

0747

BOX:

437

FOLDER:

4030

DESCRIPTION:

Harrington, Francis

DATE:

05/20/91



4030

0748

BOX:

437

FOLDER:

4030

DESCRIPTION:

Sanders, Michael

DATE:

05/20/91



4030

POOR QUALITY
ORIGINAL

0749

Witnesses:

Counsel,

Filed

Pleas

day of

189

THE PEOPLE

vs.

Grand Larceny Second Degree.

[Sections 528, 534 — Penal Code.]

Francis Harrington

and

Michael Sanders

DE LANCEY NICOLL,

District Attorney.

A True Bill.

W. S. Widmon

Foreman.

May 19, 1891

For the People
J. H. [unclear]
J. H. [unclear]
J. H. [unclear]

POOR QUALITY
ORIGINAL

0750

Court of
General Sessions

The People v

vs

Francis Harrington
et al

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23^d STREET,

New York, May 13th 1891.

CASE NO. 56546 OFFICER H. A. Fin

DATE OF ARREST May 13th 1891.

CHARGE

Unlawfully entering building (Felony)

AGE OF CHILD 11 years

RELIGION Catholic

FATHER

Michael

MOTHER

Ellen

RESIDENCE 130 Baxter Street, New York.

AN INVESTIGATION BY THE SOCIETY SHOWS THAT on November 23rd 1890 the said boy was arrested for being implicated in the burglarizing of a fruit stand at the corner of Elm and Canal Streets, but he was discharged by Justice White at Tombs Court for lack of evidence.

On October 7th 1889 the said boy was on his mothers complaint of Juvenile Delinquency committed to the New York Catholic Protectory by Justice Hogan at Tombs Court and he remained there until July 17th 1890. - His right name is Michael Joseph Harrington and not Francis as heretofore stated.

He lives at above address with his mother who is a respectable and hard working woman.

His father abandoned family about two years ago and is now said to be in California. All which is respectfully submitted,

To The Dist. Atty.

J. J. Ellows
Supt

POOR QUALITY
ORIGINAL

0751

*Court of
General Sessions*

<i>The People:</i>	<i>Unlawfully entering Building (Folger)</i>
<i>vs</i>	<i>PENAL CODE</i>
<i>Francis Harrington</i>	
<i>et al</i>	

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,
President, &c.,
100 East 23d Street,
NEW YORK CITY.

POOR QUALITY
ORIGINAL

0752

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Francis Harrington 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.

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
Francis Harrington
Mark

Taken before me this
day of *June* 189*1*

Police Justice

POOR QUALITY
ORIGINAL

0753

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK

District Police Court.

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

Question. What is your name?

Answer.

Michael Sanders

Question. How old are you?

Answer.

15 years

Question. Where were you born?

Answer.

New York

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

Answer.

51 Baxter Street 2 1/2 years

Question. What is your business or profession?

Answer.

Errand Boy

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

Answer.

I am not guilty

Michael Sanders

Taken before me this

day of May

188

Police Justice.

POOR QUALITY
ORIGINAL

0754

Police Court District.

City and County } ss.
of New York

of No. 80 Broad Street, aged 54 years,
occupation Merchant being duly sworn, deposes and says,
that on the 13th day of May 1891, at the City of New
York, in the County of New York,

Francis Harrington and Michael Saunders.
(both now here)
did unlawfully enter the building
number 66 Park Place in this City
in violation of Section 506 of the
Penal Code for the reasons following
to wit:

Deponent is informed by
Officer Mohr that he arrested
the defendants on the second floor
of said premises and that they had
a quantity of lead pipe and zinc
in a bag in their possession. That
deponent subsequently found that
the water pipes on the second floor
of said building was missing and
the pipe and zinc found in the possession
of the defendants was the property
of Deponent. Deponent therefore
charges the defendants with
having unlawfully entered said
building in violation of the Section
aforesaid and prays that they
be held to answer.

THO. DONALDSON

Subscribed and sworn to
this 13th day of May 1891

Police Justice

POOR QUALITY
ORIGINAL

0755

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

Police Court--- District.

640

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1. Thomas D. Mason
2. Francis H. H. H.
3. Michael S. S.
4. _____
5. _____
6. _____

Offence Unlawfully entering building (Felon)

Dated May 13th 1891

Stefan Magistrate.
Michr Officer.

Witnesses W. A. J. J. Precinct.

No. 1st E 2nd St Street.

No. 66 Park place Street.

No. Office mtr Street.

No. 2nd Precinct Street.



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

Defendants

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

Dated May 13th 1891 Stefan Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

Michael Sanders
et al

100 EAST 23^D STREET.

New York, May 14. 1891.

FATHER

MOTHER

RESIDENCE 41 Baxter Street New York

AN INVESTIGATION BY THE SOCIETY SHOWS THAT on July 21st 1884 the boy Michael was arrested for having stolen two pen knives, and was by Justice White at Tombs Court committed to the New York Catholic Protectory where he remained until April 20th 1889.

On September 16th 1889 Michael was arrested for Petit Larceny by Officer John O'Sullivan of 6th Precinct and was on Sept. 20th 89. committed to the House of Refuge from the Court of Special Sessions.

Boy lives at above address with his parents who are to all appearances respectable people and home is comfortable.

All which is respectfully submitted,

To Sir. & My

repeatedly submitted,
D. L. Leno
Leaving
Supt

POOR QUALITY
ORIGINAL

0757

*Court of
General Sessions.*

<i>The People:</i>	<i>Unlawfully entering Building & contents</i>
<i>v-s</i>	<i>PENAL CODE, §</i>
<i>Michael Sanders et al</i>	

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,
President, &c.,

100 East 23d Street,

NEW YORK CITY.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Francis Harrington
and
Michael Sanders

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this
indictment, accuse *Francis Harrington and*
Michael Sanders,
of the CRIME OF GRAND LARCENY in the second degree committed as follows:

The said *Francis Harrington and*
Michael Sanders, both
late of the City of New York, in the County of New York aforesaid, on the *thirteenth*
day of *May* in the year of our Lord one thousand eight hundred and
ninety *one*, at the City and County aforesaid, with force and arms,

one hundred pounds of zinc of
the value of twenty cents each
pound and one hundred pounds
of lead pipe of the value of ten
cents each pound

of the goods, chattels and personal property of one

Thomas D. Mason

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

De Lancey Nicoll,
District Attorney

0759

BOX:

437

FOLDER:

4030

DESCRIPTION:

Harris, Carlyle W.

DATE:

05/13/91



4030

Witnesses:

Dr. Edwin P. Foster

Dr. R. A. Withers
S.C.M.D.

Wm. Cynthia Stevens Potts

Wm. J. Power

affirmed by Court of appeal

Jan. 14/1893

W. T. Davis

Counsel

Filed

1891

Pleads

THE PEOPLE

27 2ash17 vs. medicine
28 2ash17 of medicine P

Carlyle W. Harris

DE LANCEY NICOLL,

District Attorney

A TRUE BILL.

W. L. Richmond

Foreman.

P. 3. Feb 2. 1892

Fried and convicted.

No order in the first degree
to be executed in week beginning
March 21. 1892

Murder in the first degree.
[Section 183, Penal Code]

Dec 19 1891

General Division

Mr. J. J. Davis

Mr. J. J. Davis

Witnesses:

Dr. Edwin P. Foster

Dr. R. A. Withers
S.C.M.D.

Mrs. Cynthia Stevens Potts

Heaven J. Power

affirmed by Court & jury

Jan. 17, 1893

Counsel:

Filed:

Pleads:

1891

THE PEOPLE

vs.

Carlyle W. Harris
accused of murder in the first degree

DE LANCEY NICOLL,
District Attorney.

Section 183, Penal Code

Section 183, Penal Code

A TRUE BILL

Wm. J. Thompson

Foreman

P. 3. Feb 2, 1892

Arrested and Committed
No order in the first degree
to be executed in week beginning
March 21, 1892

Lyons
People's Exh. "t", January 20, 1892.

5-7
At a Court of Oyer & Terminer of the
County of New York, held at the
County Court-House, in the City
and County of New York, on the
28th day of December, 1891.

Present

The HON. CHARLES H. VAN BRUNT,
Justice.

-----x
The People of the State of New York :
against :
Carlyle W. Harris. :
-----x

9/ Upon the consent of counsel for the defendant, given
in open court, to take the testimony of Mary Schofield, a
material witness in the above entitled action, out of court,
owing to the enfeebled and infirm state of her health, and
upon reading and filing the affidavit of Francis L. Wellman,
one of the Assistant District Attorneys of the City and
County of New York, whereby it appears that the evidence of
Mary Schofield, a witness herein on behalf of the People,
is material to the prosecution and necessary to the attain-
ment of justice, is so sick and infirm as to be unable to
attend the trial of this action;

NOW, on motion of DeLancey Nicoll, District Attorney,
the counsel of the defendant consenting thereto, it is

O R D E R E D, that the said Mary Schofield be ex-
amined as a witness herein for the People out of court, in

POOR QUALITY
ORIGINAL

0763

Lyons

2

presence of the defendant Carlyle W. Harris, his counsel, the District Attorney, or his representative, to wit, on the 30th day of December, 1891, at 9.30 o'clock in the forenoon of that day, before the Hon. Charles H. Van Brunt, one of the Justices of this court, and that the evidence so taken be read upon the trial of the above entitled criminal action; and it is further

O R D E R E D, That a copy of this order and the accompanying affidavit be served upon the defendant herein and his counsel on or before the 28th day of December, 1891, together with the time and place where the examination hereby ordered is to be taken.

Enter.

C.H.V.B. ☐

Newberry

COURT OF OYER & TERMINER.

-----x
The People of the State of New York :
 : against :
 : Carlyle W. Harris. :
-----x

City, County and State of New York, ss:

FRANCIS L. WELLMAN, being duly sworn, deposes and says that he is one of the Assistant District Attorneys of the City and County of New York, and as such has charge of the above entitled criminal action; that the defendant Carlyle W. Harris was, on the 13th day of May, 1891, indicted by the Grand Jury of the City and County of New York of the crime of murder in the first degree in the Court of General Sessions of the Peace in and for the City and County of New York, and that thereafter on the 18th day of May, 1891, the defendant was arraigned in the said Court of General Sessions and pleaded not guilty to the aforesaid indictment.

That on the 27th day of November, 1891, said indictment, by an order entered upon the minutes of the said Court of General Sessions, was removed to the Court of Oyer & Terminer of the County of New York.

That on the 30th day of November, 1891, said action was duly called in said Court of Oyer & Terminer for the purpose of fixing a day for trial, and the trial there-

4
of was fixed for Monday, December 7th, 1891, with the understanding and upon condition that if one May Schofield, a witness for the prosecution, who then resided at Jackson, in the State of Michigan, and whose evidence is material to the prosecution of this action, was unable to travel to this city by reason of the enfeebled and infirm state of her health that then and in that event an application for an adjournment would be made by the prosecution.

Adm
That on the 7th day of December, 1891, owing to the illness and absence of the aforesaid witness an application was made for an adjournment of the trial, and the same was duly adjourned to December 14th, 1891.

