

0592

BOX:

202

FOLDER:

2025

DESCRIPTION:

Cain, Owen

DATE:

01/20/86



2025

0593

BOX:

202

FOLDER:

2025

DESCRIPTION:

Kiley, Dennis

DATE:

01/20/86



2025

0594

BOX:

202

FOLDER:

2025

DESCRIPTION:

Brown, William

DATE:

01/20/86



2025

0595

Witnesses:

905
~~Smith~~
Counsel,

Filed, 20 day of Jan 1886
Placed, Chicago, Ill.

THE PEOPLE

(Sections 278 and 218, Penal Code.)

RAPPE.

vs.

Ernest Cain
Dennis Hiley
William Brown

RANDOLPH B. MARTINE,
District Attorney.

Spird convicted of Rape
attempt

A True Bill.

1101 S. P. 5 years 10. #
" 2 S. P. 3 years 10. #
" 3 S. P. 3 years. #

Chas. Haggerty

Foreman

Feb 10/86
Feb 1/86

4/10

0596

Police Court, 5th District.

City and County } ss.
of New York,

Mary Johnson
of North Side 118th St. bet 4th & Madison streets, aged 45 years,
occupation Fruit stand — being duly sworn, deposes and says,
that on the 25th day of December 1885, at the City of New
York, in the County of New York, Owen Cain + Dennis Kiley +

William Brown, were conversing together and
in each other company - that the said Owen
Cain, came to deponent's premises on said
night in company with Dennis Cyle and
William Brown, that the said Dennis Kiley
knocked deponent down upon the floor, and
while deponent lay prostrate upon the floor
the said Owen Cain + Dennis Kiley +
William Brown did then + there each
have sexual intercourse with + carnal
knowledge of deponent body against
her will + without her consent -
that deponent was unable to cry out
for assistance the said William Brown
holding his hand over deponent's mouth
while the said Owen Cain + Dennis Kiley
have sexual intercourse with deponent, and
the said Dennis Cyle held his hand
over deponent's mouth while said William
Brown had sexual intercourse with deponent.
deponent therefore prays that the said
Owen Cain + Dennis Kiley + William Brown
may be arrested + dealt with as the law
directs

Sworn to before me this
8th day of January 1885

John Gorman
Clerk Justice

Mary Johnson
mark

0597

Police Court-- 5th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary Johnson
vs.

- 1 Oliver Cain
- 2 Samuel Cople
- 3 William Brown
- 4 _____

Offence, Rape

Dated January 8th 1886

Gorman Magistrate.

(W) Sawyer Officer.

Clerk.

Witnesses, _____

No. _____ Street,

No. _____ Street,

No. _____ Street.

\$ _____ to answer _____ Sessions

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

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

Dated _____ 188

Police Justice.

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

Dated _____ 188

Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

Police Justice.

0598

Sec. 151.

Police Court 5th District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police*
Justices for the City of New York, by Mary Johnson
of Northside 118th St Manhattan Street, that on the 25th day of December
1886 at the City of New York, in the County of New York, Over Cain & semi. Coyle
William did in said way, have sexual
intercourse with & carnal knowledge of
complainant with her will
& consent

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring them forthwith before me, at the 5th DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 8th day of January 1886

John Herman POLICE JUSTICE.

0599

Police Court 5th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary Johnson
vs.

- 1 Over Cain
- 2 Dennis Cyle
- 3 William Brown

Warrant-General.

Dated January 8th 1886

Sumner Magistrate

Dwyer Officer.

The Defendant, Queen, Riley and William Brown taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

John Dwyer Officer.

Dated January 14 1886

This Warrant may be executed on Sunday or at night.

Police Justice.

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

Dated _____ 188

Police Justice

*Queen 21, U.S. 139 1/2 and 5th Avenue,
Dennis Cyle 16, U.S. 119 1/2 Beth Head and 5th Avenue
William Brown 16, U.S. 119 1/2 Beth Head and 5th Avenue
and within 5th Avenue*

0600

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, } SS

District Police Court.

William Brown 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 *William Brown*

Question. How old are you?

Answer *17 years*

Question. Where were you born?

Answer *New York*

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

Answer *119 Street between 5th and 6th Avenue about 1 year*

Question. What is your business or profession?

Answer *Peddler,*

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.*

William Brown

Taken before me this

day of *January* 188*6*

William Brown

Police Justice.

0601

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

Dennis Kiley

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 *Dennis Kiley*

Question. How old are you?

Answer *16 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *119 Street between 5th & Madison Avenue 8 years*

Question. What is your business or profession?

Answer. *Driver a Cab.*

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*

Dennis Kiley

Taken before me this

13

day of *August* 188*6*

John J. ...

Police Justice.

0602

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

Owen Cain

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 *Owen Cain*

Question. How old are you?

Answer *21 years*

Question. Where were you born?

Answer *New York*

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

Answer *137th Street & 3rd Avenue 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*
Owen Cain

Taken before me this

day of

188

Police Justice.

0603

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 _____

Oliver Cain & Dennis Kiley & William Brown

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

Dated _____ 188 *6* _____ *John J. Ferraro* Police Justice.

I have admitted the above-named _____

to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188 _____ Police Justice.

0604

No. 1. Case for Ex in default
of 2500 Bail
July 17. 9 a m

Police Court 3 District. 67

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Mrs. Johnson
North Side, 118th St.
Bet. 4th and Madison Ave.

- 1 Owen Case
- 2 Dennis Kilay
- 3 William Brown
- 4

offence Rape

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated July 8 1886

Magistrate

Officer.

579 P. Court Precinct.

Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 2500 to answer G.S.

Case

Ex. July 17. 9 a m

0605

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Owen Cain, Dennis Hely and William Brown

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

Owen Cain, Dennis Hely and William Brown,

of the CRIME OF RAPE, committed as follows:

The said *Owen Cain, Dennis Hely and William Brown, each*

late of the City of New York, in the County of New York aforesaid, on the *twenty fifth* day of *December*, in the year of our Lord one thousand eight hundred and eighty-*five*, at the City and County aforesaid, with force and arms, in and upon one *Mary Johnson*, then and there being, willfully and feloniously did make an assault, and her the said *Mary Johnson*, then and there, by force and with violence to her the said *Mary Johnson*, against her will and without her consent, did willfully and feloniously ravish and carnally know, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT:

And the Grand Jury aforesaid, by this indictment, further accuse the said *Owen Cain, Dennis Hely and William Brown* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Owen Cain, Dennis Hely and William Brown, each*

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 her the said *Mary Johnson*, willfully and feloniously did make an assault, with intent her the said *Mary Johnson*, against her will, and without her consent, by force and violence, to then and there willfully and feloniously ravish and carnally know, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.

0606

BOX:

202

FOLDER:

2025

DESCRIPTION:

Carlomagno, Philipo

DATE:

01/26/86



2025

0608

POOR QUALITY
ORIGINAL
TORN PAGE

S. T. Smith, 14 Park Place, N. Y.

STENOGRAPHERS' MINUTES.

Forest of General Sessions.

The People vs.

Phillips Carlo Magno.

BEFORE

Hon. Rufus B. Cowing

and a jury

Tried March 19th 1886

Witnesses:

Direct. Cross. Re-Direct. Re-Cross.

Witnesses:	Direct.	Cross.	Re-Direct.	Re-Cross.
Officer Peter J. Monaghan	1			
Louis Corelli	4			
Rafael Russo	4 1/2			
Joseph Russo	6			
Michaeli Fivri	8			
Donato Carloti	8			
Raphael Fontanelli	9			
Dr. Gustav Scholer	10			
Domenica Sasa	11			
Margaret Gorgona	12			

0609

COURT OF GENERAL SESSIONS.

THE PEOPLE

- against -

Phillippo Carlo Magno, indicted
for murder in the first degree.

)
)
) Before Hon. Rufus B. Cowing
) and a Jury.
)
)
)

Tried March 19, 1886.

A P P E A R A N C E S .

Assistant District Attorney Purdy, for the People; Robert H.
Racey, for the Defence.

-----000-----
OFFICER PETER J. MONAGHAN, being duly sworn, testi-
fied that he was connected with the 14th precinct. At about
8 o'clock on the evening of January 1st, 1886, the proprietor
of the lager beer saloon at 35 Crosby Street and the prisoner
accosted him. The prisoner asked him, the witness, to go
up-stairs, in the room 22 of 31 Crosby Street. He said that
there were several Italians up there, in the room, that he

06 10

wanted to get out. He, the witness, told him that he could not go up there, unless he had some good cause to go up there. He asked the prisoner what the men were doing, and the prisoner said that they wanted to play some game of cards, and he didn't want it. He wanted them to get out, or have them arrested. He, the witness, said that he would not arrest anybody on New Year's night, if he could help it. The proprietor of the saloon induced him, the witness, to go up, and see what the matter was. He, the officer, went up with the prisoner to investigate. When he got up, there were several Italians, among them being the deceased. Altogether, there were seven Italians in the room. He, the witness, asked what the difficulty was, and they said that the prisoner wanted them to pay their rent. The conversation was in Italian, but a witness in the court had translated for him. He, the witness, asked the men what they were paying a month, and they said One Dollar. They asked if they had to pay on the first of the month, and he, the witness said, that it was proper. They were not willing to pay the defendant that night, and wanted to leave the room. Then they agreed to pay the prisoner, the defendant, and stay there. Everything seemed to quiet down. He,

0611

the witness, went away. About 20 minutes later, the prisoner came down stairs. Mr. Corelli, the keeper of the saloon, said, in the presence of the prisoner, that the prisoner wanted him, the witness, to go up stairs again. The prisoner said, "go up and put that man out." He, the witness, said it was all right, and if there was any trouble, for the prisoner to come down stairs for him. On the way up stairs, the prisoner offered him some money; he said, "come up stairs, and me give you something." He, the witness, said, "some other time I will go, up." He, the witness, remained in the neighborhood for half an hour, and heard no disturbance, and went over his post. About half past 9 o'clock, he heard a loud noise. He was up in Spring Street, a block and a half away. He heard somebody rapping, and he ran down the street and found another officer from an adjoining post rapping for him, on the corner. He immediately ran down the street, and found the deceased lying on the sidewalk, and a crowd of Italians around him. He saw that it was one of the men that he saw in the room up stairs. He saw that the deceased was stabbed in the left hip. He, the witness, immediately summoned an officer and sent for an ambulance. The ambulance came and took him to the hospital. The other officer went

06 12

in search of the prisoner. He, the witness, took several witnesses to the station house, and then returned to 31 Crosby Street and searched for the prisoner. He went up to his room and looked under the bed and all around, but could not find him. About 12 o'clock he got a trace of him, and he rapped for three or four more policemen, and surrounded the house. He sent a policeman up each hallway, of 31 Crosby, - 35 and 37 Crosby street, and went up to the top floor of 31. He saw Joseph Lucca, ^{and another man,} locking the scuttle of the roof. He followed them down stairs, and went into the prisoner's room. He got a man to hold the lamp, and looked under the bed, and saw the prisoner's boots. He told him to come out, and he came out. He looked under the bed three times before, when he searched the room. He took the prisoner to the station house. The next morning, he took him to St. Vincent's Hospital, and the deceased identified him as the man who stabbed him. He asked the deceased, "John, is this the man that stabbed you?" The deceased answered, "This is the man, Phillipppo Carlo Magno."

