

0087

BOX:

422

FOLDER:

3900

DESCRIPTION:

Baker, Max

DATE:

01/07/91



3900

0088

Witnesses:

E. J. Prescott

Counsel,

70 East

Filed

day of

Jan 18 *91*

Pleads,

Amended

THE PEOPLE

vs.

P

Max Baker

Knows nothing about degree
But guilty in the Third degree.
[Section 498, N.Y. Code of Criminal Procedure]

John H. Bellows
JOHN H. BELLOWES,

District Attorney.

A True Bill.

John H. Bellows
Jan 16/91 Foreman.

John H. Bellows
Jan 16/91 Foreman.

0089

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 3 DISTRICT,

Isaac Ellberg

of No. 19 Allen Street, aged 34 years,

occupation Ironer - being duly sworn deposes and says

that on the 28 day of December 1886

at the City of New York, in the County of New York he went in -

to the apartment of Meyer
Finkelstein at said No 19
Allen Street and under a Bed
in said apartment he found con-
cealed one May Baker (now here)
and charged by said Finkelstein
with having committed a Bur-
glary at said premises

J. M. S. 1886

Sworn to before me, this

29 day

of December 1886

Police Justice.

0090

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 3 DISTRICT.

Simon Sposnick

of No. 19 Allen Street, aged 45 years,
occupation shoemaker being duly sworn deposes and says
that on the 29th day of December 1890

at the City of New York, in the County of New York That on the

28th day of December 1890 he locked
the doors of rooms on the first floor
of Residence of Sposnick at aforesaid place
That deponent returned about the hour of 11
A.M. and was unable to open said door
that after deponent gained entrance into
said room he found Max Baker
concealed under the bed in the Bed
room of said apartments said Baker
was subsequently arrested charged with
having committed a Burglary Simon Sposnick
mark

Sworn to before me, this

of December 1890

day

Police Justice.

45
 The People of Court of General Sessions Part I
 vs. Max Baker Before Reader Smith January 15, 1891
 Indictment for Burglary in the third degree and grand
 larceny in the second degree.

Meyer Kinselstein, sworn and examined, testified
 I live at No. 19 Allen street and am a
 shoe operator; on the 28th of December last I
 lived in 19 Allen street in this city. I left my
 room in the morning of the 28th at seven
 o'clock; my room is on the first floor.
 When I left there I left a shoe maker there
 named Sapojnick and a man named
 Ellsberg; these men are in Court. I returned
 to the room when I was informed what hap-
 pened; it was about 11 1/2 o'clock in the morn-
 ing. Ellsberg came and informed me what
 happened, and when I came home I found
 Sapojnick in the room, and the thief Max
 Baker was there also in the bed room. I
 was so frightened that I could not speak;
 for eight days before I was robbed of a
 watch, and this time the man was caught
 carrying off all my things. I did not see
 the man carrying the bundle, but Ells-
 berg informed me about it. I saw the
 bundle on the sofa; it contained a whole
 suit, coat vest and pantaloons and a
 sprig overcoat; the value of the overcoat
 was about twelve dollars and the suit

of clothes twenty three dollars. Then I left my room in the morning all these clothes were hanging on the wall near the bed. I did not do them up in a bundle.

Cross Examined. I only saw the defendant once before the day I was called home from my work, he came in to have his shoe mended about two or three days before and I recognized him. My shop is at No. 81 Mott st. about six blocks away from my house. It takes me about ten minutes to go from my home to the shop. Ellsberg did not tell me the name of the person who was in my room. I am home alone, and when I opened the door I saw my clothing in a bundle lying on the sofa; then I got frightened because I was robbed before. I paid twelve dollars for the coat; a man named Morris who lived in Allen street made it for me; his place is between Broome and Grand St.; he does not live any longer there. I bought it last Spring. The defendant lives in the same house with me; he came to have his shoe fixed about 8 or 8 1/2 o'clock in the evening. I cannot tell you exactly the day. I saw the ticket now shown me when the defendant was caught; it was on a Sunday. I don't know the date; it was the

