

03 14

**BOX:**

340

**FOLDER:**

3213

**DESCRIPTION:**

Addelson, Mary

**DATE:**

02/27/89



3213

Witnesses:

*Adrian*

Counsel,

Filed

27 day of Feb, 1889

Pleads,

*Equity*

THE PEOPLE

vs.

*P*

*Mary Adelson*

*John R. Fellows*

JOHN R. FELLOWS,

District Attorney.

[Sections 224 and 225, Penal Code].

degree.

A True Bill.

*John R. Fellows*  
For emba

March 4/89

*James H. H. H.*

Pen: Three years.

51 F 7

4316

Police Court-- 3 District.

CITY AND COUNTY }  
OF NEW YORK, ss

Adeline Stivane

of No. 52 Division Street, Aged 10 Years

Occupation School Girl being duly sworn, deposes and says, that on the

11 day of February 1889, at the 7th Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

One pair of gold Earrings set with pearls

of the value of Eight DOLLARS,  
the property of Albert Stivane (deponent's Father  
and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Mary Addelson (now here)

Deponent says that on said date she was going to school when said defendant met her and took her in the hallway of premises No 91 Henry Street in said City and while in said hallway said defendant caught hold of her by the arm and took said Earrings from the ears then and there from by deponent and ran away

Deponent further says that she is informed by Michael Blackett that said defendant pledged said property at No 67 Division Street on Feb'y 11, 1889

Addie Stivane

day of

Sworn to before me, this 19

1889.

Samuel M. Kelly Police Justice.

4317

CITY AND COUNTY }  
OF NEW YORK, } ss.

Michael Hackett  
aged 34 years, occupation Clerk of No.

67 Duane Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Adeline Stivane  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this 19  
day of Feb 1889 } Michael Hackett

Sam'l C. Hackett  
Police Justice.



4318

Sec. 198-200.

3

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

Mary Addelson

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

Question. What is your name?

Answer. Mary Addelson

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. Russia

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

Answer. 19 Essex St Boston

Question. What is your business or profession?

Answer. Tailor

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

Answer.

I am <sup>not</sup> guilty of the charge

Mary Addelson  
made

Taken before me this  
day of July

19

1889

James C. McCall Police Justice

4319

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 Mary Addelson

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

Dated 19 Feb 1889 Samuel M. Kelly Police Justice.

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

Dated.....188..... Police Justice.

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

Dated.....188..... Police Justice.

4320

Police Court--- 3

279 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Adeline Storch  
52 Division

Mary Addelson

2

3

4

Robbery  
Offence

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

19 Feb

1889

Comd

D. O. Reilly

Magistrate.

Leary

Stapleton

Officer.

7th

Precinct.

Witnesses

Michael Blackett

No. 67

Dixon

Street.

No. Mary

Mary Jones

Street.

No. Morris

Morris Regan

Street.

\$ 20000

to answer

Committed

1227

VI.

STATE OF NEW YORK.  
Executive Chamber,  
ALBANY.

November 19, 1889.

Sir:

Application for Executive clemency having been made on behalf

of Mary Addelson,-----who was convicted of Grand Larceny,

-----in the county of New York,----and sentenced March 4, 1889,

to imprisonment in the New York Penitentiary-----for the term of

five years,----- I am directed by the Governor

respectfully to request that, in pursuance of Section 695 of the Code

of Criminal Procedure, as amended in 1884, you will forward to him a

concise statement of the facts and circumstances developed upon the

trial, or upon the preliminary examination, or before the coroner's

jury if no trial was had, together with your opinion of the merits of the

application. Will you also inform the Governor of any other matters

having a bearing upon this case which have come to your knowledge

since conviction?

It is particularly requested that each letter of inquiry from

the Executive Chamber should be separately answered.

I am,

very respectfully yours,

J. S. Williams.

Private Secretary.

Hon. John R. Fellows,  
District Attorney,  
New York City.

2222

Answered

Dec. 14. 1889

J. R. S.



4323

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Mary Addison*

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

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

The said *Mary Addison*,

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

*two earrings of the value of*  
*two dollars each,*

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

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

*John H. Mellons,*  
*District Attorney*

U324

**BOX:**

340

**FOLDER:**

3213

**DESCRIPTION:**

Addison, Arthur

**DATE:**

02/11/89



3213

Witnesses:

Filed

1889

Chazmully-12

vs.

(Section 219, Penal Code).

ASSAULT IN THE THIRD DEGREE

1

Southw Addison  
(2 cases)

12

JOHN R. FELLOWS,

*District Attorney.*

# A True Bill.

*Edmund*

## Foreman

July 10/99

Leann Gault

500 suspended as  
he is sentenced in another  
case.

0325

4326

Police Court—2 District.

CITY AND COUNTY } ss,  
OF NEW YORK,

Annie Palmer  
of No. 172 E Houston Street, aged 39 years,  
occupation Servant being duly sworn, deposes and says, that  
on the 5 day of February 1889 at the City of New York,  
in the County of New York,

she was violently ASSAULTED and BEATEN by Arthur Addison (now here)  
who struck deponent twice on the face  
with his fist blackening her eye and  
threw her in the street

without any justification on the part of the said assailant.

Wherefore this deponent prays that the said assailant may be apprehended and bound to  
answer the above assault, &c., and be dealt with according to law.

Sworn to before me, this 5 day of February 1889 } her  
Annie X Palmer  
mark  
Sam'l C. Bull Police Justice.

U 327

Sec. 198-200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Arthur Addison* 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.

*Arthur Addison*

Question. How old are you?

Answer.

*25 years*

Question. Where were you born?

Answer.

*Washington DC*

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

Answer.

*51 Thompson St 1 year*

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 called me  
a son of a bitch and  
I struck her*

*his  
Arthur X Addison  
mark*

Taken before me this

day of

1889

*For J. C. McCall Police Justice*



4328

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 Sydney

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 5 Feb 1889 Sam'l C. Beall Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

4329

Police Court--- 2 District. 200

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Annie Palmer  
H. D.

Arthur Addison  
2 cases

1  
2  
3  
4

Offence Assault

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Feb 5 1889

D. O. Reilly Magistrate.

O'Brien & Baruch Officer.

Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

\$ 5.00 to answer G. B. 3

COMMITTED.

200

4330

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Arthur Addison*

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

*Arthur Addison*

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

The said

*Arthur Addison*

late of the City of New York, in the County of New York aforesaid, on the *fifth*  
day of *February* in the year of our Lord one thousand eight hundred and  
eighty-nine at the City and County aforesaid, in and upon the body of one *Annie*  
*Palmer* in the peace of the said People then and there being, with force  
and arms, unlawfully did make an assault, and *her* the said *Annie*  
*Palmer* did then and there unlawfully beat, wound and ill-treat, to the great damage  
of the said *Annie Palmer* 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.

U331

**BOX:**

340

**FOLDER:**

3213

**DESCRIPTION:**

Addison, Arthur

**DATE:**

02/15/89



3213

4332

**BOX:**

340

**FOLDER:**

3213

**DESCRIPTION:**

Owens, John

**DATE:**

02/15/89



3213



Witnesses:

John O. Savercoll,

Counsel,

Filed

day of

1889

Pleads,

In Magistrate

THE PEOPLE

vs.

P

Arthur Addison  
and (2 cases)

N. A

John Owens

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. Robertson

Foreman.

Feb 10/89

Shelton

Charles Smith 2 day

S. P. 3 yrs.

EFFN

4334

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 2 DISTRICT.

John J. O'Brien  
of N. H. Precinct Street, aged 30 years,  
occupation Police officer being duly sworn deposes and says

that, on the day of 188

at the City of New York, in the County of New York: Anne Palmer  
(now here) is a necessary and material  
witness against Arthur Adderson  
an John Owens charged with  
assaulting Thomas McQuaid  
Deponent says that he believes  
the friends of said defendants will  
induce said Anne Palmer not to  
appear and prosecute. Wherefore deponent  
prays that said Anne Palmer give  
surety for her appearance to testify  
John J. O'Brien

Sworn to before me this  
of 1889

Police Justice.

4335

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Thomas McQuaid*  
aged 23 years, occupation Police officer of N  
8th Precinct Police Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Archie Palmer  
and that the facts stated therein ~~on information of deponent~~ are true of deponents' own  
knowledge.

Sworn to before me, this

day of

Feb

6  
1889

*Thomas McQuaid*

*James C. Kelly*

Police Justice.

4336

Police Court 2 District.

City and County of New York, ss.:

of No. 72 E Houston Street, aged 39 years,  
 occupation Servant being duly sworn

deposes and says, that on the Second day of February 1889 at the City of New York, in the County of New York, Thomas McQuaid a Police Officer he was violently and feloniously ASSAULTED and BEATEN by Arthur Addison (man here) and John Owens not arrested

Deponent says that about half past Eleven o'clock P. M. on said date she saw said defendants together in Sullivan Street and said Officer Thomas McQuaid came along said street having in his custody Mamie Frisbie a woman who lives with Owens and is a common prostitute

That said Addison and Owens walked up to said Officer McQuaid and <sup>said Owens</sup> took said Mamie Frisbie away from him. That said Addison said to said Owens take his head off and handed said Owens a <sup>razor</sup> saying take the son of a bitch's head off. That said Owens wilfully and maliciously cut off said Officer McQuaid on the face and breast with said razor handed to him by said Addison.

said McQuaid  
 with the felonious intent to take the life of ~~deponent~~, or to do him grievous bodily harm; and without any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 5 day } her  
 of February 1889. } Annie X Palmer  
mark

Doyle Police Justice.



4337

Sec. 198—200.

2

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Arthur Addison* 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. *Arthur Addison*

Question. How old are you?

Answer. *25 years*

Question. Where were you born?

Answer. *N. Y.*

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

Answer. *61 Thompson St* *1 year*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer.

*I am not guilty and demand  
an ~~Examination~~ Examination*

*his*  
*Arthur X Addison*  
*mark*

Taken before me this

day of

*Feb*

188

*9*

*James J. Kelly*  
Police Justice.



4338

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

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

Dated Feb 6 1889 Samuel R. Kelly Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

4339

64 Police Court--- 2 200 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Annie Palmer  
H. vs. D.

1 Arthur Addison  
2 John Owens  
3  
4

Offence Discharge

BAILED,

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

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

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

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

Dated 5 Febry 1889  
D O Reilly Magistrate.  
O'Brien & Savinoff Officer.  
8 Precinct.