LOUIS CORELLI, being duly sworn, testified that he was a saloon keeper at 35 Crosby Street. He knew the deceased, Giovanni Arlotti, during his lifetime. At about half past

0613

8 o'clock on the night of the 1st of January, 1886, the defendant came down stairs to the saloon, and asked him, the witness, if he could talk with the officer for him. He wanted some officer to go up stairs. He had some trouble in the house. He, the witness, said, to the officer, "Peter, this man wants you up stairs. He got a few men that makes trouble in the house." The officer went up stairs. About 5 minutes afterwards, the witness came down to the saloon, and asked for a glass of beer. He looked very mad, and said, "I have to kill somebody to-night." He talked a little while in the saloon, and went up stairs.

RAFANEL RUSSO, being duly sworn, testified that he lived at 31 Crosby Street. He knew the deceased, Giovanni Arlotti, about 5 or 6 months before his death. He had known the prisoner about two years. He, the witness, saw the defendant in Mr. Corelli's saloon about a quarter past 9 o'clock on the evening of January 1st 1886. He heard the prisoner say that he wanted to kill somebody to-night. He, the witness, said, "If I knew that you wanted to kill somebody really, I would have you arrested." He, the witness, told this to Peter, the policeman. The policeman said, "It is the 1st

06 14

first day in the year, I will not arrest anybody if I can help it." He, the witness, saw the defendant stab the deceased. Before the stabbing, they were talking together, the prisoner and the deceased. The deceased was about to leave, or said he would leave, and he asked for \$3. The deceased threatened to kill the prisoner. The deceased said, to the prisoner, "If I had no children, I would kill you to-night." Carlo Magno was sitting at the table in his room, when the deceased said this. Carlo Magno did not say anything. He was just looking on. Carlo Magno said to the deceased, "don't leave the house. Stay here. I am a poor man, and cannot pay the rent alone. Stay here." Carlo Magno was drunk at the time, and the prisoner was drunk. Carlo Magno got up, and insisted upon the deceased staying. The deceased said, "I cannot remain in your house, because, when you are drunk, you are very stupid." Then the defendant stabbed the deceased. Carlo Magno was sitting, and he pulled a knife out from the side of his leg. He, the witness, could not say exactly where he pulled it from. He could only say that Carlo Magno pulled the knife from the side of his right leg. He just swung his hand around and stabbed the deceased. He, the witness, said, to Carlo Magno, "What have you done now? Run away now, be-

06 15

cause, if not, the policeman will arrest you." Carlo Magno went out by the fire escape, and he went on the roof. Just before the stabbing, Carlo Magno was sitting at the table, and the deceased was standing in front of him. Carlo Magno said, "You don't want to stay in my house?" The deceased said, "No, sir. When you are drunk you are too stupid." Carlo Magno said, "You want to go away sure?" He said, "Sure." Then he, the witness, saw the knife come up from Carlo Magno's leg, and stab the deceased. The deceased was standing right in front of Carlo Magno. He, the witness, could not say whether Carlo Magno took the knife from under the table, or on the table or from his leg. After the stabbing, he chucked the knife out into the yard. At the time Arlotti was stabbed, his brother had their clothing, and was going down stairs. He was in the hallway outside. After he was stabbed, the deceased went out. He didn't say anything. The defendant did not say anything. He looked just as though he was stupified.

JOSEPH RUSSA, being duly sworn, testified that he lived at 31 Crosby Street. He knew the prisoner and the deceased. When he was in the room of Carlo Magno about half

05 16

past 10 O'clock on the night of January 1st, 1886, he saw a number of men about to go away. Carlo Magno said to those men, "why do you leave?" They said, "You have just chased us out of the house by the police, and we are going." They went out, and the deceased and the defendant remained in the room. The deceased and the defendant were talking together. The deceased said to Carlo Magno, "You owe me \$10. Now, you give to me the interest of the money. The interest amounts to \$3." Carlo Magno said to another man, "Can you lend me \$3 to pay this man." This man was Michael Fiori. He took out \$3 from his pocket, and was in the act of giving it to the deceased when the deceased said, "I am going to leave your house, Carlo Magno. You chased me from the house with the police, I am going away." Then the deceased said, "Bid me farewell." Then Carlo Magno hit the deceased with his fist. He, the witness, didn't see any knife. The deceased went outside of the door, and said, looking at his hands, "I am wounded. I will arrange you down stairs now." Carlo Magno, seeing the blood, went out through the window, and went on the roof.

06 17

MICHAELI FIORI, being duly sworn, testified that he lived at 31 Crosby Street. He had known the prisoner all his life. He had also known the deceased for some time. He did not see Carlo Magno use any knife. When he, the witness, offered the deceased \$3, that he said Carlo Magno owed him, the deceased said, "It doesn't matter. I am satisfied, if you give it to me to-morrow, or after to-morrow." As he was going down, Carlo Magno made a motion. As the deceased got to the door, he said, "All right, God-father, I am going down stairs, and I will arrange you." He looked at his hand, and there was blood on his hand.

DONATO ARLOTTI, being duly sworn, testified that he lived at 20 Roe Street. He, had known Carlo Magno for a year. The deceased was his cousin. He was in Carlo Magno's room at 31 Crosby Street on the night of the 1st of January. He lived there with his cousin, from the 1st of May preceding. They paid a dollar, each, a month. Six other men occupied the same room. When the deceased was about to go out of the room, Carlo Magno said, "God-father John, are you going?" The deceased said, "Yes, I am going. You went for a policeman and I am going." Then Phillippo Carlo Magno said,

06 18

"As you are going, let us kiss each other," and he made a motion from behind. He, the witness, did not see whether Carlo Magno had a knife or not. He, the witness, got up to hold Carlo Magno, but Carlo Magno said, "You let me go, or I will cut you also." He, the witness, then let him go.

For the defense, RAPHAEL FONTANELLI, being duly sworn, testified that he lived at 31 Crosby Street. The defendant was his step-father. He was in his step-father's room on the night of January 1st, 1886, at the time of the difficulty between the step-father and the deceased. A woman and her man came to see his step-father, and the deceased tried to chase them out. His step-father said, "Don't chase my friends out of the house." Then deceased said to his step-father, "You are a swine, and all that belong to you are swines." His step-father sat down, and the woman began to cry, the woman that came with her husband to see his step-father. She said, "This man wants to chase ~~you~~^{us} out of the house." His step-father and the two friends went out of the room and went down stairs. His step-father came back with the policeman, in order to put the six lodgers out of the room. As

06 19

Several of the men took up their luggage and went away. The deceased came back, and wanted three dollars interest. His step-father asked the people standing round to lend him the three dollars. Then the deceased said, "I don't want it yet. I don't ^{want} it now." Before that, he said, "I want the three dollars, and, if I don't get it, I will cut the blood out of you." When the policeman came up stairs, the deceased had a knife in his pocket. When he saw the policeman, he put the knife under the bed. The policeman tried to make peace among the men. When the deceased said, "I will cut the blood out of you," his, the witness's, step-father took the knife and made a motion. His step-father took the knife from the table. The deceased got hold of the step-father, and then his step-father stabbed him. His step-father then threw away the knife, and went out of the window. It was an ordinary table knife. He didn't see the knife when his ^{step-}father made the motion. He only saw the motion of his arm.

DR. GUSTAV SCHOLER, called by the prosecution, out of order, testified that he was one of the Deputy Coroners of the ~~State~~ ^{City} of New York. On the 12th, of January 1886, he held an autopsy on the body of John Arlotti, the deceased. The

0620

wound was on the left side, commencing right on the bones that every body sits on, to use plain English. The wound went in three and a half inches, an in an upward direction, cutting the sciatic artery, which lies very deep in that part of the body, and furnishes the left side of the body with blood, the lower part of the body. The artery was completely severed. The cause of death was a profuse hemorrhage resulting from this wound. The wound must have been caused by a sharp knife, or another sharp instrument.

Under cross examination, he testified, that, to some extent, that part of the body where the wound was was necessary ^{vital} ~~essential~~. In his opinion, ninety percent of persons would die from such a blow. If the sciatic artery was not cut, he didn't think that death would result.

DOMENICA SASA, a witness for the defense, testified that the defendant was her husband. According to the Italian custom, she gave her maiden name. She corroborated her son as to his statement of what occurred in the room. Just before the stabbing, the deceased stood before her husband, who was sitting at the table, and took out his stiletto. Holding it

0621

it in his hand, he knocked it on the table. She, the witness, tried to pacify him. She had her baby in her arm. She said, "What do you want to raise such a row about three dollars for?" The others went out of the room, and she and the deceased and her husband remained. She did not see the deceased stabbed.

