUBINI, being called and duly sworn, testified as follows:

By Mr. CARPENTER:

Q Are you the father of this young lady, and the husband of Domenica Cherubini ?

A Yes sir.

Q What is your business ?

A Boarding house keeper, South Brooklyn.

Q Do you recognize the defendant here, Nicolo Casulick ?

A I saw him a couple of times.

Q Please describe what happened the first time?

A From the acts that he performed, I first saw him, I said this man is not safe.

Q When was that ?

A About the latter part of June.

Q Last summer?

A Yes sir.

Q Tell what he did that you thought he was insane.

A He walked up and down, went before the looking-glass, turned his eyes and made the movements that he has made.

Q Did he say anything?

A I heard him uttering some words; I could not be able to understand exactly.

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Q Were the words unintelligible?

A I could not understand what he was saying.

Q Do you understand the language he talks?

A I understood that he said in Spanish or Portugese?

Q Does he understand the Italian, Austrian language?

A I understood the words that he said. The words that he said, good morning Senora -. I understood these words.

Q When was the next time that you saw him?

A I saw him two or three days afterwards.

Q What happened then?

A He was sitting down on the sidewalk, near a barber shop, and he was in this position, holding his forehead in his hands. By the way that he was standing I thought not to approach him, being afraid of him saying something that I didn't like to hear.

Q Was he sitting on the sidewalk ?

A He was sitting on the stoop of a house close by.

Q Was he talking to himself.

A No, he had his hands on his knees and holding his forehead.

Q Did you see him doing anything else?

A No, he looked like a man in distress.

Q What did he go to his house for, the first time that he

42.

saw him?

A He came to have his dinner and wanted to board with me.

Q Dinner or breakfast?

A Breakfast, he said he was hungry.

Q Did you take him as a boarder?

A No, we didn't take him because I could see that his ~~ex-~~
~~XXXXXXXX~~ brains were not in the right place.

Q From what you saw of him these two occasions, what should you say about his being of sound mind or otherwise?

A From the very first time I saw him I thought he was insane.

By Mr. PARKER:

Q Did you have any acquaintance with him before the time he come to your house to get his breakfast?

A No sir, I didn't know him.

Q Do you know where he learned the name of your wife?

A Because they were neighbors in Lussinpiccalo.

Q Did you come from there?

A No sir, I come from Prague, but I have lived in Lussinpiccalo, and was married there.

Q Did you know the defendant there?

A I don't remember of having known him, but I know a good part of his family.

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Q

Q Were you there during the whole time that the defendant was in your house that day?

A No sir, I went away.

Q How long was you in there while he was there ?

A About ten minutes.

Q Did you hear any conversation during that time between him and your wife?

A I heard him saying something but I could not understand what he said.

Q You could not understand?

A What I understood is that he had the misery up at his throat, that is, that he hadn't a cent; that he was broke.

Q Did he pay for his breakfast?

A No sir, he didn't, he had no money.

Q When you saw him in the street three or four days afterwards did he do anything strange ?

A I could observe that he was not walking like a sane man.

Q I thought that he was sitting down when you saw him on that occasion, with his hands to his face?

A I saw him first walking about, jumping, then I went away.

Q The second occasion when you saw him was he walking or sitting down?

A The second time I saw him sitting down near the barber

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shop.

Q How far is that from your house ?

A About two hundred feet.

Q Do you know whether that was on the same day that your daughter saw him running and jumping in the street?

A No, it was another day.

Q Did you see him do anything strange on that day that he was sitting down?

A No sir, I didn't see him do anything except sitting down in the position I said.

Q Seemed to be mournful and dejected ?

A Yes sir.

Q Did you see him after that time?

A Three or four days afterwards I was coming home, I met him coming out of my own house.

Q What time of day was that ?

A It was about between eight and ten o'clock. I asked my wife what he came to the house for.

Q What was he doing when you saw him coming out of the house?

A He come out of the house jumping and turning his head around.

Q Ran by fits and starts ?

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A He ran away like a mad horse.

Q Did you have any talk with him on that day?

A No sir, as soon as he saw me he ran away.

Q Did you see him after that?

A I haven't seen him since.

Q When this murder was committed you heard of it soon after didn't you ?

A I heard about this case two or three weeks afterwards.

Q How long before the commission of this crime, as you understood it, was it that you saw him at your house the first time?

A I saw him the latter part of June.

Q

By the COMMISSIONER:

Q Do you know where this man stayed between the first and third time you saw him ?

A He went away, I knew nothing at all about him.

Q When he first came to the house, did you see him first, or your wife ?

A We saw him both together; we there both of us.

Q Were you present during any conversation he had with your wife ?

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A Only when he asked for some food, saying he was hungry.

Q Did you go out then ?

A Yes sir, I went out. I was there for about ten minutes while he was served with his breakfast.

Q What did you say when he first came in?

A I asked him where he came from, as I didn't know him, and he could not answer properly; he could not say he came by ship or by railroad.

Q Did your wife tell you who he was ?

A Afterwards, my wife told me who he was.

Q How did your wife greet Nicolo when he came in the house?

A She didn't receive him exactly in the right way because she knew about him before.

Q Did she at that time tell you who he was?

A I said I didn't know him, then my wife told me that he was a brother of two other captains.

Q You consented to give him something to eat?

A Yes sir, he said he was hungry, I said, yes, give him something.

Q You then went out ?

A Yes sir.

Q That was the last you saw him on that day?

A Yes sir.

Mr. Carpenter recalls
FRANK COSCHINA.

Examined by Mr. Carpenter :

Q Do you know where Antonio Busanich is, who made an affidavit upon which this Commission was granted ?

A He has gone to Europe at the present time.

Q On what ship?

A The Italian steamer .

Q Have you tried to subpoena him ?

A Yes, I found that he was away.

The affidavit of Antonio Busanich annexed to the motion papers on which the Commission was granted, is offered in evidence by Mr. Carpenter. Affidavit accepted.

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VINCENZO GIWIGERICH, being called and duly sworn, testified as follows:

By Mr. CARPENTER:

Q Where do you live ?

A No. 122 Union Street, South Brooklyn.

Q What is your business ?

A Stevedore now, sometime ago, he says, in the boarding house business.

Q Do you know the defendant, Nicolo Casulick?

A I saw him the last five or six years. Yes sir, I know him.

Q How long have you known him?

A Five or six years altogether. He boarded in my house for ten or twelve days.

Q Why did he not stay longer ?

A I tried to ship him as soon as I could.

Q Why did you try to ship him sooner ?

A I tried to ship him as soon as I could. I could not keep him in the house.

Q Why didn't you want to keep him in the house?

A He was not able to stand along shore.

Q How did he act while he was at your house at that time?

A He acted with the moon, sometimes he was very good and

~~other times you could not live with him.~~

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Q How did he act as to his being of sound mind or not?

A When he was not in his right senses he acted like a mad-man, he done all kinds of things.

Q How often was he not in his right senses ?

A I can't remember how many times, because it is a long time now.

Q During the ten days, was it several times or - ?

A Three or four times.

Q At such times if you asked him a question would he answer it or something else ?

A He didn't answer properly but badly, and that is the reason I came to the conclusion that he was not in his right mind.

Q Did you see him last summer, in July ?

A I saw him when he was shipped as a carpenter on board the ship - barque Nemirna, as a carpenter.

Q Did you hear the mate tell him to go to work while he was there, and heard him say anything?

A When I was on board they were discharging ballast, and when they discharged ballast. I went on Monday morning on board I saw him working with shipwright Palmeri. I asked Palmeri I said, is that man shipped on board the ship, and Palmeri answered yes, and I said, are they going to take that man

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down to India with them.

Q What did he see Cañulic do on board the barque?

A I saw him getting the tools ready to help Palmeri at his work.

Q Did he hear the mate tell him to go to work, and see him refuse and go to do something else?

A When the mate ordered him to go to work, he answered my tools are not in good order, and he told the mate that he had to go and help him to have them sharpened.

Q Did you see him go to washing clothes?

A When the mate told him to go to work ?

A When the mate told him to go to his work he didn't go but remained going from one side of the ship to the other, and then the mate came up to him again and asked him, what are you going to do, and he answered, I have got nothing to do.

Q How long did he stay on that ship?

A Only remained three days; on the third day he was discharged.

Q Were you discharging the cargo as stevedore at that time?

A Yes sir, I discharged the ballast out of the ship.

Q Did you see him on the barque Vetaz a few days later?

A I saw him on board another ship, the barque Vetaz, six or seven days afterwards.

Q Did he get employment there?

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A No sir he was not .

Q How did he act when he come on board?

A He came on board asking for work, and asking to be shipped.

Q Why didn't the mate ship him ?

A He could not engage him without the order of the Captain.

Q When the Captain came, what happened ?

A When the Captain came on board there happened another thing to be spoken afterwards.

Q Before the Captain came what did Casulick do?

A He went on shore and took a pair of pants and came on board again.

Q When he was on the ship did he act queerly or rationally ?

A He wanted work by force.

Q How did he indicate that ?

A I was on the gangway, I told the mate not to receive him because he was a madman.

Q Did he walk up and down the ship and talk to himself there ?

A More than thirty times. He walked on the deck of the ship for ever half an hour.

Q Did he work any that day?

A He put on a pair of overalls, and went down by himself in the hold.

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Q Without having been told to ?

A No sir, the boatswain and the mate were both looking at him, but nobody gave orders to go down.

Q How long did he work there ?

A He was about an hour and a half down in the hold.

Q What did he say when he came up ?

A He says that he was a carpenter and the kind of work was very hard, that he could not undertake it, and then the mate told him, better for you to go away.

Q What if anything happened at supper time?

A He said he would not go on shore before the Captain returned.

Q Did anything happen at supper time, did he have any row with a sailer?

A Then he went into the forecastle and set down on one of the boxes belonging to another seaman, a trunk, and then this sailer asked him to get up as he wanted to take out some tobacco, and he answered

By the Commissioner:

Q Did you see this yourself?

A I heard it next morning from the mate.

By Mr. CARPENTER:

Q From what you saw of him on these different occasions,

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what should you say about his being of sound mind or otherwise ?

A On the sincere truth I think that he is not sane; that he is sick in his brain.

By Mr. PARKER:

Q How long have you known him altogether ?

A About five or six years.

Q In what country did you first become acquainted with him?

A I knew him in South Brooklyn.

Q First :

A Yes sir.

Q How did you become acquainted with him?

A I was keeping a sailors boarding house at the time he came along with some other sailors.

Q Is that the time that he stayed with you for ten days ?

A Yes sir.

Q Now what were the actions which led you to get rid of him at that time?

A I saw him some mornings get up and go down in the street and walk up and down the street, then he came back and talk to himself. Then he commenced talking, wanted to stop here, and want to go to work in another place.

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Q What did he do, walk up and down naturally or not ?

A He walked up and down the streets turning his head to one side and another, if people were after him, and making motions with his hands.

Q Muttering to himself ?

A Yes sir .

Q What did he say about going to some different place to get work ?

A I could not understand, I could not comprehend what he meant by uttering such words.

Q What else that you noticed about him strange or unnatural?

A I could come to this conclusion; in all my life I saw three other persons that was insane, I conclude that he was insane also.

Q What else can you tell us that led you to believe that he was crazy?