0093

same day when he was taken by the police
 Sapojnick gave it to me. Max Baker was
 present at the time, and he acknowledged that
 the ticket was for the watch that he had
 stolen before. I was so frightened that I can
 not recollect if Sapojnick told me where
 he got the ticket. I got it from Sapojnick
 about ten minutes before the officer arrived.
 I had no conversation with Baker about
 the watch. I was frightened and could not
 speak. I and the officer went to the pawn
 shop of the man whose name was on the
 ticket. I think it was Tuesday last. I saw
 the watch in the pawnshop; it was mine.
 I recognized it. I did not put it in pawn.
 Did Sapojnick tell you how he came to
 get that ticket from Max Baker in his (Baker's)
 presence? Yes. What did he say? When they
 found him under the bed they immedi-
 ately pulled him out and they accused
 him of stealing the watch. At first he denied
 it, he said he did not take it; then he said,
 "If you let me go and take five dollars
 from the pawn broker, I will give you the
 ticket." Friday night I came home from my
 work and took my supper and sat down
 to read a book. Then I saw it is about
 eleven o'clock. I undressed myself and went
 to bed and put my vest in a baby carriage.

0094

which was next to the bed; the watch was in the vest and it was taken. I accounted for the loss of the watch at first because I thought that three others who slept in the house took the watch for a joke; then when I saw the watch was not forthcoming I did not know who to accuse. Ellsberg and Sapojnick slept in one room. Sapojnick is my father. When I came here and told my friends my name is Sapojnick - it is a Russian name and means shoe-maker in Russia - I asked them how to spell Sapojnick in English, and they told me it is very hard to express it in letters in English. I thought I could not spell my name in English and called myself Franklestein. Ellsberg is a cousin of mine.

George Baker sworn. I am an officer attached to the 11th precinct and arrested May Baker; he is no relative of mine. I arrested him at 19 Allen St., which is in the 10th ward of this city. After I left my room on Sunday the 28th of Dec. I got to the complainant's room about 10 minutes to twelve. I was on house duty at the station house and I was just going to dinner when a messenger came to the station house and said they needed a policeman round at 19 Allen street, that there was a

0095

burglar and a thief; the sergeant sent me to arrest the house. I arrived. I saw there was a great crowd of people on the stoop. I had a boy to lead me to the apartment, and there was three men in there; it was on the first floor, front apartment, right hand side. I found the prisoner, Max Baker and the complainant Finklestein and three or four other men. I don't remember whether Ellsberg and the other man Sapojnick were there; there was a crowd of men, women and children in there. Baker was standing in the middle of the room held by Finklestein. I speak German, and understood what was said. I asked where was the thief? He was pointed out to me. I said, what did he steal? He says, they found him under the bed with the clothes in a bundle. Max Baker said nothing to that. Sapojnick told me that he found the defendant under the bed. They showed me a pawn ticket and said that the prisoner offered them the pawn ticket of a watch which was stolen a number of days ago to let him go; the defendant was standing there. The ticket now shown me is the one. I told them to give the ticket back to the prisoner, and they gave it back to him. I took the defendant to

0096

the station house and searched him and found four other tickets on his person. Did you have any conversation with him about this particular crime, about how he got into this room? No sir; the prisoner did not have much to say all through the proceeding. I was informed by other people about it, but not in his presence. I tried to investigate the case myself to understand how the whole thing was done. I cannot prove how it was done. I examined the door of that place, and it was perfect. I examined the lock and the bolt. I saw the bundle lying on the lounge. Was that taken to the station house? Yes sir. What did it contain, clothing? It contained a suit of clothes and an overcoat. Was it identified by Pinckstein as his property? Yes sir. Was that the bundle that was pointed out to you as the bundle which this man was found in possession of under the bed? Yes sir. On Tuesday last did you go to the place of Harry Breckwedel 299 East Broadway with the complaint in this case? Yes sir. And did you have that ticket which has been introduced in evidence here? Yes sir. Was the watch called for by that ticket produced? It was

Was it identified by the complainant as his property? Yes sir. Did he before the watch was produced describe the watch to you belonging to him? Yes sir, he did. Did that description he gave you before the watch was produced tally with the watch as produced by this ticket from the pawnbroker? Yes sir.

Cross Examined. When you came in there you found the room full of people? No sir, not full of people. I found three people in the room, when I came in the people came in after me; they were all in the hall. You did not hear this defendant say anything in the English language, did you? No sir; whatever was said was spoken in the German language, and I understood German. I understood the German used by the defendant. What did he say when you first went in? He did not say anything. I was told that he offered to give the pawn ticket.