MARGARET GORGONA, being duly sworn, testified that she and her husband, Arigelo Gorgona, lived at 193 Mulberry Street. She had one child. She was born in Brooklyn, though her husband was an Italian. The defendant was in the habit of visiting her husband. On the 1st, of January 1886, the defendant invited her husband and herself to come to his room, and offered them some refreshments. The men there, the lodgers, commenced to play cards. Carlo Magno said, "Never mind about the cards. Never mind about going for the can of beer. We will have a keg of beer. It is New Year's Day, and we will have a little fun." After that, the men commenced to play cards, and they made a noise and "hollered". They were angry because Carlo Magno brought her husband and herself there. She commenced to cry, and got frightened and wanted to go home.

0622

Carlo Magno said, "It is best for you to go home. Excuse me, Maggie. I don't make any trouble. I will have these men arrested for making trouble, because I brought you here to treat you good, and I can not help if trouble is made." Then Carlo Magno went home with her husband and herself. Before they left the room, one of the men commenced to take off his coat, the deceased. He said, "Come outside, and I will fight." Carlo Magno said, "Never mind, never mind." Then Carlo Magno asked her, the witness, to go home with him. One of the other men took up a trunk, and wanted to break it, and throw it at Carlo Magno. Carlo Magno said, "Never mind, I will get a policeman."

PHILLIPPO CARLO MAGNO, the defendant, being duly sworn testified that he was a laborer. His particular work was blasting rocks. He was a married man, and had had seven children, but five were dead. He lived at 31 Crosby Street, and had three rooms. He paid eight dollars a month, and took six lodgers, and they paid him at first one dollar and half a month. Afterward they paid him fifty cents a month. He, the defendant, prevented Arlotti from playing cards in the house, and then Arlotti raised a disturbance. Then, he, the

0623

defendant left the house with his two friends, ^{and} took them home. Arlotti commenced the disturbance by quarrelling with another man. He, the witness, told him not to raise any trouble. Arlotti said, "I will kill you also." After he took his two friends home, he came back, and went into Corrille's saloon. He had ten cents, and he bought a glass of beer. He said to Corrille, "Where can I get a policeman? to-night, there will be in my house a homicide." The policeman went up stairs with him, and quieted the men. After the defendant went back to his rooms, Antonio Sasano, one of the lodgers, took up his trunk, and said, "Let us go boys; I've found a house." Sasano went away. Then Arlotti said to him, the defendant, "Now, because we found a house, give me three dollars, or I will take your blood out." Two other men approached him at the same time. He saw the deceased put his hand into his pocket, and his brother also. They advanced towards him, coming nearer. Then he, the defendant, got up and took a knife which was on the table. As they came very near towards him, he used the knife. He didn't mean to kill him. There were three men against him, and they would have cut him to pieces. He ran away because he was in danger of his life yet. He thought they would kill him, and he ran

0624

away. When the house was clear of those people, he came back. At the time he struck the deceased with the knife, he believed that they were going to stab or kill him. He was afraid of his life. They were around him, and he could not get out of the way. They were just about to clinch him. He never told Luigi Correlli, the saloon keeper, or anybody else, that he was going to kill somebody that night. He did say, "They will kill each other in my house, to-night." It was the first time that he was in any trouble, or was ever arrested. He served six years as a soldier in Italy, and never had a day of imprisonment. He was 46 years of age. He was drinking that night, but understood what was going on around him.

Under cross examination, he testified that he drunk five or six glasses of beer that night. He drunk nothing else. The knife had been in use around the house. It was a knife not pointed. It was a table knife; a knife used for eating. He never carried a knife.

In ~~the~~ rebuttal, JANUARICO ARLOTTI, being duly sworn, testified that he was a brother of the deceased. He was not present at the time of the stabbing. He had taken his trunk out of the rooms, and was going downstairs.

-----000-----

TORN PAGE

0625

Indictment filed Jan. 26/86.

Court of General Sessions.

The People vs.

v.

Phillippo Carlo Mag...

STENOGRAPHERS' TRANSCRIPT.

Tried March 19th. 1886.

0626

District Attorneys Office
City & County of
New York

18

Carson

Handwritten notes in cursive script, including dates like 1/8/87 and various illegible text.

0627

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

18

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0628

STATE OF NEW YORK
Executive Chamber
ALBANY

Ap. M. C. T. W. Cap. 3/199

March 10 1899.

Dear Sir:

Application for Executive clemency having been made on behalf of Philip Barlowagnos who was convicted of Murder 2d in the County of N. Y. and sentenced Mar 29 1886 to imprisonment in the State Prison for the term of Life. I am directed by the Governor respectfully to request that in pursuance of Section 695 of the Code of Criminal Procedure, you forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of enquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

Hon. Asa Bird Gardiner,
District Attorney,
New York

Wm. J. Young
Private Secretary.

0629

G. SCHOLER, M. D.
343 W. 38TH ST.,
NEW YORK.

Carlamagno

- Autopsy -

made Jan. 12 1886
John Harlotta 38 years Native of Italy

An incised wound was found
extending upward for about four inches
starting from the center of the nates
and also extending downward for about
three inches.

At the bottom of the wound the
Sciatic Artery was found completely
severed.

Decand died from profuse
hemorrhage.

G. Scholer, M.D.
Adj. Coroner

0630

City & County
of New York }

Giuseppe Rosso. and
Michael Ferris of number 31 Crosby
Street being each sworn, separately and
severally, with oaths and pay.

That about the hour of
10:30 P.M. on the night of the final day
of January 1886. said Ferris was in
the room of the premises 31 Crosby St.
occupied by Philip Carlongno.
and at said time there were a number
of other people in said room, when
said defendant told said persons,
they must pay the rent that night
as he was boss of the room, and
if they did not they must move.
and among the persons in said
room was Giovanni Giallato,
and they packed up their things and started
to go, out of said room, and as said
Giallato was about leaving said
room Giuseppe Rosso saw said
defendant ~~for~~ make a motion with
his arm, touching said Giallato on
the hip and immediately thereafter said
Giallato put his hands on his hips

0632

St Vincent's Hosp.

Jan 13 '86

To whom it may concern

This will certify that
John Herlotta who
was admitted to this
hospital suffering
from stab wound of
hip, on Jan 1st '86 - died
Jan 11th '86.

Thomas Kelly M.D.

Surgeon

0633

W. Vincent (Hosp.)
June 11 '66

to whom it may concern
This will certify that
John Verlato who
was admitted to this
institution on June 1:
is still in a precarious
condition

Thomson Kelly M.D.
Surgeon

0634

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

POLICE COURT, 102 DISTRICT.

Peter J. Monahan

of No. The 14 Greene Street Street, being duly sworn, deposes and says,

that on the 10th day of January 1886

at the City of New York, in the County of New York, Arrested

Pilino Carlomagno (nowhere) who did feloniously assault and beat one Giovanni Arlotto by cutting and stabbing said Arlotto on the left hip with the blade of a knife then and there held in the hands of said Carlomagno inflicting injuries from which the said Arlotto is now confined in St Vincent's Hospital and is unable to appear in court and the said Arlotto identified said Carlomagno in the presence of deponent as the person that did inflict

Subscribed before me this
1886

Police Justice

0635

Said injuries

Wherefore deponent prays that the said Carlomagno may be held to await the result of said injuries sworn to before me this

2nd day of January 1886

Peter J Monahan

William Monahan
William Monahan
William Monahan

POLICE COURT

DISTRICT

THE PEOPLE, & C.,
ON THE COMPLAINT OF

Peter Monahan

Peter Monahan

Dated Jan 2 1886

Magistrate

Monahan

Officer

Witness

Jan 6 2 PM

Disposition

Committed to

await the result

Police Justice

0636

City and County } S.S.
of New York

Peter Monahan,
an officer of police attached to
the 14th Precinct, being duly
sworn say - That on the 11th day
of January instant, the injured
man, Giovanni Arbotto, named
in the annexed affidavit of de-
ponent died at St. Vincent's
Hospital from the effects of his
injuries as stated in said
affidavit - as deponent is informed
by the physician in charge of
said Hospital, and as deponent
truly believes.
That deponent therefore charges
Filippo Carlomagno, now here,
the defendant named in
deponents said affidavit, with
having deliberately and premed-
tately caused the death of
said deceased by stabbing him
in the back with a knife, as
the sworn statements of the
witnesses to such stabbing here

0637

with annexed, more fully
set forth

Sworn to before me this } Peter J. Monahan
18th day of January 1866

David O'Connell Police Justice

~~City and County of~~ D.D.
~~New York~~ Police Justice

0638

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

Pilipo Carlomagno 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 *Pilipo Carlomagno*

Question How old are you?

Answer *47 years*

Question Where were you born?

Answer *Italy*

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

Answer *31 Crooby 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*

Pilipo Carlomagno
mark

Taken before me this

day of *August* 188*7*

1887

Police Justice.

0639

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

Philip Carlomagno

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~~. *Be legally discharged*

Dated _____ 188

Samuel P. Kelly Police Justice.

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated _____ 188

_____ Police Justice.

There being no sufficient cause to believe the within named

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

Dated _____ 188

_____ Police Justice.

0640

Donato Ariotti
20 Roosevelt
Donis Corralo
31 Crosby St
Raffaele Russo
31 Crosby St.
Luiano Ariotti
47 Crosby St.
Dr. G. Scholer
343 West 38 St.

BAILED,

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

Police Court 1st District. 68

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Peter Monahan
14 B'way
Felipe Carlomagno

Offence Homicide

Dated January 16 188 6
Sarrit Magistrate
Monahan Officer.
14 Precinct.

Witnesses Giuseppe Russo
No. 31 Crosby Street.
Michael Nino
No. 31 Crosby St Street,
Peter J. Monahan
No. 14 B'way Street,

Remitted to answer G S
Dr. Thomas Kelly
St. Vincent's Hospital
See Other Side

0641

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of *Quyness Office*
No. 13 & 15. *Chatham Street* in the *Fourth* Ward of the City of
New York, in the County of New York, this *21st* day of *January*
in the year of our Lord one thousand eight hundred and *86* before

Serdnand Eidman Coroner,
of the City and County aforesaid, on view of the Body of *Giovanni Aslotti*
lying dead at

Seren Upon the Oaths and Affirmations of
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
Giovanni Aslotti came to his death, do
upon their Oaths and Affirmations, say: That the said *Giovanni Aslotti*
came to his death by

That wound of the
buttock received at the hands of Phillip
Carlamagno at No 31 Crosby Street Jan 1886
about 9.30 PM but with what weapon
used is unknown to the jury

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.

