

0339

BOX:

447

FOLDER:

4121

DESCRIPTION:

Palisi, Morino

DATE:

08/11/91



4121

0340

Witnesses;

Myo Schuller

Counsel,

Filed

11 day of Aug 1891

Pleas,

Subject of

THE PEOPLE

19 vs *310 21 26* *F*

Memo Polini

ABDUCTION
[Section 182, Sub. 1, Penal Code.]

DeSancy Moore
~~JOHN R. WILLIAMS~~

District Attorney.

A True Bill.

Wm. J. Woods
Jury 2 - Nov. 5, 1891
Brid and permitted of
Abduction with a second
mandate to the same body
of the court.
Pen. 142. P.B.M.

0341

Second.

District Police Court.

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

Hugo Schuckers.

of Number 100 East 23rd street being duly sworn,
he has just reason to believe and does believe that
deposes and says, that on the 6th day of August 1899, at the
City of New York, in the County of New York, that the fruit stand

situated on North West corner of West fifteen
street and 8th Avenue in the city of New
York, the Morino Police, now here,
did willfully and unlawfully and feloniously
attempt to perpetrate an act of sexual
intercourse with a certain female, now
here, called Mamie Prosser, being then and
now actually and apparently under the
age of sixteen years to wit of the
age of eleven years; not being his
wife in violation of Section 278 of
the Penal Code of the State of
New York

Therefore the complainant prays that the said

Morino Police.

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

Sworn to before me, this

day of

August

1899

Hugo Schuckers.

John E. Kelly

Police Justice.

0342

CITY AND COUNTY } ss.
OF NEW YORK, }

Mamie Prosser
aged 11 years, occupation schoolgirl of No. 463 West 19th Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of Legeo Schultz
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this

day of August 1898.

Mamie Prosser
man

John S. Kelly
Police Justice.

0343

Sec. 108—200.

CITY AND COUNTY } ss.
OF NEW YORK, }

Hand. District Police Court.

Morino Palisi 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.

Morino Palisi

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

Italy

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

Answer.

340 West 26th St. New York City Seven Months

Question. What is your business or profession?

Answer.

Fruit Dealer

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
Morino Palisi

Taken before me this

day of

1907

at

New York City

John J. Kelly

Police Justice

0344

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

Dated *August 7th* 18*97* *John S. Kepp* 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.

0345

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---*1038* District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Hugo Schuchter
vs.
Marion Patis

2

3

4

Page
Offence

Dated

August 7th 1899

Magistrate.

Officer.

Recinct.

Witnesses.

No.

Street.

No.

Street.

No.

Street.

\$ 7.500

2.500

Answer
3000 x Aug 8.9 am
[Signature]

0346

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

.....
T h e P e o p l e ,)

vs.)

MARINO PALISI.)

) Before

) HON. RANDOLPH B. MARTINE,

) and a Jury.
.....

Tried November 5th, 1892.

Indicted for RAPE AND ABDUCTION.

Indictment filed August 11th, 1891.

APPEARANCES:

Assistant District Attorney Vernon M. Davis,

For The People.

James W. McLoughlin, Esq.,

For The Defense.

0347

2

(At the outset of the trial the defendant conceded that Mary Prosser was under the age of 18, and was not the wife of the defendant.)

MARY PROSSER testified that she lived at 483 West 19th Street, and that she was 11 years of age. She saw the defendant at 5th Avenue and 15th Street on August 6th, 1891, at about 4 o'clock in the afternoon. The defendant asked her to go into a shanty with him. She went in with him. Nobody was there beside the defendant and herself. The defendant gave her a glass of soda. She the witness sat down on the floor of the shanty, and the defendant got on his knees and put his privates into hers. She saw him unbutton his trousers and take out his privates. She felt his privates in her private parts. The connection lasted about ten minutes. The defendant got on top of her while she was upon the floor. The de-

0348

3

defendant hurt her and she screamed. After the ten minutes were over he got up and went out, and she sat on a box until he came back again a few minutes later. He then had connection with her again. He went out to see what time it was and came back and had connection with her again. Then he got up and said it was time for his boss to be coming around, and told her to go out. Her underclothing was all wet when he got through, and he said she was knocked up.

In

C r o s s - E x a m i n a t i o n ,

the witness testified that she often went to the Gansevoort Market with her basket and got vegetables. On the afternoon in question she was going to a lady's house at 249 West 15th Street. She had been in that neighborhood frequently before she had met the defendant and before that had spoken to him. She first told the police sergeant in the station house---the man behind the desk---about what had been done to her. She told the sergeant on the 3th of

0349

4

August, the same day that she was in the shanty with the defendant. She went to the police station that same night. She was arrested with a man named Engster, and taken to Jefferson Market. After she had connection with the defendant she went to the lady's house in 15th Street, and stayed there a half an hour. She was arrested about a quarter of 8 with several other little girls. She met them on the street. She was also with the man Engster. Engster was charged with having intercourse with her, and so was a man named Rothman. Rothman was discharged in the police court. She the witness was sent to the care of the Society. Her mother was in the police court at the time of the arraignment, and told Police Justice Kelly that she the witness could not be believed under oath, and Judge Kelly said in committing her to the care of the Society that she was a very bad girl--- the most depraved child he had ever seen. The lady who lived at 249 West 15th Street was a Mrs. Judson. The fruit stand was in front of a bakery, and there were large glass windows in the bakery.

0350

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HUGO SHULTES testified that he was an Officer of the Society for the Prevention of Cruelty to Children, and had been since the 11th of April, 1890. He arrested the defendant on August 7th, between 11 and 12 o'clock in the morning at the fruit stand, 8th Avenue and 15th Street. Before he arrested the defendant he had received a complaint against him from Officer Carey and Mammie Prosser, the complainant. He addressed the defendant in English and the defendant replied in English. Officer Carey and Mammie Prosser were standing on the opposite corner and he the witness went over to the fruit stand. Then Carey and the complainant joined him the witness and Officer Carey said, "Did you have this girl in the shanty?" And the defendant said, "Yes, I did." Officer Carey said, "Did you put up her clothes?" And the defendant said, "No, I didn't; she put up her clothes herself." Officer Carey said, "Did you do anything to her?" And he said, "No, I didn't hurt her." Then he the witness

0351

8

asked the defendant what he did to the complainant, and the defendant said, "I tried to get into her, but I couldn't. She is no good." Then the defendant was taken to the police station. On the way to the station house he again asked him, "Did you go into her?" The defendant said, "No, I didn't hurt her. I tried to get into her but I couldn't. She is no good."

OFFICER JOHN CAREY of the 13th Precinct testified to the same effect.

0352

7

FOR THE DEFENSE.

MARINO PALISI, the DEFENDANT, testified that he was about 19 years of age, and he attended a fruit stand at 8th Avenue and 15th Street. He knew the complainant. The booth was very small---about two feet and a half square. He had never measured it. There was only room inside for some little fruit that was not put on the stand. There was hardly room for him the defendant to stand up inside of the stand. The complainant came to the stand about 3 o'clock and asked him to give her a glass of soda water. He the defendant was sitting on a chair reading a book. He the defendant gave her a glass of soda water and she drank it, and she stopped awhile there. Then he the witness went and sat on a chair. While he was sitting in the chair she went into the shanty. He the defendant looked into the shanty and said,

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0353

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S

"What are you doing in there?" She said to him, "Come here." He the defendant said, "Well, I don't want you in there. Come on outside." The complainant stayed in there and he pulled her outside by the arm and then she went away. He did not have intercourse with her or try to have intercourse with her. He did not tell either Officer Carey or Officer Shultes that he had tried to have intercourse with her and had failed.

In

C r o s s - E x a m i n a t i o n ,

he testified that he had never been convicted of crime. The complainant was not over a minute inside of the stand. When she was inside of the stand she said, "Come here. I'll show you something." And he told her he did not want her inside of the stand, and to come out. and he pulled her out.

0355

9

He had to go partly into the stand to pull her out. She was then standing up. The complainant paid for the soda. It was a 2-cent glass of soda water.

GAETANO BERTUCCIO, testified that he lived at 8th Avenue and 15th Street, and the defendant was in his employ to take care of the stand. He the witness was at the stand at about four o'clock on the afternoon of the 8th of August and stayed there for about an hour. He did not see the complainant anywhere near the stand. If she had been near it he would have seen her. The defendant was at the stand at that time. The inside of the stand was not more than two feet square, and was crowded with barrels and boxes filled with fruit. There were also shelves on which spare fruit was kept. He had known the defendant since he arrived in the country, and he had also known him in Italy since boyhood. He knew other persons who knew him, and his reputation was good.

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GIOVANNI TESSORIERI testified that he lived at 340 West 23th Street, and that he knew the defendant. He had known him since he arrived in the United States and also knew him as a boy in Italy. He knew others who knew him, and knew that his reputation was good. The defendant lodged with him the witness, and he always came home immediately after his work, and the door of the rooms was locked and he knew that the defendant never left the house until the morning. He never heard him speak of women. Every day he came home as soon as his work was done, and never went out until the following morning. He knew the stand that the defendant attended, and knew that it was only about two feet and a half square, and was crowded with barrels and boxes of fruit. It was possible to see from the bakery what was going on in the stand. There were also two windows in the stand. He the witness was at the stand from noon until about half-past 3 on the 3th of August. He did not see the complainant near the stand at 3 o'clock, or at any time on that

0356

10

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0957

10

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0358

11

day. He saw the defendant at the stand when he was there. The witness was interested in the business of the stand, and went to see how business was getting on, and clean up the place.

ANTONIO LONGO testified that he lived at 340 West 28th Street, and knew the defendant, and had known him for about three years and in Italy also he knew him. He knew others who knew him and knew that his reputation was good.

In

Cross - Examination,

he said he knew where the stand at 5th Avenue and 15th Street was, and he had often seen it. It was a small stand not more than 2 1/2 feet square. He was not at the stand on the 8th of August. He had his own stand at 5th Avenue and 30th Street.

0359

12

LOUIS LAWUGELLI testified that he lived at 340 West 28th Street. He knew the defendant and knew others who knew him, and he had known him three years in the United States and also had known him in Italy. The defendant's reputation was good.

IN REBUTTAL.

OFFICER SHUTES, being recalled, testified, that he should judge that the stand was about 7 feet long, 4 feet wide and about 5 feet high.

In

C r o s s - E x a m i n a t i o n ,
he testified that he had never measured the stand,

0360

13

but that was his estimate. He looked inside of the stand, because the defendant when he was arrested went inside of the stand to put on his coat.

DR. WILLIAM TRAVERS GIBB, called by The People, testified that he was in the employ of the Society for the Prevention of Cruelty to Children, and had been for about five months. He had been a practicing physician for nearly six years, and he lived at 131 West 39th Street.

The witness was not cross-examined.

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0361

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mario Galisi

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

Mario Galisi

of the CRIME OF ABDUCTION, committed as follows:

The said *Mario Galisi*,
late of the City of New York, in the County of New York aforesaid, on the
ninth day of *August*, in the year of our Lord one
thousand eight hundred and ~~eighty~~ *ninety-one*, at the City and County aforesaid, did
feloniously take, receive, harbor, employ and use one *Marie Grosser*,
who was then and there a female under the age of sixteen years, to wit: of the age of
seven years, for the purpose of sexual intercourse, he, the
said *Mario Galisi* not being then and there
the husband of the said *Marie Grosser*,
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.

0362

Second COUNT:—

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

of the CRIME OF PERPETRATING AN ACT OF SEXUAL INTER-
COURSE WITH A FEMALE UNDER THE AGE OF SIXTEEN YEARS,
NOT HIS WIFE, committed as follows :

The said Marino Salisi,

late of the City and County aforesaid, afterwards to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain
female not his wife, to wit: her, the said Marie Grosser, —
then and there being, wilfully and feloniously did make ~~another~~ assault, she, the said
Marie Grosser being then and there a female under the
age of sixteen years, to wit: of the age of eleven years: and the said
Marino Salisi, — then and there
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said
~~Marie~~ Marie Grosser, 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.