Witnesses Thomas McQuaid  
8th Precinct Street.

Warrant issued for Owens  
E. Febry 5. 2 P M.  
Street.

No. 1  
\$50000 to answer  
Street.

Committed

U340

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Arthur Addison*  
*and John Owens*

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

*Arthur Addison and John Owens*  
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

*Arthur Addison and John Owens*, both  
late of the City of New York, in the County of New York aforesaid, on the  
*second* day of *February* in the year of our Lord  
one thousand eight hundred and eighty-*nine*, with force and arms, at the City and  
County aforesaid, in and upon the body of one *Thomas Mc Luaid*  
in the peace of the said People then and there being, feloniously did make an assault,  
and *him* the said *Thomas Mc Luaid*  
with a certain *razor*—

which the said *Arthur Addison and John Owens*  
in *their* right hand then and there had and held, the same being a deadly and  
dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and  
wound,

with intent

*him* the said *Thomas Mc Luaid*  
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

*Arthur Addison and John Owens*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Arthur Addison and John Owens*, both  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of  
the said *Thomas Mc Luaid*  
in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make another assault, and *him* the said  
*Thomas Mc Luaid*—  
with a certain *razor*—

which the said

*Arthur Addison and John Owens*  
in *their* 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 strike, beat, cut, stab and wound, against the form of the statute in  
such case made and provided, and against the Peace of the People of the State of New York  
and their dignity.

4341

THIRD COUNT—

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

*Arthur Addison and John Owens*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Arthur Addison and John Owens, both*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said  
*Thomas McQuaid* in the peace of the said People then  
and there being, feloniously did wilfully and wrongfully make another assault, and  
him the said *Thomas McQuaid*  
with a certain *razor*

which *they* the said *Arthur Addison and John Owens*  
in *their* right hand then and there had and held, in and upon the *face*  
and breast of him the said *Thomas McQuaid*  
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and  
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-  
fully inflict grievous bodily harm upon the said *Thomas McQuaid*

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.



U342

**BOX:**

340

**FOLDER:**

3213

**DESCRIPTION:**

Aguglio, Giovanni

**DATE:**

02/08/89



3213

Witnesses:

John Johnson

Q. Moccia

W. John Campbell 18th

W. David Porter 18th

Le Baker & Brewster

411 35 Broadway

Counsel,

Filed

day of

1889

Pleads,

Chitiquity

THE PEOPLE

MURDER IN THE FIRST DEGREE  
[Section 188, Penal Code.]

HP

Giovanni Agnello

JOHN R. FELLOWS,

District Attorney,  
Ordered to City Court of New  
York for trial  
March 29, 1889

A True Bill.

April 11th 1889 Foreman.  
Tried and acquitted

4343

U344

City and County of New York, ss

John Johnson being duly sworn deposes and says, that I have been confined, in the House of Detention for three months as a witness in the case of Pippie vs Giovanni Aguglio. That previous to being detained, as a witness I had a good position taking charge of the horses of Dr. Frohman, but have lost said position in consequence of my detention.

I have just been discharged from the House of Detention and have no money and no means of support till I can get work.

Sworn to before me  
this 16<sup>th</sup> day of April 1889  
W. H. Douglass  
Notary Public  
N. Y. Co.

John <sup>his</sup> Johnson  
mark

Depletes

per

Giovanni Aguglio

Affidavit of

James Johnson

Eighty dollars  
allotted to the

within named  
subject, John

Johnson.

April 16, 1889.

Wm. P. Abraham,  
Notary Public,  
Filed April 16, 1889.

5445







4347

Theophilus Steele, called on behalf of the de-  
fendant, being duly sworn, testified as follows:  
Direct Examination by Mr. LeBarbier

- Q. You are a physician and surgeon, practicing  
in the City of New York? A. I am.
- Q. About how long have you been practicing?  
A. About thirty years.
- Q. And you have made surgery a specialty in  
your practice during this time?  
A. Lately, I have.
- Q. You are graduated from the Medical Universi-  
ty of Kentucky? A. Yes.
- Q. And you have taken a post-graduate course  
in the Medical University of Paris, France?  
A. Yes.
- Q. You have also had some experience in clinical  
lecturing in the Medical School at St.  
Louis? A. Yes.
- Q. And surgical experience in the late war?  
A. Yes.
- Q. Second Confederate Kentucky Infantry?  
A. Yes, sir.
- Q. Also Police surgeon in the city for a num-  
ber of years? A. Yes, sir.
- Q. Assuming that a strong athletic man,  
muscular development highly developed, re-  
ceived an incised wound in the neck,  
five inches in length, extending from the

massoid on the right side downwards and inwards to the auricular line of the neck, about one half inch above the sterno-clavicular notch, severing the internal and external jugular, would it be possible for that man after having received such a wound to be able to throw off his coat and hat and run a distance from right near 255, opposite Mrs. Driscoll's, and there overtake a smaller man, as from behind, reaching up and pulling him down by the shoulders, jumping upon him and pounding him, and kicking him - would it be possible for a man with such a wound to go that distance and do that deed? A. What is the distance?

Q. About 102 feet.

A. More than 30 yards?

Q. Yes.

A. In my judgment it would not be.

Q. It would not be possible for him to go that far? A. No, and commit those acts of violence.

Q. I mean to say, throw off his coat, run that distance, forcibly pull down a man, commit those acts we have described, would it be possible for him to do it in that condition? A. In my

- judgment, no.
2. What is the effect of the external and internal jugulars being cut at the same time and same clip? A. The shock would be very great, and the hemorrhage would necessarily be sudden and excessive - immediate and excessive.
2. What would be the effect of the blood-vessel cut round, supposing that I was suddenly cut this moment here in the Court-room, and that both my internal and external jugular veins here were cut, - what would be the effect of the blood? A. If the external and internal were severed, the flow would be so excessive as to produce syncope or faintness in a very few seconds.
2. At the moment such a cut would be made, would the blood simply trickle down the body? A. Flow in a large quantity.
2. Spurt out? A. No, sir, not necessarily. If an artery had been cut the blood would spurt.
2. With both the jugulars cut? A. The flow from veins does not spurt; from arteries it does. The flow, however, is immense.



4350

4

2. With both cut at that place, opposite 253, it would be impossible to do the violent acts I have described? A. In my judgment, entirely so.
2. A physical impossibility? A. Yes.
2. Assuming a man has a wound in his neck five inches in length, extending from that mastoid muscle of right side downwards and inwards to the auricular line of the neck — A. The articular, I suppose you mean?
2. Yes — about one half inches above the Sternoclavicular notch; will you please point out on my neck about where it would be? A. About from here to there (illustrating).
2. Were you in Court the other day when the Coroner testified? A. I was.
2. Dr. Weston? A. Yes.
2. You heard his testimony? A. I did.
2. You heard him state in answer to the question, "Will you state what was the result of the autopsy; state fully the condition which you found the body to be in;" — his answer was, "The body was in a perfectly normal condition externally, except that there was a wound upon the right side of the neck which was wide

open, an open, gaping wound, five inches in length, and the depth probably half an inch. It severed the skin and the tissues underneath, and the muscle; the large muscle which turns the neck was completely severed, and one of the smaller jugulars was cut completely in two, and the large great jugular vein was cut. He was a tall man, taller than Mr. Brewster, - somewhat between Mr. Brewster and my height. The direction of the wound was downwards and inwards, and towards the centre of the body." Now I ask you, assuming those facts as stated, and taking into consideration the size of the man, can you state now the position in which those men must have been to have such a wound inflicted on the taller man, considering also Mr. Brewster to be about five feet, ten, and my height six feet, one?

Objected to; objection overruled.

A. It would depend a good deal upon whether the wound was deeper at the bottom than at the top, the penetration of the wound, as to any opinion I would have as to the position.

Q. He also testified that it extended downwards and inwards. I then asked the



Coroner, "Deeper and deeper?", and he answered, "Well, I should say inwards (towards the centre of the body)". "The depth of the wound was deeper here than up here" (pointing towards my ear). "Yes, it was." "How much deeper?" "Much deeper, yes."

A. I should think that the wound would be above. The man's position would have to be below that inflicted the wound, on reaching up and striking; the superficial profundity of the wound would be above, and the deeper portion below.

Q. If the shorter man was standing face to face with the taller man, and made a cut at the neck of the taller man upward, standing face to face, what would be the tendency and direction of the wound? A. It would be upwards, the direction in which the knife was directed.

Q. And the penetrating direction? A. The penetration would be if it was a swipe that way to cut one's throat, it would be at the greatest force of the instrument.

Q. Suppose I am standing in front of you, and I make a rake up at your neck, I being a small man, would not the

Penetration of the wound be deeper up here (illustrating) than below? A. I would think so, standing face to face.

2. The general direction of the penetration would be upwards? A. Yes.

2. If the smaller man was standing on something higher than you, and struck at you, the penetration of the wound striking at you downwards would be to simply enter here (illustrating), and then come down deeper in the middle of the body? A. Yes.

2. But otherwise, the depth of the wound from a little man up towards a higher man would be upwards with the penetration, and depth of the wound more upwards, - in fact, upwards? A. Yes.

2. You have heard this testimony substantially, that the deceased was a tall man, that the prisoner is a smaller man, that they were struggling in the street, the big man was over the little man, beating and pounding him; they had a struggle for the razor, and in that struggle, short as it was, the handle broke. Can you state from the position of the men about what would be the direction and the penetration of any cut that would be made?

A. About such a wound as this has been described to be, I should think, assuming the position was correct, the man down on the ground and the other over him, and reaches up and strikes, such a wound, I should think, would be the natural course of such a wound.

Q. So that the penetration of the wound under those circumstances would be downwards and inwards? A. Yes.

Q. Toward the centre of the body? A. Yes.

Q. And the wound that has been described to you here in this case, of inwards downwards, and toward the centre of the body, would be such a wound as might be given from the position in which the men were? A. Yes.