<i>Mr. Hamerschlag</i>	<i>144 Chatham St.</i>
<i>L. C. Allen</i>	<i>198 Chatham St</i>
<i>Max Oestreicher</i>	<i>246 Chatham St</i>
<i>William Singer</i>	<i>35 Bowers</i>
<i>John Smith</i>	<i>192 Chatham St.</i>
<i>Joseph DeGed</i>	<i>25 Bowers</i>
<i>John Willers</i>	<i>84 Forsyth Street</i>

Serdnand Eidman CORONER, L. S.

0642

CORONER'S OFFICE.

TESTIMONY.

Officer John J. Monahan 14th Precinct
being sworn says, On June 1/88
about 9 P.M. the prisoner Charles
Calkins came to me and asked
me to come to his room at No
31 Crosby st and put some
men out who would not pay
my rent he went into a ladies
bar across and spoke to the
landlord who told me I
had better go up and see
what was the matter, I went
up stairs and saw 5 or 6
Italians in a room arguing
with the prisoner about paying
rent as the prisoner said and
they said he was not the
proper landlord, I finally
convinced them he was and
they agreed to pay the rent
of one dollar a month each
after I had every thing settled
and came down stairs, the
prisoner followed me down
and offered me money to go
up and arrest me if the men
among them the accused or put
him out, I told him I was not

Taken before me

this day of

1888

Ferdinand Cidman CORONER.

0643

arresting any body on New Year
 night, he went into the Capa
 her saloon at No 30 Crosby st.
 he came out again cursing
 and swearing and when he came
 out an Italian said to me
 Oh I think there will be
 trouble to night, the landlord
 also told me that the prisoner
 had said he would kill some
 body that night, the prisoner
 went up stairs and about 20
 minutes after I started from
 33 Crosby towards Spring st
 a bell and a bell from the
 floor on reaching there I heard
 a loud noise and the rapping
 of clubs and when I went
 back I found officers they
 had done the rapping and
 found a man lying in front
 of 33 Crosby bleeding from a
 stab wound of the left leg
 who proved to be Giovanni
 Orletto the deceased, I then
 summoned an ambulance
 and took the ante-mortem
 statement of the man, ~~and~~

Taken before me
 this day of

188
 Ferdinand Didman CORONER.

0644

CORONER'S OFFICE.

TESTIMONY.

3

The statement was read to the jury
the deceased was taken to St. Vincent's
Hospital by ambulance, after
searching his house for the
prisoner until 12 P.M. I
was informed he was on the
roof of 31 & 33 Crosby Street
the house was surrounded
and an officer was sent in
each doorway of 33, 35 & 37
I went up to the roof of
No 31, and while going up
saw a man looking the
scuttle down, the officers
that were on the roof ahead
of me said nobody was on
the roof. I then came to Room
12 where the prisoner lived
and found him lying under
the bed it was then about 12.40
A.M. Jan 24th. I took him to
the Station House and on the
morning of the 24th took him
to St. Vincent's Hospital where
he was identified by the
deceased as the man who
killed him. I visited him again
on Jan 25th and was told that

Taken before me
this day of

188

Ferdinand Ciccone CORONER.

0645

CORONER'S OFFICE.

TESTIMONY.

The man was beyond seeing

Peter of Monahan

Louis Coella being sworn says. I reside at 31 Crosby street and keep a saloon at 35 Crosby street. On Jan 1886 about 9 P.M. I saw the prisoner in my place and asked for a glass of beer which I gave him and he drank, he asked me some questions about some Italian names with him and making there he in the house, he wanted me to ask an Officer to go up stairs with him to get 12 Italians locked up, he went with an Officer up stairs after a while he came back to the saloon, he said that he would kill some body to night, about 9.30 P.M. an Italian came into the saloon and told me that an Italian was lying in a hand cart in front of no 35. I went out and lit a candle and looked at the Italian on the

Taken before me
this day of

188

Ferdinand Ciccarone CORONER.

0646

CORONER'S OFFICE.

TESTIMONY.

and saw blood on his
I then saw to Crosby & Dorman
and met Officer Shay 14th
Street and that he saw some
Italian in front of No 35
Crosby street

- Legi Dec 21 1888

Rafello Russo being sworn says I
reside at No 31 Crosby street. On
Jan 1886 about 9 P.M. I saw the
prisoners go into the upper bar where
35 Crosby street and heard him
say he was going to kill somebody
that night I said to him do you
want to kill somebody to night
and said if you do I will
have you arrested. I asked
Officer Menaghan that somebody
was going to be started and
said to the officers for him to
look out, while I was ^{then sleeping} in front
of my house upon that in the house
I saw at Room 27 I saw the
deceased come from Room 28 and
I then saw the prisoners going

Taken before me
this day of

1888

Frederick Lidman CORONER.

0647

CORONER'S OFFICE.

TESTIMONY.

the knife into the deceased who
then walked down stairs

Rafello Russo

Joseph Russo being sworn says I
reside at No 31 Crosby street in
room No 25. On Jan 11th about
10.30 P.M. I was come home
from Elizabeth street to go to sleep
and when reaching my room met
to that of the prisoners and saw
him under the influence of liquor
and quarreling with some one of
the boarders, the prisoners wanted
to go down stairs I don't know
what for I told him not to
go as some trouble might
arise, the deceased came into the
room to get his clothes which he
did and then went out was
left alone with the prisoners and
nursery, the prisoners and the deceased
then walked and deceased got
quarreling because he wanted the
nursery before he left the room
while they were quarreling and the
boarder came in to get some clothes

Taken before me

this day of

188

Francis Aidman CORONER.

0648

CORONER'S OFFICE.

TESTIMONY.

The deceased was going away after
the quarrel when the prisoners went
to him and made a plunge
at him with his hand, I
did not see any knife or
any kind but deceased went
to the door and said "My God
I am stabbed" after that he
went down stairs and said he
would average himself, after that
I saw some blood coming from
his left side, the prisoners then
went up on the roof. I then
went down stairs and saw the
deceased lying in front of No
35 Crosby St.

Joseph R. Ryan

Michael Ferris being sworn says I reside
at No 31 Crosby Street Room 27. On
Jan 11th 1888 about 9:30 & 10 P.M. I was playing
with my family I heard the prisoners
voice and he was asking for an
interpreter, he had four boards into
him. I heard the prisoner in Room 26
after I heard the voice I went down
stairs to see the trouble and when

Taken before me

this day of

1888

Ferdinand Cidman CORONER.

0649

CORONER'S OFFICE.

TESTIMONY.

I entered the room I saw the prisoner
 sitting with Officer Monaghan
 five or six Statians were around
 him, the prisoner was the landlord
 of the room and wanted the
 Statians to pay up or leave the
 room some of them pulled out
 money to pay they were to pay
 \$10 per month for lodging the
 deceased wanted \$10 from the
 prisoner and all the interest due
 thereon, the prisoner said I have
 not the money to pay besides the
 two dollars interest the prisoner
 had received one dollar before, the
 prisoner addressed the Statians in
 the room and asked who would
 give him \$3 to pay deceased
 I pulled out \$3 and handed
 it to the prisoner, when I gave
 him the \$3, deceased said he did
 not want it now I am sure
 enough when you guarantee
 to pay it. The deceased and all
 the other Statians went out, I
 and the prisoner were alone in
 the room, about 10 minutes ^{the deceased} ~~went~~
 came back to the room with three men

Taken before me
 this day of

188

Ferdinand Sidman CORONER.

0650

CORONER'S OFFICE.

TESTIMONY.

They wanted all their clothes
deceased and prisoners got in a
garment and I saw the prisoners
plunge something into the body
of deceased, I cannot say what
it was, the prisoners deceased
went to the threshold of the
door and said "I will
avenge myself"

Stichole Fiori

Donato Bolatto being sworn says I
reside ^{at} No 31 Crosby St. Room 21
on Jan 1/88 between 9 & 10 PM I saw
the prisoners asking the deceased when
he was going away are you going
now he said yes I am going
the prisoners then replied and ^{asked}
kiss me before you go then kissed
one another at the same time the
prisoners plunged something into
the body of deceased, I don't know
what it was, the deceased then
went to the threshold and said
I am murdered and I will

Taken before me

this

day of

188

Ferdinand Cidman CORONER.

0651

CORONER'S OFFICE.

TESTIMONY.

through myself, the first and saw
upon the body and deceased
went down stairs

Quator Alotta

Taken before me
this day of

188

Ferdinand C. Cidman CORONER.

0652

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } SS.

Philip Carlomagno 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—Phillips Carlomagno

Question—How old are you?

Answer—46 years

Question—Where were you born?

Answer—Italy

Question—Where do you live?

Answer—31 Crosby st.

Question—What is your occupation?

Answer—Laborer

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

By advice of counsel I have nothing to say.

Philip Carlomagno

Taken before me, this

day of

188

Ferdinand Aidman CORONER.

0653

MEMORANDUM.

AGE. 30 Years. ← Months ← Days.	PLACE OF NATIVITY. <i>Italy</i>	WHERE FOUND. <i>S. Vincente Hosp.</i>	DATE, When Reported. <i>Jan 12/86</i>
--	------------------------------------	--	---

No 145 1886. 1886

AN INQUISITION

On the VIEW of the BODY of

Giuseppe Salvo

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

Dr. M. C. Carrara

Deposited on the 21st day

of January 1886

before *Dr. Carrara* Coroner.

Committed

Ordned

Discharged

Date of death

Jan 11 1886

0654

No 145. 1886. 1/12

HOMICIDE.