Edmund M. Hill,
JOHN R. FELLOWS, District Attorney.

0363

BOX:

447

FOLDER:

4121

DESCRIPTION:

Palmero, Peter

DATE:

08/05/91



4121

0364

BOX:

447

FOLDER:

4121

DESCRIPTION:

Smith, George

DATE:

08/05/91



4121

0365

1003

Witnesses:

Henry Smith

Pop Kelly

Counsel,

Filed

5 day of Aug 1891

Pleads,

THE PEOPLE

vs.

P

Peter Palmiero

and

George Smith

Gurglary in the Third Degree.
[Section 488 of the Penal Code]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL

Wm. Madry

Foreman.

Aug 6/91

Richd. J. ...

Plead Jury 34

Each \$1.2 1/2 w/s

0366

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

2 District Police Court.

George Smith 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.

George Smith

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

New York

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

Answer.

455 W 30th St New York 2 months

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am Guilty
George Smith

Taken before me this

day of

1891

Police Justice.

0367

Police Court— 2nd District.City and County } ss.:
of New York,of No. 196-9-Avenue Henry Sturtz Street, aged 27 years,
occupation Grocery Business being duly sworndeposes and says, that the premises No 196-9-Avenue Street,
in the City and County aforesaid, the said being a Four Story Brick
Buildingand which was occupied by deponent as a Grocery Store
and in which there was at the time no human being, by namewere BURGLARIOUSLY entered by means of forcibly Breaking
a pane of glass in the door ofSaid Storeon the 30 day of July 1889 in the Night time, and the
following property feloniously taken, stolen, and carried away, viz:Good and lawful money of the United
States of the amount and value of
Five dollars - and 15 Boxes of Cigars
of the value of Thirty dollars - in all
of the amount and value of Thirty
five dollars(\$ 35⁰⁰/₁₀₀)the property of Deponentand 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 byPeter Palmero (now here)

for the reasons following, to wit:

That deponent securely
locked and fastened the said door
of the aforesaid premises about the hour
of 8 o'clock P.M. of the 29 day of July 1889 -
and at that time said glass was in
the said door in good and perfect
condition - and that about the hour of
8 o'clock A.M. deponent was awakened
by a Mrs. Guggenbicec of No 192-9-Avenue

0368

who informed him that his store had been broken into, and that he immediately discovered the pane of glass in the door of his store broken. and that Depoent is informed by Officer Michael Kelly of the 20th Precinct Police that about the hour of 2:30 o'clock A.M. of the aforesaid date he saw the said defendant in West 2^d Street between 5th and 9th Avenue. with seven boxes of Cigars in his possession - and Depoent further says that he has seen the said Cigars found in the possession of said defendant. and fully recognizes the said Cigars - as his property and as the property which was stolen from the aforesaid premises on the aforesaid date - Depoent therefore charges the defendant with having committed a Burglary and asks that he be held and dealt with as the Law may direct -

Sworn to before me
this 30 day of July 1891

Henry Sturtz

John S. Kelly Justice

Police Court	District.
THE PEOPLE, &c.,	
ON THE COMPLAINT OF	
vs.	
Burglary	Degree.
Dated	188
Magistrate.	
Officer.	
Clerk.	
Witnesses:	
Committed in default of \$	Doit.
Bailed by	
No.	Sred.

0369

CITY AND COUNTY }
OF NEW YORK, } ss.

aged _____ years, occupation _____ of No. _____

Michael Kelly
Police Officer
20th Precinct Police Street, being duly sworn, deposes and

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

Sworn to before me, this _____

day of *July* 1890, *Michael Kelly*

John S. Kelly
Police Justice.

0370

Sec. 198-240.

CITY AND COUNTY
OF NEW YORK, ss.

2 District Police Court.

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

Question. What is your name?

Answer. *Peter Palmero*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *426 West 27 Street - 4 weeks*

Question. What is your business or profession?

Answer. *Nothing*

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

Answer.

I am not guilty
Peter Palmero

Taken before me this

day of

Police Justice

0371

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

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

Dated July 30 1891 John S. Kelly Police Justice.

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

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

Dated August 1 1891 John S. Kelly Police Justice.

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

Dated _____ 18 _____ Police Justice.

0372

Police Court--- District. 1003.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Smith
126-9 Avenue
Peter Palmers
George Smith

Offence
Burglary

Dated July 30 1891
Magistrate.
Officer.
Precinct.

Witnesses
No. Mrs. Guggenbelle Street.
192-9-Avenue
No. Street.

No. Street.
Answer
Burg 3
9th
Burg 9

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

0373

CITY AND COUNTY } ss.
OF NEW YORK.

POLICE COURT, 2 DISTRICT.

of No. 20th Precinct Street, aged years,
 occupation Officer being duly sworn, deposes and says
 that on the 30th day of July 1891
 at the City of New York, in the County of New York he arrested

George Smith (now Mrs) charged
with Burglary from the fact
that defendant found a quantity of
cigars in the possession of defendant
whose property defendant is informed
by Henry Smith was Burglariously
stolen from the premises of Paul Smith
at number 196 9th Avenue in this City.
Defendant being informed of his rights
and he is guilty of having committed
the Burglary Allan Hays

Sworn to before me, this

of

day

Police Justice

0374

483

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

THE PEOPLE OF THE STATE OF NEW YORK

against
Peter Palmers
and
George Smith

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

Peter Palmers and George Smith

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

The said

Peter Palmers and George Smith, both

late of the 16th Ward of the City of New York, in the County of New York aforesaid, on the
thirtieth day of July in the year of our Lord one
thousand eight hundred and ninety-one in the nighttime of the same day, at the
Ward, City and County aforesaid, a certain building there situate, to wit, the store of
one Henry Sturty

there situate, feloniously and burglariously did break into and enter, with intent to commit some
crime therein, to wit: with intent the goods, chattels and personal property of the said Henry

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

SECOND COUNT—

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

Peter Palmers and George Smith

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

The said

Peter Palmers and George Smith, both

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

*fifteen boxes of cigars of the
value of two dollars each box
and the sum of five dollars in
money, lawful money of the
United States and of the value of
five dollars*

of the goods, chattels and personal property of one

in the

store

of the said

Henry Sturty
Henry Sturty

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

THIRD COUNT:

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

Peter Palmers and George Smith
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

Peter Palmers and George Smith both

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

*fifteen boxes of cigars of the value
of two dollars each box and the sum
of five dollars in money, lawful
money of the United States and
of the value of five dollars*

of the goods, chattels and personal property of

Henry Sturty

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

Henry Sturty

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

Palmers and George Smith

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

DE LANCEY NICOLL,

District Attorney.

0377

BOX:

447

FOLDER:

4121

DESCRIPTION:

Peterson, Walter

DATE:

08/11/91



4121

0378

Witnesses;

[Signature]

Counsel,

Filed

Plends,

11 day of Aug 1891

THE PEOPLE

vs.

Walter Peterson

N.D.

Grand Larceny, Second Degree.
(From the Person.)
[Sections 528, 531 — Penal Code].

DE LANCEY NICOIL
JOHN R. WILLOWS

District Attorney.

A True Bill.

[Signature]

Foreman

Aug 12/91
[Signature]

Pen 3 md.

0379

(1365)

Police Court—1- District.

Affidavit—Larceny.

City and County }
of New York, } ss.of No. Bronford Connecticut Street, aged 30 years,
occupation Fannerdeposes and says, that on the 4 day of August 1891 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
and person of deponent, in the day time, the following property, viz:One silver Watch of the value of
Three dollars

the property of

deponentand that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen
and carried away by Walter Peterson (nephew)Deponent says that he found said property
in the possession of said defendant in
Fulton Street in said CityDeponent says that said property was
contained in the pocket of the vest then ^{my} then
worn by him and attached to a chain
immediately before he missed the same— Andrew ^{his} Gardos
madeSworn to before me this Aug day
of 1891John C. Smith Police Justice.

0380

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK }

Walter Peterson

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.

Walter Peterson

Question. How old are you?

Answer.

22 years

Question. Where were you born?

Answer.

Georgia

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

Answer.

16 Bay St - 3 years

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

The Complainant gave it to me

his
Walter Peterson
mark

Taken before me this

5

day of AUGUST, 1891

So J. C. Hendry
Police Justice

0381

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

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

Dated AUGUST. 5 1891 Jo J. C. Ruddy Police Justice.

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

Dated AUGUST. _____ 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.

0382

1031

Police Court---1- District.

THE PEOPLE, vs.
ON THE COMPLAINT OF

Andrew Gardas

Walter Peterson

Offence - Larceny from
the person

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated AUGUST 5 1899

D O'Reilly Magistrate.

Mcough Officer.

4 Precinct.

Complainant committed
to the House of Detention in
default of \$100 to testify

No. _____ Street.

Charles Miller

No. 48 Gold Street.

\$ 1000 to answer

COMMITTED.

0383

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 1 DISTRICT.

Martin Keogh
 of the 4 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, *Andrew Gardes*

the within named Complainant is a
 musician and musical witness Walter
 Peterson charged with a felony
 Defendant says that Complainant
 is a resident of the State of Connecticut
 and has no permanent place of abode
 in this City and asks that he give surety
 for his appearance to testify

Martin Keogh

Sworn to before me, this _____

of _____

Aug _____

1891

(day)

Police Justice.

0384

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Walter Peterson

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

The said

Walter Peterson

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-nine~~ *ninety-one*, in the *day* - time of the said day, at the City and County
aforesaid, with force and arms,

*one watch of the
value of three dollars*

of the goods, chattels and personal property of one *Andrew Gardos*
on the person of the said *Andrew Gardos*
then and there being found, from the person of the said *Andrew Gardos*
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.

0385

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Walter Peterson
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

Walter Peterson

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

*one watch of the value of three
dollars*

of the goods, chattels and personal property of one

Andrew Gardos

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

Andrew Gardos

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

Walter Peterson

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

DE LANCEY NICOLL,

~~JOHN R. FELLOWS,~~

District Attorney.

0386

BOX:

447

FOLDER:

4121

DESCRIPTION:

Pettit, Francis

DATE:

08/05/91



4121

0387

Witnesses:

Amie Roberts

Sub sup at 1100
Selling Amalgam
Aug 20/91

Counsel,

Filed

Pleas

5 day of Aug 1891
Pleas

THE PEOPLE

vs.

Francis Pettit
(2 cases)

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

Edmond Nicoll
~~for the defense~~

Aug 14/91 District Attorney.

A True Bill.

Wm. W. Wadsworth
Sept 24, 1891

Spent & Expended

Wm. W. Wadsworth
34 Nassau St
NY

0388

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

POLICE COURT, 2 DISTRICT.

John T. Farrell
of No. 16 Presburch Street, being duly sworn, deposes and says,

that on the 3rd day of May 1891
at the City of New York, in the County of New York, Francis Petit (now

here) did with intent to take his own life, commit upon himself an act dangerous to human life and which if committed upon or toward another person followed by death as a consequence would render the perpetrator chargeable with homicide in violation 174 of the Penal Code.

Deponent on said day found the defendant in premises 209 West 22nd Street with a gun shot wound in his face. The defendant admitted to deponent that he had inflicted it upon himself. That said act was done to take his own life

SWORN TO BEFORE ME

THIS DAY OF June 1891

John T. Farrell
POLICE JUSTICE

John T. Farrell

0389

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

2 District Police Court.

Francis Petit

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.

Francis Petit

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

Switzerland

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

Answer.

None.

Question. What is your business or profession?

Answer.

Butter

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**Francis Petit*

Taken before me this

15

day

*June**1897**Alfred Anderson*

Police Justice.