That on the 14th day of December, 1891, the action was called for trial at the said Court of Oyer & Terminer, and the prosecution being ready to proceed to trial, and having so answered, a motion was thereupon made by John A. Taylor, Esq., one of the counsel for the defendant, for an adjournment because of the temporary illness of W. Travers Jerome, Esq., one of the three counsel for the defendant.

That the court thereupon granted an adjournment of the trial upon the express condition that the defendant consent to take the testimony of the witness Schofield out of court, in the presence of the defendant, upon twenty-four hours' notice to his counsel, because of the inability of the said witness, who was then on the way and is now in this city, to appear in court to give her evidence in this action, owing to the enfeebled and precarious condition of her health. That thereupon John A. Taylor, Esq., one of

**POOR QUALITY
ORIGINAL**

0766

defendant's counsel aforesaid, consented, in open court, to take the testimony of the witness Mary Schofield at a time and place to be designated by the District Attorney upon twenty-four hours' notice to the counsel for the defendant, and upon condition that the defendant himself should be present at the time the witness is to be examined and be afforded an opportunity to cross-examine the said witness.

Deponent further says that he is informed by the physician who is attending the said Mary Schofield that she will be unable to attend court at the trial of this case by reason of the enfeebled and precarious condition of her health, and deponent further says that the testimony of said witness is material to the prosecution of this action and is necessary to the attainment of justice.

Francis L. Wellman.

Sworn to before me this :
:
26th day of Dec., 1891. :

Charles E. Simms, Jr.,
Notary Public,
N.Y.Co.

**POOR QUALITY
ORIGINAL**

0767

6

We, Carlyle W. Harris, the above named defend-
ant, and William Travers Jerome, John A. Taylor and Charles
E. Davison, attorneys and of counsel for the said Carlyle
W. Harris, HEREBY CONSENT to the entry of the foregoing or-
der, and we FURTHER HEREBY STIPULATE AND AGREE that the evi-
dence taken upon the examination of the said Mary Schofield
may and shall be read upon the trial of this indictment with
the same force and effect as if the said Mary Schofield were
called, appeared and testified as a witness in open court.

POOR QUALITY
ORIGINAL

0768

To Carlyle W. Harris,
Defendant,

and

John A. Taylor,

W. Travers Jerome,

and

Charles E. Davison,

Counsel for defendant.

You and each of you will PLEASE TAKE NOTICE that the within is a copy of an order this day duly entered in the Court of Oyer & Terminer of the County of New York; and you will further PLEASE TAKE NOTICE that the examination therein ordered and directed to be taken at the Park Avenue Hotel, N. W. corner 33rd Street and 4th Avenue, New York City, on the 30th day of December, 1891, at 9.30 o'clock in the forenoon, before Mr. Justice Van Brunt, as appears by the said order.

The defendant may be present personally at the examination to confront the witness produced against him.

Dated New York, December 28th, 1891.

Yours, &c.,

DeLancey Nicoll,
District Attorney,
No. 32 Chambers Street,
N. Y. City.

POOR QUALITY
ORIGINAL

0769

People's Exhibit 1,
January 28, 1892.

The People of the State of New
York

against

Carlyle W. Harris.

AFFIDAVIT, CONSENT AND ORDER TO
EXAMINE WITNESS AND NOTICE.

DeLancey Nicoll,
District Attorney,
No. 32 Chambers Street,
New York City.

0770

COURT OF OYER & TERMINER

OF THE CITY AND COUNTY OF NEW YORK.

The People of the State of New York
against
Carlyle W. Harris.

City and County of New York, ss.:

CORNELIUS LEARY, being duly sworn, deposes and says: I reside at No. 27 North Moore Street, in the City of New York; I am a subpoena server in the office of the District Attorney of the City and County of New York, and am over twenty-one years of age. On the twenty-eighth day of December, 1891, at No. 111 Broadway, between the hours of 4 and 5 P.M., in said city, I served a copy of the affidavit, order and notice in the above entitled action, hereto annexed, upon John A. Taylor, Esq., one of the attorneys for the defendant in the said action, by delivering the same to and leaving the same with a person in charge of attorney's office, at the place aforesaid.

Cornelius Leary.

Sworn to before me, this :
29th day of Dec., 1891. :

Chas. E. Simms, Jr.,
Notary Public,
N.Y.Co.

The possibility of reasonably accounting
for the fact ^(deeds) by suicide, accident or
natural cause must be excluded
by the circumstances proved; and
it is only when no other hypothesis
will explain all the conditions of
the case and account for all
the facts that it can safely
and justly be concluded that
it has been caused by intentional
injury.

Wills on Cir. Ev. 168.

COURT OF OYER & TERMINER
OF THE CITY AND COUNTY OF NEW YORK.

-----x
The People of the State of New York :
 :
 :
 :
 :
 :
 :
-----x

9

City and County of New York, ss:

CORNELIUS LEARY, being duly sworn, deposes and says: I reside at No. 27 North Moore Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York, and am over twenty-one years of age. On the twenty-eighth day of December, 1891, at the office of Chas. E. Davison, Esq., No. 170 Broadway, between 4 and 5 P.M., in said city, I served a copy of the affidavit, order and notice in the above entitled action, hereto annexed, upon said Chas. E. Davison, Esq., one of the attorneys for the defendant in the said action, by delivering the same to and leaving the same with a person in charge of said office, at the place aforesaid.

Cornelius Leary.

Sworn to before me this :
 :
29th day of Dec., 1891. :

Chas. E. Simms, Jr.,
Notary Public,
N.Y.Co.

P.S.
b

GROUND FOR NEW TRIAL.

1. That the verdict is contrary to the evidence and against the weight of evidence.
2. That there is a variance between the indictment and the evidence in that the indictment charges

The administration of a ~~total~~ *five-grain* dose of "morphine" whereas the evidence does not show that "morphine" was administered, but all the evidence on this point tends to show, that not "morphine" but a different drug was administered, viz., sulphate of morphine.

3. Separately and distinctly the defendant moves for a new trial upon the refusal of the Court to charge as requested in the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, and 8th requests to charge submitted to the Court, to which and to each of which refusals an exception was taken.
4. Separately and distinctly the defendant moves for a new trial upon each of the exceptions taken to the charge, and portions thereof, of the Court to the jury.
5. Separately and distinctly the defendant moves for a new trial upon each of the exceptions taken by the defendant to the overruling by the Court of defendant's objections to the ad-

mission of evidence offered by the prosecution.

6. Separately and distinctly the defendant moves for a new trial upon each of the exceptions taken by the defendant to the rulings of the Court in excluding testimony offered by the defendant.
7. Defendant moves for a new trial upon the ground that the indictment is not signed by the District Attorney, as required by law, and is signed by a person who is not by law an assistant district attorney.
8. Defendant moves for a new trial upon the ground that after the prosecution and the defense had rested the Court allowed the prosecution to give further evidence not in rebuttal of anything offered by the defendant, and when the defendant was unable to meet what was introduced against him.
9. Defendant moves for a new trial separately and distinctly upon each of the exceptions taken to the rulings of the Court in refusing to direct a verdict in behalf of the defendant at the close of the case by the prosecution and before the defendant's counsel opened the case for the defense.
10. Defendant moves for a new trial on the ground that the verdict is contrary to law.

**POOR QUALITY
ORIGINAL**

0775

P. 8.
Be

11. Separately and distinctly the defendant moves for a new trial upon each of the exceptions taken by him during the examination of jurors herein and during the course of the trial.

POOR QUALITY
ORIGINAL

0776

The People

vs

Carlyle W. Harris

Motion for a new trial

Filed February 8, 1875

...and during the course of the trial.
taken by him during the examination of jurors
for a new trial upon each of the exceptions
II. separately and distinctly the defendant moves

POOR QUALITY
ORIGINAL

0777

58-4-07
Court of General Sessions
CLERK'S OFFICE.

PEOPLE

vs.

Carlyle W. Harris

See

Box for Exhibits

POOR QUALITY
ORIGINAL

0778

COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New York.

THE PEOPLE OF THE STATE OF NEW YORK,
against
CARLYLE W. HARRIS.

Sirs:-

Please take notice that the defendant herein,
Carlyle W. Harris, hereby appeals to the Court of Appeals
of the State of New York from the judgment of conviction
of murder in the first degree rendered against him in this
Court on the 8th day of February, 1892, and from the order
denying defendant's motion for a new trial herein, and from
the order denying defendant's motion in arrest of judgment
herein.

Yours &c.

Wm. Travers Jerome
Attorney for defendant,
5 Beekman Street,
New York,
N. Y.

To
John F. Carroll, Esq.,
Clerk of the Court of General Sessions
of the Peace of the City and County of
New York; and
to
Delancey Nicoll, Esq.,
District Attorney of the City
and County of New York.

POOR QUALITY
ORIGINAL

0779

COURT OF GENERAL SESSIONS
OF THE PEACE
of the City & County of New York.

The People of the State of New
York,

— against —

Carlyle W. Harris.

NOTICE OF APPEAL.

Wm. Travers Jerome,
Att'y for Defendant,
5 Beekman Street,
New York,
N. Y.

To John F. Carroll, Esq.,
Clerk of the Court of
General Sessions of the
Peace of the City and
County of New York.
filed Feb 8, 1892

POOR QUALITY
ORIGINAL

0780

Court of General Sessions vs

-----X
The People &c.

vs.

Carlyle W. Harris
-----X

It is hereby stipulated and agreed between the District Attorney and the Attorneys for the defendant herein, that the exhibits that were offered and admitted in evidence by either party on the trial of the above entitled criminal action, that are not printed or capable of being printed in the book containing the Case on Appeal, may be referred to and used by either party on the argument of the appeal herein, with the same force and effect as if they were printed or otherwise inserted therein.

Dated, September 19th 1892.

De Lancey Nicoll
District Attorney

POOR QUALITY
ORIGINAL

0781

THE PEOPLE OF THE STATE OF NEW
YORK

against

Carlyle H. Harris

Stipulation

DE LANCEY NICOLL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS ST.,

NEW YORK CITY.

588

Brown & Black

POOR QUALITY
ORIGINAL

0782

People's Ex "14"
Feb 1/92

"Dec. 30, '90

18

"Dear Helen:

"I am not worse, but am ordered to stay in for a couple of days. Toward evening I am usually feverish and if I am tonight, I won't dare to go out. I hope you may have a very pleasant visit home.

"Yours

"Carl"

**POOR QUALITY
ORIGINAL**

0783

Peoples Ex. 14

Feb 1/72

POOR QUALITY
ORIGINAL

0784

OVER AND TERMINER.