AN INQUISITION

On the VIEW of the BODY of
Giuseppe Sabotta
whereby it is found that he came to
his Death by the hands of

Giuseppe Camagna.

Inquest taken on the 21st day
of January 1886
before *Edmund Edman* Coroner.

Committed
Buried
Discharged

Date of death Jan 11/86

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
<i>37</i> Years. Months Days.	<i>Italy</i>	<i>St Vincent's Road, Jan 11/86</i>	

0655

TORN PAGE

St Vincent Hosp.
Jan 12 '86

Thomas Kelly House Surgeon of St Vincent
Hospital being duly sworn says -

That on Jan. 1st '86. John Herlatter
of 31 Crosby St. was admitted to
the hospital suffering from stab
wound of Buttock, sustained by
while engaged in a fight with an
other Italian at above residence
the wound was found to involve the
gluteal artery. in spite of
treatment he died on Jan 11th
His friends live at 31. Crosby St.

P.S. other organs examined after death
negative

Taken before me
this 12th January 1886

Ferdinand C. ...

0656

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Philipp Cardamagna

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

Philipp Cardamagna of the CRIME OF murder in the first degree,

committed as follows:

The said Philipp Cardamagna,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the 21st day of January, in the year of our Lord one thousand eight hundred and eighty-six, at the Ward, City and County aforesaid, with force and arms, in and upon one Giovanni Adatto, then and there lawfully, feloniously, and of his malice aforethought did make an assault, and then the said Giovanni Adatto, with a certain knife which the said Philipp Cardamagna in his right hand then and there had and held, in and upon the said Giovanni Adatto, then and there lawfully, feloniously, and of his malice aforethought, did strike, stab, cut and wound, giving unto him the said Giovanni

Adotto, then and there, in the
 hands of the said, in and upon the
 left hip of him the said Figorini
 Adotto, one mortal wound of the
 breadth of one inch and of the
 depth of six inches, of which said
 mortal wound, he the said Figorini
 Adotto, at the City and
 County of the said, from the day
 first of the said, in the year of the
 said, until the seventh day of
 January, in the same year of the said,
 did languish, and languishing
 did die, and on which seventh
 day of January, in the year of the
 said, the said Figorini Adotto,
 at the City and County of the said,
 of the said mortal wound did
 die.

And so the said young
 of the said do say, that he the
 said Philip Carmona, him
 the said Figorini Adotto,
 in manner and form and for
 the means of the said, with
 felonious and of his malice
 aforethought, did kill and
 murder, against the form
 of the Statute in such case
 made and provided, and against

0658

The peace of the People of the
State of New York, and their
legality.

Randolph B. Martin,

District Attorney.

0659

BOX:

202

FOLDER:

2025

DESCRIPTION:

Carpenter, Joseph

DATE:

01/20/86



2025

0660

196 7039

Counsel,

Filed 20 day of Jan 1886

Pleads

THE PEOPLE

vs.

~~2~~ ~~7A~~

Joseph B. Carpenter

Franklin (2 rows)

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

RANDOLPH B. MARTINE,

District Attorney.

A True Bill.

Chas. Higgins Foreman.
May 24/86

James D. Daily
District Attorney
Feb 20/86

Witnesses:

0661

State of New York.)
City and County of New York.) S. S.

P. S. Jennings being duly sworn says:

I reside in the City of New York, and among other business interests, am engaged in an Oil business, having Works and an Office at Nos. 383 & 385 West 12th Street, in said City. In my said Office, and in connection with said Oil business prior to July 1st. 1885, for a period of nearly two years, I employed as confidential clerk and book-keeper, one Joseph B. Carpenter, then living in the City of Brooklyn, N. Y. ^{now in Ludlow St Jail on a civil warrant.} Said Carpenter made all entries; all checks were drawn to his order, all payments whether by check or cash, were made by and through him, and it was his duty, and I believed that he kept honest and correct entries of all receipts and payments. My business required absences frequently, of ten days or more, and my confidence in said Carpenter was so great, that I entrusted to him, substantially the entire conduct of the business when absent, and whenever I was about to leave the Office for an absence of several days, it was my practice to sign a number of checks to his order in blank.

From information received from an employee, I became satisfied that said Carpenter had abused my confidence and was using his position to impart information to others, who designed starting a similar business, and that he was a party to such design. I also subsequently learned that said Carpenter was carrying on a business

0662

at Turners Falls, Mass. with one of my travelling salesmen, and my suspicions were aroused as to Carpenter's honesty. I then discovered that two of my cash books were missing, and that he purposely kept them out of the Office. I then notified him of his discharge to take effect July 1st. 1885. On June 30th. 1885 he failed to appear at my Office, nor did he return the missing books, but telegraphed at one P. M. on the 30th. that he was detained on account of sickness and he would be over the next day. On the following day, July 1st. 1885 he came to my Office with one of my cash books and confessed that he had stolen my money, and that there was a cash shortage in his account of \$2672.86. He, on the same day stated to several others that he had embezzled \$2672.86 of my money. I then took an examination of his books and accounts, although it was several days before all of the missing books were returned, and I found in addition to the amount of \$2672.86 admitted by him to have been embezzled, the following theft and breaches of trust.

- x A. April 23rd. 1885, said Carpenter filled a check to his own order on the American Exchange National Bank, signed by me and dated that day for \$350.00 and
- x B. entered it on the stub of the check book as \$250.00 he also entered the same falsely in my cash book as \$250.
- x C. and posted the same falsely as \$250. in Ledger.

0663

I found, further examining my check book, that of the checks signed to his order, two were filled in during my absence and used by him in his Massachusetts business, and the stubs of each were falsely marked, and entered "Exchange Check."

X

D. One on the same bank, February 25th. 1885 for \$600.00

X

E. the other on the same bank March 18th. 1885 for \$450.00

X

I annex a statement of entries in general Cash Book, of Carpenter, as "Petty Cash Sundries", for which he gives no items or record as to what they were paid for, but Carpenter claims that they are all for Office incidentals. It is impossible that such could be the fact. All stationary, wages, and nearly every possible disbursement, has in my business its specific entry, indicating just what the payment was made for. I find therefore that the Petty Cash charges from January 1st. 1884 to June 1885, inclusive, cover stealings of fully one half, and is in addition to his confessed shortage. I also find that money has been paid to him in cash for goods sold for which no entry has been made, and the amount embezzled by said Carpenter in this way, I am unable to give.

X

X

I also found that said Carpenter had paid to one of my travelling men, who was engaged with him in his Massachusetts enterprise, moneys not due him; in addition to which he credited salary and travelling expenses during April 1885, while, as he well knew, such salesman was not travelling for me, but was devoting his

0664

entire time to said Massachusetts business, in which they were mutually interested.

On July 24th. 1885, Carpenter made affidavit that he had stolen only \$2600.00 whereas he has previously admitted stealing \$2672.86, and my examination as above stated, shows that he falsely stated the amount of his embezzlement on both occasions.

*Subscribed and Sworn to
this 13th day of Nov. 1885.
O. W. Sanderson
Notary Public N.H. Co.*

P. J. Jennings

0665

Entries made in General Cash Book by Joseph B. Carpenter as Petty Cash Sundries, for which there is no explanation in detail.

1883	
March	
April	143 65
May	156
June	94 05
July	74 31
August	69 14
September	84 61
October	73 32
November	61 27
December	99 13
1884	39 96
January	
February	58 55
March	176 35
April	141 57
May	172 69
June	135 65
July	112 92
August	131 67
September	119 34
October	142 27
November	144 31
December	198
1885	158 60
January	
February	139 98
March	157 15
April	160 84
May	155 09
June	209
	126 56

0666

People vs Carpenter

3511 R. Road
Troy, N.Y.

Affidavit

W. J. Linnick
300 W. 12 St
Troy, N.Y.

10/15/77

W. J. Linnick

18 W. 12 St

0667

it is his sincere purpose, if permitted, to devote
his time + labor, honestly + diligently to the support
of his wife + daughter + an aged and infirm mother.
He has been imprisoned for nearly nine months
and I am informed ^{from official reports} that
his mother, wife + child need his support, being
themselves destitute as I am informed; and I am
informed and believe that steady employment
is offered by an uncle of Carpenter + that he may
thus have the opportunity of usefulness and
furnish a needed support to his mother, wife + child.
I did not present the charges against the
prisoner in the expectation of thereby effecting
the return of the stolen money, nor has there
been any settlement of debt, nor any satisfaction
to the complainant of the pecuniary loss.
I have been moved to present this letter for your
consideration rather from seeing personally the
prisoner and his present condition + that of his
mother, wife + child, who I think suffer
most acutely by his further imprisonment.

Very Respectfully Yours

Wm W. F. Wro.

New York May 19th 1886

J. J. F. F.

0668

People vs Joseph B. Carpenter.

Hon. Randolph B. Martine Dist. Atty

Dear Sir:

The accused is now incarcerated in Ludlow St. Jail where he has been I believe some eight or nine months. He was lodged there about Aug 1st 1885 by an order of arrest in an action in the Supreme Court, being unable to procure the bail (\$2500) required. An examination by the complainant and myself as his Attorney of books & checks revealed very extensive embezzlement and forgery by Carpenter, and believing that justice required his punishment I immediately presented the case for your consideration & he was thereafter indicted by the Grand Jury for two specific offenses constituting forgery in the 2nd degree. These indictments are still pending, and have been for the past five months but he has not plead nor has his counsel moved in respect thereto as I am informed. While there is no doubt of the wrong doing and the gravity of the crime, there are some considerations which may warrant the exercise of mercy & suspension of punishment in his case. Up to the commission of the offenses (which cover a period of about two years prior to Aug. 1885), Carpenter, as I am informed, had borne a good reputation and had been faithful & his wife & mother attest that he was ever a kind husband and a dutiful son. I believe him now to be truly penitent & that

Joseph B. Carpenter

0669

it is his sincere purpose if permitted to devote
his time & labor honestly & diligently to the support
of his wife & daughter & an aged and infirm mother.
He has been imprisoned for nearly nine months
and I am informed ~~for~~ ^{now} ~~from~~ ^{of} ~~his~~ ^{his} mother wife & child need his support, being
themselves destitute as I am informed: and I am
informed and believe that steady employment
is offered by an uncle of Carpenter & that he may
thus have the opportunity of usefulness and
furnish a needed support to his mother wife & child.
I did not present the charges against the
prisoner in the expectation of thereby effecting
the return of the stolen moneys, nor has there
been any settlement of debt, nor any satisfaction
to the complainant of the pecuniary loss.
I have been moved to present this letter for your
consideration rather from seeing personally the
prisoner and his present condition & that of his
mother wife & child, who ~~women~~ I think suffer
most seriously by his further imprisonment.