Q. And from such a position, in your opinion it would make the wound in this case? A. Yes.

Q. You have heard the testimony given by the colored man, Johnson, who stated that these two were standing face to face, and that the little man made a rake up towards the big man's neck. Is it possible, in your opinion as a medical expert, that such a wound from such a position of the



men could be given, the wound that has been made to appear in this case?

A. Not as the negro described it; the raking of the knife, of the blade, would be upwards - from below up.

2. The certificate of Dr. Mitchell, the house surgeon, physician, that was given in this case, reads that he was admitted to the hospital suffering from symptoms of syncope due to hemorrhage, such injury said to have been received by a razor in the hands of an Italian in Elizabeth Street - transfusion. An autopsy revealed incised wound of the neck, complete division of the external jugular, and partial division of the internal jugular. You have heard the testimony of the Coroner, who stated, substantially, that these wounds in the neck, the jugular veins had not been tied up? A. Yes.

2. Under that state of facts, would the operation of transfusion be correct practice?

Objected to by the District Attorney, as to whether it is correct practice or not is immaterial.

2. (By the Court): What is transfusion?

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A. Supplying the patient with the blood of another person, or the blood of an animal.

Question repeated:

A. The operation of transfusion, I think it would be an attempt of last resort to save life, properly performed.

2. From the facts as they appear in this case to you as a medical practitioner and expert, was it proper, the veins not being tied, to resort to the operation of transfusion?

A. It could not be; that is part of the operation to stop a leakage; the blood would come out as fast as thrown in if the veins were not tied. It would be a proper practice, properly done; it would consist first in tying the extremities.

2. Under the circumstances of this case?

A. I do not know about the circumstances of this case.

2. Do you consider you have knowledge enough from the facts you have heard in this case about how this man was injured, and from what the Coroner has said, to formulate any opinion as to whether or not the operation of transfusion was a necessary one?



A. It was an extreme operation, and one I supposed the surgeon, if he performed it, wished to give the man his last chance. I do not suppose he had any expectation or any hope, but hoped it might bring up the pulse and prolong life a little.

Cross-Examination by Mr. Fitzgerald:

Q. In relation to these jugulars, there is an internal and external one? A. Yes, sir.

Q. What are the functions of those veins?

A. The veins return the blood from different portions; the arteries through the left portion of the heart send it through the extremities; the veins bring back the blood again and through the lungs.

Q. Which of those perform the different functions? A. The external returns the blood from one portion of the upper trunk, and the internal from the other.

Q. They are both essential to human organization? A. Yes.

Q. The question was put to you, if both of those jugulars were severed with one cut, what the result would be, and your answer is in evidence in relation to that. Do you mean by "severed," cut entirely across?

A. I do.

- Q. That is, the jugular veins were parted by some sharp instrument? A. Yes.
- Q. What would be the effect if one was severed and the other punctured, - it would not be nearly as serious momentarily? A. Yes - not so rapid.
- Q. That is, the immediate results would not be produced in the one case that would be in the other? A. Yes.
- Q. In the light of that, do you modify your answer to the counsel based upon the statement which he unwittingly made that they were both severed? A. I discovered that because I had heard the testimony. If the external was wounded at all, the cavity of the vein entered at all, the flow would be so great as to paralyze a man that he could not run 30 yards.
- Q. Have you not found it in your Army experience that men have received fatal wounds and not know it for some time afterwards? A. Never in my Army experience. I have known people to be wounded and not know it and severely wounded, but never to the extent of being seriously wounded and go on.
- Q. A razor is a pretty sharp instrument?

4359

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A. Yes.

2. Would it not be possible for a person to be cut deeply with a razor and not feel it at the moment? A. It would depend upon what portion of the body it was inflicted.

2. The shock to the system would not be as great with the sharpness of the instrument? A. From the wound itself - if it divided the blood vessel the shock would come from the flow of blood.

2. In describing this cut, would not the position in which the razor was held by the assailant have a great deal to do with the direction of the blow?

A. Of course. I take the position of the man.

2. If the razor is bent back that way (illustrating), and the man strikes up, then the wound at the point of entry would not be as deep as in the center?

A. It would depend upon the manner in which it was held.

2. Take it as I hold it. A. It would be deeper.

2. At the top? A. It would be deeper at the bottom. I understand the man had hold of the hilt of the razor.



2. You take a man of the size of the defendant and he makes the blow upwards, if he does, and comes down on the neck of the latter man, would not the wound at the point of entry be more superficial than where the weight of his body comes heavily upon the blade? A. It would be deeper below, of course.
2. It would all depend upon the manner in which the razor was held by the assailant? A. As a matter of course.
2. As much as the position of the men at the time of the struggle - a great many elements would enter into it: the way the razor was held would be one? A. Yes.
2. The position in which they were would be another? A. Yes, sir.
2. A man in one position could inflict a blow, or hold the razor in a certain way that he could inflict if he was standing in another position, and by changing the position ~~the position~~ of the razor he could give a blow in that position that he could not with the razor held as he had it in the former position? A. Of course, you can assume anything.

Q. I am talking of this defendant standing along side of the deceased, and he has got that razor in his hand; if he makes a blow upwards it produces one result? A. The direction would be upwards.

Q. If he takes it and makes a slash in that direction (illustrating), it would make another?

Objected to; objection overruled; exception taken.

A. Yes, such a wound might be made if one reached up and struck down.

Q. So your evidence is based entirely upon an assumption of position about which you know nothing except what has been explained here? A. Yes.

Re-direct:

Q. Except what you know out of your own general knowledge. You are familiar in medicine with wounds in general?

A. Yes.

Q. If that internal jugular was at all cut, even punctured by a pin with the blow as it was, extending from the ear downwards and inwards, and in depth toward the centre of the body, would not the force of that



- blow for the moment have stunned the person receiving it? A. I have already testified that it would.
2. Would it to such an extent stun him for the moment that he might become dazed almost immediately? A. I should think so, most decidedly.
2. If he did become dazed in that condition, the moment that he would be cut he would start or stagger around? A. I suppose he might be able to keep his feet for some length of time.
2. It would be a physical impossibility, in your opinion, that he should have thrown off his coat and hat, and run, and do the acts which it is said he did do? A. Most decidedly.
2. We have two hypotheses in this case: the one <sup>that</sup> was given by the <sup>prosecution</sup> - the raising up - and the one offered by the defence, - the cut down - under all the facts that have been recited, the condition of the parties, the struggle with the razor, the infliction of the wound, which hypothesis is the one, in your opinion, that should prevail about the cut?
- Objected to; objection overruled.

A. I would think the man lying on his back and reaching up and striking, coming down, would be the hypothesis under which such a wound as has been described was inflicted.

Re-Cross;

2. Had you explained to you the claim of the defendant in this case before the trial as to the manner in which the blow was inflicted? A. Yes, from the theory they had of the defence.
2. Did you go over that a number of times? A. No.
2. Did you witness any of these performances or rehearsals in the Tombs - private exhibitions in the Tombs? A. I did on one occasion; I was to see the prisoner and examine him.
2. And then he went through and explained the matter as he did here? A. Not exactly, but pretty nearly.

Re-re-direct;

2. Had you not also explained to you pretty thoroughly the hypothesis that the people have presented?

Mr. Fitzgerald: By whom?

Mr. LeBarbier: By the defence.

A. Yes.

U364

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Q Has it not agreed thoroughly with what  
you have heard here in Court? A. Yes.  
Q And the same private exhibition was  
gone through with? A. Yes, but more  
fully here.

4365

Police Department of the City of New York.

Precinct No. \_\_\_\_\_

New York, \_\_\_\_\_ 188

Was the witness will testify where she  
saw two parties down struggling in the street and  
the colored man can corroborate her evidence by  
proving that it was these same men who were  
fighting there as she asked him to separate  
them. The Razor was found 60 feet South from  
that place and the cutting occurred about  
40 feet South of where the Razor was found  
See other side







4367

# STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

## AN INQUISITION,

Taken at the house of Coroners Office  
No. 67 Park Row Street in the 4<sup>th</sup> Ward of the City of  
New York, in the County of New York, this 23<sup>d</sup> day of January  
in the year of our Lord one thousand eight hundred and eighty nine before  
Louis W. Schultze Coroner,  
of the City and County aforesaid, on view of the Body of Antonio Di Napoli  
lying dead at

Arrie good and lawful men of the State of New York, duly chosen and  
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said  
Antonio Di Napoli came to his death, do  
upon their Oaths and Affirmations, say: That the said Antonio Di Napoli  
came to his death by

Incised wound of throat, inflicted with  
a razor in the hands of Giovanni Aquilo  
at 203 Elizabeth Street, January 8<sup>th</sup> 1889.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition  
set our hands and seals, on the day and place aforesaid.

### JURORS.

Richard Thiens 150. 9 <sup>av</sup> .	Charles F. Tiley 98 9 <sup>th</sup> Ave
Stelson S Potter 101-9 <sup>av</sup>	William G Stettin 122 <sup>nd</sup> 9 <sup>av</sup>
Jacob Jba 89 9 <sup>th</sup> avenue	John Stehling 167 5 <sup>th</sup> 9 <sup>av</sup>
Henry Membraner 366 W 19	
C D Tammarsen 129-9 <sup>th</sup>	
John S Flammer 76 9 <sup>th</sup> Ave	

Louis W. Schultze

CORONER, L. S.

4368

Coroner's Office

TESTIMONY.

Michela Di Napoli - Answer says:  
I live at 253 Elizabeth St in the  
basement. I did ~~not~~ see the  
cutting. I know the prisoner  
is my husband's partner -  
he always wanted money  
from deceased & would not  
work - the prisoner is a bad  
man. The prisoner wanted  
some money from my  
husband. I was notified by a  
Countryman of the occurrence.

her  
Michela Di Napoli  
Dias

Taken before me

this 30 day of Jan 1889  
Louis C. Schulz

CORONER.

U 369

Coroner's Office

TESTIMONY.

John Johnston dep. sworn says I live at 257 Ely street one night I was standing in the stable door Jan 8<sup>th</sup> in 257 Ely street I saw 2 men coming up the street - as they went to go up a step & took him in a hallway. Just as he got in I saw the little fellow the prisoner, make a rake up to the big man's neck the big man fell into the gutter the little man ran up the street then the big man got up he saw them off his coat & saw the blood the wounded man & ran after the prisoner the big man had the little man double punching him with something. I was after he was out.