Put this to face
1-35

Peoples Exhibit

		I	E
1	Pull Box	397	783.
2	Photograph		406
3	Marriage Certificate		470
4	In.		
5	Half of Letter	591-	633
6	Letter	593-	
7	Letter		600
8	Prescription		714
9	Capsules		715
10	Capsule -		720
	Capsules shown to jury & offered - not marked		713
12	Letter		835
13	Letter		836
12	"Peo Ex 12 of Feb 1/92" Letter		1435
13	"Peo Ex 13 of Feb 1/92" Letter		do
Look up - 14			1436

Defendants Exhibits

(Im)	1 - Letter - (Im)		FB 629
	2-3 Envelopes - In Jerome's possession		632
(Im)	4 Letter (Im)		644
(Im)	5 Letter (Im)		645
(Im)	6 Letter (Im)	647.	673
	7 Letter	648	
Exh.	(1 of Jan 22/92)	750	750
	9 Schedule of Studies (Jerome)	808	809
Exhibit	1 of Jan 27 - (Matthews Rep't to Dist Att'y)	1135	
Exhibit	1 of Feb 1-92		1437
"	2 of Feb 1-92 - Large Photo of Helen Potts.		1438

POOR QUALITY
ORIGINAL

0787

People & Harris

Litigation & Memo
of Exhibits

Harris Case

POOR QUALITY
ORIGINAL

0788

District Attorney's Office
City & County of
New York.

Sept. 19th 1892

Howe & Co. unimel Esqs
Gentlemen:

The stipulation to be handed to you herewith relates to the Pill Box, Capsules and Photographs that cannot be printed, and also to certain exhibits introduced by the defendant that are in your possession.

All those that we agreed should be printed and inserted in the Case on Appeal are now in the hands of the printer and will be inserted in the case.

Will you therefore kindly sign the stipulation - reserving the duplicate for yourselves and oblige

POOR QUALITY
ORIGINAL

0789

Yours truly,
Chas E Samuels
Depty Asst Dir Ctty

The stipulation does not specify
the exhibits to be used and
there are certain exhibits
which we want printed
guaranteed and this stipulation
would be a waiver of such
printing - H. J. H.

W. J. H.

POOR QUALITY
ORIGINAL

0790

*District Attorney's Office
City & County of
New York*

*Howe & Hummel Esq
87 Centre St
N.Y. City*

K
Counsel for the defendant respectfully request that in charging the jury, your Honor will charge the following propositions as propositions of law to govern them in passing upon questions submitted to them in this case.

FIRST. If the evidence in the case is purely circumstantial, and the conclusion of guilt depends on a given number of attendant facts, each of these, still assuming it to be one without which such conclusion does not arise, must be fully proved. Bish. Crim. Pro., Sec. 1076.

SECOND. Should the jury reasonably doubt the existence of an assumed fact, they must exclude it from their consideration. Bish. Crim. Pro., Sec. 1076.

THIRD. It matters not how clearly the circumstances point to guilt, still if they are reasonably explainable on a theory which excludes guilt, they cannot satisfy the jury beyond a reasonable doubt that the defendant is guilty, and hence they will be insufficient. Bish. Crim. Pro., Sec. 1077

FOURTH. The test of the sufficiency of circumstantial evidence is, that the facts which the jury accept as proved can be reasonably accounted for on no hypothesis which excludes the defendant's guilt, that with the theory of his guilt they are harmonious and consistent, and that they point to it so clearly and distinctly as to satisfy the jury of it beyond a reasonable doubt. Bish. Crim. Pro., Sec. 1079.

FIFTH. The jury should always act upon the presump-

**POOR QUALITY
ORIGINAL**

0792

tion that the accused is innocent, and should endeavor, if possible, to reconcile all the circumstances of the case with that side of the question.

SIXTH. That before the jury can convict the defendant of the crime charged in the indictment, they must be satisfied beyond all reasonable doubt that the deceased died from the effects of morphine, and that such morphine was administered by the defendant, or by him caused to be taken by said Helen Potts, with the intent on the part of said defendant that the same should cause the death of said Helen Potts.

COURT OF OYER & TERMINER
OF THE CITY AND COUNTY OF NEW YORK.

-----x
The People of the State of New York :
 : :
 : :
 : :
 : :
 : :
 : :
-----x

City and County of New York, ss:

CORNELIUS LEARY, being duly sworn, deposes and says: I reside at No. 27 North Moore Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York, and am over twenty-one years of age. On the twenty-eighth day of December, 1891, at the office of Wm. Travers Jerome, Esq., 5 Beekman Street, between 4 and 5 P.M., in said city, I served a copy of the affidavit, order and notice in the above entitled action, hereto annexed, upon said Wm. Travers Jerome, Esq., one of the attorneys for the defendant in the said action, by delivering the same to and leaving the same with a person in charge of his office, at the place aforesaid.

Cornelius Leary.

Sworn to before me this :
 :
29th day of Dec., 1891. :

Chas. E. Simms, Jr.,
Notary Public,
N.Y.Co.

COURT OF OYER & TERMINER
OF THE CITY AND COUNTY OF NEW YORK.

-----x
The People of the State of New York :

against :

Carlyle W. Harris,
Defendant. :
-----x

AFFIDAVIT OF SERVICE
OF PAPERS.

City and County of New York, ss:

WILLIAM GALLAGHER, being duly sworn, deposes and says: I reside at No. 207 Hester Street, in the City of New York. I am a subpoena server in the office of the District Attorney of the City and County of New York, and am over twenty-one years of age. On the twenty-eighth day of December, 1891, at the Tombs Prison, in said city, I served a copy of the affidavit, order and notice in the above entitled action, hereto annexed, upon Carlyle W. Harris, the defendant in the said action, personally, by delivering the same to and leaving the same with the said Carlyle W. Harris in person, at the place aforesaid; and that I know the said Carlyle W. Harris, so served as aforesaid, to be the person named and described in the said order, affidavit and notice as the defendant in the above entitled criminal action.

William Gallagher.

Sworn to before me this :
29th day of Dec., 1891. :

Chas. E. Simms, Jr.,
Notary Public,
N.Y.Co.

12

AFFIDAVIT OF SERVICE
OF NOTICE.

Chas. E. Simms, Jr.,
Notary Public,
N.Y. City.-

POOR QUALITY
ORIGINAL

0796

Adkins

DISTRICT ATTORNEY'S OFFICE,
CITY AND COUNTY OF NEW YORK.

13
December 28th, 1891.

-----x
The People, *et*

vs.

Carlyle W. Harris.
-----x

Sir *2*

PLEASE TAKE NOTICE that the testimony of the witness Mae Schofield will be taken before Mr. Justice Van Brunt at the Park Avenue Hotel, on the northwest corner of 33rd Street and 4th Avenue, in this city, on Tuesday, December 29th, 1891, at 9.30 o'clock in the forenoon.

The order for the examination of the above named witness will be served upon you in the course of the day.

We will meet you in the corridor of the hotel at 9.30 o'clock sharp.

Yours, *et* &c.,

DeLancey Nicoll,
District Attorney.

To *2* John A. Taylor, Esq.,
Atty., &c., for deft.

COURT OF OYER & TERMINER
OF THE CITY AND COUNTY OF NEW YORK.

-----x
The People of the State of New York :

against :

Carlyle W. Harris. :
-----x

19
: AFFIDAVIT OF SERVICE
: OF NOTICE.

City and County of New York, ss:

CORNELIUS LEARY, being duly sworn, deposes and
says: I reside at No. 27 North Moore Street, in the City
of New York. I am a subpoena server in the office of the
District Attorney of the City and County of New York, and
am over twenty-one years of age. On the 28th day of Decem-
ber, 1891, at No. 170 Broadway (between 11 A.M. and 1 P.M.),
in said city, I served a notice in the above entitled ac-
tion, of which a copy is hereto annexed, upon Chas. E.
Davison, one of defendant's attorneys in the said action,
personally, by delivering the same to and leaving the same
with the said Chas. E. Davison in person, at the place
aforesaid, and that I know the said Chas. E. Davison, so
served as aforesaid, to be the person named and described
in the said notice as such attorney.

Cornelius Leary.

Sworn to before me this :
: 28th day of Dec., 1891. :

Chas. E. Simms, Jr.,
Notary Public,
N.Y.Co.

POOR QUALITY
ORIGINAL

0798

DISTRICT ATTORNEY'S OFFICE,
CITY AND COUNTY OF NEW YORK,

December 28th, 1891.

The People, &c.

vs.

Carlyle W. Harris.

Sir:

PLEASE TAKE NOTICE that the testimony of the witness Mae Schofield will be taken before Mr. Justice Van Brunt at the Park Avenue Hotel, on the northwest corner of 33rd Street and 4th Avenue, in this city, on Tuesday, December 29th, 1891, at 9.30 o'clock in the forenoon.

The order for the examination of the above named witness will be served upon you in the course of the day.

We will meet you in the corridor of the hotel at 9.30 o'clock sharp.

Yours, &c.,

DeLancey Nicoll,
District Attorney.

To Chas. E. Davison, Esq.,
Atty. for deft.

Schaaf

COURT OF OYER & TERMINER
OF THE CITY AND COUNTY OF NEW YORK.

-----x
The People of the State of New York :

against

Carlyle W. Harris,
Defendant.
-----x

: AFFIDAVIT OF SERVICE
: OF NOTICE.

16

City and County of New York, ss.:

CORNELIUS LEARY, being duly sworn, deposes and
says: I reside at No. 27 North Moore Street, in the City
of New York; I am a subpoena server in the office of the
District Attorney of the City and County of New York, and
am over twenty-one years of age. On the 28th day of Decem-
ber, 1891, at No. 5 Beekman Street (between 11 A.M. and
1 P.M.), in said city, I served a copy of the annexed no-
tice in the above entitled action upon Wm. Travers Jerome;
one of defendant's attorneys in said action, personally, by
delivering the same to and leaving the same with the said
Wm. Travers Jerome in person, at the place aforesaid, and
that I know the said Wm. Travers Jerome, so served as afore-
said, to be the person named and described in the said no-
tice as such attorney.

Cornelius Leary.

Sworn to before me, this

28th day of Dec., 1891.

Chas. E. Simms, Jr.,
Notary Public,
N.Y.Co.

**POOR QUALITY
ORIGINAL**

0000

State of New York

City and County of New York: s. s.

CARLYLE W. HARRIS, being duly sworn says: That he resides at 28 East 17th street in the city of New York.

That on the 8th day of February 1890, deponent under the name of Charles Harris married Helen N. Potts under and by the name of Helen Neilson before W. P. Rinckhoff the alderman of the 17th District in the city of New York as appears by the annexed transcript from the records of the marriages reported to the Health department of the city of New York, which is numbered 2062.

Deponent further says that he makes this affidavit of his own free will, and without coercion or duress and as an addition

said.

Carlyle W. Harris.

Sworn to before me, this

24th day of September 1890.

E. R. Root, Notary Public N. Y. Co.

[Seal.]

POOR QUALITY
ORIGINAL

0801

OVER AND TERMINER.

Insert ^{bet} ~~at~~ Pages

~~470 - 477~~

to page 470

note - call it 470 & re

1-2

POOR QUALITY
ORIGINAL

0802

Form No. 122.

New York,

1892

A Transcript from the Records of the Marriages Reported to the Health
Department of the City of New York.