A I don't remember all his actions.

XQ Q After he left your house, after he stayed the ten days , when did you next see him?

A I saw him after this time, the last time when he came on board the barque Nemirna.

Q Almost six years ?

A. Yes sir.

Q Had you seen him during that six years at all?

A No sir.

Q Had you heard of him at all ?

A No sir.

Q You recognized him right away when you saw him on the barque Nemirna?

A He remained so much impressed on my mind that I recognized him at once.

Q From where did you come in Europe?

A Delmatia.

Q Lussinpiccolo is part of that country ?

A There is eighty miles distant.

Q Did you know this man in Europe ?

A No sir.

Q When did you first hear of this crime being committed?

A The second day after the homicide.

Q Did you know at that time that it was this man?

A I said it was the same man.

Q Have you been to see him in the Tombs since he has been confined?

A No sir.

Q Do you know his brothers who are ship captains ?

A I knew them both.

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Q Have you seen them this year ?

A Three years ago I saw them last - one of them.

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Ernest H. LINES, being called and duly sworn, testified as follows :

By Mr. CARPENTER:

Q You are a practicing physician of this City?

A Yes sir .

Q Office where?

A 263 West 45th Street.

Q How long ?

A I graduated in 1886, from the College of Physicians and Surgeons, New York.

Q Did you make a visit with me to the prison this morning ?

A I did.

Q Please describe what happened ?

A We went in the corridor, asked the keeper to bring the man out. The man refused to come from his cell at all.

Q First you tried to get him in the counsel-room ?

A Yes sir. Then we entered the cell and told him who we were. He said that he didn't need anybody at all; that he was not sick; he needed no doctor, needed no lawyer, everything was all right; he was all right; he was being taken care of. I asked him by who. He said he was being taken care of. Then I asked him various questions about his

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previous life, health. He said he was all right; that he was taken care of. I examined his eyes with the candle - light, as near as I could. He kept walking up and down the cell. It was almost impossible to get him to look at me. His eyes seem to be nearly normal as far as I could judge. Then I tried to feel of his pulse, could not keep him still long enough. His pulse, what I could feel at all, was practically normal. I asked him if he needed food. He asked me if I had it. I said I possibly could get it for him. He said he needed nothing; that he was all right. He said, I am well taken care of. I asked him about his family. He wanted to know if I knew his family. I told him no, but that I thought they were interested in him. He said he was being well taken care of. I asked him if he knew where he was. He said you know where I am. He said, you should not ask me. I asked him why he was there. He said, I knew that also. All this time he was walking about. He became very much irritated finally. As quietly as we could talk to him he got so irritated that it was impossible to get anything further.

Q Did you explain that you were there at the request of his friends?

A I did in the first place, that I was there at the request of

his friends. He said he didn't need any friends or anybody; that he was well taken care of.

Q Didn't he say that he didn't know me, meaning Mr. Carpenter?

A He said he didn't need any lawyer. I don't think that he recognized him. He refused to recognize him at first.

Q Have you read the evidence as taken in this court before to-day, and you have heard the evidence to-day?

A I have.

Q From your observations of the man to-day and your reading that evidence, what would you say about his mental condition?

A I should say that it was abnormal; of course, I am unable to state just what extent. He certainly impressed me as being abnormal. I should, from his continually answering in the way that he did, that he certainly labored under some delusion; that he was in the hands of a power that was taking care of him. I forgot to mention about his food. He seemed to have no thought whatever for his surroundings or his comforts. He seemed to have no thought for anything except his prayerbook, which he seemed to treasure carefully. It was rather more than you should expect from a man in his position. I should think that he had an idea that he was protected in a religious way entirely; that he needed

nothing whatever. That is the idea that he gave me.

Q When you say that his condition was abnormal, and you think that he was laboring under a delusion, to what extent do you think that that would incapacitate him from instructing his counsel to prepare the case?

A From what I saw this morning, it was practically impossible. He refrained from giving any answers concerning himself.

By Mr. PARKER:

Q Your chance for observation was rather limited was it not?

A We spent almost an hour in the corridor.

Q There was practically no chance for physical examination except ^{the} slight observations that you have of the pupils of the eyes?

A I could observe his muscular action, his physical appearance.

Q Could you get such a chance of observing his muscular action as would enable you to say that there was indication of mental abnormality?

A I don't know that that would necessarily follow.

Q Why did you mention it?

A I think I did say that I didn't see anything particularly out of the way in his physical movements.

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Q That is the only reason you would mention that ?

A Certainly.

Q From observing that you were not qualified to say anything as to his mental condition?

A Except that so far as to his continued motion would lead you.

Q The pupils of the eyes you say were nearly normal?

A Yes sir, I should say so.

Q And could you ~~say~~ tell, or in a position to say as to whether or no his attitude and his actions upon that occasion were not feigned ?

A I may state that the preparation that I have for making such examinations is this : I have been for the last two or three years medical examiner for the New York Life Insurance Company. I have looked into the question of nervous troubles in that regard. I used practically the same methods in this investigation that I used to examine a man for life insurance, noting his manner as closely as possible. In that case we could not go into details. I tried to observe his eyes to see if there was any evidence of paresis, as showed by the condition of his pupils.

Q In examining applicants for insurance you apply physical tests as well as the test of oral examination?

A Of course, as to the condition of their heart and lungs and organs.

Q Now a great many of those ~~xxxxx~~ physical tests you were unable to apply in this man's case ?

A Yes, of course, all these were regarding his physical condition. I practically came to the conclusion that his physical condition were pretty good.

Q You would only examine the physical to find out about his mental condition?

A No, I don't think it would follow that a man's mental condition would be sound because his physical condition would be sound. I examined his physical condition in order to give me additional information what I might otherwise find. It don't follow that when one is diseased the other is diseased also.

Q Now, then what is your opinion, you say you applied these tests, what is your opinion, was it feigned, or earnest and natural?

A I certainly came to the conclusion that it was not feigned. I might qualify it by saying: that sort of feigning is the most difficult to understand, where a man talks very little.

Q The question being as to his present condition as under-

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standing the charge against him, and his ability at present to advise his counsel?

A I should say that he was unable to properly do anything sort of business, or, do anything in fact in regard to his own welfare.

Q Did you ask him what he was here for ?

A Yes.

Q What answer did he make ?

A He says, you know, that you need not ask.

Q If he be insane, what form of insanity do you think he is suffering under?

A A mild form of mania; he has insane delusions.

Q What are the delusions ?

A Evidently that he is well taken care of in some manner.

Q When he said he was well taken care of you asked him about his material welfare, his food and shelter ?

A Yes sir; that didn't seem to be what he meant. He meant that he was in the hands of God .

Q How do you draw that conclusion?

A He didn't say God, he said some greater power.

Q Use the language if you can ?

A I can't use the exact word; that he was well taken care of something greater than those around him.

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Q Did he say anything else that led you to believe that he ^{thought he} was under devine protection ?

A Nothing else; I didn't ask him any further on that.

Q Did you ask him any other questions, doctor, that you re-
collect, concerning why he was here ?

A I only asked him the question once, nothing more .

Q Doctor, with the idea that you have of his mental condition
do you think that he is such a person ^{as it is} safe to permit to go
at large under any ciscumstances. Considering what you
believe to be his mental condition; considering the fact
what he is charged with having done, all you know about him
or heard about him ?

A I should not consider a man manifesting such a delusion,
as I judge he does, should be at large. I must be under-
stood as answering from the best of my ability to do.

By Mr. Carpenter :

Q Were you able to see his eyes ?

A I had a wax candle.

Q He was passing up and down ?

A Yes sir .

Q The cell was dark ?

A Yes sir, comparitively.

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Q Did he mention that he was being taken care of in connection with the statement that he didn't want a lawyer?

A Not any more particularly in that regard than all the other questions, he made the same answer right along to the questions that we asked him. When I tried to find out how he was being taken care of he gave me the opinion that it was something higher than lawyers, doctors, family and friends.

By the Commissioner:

Q Do you think that he understood the questions you asked him?

A I think he understood the language, the words.

Q Did you speak to him in English?

A Yes.

Q You would judge from his answers that he understood what you were talking about?

A Yes sir.

Q The delusion you observed about him is about all that you come to the conclusion was the matter with him?

A Yes sir, as I have stated.

By Commissioner Dr. Frank P. Foster:

Q Were his answers to the point or stray?

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A He didn't stray exactly; it was quite a direct answer.

Q When he answered questions he answered properly, or declined, or rebuked you ?

A He rebuked me pretty much all the time .

Q You got some direct answers ?

A When I told him who I was and what I wanted, he immediately said he was not sick. I asked him if he would not like to have his relatives in Europe know about him, he said then, that he was well taken care of .

Q Did he manifest any repugnance to being examined physically ?

A He insisted that he was not sick. I could not make him understand that I wanted to examine him for any other purpose.

Q Did you get the idea that he was aware that insanity had been set up as a defense in his case ?

A I don't think that he understood it at all. Nothing of that kind was said, and he didn't appear to have any idea that that was our motive in going there.

Q Was it your impression that if you had forced assistance enough to absolutely force him to submit to a full physical examination, you could have elicited anything from him?

A I don't think I could, more than I could see from his manner.

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I don't believe his muscular - his chest, arms would have shown us anything.

Q Had he his clothes on ?

A Yes sir .

By Mr. PARKER:

Q Did you try to let him know what your errand was ?

A I introduced myself, and said that his friends had told me to go there and make an investigation.

Q You didn't specify mental or physical ?

A No sir.

Q You say that you think it would be impossible for his counsel to get anything out of him, do you mean by that that he has a great repugnance to doing it because he thinks that there is no trouble on foot or, that he could not ^{give} get an intelligent account ?

A My impression is that he didn't think it was necessary. He was extremely uncommunicative, get something else that he was thinking about all the time.

Q Were you able to observe or draw any inference whether it was a lack of memory ?

A No.

By Mr. Carpenter :

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Q You read in the testimony about insanity in the family on his mother's side ?

A Yes sir .

Q What would you expect, if anything, from that in this defendant ?

A I believe that insanity can be hereditary; that it is a strong presumption a member of the family might become insane, if there are such a number of insane people in his family as is stated .

Q You have stated that he refused to answer your questions, state whether he refused to answer the few questions I put to him?

A I should say that he made practically the same answers to Mr. Carpenter that he did to me.

Q Did you hear me tell him when he said that he didn't want any lawyer, after he wrote to Recorder Smyth, I had seen the Recorder who had told me to continue. Did he say, when I said that, that he didn't believe me ?

A Yes sir.

FRANK SMITH, being called and duly sworn, testified as follows:

By Mr. PARKER :

Q You are a keeper in the City Prison ?

A I am .

Q How long ?

A Twelve years.

Q You have had charge of the defendant while on duty ?

A No, I don't take charge of him, I take charge of the desk.

Q What time are you on ?

A My hours in the morning eight o'clock, every other day to seven in the evening.

Q During that time have you had any opportunity to observe his conduct, demeanor ?

A I have .

Q Tell me what you have observed about that ?

A I never had much communication with him.

Q State whether he has been talkative, or stayed in the cell, or come out much, whether rational or anything you observed ?

A He has not been irrational in any way, except on one time, when he was called to go to Court, he said he would not go.

Q What did he say at that time?

