

0738

**BOX:**

406

**FOLDER:**

3763

**DESCRIPTION:**

Harrison, Michael

**DATE:**

08/08/90



3763

0739

Witnesses:

M. Vitagliani

Thos. Wilson

refer to my  
card let Recd  
of her pecuniary  
consequence

for

70. P. 551.

Counsel,

Filed 8

day of Aug. 1890

Pleas,

Not Guilty

THE PEOPLE

vs.

R

Michael Harrison

Defendant

Plaintiff

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

JOHN R. FELLOWS,

District Attorney.

Sept 19. 1890

A True Bill.

Edmund E. Brown  
Petitioner Foreman.

James V. Connelley

Shaw 1 day

747 P. 44

John R. Wilson

0740

The People  
vs.  
Micheal Harrison.

Court of General Sessions, Part I.  
Before Recorder Smyth.

Friday, May 8, 1885.

Indictment for grand larceny in the first degree .

Albert Decker sworn. I live at 32 Jones Street, Newark, and remember the 25th of April last, I was then in this city on the Bowery that night, about half past nine Saturday night, I was the owner of a silver cased watch worth about five or six dollars: it was in my vest pocket attached to a chain, I saw the prisoner that night in the Bowery near Canal Street; there was a fire in the middle of the block, I went past there with a singing society, we went up to the German assembly rooms, about eighteen men all friends with me, there was a festival there; we passed through Bowery and Canal Street and I felt something pulling on my chain and the watch was gone, I missed my watch right away, I saw the prisoner walk away from me and I caught him by the arm, I says, give me my watch and he says, I have not got your watch, what is the matter with you? The policeman came around and looked in his pocket and I saw he gave the watch away to another fellow, I saw the face of the watch, it was an open faced watch, I saw the watch in his hand when he passed it to another fellow.

Cross Examined. The fire was on the Bowery near Canal Street, there was a crowd of people gathered around, they were running to and fro and the engines were passing along, I did not stop to look at the fire, I was going in the middle of the street and on the left hand was the fire, at the time I got to the middle of the street there was a large crowd around, jostling and running against

0741

each other and a number ran against me, it was not dark and the prisoner was in front of me, I had my coat buttoned and my watch and chain was fastened on the portion of the coat that was buttoned, the watch and chain was on the left hand, I felt somebody pulling and when I looked I saw my watch was gone and the prisoner was walking and I saw him running again; nobody else passed me or ran against me at the same time; there was eighteen men walking all singly I only ran a few feet before I caught the prisoner; when I caught him by the arm, the prisoner did not call out for a policeman but somebody else did, the officer came in uniform; I had not drank anything that evening and I had not been in any place before I came there, I walked over from the Desbrosses Street ferry; the prisoner passed on my right side and he had the watch in his left hand when he passed, I stood right behind him when he passed it to the other fellow who was ahead of me.

James J. Hart sworn. I am a police officer attached to the 14th precinct and was on duty on the 25th of April last in the neighborhood of Canal Street and the Bowery, I was in citizen's clothes on special duty, I saw the complainant and the prisoner that night, it was between nine and half past nine. I saw the prisoner and two more in the Bowery near Canal Street, I was following them around for about ten minutes and when they got in the center of the Bowery on the car track two of them kept looking around pretty sharp all the time, I had to keep some distance behind, they got in the center, I guess there was about four or five deep of a row between the



0742

prisoner and me, the third one kept about four feet from me watching; the first thing I knew was this excitement, I jumped into the crowd and this complainant had hold of the prisoner and claimed he had his watch; there was a policeman in uniform keeping the line back and he turned round and grabbed hold of the prisoner as I was pushing through the crowd; the complainant claimed that the prisoner had passed a watch to the man that just pushed out through the crowd. I asked the prisoner what he had done with the watch and he denied any knowledge of it.

*see at in present*  
*recovered watch*  
*John J. Hall*  
Micheal Harrison sworn and examined in his own behalf, testified. I am eighteen years old and heard the statement of the complainant, I did not take his watch from his pocket and know nothing about it, there was nobody with me at all.

Cross Examined. I went to see the fire, I did not see the complainant until he had hold of me by the hand and accused me of taking his watch. I was never convicted but was arrested last June on suspicion of robbery; they said that I robbed a Jew, he said he lost a locket or a chain and I was acquitted in this court, I was arrested last summer for disorderly conduct and got three days, I was arrested once on suspicion of taking a watch and was discharged, I gave the name of Micheal Harrison, I was never arrested for stealing chickens. All the boys and girls around where I belong on Mott St., know me by the name of Denny Die. I drove a truck for Thomas Higgins in Mulberry Street.

The Jury rendered a verdict of guilty. The defendant was sent to the State prisoner for five years and six months.

0743

memory.  
was made to the State Attorney for the State and the  
the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State  
the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

the State Attorney's Office of the State and the State

Testimony in the case  
Michael Harrison

filed April 7

1885

0744

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

City and County of New York, ss.:

Michela Angelo Vitagliano  
 of No. 44 Mulberry Street, aged 27 years,  
 occupation laborer being duly sworn

deposes and says, that on the 1<sup>st</sup> day of August 1889 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED ~~and BEATEN~~ by

Michael Harrison (now here) who aimed a revolving pistol containing leaden ball cartridges at the person of deponent, and discharged the contents thereof at the person of deponent, said assault being committed.

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 1<sup>st</sup> day

of August 1889.

Michela Angelo Vitagliano

A. J. Whit Police Justice.

0745

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Michael Harrison*

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

Question. What is your name?

Answer. *Michael Harrison*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *United States*

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

Answer. *169 Mulberry Street - 1 1/2 years*

Question. What is your business or profession?

Answer. *Brass molder*

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 Harrison*

Taken before me this

day of

*August 11*

Police Justice.



0746

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

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

Dated *August 1* 18*90* *[Signature]* 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.

0747

Am - } 139 m...  
Andrew - }  
Jas E. M...

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

*[Handwritten mark]*

Police Court---

1198 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Michela Angela Vitagliano  
44 E. Mulberry St.  
Michael Harrison

2 .....

3 .....

4 .....

Office  
Fred Cassano

Dated August 1<sup>st</sup> 1890

White Magistrate.

✓ Daniel J. Hogan Officer.

10<sup>th</sup> Precinct.

Witnesses Thomas Mihan

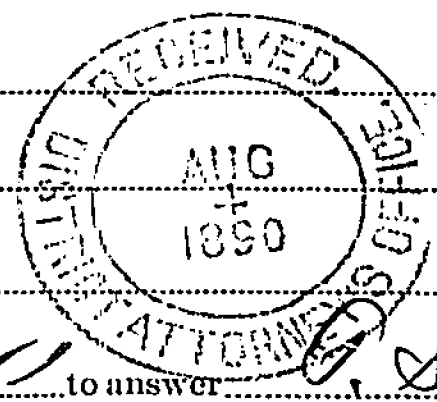
No. 2 Centre Market Place Street.

(top floor)

No. .... Street.

No. .... Street.

\$ 1000 to answer O.S.



Com J. H. H.