Very Respectfully Yours

Wm W. F. Wro.

New York May 19th 1886

J. F. F.

0670

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph R. Carpenter

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

Joseph R. Carpenter

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

The said Joseph R. Carpenter,

late of the City of New York, in the County of New York aforesaid, on the
Fifteenth day of March, in the year of our Lord
one thousand eight hundred and eighty-five, with force and arms, at the City and
County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act
and assist in the forging a certain instrument and writing, to wit: an order
for the payment of money to the
said commonly called Bank of America,
which said forged Bank of America,
is as follows, that is to say:

No. 1580
\$450.00/100
New York March 18 1885
The American Exchange National Bank
Pay to the order of J. R. Carpenter,
Four hundred & fifty 00/100 Dollars
C. D. Gammie

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

0671

SECOND COUNT:

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

Joseph C. Raper

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

The said Joseph C. Raper

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

<p>no. 1580, $450 \frac{00}{100}$ New York, March 19 1885</p> <p>The American Exchange National Bank</p> <p>Pay to the order of J. C. Raper</p> <p>Four Hundred & Fifty $00 \frac{00}{100}$ Dollars</p> <p><u>J. C. Raper</u></p>

with force and arms, and with intent to defraud, the said forged drafts then and there did feloniously utter, dispose of and put off as true, he the said Joseph C. Raper, then and there well knowing the same to be forged, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,
District Attorney.

0672

197. *Altozano*

Witnesses:

*I have reviewed
the transcript which
has been made by
the Court reporter,
in substance of the other
account and I do not
oppose the publication
of the same.
Deputy District
Attorney
May 24/58*

Counsel,
Filed 20 day of *Jan* 1886
Pleads

THE PEOPLE
vs.
Joseph B. Carpenter
(*respondent*)
NA

Forgery in the Second Degree.
(Sections 511 and 521, Penal Code.)

RANDOLPH B. MARTINE,
District Attorney.

A True Bill.

Quentin Hoggan
Foreman.
Abuel M. ...
W. ...
H. ...

0673

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Joseph B. Carpenter

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

Joseph B. Carpenter

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

The said *Joseph B. Carpenter*,

late of the City of New York, in the County of New York aforesaid, on the *twenty fifth* day of *February*, in the year of our Lord one thousand eight hundred and eighty-*five*, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain instrument and writing, *to wit an order for the payment of money of the said commonly called bank checks,* which said forged *bank checks,* is as follows, that is to say:

No. 1535
600⁰⁰/₁₀₀ New York, *February 25 1885*
The American Exchange National Bank
Pay to the order of *J. B. Carpenter*,
Six Hundred⁰⁰/₁₀₀ Dollars
J. B. Carpenter

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

Samuel B. Mathie,
District Attorney.

0674

BOX:

202

FOLDER:

2025

DESCRIPTION:

Cava, Antonia

DATE:

01/25/86



2025

0576

Sec. 198-200.

Seam District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

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

Question What is your name?

Answer

Antonia Lava

Question. How old are you?

Answer

Twenty

Question. Where were you born?

Answer.

Italy

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

Answer.

282 1/2 St, 3 months

Question What is your business or profession?

Answer

Housekeeper

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

Antonia Lava
mark

Taken before me this *11th* day of *April* 19*17* at *New York* City.
W. J. [Signature]
Judge

0677

Sec. 151.

1st District Police Court.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Augustine Helson of No. 100 East 23rd Street, that on the 4 day of January 1885 at the City of New York, in the County of New York,

Antonina Corva (aged 7 years) as a person is informed *is informed* he was violently Assaulted and Beaten by Antonina Corva by striking her *with* said Antonina Corva on the head and on her right *arm and shoulder with a stick cutting bruising and mauling* said Antonina Corva. *Wherefore,* the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are, Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring her forthwith before me, at the 1st DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 5 day of January 1885

Solomon B. Smith
POLICE JUSTICE.

0678

POLICE COURT *1st* DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

A. Wilson

vs.

Antonio Carva

Warrant - A. & B.

REMARKS.

Time of Arrest, *7/11/1885*

Native of *Italy*

Age, *20*

Sex *Female*

Complexion, *Dark*

Color *White*

Profession, *Housekeeper*

Married *No*

Single, *No*

Real, *No*

Write, *No*

Dated *7/11/1885*

Solomon Smith Magistrate.

Officer.

The Defendant *Antonio Carva*

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

Wilson

Officer

Dated *7/11/1885*

This Warrant may be executed on Sunday or at
night.

Police Justice

0679

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 _____

Antonio Lava

Three ~~guilty thereof~~, I order that he be held to answer the same and he be admitted to bail in the sum of *Three* 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 *9 January* 188

Solomon B. Smith
Police Justice.

I have admitted the above-named _____

W. J. Smith

to bail to answer by the undertaking hereto annexed.

Dated *Jan 9* 188

Solomon B. Smith
Police Justice.

There being no sufficient cause to believe the within named _____

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

Dated _____ 188

Police Justice.

0680

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Augustine Wilson
100 E 23rd St
Antonia Gava

Offence Assault on a child

BAILED,

No. 1, by Morris Cohen
Residence 260 Elizabeth Street.

No. 2, by
Residence Street.

No. 3, by
Residence Street.

No. 4, by
Residence Street.

Dated 9 January 1886
Volney Davis Jr. Magistrate
New York Officer.
S. P. C. Precinct

Witnesses A. Maria Cardia
No. 100 East 23rd Street, 47 years

No. [unclear] Street, [unclear]

No. 200 to answer [unclear] Street,

Bailed

0581

Police Court— First District.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. 100 East 59th Street, aged 36 years,
occupation Agent being duly sworn, deposes and says, that

on the 11th day of January 1888 (at the City of New York,
in the County of New York, Antonia Casdia (aged 49 years

She was violently ASSAULTED and BEATEN by Antonia Casdia (aged 49 years
is unmarried) by striking Antonia Casdia
on the head and on her right arm and shoulder
with a stone, cutting, bruising, and marking.
said Antonia Casdia

without any justification on the part of the said assailant

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

Sworn to before me, this 5th

day of January 1888

Robert Stuebel
Police Justice.

0682

WJ
Police Court, 1st District.

THE PEOPLE, &c.,

on the complaint of

Augustus Wilson

vs.

1. Antonio Corbo

2. _____

3. _____

4. _____

Offence—Assault & Battery

Dated Jan 10 1888

Smith Magistrate.

Officer.

Clerk.

Witnesses, _____

No. _____ Street,

No. _____ Street,

No. _____ Street,

\$ _____ to answer _____ Sessions.

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

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

Dated _____ 1888 . Police Justice.

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

Dated _____ 1888 . 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 _____ 1888 . Police Justice.

0683

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Antonio Cava

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

Antonio Cava

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

The said *Antonio Cava*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *fourth* day of *January*, in the year of our Lord one thousand eight hundred and eighty-*six*, at the Ward, City and County aforesaid, in and upon the body of one *Antonio Randia*, in the peace of the said people then and there being, with force and arms, unlawfully did make an assault and *in* the said *Antonio Randia*, did then and there unlawfully beat, wound and illtreat, to the great damage of the said *Antonio Randia*; 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 B. MARTINE,

District Attorney.

0684

BOX:

202

FOLDER:

2025

DESCRIPTION:

Ceaser, George

DATE:

01/25/86



2025

0685

239

Counsel, *J. A. Blake*
Filed *25* day of *Jan'y* 1886.
Pleads *Voluntarily*

Grand Larceny *2nd* degree
[Sections 628, 631, 632 - Penal Code.]

THE PEOPLE

vs.

R

George H. Bauer

vs. (indistinct)

RANDOLPH B. MARTINE,

District Attorney.

Dr. Feb 4/86
Pleads *P.L.*

A TRUE BILL.

James Higgins

Foreman.
G. Martine

ES

Witnesses:

Wm. of the Property
Werner

ES

(Large handwritten flourish)

0686

Police Court—

2

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 15 West 20th Street, aged 30 years,

occupation Lady of Leisure being duly sworn

deposes and says, that on the 30 day of January 1889 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 riding dress skirt and waist, One pongee skirt, One white dress, One blue calico and one blue flannel dress all of the value of One hundred dollars (\$100.)

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

George H. Cesser (now here), in the manner following, to wit: on the morning of the above date, deponent went to her trunk containing said property and found the same gone; and Mrs Charity Sherwood saw said deponent in his room folding the said property up, and he told her, that he was taking the same to the dress makers; and believing his statement false; his arrest subsequently followed; when the deponent was arrested

Subscribed before me this 1st day of February 1889

Police Justice

0687

He admitted having taken said property but said he was only "fooling" with the lady. Wherefore dependent party should be dealt with as the Law directs

Done in presence of Charlotte Bellect

[Signature]
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
Hundred Dollars and he committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.
I have admitted the above named to bail to answer by the undertaking hereof annexed.
There being no sufficient cause to believe the within named guilty of the offence within mentioned, I order he to be discharged.
Dated 188
Police Justice.

Police Court, District, _____

THE PEOPLE, &c.,
on the complaint of

1. _____
2. _____
3. _____
4. _____

Offence—LARCENY

Dated 188
Magistrate.
Officer.
Clerk.
Witnesses, No. _____ Street, _____
No. _____ Street, _____
No. _____ Street, _____
§ to answer _____ Sessions.

0688

CITY AND COUNTY }
OF NEW YORK, } ss.