A He said he would not go unless he had his clothes. I asked

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him where his clothes were, he said, at his room, outside the Tombs.

Q When he first came here, during the first two or three months, did you observe him to any extent ?

A Yes .

Q Prisoners are brought out for exercise ?

A Yes sir .

Q He too ?

A Yes sir.

Q How did he act on occasions of that kind ?

A Walking up and about.

Q Have you been on duty when he has been called upon for this investigation ?

A No, only on that day.

Q Have you talked with him ?

A No sir .

Q Have you observed anything in his manner different from the ordinary run of prisoners?

A No, only on that day.

Q How are the meals furnished, in the cell?

A Yes sir.

Q His was furnished the usual way?

A Yes sir; same as any other prisoner.

Q Noisy ?

A Very quiet.

By the COMMISSIONER:

Q Have you seen him in his cell?

A Yes sir; walked up and down his cell, set on the bed, read his prayer-book.

Q Does he do that much ?

A I have seen him do it on two or three occasions.

By Mr. CARPENTER:

Q I understand you keep a desk and don't have charge of the prisoner ?

A Yes sir .

Q You spoke of the time when he refused to go with the Sheriff, when the Commission was down below, Do you know about his refusing to come out here to this room ?

A I was not on.

Q Do you remember the time that he refused to come out and see me that I had to go into the cell, some weeks ago?

A No; I guess I was not on.

By Mr. PARKER:

Q You say that you keep the desk, is there no other keeper who comes into closer contact with the prisoner ?

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A Several .

Q Who?

A Mr. McGovern.

By Mr. CARPENTER:

Q Did you hear the complaint that he made one time about
his losing a necktie ?

A Only what you said to-day.

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HUGH MCGOVERN, being called and duly sworn, testified as follows :

By Mr. PARKER:

Q You are a keeper in this prison?

A Yes sir .

Q And have been so during all the time of the defendant's confinement ?

A Yes sir.

Q In what part of the prison ?

A In the hall now.

Q You were on duty at the same time with Mr. Smith ?

A Yes sir .

Q This defendant, you have seen him quite frequently ?

A Yes sir .

Q Seen him in his cell, and- and at exercise and at meals?

A Yes sir.

Q Are you on in the day time?

A Come on at seven and leave at seven; other nights, half-past four.

Q Have you ever noticed anything strange about his conduct?

A Not very.

Q What have you noticed that appeared to you strange ?

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A Well, going along by himself now and then, having nothing to say to other people.

Q When he was exercising ?

A Yes sir .

Q How do you mean, keeping away from the others ?

A Walking through the hall.

Q Was he ever noisy to your knowledge ?

A No sir.

Q Rather quiet ?

A Yes sir .

Q How does he obey orders?

A Very well.

Q Have you ever known him to refuse?

A Only on one occasion.

Q When was that ?

A When an officer came to take him down to the District Attorney's Office.

Q Some two or three weeks ago to attend before this Commission ?

A Yes sir.

Q What did he do?

A He claimed that he didn't wish to come down the street with these clothes; that he wanted his other pants. We

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didn't know anything about the other pants.

Q Had he ever been to General Sessions before that time ?

A I can't say that, probably he had went there without my notice.

Q Do you recollect his ever refusing to come out at times when he has been required to come before this Commission?

A I have heard so, I was not on duty at that time .

Q Have you ever known him to refuse to come out to see his counsel, Mr. Carpenter ?

A I cannot say, I may have.

Q Were you present to-day?

A Yes; at that time he had to go in the cell.

Q What were his actions then?

A He seemed to not feel inclined to come out.

Q Did you hear him say anything .

A No sir; I was not near enough.

Q He didn't come out ?

A No sir.

Q How many meals has he during the day?

A The regular meals prescribed by the prison rules, three.

Q Who gives him his meals?

A One of the hall men.

Q How does he take his meals, same as other persons ?

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A Yes sir .

Q When ~~you~~ bring him out to exercise, he comes ?

A Some times.

Q Does he stay in any more than the average prisoner would?

A Yes sir.

Q What does he do?

A Set on his bed .

Q How does he occupy himself?

A Sits there ~~quietly~~ silently.

Q Does he read at all?

A Yes sir, I have seen him read .

Q What ?

A The prayerbook.

Q Does he devote himself to religious exercises ?

A Yes sir, going on his knees and parying.

Q How much ?

A Now and then; I am not there all the time

Q Do you ever have any conversation ?

A No; now and then I would say "How are you Nicholas". Sometimes he would answer and sometimes he would not.

Q Is he ill-disposed?

A I could not state that.

Q Any violant outbreak, or anything of that kind?

A No sir.

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By MR. CARPENTER:

Q Did he refuse to come out of the prison, to the counsel room to day, to see myself and the doctor?

A I understood that was the idea

Q When we went in there did you see that he refused to come out of his cell?

A I was at the desk; I understood you come in there for that purpose .

Q Do you know about the affair of the necktie that he claims somebody took from him?

A No sir.

Q He has been in the cell with other prisoners ?

A Yes, once or twice.

Q Did you notice how he acted then?

A I could not say what his behavior was with them prisoners

The Commission adjourns to Saturday, December 20th,
1890, at 5 P.M.

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Minutes of meeting of December 20th 1890.

Appearances : The same .

THOMAS CACCIOLA, being called and duly sworn, testified as follows :

By Mr. Carpenter :

Q Where do you live ?

A No. 96 Second Street , Brooklyn.

Q Are you familiar with the language spoken by the prisoner Niccola ?

A Yes sir .

Q And have you seen him before this evening ?

A Yes sir .

Q When ?

A I don't remember the day; it is ever a month and a half ago, here.

Q Did you come with me to the Tombs to interpret what he said ?

A Yes sir.

Q And we had an interview in the Counsel-room in the Tombs ?

A Yes sir .

Q Please state to the Commission how the prisoner Nicola

acted on that occasion, what he said and did ?

A Well, I don't know what particular acts or words you refer to, but his general demeanor, his way of answering questions were very peculiar. He impressed me that his mind was not right. I may mention some particular acts if you will.

Q Please do so?

A In the first place I was impressed with, I conceived the idea that his mind was not good by his absolute indifference to his position. He didn't seem to care for anything. He was more concerned about getting his tea - about supper time - and he always interrupted us, it is tea time, I must go and get my tea. That he did say repeatedly. I thought it was very strange that a man who was interviewed by counsel as to his case, that he should be more concerned about his tea than anything else. He didn't seem to care to answer the questions of his counsel. That is one of the things that impressed on me. I remember also, that under the instructions of the counsel I asked him the question whether he thought he was sane or not in his mind. He didn't seem to understand it at first. I put it in different shapes; do you think you are sound in your mind? When he realized what the question was, he said, "Why?" I said, "some say you are not of sound mind". As soon as I

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said, some people say you are not of sound mind, he gave me a wild look. He looked at me wild. I saw his eyes flashing when I said that, and before he answered he got up and turned around like a wheel and made the sign of the cross in the Catholic style, and then he resumed his seat. Didn't give me answer. Mr. Carpenter instructed me to tell him that he didn't intend to disturb him by asking such questions, but he felt it his duty to speak upon the subject. I repeatedly questioned him: Mr. Carpenter wants to know if you are sane or not: Do you consider yourself of sound mind? "Yes sir" he said, "certainly it is sound."

The manner in which he uttered these words; the surrounding circumstances impressed me vividly that he was not sound.

Q Did you say anything upon the subject of religion?

A Yes, he was asked what he thought about religion. He said he used to be very pious, at one time he was given to religion almost wholly. Now, he thought he was right with God anyhow and he didn't care for anything else. I asked him whether he was in the habit of praying. He said "Yes, not so much now as I used to". How many times do you say your prayer, I asked him. "Three or four times a day, sometimes more sometimes less." Well, he didn't seem to care for anything; that he didn't seem to care. The easy

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answers were these of an indifferent man, not one whom realized his position.

Q Did he say anything about whether God had forgiven him, and what that had to do with any possible sentence the Court might give?

A He said also that the Deity would forgive him, and that was sufficient; he didn't care for any law.

I asked him what he thought of the Pope. He said most undoubtedly, if the Pope forgives me, what do I care about law, or words to that effect.

Q From your interview with him on that occasion, and the questions you put to him at the request of his counsel, and the answers you heard, what would you say as to his being able to instruct his counsel about any defense that he might have to this indictment of murder?

A Well, I ^{would} ~~might~~ say that I am decidedly of the opinion that he didn't actually understand the purport of the questions and I don't think that he is in such a condition as to properly instruct his counsel about his case; that is my impression, by the manner in which he answered them questions at the time.

By Mr. PARKER:

Q What is your business?

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A My business is the law business .

Q Where do you practice ?

A In the office x x x 120 Broadway.

Q You are not a medical man?

A No sir.

Q Your opinion as to his ability to advise counsel was drawn entirely from what you observed on that occasion?

A Yes sir.

Q You don't think he was shamming at all?

A No sir.

Q But its merely your common sense and no medical experience which leads you to say that?

A No sir, no medical experience. I remember we tried in a good many ways. I was acting under instructions. We put the questions in many ways to inspire confidence in him, so that he could distinctly see what he wanted to be done, what he wished towards the line of defense. He didn't seem actually to catch at anything.

Q What did he say about his counsel, anything?

A In regard to what?

Q Mr. Carpenter introduced himself as his counsel, what did he say to that?

A He assumed the attitude of stolidity.

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Q Did he accept him as counsel or reject him?

A He didn't say anything at that time, on that occasion.

Q That was the only occasion on which you saw him?

A Yes sir .

Q Did you know any of his family ?

A No sir.

Q Do you know Mr. Coschina ?

A Yes sir , very well.

Q In that talk you had with on that occasion was any reference made to the alleged crime ?

A Yes sir .

Q Any question put by you to him about it ?

A Yes sir.

Q Did you get answers from him to these questions?

A Yes sir .

Q Did you understand these answers ?

A Partly; they were considerably incoherent

Q By incoherent you mean that they didn't hang together in their entire parts, or not responsive ?

A Sometimes they were responsive and some incoherence.

Q Some inconsistencies ?

A Exactly; his answers were not of a logical sequence.

Q Did his counsel endeavor to extract from him any information?

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mation from him as to the defense he intended to set up ?

A If the counsel did give it to him you say?

Q Did he try to get any information as to the defense?

A Yes sir.

Q Was the counsel successful in obtaining any information upon that point ?

A I don't think so , actually successful in exacting, obtaining from him his varied views - I mean the prisoner's views - on the subject. He put his questions in different shapes.

Q Mr. Carpenter was seeking to have from the prisoner an outline of the defense, so far as you could see, that he had no success?

A No sir; not from him.

By Mr. CARPENTER:

Q Mr. Coschina introduced you to me as a gentleman who could interpret what the prisoner could say ?

A Yes sir.

By the COMMISSIONER :

Q You are not associated in the defense of the prisoner ?

A No sir.

Q Simply acted as interpreter ?

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A Yes sir; no connection with any body else in this case.

Q Did the prisoner on that occasion seem to know what he was incarcerated for?

A Yes sir.

Q He knew the crime that he had committed?

A He understood he was in prison for the crime of killing somebody.

Q And he told you that?

A It was in the general run of the conversation.