Simon Saprojnick, sworn and examined through the Interpreter. I was born in Lithuania, Russia. I am 45 years old. Were you in the room of Max Finkestein at 19 Allen St. on the 28th of December last at 11 1/2 o'clock in the morning and also at seven o'clock? Yes. Were you there at seven o'clock in the morning when Max Finkestein left that room? Yes. I was. I remained alone

0098

in the room till ten o'clock. Did you go out at ten o'clock? Yes. I left at ten o'clock. Did you lock the door when you left? Yes sir. Were the windows closed? Yes sir, everything was closed. You tried the door as you went out? Yes sir. There was nobody in the room when you went out, you left nobody behind you? No sir. When did you come back to that room at 19 Allen Street of Tim Klester's? At that hour I remained out in the street, then I went to the room again. When you went back did you unlock the door? I tried to open it and I could not. Why could not you open it? I thought that I am not strong enough, that my hands were frozen with cold. I thought I had not got strength enough to turn the Key. Then I went to the housekeeper and begged the housekeeper's boy to open the door for me. Then he tried to open the door and he could not turn the Key. Then I tried hard and raised the window and I begged the boy to go in through the window inside into the room. He was a small boy about eight years of age. Then he went in through the window. I gave him the Key, and the boy opened the door from the inside with the Key.

0099

24

9

-24

that I gave him. Then I went into the room and I was for about half an hour in the room. Then Ellsberg came in the room and he said that he had no work he came in in order to take his ironing board with him to go to work, and when he put his hand under the bed to get his ironing board he touched the leg of a human being. I was present when he did it. Then Ellsberg said to me, "Who is lying under the bed here?" I said, Nobody should be under the bed here because I locked the door, and there should be no one under the bed." Then he said, I saw a leg under the bed and I went into the bed room. Then Ellsberg took his hat and his coat off and stooped down under the bed and commenced pulling him out - this man Baker the prisoner, and Baker said, "Don't pull me, I will come out myself." When I saw him I was frightened, because a few days before he came in and had his shoe fixed, and he told me then he was living next door. I cannot tell whether the prisoner was frightened or not, he was standing there. Then I said to him, How did you come to be under the bed? I understand you are the man who stole

the watch also. Then he said, "My friends, don't do me any harm, I am broke." Then I said to him, "You give me my watch and I will let you go (it was my son's watch)." He said, "I pawned the watch for five dollars." I said, "Give me the pawn ticket, and looking for this pawn ticket he took out five or six other pawn tickets. He selected this from among others and then he gave me this pawn ticket; he had it under the lining of the hat. Then he gave me the pawn ticket. I looked around in the room and saw that there was no clothing any more on the wall. Then I said to Ellsberg, there is no clothing any more on the wall. Baker said, "Don't be afraid, I will give you everything, let me go." Then he crawled under the bed and he pulled out the clothing wrapped up in a white napping. Then he begged again to let him go. I said, "I cannot let you go because these things belong to my son, maybe there is something more missing of mine." I sent Ellsberg for my son. Then I sent him away for my son I was afraid to be alone with the defendant. Baker then said to me, "Now will you let me go?" I said, "yes." I am afraid that my son when he comes back

0101

He will come back with an officer, you had better put yourself under the bed again, so that they can't find you." He went under the bed again. My son came back, and then I said to the defendant, "Come out from under the bed." Then my son opened the bundle and examined and said, "All the things are here; there is nothing missing." I went for the policeman and he came. Baker tried to get away, but I did not let him. I persuaded him to go under the bed and I locked the door from the inside.