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK
No. of Certificate,
2467

I Hereby Certify, that Charles Harris and
Helen Neilson were joined in Marriage
by me in accordance with the laws of the State of New York, in the City of New York,
this 1st day of February 1892

Witnesses
to the
Marriage,

Richard Fitzgerald
Eric V. Wood

Signature of
person performing
the Ceremony,

Wm. R. Rind

Date of Record	Residence	Age	Color	Single or Widowed	Maiden Name, if a Widow	Birthplace	Father's Name	Mother's Name	Number of Children	Name of Per- son performing Ceremony	Official Station	Residence
Feb. 19, 1892	New Haven Conn	22	white			Conn	George	Helen	1st city	Wm. R. Rind	Min. P. Rind	301 West 46th

A True Copy.

Wm. R. Rind
Chief Clerk

NOTICE.—In issuing this transcript of record, the Health Department of the City of New York does not certify to the truth of the record transcribed.
The seal of the Board of Health attests only the correctness of the transcript, and no inquiry as to the facts reported has been provided for by law.

POOR QUALITY
ORIGINAL

0803

(People's Exhibit No. 12)

19
Feb. 1. 1892

Dear Helen:—I cant go down to the Grove to-day. If you suspect anything wrong I'll let you have something to take before your time--until you have reached a period I would not do anything anyway. If you are sick in the morning have an orange by your bed and suck part of it before you rise. There is no possibility of your having to leave school. I can do no good by seeing you now.

Yrs. "C." (over)

I wouldn't operate before your period-if you have any of those apiols left take them for a couple of days before. As to reckless letters I meant unnecessary ones--you know I must be informed when it is necessary.

Now I promise to bring you out of this all right and never to cause you any worry of the same kind again.

"C."

POOR QUALITY
ORIGINAL

0004

J. Smith

20

{People's Exhibit No. 134}

Feb 1. 1892

"28 East 17th St.

"Nov. 5. 90.

"Dear Helen

Of course you cannot let Mac dream I ever spoke to you about that--it would be too indelicate a thing for you to permit. You may teach him a lesson by slighting him for a time and as you are not apt to see him for some time no excuse will be necessary, he will think it the break he made at Miss M's. I will certainly write to Mrs. Turner at once. I trust her son has left her and her daughter in comfortable circumstances.

"I am very well and very busy. Hope to see you in town by Thanksgiving.

"Yrs,

"C."

POOR QUALITY
ORIGINAL

0805

OVER AND TERMINER.

~~Insertion to page~~
1435 ~~then then~~
~~letter~~
19-21

POOR QUALITY
ORIGINAL

0806

DISTRICT ATTORNEY'S OFFICE,
CITY AND COUNTY OF NEW YORK.

December 28th, 1891. 7

-----x
The People, *etc*
 = =

vs.

Carlyle W. Harris.
-----x

d.c.
Sir: 2

PLEASE TAKE NOTICE that the testimony of the witness Mae Schofield will be taken before Mr. Justice Van Brunt at the Park Avenue Hotel, on the northwest corner of 33rd Street and 4th Avenue, in this city, on Tuesday, December 29th, 1891, at 9.30 o'clock in the forenoon.

The order for the examination of the above named witness will be served upon you in the course of the day.

We will meet you in the corridor of the hotel at 9.30 o'clock sharp.

Yours, *et* *cc.*,

DeLancey Nicoll,
District Attorney.

To 2 Wm. Travers Jerome, Esq.,
Atty. for *def.*

POOR QUALITY
ORIGINAL

0007

People's Exhibit 3,
January 28, 1892.

COURT OF OYER & TERMINER.

The People, &c.

vs.

Carlyle W. Harris.

NOTICES AND AFFIDAVITS OF SERVICE
OF SAME ON DEFENDANT'S ATTORNEYS.

DeLancey Nicoll,
District Attorney,
32 Chambers Street,
N. Y. City.

Commence page 1475.

COURT OF GENERAL SESSIONS.

et
The People vs.

vs.

Carlyle W. Harris

It is hereby stipulated and agreed between the District Attorney and the Attorneys for the defendant herein, that the following exhibits offered and admitted in evidence herein on the trial of the above entitled criminal action, namely : People's Exhibit 1 (pill-box); People's Exhibit 2 (small photograph of Helen Potts); People's Exhibit 9 (unfilled capsules); People's Exhibit 10 (capsule in green box); People's Exhibit 11 (six capsules containing 4 1/6 grs. sulphate quinine and 1/6 gr. sulphate of morphine, page 713) Defendant's Exhibit 1 of January 22, 1892 (box containing 6 pills 4 1/6 grs. sulphate of quinine and 1/6 gr. sulphate morphine) Defendant's Exhibit 9 (schedule of studies); Defendant's Exhibit 1 of February 1st 1892 (samples put up at Ewen McIntyre's for Mr. Jerome), and Defendant's Exhibit 2 of February 1st 1892 (large photograph of Helen Potts), that are not printed, or capable of being printed in the book containing the case on Appeal, may be referred to and used by either party on the argument of the appeal herein, with the same force and effect as if they were printed or otherwise inserted therein.

Dated, September 2nd 1892.

*Howe Attorney
Defendant
District Atty*

POOR QUALITY
ORIGINAL

0809

THE PEOPLE OF THE STATE OF NEW
YORK

against

Carlyle W. Harris

Copy
Stipulation

DE LANCEY NICOIL,

DISTRICT ATTORNEY,

No. 32 CHAMBERS ST.,

NEW YORK CITY.

**POOR QUALITY
ORIGINAL**

08 10

People's Exhibit 2,
January 28, 1892.

The People, &c.

vs.

Carlyle W. Harris.

AFFIDAVITS OF SERVICE OF AFFI-
DAVIT, ORDER AND NOTICE.

Delancey Nicoll,
District Attorney,
32 Chambers Street.

POOR QUALITY
ORIGINAL

0011

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Rodrigue W. Harris

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

Indictment accuse *Rodrigue W. Harris*

of the crime of *Murder in the first degree,*

committed as follows:

The said *Rodrigue W. Harris,*

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

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

continuing and intending with fully felonious
and with malice aforethought one Helen
Mary Nelson Potts, with poison to kill
and murder, in and upon her, the said
Helen Mary Nelson Potts, in the year
of the said People then and there lawfully
intelligently feloniously and with malice
aforethought did make an assault, and
did give a mortal wound, to wit: five grains
of a certain deadly poison called morphine,
then and there intelligently, feloniously and
with malice aforethought did give

and administered into the said Helen Mary
Nelson Potts, with intent that she should
take and swallow the same down into
her body, the said Rodger W. Harris
then and there well knowing the said
morphine to be a deadly poison; and
the said Helen Mary Nelson Potts, the
said morphine, so given and administered
into her body the said Rodger W. Harris as
aforesaid, did then and there take and swallow
down into her body; by reason and by
means of which said taking and swallowing
down the said morphine into her body, as
aforesaid, the said Helen Mary Nelson
Potts then and there became and was, maddening
and disordered in her body, and of
the said maddening and sickness, from
the said thirty first day of January, in
the year aforesaid, until the first day of
February, in the same year aforesaid, at
the City and County aforesaid, did languish,
and languishing did die, on which said
first day of February in the year aforesaid,
the said Helen Mary Nelson Potts, at
the City and County aforesaid, of the said
maddening and sickness, died.

And so the Jurors aforesaid
do say, that the said Rodger W. Harris,
then the said Helen Mary Nelson Potts,

POOR QUALITY
ORIGINAL

0813

in the manner and form aforesaid, and by
the means aforesaid, with fully & lawfully
and of his malice aforethought, did poison,
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

DeSaucy Hill,

District Attorney.

08 14

BOX:

437

FOLDER:

4030

DESCRIPTION:

Harris, John

DATE:

05/11/91



4030

Fifth District
Police Court

Samuel Price vs John Harris	} Before Hon Patrick Diver, Justice
-----------------------------------	---

N.Y. April 28/91
John M. Conner Esq
appears for defendant

Lloyd G. Smith, called
for the People, sworn,
testified as follows:

By the Court:

I live at 423 Lenox
Avenue. I came down in
the basement of the flat
sometime between three and
four o'clock last Sunday.
In stepping off the elevator
that leads to the main
cellar I saw the janitor
standing with a board in
his hand. The room was

sitting on a box with his dinner in front of him and the father was making an effort to strike him with the board, the son daring him to do it, saying "Do it if you want to" There were some words - I don't exactly remember what they were. Then all of a sudden the father grabs the broom which he had, the father telling him you can't jump on me and struck him with the board. There were some further words when the son said again "you had better go in the house now and let me alone or there will be trouble. The father stood about one and a half yards away repeating

"Will you" "Will you"
and the son looking at
the father said "Yes, there
will be trouble; you had
better go in the house and
let me eat my dinner"
The son then turned to
eat his dinner and the
father drew back and
struck him with the
board on the side of
the head and struck
at him again. Then the
son jumped up and the
father followed him with
the board in his hand.
They turned into the
cellar in the next house;
Then I got in the cellar
they were clinched in the
front part of the cellar
and the son calling for
his brother to help him.
The brother got hold of

his father and tried to separate them. I said "you had better stop this is Sunday" They "tussled" and he took his father by the throat. Then he broke away and ran and picked up the board he was struck with and his brother tried to keep the father back from picking up a weight. The father had the weight in his hand struggling to get towards his son and the brother held him back. He got away and ran out of the door into the street. The father went out of the door in one house and I saw him going

in the cellar in the
next house. The quarrel
took place between
the two houses. There are
two cellars connected.
Then the son picked up
a piece of iron pipe
about one and a half
feet long and went in
the house after him, but
he came out again and
I heard him saying "I
have got him" and I
saw him no more until
about an hour afterwards,
when I saw him on the
roof of the house I
was in. I had occasion
to go to the roof and
I brought his mother to
him and stood there
while she talked to
him.

Joseph S. Tanner,
called for Defendant,
testified as follows:

By McComar:

I live at 253 E. 116 St.

Q How long have you been
a practicing physician?

A Three years.

Q How many cases of con-
cussion of the brain
did you see during your
practice?

A Three or four.

Q Do the symptoms ever
vary in concussion of
the brain?

A Sometimes

Q You prescribed for this
man before he died?

A No, sir

Q Did you attend him
at all as a physician?

A No, sir, I was called
nine o'clock.

Q You saw him there suf-
fering?

A Yes sir

Q From the indications pre-
sented by the patient
and the information
which you had, you
believe he died from
concussion of the brain?

A I believe he died from
a blow which resulted
in concussion of the
brain.

Q What do you know about
a blow?

A I know nothing about
it.

Q You were informed that
there was a blow?

A I was not informed.

My own opinion is
it is due to the blow
on the head

Q How do you know?

A Because there was a
lump on the scalp.

Q Could that have occurred
from a fall, Doctor?

A If it was a fall
there would be a frac-
ture,

Q The conditions that the
patient exhibited could
occur from a fall, could
they not?

A It could have been.

Q You know nothing of
the concussion except
you saw the patient?

A Yes, I saw him dying.

Q You didn't make an
autopsy?

A No, sir.

Q You wouldn't swear to
the cause of his death?

A I can't say without
making an autopsy.