Witness recalled by Mr. CARPENTER:

Q In the beginning when I formed my general impression, among other things before I left him, he invited us to have tea with him. He said that in such a way that --

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HANNIBAL G. CUTUGNO, being called and duly sworn, testified as follows :

Q Are you the official Interpreter connected with the Court of General Sessions?

A Yes sir.

Q And have been how long ?

A For the last sixteen months.

Q Have you been on attendance at the various hearings here ?

A Yes sir.

Q You have interpreted evidence of the witnesses here on these hearings?

A I did.

Q On the first or second hearing did you go out to the yard of the Tombs for the prisoner, to his cell?

A To the best of my recollection, it was the first meeting down here .

Q Please state what happened ?

A I was asked by one of the officers, that asked me to go out and see Cassulick in his cell and try to persuade him to come out. I did so. I said, "How are you; why don't you come out; I am a friend to you." I said: "You had better go out, there are some of your friends here." "I am in need of nobody; I am all right here and I want nothing."

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I said: "You had better come out and meet those friends of yours." He said - he looked at his person, and said: "I am not in a fit state to come out. He had his pants unbuttoned. One of the officers if I recollect weel, brought him another pair of pants, and after a little while I spoke to him again. I said "You don't want to remain the whole of your life in this cell?" He said "Certainly not" Better come out and see your friends who are trying to get you out of this . He came out. We passed the prison door, and when we were half way between the prison door and the yard to the counsel-room, he suddenly stopped and turned back and said: "I don't want to see anybody; I am in need of nobody; if I committed any crime, let them punish me for it; and, if I have committed no crime let them send me away." And he turned his back going towards the prison again. He was taken charge by several officers immediately after and brought into this room.

0018

88.

HUGH O'BRIEN, being called and duly sworn, testified as follows :

By Mr. PARKER:

Q You are a keeper in the City Prison?

A Yes sir .

Q And have been so for how long ?

A About four years and a half.

Q Ypu have been continuously on duty during the stay of this defendant here ?

A Yes sir.

Q What are your hours on duty?

A Twelve hours a day, every other day.

Q From seven to seven one day and half-past four another day ?

A Yes sir .

Q And you have charge of the prison where this man is kept?

A Partly.

Q You help ?

A Yes sir.

Q Have you during that time had frequent opportunities of observing him ?

A I see him exercising.

Q His feed, where does he partake of that?

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A In his cell.

Q Who gives it to him?

A One of the men around the prison.

Q You have given him any ?

A No sir.

Q You have seen him daily?

A Yes sir.

Q How long does he exercise?

A Up to two or three weeks ago, he exercised five hours every day; since that time he has kept in his cell.

Q Prisoners can go out or not ?

A Yes sir.

Q During that time did you notice his demeanor and his actions?

A I haven't noticed anything unusual.

Q When he came out to exercise, did he exercise the same as the others ?

A Yes sir; walking up and down.

Q Did he talk much ?

A Didn't say much to anybody; didn't seem to understand the others.

Q Was there other prisoners there ?

A Yes sir.

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Q Did he ever talk to them?

A I never noticed particularly.

Q Have you seen him frequently in his cell?

A Yes sir; sitting down and laying down, doing nothing.

Q When prisoners are confined in their cells, I suppose most of their time is spent laying down?

A Yes sir.

Q Have you seen him at his devotions ?

A On one or two occasions I have seen him going down on his knees. He has been to the priest attached to the prison several times.

Q He is a Roman Catholic ?

A Yes sir .

Q Does he read his prayerbook much ?

A I could not say.

Q Have you ever had any conversation ?

A No sir.

Q Have you ever heard him have any conversation?

A I have seen him bid good mornning.

Q Have you noticed anything peculiar about his actions?

A No sir; he seemed to be merely a quiet prisoner.

Q Did he ever do anything that appeared to you would indicate unsoundness of mind?

0021

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A Never.

Q You are not on at night?

A No sir.

By Mr. CARPENTER:

Q You say you haven't noticed anything to indicate unsoundness of mind, I don't suppose you know anything about that question?

A No sir.

Q You haven't paid any more attention to him than to others?

A No sir.

Q Do you know about his claim that somebody stole a necktie from him?

A No sir.

Q Have you seen me here to see him?

A Don't know as I have.

Qc You haven't seen me here recently until these hearings?

A No, it is the first time I have been in here.

Q Would you say that he was a little more uncommunicative than the ordinary run of prisoners?

A No sir, I would not. I haven't noticed anything strange.

Q Would you say that he was more talkative?

A I have not noticed him different from any other prisoner in the hall.

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92.)

Q Would you say that he was less talkative ?

A No sir.

Q Would you say that he was talkative at all?

A I would not; he has talked to me, bid me good day.

Q Have you seen him engage other prisoners in conversation?

A I have seen them walking up and down, and could not hear what they said; I supposed they were talking.

Q It was stated that he didn't have much to say, would that be your impression?

A I would say that he was just as communicative as the others.

Q Did your duties take you to the end of the corridor where he was confined ?

A I would be at the desk.

Q Was it your duty to pay particular attention to the conduct of the prisoners ?

A No sir.

Q What were your duties ?

A Assisting at the books ?

Q Assisting Mr. Smith?

A Yes sir .

Q I don't suppose you went by his cell so often as the keepers?

A I didn't have no occasion.

0023

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Q Did you have occasion to pass through the gate to get opposite his cell; you had to pass the gate to get to his cell?

A I had no occasion to do so.

Q He might have been engaged in his devotions many times when you didn't see him?

A Yes sir.

Q He might have done a great many things that you didn't see ?

A Yes sir.

94.

JOHN McCARTREY, being called and duly sworn, testified as follows:

By Mr. PARKER :

Q Are you a keeper in the City Prison?

A Yes sir.

Q How long?

A A good many years sir.

Q You have been so during the whole time that this defendant has been here?

A Yes sir.

Q You are on duty day time ?

A Yes sir.

Q One of your companions is Hugh O'Brien?

A Yes sir.

Q Another is Mr. Crimmins ?

A Yes sir.

Q You are on duty in the prison where this man is confined?

A Yes sir.

Q You have seen him during the hours of exercise in the day ?

A Yes sir.

Q You have seen him in his cell ?

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A Yes

Q Frequently?

A Frequently.

Q Do you have occasion to go to his cell often ?

A Yes sir;generally go to all the cells to see whether they are alive,or what they are doing.

Q How often?

A Probably ten or twenty times.

Q You have a great deal of opportunity to notice him,his actions and manner?

A Yes sir.

Q Have you noticed anything peculiar in his actions or talk?

A He always seemed very quiet;didn't want to talk.

Q Did he seem any more quiet or silent than the ordinary prisoner?

A Yes sir,he has been very quiet.

Q Have you ever talked to him yourself?

A Yes sir.

Q What has been the nature of the conversation ?

A I was talking to him about things;about getting him shirts,keeping him clean ?

Q Did he give sensible answers ?

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A Reasonable sometimes.

Q Has he ever gave an unreasonable or irrational answer?

A He asked me some foolish questions about getting employment.

Q Where ?

A Inside in the prison.

Q What did he want ?

A To get a job there.

Q As what?

A ~~XX~~ He didn't say; as laborer .I told him that no such thing was given to men here.

Q Have you ever noticed anything else peculiar about him ?

A I have noticed an occurrence that took place about a necktie. He was in the cell with a man that went to State Prison. It seems he bought a necktie, and when he come to look for the necktie in an hour or so after, the necktie was gone; and he went so far as to write the lawyer, and ask me for twenty-five cents for the necktie. I told him I never had seen it.

Q Did he accuse the other man of stealing it ?

A Yes sir.

Q And asked you to pay for it?

A Yes sir.

0027

97.

Q Have you ever noticed him while he has been in his cell?

A Yes sir, I have noticed him praying .

Q Does he pray much ?

A By his appearance he might kneel ten or fifteen minutes.

Q Have you any other prisoners who engage in religious exercises in their cell?

A Very few.

Q Was he able to talk to you on religious matters ?

A He wanted me to recommend him to the priests?

Q Did you do so?

A I did.

Q Is he a Roman Catholic?

A I believe so.

Q Has he a Roman Catholic prayerbook ?

A ~~X XXXXXXX~~ Yes sir, and beads.

Q Have you ever been on at night?

A No sir.

Q Have you ever had any conversation with him other than this you have stated?

A He didn't want to talk; he is very slow at the English language.

Q Takes his meals regular ?

A Yes sir.

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Q Other than what you said have you ever noticed anything peculiar about him?

A No sir; I have not.

By Mr. Carpenter:

Q Do you remember his writing me to come up and see him about the necktie affair, and having an interview with you and him?

A I believe it was you.

Q You remember an interview with me or some counsel ?

A Yes sir .

Q You don't know of any other counsel that he had ?

A No sir.

Q At that time do you remember that he wanted me to call the attention of the Court, that he had a necktie stolen from him?

A I know he made a complaint to a lawyer. He asked me to pay for the necktie.

Q Do you remember that I suggested that I would give him one, and that he said, that would not do?

A Yes sir.

Q Do you remember that seemed to be the whole business that he had asked me to come to attend to at that time?

A I believe he wrote a letter to you. I offered him a neck-

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99.

By COMMISSIONER FOSTER:

Q Were you able to form any opinion at the time he asked you to give him a job, whether he wanted the job for the sake of the pay or simply for exercise, for occupation?

A I think that he made use of a small wages.

Q The idea of wages you think were in his mind?

A Yes sir.

Q Was there anything about his personal habits, about his taking care of his person, his cleanliness that differed from what you would expect from a person?

A At different times we would have to force him to put on clean clothing.

Q He would not do so voluntarily?

A No sir.

0030

100.

DENNIS CRIMMINS, being called and duly sworn, testified as follows :

By Mr. PARKER:

Q You are a Keeper in the City Prison?

A Yes sir .

Q How long ?

A Five weeks, to-morrow.

Q Were you ever on the Park Police ?

A Yes sir.

Q And during that time, I believe you have been on in the day time?

A Yes sir.

Q From seven to seven one day, and seven to half-past four another?

A Yes sir.

Q During that time you have been in the City Prison where that man has been confined, in that part of the prison?

A Yes sir .

Q Your duty has brought you into contact with him quite a good deal; seen him frequently?

A Every day.

Q Seen him exercising ?

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A Yes sir.

Q Did you see him at all in his cell ?

I Have sir.

Q How often in the day, as a rule?

A I haven't seen him for the last three weeks, he remained in the cell all the time.

Q What does he do in the cell ?

A Walks around sometimes.

Q So do others ?

A He would sit a good deal on his bed.

Q So do others ?

A Yes sir.

Q Does he ever pray ?

A I haven't seen him praying at all, sir.

Q During the time that he used to come out to exercise did he do anything particular?

A No sir.

Q Did you ever talk to him?

A Only wished him good morning, or something of that kind.

Q Has he ever had any conversation with you more than that?

A No sir.

Q Do you recollect anything about his losing a necktie and saying that a fellow prisoner stole it ?

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A I don't remember that.

Q Have you noticed anything peculiar about his actions?

A I haven't seen anything strange with him at all.

Q Has he been a good man?

A Yes sir, so far as I could see.

Q Does he talk much ,

A Not a great deal.

Q Have you noticed anything peculiar about his talking or actions?