John<sup>his</sup> Johnston  
Witness to Charles Mark  
N. J. Weston M.D.

Taken before me

this 23<sup>rd</sup> day of January 1889

Loren P. Scherling

CORONER.

4310

Coroner's Office

TESTIMONY.

Officer David D. Porter. 10 Precinct  
 sworn up: On the night of  
 January 8th I was coming through  
 Elizabeth St. I saw a crowd  
 running when I got to Houston  
 St I saw the round man with  
 the prisoner - I went to 153  
 Elizabeth St. I found a man  
 with his throat cut - standing  
 up and a man holding his  
 head. I brought the man  
 around to Houston St. - telegraph-  
 ed for an ambulance - I  
 brought the man before the  
 prisoner to identify him -  
 I asked him to this the man  
 who cut you he said "Cert"  
 3 minutes after he identified  
 the prisoner again - He was  
 taken to the Hospital - I went  
 around again & found a razor  
 in a pool of blood in the gutter

David D. Porter

Taken before me

this 7th day of January 1887

Samuel H. Schulz

CORONER.



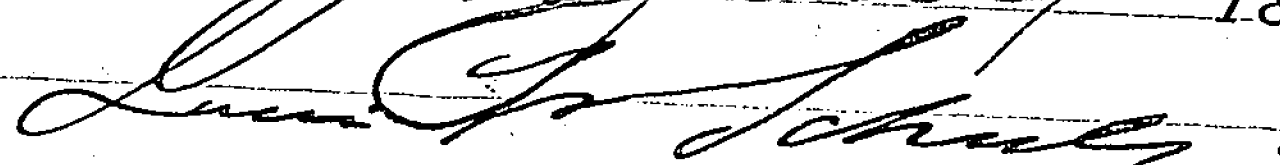
Roundman John Campbell, a  
 Prisoner being arraigned:  
 On the night of the 8<sup>th</sup> Jan'y I was  
 a patrol going east through  
 Houston St. some boys came  
 & told me there was a fight  
 around in Elizabeth St. I started  
 to go to Elizabeth St. I saw the  
 prisoner running through Houston  
 St. north St. I saw he was covered  
 with blood - I followed him &  
 arrested him. I brought him back  
 towards Elizabeth St. where I met  
 Officer Porter & sent him to Eliza St.  
 to see what the house was.  
 He went down & I followed &  
 I met him coming back with  
 the wounded man.  
 He went to the Houston St. to a drug  
 store & left the prisoner & I was  
 in charge of Porter & sent for  
 an ambulance. The wounded  
 man was taken to the Station  
 House. The next morning I asked  
 the prisoner what the house was.  
 He told me they paid \$15 per month & had  
 no clean windows & than his partner did  
 not come down often & than when he did  
 he wanted half the profit.

Taken before me

this 23<sup>rd</sup> day of Jan'y

1889

John Campbell



CORONER.

43 12

Coroner's Office

TESTIMONY.

Vincenzo Maccio <sup>being duly sworn say</sup> of 253 Elizabeth Street - I kept a saloon here on the evening in question - A colored man. called on me & told me come out. there are 2 Italians fighting. I came out & found one wounded ~~the wounded~~ I asked the wounded man who done it he said my partner in the book making business. I did not see anything. The prisoners name is <sup>John</sup> ~~John~~ <sup>Angelo</sup> ~~Angelo~~

Vincenzo <sup>Luis</sup> Maccio  
Mark

Taken before me

this 23 day of Jan'y 1889  
Louis W. Schulz CORONER.

4373

Coroner's Office!

TESTIMONY.

Mrs. Rosa Henke. Hempwood ave.  
I live at 266 Elizabeth St.  
I was crossing the street my  
attention was attracted by a  
party of boys struggling in the  
gutter as though I asked a man  
to separate them - I passed on  
when I got back I heard a man's  
throat had been cut.  
I would not recognize the person  
Rosa Henke

Taken before me

this 23<sup>rd</sup> day of July 1889

Louis W. Schuyler CORONER.

4374

TESTIMONY.

Albert J. Weston M. D., being duly sworn, says:  
I have made an Autopsy of the body of  
Antonio Di Napoli now lying dead at  
St. Vincent's Hospital and from such examination  
and history of the case, as per testimony, I am of opinion the cause of  
death is Horribly by  
incised wound of neck  
involving jugular vein.  
Hemorrhage

A. J. Weston M. D.

M. D.

X Autopsy  
Jan'y 9<sup>th</sup> 1889 St. Vincent's Hospital  
Antonio Di Napoli 38 yrs White Male  
Died Jan'y 9<sup>th</sup> at 2 M. Autopsy 18 hrs. after death.  
Rigor mortis firm - Body well preserved  
There was an incised wound of  
neck - firm incision in length extending  
from the mastoid process of right side  
downwards towards to the median  
line of neck about 1 1/2 inches above sternal  
clavicular notch. The sternal mastoid  
muscle and external jugular vein  
were completely severed. The  
internal jugular vein was wounded  
at an opening about 3/8 of an  
inch being made on the outer side.  
Heart, lungs, & other organs normal  
Cause of death. Hemorrhage  
from wound of vein above  
described.

A. J. Weston M. D.

Sworn to before me,

this

day of

Jan'y 1889

Louis C. Schuyler

CORONER.



4375

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported
58 years	Months	Days	Italy	St Vincent, Hay	Jan 9 <sup>th</sup>

13-10

L. W. S.

Sp. 132

1st. Dec.

1889

AN INQUISITION

On the VIEW of the BODY of

Antonio Di Napoli

whereby it is found that he came to  
his death by

Inquest taken on the

day

of

1889 before

LOUIS W. SCHULTZE, Coroner.

132

91 F 7

L. W. S.

No. 132

12th Decr.

1889

AN INQUISITION

On the VIEW of the BODY of

*Antonio Di Napoli*

whereby it is found that he came to  
his death by

Inquest taken on the day  
of 1889 before

LOUIS W. SCHULTZE, Coroner.

132

MEMORANDA.

AGE	58 years	Months	Days
PLACE OF NATIVITY	Italy	WHERE FOUND	St. Vincent's Bay
Date	When Reported		

4377

From *St Vincent's* Hospital.

New York,

1889

To Coroner *Shultz*

Sir:

Please hold an Inquest on the body of

Name:

*Antonio Di Napoli* Residence: *153 Elizabeth St.*

Age:

*38* years months days. Admitted *Tues* day, *Jan*

Father

*8* th 1889, at *10* o'clock P. M.

Nativity:

*Italy*; of

Mother

By

*Ambulance* A

Civil Bond:

Occup.

*Brothel*

Examined by Dr.

Suffering from symptoms of

*Shock* *Syncope due to hemorrhage* C

Said Injuries said to have been received

*By a razor in hand of an Italian* D  
*in front of 153 Elizabeth*

*transfusion Jan 8<sup>th</sup> at 10<sup>th</sup> o'clock PM* E

Death took place

*Wednesday 11* th 1889 at *2* o'clock A. M.

The Autopsy revealed

*Incised wound of the neck* F  
*Complete division of the External*  
Remarks: *jugular. partial division of*  
*the Internal jugular.*

*Anthony M. M. M.*  
HOUSE SURGEON PHYSICIAN.

Ad. t. State the day of the week.

Ad. A. State whether by Ambulance or Friends.

Ad. B. State whether from a Precinct or a Residence and give the name.

Ad. C. State whether from Natural Causes or from Shock (conscious or unconscious) due to Injuries, and if so, give name, place, date, number, character, and Extent of Injuries, always stating where indicated, whether right or left.

Ad. D. State when, where, how, by what means or persons received, also whether Accidental, Suicidal or Homicidal; in falls, the distance, location and place: in Burns and Scalds the circumstances attending the same; in runover cases, the line of Street Car, Railroad or Conveyance: in Weapons, the character of the same, &c., &c., always giving such information as will lead to an accurate knowledge of the case and facilitate judicial inquiry and justice.

Ad. E. State name, date, place, character and results of any operation or amputation performed.

Ad. F. Give a short resume of the Autopsy with the Pathological Diagnosis and the Cause of Death at the End.

Ad. G. State here any important facts not embodied in the above statements.

4378

**Coroner's Office,**

CITY AND COUNTY }  
OF NEW YORK, } ss.

Giovanni Aquilo being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer—Giovanni Aquilo

Question—How old are you?

Answer—29 years

Question—Where were you born?

Answer—Italy

Question—Where do you live?

Answer—255 Elizabeth

Question—What is your occupation?

Answer—Bootblack

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

Not Guilty

his  
Giovanni X Aquilo  
man

Taken before me, this 23 day of January 1889

Louis. H. Schulz CORONER.



617

MEMORANDUM.

AGE.			PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
38 Years.	Months	Days.	Italy	St Vincent's Hospital	Jan, 9, 1889

182 was - 132 - 1889

AN INQUISITION 62

On the VIEW of the BODY of

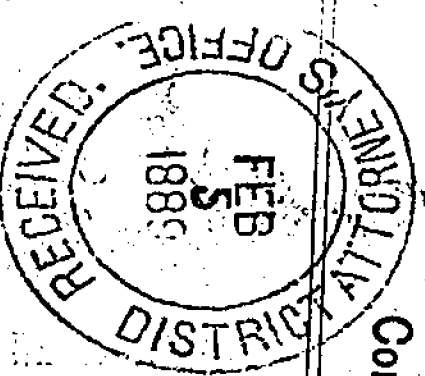
Antonio Di Napoli

whereby it is found that he came to  
his Death by the hands of

Giovanni Aquilo

Inquest taken on the 23<sup>d</sup> day  
of January - 1889

before Louis H. Schubert  
Coroner.



Committed  
Quarantined  
Discharged  
Date of death

0447

Feb 2nd - 132 ~ 1889

HOMICIDE.