0390

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

defendant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 100 Hundred Dollars,..... and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated June 15 18 91 W. P. M. M. M. 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.

0391

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court--- 9 District. 805

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John T. Farrell
vs.
Francis Petit

2 _____
3 _____
4 _____

Offence Attempted Suicide

Dated *June 15* 1891

Memorandum Magistrate.

Farrell Officer.

16 Precinct.

Witnesses *James F. Madden*

No. *Officer 16* Precinct Street.

Mrs. Gaton

No. *209 W 22* Street.

Marie F. Gaton

Annie Petit

No. *Annie Petit 209 W 22* Street.

\$ *1000*

1891

ATTORNEY

Don

Dr Wm. G. G. 127 H. H. H.

0392

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Francis Pettit

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

Francis Pettit

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said *Francis Pettit*,

late of the City of New York, in the County of New York aforesaid, on the

third day of *May*, in the year of our Lord one thousand eight hundred and ~~eight~~ *ninety-one* at the City and County aforesaid,

with intent to take *his* own life, ~~did feloniously~~ *a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which he the said Francis Pettit then and there had and held in his hand, to, at and against himself, then and there feloniously and wilfully did shoot off and discharge, and himself, in and upon his head, with the leaden bullet aforesaid so as aforesaid then and there discharged, sent forth and shot out of the pistol aforesaid, then and there wilfully and feloniously did strike, penetrate and wound;* the same being an act dangerous to human life, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Middle,
~~JOHN R. FELLOWS,~~

District Attorney.

0393

Witnesses:

Amie Roberts

Bill first son Andrew
Michael same
Sept. 2 at 11:00
PM

This person has been
this person's request
I do not think that the end
of justice will be furthered
by pursuing this charge the
person is known to be on
person since May. There
is a doubt about his
mentie conduct. His
family are ready to send
him back to Switzerland &
his character is good. I
recommend therefore that
he be discharged and his
name recognized
a Billie Gostly

805

Counsel,
Filed 5 day of Aug 1891
Pleads, *Wright*

THE PEOPLE
vs.
Francis Pettit
(2 cases)

ATTEMPTING SUICIDE.
(Section 174, Penal Code).
*Spelled on District Attorney.
Indulgent probably. Oct 2/91*

John J. Wright

A True Bill.

W. W. Wright
-for-
Wright.

Sept 2 - Oct. 8, 1891.
On motion of District
Attorney defendant
discharged on his own
recognizance

People
 Francis Pettit

on June 23^d 11 1/2 am
 Officer James F. Madden and Officer
 John T. Farrell came to District
 Attorney's office & were examined - ~~from~~
 by Mr. Redford; -

Officer Madden has made thorough
 search accompanied by Officer
 Farrell for Marie Foster - could
 find no trace of her and there
 offering believe she has left the city
 so as to keep away from this case.

Annie Roberts 209 W. 22^d St. this city
 is a material witness - in the People
 & if she is a credible witness - Pettit
 is clearly guilty of an assault 1st degree

Annie Roberts told Officer Madden
 on 3^d of May - Pettit asked Marie Foster
 to take dinner with her - She refused.
 Then then asked her to marry him
 she refused - He then drew a revolver
 and shot her in her cheek bone - & the
 ball lodged in the back of her neck
 the ball is still there -

Marie Foster told Officer Madden

2

that Pettit had shot her on the cheek because she would ^{not} dine with him & could not marry him.

When Marie Foster told officer Madden the above facts - there were present - Officers Farrell, Collins, Mulliney & Margaret Eaton, Mary Martin; =

Dr McGrath N.Y. Hospital attended Marie Foster from 3^d May to June 8th in the Hospital all this time.

I have read over the above statement and certify to its correctness.

When Annie Roberts and Marie Foster made the above statement - Pettit was present:

Jagys J. Magadan
John J. Farrell

Annie Roberts 209 W. 22^d St was an eye witness to the shooting of Marie Foster & to the attempt to commit suicide —

Proff
vs

Francis Pettit

Examination

of Officer Madden
& Farrell

Dated June 23rd 91

Gerrit J. McPherson

Witnesses:

Annie Roberts

209 W. 22 St

James X. Mason 16th

John S. X. small Present

Dr. McLaughlin, M.D. Hospital

Thos Dalton 209 W 22nd

Assault, First Degree

0396

0397

GRAND JURY ROOM.

PEOPLE

vs.

Pettit

Wm. Lindsay
has the case
of attempted
Suicide for G. Jury
on 23^d
I have subpoenaed
officers O. Farrell
16 Required to
find out where
Marian Foster
can be found -
June 22-91 G.S.B.

0398

CABLE ADDRESS "LAMPREY."

ROBERT SEWELL,
Counsellor at Law.WOLFF & HODGE,
Attorneys.*Mutual Life Building*
34 Nassau Street,
New York. June 22, 1891. 189

People V. Pettit.

DeLancey Nicoll, Esq.,

District Attorney.

Dear Sir:-

Mr. Hodge, from this office, called at my request upon you on Saturday, but was unable to find you owing to your engagements, but saw your assistant, Mr. Davis; and at the latter's suggestion I wrote the following brief account of a case of Francois Pettit, in whose behalf I have been asked to act on account of his inability to defend himself in the Times. Your office informs me that his case will come before the Grand Jury on Tuesday. He is now in the hospital, and it is possible that an indictment may also be sought for forgery.

The young man, for he is quite young, was, when he came to this country two or three years ago, a boyish looking, healthy, fair-blooded Swiss, of very respectable intellectual and family, of station and position in Lucerne, Switzerland. He struggled hard here, not knowing the English language, which he did not speak, and finally had to accept the position of waiter and butler in such families as Mr. G. G. Haven, in Lenox, and

POOR QUALITY
ORIGINAL

0400

In view of the fact of the terrible punishment already suffered by the young man, which is to last as long as he lives, he being a physical wreck for the rest of his life, carrying the mark of his crime with him always, I feel that it is a case where it is only proper in the administration of justice to call the facts to the District Attorney's attention, in order that he may present them to the Grand Jury, and, if possible, advise the Grand Jury not to find in an indictment.

A further consideration, which I believe will have weight with the District Attorney, is that it would appear that the young man will immediately upon his release leave the country, and completely remove the case from the eyes and ears of the public and the presence.

The case has been very carefully looked into from every standpoint, and I feel firmly convinced that while the trial will impose considerable expense on the Government, the chances for conviction under the circumstances are extremely slim, and the man is certainly insane.

I remain

Very Respectfully

Very truly yours

Robert T. Stevens

0401

SUNNYCROFT,
LENOX, MASS.

Sept 24.

My dear Nicole

Pat. my
"Young character" is to be tried
I hear next Monday by
Dist Atty. Gen. & Judge
Citymuller. - If he don't
get off, much you know
Ethia's reformation! He is
respectable, young & was
his first love

Respectfully

A. C. Hansen

Col. Delany Nicole -

0402

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Francis B. B. B.

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

Francis B. B. B.

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

The said *Francis B. B. B.*,

late of the City of New York, in the County of New York aforesaid, on the
— *third* — day of — *May* —, in the year of our Lord
one thousand eight hundred and ~~eighty~~ *ninety-one*, with force and arms, at the City and County
aforesaid, in and upon the body of one *Marie B. B.*,
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against *her* the said *Marie B. B.*
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said *Francis B. B.*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent *her* the said *Marie B. B.*,
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

Francis B. B. B.

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

The said *Francis B. B. B.*,

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 *Marie B. B.* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and to, at and against *her* the said

Marie B. B.

a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said *Francis B. B.*

in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

De Sanay mid
JOHN R. FELLOWS,

District Attorney.

0403

BOX:

447

FOLDER:

4121

DESCRIPTION:

Power, Richard S.

DATE:

08/12/91



4121

0404

N.Y.C. Feb 9th 1891

Received check for \$79.¹³/₁₀₀

John McEnay No 240-7 over N.Y.C.

Received from the Clerk's office
Oct 12th 1891

John McEnay No 240-7th over
N.Y.C.

1036
J. J. McEnay

Counsel,

Filed

12th day of Aug 1891

Pleads,

August 1891

THE PEOPLE

vs.

Richard S. Bower

Forgery in the Second Degree.
[Sections 511 and 521, Penal Code.]
(Endorsement, etc.)

DE LAUNCEY NICOLL

JOHN R. FELLOWS

District Attorney.

Oct 2-Sept 8, 1891

Tried and Acquitted

A True Bill.

Wm. Woodruff
Foreman.

0405

Police Court 2 District.

City and County } ss.
of New York.

of No. 240 Seventh Avenue Street, aged 33 years,
 occupation Ignorant being duly sworn, deposes and says,
 that on the 12th day of July 1891, at the City of New
 York, in the County of New York,

Richard S. Power

(not arrested) did knowingly utter and pass
 upon deponent a certain false fraudulent
 and forged writing, purporting to be a
 check drawn on the National Ward
 Bank for seventy nine dollars, and thirteen
 cents purporting to be endorsed by the
 firm of Carstairs McCall & Co. Deponent
 is informed by Samuel H. Carstairs now
 dead. That he is a member of the said
 firm of Carstairs McCall & Co, and that
 defendant obtained possession of said
 check unlawfully, and that the en-
 dorsement of the signature of the
 said firm is a forgery. Defendant
 obtained the sum of seventy nine dollars
 and thirteen cents from deponent on the
 said check and deponent charges
 that defendant knew when he re-
 ceived the said money that he had
 no right to receive it, and that
 the said endorsement of the firm
 name of Carstairs & McCall was a
 forgery. Deponent asks that defendant
 be arrested and held to answer said
 charge.

SWORN TO BEFORE ME
THIS 5th DAY OF August 1891John J. Kelly
POLICE JUSTICE

John McEvoy.

0406

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

2
District Police Court.

Richard S. Power 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.

Richard S. Power

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

N. J.

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

Answer.

780 - 8 - Avenue - 2 years -

Question. What is your business or profession?

Answer.

Salesman

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

Answer.

I am not guilty -

Richard S. Power

Taken before me this

day of

1935

Police Justice

0407

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

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

Dated August 6 1891 John Stief 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.

0408

109
Police Court--- 2 --- 1036 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John M. Gray
Richard J. Power

Gray
Offence

2
3
4

Date *August 6, 1891*

Kelly Magistrate.

Gray Officer.
Gray Precinct.

Witness *Samuel H. Astaire*

No. *1 State* Street.

No. Street.

No. Street.

\$ *1,000* to answer.

Mr. Gray
4 or 2
with
Ends

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

City of Brooklyn
 County of Kings
 I, Charles A. Kelly of the firm of Chas. A. Kelly & Co. doing business at No. 1 State Street in the City of New York being duly sworn depose and say that D. M. Nicholson a customer of this said firm gave his checks for Twenty four (24) dollars to Richard S. Power a salesman for the said firm of Chas. A. Kelly & Co. who endorsed the name of Chas. A. Kelly & Co. upon the same. And that I depose and further say that the endorsement of Chas. A. Kelly & Co. upon the check attached hereto is not the writing of him or William S. Kelly his partner nor was it written by or with their knowledge or consent.

Subscribed to before me this
 19th day of June 1891.

Harry J. Jenkins
 Notary Public
 Kings Co. N.Y.

Chas. A. Kelly

0410



4 District Police Court.

New York, Aug 8 1891

How Delaney Nicoll
Dear Sir

This will introduce to
you, Mrs Richard K.
Powers. whose husband,
was a clerks assistant
in the Police Court. for over
twelve years. and upto the
time of his death. which
occurred in July 1889. her
son Richard, is now in
trouble. which she wishes to
explain to you, will you
kindly hear her story and
do what you can for her.
Consistently with duty. And oblige

Yours Very Truly

Wm. H. H. H.
Police Justice

0411

Sec. 151.