Mr. Charity Sherwood
aged *37* years, occupation *Washer* of No. *15 West 20* Street, being duly sworn deposes and

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

Sworn to before me, this *20* day of *Jan*, 188*8* by *Charity Sherwood*

J. G. Duffy
Police Justice.

0689

Sec. 198-200.

7 District Police Court.

CITY AND COUNTY OF NEW YORK ss

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

Question. What is your name?

Answer. *George H. Cesser*

Question. How old are you?

Answer. *23 Years of age*

Question. Where were you born?

Answer. *United States*

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

Answer. *330 - 9th Av - 3 Months*

Question. What is your business or profession?

Answer. *Writer*

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*

George H. Cesser

Taken & forwarded this day of *July* 1918
[Signature]
Police Justice.

0690

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

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0691

Police Court District.

THE PEOPLE, &c
ON THE COMPLAINT OF

Agathe S. S. S.
15 West 20th St.
Geo. A. Cresser

Office

BAILED,

No. 1, by _____
Residence _____ Street.

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

John W. C.
Dated _____ 188
Conroy Magistrate.
Officer
29 Precinct.

Witnesses _____
No. _____ Street.

Mrs. Charity Sherwood
No. *15 West 20th* Street.

No. _____ Street.
\$ *1000* to answer *G.S.*

Conroy

0692

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

George W. Pearson

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

- George W. Pearson -

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

The said George W. Pearson,

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

Two pairs of shoes of the value of fifteen dollars each, one pair of shoes of the value of fifteen dollars, and three dresses of the value of twenty five dollars each,

of the goods, chattels and personal property of one Charlotte

Selle,

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.

Rowland B. Martine,
District Attorney

0693

BOX:

202

FOLDER:

2025

DESCRIPTION:

Clark, Samuel

DATE:

01/29/86



2025

0694

306.

Counsel,
Filed 29 day of Jan'y 1886
Pleads *Embry*

Embry
THE PEOPLE
vs.
R
Samuel Clark
Mayor of
City of
New York

Sections 498, 506, 528, 495, 532
Burglary in the Third Degree.

RANDOLPH B. MARTINE,
District Attorney.

S. P. 4 years.
A True Bill.

Guarantigue

Foreman
The in factum in
this case, but not
advised that the
Judge of the
Court

0695

L
The People
vs.
Samuel Clark.

Court of General Sessions, Part I.
Before Judge Cowing.

Thursday, February 13, 1896.

Indictment for burglary in the third degree.

Henry Fritt sworn and examined testified. I live at 211 West 23th Street in this city and lived there on the 15th of January, the prisoner did not live there at that particular time but he had been living there during that month, I left my room about half past five on the morning of the ~~14~~¹⁵th of January, I locked my door and hung the key up outside the door, I left in there all my Sunday clothes my dress coat and my watch; when I returned in the afternoon I missed my watch, I bought it off a man and gave him ten dollars for it, I did not authorize the prisoner or any man to enter my room during my absence that day.

Cross Examined. I last saw my watch on the night of the 11th, I wound it up and hung it over the fire-place and I missed it on Friday, January 12, at one o'clock, I had not seen it since the night before, I did not say at the police Court that I never missed the watch until Sunday, that was the watch of my friend whom I left asleep between six and seven o'clock. The prisoner was not in my place with other friends after this alleged stealing, he came in there on Christmas night and staid five minutes and walked out again, he was not in my room on the Saturday evening after I lost the watch, I was not home, I was at work. There was a lady went into my room, she has made up my bed for the last four years, I discovered that I lost my watch on the 15th of January.

0696

Mary E. Matthews sworn. I live at 211 West 28th Street, we have men lodgers, on Friday, the 15th of January the men usually go out to work at half past five and they lock the door and on the side of the woodwork they generally hang the key, the bell rung about five or ten minutes after and Henry Britt had gone out, Samuel Clark came up the steps and my window is situated on the hall, a dark room, I got up and looked out of the window to see who it was and finding it was Samuel Clark he was asked what he was doing in Britt's room at that early hour. He said he saw Henry on the outside and it was all right; we knowing that Samuel Clark knew Britt we did not say anything to him, he went in the room and locked the door on the inside, which I heard distinctly. My father, who was very ill at that time got up and shook the door and asked who was in the room. Clark did not answer until he shook three times, he opened the door and he had a light by this time, he said Mr Matthews Britt told me it was all right. Britt came home at one o'clock in the afternoon and said he missed his watch, I told him there was no one had been in the room but his friend Samuel Clark who said he had sent him in.

Eli Boon sworn. I live 211 West 28th St. and lived there on the 15th of January, I don't know anything about the prisoner stealing Britt's watch but I am a complainant against him for stealing my watch.

The evidence as to the stealing of the watch of Boon was stricken out on motion of prisoner's Counsel.

0697

Matthey McConnell sworn. I am an officer of the 20th precinct and arrested the prisoner, he denied taking the watch but said he was there.

Samuel Clark sworn and examined in his own behalf, testified: It was on a Thursday night I believe that the complainant was asking for me where I visit and I was there about five o'clock, I says, I guess I will go over and see him, he has not gone to work; when I got to the door about half past five the door was standing about two inches open and I went in, I says, I will wait for him, while I sat down I leaned back against the door and Mr Matthews came to the door and said, who is there? I said it is me, Britt has been asking for me and I thought he had not gone to work, he said all right, I waited about half an hour, he did not come in and I went out, Saturday night I went up to change my clothes and his friend was in his room, I asked him where Britt was and he said he had not come home yet, I waited half an hour, he did not come in, I said, I will go out and find him, Monday night I heard there was a warrant out for me, they told me it was for stealing two watches, one valued at sixty and the other at ninety dollars, I did not take Britt's watch, I never saw him have a watch and I worked with him all last summer. I never saw Mary Matthews that morning nor heard her voice, I am a waiter and was working at 765 Sixth Avenue in a bar-room.

Mary Matthews recalled. I saw the prisoner take down the key from the side of the panel and unlock the door.

The Jury rendered a verdict of guilty.

0698

Testimony in the case
of Samuel Clark
filed Jan. 1886.

0699

CITY AND COUNTY }
OF NEW YORK, } ss.

Mary E Matthews
aged *23* years, occupation *House cleaning* of No.
211 West 28th Street, being duly sworn deposes and

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

Sworn to before me, this *25*
day of *January* 188*6* } *Mary E. Matthews*

P. J. Duffy
Police Justice.

0700

Police Court 2nd District.

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

of No. 211 West 98th Street, aged 22 years,
occupation Waiter being duly sworn.

Henry Britt

deposes and says, that the premises No 211 West 98th Street,
in the City and County aforesaid, the said being a three story and
basement brick building and a room on
the third floor of which was occupied by deponent as a sleeping room
and in which there was at the time no human being, by name

were BURGLARIOUSLY entered by means of forcibly unlocking
the door facing the hallway, and leading
into said bedroom

on the 15th day of January 1886 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

One double case silver watch of the
value of ten dollars

the property of Deponent
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by
Samuel Clark (now here)

for the reasons following, to wit: On said date about the hour
of 05:30 o'clock a.m. deponent locked
the door leading into his bedroom in said
premises and hung up the key on a nail
on the side of said door. That deponent
returned to said bedroom about the
hour of 09 o'clock on the afternoon of
said date, when deponent was informed
by Mary E. Matthews of No 211 West 98th

0701

that said defendant told her about the
 hour of 6 o'clock a.m. on said date, that
 defendant had ~~sent~~ ^{directed} him (said defendant)
 to enter defendant's room. That said
 Mary saw the said defendant take the
 key ^{from} where it was hanging on the side of
 the door of said bedroom, and unlock said
 door and the said defendant then entered
 said bedroom, and locked the door on the inside.
 That defendant after returning to his bedroom
 at the time before mentioned he found the
 above described property missing. Defendant
 further says that he never authorized said
 defendant to enter his bedroom and charges
 said defendant with burglariously entering
 said premises and with the larceny of said
 property.

Osworn to before me
 this 25th day of January 1886 } Henry D. Smith
 J. B. Peppery
 Police Justice

Police Court _____ District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

vs.

Burglary

Dated _____ 188

Magistrate. _____
 Officer. _____
 Clerk. _____

Witnesses: _____

Committed in default of \$ _____ Bail.

Bailed by _____
 No. _____ Street.

0702

Sec. 198-200.

2nd

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss

Samuel Clark

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 *Samuel Clark*

Question How old are you?

Answer *17 years*

Question. Where were you born?

Answer. *Texas*

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

Answer. *No 115 west 27th street. ^{tho} about one week*

Question What is your business or profession?

Answer *Waiter*

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

Answer. *The door of the bedroom was open and I went in -*

S. P. Clark

Taken before me this

25

day of

188

[Signature]
Police Justice.

0703

Police Court *July 99* District.

THE PEOPLE, &c,

ON THE COMPLAINT OF

Henry Britt
211 West 28th

vs.

Samuel Clark

Offence *Burglary*

2
3
4

Dated *JULY 25* 1886

Duffy Magistrate.

Stephen Campick Officer.
Matthias McConnell
24 Precinct.

Witness *Mary E. Matthews*

No. *211 West 28* Street.

No. *211 West 28th* Street.

No. *500* Street.

\$ *500* to answer *G.O.*

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Appearing before me by the within accusations and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Samuel Clark 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* 1886 *Police Justice.*

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

Dated _____ 1886 *Police Justice.*

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

Dated _____ 1886 *Police Justice.*

0704

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Samuel Clark

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

- Samuel Clark -

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

The said *Samuel Clark*,

late of the *Trenton* Ward of the City of New York, in the County of New York, aforesaid, on the *fifteenth* day of *January*, in the year of our Lord one thousand eight hundred and eighty *- six -* with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *dwellinghouse* of one

- Henry Britt -

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

Henry Britt

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

0705

SECOND COUNT—

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

- Samuel Clark -

of the CRIME OF *Petit* LARCENY, —

committed as follows :

The said *Samuel Clark,*

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

one watch of the value of

ten dollars,

of the goods, chattels and personal property of one *Henry Smith,*

in the *dwellings* house of the said *Henry Smith,*

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

David J. ...
Attorney

0706

BOX:

202

FOLDER:

2025

DESCRIPTION:

Codney, Albert

DATE:

01/05/86



2025

0707

15

Counsel,
Filed *of Day* 1886
Pleads,

per M. B.
vs. *Albert Codney*
Grand Larceny, *1st* Degree.
(From the Person.)
[Sections 528, 530 - Penal Code.]