AN INQUISITION 62/89

On the VIEW of the BODY of

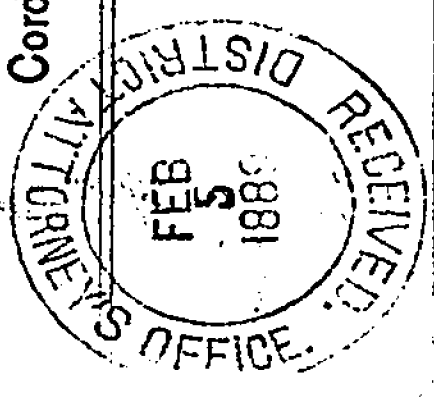
Antonio Di Napoli

whereby it is found that he came to  
his Death by the hands of

Giovanni Agnello

Inquest taken on the 23<sup>d</sup> day  
of January - 1889

before Louis H. Schultz  
Coroner.



Committed  
Bailed  
Discharged  
Date of death

MEMORANDUM.

AGE.	38 Years.	Months	Days.
PLACE OF NATIVITY.	Italy		
WHERE FOUND.	Miner's Hoopworks		
DATE When Reported.	Jan 9/89		

4381

Police Court, District.

City and County of New York, ss.

of No. Tenth Precinct Street, aged 47 years, occupation Roomman being duly sworn, deposes and says, that on the 8 day of January 1889, at the City of New York, in the County of New York, Gerardi Aguglio

(now here) did then and there feloniously, wilfully and intentionally, and from a premeditated and deliberate design to effect the death of one Antonio Ri Napoli kill the said Antonio Ri Napoli by cutting his throat with the blade of a razor which he then held in his hand for the reasons following, to wit: at about the hour of 9.30 P.M. on said date deponent saw the defendant running in East Houston Street, followed by some persons who informed deponent that there was trouble in Elizabeth Street; the defendant was running towards 11th Street from Elizabeth Street; when deponent arrested the defendant, he found the hands and face of the defendant covered with blood. Deponent was met by Officer Porter (then present) on Houston Street, the said Porter having the said Ri Napoli with him — the said Ri Napoli was bleeding from the throat. The said Ri Napoli was afterwards sent to the St. Vincent's Hospital where he died from the effects of said wounds. For additional facts see annexed affidavits.

John Campbell

Sworn to before me this 9th day of January 1889

Police Justice



4382

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

City and County of New York, ss.

of No. Tenth Avenue Police Street, aged 26 years,  
 occupation Police Officer being duly sworn, deposes and says,  
 that on the 9<sup>th</sup> day of January 1889, at the City of New  
 York, in the County of New York, at about the hour

of 9.30 P. M. he saw the defend-  
 ant running on Houston Street,  
 his hands and face were cov-  
 ered with blood. I found the  
 said Ri Napoli standing in  
 Elizabeth Street, with his throat  
 bleeding, one Vincenzo Moccio  
 holding his Ri Napoli's head.  
 I brought the said Ri Napoli  
 to the drug store 57 East Houston  
 Street. I asked him in the pres-  
 ence of the defendants Aguzzio  
 if he Aguzzio was the man  
 who cut him, he answered  
 Yes. I again asked him  
 and he replied Yes - The  
 said Ri Napoli was then  
 taken to the Hospital where  
 he died. I found the razor  
 in front of premises 257  
 Elizabeth, in the gutter, it was  
 lying in a pool of blood.

Sworn to before me } David E. Porter  
 This 9<sup>th</sup> day of January }  
 1889 }  
 J. H. M. Ford

Police Justice



4383

Police Court, District.

City and County } ss.  
of New York,

of No. 251 Elizabeth Street, aged 22 years,  
occupation Stableman being duly sworn, deposes and says,  
that on the 8th day of January 1889, at the City of New  
York, in the County of New York,

Deponent was standing at the stable  
door of the stable 251 Elizabeth  
Street between the hours of 9 and  
9 30 o'clock P.M. when he saw the  
defendant, and another person  
walking along said street, and  
deponent saw one of said <sup>persons</sup> ~~defendants~~  
(who is the deceased) about to go  
in the hallway of a house in said  
street, when he saw said defendant  
raise his hand about the throat of  
deceased, and run away, and said  
deceased fall in the gutter bleeding  
when said deceased ~~fell~~ <sup>took</sup> off his  
coat and followed defendant  
and caught him, and saw deceased  
have said defendant down on  
the ground beating him over the  
head.

Sworn to before me  
this 9th day of January 1889  
J. H. Murphy  
John H. Johnson  
notary

Police Justice



4385

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*Giuseppe Aguglio* 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.

*Giuseppe Aguglio*

Question. How old are you?

Answer.

*29 years*

Question. Where were you born?

Answer.

*Italy*

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

Answer.

*255 Elizabeth Street. 6 months*

Question. What is your business or profession?

Answer.

*Book - Haul.*

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.*  
*Giuseppe Aguglio*  
*Marr*

Taken before me this

day of *January* 1889

*Police Justice.*

4386

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~~  
~~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.~~ *he legally discharge*

Dated *Jan 9* 188 *J. H. Thompson* Police Justice.

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

Dated.....188.....Police Justice.

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

Dated.....188.....Police Justice.



4387

Police Court---

82 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Campbell*  
vs.  
*Giovanni Aguglia*

Offense *Murder*

2  
3  
4

Dated *January 9* 188*9*

*John Campbell* Magistrate,

*John Campbell* Officer,

*John Campbell* Precinct.

Witnesses *John Campbell*

No. *John Campbell* Street.

No. *John Campbell* Street.

No. *John Campbell* Street.

No. *John Campbell* Street.

No. *John Campbell* Street.

No. *John Campbell* Street.

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No. *John Campbell* Street.

No. *John Campbell* Street.

No. *John Campbell* Street.

No. *John Campbell* Street.

No. *John Campbell* Street.

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence



U389

New York, April 8, 1889.

M A R Y K E N A L L Y , called on behalf of the defendant,  
being duly sworn, testified as follows:-

DIRECT EXAMINATION by Mr. LeBarbier:-

- Q You are a married woman? A Yes, sir.
- Q You have a family of children? A Yes, eight children.
- Q Where do you live? A. 260 Elizabeth Street.
- Q You live there with your family and husband? A Yes, sir.
- Q How many have you? A Four children living and four dead.
- Q You came down stairs to get some wood that night? A Yes, sir.
- Q What did you see? A I saw two men running after each other as hard as they could run. I saw a big man run after a little one. I know they were Italians because they were talking among themselves and my attention was drawn to them to look at them. I saw the <sup>big</sup> man get hold of the little fellow and knock him down and when he got him down I saw him taking him by the back of the coat and kicking him and punching him and in a few minutes I saw the little fellow lie there and the big fellow run, and he lay there and after a few minutes he got up and crawl-



U340

2

ed from the gutter to the sidewalk. He ran very ea sy  
towards Prince Street.

Q Where were they fighting ? A In front of the candy  
store and they had a razor between them; I am confident-  
ly sure the little man was under the big man.

Q The candy store is Mrs. Driscoll's ? A Yes, sir.

Q Where these men were fighting would be opposite that  
place? A Yes.

Q That is where you saw the flash of the razor ? A Yes.

By the Court: What number is that ?

By Mr. Le Barbier : 267.

Witness: The candy store is opposite 262.

Q You say you did see the blade flash there ? A Yes,  
but I could not tell which of the men had it. I am  
sure the tall man had the little man down kicking him and  
punching him. He took him by the ~~xxxxx~~ back of the coat  
and threw him down and punched him and the big man started  
to run towards Prince Street and the little man lay a  
little longer and crawled from the gutter and he seemed to  
be exhausted  
~~he exhausted~~ and I felt sorry for him. I did not know  
either of the men.



U341

3

CROSS EXAMINATION by Mr. Fitzgerald:-

Q When you saw what you have described were you alone ?

A Yes.

Q How long were you at the door when you saw this occurrence take place ? A I suppose I was there ten or fifteen minutes at least.

Q And your door is the door 260 ? A Yes.

Q What brought you down ? A For wood.

Q It was a kind of cold night in January ? A It was a kind of pleasant, not very cold.

Q What was the necessity of your standing at the door ?

A These two men had drawn my attention.

Q When you first came down you saw the fight ? A Yes.

I thought the big fellow seemed so much taller than the little fellow.

Q And you saw a razor ? A Yes.

Q And you were alarmed ? A Yes, terribly frightened.

Q Did you make any outcry ? A No, sir; I was a kind of timid myself.

Q Did you go to the grocery store ? A Not until after it was over.

Q Did you make an outcry in the grocery store ? A Yes,

4342

4

sir; I told all that happened in the grocery store, that is Mr. Hinkey's.

Q Did you tell him about the razor ? A Yes.

Q How did you know it was a razor ? A From the way it flashed in his hands, that is the way I think.

Q Did you think it was a razor that night ? A Yes, and to make sure of it I went across the street after the officer to make sure it was a razor and as I did the police-sleeve man took up his ~~xxx~~ and examined the mud gutter until he found a razor--- the blade of a razor; then I was positively sure.

Q That is what you are testifying from ? A Yes.

Q Do you know where the officer found it ? A Yes, down in the mud gutter.

Q Whereabouts ? A Right in front of the candy store after he brought the lamp out.

Q Where did he get the lamp ? A From the candy store.

Q Didn't he find that razor in front of 259 ? A He might. He had searched the mud gutter I know and picked it up.

Q Was it not down further and nearer to Prince Street he found it ? A No, sir; nearer to Houston Street than Prince.

U343

5

Q Was it not nearer Prince from 267 ? A Just as he brought the lamp out and took up his sleeve and searched the mud gutter he picked up the blade of the razor then and there.

Q Was not that towards Prince Street ? A It was mid-way from the fancy store and candy store.

Q Did you know this Italian was arested that night ?

A Yes, I was there when they were arested, I was still at the door.

Q Did you see them go down to the police station ? A No, sir, I did not go any further than my own door.

Q Who did you tell this story to first ? A I told it to my family, but I told it in the grocery store first.

Q Did you hear the police were around looking for evidence of what occurred ? A No, sir.

Q Did you hear of the proceedings before the coroner to ascertain how this man came to his death ? A Yes, Mrs. Hinkey told me she had been to the coroner's office.

Q To tell what she saw ? A Yes.

Q Did you tell anybody you knew anything at that time ?

A No, sir.

Q Why not ? A I did not think for a moment--- I did not think over the matter. It was the first case I saw of murder.



U344

6

Q When you saw the big man get up did you notice he was bleeding ? A No, sir, I did not cross the street.