Police Court 2 District.CITY AND COUNTY }
OF NEW YORK, } ss.In the name of the People of the State of New York; To the Sheriff of the County
of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by John Mc Evey
of No. 1 State 240 7th Avenue Street, that on the 12 day of August
1887 (at the City of New York, in the County of New York,

one Richard S. Power
did utter and pass upon him a certain false and forged
instrument of writing, being a check for seventy five
dollar and thirteen cents purporting to be endorsed
by Charles & Mc Call, and that the said defendant
obtained from him feloniously the sum of
seventy five dollar and thirteen cents

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

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

Dated at the City of New York, this 14 day of August 1887

John S. Kelly POLICE JUSTICE.

04 12

720 PM 23rd M N S. Salesman S No. 280.8 Avenue

The within named

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

Dated188

.....Police Justice.

POLICE COURT 2 DISTRICT.

THE PEOPLE, &c.,
BY THE COMPLAINT OF

John McEroy

vs.

Richard A. Carter

Warrant-General.

Dated August 5 1881

Reley Magistrate.

Foley Officer.
Richard A. Carter

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

John F. Foley Officer.

Dated August 5 1881

This Warrant may be executed on Sunday or at
night.

.....Police Justice.

04 13

CITY AND COUNTY }
OF NEW YORK, } ss.

Samuel H. Carstairs
aged 29 years, occupation Liquor dealer of No. 1 State St
Street, being duly sworn, deposes and
says, that he has heard read the foregoing affidavit of John Mc Evoy
and that the facts stated therein on information of deponent are true of deponent's own
knowledge.

Sworn to before me, this 4 day of August 1898. } Sam H. Carstairs

John S. Kelly
Police Justice.

0414

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Richard S. Power

The Grand Jury of the City and County of New York, by this indictment, accuse
Richard S. Power
of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said

Richard S. Power

late of the City of New York, in the County of New York aforesaid, on the *Twelfth*
day of *July* in the year of our Lord one thousand eight hundred and
ninety-one, at the City and County aforesaid, having in *his* custody a certain
instrument and writing, *to wit: an order for the*
payment of money, of the kind called bank cheques
which said *bank cheque* is as follows, that is to say:

No. 87 New York, Feb 9th 1891

Nineteenth Ward Bank

Pay to the Order of

Barstains Mc Call & Co. \$ 79 ¹³/₁₀₀

Seventy nine ¹³/₁₀₀ Dollars

Leahy & Turner

the said

Richard S. Power

afterwards, to wit: on the day and in the year
aforesaid, with force and arms, at the City and County aforesaid, feloniously did forge,
and cause and procure to be forged, and willingly act and assist in forging on the
back of the said *bank cheque*
a certain instrument and writing commonly called an *Endorsement* which said forged
instrument and writing commonly called an *Endorsement* is as follows, that is to say:

Barstains, Mc Call & Co

with intent to defraud, 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.

04 15

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said *Richard S. Power* of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said *Richard S. Power*

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid having in *his* possession a certain instrument and writing, *to wit: an order for the payment of money, of the kind called bank cheques* which said *bank cheque* is as follows, that is to say:

No 87 New York, Feb 9th 1891
Nineteenth Ward Bank
Pay to the order of
Carstairs Mc Call & Co \$79.¹³/₁₀₀
Seventy-nine ¹³/₁₀₀ — Dollars
Leahy & Turner

on the *back* of which said *bank cheque* there was then and there written a certain forged instrument and writing commonly called an *Endorsement* of the said last-mentioned *bank cheque* which said forged instrument and writing, commonly called an *endorsement* is as follows, that is to say:

Carstairs Mc Call & Co

with force and arms, the said forged *endorsement* then and there feloniously did utter, dispose of and put off as true, with intent to defraud, *he* the said *Richard S. Power* then and there well knowing the premises, and that the said *endorsement* was forged, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL.
~~JOHN R. FELLOWS,~~
 District Attorney.

04 16

BOX:

447

FOLDER:

4121

DESCRIPTION:

Pulitzer, Joseph

DATE:

08/04/91



4121

(30)

Witnesses:

Ballard Smith

The statute upon which
this indictment was
founded having been
repealed without reim-
bursement or saving clauses
the prosecution necessary
fills

Geo v. Hartung
26 Aug 167

I therefore recommend
that the indictment be
dismissed

De Lancey Nicoll
July 5th 1892
District Attorney

Counsel,

Filed *21* day of *Aug*, 189*1*

Pleads,

*pro. leave to prothonotary & clerk
to receive & forward to the
proper authorities*

THE PEOPLE

vs.
Joseph Pulitzer

as defendant

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL,

Wm. Woodruff

Foreman.

On return of Grand Jury

indict. chs. R.B.M.

July 5th 1892
"World"

04 18

TO THE CHIEF CLERK.

Please send me the Papers in the Case of
PEOPLE

^{vs.}
Furitzger.
Counsel for Defendants
in these cases not
having agreed upon
a course of action,
vice Mr. Nicolle con-
sent that the time
to demur be further
extended

District Attorney.

Oct 19/91.

0419

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

THE PEOPLE OF THE STATE OF NEW YORK,

against
Joseph Pulitzer

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

Indictment accuse

Joseph Pulitzer of a
Misdemeanor

of the crime of

committed as follows:

Heretofore, to wit: on the seventh day of
July in the year of our Lord, one thousand,
eight hundred and ninety one, within the yard
or enclosure adjoining the State Prison of
the State of New York, at Sing Sing, Joseph
Wood, Harris A. Smiler, James J. Hocrum
and Schibiok Jugiro, each of whom
had been theretofore in due form of law
convicted in the said City and County of
New York of the crime of murder in the
first degree, committed after the first day
of January in the year of our Lord, one
thousand eight hundred and eighty-nine,
and thereupon sentenced to the punishment
of death, were duly Executed according
to law, and the punishment of death
was then and there inflicted upon

the said Joseph Wood, Harris A. Smiler, James J. Slocum and Schihiok Jugers in the manner and form provided by law.

And afterwards, to wit: on the eighth day of July in the year of our Lord, one thousand eight hundred and ninety one, at the City of New York, in the County of New York aforesaid, the said Joseph Pulitzer, late of the said City and County, did unlawfully publish and cause and procure to be published in a certain newspaper published in the said City of New York, called the "The World" a certain account of the details of the said execution beyond the statement of the fact that the said Joseph Wood, Harris A. Smiler, James J. Slocum and Schihiok Jugers were on the said seventh day of July in the year aforesaid, duly executed according to law, at the said prison, which said account is as follows, that is to say:

DIED WITHOUT PAIN.

The New Method of Killing Men
Pronounced a Success.

EXPERIENCE PREVENTS A REPETITION
OF THE KEMMLER HORROR.

Gov. Hill Satisfied with the Work-
ing of the New Law.

EACH OF THE FOUR MURDERERS MET
DEATH WITHOUT FLINCHING.

It Was a Night of Suspense and Secrecy
—The Warden's Oaths Pledged to Say
Nothing, but Here's the Story from
Beginning to End—Slocum Was Done
First, Then Smiler, Then Wood, with
Jugiro Last—The Jap Made no
Trouble—Is It a Triumph for the
New Death Method?

Slocum, Smiler, Wood and Jugiro, the four
murderers condemned to die during the week
beginning Monday, July 6, were killed by
electricity in Sing Sing prison yesterday
morning. They were killed in the order
named.

Death was instantaneous and painless in
each case. There were no horrible features



"I AM OF THE ALLIGATOR BR"
(The Warden on his

such as marked the execution of Kemmler at
Auburn.

The strength of the current shot into the
body of each murderer was equal to 1,000
volts. A similar current in a test Monday
killed a horse. The beast was dead before
its corpse fell to the ground.

Slocum was the first murderer aroused.
His guards called him at 3.30 A. M.
Day was just dawning. At that moment the
electric lights in the prison went out. The
weary newspaper watchers outside the jail
knew then that the tragedy was at hand.
The lights usually burn until 4 o'clock.

THEY GET SLOCUM READY.

Slocum leaped from his cot the moment his
name was called. Rubbing his eyes, he asked,
half sleepily:

"Is it time?"

"Almost," a guard replied. Slocum began
to make his final toilet. He dressed himself
in black diagonal clothes. While he ate
heartily of eggs, rolls and coffee the Rev.
Father Creighton, the devoted village priest,
talked to him consolingly. Slocum seemed to
be at ease. He evidently had no fear of
death in the new method.

When the guards announced that the execution hour had come, Slocum stood up and merely said:

"I am ready."

Father Creedon handed him a crucifix. He held it in his hand close to his breast and left his cell. His arms were not pinioned, as had been the custom at capital executions. One guard led the way. Slocum followed. Close behind walked the priest. A second guard brought up the rear. The sun was just appearing as the little procession filed into the death chamber.

TWENTY-SEVEN SPECTATORS AWAITING.

The witnesses invited by the Warden were twenty-seven. They had already taken their places. The executioner was concealed in a little closet where the switch had been placed. Slocum paused an instant after entering the chamber, only for an instant. Then he walked boldly to the chair and seated himself.

Dr. Carlos MacDonald, who had been asked by Gov. Hill to supervise the executions, fastened the straps, binding the victim's feet to the foot-rest. While doing so he spoke to Slocum, who had become deathly pale.

The murderer smiled faintly as one of the electrodes was applied firmly to the calf of his leg. He bent forward to assist in adjusting the plate. Then he laid his head against the back of the chair. Dr. MacDonald, after strapping the arms, adjusted the peculiarly-shaped head-dress. It bound a second electrode upon Slocum's forehead. The lower part of it covered his chin and held his head firmly in position.

The wires were already in place. The roar of the dynamo, far off in another part of the prison, could be faintly heard.

The twenty-seven witnesses leaned forward, eager to see the first effect of the contact. At a signal from the Warden the electrician in charge turned the current for a moment into the sixteen lamps of 100 volts-power each.

This was for a test. The lamps flashed

brilliantly. They showed that the current had the required volume.

Another signal was given. Slocum was dead!

As the current of tremendous force attacked the body there was a sudden contraction of the muscles and a straining of the arms and legs. Then came a gasp. Then it was all over. It took less than a second.

NUMBER ONE IS DEAD; TIME, 4.48 A. M.

The current was kept turned on for twenty seconds. Then it was shut off. Dr. MacDonald pronounced the man dead. To prevent a repetition of the Kemmler horror the current was applied again. Once more the contact points touched. Again the muscles contracted violently. When ten seconds had passed the current was shut off. It was applied a third time, not because of real need, but to make the deadly work so certain that there would be no possible chance of any slip, however remote. Slocum was declared dead at 4.48 A. M.

One full minute slowly passed before the victim was taken from the chair. The body was carried by guards to the dead-house, just westward of the chair-room. There it was laid upon a long table. The clothing was removed. The witnesses gathered around. They found not a mark upon the corpse. Not even a burn or an abrasion of the skin. There was not the slightest discoloration even where the electrodes had touched the flesh.

It seems strange, yet it is true, that the witnesses were extremely delighted. They were almost joyful in the presence of that dead body. They were glad because the execution had been a success.

SMILER NEXT IN THE CHAIR.

Even while Slocum was being prepared for the chair the Rev. Messrs. Edgerton and Law were in Smiler's cell offering spiritual consolation. Smiler once was a Salvation Army soldier. Perhaps this accounts for some of the moral and physical courage that he showed. They told him that he would suffer no pain. He believed it. When



EED," SAID WARDEN BROWN.

way to Newburg.] he reached the execution room he walked straight to the chair and sat down. As he took his place he bowed to the witnesses. They were very solemn.