A No sir.

By Mr.CARPENTER:

Q You say that he sat on the bed a good deal?

A Yes sir.

Q And stayed in the cell for the last three weeks ?

A Yes sir.

Q And has not exercised at all?

A Only what he takes in his cell.

Q Do you know that he refused to come out to see his counsel two or three occasions?

A I have seen him refuse to come out.

Q What did he say on these occasions, that he didn't want any lawyer ?

A It seems he didn't know him, ~~xxxx~~ ~~xx~~

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Q Said he didn't know him?

A Yes sir.

Q Did you see him at that time?

A I didn't know that you were the counsel.

Q Did you know that I was the person sent in for him?

A I did not.

Q Would not you consider him a little more silent and uncommunicative than the ordinary run of prisoners?

A I cannot say that I have. Acted much about the same as other prisoners.

Q What do you mean when you say that he sat upon the bed a good deal. Why didn't you state that?

A He is at liberty to do what he likes, to sit, lay down or walk.

Q You state that he sat on the bed a good deal, that you meant was more than other prisoners?

A I didn't take notice to that.

Q Was your duties in the same part of the prison as Mr. McCaffery's?

A Yes sir.

Q On the same end of the corridor?

A Yes sir.

Q On at the same time?

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A Yes sir.

Q Did you talk with the prisoner as much as Mr. McCaffrey?

A Sometimes I would speak to him.

Q Mr. McCaffrey states that he did some irrational acts with him, did you have any experience of that kind?

A No sir.

Q What conversation did you have with him during the five weeks you have been here?

A I bid him good morning.

Q Is that about all?

A Yes sir.

Q Mr. McCaffrey has been here sometime before you?

A Yes sir.

Q The prisoner is better acquainted with him than youxx?

A Yes sir.

Q And more apt to talk with him?

A I can't say.

Q You were there?

A Yes.

Q Did you see him enough and have conversation with him enough so that you could form any opinion as to his mental responsibilities?

A No sir, I could not say anything about that.

0035

105.

LAWRENCE McDERMOTT, being called and duly sworn, testified as follows :

By Mr. CARPENTER :

Q State what Mr. McCaffrey's duties are ?

A Mr. McCaffrey generally carries the keys of the cell when on duty, and consequently has more communication direct with the prisoners than Mr. Crimmins or Mr. O'Brien.

Q And more opportunity to observe them and converse with them ?

A He does so in consequence of going to the cell and opening it, letting them out, giving them food &c.

0036

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PHILIP CARPENTER, being called and duly sworn, testified as follows :

I am an attorney with office 38 Park Row, and was employed by Mr. Frank Coschine, to act in behalf of the prisoner. I have visited him perhaps four times in all at the Tombs. Once with the interpreter, who has testified. On two last occasions he has declined to see me; and on both of these occasions I had to go in to where he was confined to see him. I was unable to get any idea from him on any occasion as to what defense, if any, he had, or to get a connected account of the affair from him in any way. He told me that God would take care of him; that he had made his peace with him, and he didn't care for anything more. On the times when he refused to see me, to come out to the counsel room, he stated, when I finally saw him inside, that it was too late, and repeated that remark several times. The reason why it was too late, in his opinion, I could not get from him. And it was on these occasions particularly that he had the most to say about his needing no lawyer or any other assistance, he having made his peace with God. I received a letter from him one time asking me to go and see him, and that was one of the times when he refused to see me when I came. When I did see him,

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at his cell, the sole subject he had to present to me was the matter of the necktie that he said had been stolen from him by a fellow prisoner, and he wished me to call that to the attention of the Court. I could not get him at that time to talk about his case. I told him that I would give him a new necktie. He said that he didn't want that, he wanted the man who had taken his necktie to be punished, or the Court to be informed about it.

By Mr. PARKER:

Q Whenever you tried to introduce the subject of the alleged crime for the purpose of obtaining information, did you get answers out of him?

A On the first interview I did, at that time he recognized me.

Q Were the answers intelligent ones?

A Some of them were, yes.

Q Responsive?

A Some were not and some were.

Q All through that first interview he recognized you as his counsel?

A Certainly.

Q When was it he began to disavow you?

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A I should think about six weeks or two months ago.

Q Were you able to get any connected series of answers ?

A None whatever. He seemed to have it on his mind at that time that he did it in self-defense. I thought somebody told him that.

Q Did he seem to understand the charge against him, what it was?

A I could not say that he did or did not. I was unable to get an idea from him, except that he knew he was charged with killing some one.

Q Did you make repeated efforts in different forms ?

A Yes sir.

Q And all without avail?

A Yes sir.

Q With the exception of that statement at the first interview, not one word of intelligence you have as to the course you have to pursue ?

A Absolutely nothing. I was unable to get a statement from him.

By the COMMISSIONER:

Q Was that letter that he wrote to you in regard to the necktie, was it in English?

A The letter was in English; it merely requested me to call

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upon him.

By COMMISSIONER FOSTER:

Q Whether he thinks that the prisoner is aware that these sittings are held for the purpose of investigating his mental condition or not ?

A The first hearing, I went out when he refused to come in, and asked him to come in, he declined to come and was finally forced in. He repudiated me at that interview, stating he didn't want any lawyer. When told that his friends were here, it would be a good thing for him to come in. He said he didn't care. Since he has repudiated me I have been unable to talk to him. I went there ~~xxxxx~~, with Dr. Lines, he would not talk to me .

Q Do you think that he understood that Dr. Lines was examining him with reference to that point?

A If he did, he acted very queerly for a man who was expecting to be benefited by it. I am confident of one thing, he was not shamming, or has not been shamming, because Mr. Coschina has employed nobody else except myself to see him. I haven't had any conversation on the subject of his mental condition except to ask him if his mother or other relatives were all right, and so on.

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Minutes of Meeting of December 27th, 1890.

Appearances : The same.

Examination of the defendant.

By the COMMISSIONER:

The Commissioner asked the defendant where he was born;
he replied that it is no use to ask him; he does not know
me.

Q Ask him if he will not tell us something about his life;
tell him that the Court has sent me to find out something
about him, and it may possible be to his benefit?

A Don't care, I will not answer.

Q Tell him that the Court has sent me to find out ?

A It is none of your business where I was born or brought
up.

Q Tell him the Judge wants to know those things?

A He says he don't care for the Judge, he can judge for him-
self; for somebody.

Q What are his objections to telling me in regard to him-
self?

A Who compels me to answer your questions?

Q Would you oblige us?

A No; nobody makes any favors to me, I make favors to nobody
else.

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III

Q Do you want to stay here all your life?

A His answer is: I want the Electric Chair.

Q ^hWho told you about the Electric Chair?

A It is not your business; tell me right away.

Q Nobody is going to kill him; we are not here for that purpose?

A I understand English; I don't need any translation; I am sick; if you want to kill me, kill me, I am sick enough.

Q Where are you sick?

A It is not your business.

Q Do you want a doctor?

A I don't care for a doctor.

Q Tell him I am a lawyer?

A I don't care; I don't bow to anybody; I don't bow to you or the doctor.

Q Where is he sick?

A I want to be sick more than I am; I want to be sick enough to die.

Q Do you want a doctor?

A I thank you for your offer for a doctor; when I ask for a doctor you can send me one; I don't want any doctor now.

Q Why he won't answer the questions I put to him?

A I don't know you; I don't see the reason why I should

112.

answer the questions; who obliges me to do so?

Q Nobody obliges him; it may be to his benefit if he answers?

A I thank you very much; I don't want to answer .

Q Ask him if he refuses to answer because we are enemies of his?

A If you want to wait otherwise don't wait; tell him I don't want to have anything to do with him.

Q Do you regard me and these gentlemen here enemies?

A If you want me any good; if you don't want me to do any harm, I will thank you.

Q Tell him we don't want to do him any harm?

A Why do you want to hear anything from me?

Q Simply, in this country, the Judge wants to know about a man when he is confined?

A I don't care about all what you say.

Q If he does not regard us as enemies, how does he regard us?

A I don't say that they are my enemies, but they have nothing to do with me.

Q To oblige us, you will not answer any questions?

A I have got no time to answer .

Q You refuse to answer us then?

A Instead of answering the question, the Prisoner whistles.

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113.

By Mr. CARPENTER:

Q Is your mother alive ?

A It is not your business .

114.

LAWRENCE Mc DERMOTT, being called and duly sworn, testified as follows :

By the COMMISSIONER:

Q You have charge of the visitors books of the Tombs?

A Yes sir.

Q You knew what parties have visited the prisoner here ?

A Yes sir.

Q Have there been other parties than Mr. Ceschina and Mr. Carpenter?

A No sir; except the doctor accompanying Mr. Carpenter; otherwise there has been nobody else.

By Mr. CARPENTER :

Q With one exception I haven't been here since the Commission commenced?

A I haven't seen you since except the time the doctor came with you.

Q Have I or anybody had any communication with him?

A Outsiders, I don't believe that there has.

Q Do you know that he has acquired any knowledge of the Electric Chair?

A Except somebody told him in the prison.

Q Is he supplied with newspapers?

A Yes sir

115.

Examination of the defendant resumed.

By Mr. CARPENTER:

Q Mr. Cassulick, who informed you about the Electric Chair?
You wouldn't talk with me when I was there two weeks ago?

A Because you wouldn't listen to me. When I called you with
the letter, didn't you come.

Q Yes.

A He says, if you are my lawyer, and don't tell him what I
tell you, it is no good.

Q What do you want me to do ?

A Come into the cell I will show you.

Q Was it about the necktie?

A Will you be my lawyer?

Q Yes.

A Will you come with me ?

Mr. Carpenter: I will by and by.

Defendant: If you want to be my lawyer, you will have to go
with me and do what I tell you.

0046

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HENRY VAN HOLLAND, being called and duly sworn, testified as follows :

Q Are you a keeper in the City Prison?

A I am sir.

Q You know the defendant ?

A Yes sir; for four or five days.

Q Are you employed in the new prison?

A Yes sir.

Q Has he been recently transferred?

A He has sir.

Q Why was he transferred there ?

A Only by information, that he tore his bedclothes and divers other things.

Q Why was it necessary to send him to the new prison on that account?

A There was not so many people there; he seemed to be annoyed by the people and the other prisoners in there, so I am informed.

Q When he came to the new prison did he have a belt ?

A Yes sir, the same as what he wears now.

Q What do you call that ?

A A strap.

Q And handcuffs ?

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A Yes sir.

Q His arms are handcuffed to the belt?

A Yes sir.

Q What has been his behavior?

A Funny capers;hallowing and singing;he is harmless.

Q Has he done any Praying?

A Yes sir;and used profane language,spoken this afternoon,
in asking me to go after the judge,and electric wire put
into him,and if I didn't do that,I will go to hell myself;
that he called a man and wanted the electric wire put into
him;that if I didn't do that,that I and the judge could
go to hell.

Q Did he think that the Judge would apply the electric wire?

A He wanted to give the order.

Q Do you know where he got the idea ?

A I don't sir.

Q How is he confined now,in a cell by himself?

A Yes sir.

Q Is he kept with his hands cuffed in that way,right along?

A Yes sir.

By the COMMISSIONER:

Q Since he has been in your charge has he taken his meals

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regularly ?