0748

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Michael Harrison*

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

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

The said

*Michael Harrison*

late of the City of New York, in the County of New York aforesaid, on the  
first day of *August*, in the year of our Lord  
one thousand eight hundred and eighty ~~eighty~~ *eighty*, with force and arms, at the City and County  
aforesaid, in and upon the body of one *Michelangelo Vitagliano*  
in the peace of the said People then and there being, feloniously did make an assault and  
to, at and against *him* the said *Michelangelo Vitagliano*  
a certain pistol then and there loaded and charged with gunpowder and one leaden  
bullet, which the said *Michael Harrison*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,  
with intent *him*, the said *Michelangelo Vitagliano*  
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

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

The said

*Michael Harrison*

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 *Michelangelo Vitagliano* in the peace of  
the said People then and there being, feloniously did wilfully and wrongfully make  
another assault, and to, at and against *him* the said  
*Michelangelo Vitagliano*  
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,  
which the said *Michael Harrison*  
in *his* right hand then and there had and held, the same being a weapon and  
an instrument likely to produce grievous bodily harm, then and there feloniously did  
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case  
made and provided, and against the peace of the People of the State of New York and  
their dignity.

JOHN R. FELLOWS,

District Attorney.



0749

**BOX:**

406

**FOLDER:**

3763

**DESCRIPTION:**

Harrison, Michael

**DATE:**

08/29/90



3763



0750

Witnesses:

Albert Decker  
Off Hart

Charles Fung  
Ben. Osterbrook  
Cornel by ap  
Hain  
HDP

No. 277

Counsel,  
Filed 29 July 1883  
Pleads *Provingly* (30)

THE PEOPLE  
vs.  
Michael Harrison  
Grand Larceny, 1st Degree.  
[Sections 528, 530, Penal Code.]

RANDOLPH B. MARTINE,  
District Attorney.

A True Bill.

*(Signature)*  
Foreman.

*(Signature)*  
Clayton  
Quid's Connected.  
J. C. M. v. S. P.

60

The People

Michael Harrison

Court of General Sessions. Part I  
Before Recorder Smyth. Sept. 19. 1890.

Indictment for assault in the first degree.

Michael Angelo Vitagliano, sworn and examined. I live 44 Mulberry St. and am a laborer; on the 1st of August I saw the defendant in a stable at 139 Mott St. about 5 or 5 1/2 o'clock in the morning; he discharged a revolver twice at me. I saw it in his hand, I was running away up stairs and he was firing at me twice. I saw the flame. I was waiting for a man Michael Majors in front of the door leading into the street, my brother was with me, and an English-speaking person, who was not an Italian, was sitting near us; an Italian passed by, and he (the English speaking person) got up and kicked this Italian, and the Italian ran away, and then from a distance he took a stone and threw it at the man who kicked him; it hit him, and then the Italian disappeared altogether. They commenced to tackle us. The man who was hit by the stone took a stone and came toward me and tried to hit me with it, and I commenced to dispute with this man. I and my brother tried to take the stone away from him; whilst

0752

we were trying to get the stone away from the other man about ten persons came up and commenced and went against us and tried to fight us. I was hit over my head and over my eye. I don't know who hit me, there were so many. We ran into Michale Majors' stable near by when we saw we were attacked by so many - my brother and I. I was going to go up stairs when the defendant and two or three others with him came after me. Then the man who attends to Majors' horses, (Mr. Thomas) ordered those people out. Thomas and Mr. Mihan put us into a little room up stairs and we remained there for about half an hour waiting. Then Thomas told us we might go out now; there is no danger any more. We got out of the little room and we went down to the first floor. The little room was on the second floor. We were not standing on the first floor more than ten minutes when the defendant and two others came and commenced to talk to us and we could not understand them. I saw they wanted to make trouble



0753

again. I was about to go to the little room where I was before, and whilst I was going up to this little room I saw the defendant with a revolver in his hand. He pulled the trigger for two or three times and it snapped; it did not fire, but then after two or three times snapping it fired off twice, it went off. The defendant was behind my back and pointed it at me; I was running away. I then hid myself behind some boards there. After they discharged the pistol they left, and two policemen came and went with me to my home. They took my name and direction and what they did afterwards I do not know. I saw the defendant two or three hours afterward at the station house. I was called there. I could not understand what he said there.

Cross Examined: There was food for the horses in the little room in which they put me. I was running up stairs as fast as I could. When the defendant snapped the pistol first I turned round and tried to hide myself behind some boards; then he discharged the pistol while I was looking around. When I ran up I had nothing in



0754

my hands, but up stairs I found two boots and I threw the boots against him. I heard two shots fired.

Thomas Michale sworn. I live at No 2 Centre Market Place. I am a clerk for J. & Marsh. On the 1<sup>st</sup> of August I saw Harrison at 139 Mott St. a little after six o'clock in the morning. I saw Angelo Votagliano and his brother up stairs when I got there. About an hour or an hour and a half after I got there I heard shots fired. I saw a pistol in one man's hand. I believe it was Harrison. I did not know him by name at the time. [The witness looked at the defendant and said, "That is the man who had the pistol"]. This was about six o'clock. There was some row between the Italians and some people around there that I did not know. There was a fight occurred there and the Italians that had the fight were up stairs waiting for the man I work for. The fight commenced outside on the street. I did not see any part of it. I saw people up stairs and I ordered them down. I had charge of the stable. When I got there the first person that I saw

0755

was a man by the name of William who works up stairs and then an Italian named Andrew who works for us in the stable; and I saw the two brothers up stairs also; they were afraid to come down on account of the fight that had occurred there before; they told me that; they were up there for protection as near as I could understand. Harrison was outside at this time. I was not up stairs five minutes. There was nobody else in the stable except those four men that I speak of to my knowledge. When I first saw these brothers they were standing; they looked as if they had been after a fight; they looked scared enough for that I could not talk to them, but I had a talk with William and Andrew. I found out from them that a fight had occurred. They are not here today. They can be found at 139 Mott St; they work for James E. Marsh. I went down stairs and commenced my work, and when I went down I saw the defendant Harrison and two or three others. Harrison was looking to come up the stairs where these two Italians were - trying to go in the stable. I asked him two or three times if he would keep away from the stable with

0756

these other men and not create any fight. He said, "I will." He did not keep away, for after my back was turned I heard two shots. I did not see him go up the "rungs" (or stairs), but I seen him coming down. He and the others were going back and forth and seeing if they could not get up the rungs, trying to get at the two Italians. After I told them to keep out of the stable I went back about 35 or 40 feet from the door to get a wagon out. The first thing that attracted my attention was I heard some hallooing, "There they go up the stairs." I came to the end of the "rungs", and I heard the two shots, and then I saw Harrison and two or three others coming down the "rungs"; they ran down. I saw the pistol in Harrison's hand, but who he gave it to I do not know, but where he went out of the door there was no pistol in sight. Then an officer came in and I told him that somebody had been shooting up stairs. I asked him if he would not see the two Italians away from the stable - see them here. He and another officer went down Mott st. towards



0757

Cross examined the corner of Hester St. with those two Italians. The "ramp" I speak of is an inclined plane with cleats across. I should think it is 35 feet long. The Italians were in the place where the oat bin is and where we keep the feed for the horses. This happened between six and a quarter after seven o'clock in the morning. The second story is lit from skylights in the top; the skylight comes from the first story up to the top story. The building is only partially three stories high - it is two stories in the back. The skylight is about thirty feet from the top of the ramp; the skylight is on the top of the ceiling. There is light coming in from the window as well as the skylight.