RANDOLPH B. MARTINE,
District Attorney.
Per Dec 1/86
Recd & L. 20.

A True Bill,
State Reformatory, Elvira.
James Higgins Foreman.

Witnesses:

.....
.....
.....

0708

Police Court 2 District.

Affidavit—Larceny.

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

Charles Barrett

of No. 32 Harrison Street, aged 33 years,
occupation waiter being duly sworn

deposes and says, that on the 22 day of December 1885 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
Person of deponent, in the night time, the following property viz :

One silver waltham watch of
the value of twenty 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 Albert Godwin (now here)
from the fact that deponent was
standing in the gallery at the grand
Opera House when he felt a tug at
his watch chain and on looking
down deponent saw the defendant
in the act of drawing his the said
defendants hand from deponents vest.
Deponent caught hold of the arm
of the defendant when the defendant
dropped the watch into the hand
of deponent. Wherefore deponent charges
the said defendant with feloniously
taking, stealing and carrying away the
aforesaid watch from the upper left hand
pocket of the vest then and there worn by
deponent.
Charles Barrett

Sworn to before me, this 23 day
of December 1885
Samuel P. Hall
Police Justice.

0709

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

District Police Court.

Albert Bodney

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 *Albert Bodney*

Question. How old are you?

Answer *16 years old*

Question. Where were you born?

Answer. *New York State*

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

Answer. *453 West 46th St about 2 months*

Question What is your business or profession?

Answer *Butcher*

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*
Albert Bodney

Taken before me this

day of *December* 1888

[Signature]
Police Justice.

0710

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 10 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 Dec 23rd 1885 Sam'l O. Bell Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0711

1402

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Barrett
Fr Harrison
Albert Bodin

Offence
from the Prison

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 Dec 21st 188

D. O'Reilly Magistrate
Jas F Madden Officer.
16 Precinct.

Witnesses Edward M. Kelly
No. 304 E 26th Street.

No. Street,

No. Street,
\$ 1000 to answer Gen Sec

Sum

0712

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Albert Rodman

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

— Albert Rodman —

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

The said *Albert Rodman*

late of the First Ward of the City of New York, in the County of New York aforesaid, on the *twenty second* day of *December*, in the year of our Lord one thousand eight hundred and eighty *five*, in the *night* time of the said day, at the Ward, City and County aforesaid, with force and arms,

one watch to the value of twenty
dollars.

of the goods, chattels and personal property of one *Charles Barrett*, —
on the person of the said *Charles Barrett*, —
then and there being found, from the person of the said *Charles Barrett*, —
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.

Samuel J. Martin,
District Attorney.

0713

BOX:

202

FOLDER:

2025

DESCRIPTION:

Cohen, Tobias

DATE:

01/28/86



2025

0715

City and County of New York, ss.

John G. Johnson M.D. an Assistant Sanitary Inspector of said city, being duly sworn, deposes and says, that on the 2nd day of December in the year 1885

at premises number 134 1/2 Ludlow St. in the City of New York, the said premises being a place then and there where Milk was kept for sale, one Tobias Cohen unlawfully did then and there keep, have and offer for sale three quarts of impure and unwholesome Milk, which had been and was then and there watered, adulterated, reduced and changed by the addition of water or other substance, or by the removal of cream therefrom, and that such impure, unwholesome, watered, adulterated or reduced and changed Milk was then and there, by the said Tobias Cohen, unlawfully held, kept and offered for sale against and in violation of the provisions of the Sanitary Code, and of such Sanitary Code then and there, and at all times thereafter in force and operation, and especially against and in violation of the provisions of a section and ordinance of such Sanitary Code which was duly passed and adopted by the Board of Health of the Health Department of the said City of New York, and by said Health Department at a meeting thereof, duly held in said city, on the twenty-third day of February, 1876, in the manner and language following, to wit:

"Resolved, That under the power conferred by law upon the Health Department, the following additional section to the Sanitary Code, for the security of life and health be, and the same is hereby, adopted and declared to form a portion of the Sanitary Code.

"No Milk which has been watered, adulterated, reduced or changed in any respect by the addition of water or other substance, or by the removal of cream, shall be brought into, held, kept or offered for sale at any place in the City of New York, nor shall any one keep, have or offer for sale in the said city any such Milk."

That said ordinance was thereafter duly published once a week, for two successive weeks, in the City Record, a daily official newspaper and journal published in said city, to wit, in the issues of such newspaper of the 24th day of February, 1876, and also of the 2d day of March, 1876, and that said ordinance was, at all times alleged herein, in full force and operation in said city and county.

Sworn to before me the 9th day of December 1885.

John G. Johnson M.D. Milk Inspector Police Justice.

0716

11/1

Police Court, 5 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF
John J. Shaver
vs.
Thomas Cohen
124 1/2 Sullivan St.
New York City

Dated..... 188

Justice.

Officer.

Add. Water = 13%
Daily Sale = 8 2/3%
J. J. Shaver
Milk Inspector

X +

0717

Sec. 151.

Police Court _____ District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by John G. Deane Milk Inspector of No. 1055 Lexington Avenue Street, that on the 2 day of Dec 1885 at the City of New York, in the County of New York,

at premises no 124 1/2 Ludlow St.
one Tobias Cohen
did then & there unlawfully keep have & offer for
sale impure unwholesome water adulterated
reduced & changed milk in violation of the provis-
ions of the Sanitary Act of said City

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring him forthwith before me, at the 3 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 9 day of Dec 1885

ay Owen POLICE JUSTICE.

0718

Police Court 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John J. Jahan
vs.
Jobias Cohen

Warrant-General.

134 1/2 Ludlow St.

Dated Dec 9th 1885

Dauer Magistrate

Bell Officer.

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

Bell Officer.

Dated Dec 11 1885

This Warrant may be executed on Sunday or at
night.

Police Justice.

Dec 11th 1885

Jobias

Pulver

age

134

Dated

188

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

Cohen

63

years

Ludlow

Police Justice.

The within named

0719

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss

3 District Police Court.

Julius Cohen

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. *Julius Cohen*

Question. How old are you?

Answer. *53 years*

Question. Where were you born?

Answer. *Russia Poland*

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

Answer. *134 1/2 Ludlow - a month*

Question. What is your business or profession?

Answer. *Sweeper*

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 bought the goods of a man at 21 Essex Street. I supposed it was pure milk. I do not put anything in the milk to adulterate it. I sell about 8 quarts a day. I demand a trial by jury. J Cohen*

Taken before me this 11

day of December 1888

Carl G. Smith

Police Justice.

0721

Dec 16 1885

Police Court District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John B. Shum
1055 Lexington Ave.
Gobias Cobee

39
Offence: *Misdemeanor*
Adulteration of Milk
Violation of Sanitary Code

BAILED,

No. 1, by *James Benson*
Residence *170 Delancy Street.*

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Dated *Dec 11* 1885
Dover Magistrate
Shell Officer.
Court Precinct.

Witnesses *John Benson*
No. _____ Street.

No. *Forfeiture returned*
_____ Street,

No. *signed in*
deft had signed _____ Street.
\$ *200* to answer

Paulet
appeared to Court of
Magistrates on Dec 18.

0722

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edwin Cohen

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

Edwin Cohen of a misdemeanor
~~of the name or~~

Char. 183
Samp. 1865
Sec. 1.-

committed as follows:

The said Edwin Cohen,

late of the First Ward of the City of New York, in the County of New York afore-
said, on the second day of December, in the year of our Lord
one thousand eight hundred and eighty-nine, at the Ward, City and County aforesaid,

did unlawfully expose for sale, keep
aparts of munition, arms, and accoutrements,
admitted and manufactured, in
violation of the Statute in
such case made and provided, and
against the peace and dignity of
the said People.

Second Count: (Sec. 186, Sanitary Code)

And the Grand Jury
aforesaid by this indictment further
accuse the said Edwin Cohen of a
misdemeanor, committed as follows.

The said Edwin Cohen, late of the
Ward, City and County aforesaid, -

0723

afterwards, to wit: on the day and in
 the year aforesaid, at the place aforesaid,
 did unlawfully take, have and offer
 for sale, ten quarts of milk, which
 had been and was then and there
 watered, adulterated^{and} reduced, and
 changed by the addition of water
 and other substances to the said
 cream, and by the removal
 of cream therefrom, against and in
 violation of the provisions of the Sanitary
 Code of the Board of Health of the Health
 Department of the City of New York,
 which said Code was adopted and declared
 as such, as amended in accordance
 with Law, and then and there finding
 and in force in said City, and especially
 against and in violation of the one
 hundred and eighty sixth section of
 the said Sanitary Code, being an
 ordinance and section duly passed
 and adopted by the said Board of
 Health, and by said Health Department
 at a meeting of the said Board of
 Health duly held in said City on
 the 23rd day of February, 1916, which
 said ordinance and section is as follows,
 that is to say:

"No milk which has been watered,
 adulterated, reduced or changed in

0724

any respect by the addition of water
or other substance, or by the removal
of cream, shall be brought into, sold
kept, or offered for sale at any place
in the City of New York; nor shall
any one keep, have or offer for sale
in the said City any such milk."
which said ordinance was thereafter
duly published once a week for
two successive weeks in the "City
Record", a daily official newspaper
and journal published in said City,
to wit: in the issue of said newspaper
and journal of the 24th day of Feb-
ruary, 1876, and also of the 2nd day
of March, 1876, and which said ordinance
and section was then and there
at all times thereafter in full force
and operation: 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;

Richard B. Martin,

District Attorney