A Last night he would not take any; I says, you must come out and walk, then he says he was hungry. He would not eat his breakfast until after that; he would not eat his supper to-night.

Q He eats his meals when he gets hungry ?

A When he takes a notion to.

By Mr. Carpenter :

Q Did you have anything to do with bringing him out to-night?

A Yes sir; I told him to come out, I opened the cell and told him to come out Mr. Nicols.

Q He wants to be called Nicols?

A Yes sir, I call him Mr. Nicols.

Q If you call him Mr. Cassulick what does he say?

A He don't want that.

By the COMMISSIONER :

Q Do you know how he sleeps ?

A I do not.

Q Does he sleep during the day any ?

A I can't say, sometimes he is quiet, he may be asleep, he lies on his side there.

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Q Has he given you any particular trouble since you have been in charge of him ?

A No sir.

Q Have you had any conversation with him?

A No sir; he is vulgar in his expressions sometimes when he calls you &c..

Q When you give him orders in regard to what he should do, has he understood you?

A Fairly; I said, you must change your shirt. He didn't want to. I said, you must do it any how. I took the shirt off him and gave him a clean shirt which he has on now .

By Mr. CARPENTER:

Q Did you hear him, while you were testifying, say that you were not telling the truth?

A I heard him say something, but didn't understand what he did say, sir.

By the COMMISSIONER:-

The Commission now adjourns without date.

NEW YORK COURT OF GENERAL
SESSIONS OF THE PEACE.

-----X	
THE PEOPLE of the STATE	X
	X
of NEW YORK.	X
	X
- against -	X
	X
NICOLA CASULICK.	X
-----X	

INDICTMENT FOR
MURDER IN THE FIRST
DEGREE, filed August
22, 1890.

TO THE HONORABLE

THE COURT OF GENERAL SESSIONS OF THE PEACE.

W E , JESSE S. NELSON and FRANK P. FOSTER, the Commission duly appointed by this Court in and by an Order duly made and entered in the above entitled action, bearing date November 14, 1890, to examine the defendant Nicola Casulick and report to this Court as to his sanity at the time of such examination,
DO RESPECTFULLY REPORT:

T H A T having duly taken the statutory oath of office which is hereto annexed, and having given due notice of the time and place of the sitting of said Commission, to the District Attorney for the City and County of New York, and to PHILIP CARPENTER, Esq., the Attorney for the defendant, we duly proceeded to execute said Commission, holding the first hearing on November 29, 1890 at the Chambers of the Recorder of the City and County of New York and subsequently holding hearings of the Commission at the Tombs in the said City where

the defendant is confined, on the following dates, that is to say: Dec. ⁴, 1890; December 6, 1890. Dec. 13, 1890. December 20, 1890. and December 27, 1890.

T H A T on all said hearings we were attended by the District Attorney through his assistants Andrew D. Parker, Esq., and by Philip Carpenter, Esq., the attorney for the defendant.

T H A T we caused the defendant to be produced before us at all the hearings except the first thereof at which hearing the Sheriff was unable to produce the defendant by reason of his extreme violence.

T H A T we have examined the defendant personally both physically and orally, as far as lay in our power considering his excitable and violent disposition.

We have also taken the testimony of other witnesses produced before us by the Attorney for the defendant, and of witnesses called by us which testimony is hereto annexed and made a part of this our Report.

T H A T we have carefully examined and considered the testimony so taken and have carefully noted the actions and demeanor of the defendant during the hearings before us and from our examination and a careful consideration of all the facts and testimony produced before us, WE DO FURTHER REPORT:

T H A T in our opinion the defendant was not at the time of such examination sane and is not a person of sound mind and is not mentally fit for trial.

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WE FURTHER REPORT, THAT, in our opinion the discharge of the defendant would be dangerous to the public peace and safety, and we respectfully recommend to the Court that the defendant should be committed to ~~the~~ a State Lunatic Asylum, and be detained there until he become sane.

All of which is respectfully submitted.

Dated, New York, January 16th, 1890.

Miss S. Nelson.

Frank J. Foster, Commission.

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

The People of the State of New York,
Plaintiffs,

- against -
Nicola Casulich,
Defendant

City and County of New York, ss.

I, Jose S. Nelson, one of
the Commissioners duly appointed, in the above
entitled action, by an order, made and entered
therein, and bearing date November 14, 1890,
do solemnly swear, that I will, faithfully and
fairly, try the issues and determine all the
questions referred to me therein, and make a
just and true report, thereon, according to the
best of my understanding.

Sworn to before me this

29th day of November, 1890

Jose S. Nelson
Notary Public
City & Co. of N.Y.

Jose S. Nelson

0854

Court of Gen. Sessions,

The People, v.,

- vs. -

Nicola Casulich,

Commissioner of the

Court of General Sessions of the Peace,
City & County of New York.

The People of the State of New York,
Plaintiffs,
against
Nicola Casulich
Defendant.

City & County of New York, ss.

I, Frank P. Foster, one of
the Commissioners duly appointed, in the
above entitled action, by order, duly made
and entered therein, and bearing date the
14th day of November, 1890, do solemnly swear,
that I will, faithfully and fairly, try the issues,
and determine all the questions referred to me
therein, and make a just and true report
thereon, according to the best of my understanding.

Sworn to before me this
29th day of November, 1890.

Frank P. Foster.

Wm. J. Becker
Notary Public
City & Co. of N.Y.

Court of General Sessions of the Peace,
County of New York,

The People,
- against -
Nicola Casulick

Indictment, for Murder, in the First Degree,
of Joseph Moore, filed Aug. 22, 1890.

Gentlemen:

Please take Notice, that the under-
signed, the Commissioners heretofore appointed
herein, by order, bearing date the 14th day of
November, 1890, and made by the Honorable
Frederick Smyth, Recorder of the City of New York,
to examine the defendant, as to his sanity, will
meet, for a hearing of the matters, in said order
named, at the chambers of said Recorder, No. 32 Chambers Street,
in the City of New York, on Saturday, November 29,
1890, at two o'clock in the afternoon.

Dated, New York, November 24th, 1890.

Yours, &c.,

Jesse S. Nelson,

Frank P. Foster, M.D.,
Commissioners.

To John R. Fellows, Esq.,

District Attorney, for the People,

Phillip Carpenter, Esq., 38 Pearl River
Attorney for the Defendant.

Court of Gen. Sessions.

The People

against

Nicola Kasulick,

Notice of Hearing
before Commissioners.

xol

We hereby admit due service,
this day, of a Notice, of which
within is a copy.
Nov. 16, 1890.

John A. McLaughlin
District Atty. for People.

Attorney for Defendant.

COPY RECEIVED

NOV 25 1890

PHILIP CARPENTER.

Physical examination of
Nicola Casalicchi, at the City
Prison, Dec. 20, 1890. -

1. As observed on this occasion
and at previous meetings of the
commission, ^{there was} no abnormality of the
gait or of the posture assumed.
At the meetings, his demeanor has
usually been that of a person
uninterested in the proceedings;
much of his time on those occasions
has been spent in fingering his
mustache, his eyes fixed on
the floor, the lids drooping
(but not from paralysis, as he
opens the eyes wide when his
attention is aroused). A flecting

smile passes over his face occasionally, but it does not seem to be an expression of any emotion proceeding from what is said or done in his presence.

As a rule, he is silent except when addressed, usually demands to answering questions, and often flatly refuses to do so. The answers that he does give are responsive to the questions asked.

2. Digital examination of the head reveals no sign of any injury to the skull. The following measurements of the head are taken: Transverse diameter at the highest point of attachment of the

(3)

external ears, $5\frac{1}{2}$ inches; greatest transverse diameter, $5\frac{1}{4}$ inches; greatest antero-posterior diameter, $5\frac{1}{2}$ inches; greatest horizontal circumference, $19\frac{1}{4}$ inches. tracings of certain outlines of the head were attached; the transverse outline from ear to ear over the vertex shows decided asymmetry. These measurements excited the prisoner very much, and he had to be held by main force toward the end of the process of taking them. It was ascertained subsequently that he fancied he was being measured for the electrical chair. His excitement became so great

(4)

that the subsequent steps in the physical examination were necessarily curtailed.

3. Being asked to protrude his tongue, he did so only after urging and "as a favor". It showed no deviation from the median line, but was moderately tumulous.

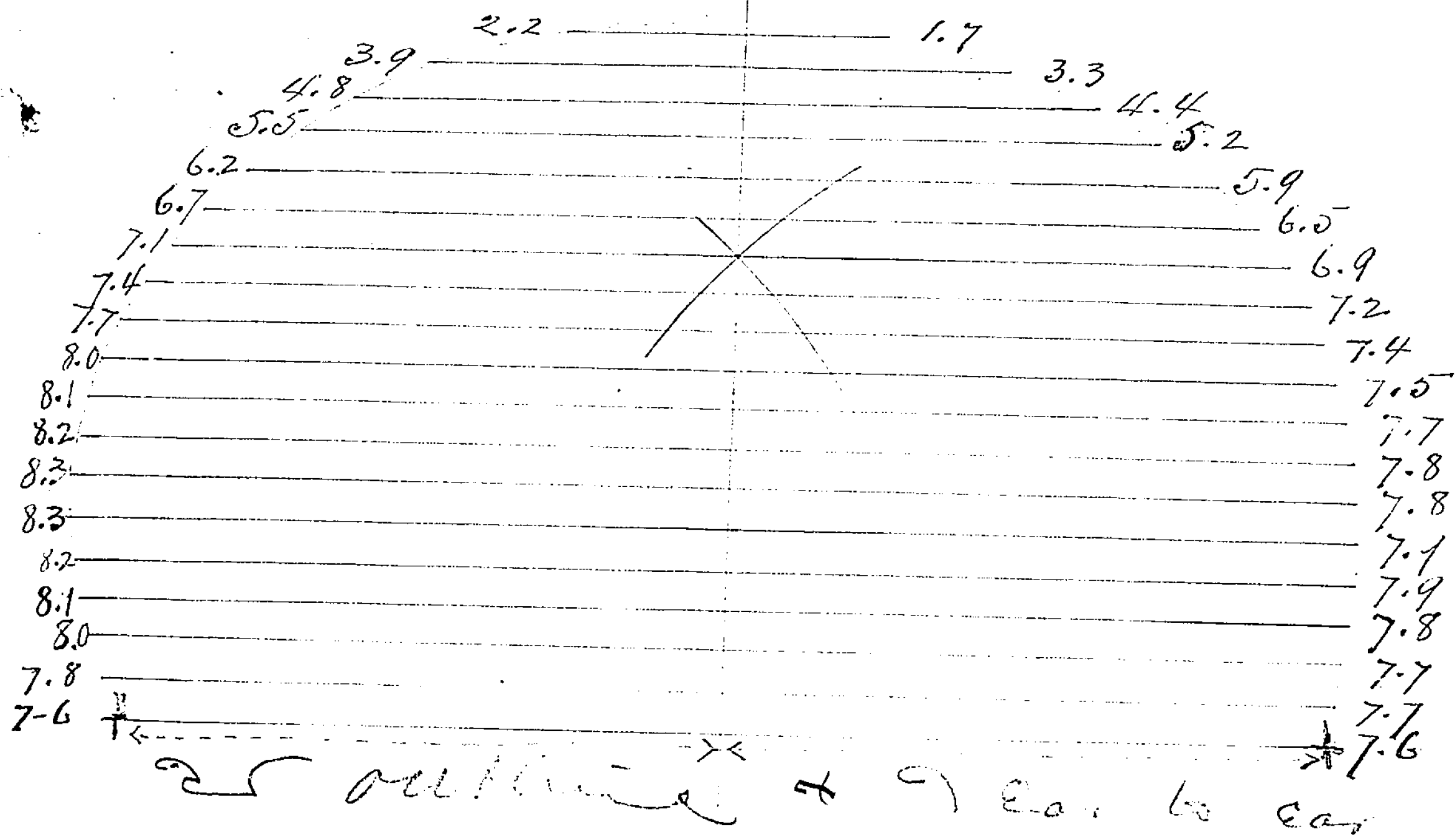
4. The patellar reflex (the tendency of the leg to spring up with a jerk on administering a smart tap on the patella) was apparently in abeyance. The word apparently is used because the prisoner may have held it in check by voluntary muscular

(5)
contraction. He submitted to the test with great reluctance. The pupillary reflex (the response of the pupils to alternations of light and darkness) was not examined, because it had already been tested by a physician, who, being called by the prisoner's counsel, had testified that it was normal.