E

Allyn G. Smith being furnished
in various ways.

Q. The father and son had carrying
around before a flow was struck

A. Yes.

Q. Tell us what the gun was
about.

A. I can not tell

Q. How long

The general observations ten or
twenty minutes, I saw the
boy among the dog - running
the streets, he had some
or four friends of his. I had
seen him some time before,
I do not think he was under
the influence of liquor - I
have seen him under the in-
fluence of liquor, - he was
an intimate friend of mine,
and I saw the father and son
had several gunshots since I
knew them, I never saw any
flow struck before then - I did
not see him strike the father

120

He seized his father by the
throat - I was about 12 or
13 feet away when he had
his father by the throat after
the blow. They quarrelled about
some minutes after the blow
was struck. I have spoken
to me one about the case -
and have not been informed
as to what testimony I should
give.

To the
Judge. I have known the father for
about 5 1/2 years. He worked
for about 3 years on the street
- he was pretty steady.
To the
Council. I do not know of the accused
being committed to the prison.

Sworn to before me
this 29th day of April 1891 } Lloyd G. Smith

P. J. Jones
Police Justice.

13

Ernest G. Jacques being only
seven years old and says
I live on No. 12-18th Street,
17 years. I know the defendant
and the accused, on about date
I was at the Carter Flats.
I saw the trouble between the
father and son.
Between 3 and 4 years ago
in the afternoon, I saw the
defendant come out and go
down to Northtown as Mr. J.
spoke a few words to me in
the cellar, his son had come
in the house some minutes
when he came into two flats
in his house, Mr. Harris took
the knife and fork and went
to cut the meat which the de-
fendant had in his plate.
John mentioned the plate was
and was towards the door,
he told Mr. Harris, his father if
he wanted any food to go into
the house and get it.

They began to argue and I
 as our room where they said,
 I saw Mr Harris, he said
 to his son I will hit you in a
 minute, he had the house in
 his hand at the time; it was
 a house about two feet long,
 and of the thickness of an
 ordinary board, he had the
 board raised in a striking
 position, at that time the clock
 bell rang, the accused refused
 to make the trip and I made
 the trip, when I came down
 stairs from the trip they both
 had gone. In a few minutes
 the accused came into the
 basement of number 30 and
 he took a piece of iron pipe
 and went into the direction of
 his (accused's) house. He
 came out again and asked
 me for a bar, he got the
 bar and stood in the door,
 I did not see him strike.

I saw the two lumps on his
head, which lumps the accused
showed to him. He took my
elevator and that was the
last I saw of him, I was
between 3 and 4 o'clock.

Comme John ^(Murray) and I were very friendly,
I have no objection to speak
about the case.

John used to perform wrong to
his father cursing the Governor.
I cannot repeat any of the
words used, the accused
was angry, I was had a
quarrel with the representative,
I was reproved and so on once or
twice.

Arrived to inform me
this 29th day of April
1891. } Ernest A. Joazeur

P. J. Joazeur
P. J. Joazeur

6.

Samuel Price the Officer being
only from reports and says
I am an officer attached
to the 24th Premier, When I went
to the house where the ac-
cused was I found the
defendants and the mother of
the accused sitting in the room.
I asked the defendant if he
knew or what manner the
son had been injured
he said he did not. I asked
him if he knew of the son
having had a quarrel. The
father denied knowing of any
quarrel in which the son
had been engaged in. Then
I then placed the father
under oath, I questioned
him again as to if he knew
how his son had received the
injuries he denied knowing
any thing about it. I asked
him if he had quarrelled with
his son on that day he said

(7)

he had not. I asked him if he
had not stolen the gun with
a friend, he denied it.
Sworn to before me
this 29th day of April 1831, Samuel Price

P. J. Price
Police Justice

Frederick Price being only
sworn deposes and says
that when Price was bring-
ing the defendants down the
stairs from the Court room
to the prison, the defendants
said to him (Price) I am not
thief I hit him, (referring
of the accused) &c &c.

Sworn to before me
this 29th day of April 1831, Frederick J. Price

P. J. Price
Police Justice

(8)

The defendants Counsel move
to dismiss the complaint
and discharge the defendants
from Custody, on the ground
that there is no proof be-
fore the Magistrate that
the laws alleged to have
been infringed upon the accused
by the defendants caused
accused's death or any in-
juries whatsoever.

Justia Motion denied.

POOR QUALITY
ORIGINAL

0831

CITY AND COUNTY
OF NEW YORK. } ss.

POLICE COURT, 5 DISTRICT.

of No. 29 up Samuel Price
Street, aged 33 years,
occupation Detective being duly sworn, deposes and says

that on the 27 day of April 1891
at the City of New York, in the County of New York

(whereby is a material witness for
the People against one John H. Smith
charged with Homicide and de-
pends believing that the said
Smith will not appear when
needed prays that the said
Smith be committed to the
House of Detention for witness

Samuel Price

Sworn to before me, this

of April 1891

3rd

Police Justice

POOR QUALITY
ORIGINAL

0832

Police Court, 5 District.

City and County } ss.
of New York,

of No. 29th Precinct Samuel Price
occupation He is free Street, aged 33 years,
that on the 27th day of April 1891, being duly sworn, deposes and says,
York, in the County of New York, he arrested John

Harrington for striking me
John Harrington on the head
with a hard substance causing
the death of the said John Harrington.
Dependent is informed by
Lloyd G. Smith (conforming)
that he Smith saw the defendant
and the deceased, working in the
cellar of premises 28 & 30 West
128th Street and he saw the de-
fendant strike the deceased
on the head twice with a board
which he defendant held in his
hand. Dependent is further in-
formed by Mr. Joseph C. Farmer
that he Farmer examined the
deceased prior to his death
and found him suffering
from concussion of the brain
and believes that the deceased
came to his death by being struck
on the head.

Sworn to before me } Samuel Price
this 27th day of April 1891 }

P. J. ...
Police Justice

POOR QUALITY
ORIGINAL

0833

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 27 years, occupation Elevator boy of No. 274 1/2 Street, being duly sworn deposes and

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

Sworn to before me, this 27
day of April 1889

Lloyd G. Smith

[Signature]
Police Justice.

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 30 years, occupation Physician of No. 353 E 116 Street, being duly sworn deposes and

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

Sworn to before me, this 28
day of April 1889

Joseph S. Tanner

[Signature]
Police Justice.

POOR QUALITY
ORIGINAL

0834

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

5 - District Police Court.

John Harris 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~~ *him*; that the statement is designed to
enable ~~him~~ *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~~ *his* waiver cannot be used
against ~~him~~ *him* on the trial.

Question. What is your name?

Answer. *John Harris*

Question. How old are you?

Answer. *29 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *25 - W - 128th. 6 years*

Question. What is your business or profession?

Answer. *Sanitor*

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

Answer. *I am not guilty -*
John Harris
Mark

Taken before me this

day of *April* 188*9*

Police Justice.

0035

BAILED,

425 Somerset Ave
Burlington on Wisconsin
by Nevada Sing 2/91

Arthur J. Freese
Shoulder
Carey (Washington)
30 April 1883

Police Court.....
District.....

Oct 27

Heaven

Wm. L. Marshall

14

[Signature]

3-10-1944

John

10

Shack

10

.....
 TO HISSELF

29-2

2000

—

Referendums

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 April 27 1891, Police Justice.

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

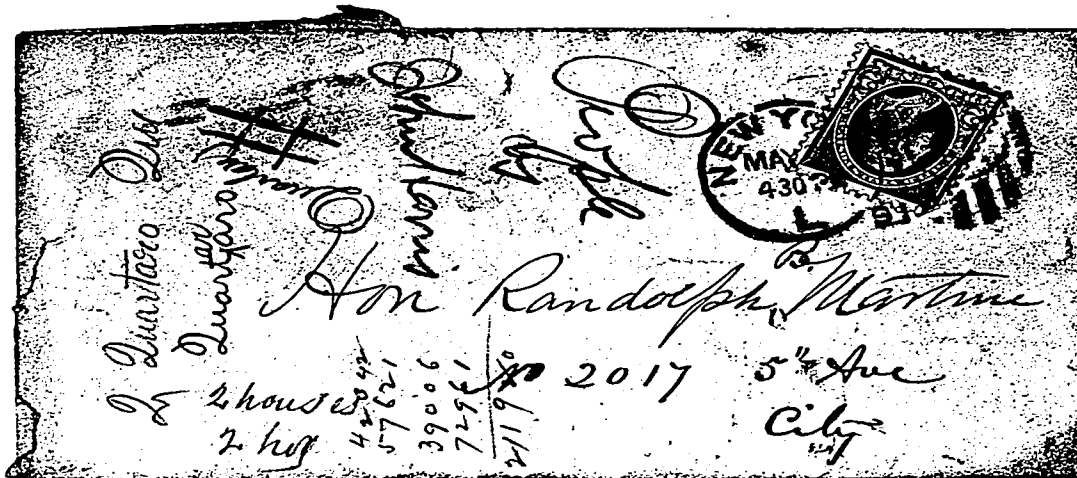
Dated.....18.....*Police Justice.*

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

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

POOR QUALITY
ORIGINAL

0036



POOR QUALITY
ORIGINAL

0037

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION

Taken at the Coroners Office
No. 124 Second Avenue Street, in the 17th Ward of the City of
New York, in the County of New York, this 5th day of May
in the year of our Lord one thousand eight hundred and 91.

before
DANIEL HANLY, Coroner,
of the City and County aforesaid, on view of the body of

John Harris
now lying dead at

Eight 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 John Harris came to his death, do upon
their Oaths and Affirmations, say: That the said John Harris

came to his death by
from injuries received by being struck
on the head with a board, in the hands
of John Harris at 28 West 128th Street April
27th 1891.

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.

Geo. Walker 890 Grand Boulevard

J. Burnett

543 8th Ave

D. Brooks

469-9th Ave

Jacob Koch

1624 2nd Ave.

H. L. Hayman

690 E. Ave

George F. Becker

346 W. 35th St

Leos Cahn

667 - 6th Avenue

Harry Cardus

301 East 88th St

Daniel Hanly
Coroner. D. S.

B 128
2 c.

Coroners Office, New York County.

Inquest into the death

- of -

JOHN HARRIS.

) Before
) HON. Daniel Hanly,
) and a Jury.
)
)
)

New York, May 5th, 1891,

DR. PHILIP E. DONLIN, duly sworn, testified:

On the 27th inst. I made a post mortem examination at 24th Street upon the body of the deceased and I found death was due to coma and intercranial hemorrhage, fracture of the skull.

By Mr. Coman:-

Q Did you make a careful examination? A. Yes, sir.

Q Did you notice the appearance of the skull?

A. Yes, sir.

Q Was there anything uncommon about it? A. Yes, sir.

Q In what regard? A. Extraordinarily thin.

Q So that a slight blow would probably fracture it?

A. Yes, sir.

Q A blow that would not affect an ordinary skull?

A. Yes, sir.

Q Would fracture this one? A. Yes, sir.

Q In your practice have you ever seen such a skull before? A. In one case.

Q It was thinner than one half of the skulls?