It took about three minutes to adjust the electrodes and straps. The test of the current through the 100-volt lamps lasted not more than a second or two. Again Warden Brown gave the fatal signal. Then the switch was turned. It set the killing current going. Smiler died. It was quicker than a lightning flash. There could have been no pain. It was a shock without sensation. There was a contraction of the leg and arm muscles, a gasp and then complete relaxation. All these movements seemed to be purely muscular. They were caused by the shock of the current.

NUMBER TWO DIES; TIME, 5.20 A. M.

At the end of twenty seconds the current was switched off. It was turned on again, at intervals of ten seconds, twice, as in Slocum's case, and for the same reason.

Not over a minute passed, and then Smiler was lifted from the chair. They put him beside his fellow-victim. He had died at just 5.20 o'clock.

The grave-looking company stood at the table once more. The surgeons bent critical eyes upon the second corpse. Every inch of its surface was examined.

All this keenly interested the medical men. They knew that heretofore when men have been killed by electricity by accident or design the flesh of the victims has been burned and torn. Slocum's skin was not even broken, and now Smiler's body was being searched.

There were no marks of any kind on his body—no evidences of suffering. Again the official witnesses were elated. Execution by electricity was being redeemed from the odium of the Kemmler tragedy.

AND NOW WOOD'S TURN COMES.

Each witness felt especial interest in the killing of Wood and Justice. Wood was a stockily-built Negro. He was of large bone and much shrew. There was a faint fear that his powers of resistance might be greater than those of Slocum and Smiler, who were rather meek fellows any way.

The witnesses had all returned to the execution-room when the procession, of which Wood was the central figure, appeared.

The negro was accompanied by the Rev. Fathers Creedon and Lynch. Guards went before and behind. As he reached the door Wood actually smiled at the spectacle of twenty-seven scholarly-looking men, all clad in black, waiting to see him die. The negro seemed amused. He stepped quickly forward and took his seat. Even then he showed no fear. Had the twenty-seven witnesses been summoned there to contribute to his enjoyment he could not have acted differently. Only he did not laugh aloud. Hard lines about his mouth seemed to indicate that he was forcing himself to act as though the affair were amusing.

NUMBER THREE DIES—TIME, 5.42 A. M.

It was awfully serious, nevertheless, even for Wood. Dr. MacDonald rapidly applied the electrodes. Each binding strap was buckled—hand, foot and head. The first signals were given. The preliminary test of the current was made. The final sign was made.

A second passed, and Wood's soul had parted from his body. It was like the snapping of a thread.

To believe that he suffered is impossible. The muscular contraction of his limbs was exactly the same as with the other victims. There was a similar convulsive gasp. Pulsation, however, had ceased instantly. The current's flash seemed to have paralyzed brain and heart. The delicate machinery of life was stopped in such a quickly, crushingly, deadening way that there was no recoil. Three times was the terrible power of the current shocked into the now inert mass. First it was for twenty seconds. Then twice for ten seconds. The intervals were short. Each contact caused a slight convulsion. It was due clearly to the shock of the current upon the muscles of the dead creature.

Dr. MacDonald said that Wood died at 5.42. This decision was reached not more than a minute after the current was turned on the first time. The witnesses trooped into the dead-house. Guards followed with the negro's body. There might have been some query in the minds of the serious group as to whether a negro's skin was more or less susceptible to the fearful current than a white man's. At any rate, the body of Wood had not been discolored a moment before it was surrounded closely by the witnesses. Some of them may have been only curious. The medical men certainly were curious in a professional sense.

The body was examined from head to toe. Not a blemish was found. In every part the flesh was firm. The black skin was unbroken. Imagining the satisfaction of that company of experts at a third successive example of the beneficent effects of electricity properly applied in vindication of the law!

STILL JUGIRO ENDS THE LIST.

It was first planned to start the killing with Jugiro. In the latter days of his confinement the Jap betrayed a disposition to be ugly. That led the Warden to change the execution programme. He put the morose sailor's name at the end of the list. It was feared Jugiro would fight against a form of death to him so incomprehensible. It was believed that he would force the guards to shoot him.

Rather than sleep, he had read his Japanese Testament all night. Principal Keeper Connaughton asked him late on Monday why he did not go to bed. His answer was, "What's



use?" He went on reading. Dull despair sat on his saffron-hued face. The other murderers slept lightly until dawn. Jugiro never closed his eyes. He drank a cup of coffee in the morning. When pressed to take food he again replied, "What's use?"

Jugiro has had no spiritual attendant. His consolation came from his little Testament. To the last hours he turned its leaves.

Mr. Connaughton went to Jugiro's cell a little before 6 A. M. The Jap was ready for his ordeal. He declared that he needed no clergyman to escort him to the chair. When his cell door was opened he advanced to the execution-room. He walked rapidly. Several feet behind came the guards. Entering the execution-room he folded his hands like children do in prayer. Without faltering he strode straight to the chair. He seated himself, then turned his eyes upward, as if in supplication.

"Would he struggle?" That question rose in every spectator's mind. He was known to be fierce and strong. But Jugiro's spirit had been broken by despair. There was now no fight in that broken heart.

Connaughton assisted in binding the last victim. Dr. MacDonald and the keeper stepped back a pace or two. They would not obstruct the view of the curious guests of the Warden. The preliminary test was again followed by the death signal. Jugro died. Like the others, it was all too quick—too quick for those who saw to understand it. A turn of the hand, a flash—death! The muscles quivered. That was all.

NUMBER FOUR AND LAST: TIME, 6.10 A. M.
For twenty seconds did the fierce current pour through the body of its fourth victim. It ceased a moment. Ten seconds more it flowed. An interval. Again it ran through the tissues. Then the declaration came that the law had its way. And the hour was 6.10 by the clock.

How eagerly the doctors crowded around that body! What a splendid physical specimen it was! The muscles stood out in swelling, oval form on shoulders, arms and thighs. Jugro must have been a superb athlete. All that rich store of strength was now but clay. The lifeless mass was turned over and over, this way and that, in the search for surface marks. There was none. The skin was not even tinged with the blue scar marks of the current which are made when it is beyond the control of the highest skill. The scholarly-looking group of men looked at each other. It was almost too good to be true. Four executions in one day by electricity and not a bluish on the body of any victim!

There had been great restraint, painful but natural, while the deadly current was doing its work. When all was over the official witnesses could not refrain from telling their satisfaction. How they did talk then!

Warden Brown told them all that breakfast would soon be served in his official residence. All went there to have some. It was a good breakfast. One of the clergymen said so.

WHAT THE AUTOPSIES SHOWED.

Then came the autopsies. Dr. Hiram Barber, the prison physician, was nominally in charge. Dr. MacDonald was the one who wielded the knife. Dr. Barber assisted once in awhile. Dr. Samuel B. Ward, Dr. Charles A. Daniels and Dr. Southwick took an active part. Dr. Ward used to be ex-President Cleveland's regular physician. Dr. Daniels had charge of the post-mortem examination of Kessler. Dr. Southwick started the scheme of executions by electricity.

The autopsies showed that the vital organs

were in normal condition. The men had all died instantly of shock. In every case the brain had been instantaneously paralyzed. Jugro's brain was found to be normal. It was suggested that he was insane during the trial.

All of the men met death bravely. Not one of them suffered for a moment. Their bodies were not disfigured. A world reporter was authorized to quote Warden Brown as saying that not one of the bodies of the victims was even slightly disfigured. There was no horror connected with the executions other than is associated with enforcing the death penalty.

TOLD BY AN EYE-WITNESS.

He Is Positive That the Men Did Not Suffer Pain.

"I was a pretty nervous man when I went into the death chamber," said an eye-witness of the execution, who refused to allow his name used. "The fact is, that I have always opposed the electric method of killing. And so I waited with bated breath and trembling knees for the shock. The effect was to change my views entirely. I am sure those four men died a painless death.

"To begin with, the Warden had made preparations for us so that we would not be obliged to go away from the building even if some accident should delay the executions. Not a man was told when the affair was to occur. Early Monday evening a horse was brought in for experimental purposes. The dynamo was not in motion and the animal prepared by Dr. MacDonald the same as he intended to prepare the condemned men.

"At a given signal the man at the lever turned on 1,000 volts, and like a shot the horse dropped to the floor. He was dead the instant the fluid struck him, but the current was kept on twenty seconds. When it was shut off, the muscles, which were strained to their utmost, relaxed. Then another shock was given, and another. These lasted about ten seconds. Although the animal was dead, the experts wanted to practise what they expected to put in force on the morrow. The last two shocks only caused the legs to straighten out slightly and then relax.

ELECTRODES ON THE FOREHEAD.

"That proved to the Doctor that his theory was sure to succeed. You see, MacDonald put the electrodes on the forehead and on the calves of the legs, not on the top of the head and base of the spine, as was done with Kessler.

"We were roused in the morning after a rather vain attempt to obtain some sleep, and the warning was—beep! along the line, not to



RETURNING TO NEW YORK.

light the gas, lest we notify the reporters. A slight breakfast was served and down we went, led by Warden Brown. It was about 4.15 when we got to the death room. Dr. MacDonald, who had full charge of the electrical apparatus, went over every part of it carefully to see that all was perfect. The man at the lever, a convict, so I am told, saw that the board indicated 1,000 volts. Warden Brown supervised everything.

The door between the death room and the cells was closed, but we could hear the preparations. Fathers Creedon and Lynch, who had been with Slocum and Wood all night, prayed with religious fervor. It was a trying time. Here was the end of a murderer! My limbs trembled, and I turned uneasily in my chair to see how the others behaved. The doctors were very cool, the experts paid no attention to anything but the death-dealing apparatus, a few of the jury men were rather agitated, but most of them seemed agitated. The Warden was unflinching. He walked around the room assuring himself that all was right, and then he stepped to the door entering the cells and signalled the keepers.

HE DID NOT WEAR A COAT.

"In a moment three men abreast appeared at the door. This was at 4.35 A. M. The central figure was Slocum. The prisoner had no coat on. He wore slippers. His arms hung free by his side; a crucifix was in one hand. He stepped towards the chair quietly and easily, repeating the prayer after Father Creedon. He seemed to falter an instant as he drew, but, recovering himself quickly, he walked to the chair, turned around, sat down and laid his head back on the rest that held the wire. It took only a moment to bind him. Dr. MacDonald saw that connections were made at both ends, and with a move of his hand that was done so quickly that few noticed it, he signalled the man at the lever that all was in readiness.

"Then there was a sudden contracting of the limbs—not much, for he was too tightly held by the straps. For twenty-eight seconds he was held there, although he was killed in the fraction of a second. When the current was shut off the limbs relaxed, and the air which was pent up in his lungs was naturally discharged with a slight noise. Then, according to programme, the lever was pulled down again for a few seconds and the dose was repeated.

"The doctors pronounced him dead and the guards untrapped the body and carried it to the death-room. While these formalities were under way the ministers were preparing Smiler. The guards notified them to get ready, the electrical experts saw that their table registered 1,475 volts. This they considered enough for the next man.

"At 5.05 A. M. Smiler walked in, looking as far as dress and general air were concerned, very much like Slocum did when he came in. He walked straight to the chair with the two ministers, Messrs. Ezerton and Law, behind him. His execution was in every respect like Slocum's.

THOUGHT IT A SUCCESS.

"We saw that the experiment was a success, and everybody commented upon it. The Warden was greatly pleased that his plans went through so well, and so was Dr. MacDonald.

"Wood was called at 5.32. Only 1,450 volts were necessary for him. Jaglio stepped to the death-room soon after 5. All of these men walked right to the chair without a moment's hesitation. They died without pain. It took only 1,500 volts for the muscular Jap. He looked up to the ceiling devoutly as he entered the door, and then he saw the chair, and, walking on ahead of the guards, he reached the chair, sat down, put his head back and prayed on in Japanese. The whole affair was over so quickly that none of us felt the time slip by."

WHAT ANOTHER WITNESS SAYS.

He Claims that Slocum Was Not the First to Be Killed.