5. The spinal column was found to be of normal conformation. The skin of the whole upper part of the back was red at the time of the examination, the redness being that of congestion.

On pressing it at any point
with the finger, a spot of
pallor was produced, as is
always the case when cutaneous
redness is due to congestion only.
This pallid spot was very slow
in regaining its previous color,
a fact showing feebleness or
sluggishness of the capillary
circulation.

0864



0065

Posterior horizontal outline.

anterior outline x

0066

Autos - position
outside June 1904
Bore to opposite
part) performance. (front)

-----x
 T h e P e o p l e

vs.

C a n s u l i c h.
 -----x

The papers upon which the defendant moves for a commission to examine certain witnesses therein named disclosed the fact that at least five persons who are within the jurisdiction of this Court, and who can be produced upon the trial, can give evidence ^tending to establish the facts which it is claimed can be established by the persons whose testimony it is sought to obtain by means of the commission.

Assuming it to be a fact that those last named persons could give such evidence, it would be nearly cumulative and very much of it, as appears by the affidavits, is hearsay.

I do not think that a commission should issue and so much of the ^{defendant's} ~~wife's~~ motion will, therefore, be denied.

The papers make a prima facie case for the appointment of a commission to inquire into the present mental condition of the defendant pursuant to Section 658 of the Code of Criminal Procedure, and an order will, therefore, be entered appointing Jesse S. Nelson, Esq., Counselor-at-Law, and *Frank P. Foster, Esq., of 16 East 31st St.* Medical Doctor, such commission.

0060

Leather

Causick

Memo. on
No for Causick
No.

#3

filed Nov. 14, 1890

0069

TESTIMONY.

Autopsy
 July 24th, at Morgue: 12 & 1 P.M.
 Body identified by Dr. O. Gara.
 Body that of a muscular man
 5 ft. 8 in. high weighing about 160 lbs.
 Tattoo marks = on breast - an angle
 and two kneeling figures - on right
 forearm - address of liberty & ship.
 On left forearm - Ballot girl - on
 right thigh - flaps draped.

Examination shows, at stage 2
 wound 1 1/4 in long situated 2 1/2
 inches above the left nipple - the
 direction being downwards & forward.
 A similar wound in the axillary
 line just below the fore border of
 the ribs on the left side - this
 wound extended backwards &
 downwards into the axilla
 of the left arm. Also a slight
 wound on the upper surface of the left
 forearm 3 inches below the elbow.
 The first described wound entered
 the chest between the second & third ribs
 penetrated the left lung severing
 the pulmonary artery and larger
 bronchi at about the second division.
 The left chest cavity was filled
 with fluid & clotted blood. The
 right lung was bound to the chest
 wall by old adhesions & contained cavities
 at the apex. Liver = kidneys =
 intestines & stomach normal.

Sworn to before me,
 this

day of 189

189

CORONER.

0070

TESTIMONY.

Albert Weston

M. D., being duly sworn, says:

I have made an autopsy of the body of

Joseph Moore now lying dead at
the Morgue and from such examination & Autopsy
and history of the case, as per testimony, I am of opinion the cause of
death is Homicide by stab wound of
chest. Internal hemorrhage
& Shock.

W. J. Weston, M. D.

Autopsy and
Cause of death

Shock & internal hemorrhage
from stab wound of chest
above described.

W. J. Weston, M. D.

Sworn to before me,

this

24th day of

July

1890

CORONER.

0871

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
About 50 Years	Months	Days	Ind.?	Moogay from 13 Hamilton St	July 24

At residence of
Strickland
by 24th
July 24/99
J. P. O'Brien
examined
and returned

D. H.

Mr.

Dear

189

AN INQUISITION

On the VIEW of the BODY of

Joseph Moore

whereby it is found that he came to
a death by

Inquest taken on the day
of 189 before

DANIEL HANLY, Coroner.

304

0072

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	Date When Reported
58 Years Months Days	Irish	Moogans River	July 25

Howie's at
Stabbing House
by 241 a
July 21
July 21
from
from
from

D. H.

Joseph (Homicide)

OP.

Quar.

189

AN INQUISITION

On the VIEW of the BODY of

Joseph Moony,

whereby it is found that he came to
his death by

Inquest taken on the
day
of
189 before

DANIEL HANLY, Coroner.

304

0073

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

Nicholas Casulick being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer—*Nicholas Casulick*

Question—How old are you?

Answer—*Thirty year & six months*

Question—Where were you born?

Answer—*Austria*

Question—Where do you live?

Answer—*13 Hamilton St.*

Question—What is your occupation?

Answer—*Carpenter - ship Carpenter -*

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

*I have nothing to say -
Niccolo' Casulick*

Taken before me, this *29* day of *July* 18*80*

Daniel Conly

CORONER.

0074

MEMORANDA.

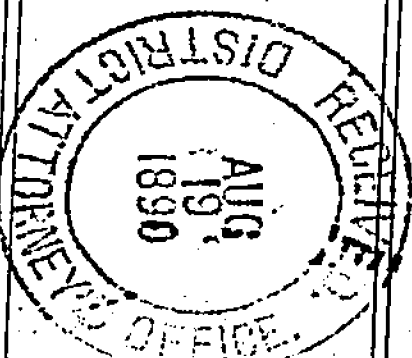
AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported	
<i>abt</i> <i>50</i>	Years	Months	Days	<i>Ireland</i>	<i>Morque</i>	<i>July 22^d</i>

Date of death

Discharged

Deceased

Committed



Coroner

James Haulley

Inquest taken on the 29th day
July - 1890.

Nicholas Canteliet

whereby it is found that he came to
his death by the hands of

Joseph Moore

On the VIEW of the BODY of

AN INQUISITION. 1278

HOMICIDE.

Jan. 30th. 1890

0875

200
Jan. 3rd. 1890

HOMICIDE.

AN INQUISITION, 1278

On the VIEW of the BODY of

Joseph Moore

whereby it is found that he came to

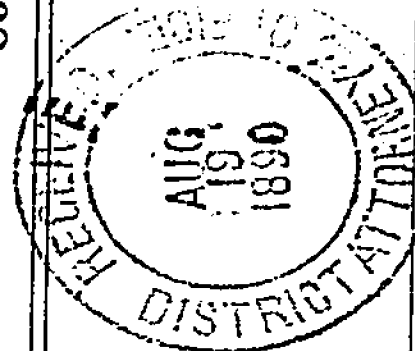
his Death by the hands of

Nicholas Canfield

Inquest taken on the 29th day

July 1890.

before
James Haulcy
Coroner



Committed

Bailed

Discharged

Date of death

MEMORANDA.

AGE	PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
52 Years Months Days	Belmont	Morseville	July 22 nd

0876

Inquest into the death of Joseph Moore, deceased.
Before Coroner Hanley and a Jury.
New York, July 29th, 1890.

OFFICER MICHAEL P. GORMAN of the 7th Precinct, duly sworn:-

I was on post on the 22nd of July, this year, about half past two o'clock and a boy told me there was a stabbing affair around in Hamilton Street; this was about half past two in the afternoon. I went around there and I found this prisoner Casulick in a hallway; he was after being knocked down in the hallway by some of the sailors there; I arrested him and I asked the prisoner who did it -- the stabbing, and the prisoner said, he did it. I asked the prisoner why he did it and he said "He put his hands on me." I took the prisoner to the station house and he admitted doing the stabbing and here is the knife he did it with; (witness produces knife). I did not find this knife on the prisoner; the other sailors had taken it away from him.

MARY FLYNN, duly sworn, testified:

I live No. 13 Hamilton Street and I keep a sailor's boarding house there. I knew the deceased for the last sixteen or eighteen years. He has been boarding with me. I saw him on the day of this occurrence about five minutes before it happened; it was about quarter past two or about two o'clock. The deceased was in good health, but he was an old seaman, and he was once an officer of a ship until about a year ago, and he was paralyzed. He asked me if he could remain in my house and I told him yes; He came to me it will be a year in August. He was dead when I saw him and I identified the body. I saw a brother of the deceased the day after the occurrence and his sister I saw yesterday; they are not here in Court, but they were at my house. The deceased was about fifty years of age and he was a peaceable man and he was sober at the time of this occurrence. I kept him in my house for charity; he had not been to sea in some time. The prisoner was a perfect stranger to me and I never saw him before he came to my house. The prisoner annoyed me very much and he asked me to get him a ship to get him a job on board ship; a runner brought him to the house and I always dreaded the man. He, the prisoner, came in for his meals and I didn't speak to him and nobody ever spoke to him much; I didn't like his appearance. He, the prisoner, used to keep away from me and he would come in for his meals and then go out, and the deceased and he never had any trouble as far as I know nor would anybody in the family.

WILLIAM SEYMOUR, duly sworn, testified as follows:-

I live No. 13 Hamilton Street and I knew the deceased and also the prisoner. I saw the stabbing on the day in question. It was about quarter past two in the afternoon, I don't know what day of the month it was, but I think it was about the 22nd or 23rd; I came into the house about quarter past two and I saw the prisoner out in the hallway

0877

and I saw Moore came in and ^{he} said something to him which I couldn't hear and then the prisoner called Joe Moore a liar and after he said that Joe Moore grabbed the prisoner by his shirt-collar and told him "don't you call me a liar any more". This man, the prisoner, then sprang up from his seat and made a dart at him as if he was going to fight him, when I saw that I thought they would fight single handed without any weapons, but when I saw the knife blade in this man's hand I sprang between the two and I struck the prisoner on the nose with my fist; it stunned him and he fell backwards and as soon as he did that, the other man there, one of the witnesses, Meyers, took hold of his right hand and snatched the knife away from him, but it was too late, he had stabbed him already. He stabbed the deceased three times; the last stab he gave him was a hard blow; I saw Joe Moore put his right hand to his left breast and he went backwards and with his left hand he put up against this prisoner and said, "You have killed me". He went out the back-yard then and walked about twenty or twenty-five feet from the place where he was stabbed and then fell. As soon as he took his hand away from his breast he fell right down and expired in a few minutes.