Daniel J. Hoffman sworn. I am a police officer of the 10th precinct. I arrested the defendant on the 1st of August about ten o'clock in the morning at his home 169 Mulberry St. on the complaint of Michele Angelo. The proprietor of the stable came to the station house in the morning and said it was a shame the way the people around there were using his men. I got information from Michan as to Harrison and found out he lived in 169 Mulberry St. I found him lying



0758

on the sofa in his room I told him what I wanted him for; he was too drunk to understand me. I took him to the station house. I found no pistol. He was taken to the Police Court and a complaint was made and he was held. He had a bandage across the centre of his hand where he said he got stabbed with a hitchfork through the fight in the stable. I asked him about the firing of the pistol; he denied it; he said he knew nothing about it. He denied the firing of the pistol and also denied having it.

Michael Harrison, sworn and examined in his own behalf testified. On the 1<sup>st</sup> of August I was at McShay's saloon corner of Grand and Elott sts. about six o'clock in the morning, and from there I walked down as far as the stable kept by Mr. March. I was standing on the corner and I seen this dog catcher - Patrick McDonald - who is a regularly appointed dog catcher. Mr. March had a carriage dog and he made an agreement with him not to take the dog. I saw McDonald lying in the street in front of the stable and this Italian (the complainant) and another man was

0759

Kicking and licking him. I walked over and says, "John, why dont you stop this? As I did one of them walked away towards the stable door. They had him in the middle of the place striking him. Mr Donald made an effort to get up, and this fellow when he seen me coming over put his hand in his pocket and pulled out a big jack knife. That man who was on the stand pulled out a sailors jack knife and one of the flukes was about that wide (showing.) Then Mr Donald seen that he got up and ran towards Grand St. I had no way to run. I ran into this stable. His brother was there with a fork in his hand; he struck me on the head, he cut me on the head. He and his brother came up to run after me. I tried to get down. His brother jabbed me. I have got two holes in my arm where he jabbed me with the fork. Mr McEvoy went into the saloon in a minute and got a pistol, he came out and put it in my hand. I dont know the name of the man who keeps the saloon, but it is next to this stable. McEvoy handed the pistol to me and I pointed it at this man when I seen the knife

0760

in his hand. I said, "Don't you use that knife on me." After getting up he stood with a knife in his hand and his brother had a fork. I fired toward the floor to scare him; the bullet went right through my own hand. After I fired the man turned round and went up stairs with the knife. The other shot I fired in the air. I believe the other man ran down stairs, I could not see him at all after that. I did not see where he went. I walked down stairs and then McEvoy grabbed me and took the pistol and ran in and gave it to the saloon-keeper. I then went home about my business. At ten o'clock Officer Hofan came up and told me I was wanted for a shooting affair. I said, "All right" - He took me to the station house. In the mean time Officer Gallagher went for the complainant. I was brought from the station house to the Court. That man did not see me in the station house at all. He came right to the Court, I asked for an examination. He made his statement. They asked me what I had to say? I said I had nothing to say. That



is all I know about the case.

Cross Examined. I was convicted of grand larceny in the first degree and served five years and a half in State prison. There was a charge of robbery against me, but there was never anything done to me for that. I got out from prison on the 23<sup>d</sup> of March 1889. I am sure I was never in the penitentiary. The robbery of which I was charged took place in Mulberry St. two blocks from this stable. M<sup>r</sup> Donald, the dog catcher, did not figure in that robbery. There were four boys and myself charged with that robbery, and each and every one was innocent. M<sup>r</sup> Donald is not in Court; he is afraid to come here. I don't know what he did to that Italian before I appeared on the scene; they were fighting, and I suppose he is afraid to come. I had him subpoenaed. I did not know that the Court could compel him to come. M<sup>r</sup> Evoy is not here in Court. I subpoenaed him; he "hangs out" in Mott St. every day; he is afraid to come; neither he nor M<sup>r</sup> Donald will come. I did not subpoena the keeper of the saloon. I don't know his name. It is an Italian name. M<sup>r</sup> Donald keeps himself at the corner of Grand



0762

and Mott St; he lives in 188 Mulberry St. McEvoy lives in 202 Mott St. I do not believe he has any business. I am not in the habit of carrying concealed weapons. I never used a pistol before. I had no intention of harming the complainant when I fired the pistol. It was in July 1884 I was convicted of larceny under the name of Michael Harrison. I don't remember whether I was indicted for the robbery or not. I was arrested once for disorderly conduct and got three days in the boys' prison. I did not state on a former trial that I was arrested once on suspicion of stealing a watch. I never stated that I was arrested for stealing chickens. Have been called around Mott Street by the name of "Ding" by the boys. Officer James Hunter of the 14<sup>th</sup> precinct arrested me in 1884 on the charge of robbery; the charge was that I <sup>with others</sup> robbed Samuel Hermann of 83 Bayard St. on the 23<sup>rd</sup> of June 1884 of money and a gold plated locket; four of the boys were acquitted. I was intoxicated when the officer arrested me the last time.

The jury rendered a verdict of guilty of assault in the first degree.

0763

Testimony in the  
case of Harrison  
Michael Harrison

filed

Aug 1/90.

0764

District Attorney's Office.

270. 0. 2  
21210-2. 1  
1. 0. 1. 0. 1. 2.  
to 6 0 139-10 2  
1. 0. 1. 0. 1. 2.  
1. 6 1. 1. 0.  
1. 0. 1. 0. 1. 2.

0765

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Michael Harrison*

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

*Michael Harrison*  
of the CRIME OF GRAND LARCENY in the *first* degree, committed as follows:

The said *Michael Harrison*,

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

*one watch of the value of*

*six dollars,*

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

*Randolph C. Martin*  
District Attorney



0766

**BOX:**

406

**FOLDER:**

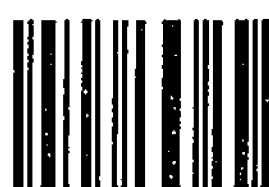
3763

**DESCRIPTION:**

Heedy, Richard

**DATE:**

08/08/90



3763

0767

**BOX:**

406

**FOLDER:**

3763

**DESCRIPTION:**

Carabine, Arthur

**DATE:**

08/08/90



3763

0768

**BOX:**

406

**FOLDER:**

3763

**DESCRIPTION:**

Fagan, James

**DATE:**

08/08/90



3763

0769

82. Judge McConarty  
J. R. Cunningham

Witnesses:  
Louis A. Lougher  
J. J. Gallagher

Counsel,  
Filed 8 day of Aug 1899  
Pleads, Not Guilty (11)  
#2 Pleads Not Guilty (11)  
THE PEOPLE vs.  
Richard J. Floody,  
Arthur Carabine  
and  
James Fagan

[Sections 628, 637, Penal Code].  
Grand Larceny, Second Degree

JOHN R. FELLOWS,  
District Attorney.  
Sept 30, 11  
Sept 4, 11

A True Bill.