Rev. Sidney F. Law, of West Brighton, R. I., was one of the witnesses at the execution. On the way up the hill from the prison after the execution Mr. Law said very little about the affair. Afterwards on a train coming back to New York City he explained that he could not talk because of his obligation to Warden Brown.

Then he went on to say that the Warden had endeavored with all his might to impress upon witnesses that he did not wish any information supplied other than that given out by himself.

"Did the Warden exact pledges from each witness?" was asked.

"No; I cannot say that he did."

"Is it safe to infer that the witnesses were asked to sign a paper agreeing not to make public anything?"

"I should reply that you were within the

truth when you inferred that witnesses were not asked to sign a paper bargaining to withhold all information," was Mr. Law's reply.

"You know what signals were hoisted upon the flag-pole, don't you, when each man was executed?"

"Yes; one of the reporters told me that. The signals indicated that Slocum was the first, Smiler second, Wood third and the Jap fourth. But I am not betraying confidence when I say that the executions did not occur in that order."

"Won't you tell me the order in which you believed them to have been killed?" was asked.

"No, for then I come face to face with my understanding with Warden Brown to withhold all information, except such as he wants to make public," was the answer of the clergyman.

In several forms Rev. Mr. Law was asked whether it was at all likely for him to be mistaken as to the order in which the men were killed. He replied that he could not be in error. Still he would not say just in what order they were killed.

THE DOCTORS AND THEIR KNIVES.

They Found the Bodies Almost as if They Were Cut Up Alive.

Everybody expected that Dr. Carlos F. MacDonald would wield the lancet during the autopsy, but when the medical men assembled in the little room adjoining the death chamber, where the bodies of the four murderers lay on slate slabs, it was found that Dr. Van Gieson, of Greenpoint, a nephew of A. P. Van Gieson, had been deputed to perform that function, assisted by Dr. Franklin Thompson, Jr.

Other physicians present were Dr. Samuel B. Ward, of Albany; Dr. L. V. Cortelyou, of Brooklyn; Prof. Laudy, Dr. Daniels and Dr. Allison, of Auburn.

After a brief discussion it was decided to operate on the Japanese, Jugo, first. In accordance with this plan, the operating table, such as is used in dissection rooms, was wheeled on its rubber castors into the centre of the room.

The autopsy then proceeded as follows, the words of the narration of which are given exactly as they fell from the lips of one of the physicians in attendance, whose name is withheld at his request:

"We selected the Japanese first," he said, "because of his physical development. He was as remarkably built a man as I ever saw. A triangular cut was made directly over the breast-bone. The heart and lungs were then removed, afterwards the stomach, liver, kidneys and bladder. Both lungs and the heart were filled with venous blood. The color of all the organs, as we doctors say, was perfect."

"The fluids in the body were thinner than before death, showing the rapid disintegration caused by the passage of the current. There were no marks or burns on any of the men, and they were all possessed of remarkably fine physiques, while their internal organs were not diseased in any way."

"The Japanese would really adorn any anatomical museum. A significant fact was that his brain was of more than average size and normal. This proved conclusively that any talk as to his insanity was the veriest hush. As soon as the autopsy on his body had been concluded the organs were replaced and the triangular aperture closed, as indeed was done with each of the others."

"The second man examined was Smiler. His relatives were waiting to claim the body. Nothing extraordinary was discovered except that his left lung had several tubercles, which might have troubled him in later years had he lived. Wood and Slocum followed, with the result of showing, as in the others, perfect internal organs."

"I have performed a great many autopsies, but never saw one done under more favorable circumstances. You see that practically the men were almost the same as though they had been cut up alive, death came so instantaneously. The average man has not a stomach which is healthy, but Jugo's was wonderfully so. We all noticed and commented on it."

"The absence of marks or burn spots is explained by the careful way in which the electrodes were applied. Usually a blister is found which is caused by the moisture in the sponge evaporating as steam and scalding the person."

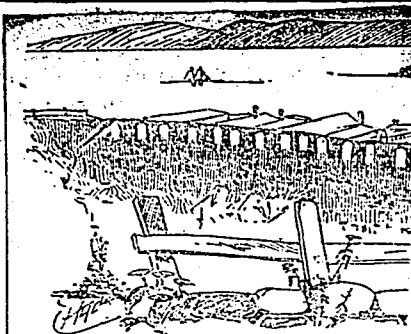
"I would like to say that I never saw an autopsy performed with greater decency. It could not have been done with any more pains if it had taken place over four kings. The results from a medical point of view were satisfactory, but nothing very valuable was learned. As medical men we were all convinced that the electric chair is rapid, effective and painless."

WHO THE WITNESSES WERE.

Warden Brown Would Not Tell Their Names, but Here They Are.

Here is as accurate a list as could be obtained of the witnesses who were present at the quadruple execution:

Deputy Coroner Jenkins, of New York, who was present at the autopsy performed on Kemmer's body; Dr. Samuel B. Ward, once ex-President Cleveland's regular physician and an intimate friend of Gov. Hill; Dr. Charles A. Daniels, the Buffalo physician who had charge of the post-mortem examination of Kemmer; Dr. Southwick, also of Buffalo; Dr. Elias W. Barber, the physician ordinary at Sing Sing; Prof. E. J. Davis, the electrician; Prof. Rockwell; Prof. Laudy; Dr. Franklin Townsend, a lawyer from Albany; Warden Durston, of Auburn State Prison; the Rev. Father Hogan, the Rev. Father Creedon, the Rev. Mr. Egerton, Chaplain at Sing Sing; Warden Brown, of Sing Sing; Deputy Attorney General Hogan; a representative from the State's office and another from the State's



THE GRAVES

[Where the criminals

had entire charge of the execution, and six prison guards.

It was an understood thing that none of the witnesses should leave the jail until the executions were over. This arrangement was carried out to the letter. As a matter of fact, the witnesses were practically Warden Brown's prisoners.

It has been reported from the prison that some of those invited to be present failed to appear.

GOV. HILL IS SATISFIED.

The Warden Telegraphed Him that the Executions Were a Success.

Gov. Hill, accompanied by Col. McEwen, of the Adjutant-General's office, arrived at the Hoffman House last evening. The Governor, Col. McEwen, James W. Macomber, of Poughkeepsie, and several other friends are to start on a yachting trip to-day. The party expect to be gone four or five days, and intend cruising through the Sound and along the New England Coast.

Gov. Hill talked freely about the execution. "I received a despatch from Warden Brown early this morning," he said, "stating that the four condemned men had been executed, and that the executions had been successful." "There is a rumor that the doctors who were present would submit a report to you. Is the statement true?"

"I have not received such a report. When Kemmler was executed Dr. Carlos F. MacDonald, of the State Lunacy Board, prepared a report which was printed as a public document. The report became in great demand, and I believe a new edition was printed. Requests for it came from different parts of the world. Dr. MacDonald, I see through the newspapers, was present at to-day's execution, but I do not know whether he intends to prepare a report."

Gov. Hill was told that an agent of the Westinghouse Company had obtained admission to the execution for the purpose of influencing reports to show that the new mode of killing murderers was cruel and barbarous. "I do not believe that statement," answered Gov. Hill, "because I think Warden Brown

took every precaution against such an occurrence. Warden Brown, of Auburn Prison, was no doubt imposed upon by a man who received an invitation to attend the execution of Kemmler. In my opinion the reports of the execution of Kemmler were highly colored.

"The reports of his great suffering and the failure of the electricity to do its work properly will not bear investigation. I believe in electrocution, and I think it has come to stay. It is more humane than strangling a man to death."

"Then you believe that to-day's executions proved the success of electrocution?"

"I do; although I have not seen anyone who was present. All the information I have received about the execution was from Warden Brown's despatch and the accounts in the afternoon papers."

"Did Warden Brown receive any instructions from you on Monday?"

"I have not seen Warden Brown for at least ten days, although I saw in one of the New York dailies that he had consulted me on Monday."

"Had Warden Brown any authority to impose secrecy upon those who witnessed the execution?"

"There is no law against it," said the Governor.

SOME EXPERT OPINIONS.

Witnesses Generally Agree that the Executions Were Successful.

Dr. Chas. A. Daniels, of Buffalo, one of the witnesses and a participant in the autopsy, had this to say:

"The scientific value of the execution would not be revealed in to-day's autopsy. That will only come when each physician has made microscopic examination and otherwise tested the tissue he has taken away."



DR. HENRY WILSON.

"The instant that current shot down those men's spines this morning they were as dead to all intents as the mummies of Egypt. And the same was true of Kemmler. Not one of them knew what hit him. I have never questioned in my own mind that the turning on of the current a second time at the Auburn execution was utterly needless. Kemmler was perfectly insensible to any sensation after the first shock, and that shock was unquestionably sufficiently strong. It is true that there was a slight reflex muscular action in the case of Kemmler. But that has been absurdly exaggerated."

"In the present case, too, it should be known that each man was killed beyond any question at the first stroke. Not another one was necessary."

"The executions proved to the satisfaction of every expert that death by electricity is instantaneous and painless. For my own part I have never entertained a doubt of the fact. Why, note for a moment this: Neither Kemmler nor any of the men to-day was gagged; utterance was not impeded. If there were pain or any slight sensation, there would be a cry or an exclamation. In not one instance was there either."

"The result of to-day's executions will, I believe, establish electricity in public favor. It is an immense improvement over any other form of legal killing known. New York has by its successful example made a distinct contribution to the cause of humanity and progress."

"Dr. Daniels said that each medical expert would make individual examination of the tissue and report thereon. These reports will probably add much to what is known now of the effect of electricity upon the human body. Those who watched yesterday's executions have accurate figures as the number of volts in each current, and they have other information which will help greatly in arriving at valuable conclusions."

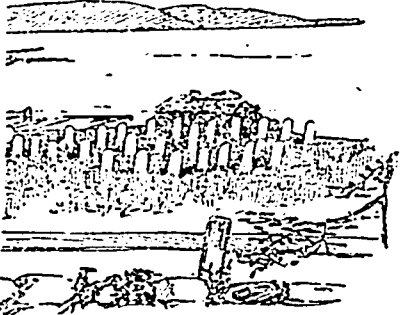
DR. ROCKWELL IS EVASIVE.

Dr. Alphonse D. Rockwell, one of the witnesses, left Sing Sing for this city very early. He was either disgusted or he wanted to get to his office in a hurry to look after his patients. What was the cause of his quick departure he would not tell. He was at his office, No. 113 West Thirty-fourth street, nearly all day.

"All I can say," he remarked, "is that the execution was a success."

"In what way, doctor? Was death instantaneous and painless?"

"Yes, it was instantaneous, and doubtless painless. I believe that electricity is the best means for executing criminals."



ON THE HILL.

[Signals are buried.]

"Who sent you the invitation?"

"Well, it came from the Warden. I had never met him, but I suppose my name was suggested to him."

"What is the reason of all this secrecy, doctor?"

"I believe that the experts appointed to examine into the matter should be the one to make any report that may be necessary. If we all gave our opinions there might be a clash, and I presume it is for that reason that we were pledged not to talk about the matter."

"How many volts were used in the execution?"

"I am not at liberty to say that. One evening paper reports the use of 1,000, and another says 2,000 volts were employed. But I don't know of the kind."

indicating a struggle by any of the men, or suggesting that the voltage was not what it should be."

"You really must excuse me. I cannot answer that question. The execution I considered was eminently successful, and if the public is to get any details it must be through some other channel. Electricity I now believe is far superior to hanging and superior to any other known method of executing criminals. The Legislature acted wisely in passing such a law, and I do not think it will be repealed. It certainly should not be. It was on the Commission which reported it

favor of electrical executions, and I am now glad to say that our arguments were recognized as sound by the Legislature."

"Did not smoke issue from the body of any of the men, showing that the current had burned them?"