Q You saw a razor and saw a big man get up and run as fast as he could ? A Yes.

Q You cannot state whether that man was bleeding or not ? A No, sir.

Q How long did you say the little man lay in the gutter ? A Might have been five minutes.

Q Did anybody go to his relief or assistance ? A I was not able.

Q Did you see him get up from the gutter ? A Yes.

Q You were there all the time ? A Yes, but I did not cross the street.

Q He did get up and go away ? A He got up as if he was fairly exhausted.

Q How did he get away-~~4~~- did he run away ? A No, sir; walked <sup>quite</sup> slowly and leisurely as if he had not been able to move.

Q Not even walked fast ? A No, sir; he took his time.

By the Court:-

Q Where was the Grocery store ? A A couple of stores from me.



4345

7

Q On the same side ? A Yes, sir.

By the District Attorney:-

Q It was across the street from my house and I saw what occurred.

Q He just walked on a straight line ? A As I went down

I stood at the door and I saw these two men, and I saw those two men running very excited after each other and then I saw the tall man take hold of the little man and knock him down and then punch him and kick him.

Q If he walked directly from your house to the other side of the street it would be a clear line ? A Yes.

Q That would be 273 on the opposite side of the street ?

A Yes.

RE-DIRECT EXAMINATION by Mr. Le Barbier:-

Q What is your number ? A 260.

Q Mrs. Hinkey's is what number ? A The third house from me.

Q When you came down to get wood you were about opposite where the fight took place ? A At my door, I <sup>stood</sup> ~~say~~.

Q The place opposite there is Mrs. Driscoll's ? A Yes.

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Q Is that the candy store ? A Yes, that is where the policeman brought the lamp out. As I crossed the street the policeman had a lamp and pulled up his sleeve and searched the mud gutter and found a razor there .

Q Where is Mrs. Darby's store ? A Next door to the candy store.

Q Mrs Driscoll's is the candy store ? A Yes.

Q (By Mrs. Fitzgerald) Where is the drygoods store ?

A Next to Mrs. Driscoll's.

Q These wagon works, are they not between ? A No, sir; up above the candy store.

4347

9

M A R Y K E N A L L Y , re-called by Mr. Le Barbier:-

Q Since you were on the witness stand yesterday have you gone to the exact place where Officer Porter picked that razor up ? A Yes, I went there this morning with a gentleman.

Q Will you please tell us where he picked it up ?

A I could not say where exactly he picked it up. It was between Mrs. Driscoll's and the dry goods store, and it was in the night time, and he searched his hand along the mud gutter.

By Mr. Fitzgerald:-

Q How many houses ? A One tenement house between the drygoods store and the candy store.

Q What is next to Mrs. Driscoll's towards Prince Street ?

A A black smith's shop.

Q What is next to the black smith's shop ? A An alley way.

Q One is next to Mrs. Driscoll and the other next to that.

Where is the black smith's shop ? A Below that, nearer to Prince Street.

Q You mean the wagon works ? A Yes, sir; the wheel right's.

Q The wagon works are next to Mrs. Driscoll's ? A Yes,

4348

10

sir.

Q Where is the dry goods store ? A Next to Mrs. Driscoll's.

By Mr. Le Barbier:

Q You say that Officer Porter took the knife <sup>opposite</sup> Mrs. Driscoll's ? A Yes, he tucked up his sleeve and searched for the razor along the mud gutter. ' I can't swear ~~which~~ which it was between the two houses because I crossed the street then as he brought the / lamp out.

By Mr. Fitzgerald:-

Q You were at your door going to the grocery store ?

A Yes.

Q Where was that ? A Mr. Hinkey's grocery store, two houses down from mine.

Q Do you mean towards Houston Street ? A Yes.

Q You had gone up there ? A I did not go to the grocery store not before the razor had been picked up, ~~I did not~~

Q You did not go ~~go~~ up there until after the razor had been picked up ?

A No, sir.

Mr. Le Barbier objects to the District Attorney cross examining witness upon any other subject than what the witness had been re-called upon.

Objection overruled. Exception taken.



U349

11

Q When you saw the officer first where was he ? A I had just crossed the Street when I saw him bringing the lamp out of Driscoll's and to make sure it was a razor I crossed the street then and there.

Q You saw the officer come out ? A Yes.

Q With a lamp ? A Yes, sir.

Q When the officer came out of Mrs. Driscoll's what way did he turn ? A He came out tucked his sleeve up with his hand and I stood there until he picked it up, the blade of the razor, not the handle.

Q How far did he walk ? A I did not see him walk at all. He came out of the store and tucked up his sleeve and searched the gutter.

Q Do you remember that as an independent fact ? A Yes.

Q And you knew that for all these months back ? A Yes.

Q That was in front of Mrs. Driscoll's store this was done ? A I cannot say exactly whether it was between the fancy store and Mrs. Driscoll's but he did search the mud gutter.

Q Did you know exactly all this time where that razor was found ? A Yes, sir.

Q Who went with you to the place this morning ? A That

0400

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young man there went with me (referring to a young gentleman in the court room) I crossed the street and showed him where the place was.

Q If you knew where it was what was the necessity of any one going with you to remind you of it ? A This young man asked me this morning where this place was and I showed it to him.

Q Didn't you know yesterday it was in front of Mrs. Driscoll's ? A Yes, I said so.

Q What did you go there for this morning ?

Objected to by Mr. Le Barbier.

Q When that big man got up, tell us how he ran towards Prince Street ?

Objected to. Objection sustained.

U401

POOR QUALITY  
ORIGINAL

*Oyer & Terminer* COURT.

*The People*

vs.

*Giovanni Aguglio*

TRANSCRIPT OF

STENOGRAPHER'S NOTES

NEW YORK, *April 8 & 9,* 1889.

ROBERT BONYNGE,  
LAW STENOGRAPHER,  
MORSE BUILDING,  
No. 140 NASSAU STREET, NEW YORK.

U402

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Siovanin Aquafio*

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

*Siovanin Aquafio*

of the CRIME OF Murder in the First Degree, committed as follows:

The said *Siovanin Aquafio*,

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

*Antonio Di Nardi*.

in the peace of the said People then and there being, wilfully, feloniously, and of  
*his* malice aforethought, did make an assault, and *he* the said

*Siovanin Aquafio*, *him*.

the said *Antonio Di Nardi*, with a certain *razor* —  
which *he* the said *Siovanin Aquafio* in

*his* right hand then and there had and held, in and upon the *throat*  
of *him* — the said *Antonio Di Nardi*,

then and there wilfully, feloniously, and of *his* malice aforethought did strike,

stab, cut and wound, giving unto *him* the said *Antonio Di Nardi*,

then and there with the *razor* aforesaid, in and upon the *throat*  
of *him* — the said *Antonio Di Nardi*,

one mortal wound of the breadth of one inch, and of the depth of six inches, of which said



U403

mortal wound *he* the said *Antonio Di Napoli*,  
at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the  
*ninth* — day of *January*, in the same year  
aforesaid, did languish, and languishing did live, and on which said *ninth* —  
day of *January*, in the year aforesaid, *he* the said  
*Antonio Di Napoli*, at the City and County aforesaid,  
of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said

*Siovanin Agafio*, him

the said *Antonio Di Napoli*, in the manner and form, and by  
the means aforesaid, wilfully, feloniously, and of *his* malice aforethought, did kill,  
and murder, against the form of the Statute in such case made and provided, and against the  
peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

*Siovanin Agafio*, —

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

The said *Siovanin Agafio*, —

late of the City and County aforesaid, afterwards, to wit: on the said *eighth*  
day of *January*, in the year of our Lord one thousand eight hundred  
and eighty- *nine* , at the City and County aforesaid, with force and arms, in and  
upon the said *Antonio Di Napoli*, —

in the peace of the said People then and there being, wilfully, feloniously, and with  
a deliberate and premeditated design to effect the death of *him* the said  
*Antonio Di Napoli*, did make another assault, and  
the said *Siovanin Agafio*, the said  
*Antonio Di Napoli*, with a certain *razor* —  
which *he* the said *Siovanin Agafio* in

0404

*his* right hand then and there had and held, in and upon the *chest*  
of *him* the said *Antonio Di Napoli*,  
then and there wilfully, feloniously, and with a deliberate and premeditated design to effect  
the death of *him* the said *Antonio Di Napoli* did strike, stab, cut and  
wound, giving unto *him* the said *Antonio Di Napoli*, then  
and there, with the *razor* aforesaid, in and upon the *chest*  
of *him* the said *Antonio Di Napoli*,  
one mortal wound of the breadth of one inch and of the depth of six inches, of which said  
mortal wound *he* the said *Antonio Di Napoli*, at  
the City and County aforesaid, from the said *eight* day of *January*  
in the year aforesaid, until the *ninth* day of *January* in the  
same year aforesaid, did languish, and languishing did live, and on which said  
*ninth* day of *January* in the year aforesaid, *he*  
the said *Antonio Di Napoli*, at the City and County  
aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said *Diavannin*  
*Agnafio, him,*  
the said *Antonio Di Napoli*, in the manner and form, and by  
the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design  
to effect the death of *him* the said *Antonio Di Napoli*,  
did kill and murder, against the form of the Statute in such case made and provided, and  
against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

U405

**BOX:**

340

**FOLDER:**

3213

**DESCRIPTION:**

Ahlers, William

**DATE:**

03/18/89



3213

U406

Witnesses:

*James J. Gray*

*Mrs. Schair*

133.

1637 15th  
18  
Boring  
Clark  
Pacino  
Singer

Counsel,

Filed

18 day of

July 1889

Pleads,

*Not guilty*

THE PEOPLE

18. 16

vs.

*William Ahlers*

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

JOHN R. FELLOWS,

*Pr Secy 2899 District Attorney.*

*Pseudo Attorney.*

A TRUE BILL.

*John R. Fellows*

Foreman.

See Report of N. Y. S. P. C. C.  
for information about defendant  
filed with these papers. If lost,  
notify the Society at once.



0407

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

The People

v.

BRIEF FOR THE PEOPLE.

William Ahler.

STATEMENT OF THE CASE.