Edmund E. Brown

Aug 15, 1899 Foreman.  
Not Pleads G. L. 2nd  
Plea with drawn Aug 25, 1899  
Not 2nd Sept. 2nd 1899.  
Friedman, Acquitted  
189283. Induct dis.  
RBM



0770

Police Court—14 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.of No. 65 Avenue C Street, aged 37 years,occupation Undertaker being duly sworndeposes and says, that on the 29<sup>th</sup> day of July 1890 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, in the day time, the following property, viz:

One horse, wagon, harness &  
together of the value of about  
One hundred and Fifty Dollars  
(#150.00)

the property of Deponentand that this deponent  
has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen,

and carried away by Richard J. Keedy, Arthur  
Caribine, and James Fagan, (all men here)  
from the fact that at about the hour  
of 6 1/2 O'clock P.M. on said date, deponent  
left the said property standing in the  
street in front of 496 2<sup>nd</sup> Avenue and  
went into the store. Deponent staid in  
the said store about ten minutes and  
came out and the said property was  
gone. Deponent is informed by Police  
Officer William J. Gallagher of the  
20<sup>th</sup> Precinct Police, that the  
officer, arrested the said defendants  
about the hour of 9 O'clock P.M. on July 29  
with the said property in their possession.

Subscribed and sworn to before me this

18

Police Justice

0771

Depositor further says that he has since  
seen and fully identified the said property  
as his and charges the defendants with  
being together and acting in concert  
with each other and feloniously taking,  
stealing and carrying away the said  
property, and prays that they be  
dealt with as the Court directs.

Sworn before me Louis Quenzer  
this 31<sup>st</sup> day of July 1890 } C. S. W. R.

Charles N. Lister  
Police Justice

0772

CITY AND COUNTY }  
OF NEW YORK, } ss.

William J. Gallagher  
aged \_\_\_\_\_ years, occupation Police Officer of No. The 20th Precinct Police Street, being duly sworn deposes and  
says, that he has heard read the foregoing affidavit of Louis Quenzer  
and that the facts stated therein on information of deponent are true of deponents' own  
knowledge.

Sworn to before me, this

day of

31  
July 1890

William J. Gallagher

Charles N. Linta  
Police Justice.



0773

Sec. 193-200.

4 District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Richard J. Hedy* 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.

*Richard J. Hedy*

Question. How old are you?

Answer.

*38 years*

Question. Where were you born?

Answer.

*Irulan*

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

Answer.

*No 643 - 3<sup>rd</sup> Avenue - 3 years*

Question. What is your business or profession?

Answer.

*Engineer*

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

Answer.

*I am not guilty  
Richard Hedy*

Taken before me this

day of *July*

189*6*

*Charles W. Darrin*

Police Justice



0774

Sec. 193-200.

4 District Police Court.

CITY AND COUNTY  
OF NEW YORK, ss.

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

Question. What is your name?

Answer.

Arthur Caribnie

Question. How old are you?

Answer.

23 years old

Question. Where were you born?

Answer.

New York State

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

Answer.

Hushy 23

Question. What is your business or profession?

Answer.

Shaver

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

Arthur Caribnie

Taken before me this

May 1930

1930

1930

Police Justice

0775

Sec. 193-200.

4<sup>th</sup>

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

*James Fagan*

Question. How old are you?

Answer.

*25 years*

Question. Where were you born?

Answer.

*New York City*

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

Answer.

*789, 2<sup>d</sup> ave - 6 months*

Question. What is your business or profession?

Answer.

*Stair builder*

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

Answer.

*I am not guilty*

*James Fagan*

Taken before me this

*31<sup>st</sup>*

day of

*July*

1890

*Charles W. Tamm* Police Justice

0776

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 *they* be held to answer the same and *they* be admitted to bail in the sum of *Five* Hundred Dollars, *each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *they* give such bail.

Dated *July 31* 18*90* *Charles K. Smith* Police Justice.

I have admitted the above-named *defendant Arthur Carbine*

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

Dated *August 2<sup>d</sup>* 18*90* \_\_\_\_\_ Police Justice.

\_\_\_\_\_ guilty of the offence within mentioned. I order *h* to be discharged.

Dated \_\_\_\_\_ 18 \_\_\_\_\_ Police Justice.



0777

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 *they* be held to answer the same and *they* be admitted to bail in the sum of *Five* Hundred Dollars, *each* and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *they* give such bail.

Dated *July 31* 18*90* *Charles McIntosh* Police Justice.

I have admitted the above-named *defendant Arthur Carbine*  
to answer by the undertaking hereto annexed.

*August 2nd* 18*90* *Charles McIntosh* Police Justice.

ing no sufficient cause to believe the within named.....

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

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



0778

#1000-<sup>ad</sup> Ex  
Aug. 2: 90-9 PM.  
C.M. J. J.

BAILED.

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

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

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

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

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

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

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

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

Police Court--- 4 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Louis Luzzatto

Richard J. Huddy

Arthur Carbone

James Tegan

\_\_\_\_\_

Dated July 31 1890

Sanitor \_\_\_\_\_ Magistrate.

Wm J. Gallagher \_\_\_\_\_ Officer.

\_\_\_\_\_ Precinct.

Witnesses Call the officers

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

No. 23 \_\_\_\_\_ Street.

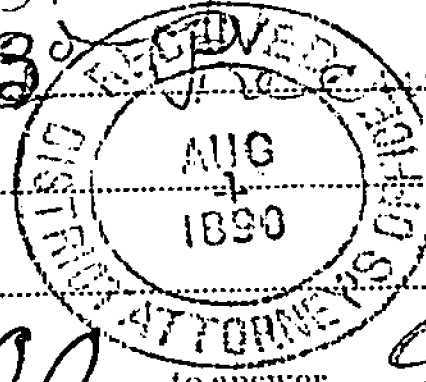
No. \_\_\_\_\_ Street.

\$ 500 to answer.

No. 1 Committed

No. 2 Bailed

No. 3 Bailed



Court of General Sessions

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

The People of the State of New York

against

R I C H A R D ' J . H E E D Y

-X-X-X-X-X-X-X-X-X-X-X -X-X -X-X-X-X-X-X-X

You Will Please Take Notice that upon the annexed affidavits and upon all the papers and proceedings in this

action I shall move this Court at part one thereof ~~for~~

action I shall move this Court at part one thereof ~~for~~  
*On Monday August 25<sup>th</sup> 1890 at 11 A.M.*  
 to leave to withdraw the plea of guilty hereto fore pleaded

by defendant and to substitute in place thereof the plea of Not Guilty , and I shall there and then move for such other and further relief in the premises as may be deemed just and proper.

Dated New York August '22ed. 1890

Yours Etc.

John R. Heinzelman

Atty. for Deft.

To John R. Fellows Esq.

District Attorney City and County of New York



0781

Court of General Sessions

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

The People of the State of New York

against

R I C H A R D J . H E E D Y

-X-X-X-X- X-X-X- Z- B- Y-      -X-X-X- x-X-Z- -X

City and County of New York SS.

Richard J. Heedy being duly

sworn says that he is the defendant in the above entitled action, that he is a married man living with his wife and child at number 693 Third Avenue in this City.