Cross Examined. When I left my room I locked the door. The windows are always closed with a hook, but one window has no hook and I put a nail on each side, so that it can be easily raised. I did so, because I am a shoemaker I have goods in the room, and I thought somebody might raise the window and steal. I concluded by putting the tacks in the window nobody could open the window from the outside. My hands were frozen, and I thought I had not strength enough to turn it. I had a great deal of trouble before I could raise the window, but at last I pushed it up, but my hands were ~~not~~ so frozen then because when I went for the boy I warmed my hands down in the housekeeper's room. It was about a quarter past eleven when

Ellsberg came in, he was in the room about
 ten minutes before he went for the ironing board.
 Ellsberg said to me, "Who is here lying under
 your bed? when he touched the leg. Was he
 frightened? No, he was not. He did not know
 who was there, and I told him, "there is no
 one under the bed. I did not know there was
 any one under the bed because I locked
 the door and when I came back I found
 the door locked. How did you come to know
 that the pawn ticket represented your son's
 watch? I went down when I got the pawn ticket
 to the housekeeper, to have it read, to see what
 it called for. The prisoner was not along
 with me. Ellsberg remained in the house
 with Baker, and I went down to the housekeeper
 where the pawn ticket explained to me. All
 the information I got from the housekeeper
 was that there was a silver watch pawned
 for five dollars. I only had the one pawn
 ticket which he gave me, he had several and
 the defendant told me. That the ticket which
 he gave me was the pawn ticket for the watch
 that he took; he selected it from among six.
 He said, "This is the pawn ticket for your
 watch." He took it from the lining of his hat.
 My own clothing and my son's hung in
 my room. Ellsberg had a Prince Albert coat

which hung upon the wall. It was removed
 but was not in the bundle with the other
 clothing. Did you not testify before that
 as soon as you saw him you asked
 him "where is my son's watch?" I first
 asked him, "how did you come into my
 rooms under the bed, and then after a
 while I said, "Now I understand that you
 are the man who took my son's watch."
 Did not your son tell you that before
 that this man (the defendant) took his
 watch? No sir. My son first thought that
 Ellsberg took the watch, he told me he
 suspected Ellsberg when he could not find
 the watch. As soon as he told me he sus-
 pects Ellsberg I told him he should not
 suspect him because I know Ellsberg from
 childhood up and I know he is an honest
 man. Do you know a person by the name
 Sarah Klatskin? No. Did you never hear
 of her? I have been living only for the first
 month then in that place, and there was a
 woman next door to me. I don't know her
 name, I don't know what she calls herself.
 After this man was arrested a woman
 was taken to the hospital sick, and then
 the husband begged me to let up on him.
 By Counsel Ask him why he did not tell this
 story of Klatskin in a conversation

had with her that for a money consideration he would testify favorably for the defendant?

I was sitting in Essex Market when I said to this woman I would not have taken all that trouble if the man would have given me five dollars to take my watch out, then I would not have appeared in the Court against him. How long a time elapsed between the time that you tried the key at your door and the time that you went to the housekeeper and returned with the little boy? Maybe three minutes the whole time.

Isaac Blerberg sworn and examined, testified. Where do you live? At present in 46 Essex street; at that time I lived in 19 Allen St. Where did you live on the 28th of Dec.? No. 19 Allen street. Did you live in the rooms of Meyer Finckelstein? Yes sir, I was a boarder living with his father. On the first floor front room? Yes sir. Do you remember on that day coming into that room to look for your ironing board about ten o'clock in the morning? It was on a Sunday - yes sir, I do. Did you find your ironing board, yes or no? No, I did not find it. Did you find your ironing board under the bed? I did afterward; it was pushed away from the place where I put it. I

found it at the foot of the bed; it was not
 found in the same place where it should
 be. Did you find anything else, did you
 see anything strange when you went to
 pick up your board? Yes. What did you
 see? When I put my hand under the
 bed I touched a man's leg. Whose leg was
 that? It was this man's leg sitting there
 (the defendant). That man was taken from
 under the bed was he? Yes, at last we
 got him from under the bed. Did any-
 thing else come out from under the bed
 after that, any clothes? Then afterwards
 he himself pulled out a bundle of clothing.
 Was Spasjnick there when all this happened?
 Yes, he was present. I found him in the
 room when I came up. Did you when this
 man was taken out from under the bed
 have any conversation with him? I asked
 him, what are you doing under the bed?
 He said, "I am broke, I am poor." Then he
 (Spasjnick) came up and said, "As you
 was found under the bed, did you take
 my watch?" Then he said (Spasjnick) if
 you will give me my watch back I
 will let you go. Then he (the defendant)
 said, "The watch is pawned in a pawn
 shop." Then Spasjnick said, "Give me the
 ticket." Then Baker took out the ticket, he

had several tickets and he took them out and he gave to Sapojnick one ticket. Did you see that ticket? Yes, and on the ticket there is a ^{No. 57} (five) on the lower part of it. The ticket now shown me is the one.