A. Yes.

Q So that a very slight blow would produce the fracture?

A. Yes, sir.

-----oOo-----

OFFICER FREDERICK J. MOTT, duly sworn, testified:-

By the Coroner:-

Q To what precinct are you attached? A. 29th Precinct.

Q Tell the Jury what you know about the case?

A. On the 27th of April, Sunday evening, it was reported to us at 9.30, we went down to No. 412 East 124th Street and we found the deceased; he had been dead about an hour when we got there and the defendant was there with his wife. We had a talk with the defendant here; this is the man right here. We asked him if he knew anything about the young man; he said he did not, he didn't see him until two o'clock in the day until he was called there in the evening. I felt the deceased's head and found a lump there; he said he didn't know how he came to get it unless he fell; the deceased before he died said -

Objected to.

Mr. Coman: I object to it.

(Witness continuing) The deceased was dead when we got there. We went out looking for some witnesses and we learned there was a quarrel in the flat No. 28 West 128th Street and that he had struck his son with a board and we then came back and arrested the defendant.

Q You made the arrest? A. Myself and my partner.
By Mr. Coman:-

Q You have no knowledge of the cause of the death of the deceased except what you learned from other parties?

A. That is all.

-----c0o-----
EMELINE FOY, duly sworn, testified:-

By the Coroner:-

Q Where do you live? A. No. 412 East 124th.

Q Tell the Jury what you know about the case which led to the death of the deceased? A. Sunday evening a week ago Mr. Harris came to my kitchen door back and I said come in; I said Lou is that you; he said no, Johnnie; I said come in. He said, no, I wish to speak to you private," I said come around in the front, I have a room in front, I said what is the matter? He said I have not been drinking; I said, all right, come around front; I have been hurt on the head. I said, *I said come along and no quicker* ~~some~~ ^{and} he got to the door, he was so sick, about five minutes, not a long while, I said what is the matter; he didn't answer and he threw up very much; I said sit down on the bed; ~~he~~ did sit down

and he no more than sat there before he became sick again to his stomach; I held his head and after that I emptied the bowl out, and before I could get from the sink to the bed, he was sick again and he laid down and I left him and went into the kitchen and got a glass of salt and water and after he took it and drank it I said Johnnie I think I had better get you something else. He said, "No, Aunt, put some cold water on the face, my head," he said take a handkerchief, I got a towel and wet it, he said, take a handkerchief, I did so and I tied it under his chin. He complained so much I went to the drug store to get some Pond's extract and he handed me a five dollar bill; I said no; he said I have no smaller change; he said take the bill and get what I wanted for it. I got down two pair of stairs and I met one of my little boys and I handed him the bill to go to the drug store and get the extract; I got down two pair of stairs, I met my little boy, I turned back and I went in the kitchen and as soon as my little boy came back I went in the front room again; I said I have it here now; I saturated a handkerchief and tied it down and I left and went in the kitchen and I was gone about ten minutes and I went in again in front, he was going on raving in his mind; I said what are you doing, he went on a whole rigamoro; he said; "My lover - " all I could understand I said where is your lover; I said, what is it John, he said "Will Smith." Those were the two last words. I hollered to another lady across the hall to come in quick and I went back to raise him up and there was nothing

coming out of his nose but froth and I raised him up; I thought he was strangling at that time; a lady came and his head fell back, I sent for another lady to feel if he was not dying and the lady just sent for the doctor. I said I have sent for the doctor and I called for his mother; in a few minutes the doctor came and his mother came and he was just drawing his last breath; I hadn't time to say much to him.

Q He didn't tell you how he received his injuries?

A. No, sir.

Q He died in your house? A. Yes, sir.

Q How long was he in the house from the time he came in until he died? A. About an hour; he came there about half past seven or twenty minutes of eight; I saw the ~~xxx~~ lump on his head.

Q How big was it? A. I suppose it was as big around like that.

Q The scalp was not cut? A. No, sir.

Q Before he died he discharged blood from his mouth and nose? A. Yes, sir; he was sick all the time. When he first threw up he threw up nothing but food; I thought at first he was poisoned.

By a Juror:-

Q Did he say anything at all how he got it? A. No, sir; he didn't have time; he was so sick from that time all the time, he was very weak when he came into the kitchen.

By Mr. Coman:-

Q What time did he come in? A. It was about half past seven when he came first; he died in about an hour afterwards.

Q He said to you "I have not been drinking?" A. He told me that the first thing.

Q Was he in the habit of drinking? A. I don't know; maybe he might have taken beer.

Q ~~xxxxxxx~~ Why did he make that remark? A. Because he thought that I would not have any sympathy.

Q Did you ever see him drunk? A. No, sir.

Q Did you know he was a drinking young man? A. No, sir; he was a nice young man; I am a near friend of his mother's.

Q He spoke about a lover? A. Yes, sir.

Q Do you know who she is? A. No, sir.

-----oOo-----

LLOYD GARR ISON SMITH, duly sworn:

By the Coroner:-

Q Where do you reside? A. I am now living No. 423 Lenox Avenue.

Q Did you know the deceased? A. I knew the deceased.

Q Do you know anything about the case which led to his death? A. I believe I can tell you something about it.

Q State it to the Jury? A. On the 27th of April

a week ago last Sunday I had occasion to go down the cellar between three and four o'clock.

Q What cellar? A. In the cellar of 28 West 128th Street.; as I entered the cellar I saw the deceased sitting on a box with his dinner in front of him, his father standing before him with a board in his hand in a position -

Objected to.

(Witness continuing) He stood with a board in his hand, he was then threatening to strike his son.

Objected to.

Q What did he do? A. He had a board in his hand raised saying to his son he would hit him and the son dared his father to do it, saying to him, he could hit him if he liked; the son having a bottle in his hand; there were some further words used which I don't remember; I watched him to see what was going to be done. He said something which made the son very angry and he jumped up and grabbed up a broom; he said to his father he could go on and hit him if he felt like it and some other words which I cannot remember. He then said to his father he had better go in the house and let him eat in peace and not make a muss with him; the father had the ^{board} ~~box~~ in his hand, down at his side; the board was about an inch thick and about two feet long.

Q How wide? A. About six or eight inches wide and about an inch or more thick; the father then lowered the ~~board~~ and commenced to walk up and down in the space of about a yard and a half and he was saying "Will there be a

row?" The son said, "Yes, there will, there will be trouble right here if you don't go in the house and let me alone; I was not doing anything to you when you came out and meddled with my dinner;" he was then facing his father he was sitting down, the father was standing, walking up and down in about a space of a yard and a half muttering those words; the son said you had better go in the house and let me alone or there will be trouble right here, and he turned from his father over his plate with ~~kixxkxak~~ the back of his head to his father and the father drew back this way with the board and struck - and he drew back this way and the second blow he partly caught on his hand; he struck him with the flat of the board.

Q With the flat of the board, not with the ~~entire board~~ narrow part? A. Yes, he made a second blow to hit the plate, the second was partly on the hand and partly on the head, with the other part of the board - he jumped up and run for his father and the father followed him around the other part of the cellar out of my sight; I went over to see what was going on and when I got around there the father and son was in a clinch and the son was calling to help him, to come to his aid; the son came past me and went to his brother's aid; he grabbed hold of his father and began to cause them to stop; while he was trying to separate them the deceased took his father by the throat and pushed him in the corner and some words he used, I don't know what they were, I couldn't say.

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Q Who did? A. The deceased, did; I couldn't say what they were, and in the meantime the deceased's mother came out and went to separate them and the deceased succeeded in getting away from his father and picked up a board which was lying on the ground and raised it like that; it struck his father; his father then picked up a weight ~~and~~ an elevator weight.

Q How big a weight? A. It was about three times the size of this book in thickness; it has two slots in it like that.

Q How heavy was it? A. They say it is twenty-five pounds. I turned around; the father was running towards his son with a weight like this, and I pulled them one side and the mother tried to get them away - all I seen then with the weight - I seen it having it in his hands; I went down the cellar, in the other part of the cellar and the son went out from the hallway and ran in the back part of the cellar picking up another weight, a piece of pipe, and the father, I don't know where he went, he must have went out of the front door.

Q What did the prisoner do with the weight he had in his hand; did he strike with it? A. No, sir.

Q You didn't see him strike the deceased with it?

A. No, sir.

Q The deceased got a large piece of pipe? A. Yes, sir; I think it was an inch pipe.

Q Did you see him do anything with it? A. His father went into the house, and I seen him going in the other side of the building in the door, and the son with his coat

on his arm went in the house with this iron bar and there was some disturbance in there; I heard his mother holler and his sister holler when he came out the deceased came out -- as he rushed by me he said, "I have got mine, I have got him;"

Q Which is correct? A. He used both of those expressions; I have got him first, I have got mine and away he went. When I next saw the deceased he was on the roof on the house No. 28 West 128th Street; he rang the elevator bell and I brought him down in the elevator; in coming down he asked me to feel his head which I did and whether there was a lump; there were two lumps; he came down in the hall, I said to him, "Johnnie your mother has gathered up your things and left them with your brother Pete, and you had better get out now." He said, I haven't any money; I said, that will be all right, you will get some money; I went down stairs and told his mother that he was up in the hall, she went up there and gave him some money and bid him good by; he left; that is all I know about it.

Q Was his scalp cut? A. No, sir.

By Mr. Coman:-

Q When the deceased started in the house with a piece of iron pipe or bar in his hand you heard the sound of a struggle in the house? A. Yes, sir.

Q You don't know whether any blows were struck in there? A. I couldn't say.

Q But you did hear sounds of the quarrel or fight? A. Yes, sir.

- Q You heard the wife screaming? A. Yes, sir.
- Q What did she say? A. I don't know.
- Q You don't know whether he rushed at the father?
- A. No, sir, I couldn't say.
- Q He started in with his pipe and when he came back he said I have got mine, I have got him? A. Yes, sir.
- Q That is all you know about it? A. Yes.
- Q How long was it from the time you saw the father strike him with the board you got the five dollars for him?
- A. His mother gave him the five dollars, I didn't give it to him.
- Q How long was that? A. That row was between three and four o'clock.
- Q But he did leave the premises how long afterwards?
- A. About an hour longer or longer than that.
- Q About an hour? A. More than that, about two hours.
- Q Two hours after the first quarrel? A. Yes, sir.
- Q What time was that? A. I couldn't give you the time of day.
- Q About? A. About half past five when he left.
- Q By your computation of time the quarrel occurred about half past three, the first one? A. Between three and four.
- Q He left there between five and six? A. Yes, sir.
- Q Where was he from this time? A. I couldn't say.
- Q How long was he in the house after he came in with the iron pipe? A. I couldn't say.

Q About how long from the time he left with the iron pipe and you saw him return and he said, "I have got him, or I have got mine?" A. Only a couple of minutes; whether he went out or where he went I don't know.

Q Do you know whether he went upstairs? A. He was up there - I found him up there.

Q What time? A. It was a few minutes before he went out.

Q He must have been up there for an hour and a half? A. Yes.

Q He came from the house, until you next saw him on the roof was about an hour and a half? A. Yes, sir.