Deponent further says that he has never previous to this occasion been accused of the commission of any crime, and that notwithstanding the fact that a plea of guilty appears against deponent in this action he is innocent of any intention to commit larceny.

That on the day previous to his arrest deponent went on an excursion with his wife, child and neighbors child which we took with us, I drank too much beer that day and went home to bed I remained therein until late the next morning and then went out , I saw a wagon on the street which I believed to be the one belonging to a friend named John Way a milk man I got into it and invited two others to take a ride with me, we rode around the City until we were arrested I did not mean to steal it and did not make any attempt to sell it which statement I believe the officers of the law will verify.

Sworn to before me this

25th August 1890

Count of Sides

Richard L. Hay



0782

Court of General Sessions

-X-

The People of the State of New York

against

R I C H A R D J. H E E D Y

-X

City and County of New York SS.

Ellen Heedy being duly sworn says that she resides at number 693 Third Avenue in the City of New York, that she is the wife of defendant, and that they were married in the month of October 1873 and that she has a child the issue of said marriage a boy aged 10 years, that by reason of the infirmity of her husband as hereinafter stated she is compelled to go out working in order to assist in maintaining the household and is and has been employed for four <sup>years</sup> past as scrub woman in the "Sutton Building" on 23rd Street between 5th. & 6th. Avenues that during all of deponent's married life she has never known her husband to be accused or convicted of any violation of law, and that he has always been quiet and peaceable as well as honest, that on the 18th. day of June 1887 her said husband was arrested and taken to the 3rd. District Police Court and that as deponent subsequently ascertained his arrest was caused by his peculiar conduct upon the Street, that immediately after his arrest he was transferred to the Bellevue Hospital in an ambulance and from thence taken to the lunatic Asylum on Ward's Island as a patient and was under medical

0783

treatment in that institution until the month of September when he was discharged therefrom, that ever since said time he has conducted himself very peculiarly his memory has completely failed him, and that by reason of his many peculiarities and queer sayings I have long since become satisfied that he was not quite right in his mental condition, as well as our neighbors, and that his childish ways have frequently caused merriment to the youth of our neighborhood, to my great sorrow and distress

That on the day previous to <sup>his</sup> ~~our~~ arrest my husband, myself, child and neighbors child went to an excursion the first in many years, it was the excursion of the Tipperrary Men's Society, my husband drank considerable beer that day and our return he immediately went to bed where he remained until quite late the next morning when he went out, the next I heard of him was that he was arrested for attempting to steal a horse and wagon. I know nothing concerning the facts of the case but from my own knowledge of the habits of my husband I am satisfied that he is not a thief and that if found in possession of said property it was with no intent to steal the same.

Sworn to before me this

23 day of August 1890

*Ellen Huddy*  
*Peter J. Callahan*  
*Notary Public*  
*m. 498*

0784

Court of General Sessions

-X

The People of the State of New York

against

R I C H A R D J. H E E D Y

-X

City and County of New York SS.

John Burns being duly

sworn says I am an examiner in the office of the Register of the City and County of New York, I am well acquainted with the defendant and have known him for the past three years I live at 784 First Avenue I know the general character of defendant and also know other people who know him, I have never heard his character either for honesty or peacefulness questioned, it is a matter of public gossip in and about the neighborhood where defendant lives that he is not quite right mentally, but nevertheless I know him to be a quiet inoffensive fellow.

Sworn to before me this 22ed. *John Burns*

day of August 1890

*W. J. Fair*

*Comptroller*

*N.Y. City & Co.*

0785

Court of General Sessions

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

The People of the State of New York

against

R I C H A R D J. H E E D Y

-X-X-X-X-X-X-X- - -X-X-X-X-X-X-X-X-X-X-X

City and County of New York SS.

/ Charles Schlott being duly sworn says I keep a butcher store at number 241 East 42 Street this City, I have read the annexed affidavit of John Burnes concerning the general character of defendant the same is in all respects true of my own knowledge.

Deponent further says that on Thanksgiving day a year ago deponent dropped or lost the sum of \$70.00 from his pocket in a neighboring store, that he did not discover his lose or place where it was lost until more than an hour after, that upon making inquiries for it defendant in-  
-formed him that he had found the money and delivered it to the clerk of the place, all of which deponent learned to be the truth and recovered his property intact, that since said time deponent has frequently employed defendant in and about his shop and permitted him to handle his money and property and that during all of said time he never lost any part or portion of either, deponent has frequently noticed that defendant's memory is very poor and that his mind is very flighty.

*Ch. Schlott.*

Sworn to before me this

22<sup>d</sup> day of August 1890

*Peter J. Callahan*  
Notary Public in and for the City and County of New York



0786

W. Court of  
General Sessions

The People v

- 102 -

Richard J. Heady

Applicant for leave  
to withdraw plea

JOHN R. HEINZELMAN,

Attorney for *def.*

NEW YORK CITY.

23 Chambers St.,

Service of a Copy of the within is hereby  
admitted.



Dated *Aug 22* 19*90*

*John R. Heady*

*Heady*

To

0787

 *John Hemmes,*   
**CARTMAN & EXPRESSMAN,**  
*Merchandise, Machinery, Furniture, Lumber,*  
Hogs, Beef, Wines, Flour, etc., Carefully moved.  
**AT THE LOWEST PRICES.**  
Horses taken in board, Horses & Trucks to let by the Day  
**AT ALL HOURS.**  
**509, 511, 513, 515 & 517 W. 38th St.,**  
**NEW YORK.**  
Contracts for steady work solicited, and all orders thankfully received and promptly attended to.  
**Telephone, No. 239-39th St.**

0788

1  
789-2nd  
Ver 425

0789

District Attorney's Office  
City & County of  
New York

Per  
Edsheimer } Oles

From B. Lewis stating  
that the Assistant having  
this case in charge has  
recommended its dismissal,  
and Lewis requests the Dist  
Atty to act upon it.  
He urges as reasons

I The case was originally  
dismissed in the Court  
of J. De Witt after a  
protracted hearing.

II The People's report consists  
of a statement that an  
"infinitesimal difference"  
in the standard as to show  
absence of motive.

III The tendency of the in-  
struction and appearance  
of the Crown the calendar  
is used by track rivals  
to injure defts

to to to



0790

BENNO LOEWY,  
COUNSELOR AT LAW,  
206 & 208 BROADWAY,  
Evening Post Building, NEW YORK.

TELEPHONE: "CORTLANDT 557."  
CABLE ADDRESS: "LANATED, NEW YORK."

NEW YORK, May 3rd, 1892.

The People  
vs.  
Michael Edesheimer.

The Honorable Delancey Nicoll,  
District Attorney.

My dear Mr. Nicoll:-

Referring to the conversation had with you by my assistant, Mr. Losee, I beg leave to say that the testimony taken before the Honorable Andrew J. White, Police Justice, must unquestionably be with the papers in this case, except that taken on March 14th, 1890, which was never reduced to writing. The tests made on behalf of the defendant were made by Isaac Edesheimer, who used both the Rigney and the Bosse test. I subsequently put both Messrs. Rigney and Bosse on the stand, so that irrespective of any questions of law that are involved in this prosecution, we have the testimony of two chemists as against those called on behalf of the People. More would have been called, but for the fact that the Justice became impatient at the amount of time that was being spent in purely scientific examinations, which naturally were rather dry. It seems to me, after a period of more than two years rather hard upon the defendant that a case of this kind should be allowed to appear periodically upon the calendar and be published in the daily press, and

0791

BENNO LOEWY,  
COUNSELOR AT LAW,

206 & 208 BROADWAY,

Evening Post Building,

NEW YORK.