FREDERICK WILLIAM MEYERS, duly sworn, testified: I live No. 13 Hamilton Street; I saw the occurrence on the day in question; it was about half past two in the afternoon, on a Tuesday. I saw Mr. Moore and this prisoner standing together on the veranda where it goes down into the yard and they were talking to each other, and this prisoner called Joe Moore a liar; Joe Moore put his left hand on to his shirt and he didn't shake him very much and said, "Don't call me a liar," and this prisoner jumped on the seat and he grabbed for Joe and Joe went backwards and the prisoner followed him up and drew his knife with his right hand and made four stabs at the deceased; the first one missed, one went into his arm somewhere, and the last stab went into his heart. When he gave him the last stab Seymour caught hold of him from behind just when he made a slash at me, Mr. Seymour caught him from behind, and caught his right hand here somewhere, and knocked him down; I got the knife out of this man's hand. This is the knife he used (witness identifies knife). When I first heard them talking they were saying something about shipping; the deceased had told the prisoner he didn't want to ship.

OTTO GETGEN, duly sworn, testified: I live No. 13 Hamilton Street. I only saw the last part of this stabbing. I went out after dinner and came into the house again at a quarter of two. I went into the smoking room and laid down to sleep; after that I heard a noise in the hallway and came out and saw those two men fighting -- the prisoner and the deceased; the prisoner stabbed the deceased and then the other two men made a grab for the knife and took it away from him and knocked him down and after that the officer came; I saw the prisoner make one blow at the deceased right at his breast and I also saw the knife which

0878

was exhibited here.

The prisoner was asked through an interpreter whether he wished to testify in his own behalf and under advice stated he would reserve his testimony for his trial.

VERDICT: We, the Jury, find that Joseph Moore came to his death on July 22nd, 1890, at No. 13 Hamilton Street from the effects of a stab wounds inflicted upon him by a sailor's knife in the hands of the prisoner Nicholas Casulick.

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AT A COURT OF GENERAL SESSIONS OF THE PEACE,
holden in and for the City and County
of New York, at the City Hall of the
said City, on Friday, the fourteenth
day of November, in the year of our
Lord One Thousand Eight Hundred and
Ninety.

P r e s e n t:

The HONORABLE FREDERICK SMYTH,

Recorder of the City of New
York,

J u d g e
of the
Sessions.

The People

-against-

NICOLA CASULICK.

I n d i c t m e n t
For MURDER in the FIRST DEGREE
OF JOSEPH MOORE.
Filed, August 22, 1890.

On reading and filing the affidavits of Frank
Goschina, Phillip Carpenter, Domenico Cherubini, Vincenzo
Wangewich, Peter Conzidine and Antonio Dusenich, whereby
the above-named Nicola Casulick, defendant, now in confine-
ment in the City Prison of the City of New York under in-
dictment for the Felony of MURDER in the FIRST DEGREE of
JOSEPH MOORE, appears to the Court to be insane, and, on
motion of Phillip Carpenter, Esquire, attorney for the
said defendant, it is

O R D E R E D,

That Jesse S. Nelson, Esquire,

0001

2

Counsellor at Law, and Frank P. Foster, of Number Sixteen East Thirty-first Street, in the City of New York, Medical Doctor, be, and they are, hereby appointed a Commission to examine the said defendant, and report to the Court with all convenient speed as to his sanity at the time of such examination. And it is further

O R D E R E D. That the said Commission notify the District Attorney, and the Attorney for the said defendant, of the time of such examination.

0002

LETTER HEADLINE

DATE

TO

FROM

SUBJECT

REMARKS

Copy

0003

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the house of *Coroners Office*
No. 67 Park Row Street, in the *4th* Ward of the City of
New York, in the County of New York, this *29* day of *July*
in the year of our Lord one thousand eight hundred and *90* before

Daniel Hanly Coroner,
of the City and County aforesaid, on view of the Body of *Joseph Moore*
lying dead at

Nine good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Joseph Moore came to his death, do
upon their Oaths and Affirmations, say: That the said *Joseph Moore*

came to his death by
Stab wounds of chest, inflicted with
a sailor's knife in the hands of Nicholas
Caspiak, at 13 Hamilton Street, July
22nd 1890.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition,
set our hands and seals, on the day and place aforesaid.

JURORS.

Levi Mahan

191. Beekman St

J. W. Wotton 21. Park Row.

2 E. J. Lerger 49 S 5th av

E. D. Keel 177 Broadway

A. Harris 73 W. Houston St

F. F. Schunberg 187 Bleeker St.

Louis Kluff 55 W. Houston

Thos. Leming 178 Bleeker

Frank Berta 45 E Houston

Daniel Hanly

CORONER, E. S.

NEW YORK COURT OF GENERAL
SESSIONS OF THE PEACE.

-----	x	
	x	
THE PEOPLE of the STATE	x	INDICTMENT FOR
	x	
of NEW YORK.	x	MURDER IN THE FIRST
	x	
- against -	x	DEGREE, filed August
	x	
NICOLA CASULICK.	x	22, 1890.
	x	
-----	x	

TO THE HONORABLE

THE COURT OF GENERAL SESSIONS OF THE PEACE.

W. E. , JESSE S. NELSON and FRANK P. POSTER, the Commission duly appointed by this Court in and by an Order duly made and entered in the above entitled action, bearing date November 14, 1890, to examine the defendant Nicola Casulick and report to this Court as to his sanity at the time of such examination,
DO RESPECTFULLY REPORT:

T H A T having duly taken the statutory oath of office which is hereto annexed, and having given due notice of the time and place of the sitting of said Commission, to the District Attorney for the City and County of New York, and to PHILIP CARPENTER, Esq., the Attorney for the defendant, we duly proceeded to execute said Commission, holding the first hearing on November 29, 1890 at the Chambers of the Recorder of the City and County of New York and subsequently holding hearings of the Commission at the Tombs in the said City where

the defendant is confined on the following dates, that is to say: Dec. ~~4~~¹¹, 1890; December 6, 1890. Dec. 13, 1890. December 20, 1890. and December 27, 1890.

T H A T on all said hearings we were attended by the District Attorney through his assistants Andrew D. Parker, Esq., and by Philip Carpenter, Esq., the attorney for the defendant.

T H A T we caused the defendant to be produced before us at all the hearings except the first thereof at which hearing the Sheriff was unable to produce the defendant by reason of his extreme violence.

T H A T we have examined the defendant personally both physically and orally, as far as lay in our power considering his excitable and violent disposition.

We have also taken the testimony of other witnesses produced before us by the Attorney for the defendant, and of witnesses called by us which testimony is hereto annexed and made a part of this our Report.

T H A T we have carefully examined and considered the testimony so taken and have carefully noted the actions and demeanor of the defendant during the hearings before us and from our examination and a careful consideration of all the facts and testimony produced before us, WE DO FURTHER REPORT:

T H A T in our opinion the defendant was not at the time of such examination sane and is not a person of sound mind and is not mentally fit for trial.

0006

WE FURTHER REPORT, THAT, in our opinion the discharge of the defendant would be dangerous to the public peace and safety, and we respectfully recommend to the Court that the defendant should be committed to ~~the~~ State Lunatic Asylum, and be detained there until he become sane.

All of which is respectfully submitted.

Dated, New York, January 16th, 1890.

(sd) Jesse S. Nelson.

Frank P. Foster

Commission.

NEW YORK GENERAL SESSIONS
OF THE PEACE.

THE PEOPLE OF THE STATE OF
NEW YORK.
against
NICOLA CASULICK.

Indictment for Murder in the
First Degree.

REPORT OF COMMISSION.

0000

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Nicolas Raschida

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

Nicolas Raschida

of the CRIME OF Murder in the First Degree, committed as follows:

The said Nicolas Raschida,

late of the City of New York, in the County of New York aforesaid, on the ~~second~~ ^{second} day of ~~July~~ ^{July} — in the year of our Lord one thousand eight hundred and ~~eighty~~ ^{eighty} ~~ninth~~ ^{ninth}, at the City and County aforesaid, with force and arms, in and upon one

Joseph Moore,

in the peace of the said People then and there being, wilfully, feloniously, and of ~~his~~ ^{his} malice aforethought, did make an assault, and ~~he~~ ^{he} — the said

Nicolas Raschida, ~~him~~ ^{him},

the said ~~Joseph Moore~~ ^{Joseph Moore}, with a certain ~~knife~~ ^{knife} — which ~~he~~ ^{he} the said Nicolas Raschida in

~~his~~ ^{his} right hand then and there had and held, in and upon the ~~chest~~ ^{chest} of ~~him~~ ^{him} — the said ~~Joseph Moore~~ ^{Joseph Moore},

then and there wilfully, feloniously, and of ~~his~~ ^{his} malice aforethought did strike, stab, cut and wound, giving unto ~~him~~ ^{him} the said ~~Joseph Moore~~ ^{Joseph Moore}

then and there with the ~~knife~~ ^{knife} aforesaid, in and upon the ~~chest~~ ^{chest} of ~~him~~ ^{him} — the said ~~Joseph Moore~~ ^{Joseph Moore},

one mortal wound of the breadth of one inch, and of the depth of six inches, of which said

mortal wound the the said Joseph Moore
at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the
day of _____ in the same year
aforesaid, did languish, and languishing did live, and on which said
day of _____ in the year aforesaid, the said
_____ at the City and County aforesaid,
of the said mortal wound did die.

Then and there died. -

And so the Grand Jury aforesaid do say: That the said

Nicolas Raschide, Inm.

the said Joseph Moore, in the manner and form, and by the means aforesaid, wilfully, feloniously, and of his malice aforethought, did kill, and murder, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

Nicola Rosolich

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

The said Nicola Rosolino,

late of the City and County aforesaid, afterwards, to wit: on the said twentieth
day of July, — in the year of our Lord one thousand eight hundred
and eighty-ninth, at the City and County aforesaid, with force and arms, in and
upon the said Joseph Moore, —

in the peace of the said People then and there being, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of — him — the said Joseph Moore —, did make another assault, and the said Niccolo Casulata, him, the said Joseph Moore, with a certain knife — which he — the said Niccolo Casulata, in

0090

~~His right hand then and there had and held, in and upon the chest
 of — *him* — the said *Joseph Moore* —
 then and there wilfully, feloniously, and with a deliberate and premeditated design to effect
 the death of *him* the said *Joseph Moore*, did strike, stab, cut and
 wound, giving unto *him* the said *Joseph Moore*, then
 and there, with the *knife* aforesaid, in and upon the chest —
 of — *him* — the said *Joseph Moore*, —
 one mortal wound of the breadth of one inch and of the depth of six inches, of which said
 mortal wound *he* the said *Joseph Moore*, at
 the City and County aforesaid, from the said ~~day of~~
 in the year aforesaid, until the ~~day of~~ ~~in the~~
 same year aforesaid, did languish, and languishing did live, and on which said
 day of ~~in the year aforesaid,~~
 the said ~~, at the City and County~~
 aforesaid, of the said mortal wound did die.~~

Then and there died.

And so the Grand Jury aforesaid do say: That the said
Nicolas Pasulinda, *him* —
 the said *Joseph Moore*, in the manner and form, and by
 the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design
 to effect the death of — *him* — the said *Joseph Moore*,
 did kill and murder, against the form of the Statute in such case made and provided, and
 against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.