The prisoner, a German 18 years of age residing at 1637 First Avenue, a clerk by occupation, is indicted for rape on a little school girl named Mary or Maria Schurr, 423 East 81st Street, on December 23, 1888. The facts of the case are these: John Schurr of 423 East 81st Street has been only six months in this country, and does not speak English. He has two daughters, Minnie aged 10 and Mary aged 7. For two months previous to above date, two boys, one the prisoner and another Julius Hartwig 17 years of age slept in the bedroom with his son Gustave, in one bed, marked 11 on the diagram below, and in the bed adjacent the two girls slept, marked 10 on the diagram. The further history of the case appears in the evidence.

EVIDENCE FOR THE PEOPLE.

MARIA SCHURR. - Is 7 years of age. Resides with her mother and father at 423 East 81st Street. About the 1st December the prisoner and Julius Hartwig came to board with them. Shortly after they took the room, while the parents were out, the prisoner had sexual intercourse with witness and also with her sister. Promised the girls a carriage and dolls if they would not tell their parents what had occurred.

U408

GOVERNMENT EVIDENCE OF THE DEPT.

2

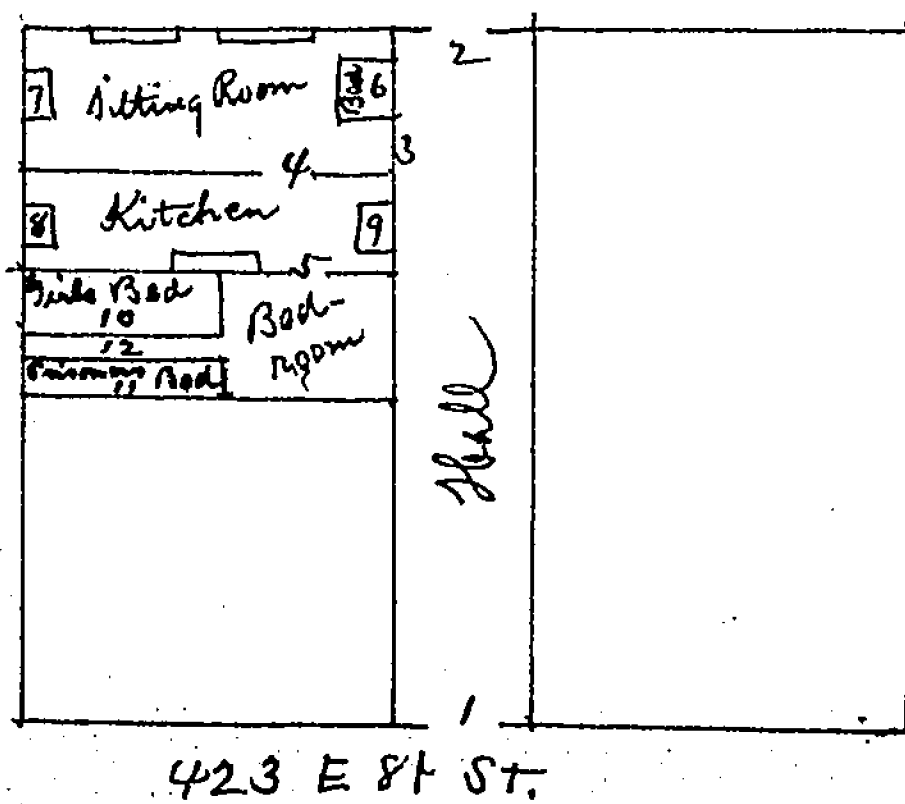
MINNIE SCHURR. - Is 10 years of age. Will corroborate the story of her sister in the above details.

MRS. JOHN SCHURR. - Is mother of the two preceding witnesses. Will corroborate them as to when the prisoner and Hartwig came to board with them and as to their occupying the same room, and also will identify on the diagram the places which they occupied in the apartment. Will also testify as to the ages of the two children as above stated.

DR. WALTER H. SNOW. - Is a physician residing at 41 East 28 Street, and one of the examining physicians of the New York Society for the Prevention of Cruelty to Children. On February 9th made an examination of Maria Schurr; found the hymen ruptured and that there has been penetration by some blunt instrument.

OFFICER GRANT. - Is an officer of the New York Society for the Prevention of Cruelty to Children. Was present when the prisoner and Julius Hartwig were arraigned in the 5th District Court on February 1, 1889. Each admitted in the presence of the Court that he had fingered the girls, but denied that he had had connection with them.

Diagram



0409

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

*William Adler*

RAPE

PENAL CODE, §

BRIEF FOR THE PEOPLE.

U4 10

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, DISTRICT.

of No. 423 - E 87 Street, aged seven years,

occupation Schoolgirl being duly sworn deposes and says,

that on the 23<sup>rd</sup> day of December 1888

at the City of New York, in the County of New York, William Ahlers

now present did feloniously make  
an assault on deponent and  
her the said Mary did then and  
there wickedly and carnally know  
that he induced deponent by a  
promise of dolls and other toys to  
enter a bed room in said place and  
throwing her on a bed raised up her  
clothes and laid down on her body  
and had sexual intercourse with and  
carnally knew deponent Mary Schurr  
(Witness)

Sworn to before me, this

of January 1888

day

Police Justice.



0411

41 East 28 Street  
Feb. 9<sup>th</sup> 89

Hon. E. J. Gerry  
Pres. S. P. C. C.

Dear Sir,

I have examined Mary Schurr  
Feb. 7 and beg to state, that the hymen  
has been ruptured, and there has been  
penetration by some blunt instrument

Yours respectfully  
Walter H. Snow M.D.

U412

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 5 DISTRICT.

Mary Schurr  
of No. 423 E 81 Street, aged 7 years,  
occupation Schoolgirl  
or about 23 day of December 1888  
that on the

at the City of New York, in the County of New York, William O'Leary  
did wilfully, indecently & lasciviously  
place his naked private person  
to wit his penis against the  
private naked part of deponent  
and tried and attempted  
to penetrate deponents person  
and exposed to deponents  
view and gaze his naked  
private part

Mary Schurr  
her  
mark

Sworn to before me, this

of

188

day

Police Justice.

0413

Police Court, 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Mary Schurs

vs.

William Ahlers

AFFIDAVIT.

Dated February 1st 1889

Munach Magistrate.

Officer.

Witness, \_\_\_\_\_

Disposition

\$2000 Bail for

Off. Feb 1st to 2 1/2 PM

Ady. to Feb 7 at 3 PM

Feb 10 to 9 1/2 AM

U4 14

Sec. 198-200.

CITY AND COUNTY OF NEW YORK ss.

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty of the charge  
Wilhelm Ehlers.*

Taken before me this

*John J. McLaughlin*  
188

Police Justice.



U4 15

At 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.....

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

Dated Feb 10 1889 John J. [Signature] Police Justice.

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

Dated..... 188..... Police Justice.

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

Dated..... 188..... Police Justice.

4416

13300  
Police Court---

217  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Mary Schurr*  
*William Ollers*

Offence

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Dated *February 10* 188*9*

Magistrate.

Officer.

Precinct.

Witnesses *Mother or father of complainant*  
*to prove age.*

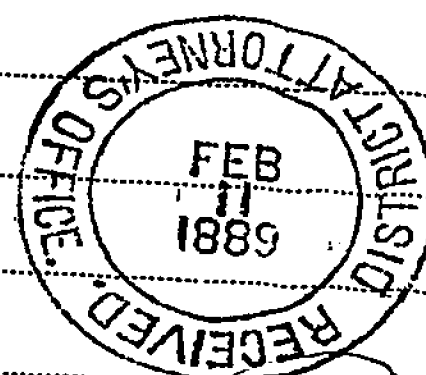
No. \_\_\_\_\_ Street.

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

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

\$ *2000* to answer.

See Report of N. Y. S. P. C. C.  
for information about defendant  
filed with these papers, if lost,  
notify the Society at once.



U417

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

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

New York, *February 14<sup>th</sup> 1889*

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

*The People  
against  
William Ehlers.*

*Notice of Prosecution.*

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

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

*I have the honor to remain, with great respect,*

*Elbridge T. Gerry,  
President, &c.*

04 18

**N. Y. GENERAL SESSIONS**

THE PEOPLE



CRUELTY TO CHILDREN.

*Rape*

**NOTICE OF PROSECUTION**

**BY THE SOCIETY.**

**ELBRIDGE T. GERRY,**  
*President, &c.*



04 19

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

THE PEOPLE OF THE STATE OF NEW YORK,  
*against*

*William Adlers*

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

The said *William Adlers*,  
late of the City of New York, in the County of New York aforesaid, on the  
*Twenty Third* day of *December*, in the year of our Lord one thousand  
eight hundred and eighty-*eight*, at the City and County aforesaid, with  
force and arms, in and upon a certain female not his wife, to wit: one *Mary*  
*Schur*, then and there being, wilfully and,  
feloniously did make an assault, and her the said *Mary Schur*,  
then and there, by force and with violence to her the said *Mary*  
*Schur*, against her will and without her consent, did wilfully  
and feloniously ravish and carnally know, against the form of the Statute in such case  
made and provided, and against the peace of the People of the State of New York and  
their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said *William Adlers*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said *William Adlers*.—  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her the said *Mary Schur*, then  
and there being, wilfully and feloniously did make another assault, with intent her the  
said *Mary Schur*, against her will and without her consent, by  
force and violence, to then and there wilfully and feloniously ravish and carnally know,  
against the form of the Statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

0420

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said William Adlers,  
of the CRIME OF RAPE, committed as follows:

The said William Adlers,  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her the said Mary Schurr, then  
and there being, wilfully and feloniously did make another assault, and an act of sexual  
intercourse with her the said Mary Schurr,  
then and there wilfully and feloniously did commit and perpetrate, against the will of the  
said Mary Schurr, and without her consent; against  
the form of the Statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

FOURTH COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further  
accuse the said William Adlers,  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, com-  
mitted as follows:

The said William Adlers,  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her the said Mary Schurr,  
then and there being, wilfully and feloniously did make another assault, with intent, an  
act of sexual intercourse with her the said Mary Schurr,  
against her will and without her consent then and there wilfully and feloniously to commit  
and perpetrate, against the form of the Statute, in such case made and provided, and against  
the peace of the People of the State of New York and their dignity.