TELEPHONE: "CORTLANDT 557."  
CABLE ADDRESS: "LANATED, NEW YORK."

NEW YORK, ..... 189

D.N.2

that he should be compelled to keep track of experts for the purpose of protecting himself against a complaint of this kind, which after a very patient examination, was dismissed by an extremely careful and painstaking magistrate. You will notice on a careful examination, of the testimony, that the Chemist Love admits that two of the samples examined by him were above proof (the second and fourth), that the fifth sample was, according to his test, but one one-hundredth below proof (4.49), and that the first was 4.26, and the third 4.43. The difference is so infinitesimal as to show an entire absence of motive on the part of the defendant here. The witness Stilwell differs from Love, his analyses not agreeing with those of Love in any single instance. Stilwell stated that the different barrels of one shipment might vary to the extent of one one-tenth of one per cent; in other words, that one barrel might be 4.45, which would be five-one-hundredths below standard; another might be 4.55, which would be five-one-hundredths above standard, and to quote his own language- "the proper thing is to "take a fair average and find out whether the sample averages "below 4.50 for acetic acid". He testified- "Out of one hundred "barrels I should take at least twenty samples.

"Q. Then if these twenty barrels should stand the test?

"A. Then I should allow it to go, as twenty barrels is a

0792

BENNO LOEWY,  
COUNSELOR AT LAW,  
206 & 208 BROADWAY,

Evening Post Building,

NEW YORK.

TELEPHONE: "CORTLANDT 557."  
CABLE ADDRESS: "LANATED, NEW YORK."

NEW YORK, ..... 189

D.N. 3

good average.

"Q. And the other eighty barrels might be below the test?

"A. I would not take the twenty barrels from one row, but  
"twenty fair samples.

"Q. The other eighty might be below?

"A. Yes, and they might be above too."

So you see that the whole scheme on which the prosecution rests, is really guess-work, and that you could scarcely expect to secure a conviction, even if you went to trial. It was openly charged at the hearing before Justice White, that this whole prosecution is due to business rivalry, and the periodically popping up of this case, and the manner in which it is used by business rivals, certainly lends color to that charge. I agree with your assistant, who has investigated this matter, and recommended its dismissal, and would respectfully request that you act upon this recommendation, and allow me to bring the matter up for the purposes of a motion to dismiss at your early convenience.

Very truly yours,

*Benno Loewy*  
*Counsel for Michael Friedman*



0793

Court of General Sessions

-X

The People of the State of New York

against

RICHARD J. HEEDY

-X

You Will Please Take Notice that upon the annexed affidavits and upon all the papers and proceedings in this

I shall move this Court at part one thereof *for on Monday the 20th day of August 1890 at 11 Am.* leave to withdraw the plea of guilty hereto fore pleaded by defendant and to substitute in place thereof the plea of Not Guilty, and I shall there and then move for such other and further relief in the premises as may be deemed just and proper.

Dated New York August 22ed. 1890

Yours Etc.

John R. Heinzelman

Atty. for Deft.

To John R. Fellows Esq.

District Attorney City and County of New York







0796

Court of General Sessions

-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

The People of the State of New York

against

R I C H A R D J. H E E D Y

-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

City and County of New York SS.

Ellen Heedy being duly sworn says that she resides at number 693 Third Avenue in the City of New York, that she is the wife of defendant, and that they were married in the month of October 1873 and that she has a child the issue of said marriage a boy aged 10 years, that by reason of the infirmity of her husband as hereinafter stated she is compelled to go out working in order to assist in maintaining the household and is and has been employed for four <sup>years</sup> past as scrub woman in the "Sutton Building" on 23rd Street between 5th. & 6th. Avenues that during all of deponent's married life she has never known her husband to be accused or convicted of any violation of law, and that he has always been quiet and peaceable as well as honest, that on the 18th. day of June 1887 her said husband was arrested and taken to the 3rd. District Police Court and that as deponent subsequently ascertained his arrest was caused by his peculiar conduct upon the Street, that immediately after his arrest he was transferred to the Bellevue Hospital in an ambulance and from thence taken to the Lunatic Asylum on Ward's Island as a patient and was under medical

0797

treatment in that institution until the month of September when he was discharged therefrom, that ever since said time he has conducted himself very peculiarly his memory has completely failed him, and that by reason of his many peculiarities and queer sayings I have long since become satisfied that he was not quite right in his mental condition, as well as our neighbors, and that his childish ways have frequently caused merriment to the youth of our neighborhood, to my great sorrow and distress

That on the day previous to <sup>his</sup> ~~our~~ arrest my husband, myself, child and neighbors child went to an excursion the first in many years, it was the excursion of the Tipperrary Men's Society, my husband drank considerable beer that day and our return he immediately went to bed where he remained until quite late the next morning when he went out, the next I heard of him was that he was arrested for attempting to steal a horse and wagon. I know nothing concerning the facts of the case but from my own knowledge of the habits of my husband I am satisfied that he is not a thief and that if found in possession of said property it was with no intent to steal the same.

Sworn to before me this

23 day of August 1890

Peter H. Callahan  
Notary Public  
N.Y. Co

Ellen Healy





0799

Court of General Sessions

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

The People of the State of New York

against

RICHARD J. HEEDY

-X-X-X-X-X-X-X-X-X-X-X-X-X-X-X

City and County of New York SS.

Charles Schlott being duly sworn says I keep a butcher store at number 241 East 42 Street this City, I have read the annexed affidavit of John Burnes concerning the general character of defendant the same is in all respects true of my own knowledge.

Deponent further says that on Thanksgiving day a year ago deponent dropped or lost the sum of \$70.00 from his pocket in a neighboring store, that he did not discover his loss or place where it was lost until more than an hour after, that upon making inquiries for it defendant informed him that he had found the money and delivered it to the clerk of the place, all of which deponent learned to be the truth and recovered his property intact, that since said time deponent has frequently employed defendant in and about his shop and permitted him to handle his money and property and that during all of said time he never lost any part or portion of either, deponent has frequently noticed that defendant's memory is very poor and that his mind is very flighty.

Sworn to before me this

*Ch. Schlott*

22 day of August 1900

*Peter F. Callahan Notary Public*  
*ny co.*

This motion was granted day.  
25/90, the people of ferry  
nothing in opposition.

ADP

My General Session

The People re

vs

Richard J. Heedley

Copy Applicant to  
And notice of  
motion

JOHN R. HEINZELMAN,

Attorney for Sepr.

NEW YORK CITY.

23 Chambers St.,  
Service of a Copy of the within is hereby  
admitted.

Dated August 23rd 1890

To John R. Heedley  
Esq. Atty

Richard J. Heedley  
Esq.