Q You don't know where he was all that time? A. No, sir.

Q Only you found him on the roof? A. Yes.

Q Was he a drinking boy? A. Well, he took his glass of beer.

Q Have you seen him under the influence of liquor? A. I have.

Q A pretty hot tempered boy? A. Well, I couldn't say.

Q You were his intimate friend and exchanged confidences with him? A. Yes.

Q You knew all about his business? A. Not all.

Q Can you explain anything about the testimony of his Aunt Anna here about a lover? A. It refers to a young girl.

Q There was something tangible about that? A. Yes, sir.

- Q It is a fact he had a young girl that was looked upon as a lover? A. Yes.
- Q Who is ~~Will~~ Smith? A. My brother.
- Q What was there about ~~Will~~ Smith particularly as relates to the deceased - were they confidential friends?
- A. Not as much as I was.
- Q Better acquainted with the deceased than the father?
- A. Well, more equal.
- Q You rather took his side of it? A. No, sir, no more than I could stand off and speak to him.
- Q Can you tell the Jury or his honor whether the boy had been drinking that day? A. He had ^{a part of} ~~about~~ three or four pints of beer.
- Q How large a part? A. Myself, the engineer and his brother and the defendant present here and the deceased.
- Q That beer was bought that day? A. Yes, sir.
- Q Sent out for it? A. Yes.
- Q Do you know who went for it? A. The brother went for some.
- Q It was brought in as they required it? A. Yes, sir.
- Q You say the deceased had his father by the throat bending him back? A. Yes.
- Q How far were you from him at the time - you followed them around? A. Yes.
- Q How far were you away from them? A. From here to that railing.
- Q About 18 feet? A. Yes.

- Q Was it light or dark? A. The gas was burning; the gas was burning right near where I was standing.
- Q About eighteen feet away from them? A. About that.
- Q Do you know whether the son struck him at all?
- A. I didn't see him do it, sir.
- Q Could you have seen him if he had done so? A. I could have.
- Q Were you watching all the time? A. Yes, sir.
- Q When the father struck him with the board how far were you away? A. About the same, sixteen or eighteen feet.
- Q The son had a bottle in his hand all that time?
- A. That was when I first came down he had a bottle, he then left the bottle down and took up a broom.
- Q How long was that before he was struck with the board?
- A. That was only a few seconds.
- Q It was part of the transaction right along - there was no pause there? A. No, sir.
- Q The quarrel continued right along? A. Yes, sir; it took no longer than about -
- Q What was on his plate? A. I couldn't say what was on his plate.
- Q How far away was he? A. About 16 or 18 feet.
- Q You don't know what he was eating? A. No, sir; I couldn't say.
- Q Do you know whether the son had threatened the father before this? A. No, sir.
- Q You came down from your trip on the elevator?
- A. Yes, sir.

Q How long were you off the elevator in the cellar before this occurrence occurred? A. Only a couple of minutes.

Q Was it going on at the time? A. They were quarrelling and arguing when I came down here.

Q Do you know what it was about? A. No, sir.

Q Do you remember the son refusing to take his trip through on the elevator? A. Yes, sir.

Q You are employed there? A. Yes, sir.

Q And the son also? A. Yes, sir.

Q And it is part of your duty to take the elevator up and down and also the son? A. Yes, sir.

Q And the son refused to do it? A. The time he refused to do it was the time he had his coat off.

Q Did the father go on your elevator and make the trip?

A. yes, the son said no, with an oath, he would not.

Q He used profane language, the son? A. At the time his father spoke to him - at the time with an oath he said he would not.

Q You don't know whether any blows occurred between the father and son after they left your side, after the father had gone in the house, and the son took the piece of iron you don't know whether they had an encounter? A. No, sir.

Q But the son started in with it? A. Yes, sir.

Q Did he say anything at the time or did he make any threats against his father? A. No, sir.

Q Just try and recall, if you can? A. I cannot remember, really his saying anything; my best recollection is when he was walking along this way with his head down and he

was walking very fast, but whether he said anything I don't know.

Q What impression did he leave in your mind, did you believe he was going to hurt his father? A. I had an idea there would be some more row if he went in the house.

Q But you couldn't tell what occurred? A. No, sir.

Mr. Coman: That is all.

-----oOo-----

ALBERT JACQUES, duly sworn:

By the Coroner:-

Q Where do you live? A. 160 West 18th Street.

Q Did you know the deceased? A. I knew the deceased.

Q Did you see the trouble between him and his father?

A. I seen them quarrel.

Q Tell those gentlemen there and counsel and the Court what you saw, what you heard to your own personal knowledge between the father and the son and the time and place where it happened? A. Sunday afternoon between three and four o'clock I was in the Astor ~~Rixey~~22xx Flats, No. 28 & 30 West 128th Street, and Mr. Harris came out of the apartments.

Q The defendant? A. Yes, sir. He came out, the janitor's apartments, No. 30, I was sitting on a box in the cellar; he had a couple of words to say to me; John Harris had gone into the house to get some vituals. He came

out with the two plates in his hand, and Mr. Harris grabbed the knife and fork and went to cut the meat -

Q The father? A. The father, yes; and John snatched the two plates and went over towards the elevator and Mr. Harris followed him over there and John came back with the two plates and sat on the box; they were arguing .

Q Can you tell us what they said? A. No, sir; I cannot tell what they said; I seen Mr. Harris with a board in his hand.

Q How large a board? A. It was about two feet long and about six or seven inches wide and about an inch thick. He said to John, "I will hit you; I will hit you in a minute." In that time while they were arguing the elevator bell rang, I went up to make the trip and John wouldn't make the trip; the father asked him to make it and he refused to make it; I made the trip.

By a Juror:-

Q That was before he was struck? A. Yes, sir; I made the trip. When I came downstairs I couldn't say whether I seen John or not; all the fuss was over; it was going on while I was upstairs I guess.

Q Did you see the deceased strike the father? A. No, sir.

Q How long did it take you to make that trip? A. I couldn't say.

Q About? A. I went up to the seventh floor and got a lady that went down stairs.

Q How often did you stop going up? A. Once.

Q How often going down? A. Once.

Q How long did you remain on the top floor? A. Long enough to get the lady.

Q How long does it take you to go up and down and make two stops? A. About two or three minutes, it takes no longer than that.

Q When you came down where was the defendant here?

A. I didn't see either one there then; in a few minutes I seen the son come in the door and he got an iron bar and went in the house with it; I didn't see him go into the house, but he went in the direction of the house, and when he came out of the house he asked for his hat and his brother gave him the hat and he went towards the door in number 30, the basement door, I think he stood in the door.

Q How long was he in the house before he came out and asked for his hat? A. No more than two or three minutes; he came in in a few minutes and sat on the box in number 30, and he felt his head, he said I got two lumps on my head; he then took the elevator upstairs and I didn't see him again.

By Mr. Coman:-

Q Did the deceased bring back the iron bar? A. I didn't see it.

Q You didn't see it? A. No, sir.

Q Did you hear any screams or noise? A. No, sir.

Q When he started into the house with the bar and went towards the house did you hear any screams? A. No, sir.

Q When he took the bar did he say anything? A. No, sir.

Q Where did he get the bar? A. In the back part of the cellar.

Q What was it used for? A. It was used for putting on the paper.

Q How heavy was it? A. I don't know.

Q How long was it? A. About that long.

Q How thick? A. About that thick (illustrating)

Q Lead? A. It was a piece of iron pipe.

Q What diameter was it - inch and a half or two inches - about how thick? A. It was about that around.

Q A little over an inch? A. Yes.

Q What time did this dispute between the father and son occur, such as you have testified to, what time did it commence? A. Between three and four o'clock.

Q What time did the boy leave the house? A. I didn't see him leave the house.

Q What time did you last see him? A. I don't know what time it was then.

Q How long after the dispute commenced? A. The last time I seen him he took the elevator upstairs.

Q How long was that after the row commenced?

A. About three quarters of an hour.

Q It commenced between three and four? A. Yes, sir.

Q Did you hear him say anything at all about his father - did he threaten him? A. No, sir.

Q Did you see the scuffle in the cellar? A. No, sir.

Q That part of it was all over when you came down?

A. Yes, sir.

Q And you were upstairs about two or three minutes?

A. Yes, sir; I was upstairs long enough to bring the lady from the seventh floor.

Q About two or three minutes, that is about correct?

A. Yes, sir.

-----oOo-----

VERDICT: We, the Jury, find that the deceased came to his death, from injuries received by being struck on the head with a board in the hands of John Harris at No. 428 West 128th Street, April 27th, 1891.

-----oOo-----

Mr. Coman: The prisoner waives the right to make any statement at present.

-----oOo-----

New York May 20th 1891

Friend Judge

I think it only my duty to write you in behalf of a man, whom I have known for the past 20 years, John Harris, the Colored Janitor who killed his son, I am satisfied that he done it in a fit of Passion, I know him to be a sober, honest & industrious man and he has often complained to me about this son and about one year ago he paid me for a lot of coal the money for which this son received from one of the servants in the House and he spent the money and his Father had to pay me for the coal, This man Harris is well

POOR QUALITY
ORIGINAL

0860

thought about as here in Harlem
and I think it only my duty
to write you and give my
evidence as to his Character
as an honest, sober and
industrious man

I remain Respectfully

Yours,

John W. Smith

Coal Merchant Cor 129 "St 44" Ave

Statement

People
is
John Harris - / Mauslaughts 1st
Pleaded Mauslaughts 2nd

The defendant killed his son John Harris on the 27th April 1891 by hitting him on the head with piece of board in the Astor Apartment house 28-30 West 128th St.

Defendant was janitor of the house & his son assisted him. It appears that father & son frequently quarrelled & frequently got drunk.

On the day in question between three & four o'clock P.M. the deceased was eating in the cellar of the flat. The father came into the cellar and interfered with the deceased. This seemed to anger deceased & he warned his father away, telling him that there would be a row if he didn't stop. The elevator bell rang & defendant ordered deceased to attend to it, but he refused. Deft then took up a stick about two feet long & threatened the deceased who picked up a broom & a bottle. No blows were struck at this time. A few minutes after, the wrangle ^{having} continued, the defendant became very angry at deceased & hit him on the head with the stick. He died later on the same day. Defendant has pleaded to 2nd degree

POOR QUALITY
ORIGINAL

0862

of manslaughter —

People

v

John Harris

Manslaughter

Statement

POOR QUALITY
ORIGINAL

0863

TESTIMONY.

P. E. Donlin

M. D., being duly sworn, says:

*I have made an examination of the body of
John Harris now lying dead at
412 East 12th Street and from such examination
and history of the case, as per testimony, I am of opinion the cause of
death is*

*Croup
Tracheitis of Throat.*

P. E. Donlin M. D.

*Sworn to before me,
this*

day of

189

Daniel Hanly

CORONER.

POOR QUALITY
ORIGINAL

0864

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	Date When Reported	
20	Years	Months	Days	U.S.	412 E. 12th	Apr. 27/91

27 12th

28 W. 12th

D. H.

CN^o.....