~~JOHN R. FELLOWS, District Attorney~~

0421

*Eight* COUNT:—

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

of the CRIME OF RAPE, committed as follows:

The said *William Alders*,

late of the City and County aforesaid, afterwards to wit: on the day and in the year  
aforesaid, at the City and County aforesaid, with force and arms, in and upon a certain  
female not his wife, to wit: her, the said *Mary Schurr*,  
then and there being, wilfully and feloniously did make another assault, she, the said  
*Mary Schurr*, being then and there a female under the  
age of sixteen years, to wit: of the age of *seven* years; and the said  
*William Alders* then and there  
wilfully and feloniously did perpetrate an act of sexual intercourse with her, the said  
*Mary Schurr*, 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.*

U422

**BOX:**

340

**FOLDER:**

3213

**DESCRIPTION:**

Aikens, Thomas

**DATE:**

02/07/89



3213



Witnesses:

J. Nicholas

Off - Corner

10th St

J

Counsel,

Filed

1889

Pleas,

Guilty

THE PEOPLE

vs.

P

Thomas Atkins

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. R. Nicholas

Part III, February 15, 1889.

On recom. of Dist. Atty.  
indict. dist. P.B.M.

I have examined  
the within case and have  
of opinion that no  
prosecution can be  
maintained. I do therefore  
recommend that  
no effect be given to  
the charges on his  
part regarding same.

Feb. 10/89

Witnessed and  
Signed District

Attorney

I approve of the above  
recommendation. Part 3  
The indictment be dismissed.

4423

U424

Police Court—

District.

CITY AND COUNTY  
OF NEW YORK, } ss.

of No.

Street,

being duly sworn, deposes and says, that  
on Saturday the 2nd day of February

in the year 188 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Thomas Nichols  
Hikens (now here) who  
cut and stabbed deponent  
on the face and neck  
with some sharp in-  
strument which he then  
held in his hand

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without  
any justification on the part of the said assailant :

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer  
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 2nd day  
of February 1889.

Thos Nichols

Solou Smith  
POLICE JUSTICE.

U425

Sec. 108-200.

District Police Court.

CITY AND COUNTY  
OF NEW YORK,

SSA

*Thomas Siken* 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.

*Thomas Siken*

Question. How old are you?

Answer.

*27 years*

Question. Where were you born?

Answer.

*New York*

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

Answer.

*144 Baxter St. 5 years*

Question. What is your business or profession?

Answer.

*Labourer*

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

Answer.

*I am not guilty.*

*Thomas Siken*

When before me this  
2nd day of June 1885  
I saw and heard  
the above named  
person and he being  
duly sworn, he made  
the foregoing statement.  
John J. Justice,  
Judge of the Court.

U426

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.....

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

Dated July 2<sup>nd</sup> 1889. *John J. Ferguson* Police Justice.

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

Dated.....188..... Police Justice.

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

Dated.....188..... Police Justice.



0427

Police Court---1935 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Thomas Nichols*  
vs.  
*Thomas Aiken*

*James H. Brown*  
Clerk

2  
3  
4

Dated *February 2* 188*9*

*Smith* Magistrate.

*M. Connor* Officer.

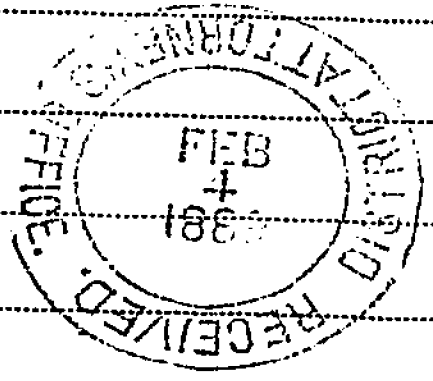
*off clerk* 10 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.



\$ *1000* to answer *for*

*Com*

*1/2*

BAILED,

No. 1, by  
Residence Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

U428

New York General Sessions.

PEOPLE ON MY COMPLAINT,  
VERSUS

Thomas Atkins

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself. I am convinced that the defendant did not intend to assault me, as he was under the influence of liquor at the time; our respective families have been good friends for a long time and such relations have continued since the assault. I have often been in the company of the defendant and his brothers; he never offered to do be any bodily harm and would not have done so on this occasion if he had been in full possession of his senses. I have no ill feeling whatever towards him now and am perfectly willing to resume any friendly relations with him and respectfully ask that I may be permitted to withdraw the complaint. Thos Nichols

4429

The People  
-agst-  
Thomas Aikens.

Copy

#126 Franklin St.,  
New York, Feb. 8/89

John R. Fellows, Esq.

District Attorney of the City of N.Y.

Dear Sir;--

Upon consultation with Mr. Semple, he has suggested that I lay before you the following facts:

On the 1st inst. Thos. Aikens, was apprehended at his home, 144 Baxter St., at the complaint of Thomas Nichols (or Nicholson).

He was indicted by the Grand Jury on the 7th inst. for felonious assault, and his plea is "not guilty."

I was retained yesterday by his mother, who is employed by Messrs Francis H. Leggett & Co. (clients of mine) as a "scrub woman."

The accused has been employed by Mess. Leggett & Co. for several years, and has attended to his duties as a porter very satisfactorily, and the head of the department in which he worked will testify to his good character.

He has never been arrested before.

After hearing the facts from his mother, I called on the accused at the Toombs, and learned from him that the facts are as follows:

After leaving his work at seven o'clock on the evening of the 1st, he went directly home, and after supper changed his clothes, and in company with one or two associates remained out until eleven o'clock, when he returned to his home, which is on the top floor of 144 Baxter St. There he was met by his mother, and sister (a woman 26 years of age) and a woman who was visiting them from the country. He had seated himself, and was smoking a cigar, when shrieks of "Murder" were heard from the floor below. He rushed at once to the

4430

rescue, and upon opening the door of the complainant Thomas Nichols (or Nicholson), his own brother James Aikens, rushed out, and immediately pointed out the accused to the officer who had arrived, as the party who had committed the deed, stating to the officer that Thomas had cut the man's throat. This brother James, I learn from several parties, is a dissolute and worthless scoundrel. The officer, of course, had no alternative, and the result is as stated above.

James, who is the "terror of his family", returned to his home on Monday last, and upon being upbraided by his sister for having falsely accused Thomas, rushed upon her, and treated her so cruelly that, I understand, the doctor fears internal injury. A warrant was procured for his arrest, which the officers as yet have not been able to execute, owing to his secreting himself.

The complainant, Thomas Nichols (or Nicholson), I am informed, is altogether unreliable, passing the most of his life in protracted debauchery, and any statement made by him should be received with the greatest caution.

I have taken a great deal of pains to investigate the matter, and believe the facts as stated herein to be true. That the accused is entirely innocent of the charge, and that his brother James is the guilty person.

Any further information that you may desire I shall be pleased to furnish.

Awaiting your commands, I remain,

Yours obediently,

*John Ford*



4431

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Aikens*

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

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

The said

*Thomas Aikens*

late of the City of New York, in the County of New York aforesaid, on the  
*second* day of *February* in the year of our Lord  
one thousand eight hundred and eighty-*nine*, with force and arms, at the City and  
County aforesaid, in and upon the body of one *Thomas Nichols*  
in the peace of the said People then and there being, feloniously, did make an assault,  
and *him* the said *Thomas Nichols*  
with a certain *sharp instrument to the*  
*Grand Jury aforesaid unknown*  
which the said *Thomas Aikens*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and  
wound,

with intent

*him* the said *Thomas Nichols*  
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

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

The said

*Thomas Aikens*

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 *Thomas Nichols*

in the peace of the said People then and there being, feloniously did wilfully and  
wrongfully make another assault, and *him* the said

*Thomas Nichols*  
with a certain *sharp instrument to the*

*Grand Jury aforesaid unknown*  
which the said *Thomas Aikens*

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 strike, beat, cut, stab and wound, against the form of the statute in  
such case made and provided, and against the Peace of the People of the State of New York  
and their dignity.

U432

THIRD COUNT—

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

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

The said *Thomas Atkins*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid at the City and County aforesaid, with force and arms, in and upon the said  
*Thomas Nichols* in the peace of the said People then  
and there being, feloniously did wilfully and wrongfully make another assault, and

him the said *Thomas Nichols*  
with a certain sharp instrument to the  
*Grand Jury* aforesaid unknown  
which *he* the said *Thomas Atkins*  
in *his* right hand then and there had and held, in and upon the *face*  
*and neck* of *him* the said *Thomas Nichols*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and  
wound, and did then and there and by the means, aforesaid, feloniously, wilfully and wrong-  
fully inflict grievous bodily harm upon the said *Thomas Nichols*

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.

U433

**BOX:**

340

**FOLDER:**

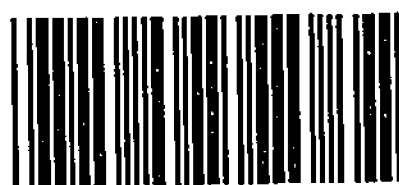
3213

**DESCRIPTION:**

Albert, Samuel

**DATE:**

02/13/89



3213

Witnesses:

William J. Mooney

Counsel,

Filed,

Pleads,

THE PEOPLE,

vs.

VIOLATION OF EXCISE LAW  
(Keeping Open on Sunday.)  
[III Rev. Stat. (7th Edition), Page 1980, Sec. 5.]

Samuel Albert

July 13/17

89 Keeler St.

JOHN R. FELLOWS.

District Attorney.

A True Bill.

J. A. Anderson

Foreman

4434



4435

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Samuel Albert*

The Grand Jury of the City and County of New York, by this indictment, accuse *Samuel Albert* —  
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG  
AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

The said *Samuel Albert*  
late of the City of New York, in the County of New York aforesaid, on the  
*twentieth* day of *January* in the year of our Lord one  
thousand eight hundred and eighty-*nine*, the same being the first day of the  
week, commonly called and known as Sunday, being then and there in charge of, and  
having the control of a certain place there situate, which was then duly licensed as a  
place for the sale of strong and spirituous liquors, wines, ale and beer, with force and  
arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully  
did not close and keep closed, and on the said day the said place so licensed as aforesaid  
unlawfully did open and cause and procure, and suffer and permit to be open, and to  
remain open, 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.*