0001

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Richard J. Heedy, Arthur  
Carabine and James Fagan*

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

accuse

*Richard J. Heedy, Arthur Carabine and James Fagan*

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

The said

*Richard J. Heedy, Arthur  
Carabine and James Fagan, all*

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

*one horse of the value of seventy-five  
dollars, one wagon of the value of  
fifty dollars, and one set of harness  
of the value of twenty-five dollars*

of the goods, chattels and personal property of one

*Louis Lorenzer*

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.



0002

SECOND COUNT—

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

*Richard J. Heedy, Arthur Carabine and James Fagan*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *Richard J. Heedy, Arthur Carabine and James Fagan*, all late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, one horse of the value of seventy-five dollars one wagon of the value of fifty dollars and one set of harness of the value of twenty-five dollars

of the goods, chattels and personal property of one

*Louis Swenger*

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

*Louis Swenger*

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

*Richard J. Heedy, Arthur Carabine and James Fagan*

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

JOHN R. FELLOWS,

District Attorney.

0803

**BOX:**

406

**FOLDER:**

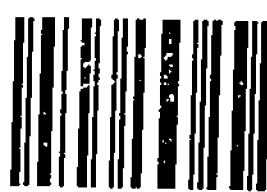
3763

**DESCRIPTION:**

Hill, William

**DATE:**

08/11/90



3763

0804

Witnesses:

Boxwell  
A. Mesofsky

104. *Botman*

Counsel,

Filed

day of Aug. 18 90

Pleads,

Not Guilty (12)

THE PEOPLE

vs.

R

William Hill

Grand Larceny Second degree.  
[Sections 528, 531, Penal Code.]

940-

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*Edward C. For.*

Foreman.

Part III September 3/90-

Indict and convicted -  
attempts of Petition

5  
for 1 month 1/2  
Sept 8/90



0805

Police Court—

District.

Affidavit—Larceny.

City and County }  
of New York, } ss.:

of No.

42

Dexter

Charles Drexler

Street, aged

20

years,

occupation

Tailor

being duly sworn

deposes and says, that on the

25th

day of

July

188

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 <sup>attempted to be</sup> ~~entire~~ time, the following property, viz:

Two suits of clothes

Two pairs of pants

Two white shirts

Three pairs of shoes

Being together of the value of  
fifty Dollars

the property of

Deponent

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property <sup>attempted to be</sup> ~~was~~ feloniously taken, stolen,  
and carried away by William Hill (now here)for the reasons following to wit  
That on said day deponent had the  
said property in a trunk in a room  
on the first floor rear of said premises  
and deponent is informed by Abraham  
Weissberg, Louis Levin and Philip  
Stanhope of 422 Dexter Street that  
about the hour of 3 o'clock a.m. on  
the morning of the aforesaid day they  
saw the said deponent go into the  
afore described room, which was open  
and saw said deponent open the said  
trunk and take the said property there-  
from and place the same in a corner



0006

of said room all bundled up, when said  
defendant became frightened and  
ran out of said premises leaving  
said property behind him, and said  
Newberry, Levin and Lambuff fully  
identified said defendant as the  
person they saw in said room and  
deponent further says that as he  
was coming through the back of said  
premises into said room, he saw  
said defendant running away and  
caused him to be arrested and charged  
him with having attempted to take  
steal and carry away said property

Given to be true me (s)  
this 25th day of July 1890  
J. J. White } Charles T. Boxwill

Police Justice

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at the City of New York, this 25th day of July, 1890.

Attest:  
J. J. White

Police Justice

Notary Public

Notary Public

0007

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 32 years, occupation Driver of No.

44 Carter Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of James Daxwell

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

Sworn to before me, this 25 day of July 1890 } James Daxwell

H. White  
Police Justice.

0000

CITY AND COUNTY }  
OF NEW YORK, } ss.

Philip Laubuff  
aged 20 years, occupation Tailor of No.

44 Baxter Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of James Garwill

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

Sworn to before me, this 25 day of July 1880 Philip Laubuff

A. J. White  
Police Justice.



0009

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 25 years, occupation Tailor of No. 491 Dexter Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of James Paxwell

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

ידי דאס זעלבן

Sworn to before me, this 25  
day of July 1890

[Signature]  
Police Justice.



08 10

Sec. 198, 200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

1st District Police Court.

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

Taken before me this

day of

Police Justice.

0811

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

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

Dated *July 25* 18 *90* *[Signature]* 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.

0812

1163

Police Court---

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Charles Baxter*  
*742 Boston Street*  
*Museum*

2  
3  
4

BAILED,

No. 1, by

Residence Street

No. 2, by

Residence Street

No. 3, by

Residence Street

No. 4, by

Residence Street

Dated *July 25* 18*90*

*White* Magistrate.

*Charles J. Farrington*

*60* Precinct.

Witnesses *Phoebe Danluff*

No. *42* *Baxter* Street.

*Louis Leoni*

No. *42* *Baxter* Street.

*Abraham Messers*

No. *42* *Baxter* Street.

\$ *5.00* to answer *GS*

*Chas. J. Farrington*



0813

(1)

The fact that the witness  
saw hair in the space <sup>between</sup>  
lying down at the time of  
the alleged larceny & the two  
windows of the apartment  
rooms having a view of the fact  
upon which the jury  
has decided that the hair  
was the hair of the person seen  
the night of the complaint at the  
time of the search.

The complaint fail-  
ing to produce the necessary  
evidence from the search of  
the larceny in a fact which  
the jury believe the witness  
in the case of the wife.

The fact that the person  
of the apartment was  
a small room inside of  
a larger large room & the  
large room being separate  
& enclosed from the yard  
in which the the witness  
were sleeping is a  
fact for the jury to determine.



08 14

2

for since we are by the age  
as it was impossible  
that the solution for the  
people to have been  
the step -

If the day has a  
class in our country  
the success of the  
to the world

08 15

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*William Hill*

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

*William Hill*

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

The said

*William Hill*

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

*two coats of the value of seven dollars each, two vests of the value of three dollars each, four pair of trousers of the value of five dollars each pair, two shirts of the value of one dollar each and six shoes of the value of one dollar and fifty cents each*

of the goods, chattels and personal property of one

*Charles T. Bonwill*

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

*John R. Fellows,*  
District Attorney.

08 16

**BOX:**

406

**FOLDER:**

3763

**DESCRIPTION:**

Hollenstein, Edward

**DATE:**

08/21/90



3763

08 17

246. Racey.

Counsel,  
Filed 21 day of Aug 1890  
Plends, Not Guilty (122)

THE PEOPLE  
vs.  
Carwina Hollenstern  
ASSAULT IN THE THIRD DEGREE  
(Section 219, Penal Code).

JOHN R. FELLOWS,  
Transferred to the District of Columbia  
Sessions for trial and disposition.  
Part 2 Sept 2nd 1890  
A TRUE BILL.  
Foreman.

Witnesses:  
Philip Hens  
Alice Higgins



08 18

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Edward Hollenstein*

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

*Edward Hollenstein*

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

The said

*Edward Hollenstein*

late of the City of New York, in the County of New York aforesaid, on the *seventh*  
day of *June* in the year of our Lord one thousand eight hundred and  
~~eighty-ninth~~ *at the City and County aforesaid, in and upon the body of one Philip*  
*Hess* in the peace of the said People then and there being, with force  
and arms, unlawfully did make an assault, and *him* the said *Philip*  
*Hess* did then and there unlawfully beat, wound and ill-treat, to the great damage  
of the said *Philip Hess* 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.