"I cannot discuss the particulars in the papers. I do not believe any of the men suffered a moment of pain, and in my mind there is no manner of doubt of the complete success of the executions."

DR. SOUTHWICK IS DELIGHTED.

Dr. A. P. Southwick, the father of the electrical execution law, said yesterday: "I could not have wished for anything better. It was a success, absolute, complete, unqualified. The executions were smoothly conducted. There was no hitch, no horror. Death to the four men was instantaneous and painless. There was no buzzing, no delay. The machine worked perfectly. The result was the most humane and from every point of view the most successful legal executions known in the history of civilization."

"Do you think the effect of this success, doctor, will be to introduce the method into other States?"

"Undoubtedly New York has led the way; it has cleared the path. I admit that up to to-day electrical killing was largely an experiment. However you must know that a great deal more happened to Kemmler in the newspapers than there ever did at Auburn. The exaggerations were something wonderful."

"Still the public at large was unsatisfied. It demanded a better demonstration. Well, that demonstration is now complete. There can be no longer the shadow of a doubt as to the merits of electrocution as against any other means of execution now in use or ever before devised."

DR. MACDONALD SATISFIED.

Dr. Charles E. MacDonald is firm in the belief that the execution was a success. He says that while more than one shock was used the second shocks were not necessary, for the men were killed by the first current.

Dr. Henry Wilson and Electrician Beckman, of Newburg, were the two last witnesses of the execution to leave the prison. They came out about 5 P. M. Dr. Wilson declared that there was but a single application of the electric current to each man, and that without exception they died instantly and with not a single quiver or twitch.

He said that there was a slight frothing, though only a bubble or two, that rose to the lips of Stocum as the current passed through his body. Consciousness left the instant the electricity was applied.

When Dr. Wilson was asked his opinion as to the comparative merits of death by hanging and by electricity he said: "I believe it was a great stride in scientific advance when electricity was adopted as the means of causing the death of condemned criminals. It is sure, painless and swift, and the victim never realizes that the bolt has reached him. Certainly, from the scientific point of view, execution by electricity is a great success."

FEW FAVOR THE NEW METHOD.

Electrical Experts Are Dubious, and Lawyers Want Less Secrecy.

Expert Schuyler S. Wheeler, of the Board of Electrical Control, in speaking of the killing of the four murderers by electricity at Sing Sing yesterday said:

"The killing of men by electricity is in the experimental stage, and it is probable that the experiments in this case were not thoroughly satisfactory. If men could be had to experiment on, there would be no necessity for all this secrecy. The proceedings would be so simple that the press would not care to record the details. I attended the experiments made at Columbia College, under the direction of Harold P. Brown, preliminary to the killing of Kemmler, and also assisted at the autopsies. Dogs were used in those experiments. Frequently a dog would be killed at the first shock, but under the severe pressure would exhibit signs of life."

"That I presume was the case this morning. It is not the deadliness of electricity that is in question, but the extent of the voltage used. It is preposterous to suppose that a man could live after receiving 1,000 volts of an alternating current. Yet he would most likely give signs of life. Death would be instantaneous, but the muscular contractions to the extra passage would lead the operator to believe that there was still life in the body."

"I believe the men met this morning an instantaneous death; that is, if they used the perfect connection arranged. With electrodes on the head and legs containing moistened sponges the connection is perfect, and one quick touch of a telegraph key is all that is necessary to kill. With a perfect connection of that kind two or three hundred volts of the alternating current would be sufficient to kill a man. When fifteen and sixteen hundred are used the body will probably be burned and disfigured and made to tremble and jump."

"A man can be killed instantly and painlessly by electricity, but it seems to me that the authorities are overdoing the matter. They make blunders in killing criminals by using the tremendous power they do."

THINKS IT A BAD LAW.

Mr. T. C. Martin, an electrical engineer, expressed himself as dissatisfied with the use of electricity. He said:

"I cannot see how electricity can be uniformly successful in causing instant and painless death. A man can so contract his muscles that even the application of the electrodes will not bring his muscles in positive contact with the current. Electricity will kill, of course, but you can't tell just how much is needed in all cases. The law is a failure, in my opinion, and I will be very much surprised if the people of the State do not protest against its continuance."

Mr. George M. Purpus, of the *Electrical Engineer*, shared the sentiments of Mr. Martin.

"We have opposed killing by electricity," he said, "from the start. If the State wanted a safe and speedy means of death why did it not adopt poison? The Commission appointed to discuss an improvement on hanging ~~the~~ the expediency of poison, but added that owing to the unanimous protest of the medical profession poison was inadvisable. We do not intend to say anything about this latest horrible episode in Sing Sing. What was published in our paper at the time of the Kemmler tragedy we believe to still."

TOO POWERFUL A CURRENT.

Mr. Gano S. Dunn, the electrical engineer of the Crocker-Wheeler Motor Company, said he was surprised that the State should use such a powerful current as 1,000 or more volts in killing its criminals.

"Why, with proper connection," he said, "as I understand they had in Sing Sing with electrodes supplied with moistened sponges, three or four hundred volts would have been ample. It is most likely that some or all of the men killed were burned. The execution of a man by shock can only be disgusting. The execution at Sing Sing may have been bungled. It is probable that it was, because it was merely an experiment, and too much pressure was used."

The electrical engineers who met at the Electric Club, No. 17 East Twenty-second street, last night, denounced the use of the dynamo and the electric fluid for killing criminals. Mr. H. A. Foster said:

"I am, of course, opposed to the taking of human life by electricity. The law can find some other agent better suited to the purpose, and should not put a fluid that has been of such incalculable benefit to the world to such base use. Yet I do not deny that it is a sure agent. Electricity will not burn if the contact be perfect and the circuit not broken. The trouble about these executions is that they are conducted by men who are not experts. The reason that expert electricians are not employed is that reputable men in the profession refuse to have anything to do with them."

Mr. Stephen L. Coles, of the *Electrical Review*, echoed Mr. Foster's views. He characterized killing by electricity as brutal and degrading.

"I understand," he continued, "they placed electrodes on the head and on the calf of the leg—only one leg. Now that to my mind, was libelous. The skin is a dry state is a powerful resistant. It acts like tin armor. Electricians in testing never touch the conductor with the inside tip of the finger. The skin there has become hardened. They invariably do the testing with the outside of the knuckle, where the skin is not so thick."

"The men who have been operating on criminals are far from understanding their business, and their experiments tend solely to bring into disrepute one of the greatest agents civilization has discovered. It will be an outrage upon humanity and scientific enlightenment to continue these experiments."

ELABORATE A POOR CONTACT.

"A broken or poor contact is the only explanation for the disfigurement of the bodies," said Mr. Harold Hickey, of the Electric Club. "The current was sufficient to kill, but it is possible the men operating the dynamo were not experts. It is all right to place a sponge in the electrode. But how long would that sponge remain moist with a current of 1,000 volts passing through it? The very best experts should be employed to handle every part of an execution of this kind. I don't think a member of this Club knows Mr. Davis, the man who superintended the application of the current and had something to do with the dynamo."

"I favor the infliction of the death penalty by electricity on account of its secrecy," said

Judge Martineau. "There is always more or less curiosity connected with the execution of condemned murderers. This has in the past led to such disgusting exhibitions as occurred in the Balbo and Cassius M. Cox cases. The manner of inflicting the death penalty by electricity does away with possibility of mere worship. I like the law as it stands, with the exception of the misdemeanor clause—the clause which makes it a misdemeanor for the newspapers to publish anything beyond the bare fact that at such and such an hour on such and such a day the murderer was executed according to law. That clause should be wiped from the act and the sooner the Legislature does expunge it from the statute books, in my opinion, the better it will be. The public have a right to know whether this new method of execution by electricity is a success and they can only learn whether it was through the newspapers, their representatives in public matters."

MORE PUBLICITY ADVOCATED.

"That is my opinion, most decidedly," said Col. John H. Fellows, who had dropped into Judge Martineau's private chambers for a few minutes. "That misdemeanor clause, so far as it relates to the newspapers, is in my opinion unconstitutional and should be wiped out, without question. It is right, I think, that only those named in the act shall be present at an execution. I say have as few persons as possible present, only those needed to carry out the execution of the death penalty, but give us the details, so that we may judge for ourselves whether we approve of this method of execution."

SHOULD RETAIN THE BODY.
 "The act says that the body shall be given only to the relatives of the executed man," said Judge Martineau, "and if not claimed shall be buried in quicklime in the prison. I most heartily believe in this portion of the law. It also says that no funeral service shall be held except within the walls of the prison. This prevents any public funeral or demonstration by the friends. I would rather favor the State retaining the body as its own and burying it within the prison walls."
 "I can hardly express an opinion of the success of executions by electricity until I know whether these men were tortured," said District-Attorney Nicoll. "If their death was painless I am heartily in favor of this new mode of inflicting the death penalty. Hanging was always a brutal and painful manner of killing a man."

SOME NEWSPAPER SECRETS.

How "The World" Reporters Gathered the News and Sent It to New York.

Every newspaper in this city worthy of the name had a reporter at the execution. Some had two reporters, some three, four, five; THE WORLD had six.

When a newspaper sent four, five or six men, one of them was made chief of the others, for discipline, next to knowledge of news, and ~~the most~~ its most valuable in obtaining news. This temporary chief, to be in the same rank with his fellows next day, perhaps, used all his experience, all his powers of reasoning, all his foresight to prepare for future events that were known and to anticipate the unexpected. When the unexpected happened it had to be seized on the instant. That meant that one of the three or four or five already reported was on duty day or night, rain or shine. Three men, for instance, were at once formed into relays. The plan was that one man should sleep while two worked. Thanks to Warden Brown's interpretation of the law of electrical execution all three had to work most of the time.

With every official channel of information shut off the reporters were put on their mettle. They did not think of sleep. Some of them came away from Sing Sing perfectly exhausted but full of fight. Any one who reads the newspapers need not be told the results of their work.



REV. FATHER HOGAN.

Almost every one of these reporters was outside of the Warden's office in the gray of yesterday's dawn when Slocum was led from his cell to the death room. The reporters knew perfectly well that the execution was about to take place; they knew that all the experts and witnesses were on the other side of those fifty walls; they knew that the electric lights had been shut off that all of the dynamo-born current might be sent through the body of the condemned. Shut out from the prison they had arranged for a system of signals to tell them the instant each of the four men was done to death.

So, with staring eyes, the reporters watched a little new flag-pole on the roof of the Warden's house. Of a sudden a man appeared at the window of the cupola, and in half a minute a white flag was run up—tick, tick, tick on the telegraph instruments near by and as fast as lightning could carry it, the news sped, "Slocum is killed."

A half hour passed. Anxiety! Suspense! Could it be that something had gone amiss? Could it be that Jugiro had been chosen for the next victim, and that he, strong and dangerous as a wounded bull, was fighting for his life, or was, perhaps, struggling with the desperation born of hope that he would be killed in any way else than that fated chair?

The answer came to the reporters' fears: their suspense ended when a little square of blue bunting was hurriedly hauled to the Empol's tip. Ah, what a relief! Smiler, the resigned and religious, had met his end.

So in turn were they informed by means which their foresight suggested and their influence commanded that Wood and the Japa-

nese had expired while the spark touched them.

The World's men were quartered in the Phoenix Hotel, near the railroad depot, in rooms that were secured weeks before the event. Very cosy rooms they were. One was infinitely more comfortable in one of them than when wearing out his trousers on the granite stairs on "the hill" opposite the Warden's house, or when broiling in the young afternoon's sun, or when being devoured by gnats that swarmed in the neighborhood.