Quar. 189

AN INQUISITION

On the VIEW of the BODY of

John Harris

whereby it is found that he came to
a death by

Charged taken on the day
of 189 before

DANIEL HANLY, Coroner.

376

POOR QUALITY
ORIGINAL

0065

Coroner's Office,

CITY AND COUNTY } ss.
OF NEW YORK.

John Harris 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—*John Harris*

Question—How old are you?

Answer—*Thirty-nine*

Question—Where were you born?

Answer—*New York - U-f-*

Question—Where do you live?

Answer—*28 No. 128th St.*

Question—What is your occupation?

Answer—*Janitor*

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

*I am not guilty.
John Harris*

Taken before me, this *5th* day of *May* 188*7*

Daniel Hanley

CORONER.

POOR QUALITY
ORIGINAL

0855

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
20 Years	Months	Days	U.S.	417 E 24	Apr 27/91

2nd Lieut. J. L. - 1891
HOMICIDE.

AN INQUISITION.

On the VIEW of the BODY of

John Harris

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

John Harris

Inquest taken on the 5th day

of May 1891

before

James H. Harkley
Coroner.

Committed

Build

Discharged

Date of death

POOR QUALITY
ORIGINAL

0867

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Davis

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

John Davis

of the CRIME OF Manslaughter in the *first* Degree, committed as follows:

The said *John Davis*,

on the *Twenty seventh* day of *April*, in the year of our Lord one thousand eight hundred and ninety-*one*, at the City of New York, in the County of New

York, aforesaid, in and upon one *John Davis the younger*, then and there being, wilfully and feloniously did make an assault, and *kill* the said

John Davis the younger, with a certain *piece of wood* which *he*

the said *John Davis* then and there had and held in *his* hand,

in and upon the *head* of *him* - the said *John Davis the younger*,

then and there wilfully and feloniously did strike, *beat*, *fracture* and wound,

giving unto *him* the said *John Davis the younger*, then and there, with the *piece of wood*

aforesaid, in and upon the *head* of *him* - the said *John*

Davis the younger, one mortal wound and *fracture*, of which said

POOR QUALITY
ORIGINAL

0068

mortal wound ~~and~~ *the said John Davis the younger,*
~~at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the~~
~~day of~~ *in the same year aforesaid,*
~~did languish, and languishing did live, and on which said~~ *day of*
~~in the year aforesaid,~~ *the said*
~~at the City and County aforesaid, of the said mortal wound~~ *did die*

And so the Grand Jury aforesaid do say: That the said *John Davis the younger,*
the said *John Davis the younger,* in the manner and form, and by
the means aforesaid, wilfully and feloniously did kill and slay, 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.

POOR QUALITY
ORIGINAL

0069

Second Count, And the Grand Jury aforesaid, by this indictment, further accuse the said *John Harris*

same
of the CRIME OF Manslaughter in the *first* Degree, committed as follows:

The said *John Harris*, afterwards to wit: —

on the ~~said Tuesday~~ day of *April*, — in the year of our Lord one thousand eight hundred and ninety *one*, at the City of New York, in the County of New York, aforesaid, in and upon one *John Harris the younger*, then and there being, wilfully and feloniously did make an assault, and — *him* — the said *John Harris the younger*, with a certain instrument ^{with a certain} ^{which} *and weapon to the said John Harris the younger*, which the said *John Harris*, then and there had and held in *his* hand, in and upon the *head* of *him* the said *John Harris the younger*, then and there wilfully and feloniously did strike, *beat*, *fracture* and wound, giving unto *him* the said *John Harris the younger* then and there, with the instrument and weapon aforesaid, in and upon the *head* — of — *him* — the said *John Harris the younger* one mortal wound and *fracture*, of which said

POOR QUALITY
ORIGINAL

0870

~~and a mortal~~
mortal wound ~~the~~ the said ~~John Davis the manager~~
~~John and there died.~~
at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the
day of in the same year aforesaid,
did languish, and languishing did live, and on which said day of
in the year aforesaid, the said
at the City and County aforesaid, of the said mortal wound did die.

And so the Grand Jury aforesaid do say: That the said ~~John Davis~~,
the said ~~John Davis the manager~~, in the manner and form, and by
the means aforesaid, wilfully and feloniously did kill and slay, 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~~
JOHN R. FELLOWS,

District Attorney.

0871

BOX:

437

FOLDER:

4030

DESCRIPTION:

Hartley, John

DATE:

05/25/91



4030

POOR QUALITY
ORIGINAL

0872

Witnesses:

Betha Mergle

Off John Lundholland
Inspector Bureau Office

Counsel,

Filed

Pleas,

THE PEOPLE

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

JOHN LUNDHOLLAND

District Attorney.

A True Bill.

W. E. Skidmore

Foreman.

Part 2 - June 2, 1901

Read and reported of
Assault in the 2nd degree

with recommendation of

2 yrs 3 mo to 5 yrs

June 19, 1901

0873

Police Court--
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Curtis Mangle
324 Clarkson St
John Hunter
JP

Offence Fel. Assault

66

There being no sufficient cause to believe the within named.....
..... guilty of the offence within mentioned. I order h. to be discharged.
Dated..... 18..... Police Justice.

POOR QUALITY
ORIGINAL

0074

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

2 District Police Court.

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

Question. What is your name?

Answer. John Hartley

Question. How old are you?

Answer. 29 years.

Question. Where were you born?

Answer. New York.

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

Answer. 296. Elizabeth Street. 3 years.

Question. What is your business or profession?

Answer. Bar tender.

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

Answer. I dont remember any thing
about it.

John Hartley

I dont remember about it

Taken before me this

day of

1891

Police Justice.

POOR QUALITY
ORIGINAL

0075

Police Court—2 District.

City and County { ss.:
of New York,

of No. 39 Clarkson Berta Mergle
occupation Domestic Street, aged 20 years,

being duly sworn
deposes and says, that on the 12 day of May 1897 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by John Hartley
(now here) who wilfully cut and
stabbed deponent three times in the face
and once in the neck with a penknife
then and there held in the hand of the said
John Hartley

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 15 day

of May 1897

W. M. M. M. M.

Police Justice.

Berta Mergle
mark

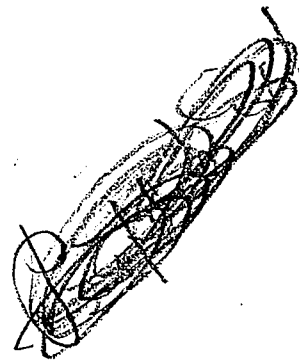
POOR QUALITY
ORIGINAL

0876

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

John Farrelly.



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 further desire to state that at the time of the assault charged against the defendant herein, the small pocket knife was my property and in my possession and only through an accident was I cut. The defendant and myself were always good friends and are still and there existed no cause why said defendant should assault me and I know it was not his intention to do so.

Said new York May 1891

Witness my

Jacob Morstutt

Bertha Mergel

POOR QUALITY
ORIGINAL

0077

41 Vandam Str. May. 18/91

To whom it may concern;

This is to certify
that Bertha Mergell is not
in proper condition, physically
to leave her home to-day.

Arnold Burkelman M.D.

Miss Brown x

POOR QUALITY
ORIGINAL

0078

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

John Hartley

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

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

The said

John Hartley

late of the City of New York, in the County of New York aforesaid, on the *twelfth* day of *May*, in the year of our Lord one thousand eight hundred and eighty ~~eight~~, with force and arms, at the City and County aforesaid, in and upon the body of one *Bertha Mergle* in the peace of the said People then and there being, feloniously did make an assault and ~~to, at and against~~ *her* - the said *Bertha Mergle*, with a certain ~~pistol~~ *knife* then and there loaded and charged with gunpowder and one leaden bullet, which the said *John Hartley* in *his* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there ~~shoot off and discharge~~ *strike, stab, cut and wound*, with intent *here* the said *Bertha Mergle* 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

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

The said

John Hartley

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 *Bertha Mergle* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and ~~to, at and against~~ *her* - the said *Bertha Mergle*, with a certain *knife* - a certain ~~pistol~~ then and there charged and loaded with gunpowder and one leaden bullet, which the said *John Hartley* 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 ~~shoot off and discharge~~ *strike, stab, cut and wound*, wilfully and wrongfully against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

JOHN R. FELLOWS,

District Attorney.

0879

BOX:

437

FOLDER:

4030

DESCRIPTION:

Hazel, Neil

DATE:

05/08/91



4030

POOR QUALITY
ORIGINAL

0000

Witnesses:

Frederick Foster

Off M. C. M. ach

8 Oct

The complaining witness herein being concerned and after having been separately subpoenaed to attend court or will not appear and the dept appealing for trial and the people unable to proceed. I therefore recommend that the dept be discharged on his own recognizance.

W. L. Richardson

deputy att. gen.

San Francisco June 22 1891

Counsel,

Filed

1891

W. L. Richardson

THE PEOPLE

vs.

Neil Hazel

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

DE LANCEY NICOLL

JOHN R. FELLOWS

District Attorney.

Received on his own recognizance.

W. L. Richardson

A True Bill.

W. L. Richardson

Foreman

W. L. Richardson

June 2nd

Part II. Part I

Witness must be here

POOR QUALITY
ORIGINAL

0001

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

Police Court-- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Frederick Street
New York at Eastern rd
West Street

Offence Larceny
from person

Dated May 4, 1891

Musmales Magistrate

McDonnell Officer

Witnesses

No. 1, by _____
Residence _____
Street _____

No. 2, by _____
Residence _____
Street _____

No. 3, by _____
Residence _____
Street _____

No. 4, by _____
Residence _____
Street _____

No. 5, by _____
Residence _____
Street _____

No. 6, by _____
Residence _____
Street _____

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

_____ defendant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of _____ 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 May 4, 1891 _____ Police Justice

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

POOR QUALITY
ORIGINAL

0002

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

2 District Police Court.

Neil Hazel 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.

Neil Hazel

Question. How old are you?

Answer.

14 years

Question. Where were you born?

Answer.

Indiana

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

Answer.

22 Hubert St., 3 years

Question. What is your business or profession?

Answer.

Laborer

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

Answer.

I am not guilty
Neil Hazel

Taken before me this

14

day of

May

1911

Michael

Police Justice

POOR QUALITY
ORIGINAL

00003

Police Court

2 District.

Affidavit—Larceny.

City and County } ss:
of New York,

of No. 2 York St Hoboken N.J. Frederick Droste
occupation Waiter being aged 15 years,

deposes and says, that on the 3rd day of May 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in
the day time, the following property, viz:

One chain of the value of
Two dollars

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and
carried away by Neil Hazel (now here) for
the reason that deponent was
standing on Washington Street
and had said chain fastened
to the vest then worn on his
person and the defendant snatched
the chain and tore it from
deponent's person and ran away

Fritz Droste

Sworn to before me, this 14th day

of May 1891
Minister
Police Justice.

POOR QUALITY
ORIGINAL

0884

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Neil Hazel

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

The said

Neil Hazel

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

*one chain of the
value of two dollars*

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

De Lancey Nicoll,
District Attorney.