08 19

**BOX:**

406

**FOLDER:**

3763

**DESCRIPTION:**

Horn, Frederick

**DATE:**

08/05/90



3763

0020

Witnesses;

*J. Butterworth*

*Send for officer*

12.

*26. V. 26*

Counsel,

Filed

5 day of *Aug* 18 *90*

Pleads,

*Not Guilty (6)*

THE PEOPLE

vs.

*10 (M)*  
*523 (M)*  
*Frederick Horn*  
*H.*  
*Grand Larceny Second degree.*  
[Sections 528, 537 - , Penal Code].

JOHN R. FELLOWS,

District Attorney.

*Aug. 2nd / 90*

*24th Court St.*

**A True Bill.**

*James E. Brown*

Foreman.

*Aug. 8. 1890*

*Plead Guilty*

*26*

0821

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,

of No. 228 East 108<sup>th</sup> Street, aged 26 years,  
occupation Labourer being duly sworn  
deposes and says, that on the 17 day of June 1897 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 Horse. Carriage & Harness  
together of the value of One  
Hundred & Fifty 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 The Clerk of the Court (now here)

from the fact that on said date  
deponent, missed said property  
from deponent's stable No 304 East  
115<sup>th</sup> Street, and that the said Clerk  
admitted upon an inspection in deponent's  
presence that he did take same and  
carry away said property from  
deponent's stable

Daniel J. Butterworth

Sworn to before me, this 18 day  
of June 1897  
Police Justice.



0822

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

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

Question. What is your name?

Answer.

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 guilty, and stole  
the horse of a man on East 1st  
Street near 1st Avenue for the  
sum of twenty dollars.*

✓ *Fred. Horn.*

Taken before me this

18

day of *July* 1890

Police Justice.

0023

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 Clyde Murray

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

Dated, July 18 1890 W. D. M. Police Justice.

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

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

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

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

0024

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Samuel Butterworth*  
*N. 228 vs. E. 108*  
*Frederick Horn*

2 .....

3 .....

4 .....

1114  
Office *Clark*

Dated, *July 18* 1890.

*Power*, Magistrate.

*Ross* Officer.

*29* Precinct.

Witnesses *John Ross*.

No. *29* Street.

*E. 108*

No. *420374* Street.

No. ..... Street.

\$ *1000* to answer *G. J.*

*Com* *W*

0025

New York City Augt. 18<sup>th</sup> /90  
Mrs Howe & Hummel  
Gentlemen

I the under-  
signed have known <sup>on</sup> Fredrick Horn for  
the past 3 years he having worked along  
the docks that I have in charge and have  
always found him to be a sober, honest,  
and hard working young man

Richard Egan  
Dockmaster  
Foot of E. 112<sup>th</sup> St.



0026

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Frederick Horn*

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

*Frederick Horn*

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

The said

*Frederick Horn*

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

*one horse of the value of seventy-five dollars, one vehicle, to wit: one cart of the value of fifty dollars and one set of harness of the value of twenty-five dollars*

of the goods, chattels and personal property of one

*Daniel J. Butterworth*

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

*John D. Fellows,*  
District Attorney.

0827

**BOX:**

406

**FOLDER:**

3763

**DESCRIPTION:**

Houlahan, John

**DATE:**

08/08/90



3763

0020

52. Waire

Witnesses  
Richard Whelan  
John Noel  
The five shares  
worth the shares  
for

Counsel,  
Filed 8 day of Aug 1890  
Pleads Mr. Cullen

26 THE PEOPLE  
Island  
vs.  
John Howland  
INJURY TO PROPERTY.  
[Section 651, Penal Code.]

12  
JOHN R. FELLOWS,  
District Attorney.

A True Bill.

Commander

August 14, 1890 Foreman.  
Read and  
Mark Chubb app. Indemnity  
to Mrs. P. H. 100 from  
P. H.

0829

Police Court, 4 District,City and County } ss.  
of New York,

Richard Ahlman

of No. 1095 1<sup>st</sup> Avenue Street, aged 47 years,  
occupation Wholesale Liquors being duly sworn, deposes and says,  
that on the 22<sup>nd</sup> day of July 1890, at the City of New  
York, in the County of New York,

John Houlihan, (now here)  
willfully and maliciously destroyed  
four panes of plate glass, of the value  
of eighty dollars, said property being  
in deponent's store at the above address  
and being deponent's property, by  
then and there throwing stones through  
the said plate glass, which stones he  
then and there held in his hands,  
and threw at the said panes of glass.

Deponent further says that the said  
property has been totally destroyed  
and rendered entirely useless.

Wherefore deponent prays that  
the defendant be held and  
dealt with as the law directs

Sworn to before me by Richard Ahlman  
this 23 day of July 1890

Charles N. Taintor  
Police Justice



0830

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY  
OF NEW YORK, } ss.

*John Houlihan* 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 Houlihan*

Question. How old are you?

Answer. *26 years old*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *Steinway L.I. 8 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 have nothing to say at present*  
*John Houlihan*

Taken before me this

*29*

day of *April* 188*8*

*Charles McDaniel*

Police Justice.

0831

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

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

Dated *July 13* 18*90* *Charles Hunter* 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.

0832

1132

Police Court--- 4 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Richard Whelan  
1095 1st Ave  
John Houlahan

2

3

4

Officer  
Malone  
Mushnick  
Hilony

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated

July 23 1890  
Lawton

Magistrate.

Moran

Officer.

Precinct.

Witnesses

Emilie Whelan

No.

1095 1st Avenue Street.

No.

cf. conf. Street.

No.

25th Precinct.

\$

500 to answer

98

0033

**Court of General Sessions of the Peace**

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

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

*John Moulton*

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

*John Moulton* -

of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* -  
PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said *John Moulton*, -

late of the *Nineteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *twenty-second* day of *July*, - in the year  
of our Lord one thousand eight hundred and eighty *ninety*, at the Ward, City and  
County aforesaid, with force and arms, *four boxes of guns*

of the value of *Twenty dollars each*, -  
of the goods, chattels and personal property of one *Richard Williams*,  
then and there being, then and there feloniously did unlawfully and wilfully *break*  
*and destroy*.

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



0034

SECOND COUNT.

And the Grand Jury aforesaid, by this indictment, further accuse the said  
*John Mandelham* —  
of the CRIME OF UNLAWFULLY AND WILFULLY *destroying* —  
REAL PROPERTY OF ANOTHER, committed as follows:

The said *John Mandelham*, —  
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the Ward, City and County aforesaid, with force and arms, *of force*

*and arms*

of the value of *Twenty dollars each* —  
in, and forming part and parcel of the realty of a certain building of one  
*Richard Wilman*, —  
there situate, of the real property of the said *Richard Wilman*, —  
then and there feloniously did unlawfully and wilfully *break and destroy*.

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

**JOHN R. FELLOWS,**

District Attorney.