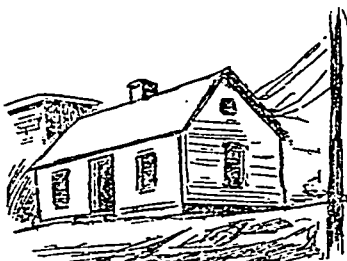
There were always carriages to hurry The World's reporters here, there and everywhere, now following a wagon containing a man suspected of "knowing something" — it was dangerous to know anything around that prison—now chasing, perhaps, the ghost of a story, now hurrying miles away and back again to follow a clue. These carriages were temporarily The World's property. And, greatest advantage of all, The World had a private telegraph wire, the key of which was in a little frame building not twenty feet away from the prison. The other end of the wire ran into The World's telegraph room in the Pulitzer Building.

When anything worth reporting happened it was known in The World office in New York literally as quick as lightning.

LAWYER HAIRE BREAKS OUT.

He Says Lacombe Crawford and Wood Was Murdered.

Dejected and morose, Robert J. Haire, the lawyer, was driven down the hill from the prison to the Sing Sing railroad station at 3 in the morning. In the carriage with him were G. A. Cooper, who defended Slocum, a



"THE WORLD'S" HEADQUARTERS.

World reporter and another man. Lawyer Haire had just made his last effort to save the life of Murderer Wood, and had failed. He could not get out of Sing Sing town by railroad, the reporters told him, until after Wood's execution. The peculiarly irritating situation galled Mr. Haire.

"This is the most damnable, the most inhuman method of taking human life that man could devise," he broke out.

There was silence for a while as the carriage rolled on. Then again the lawyer:

"Murder! This is absolute murder. I believe in my very heart that Wood is an innocent man. Frown seems to be a mighty big hurry to execute him. He has a whole week to do it in. Why can't he wait and give me a chance to get a stay? Cooper, does a Supreme Court Judge live in Sing Sing?"

"No," answered Mr. Cooper, who was in bad humor too, for he had not been permitted to enter the Warden's house, and had cooled his toes with the guards by the "dead line."

"Of course there is none," growled the other attorney. "I'd know it if there was. I believe I know where every Supreme Court Judge lives."

"Judge Brown runs away," exclaimed Mr. Haire in a little while, "and Judge Lacombe crawfishes. Judge Lacombe resorted to tricks to avoid staying in execution. He signed the papers which I had prepared for a writ of habeas corpus at Athens and sent them to his clerk. He also sent a letter directing the clerk that if my name was not enrolled as having been admitted to practice in the United States Circuit Court all his signatures

(Continued on Third Page.)

should be erased from the papers. He had no right to do this. A Judge cannot legally mutilate papers he has signed, especially after they have passed out of his possession. Any more than an ordinary citizen. After they leave his hands they become part of the court records."

Mr. Haire said that any person, whether a lawyer or not, could apply for a writ of habeas corpus. Even a letter unverified which set forth facts showing that a person is restrained of his liberty, he said, required the issuance of the writ. He believed Judge Lacombe was liable to impeachment.

Mr. Haire would not say that he would take part in bringing impeachment proceedings. He said that when Deputy Attorney-General Hogan heard of Judge Lacombe's action he also denounced it. This was in an interview just prior to the execution, he said.

"I believe if there was ever an innocent man convicted it was Wood," said the lawyer. "I have just discovered evidence which, had a stay been granted, would have entitled him to a new trial. A stay is issued and the man is safe for twelve or fifteen hours. Then because of some whim a Judge destroys the papers and the man is put to death. If this can be done in one case it can be done in others. If a Judge can destroy papers in any case at his own pleasure where is the limit?"

Other lawyers say that the papers in a case are in the Judge's possession and control, until, at his direction, the clerk makes them a part of the court record. This is also the rule of the courts.

HERE DEAD CONVICTS LIE

Rough Head Boards Mark the Graves on the Sunny Hillside.

The cemetery of Sing Sing Prison lies just on the edge of the bluff above it. The highway, from its vine-clad walls, winds through a cut in rugged rocks parallel with the railroad below. About a quarter of a mile beyond the cut, tumble-down stone walls divide the highway from the slope towards the river on one side and meadowed hill upon the other. At the summit of this lie the graves of prison dead.

This plot is accessible for those with a burden only from the highway running along the top of the bluff. An apple orchard lies between it and the river. There is a winding path under the shade. It does not seem to be much used. Green apples and rotten boughs blown from the trees are strewn upon it. This path leads over a tumble-down stone wall. Boulders have fallen conveniently. There are marks of travel indicating that for a long time burdens have been carried over the stones. Under two or three of the trees that grow in this plot the path leads for thirty feet. Then it is lost. Just beyond the line of grass commences

Sixty-eight headboards are in sight. No body could tell how many sunken graves lie in the tall grass. Stretching along the river is the black roof of the main prison building and its irregularly shaped adjacent shops and structures.

There is only a passing rumble of a train below at times. Both highways are distant enough to be noiseless.

The plot of graves is about four rows deep. Three new headboards have been placed at the extreme end of the older portion of the plot. The others are weather-beaten and some are half toppled over. There are seventy headboards dated in 1890 and twenty in 1891. When bodies are interred, pen-written boards, six inches square, are placed at the grave's foot as memoranda for headboard marking. Two new graves have been made the past week.

It is customary when a convict dies to notify at once any relatives of the deceased who may be known to the authorities. If no friend or relative can be reached religious ceremonies are conducted in the hospital building by the minister of the faith of the dead.

No religious exercises are performed at the grave. Four invited convicts and a keeper ride with the dead in a rattling wagon over the hill. They carry their fellow-unfortunate on their shoulders down the path and beyond the stone wall. Then into a shallow grave, already dug, the friendless dead is thrust.

A FINAL RESUME

An Important Part of Which Is the First Report by Dr. MacDonald.

To persons unaccustomed to sights and scenes of butchery, there is fascination even about an ordinary slaughter-house. The fascination that drew half the town of Sing Sing to the gray walls of the State prison was intensified by the mystery surrounding the details of the legal killing and the suspense of the preceding hours. To wait for certain death teils on the watcher as on the victim, and the announcement that the four murderers had become four corpses relaxed a nervous tension that, too far prolonged, would have driven some of those at Sing Sing to a fever hospital or an insane asylum.

The Electrical Execution law was passed by the Legislature May 11, 1888, but Kemmler did not die until Aug. 6, 1890. A mere legal battle, or rather a succession of battles, waged about this brutal wife murderer, and all the devices known to shrewd legal minds were employed to prolong his life. Was Kemmler so powerful or so popular. Hardly; but some lawyers wanted reputations and the Westinghouse electric people didn't want the killing qualities of their alternating current advertised so thoroughly. The execution was a failure, so those say who saw it with common, every-day eyes. To some scientific eyes it was a beautiful killing.

Dr. A. B. Southwick, who belonged to the Commission and tried to find a substitute for the gibbet, said a party of ladies could sit in a room where an execution of this kind was going on and not see anything repulsive whatever. The Buffalo dentist spoke strongly, but a skillful post-mortem operator might say the same thing about an autopsy in which he had been particularly successful. Nevertheless, Kemmler's execution did not impress the public very strongly with the advantages of the new law. Read between the lines in the official report of the affair to the Governor made by Drs. Carle and MacDonald. It has never before been printed in a newspaper:

THE CASE OF DR. CARLE AND MACDONALD.

"Kemmler was brought into the execution-room by the Warden and introduced to the witnesses, who were seated in a semi-circle, facing the death chair. At the Warden's bidding, he arose, threw off his coat and without the least display of emotion or nervousness took his seat in the death chair, calmly submitting to the adjustment of the electrodes and binding straps, himself aiding the proceedings by suggestions and fixing his body and limbs in proper position. Observing the nervousness of the assistants who were adjusting the straps, he admonished them not to hurry and said he wanted them to be sure that everything is all right.

He pressed his bare back firmly against the spinal electrode and requested that the head electrode be pressed down harder on the top of his head, from which the hair had been imperfectly clipped before he entered the room, remarking at the same time that he desired to perform his part to the best of his ability. The preparations terminated with a final moistening of the electrodes, the whole occupying at most between three and four minutes.

COFFIN FOR SMILER But His Body Will Not Be Given Up Until To Day.

Quite a while after the executions an old expressman driving a white horse appeared before the prison with a coffin for Smiler. It had been sent at his wife's instance by Undertaker Hubbell, of West One Hundred and Twenty-fifth street.

The gate under the north tower was opened and the wagon entered. The box was taken past the dynamo-room and around to the execution building, where its intended burden lay on an autopsy table.

The body was not surrendered and with the others was kept in the Morgue.

It is possible that to-day Smiler's remains will be placed in the coffin and taken to New York. Then the little woman, whose weeping eyes saw her husband alive for the last time on Saturday, will be with her dead.

Slocum has a sister, but she has not seen him for several months. It is not expected that his body will be claimed.

The Jap and Wood were as friendless in life as they are now. These three will pass out of the prison walls to the convict graveyard on the hill.

AS TO THE WARDEN.

It Is Said He Got Nervous and Sick Over the Affair.

Warden Brown did not show up after the executions until late. He was pressed to make a statement regarding the executions, but refused.

It is known positively that the Warden became so excited during the execution that he needed assistance in certain unpleasant duties he had declared he was going to perform personally. He had slept none during the preceding hours, and ate but little at the 3 o'clock lunch.

He was rattled. Immediately after breakfast, which followed the killing, he was taken sick. He kept up until many of the guests had departed. Then he retired and was not seen again until 3.30 o'clock in the afternoon.

MR. HOGAN AND WOOD.

The Deputy Attorney-General There Only to Construe the Law.

ALBANY, July 7.—Drs. Ward, MacDonald and Townsend, who attended the execution of Slocum, Smiler, Wood and Juziro, and afterwards at the autopsy, arrived in this city at 8.05 this evening with Deputy Attorney-General Hogan. With Warden Brown's seal of secrecy upon their lips and evading the newspaper men awaiting them they hurried to their homes. Dr. Ward's carriage received the medical men and was driven rapidly to Dr. Townsend's house, after which Dr. MacDonald was taken to Dr. Ward's residence on North Pearl street.

Deputy Attorney-General Hogan was met by THE WORLD correspondent as he alighted from the train and asked about his participation in the affair. He said he could say nothing about it.

"Was it a success from a humanitarian point of view?"

"Oh, yes, yes. Death was instantaneous and painless."

"Is it true that the calves of Slocum's legs were burned by the current?"

"No; that is, I don't know."

"Was there any scene when the men were taken into the execution chamber?"

"I really can't say. No one who was there is permitted to say anything about the execution. I was not in the room. I did not witness the execution at all. I simply went down there to attend to any legal complications that might arise. My work was all done last night when Wood's counsel tried to convince Warden Brown that he had no right to kill Wood to-day and if I had not been there to construe the law for the Warden, Wood would in all probability be alive to-day."

"After that I had no more to do with the execution than you had."

DR. TOWNSEND SIGNED A PAPER.

Dr. Townsend was found at his home and looked very tired when asked about the execution. He said he had signed a paper pledging himself to absolute secrecy in the matter, and could say nothing whatever on the subject.

Drs. Ward and MacDonald were found at the residence of the former and jointly submitted

to an interview. Dr. Ward answered the queries and Dr. MacDonald nodded acquiescence. After repeating the familiar remark that Warden Brown had sworn him to secrecy, Dr. Ward said:

"There is one thing that I can tell, though, and that is that to-day's execution settled the question in my mind that death was instantaneous and painless. There was no sign of disorder, or excitement in the execution-room. The men were not pinioned when they entered the room. Each one came in in charge of an officer, walked to the chair and took his seat."

"Was there any odor of burning flesh when the current was turned on the second time while Slocum was in the chair?"

Dr. Ward did not reply at once and Dr. MacDonald said:

"The application of the current was effective and forcible."

This might mean that Slocum was burned or not, as the questioner chose to interpret.

Dr. Ward then added that all the details had been carefully arranged beforehand by Warden Brown, so that there was no possibility of a hitch, and none occurred.

0437

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