Cross Examined. I live with the father of Meyer, we live all together; we have not lived a month in No. 19 Allen street. I remember seeing the defendant in there once before the time we caught him under the bed; he came in to have his shoe mended. That is all I recollect of having seen him. I don't know that Baker lived in the house. I went out to look for work on Sunday morning at seven o'clock and returned to No. 19 Allen street about eleven o'clock. Then I came in I found Sapojnick sitting in the room and there was also the housekeeper's small boy. I only remained in there about ten minutes. I stooped down under the bed to get my ironing board, and then afterwards we got the defendant out. I found no trouble in opening the door. When Sapojnick got the ticket from Baker he went down where the housekeeper read it to him and he left me alone with the prisoner; when he came back he sent me for his son. A juror was withdrawn and Baker pleaded guilty to an attempt at grand larceny in the second degree.

0 107

Testimony in the
case of
Mary Baker
filed

Jan. 1891

0108

Police Court— 3 District.City and County
of New York, } ss.:of No. 19 Allen Street, aged 19 years,
occupation Operator on Shoes being duly sworndeposes and says, that the premises No. 19 Allen Street, 10 Wardin the City and County aforesaid the said being a Five story and
Basement Brick building the first floor
and which was occupied by deponent as a dwelling apartment
~~and in which there was at the time a human being, by name~~were **BURGLARIOUSLY** entered by means of forcibly Opening the
door of said apartment by means
of false keyson the 28th day of December 1899 in the day time, and the
following property feloniously taken, stolen, and carried away, viz:A quantity of mens clothes
valued at Forty dollars
\$30 00
100the 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 byMax Baker nowherfor the reasons following, to wit: Deponent was at work at
St. Christophers street when Isaac Elstery
called at said place and informed deponent
that a Thief is at your house (meaning
defendant) that deponent went to his
residence and found the defendant
under the bed and deponent also
found said property packed together
under the bed where defendant was

found concealed. Deponent is informed by his Father Samuel Saporsnick that the locked and bolted the rooms and doors of said apartments at the hour 10 A.M. on said date and deponent found the doors of said apartments open at that hour 11 A.M. on said date. Deponent thereupon caused the arrest of the defendant whom he charged with having burglariously entered said premises and having attempted to take away and steal said property and things that he be held to answer.

My Testimony
made

Sworn to before me
this 29th day of December 1895

[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 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.

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

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

Police Court, District, _____

THE PEOPLE, &c.,
on the complaint of _____

vs.

1 _____
2 _____
3 _____
4 _____

Offence—BURGLARY.

Dated _____ 188 _____

Magistrate _____
Officer _____
Clerk _____

Witnesses _____
No. _____ Street _____
No. _____ Street _____
No. _____ Street _____
\$ _____ to answer General Sessions.

0110

Sec. 198-200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK.

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

Question. What is your name?

Answer.

Max Parker

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

Austria

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

Answer.

19 Allen Street - 2 months

Question. What is your business or profession?

Answer.

Laborer -

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

Answer.

I am not guilty

Max. Parker

Taken before me this

29

day of

Decr

189

90

189

189

189

189

189

189

189

189

189

189

189

189

Police Justice.

0111

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

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

Dated *DEC 29* 18*90* *[Signature]* Police Justice.

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

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

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

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

0112

84 Dec 29th 2 P.M.

Police Court--- 56 3 1893 District.

THE PEOPLE, &c.
ON THE COMPLAINT OF

Myra Simonds
19-28-000
May Parker

Office
G. H. 2

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated DEC 29th 1893

Hogan Magistrate.
Baker Officer.

Precinct.

Witnesses *Isaac Elstony*

No. 19 Allen Street.

Simon Saponien

No. 19 Allen Street.

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 100.00



B. H. 2

0113

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Max Baker

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

Max Baker

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

The said

Max Baker

late of the *Tenth* Ward of the City of New York, in the County of New York
aforesaid, on the *28th* day of *December* in the year of our Lord one
thousand eight hundred and *ninety* — , with force and arms, in the
day — time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *Meyer Linkelstein* —

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

in the said dwelling house 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.

0114

SECOND COUNT—

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

Max Baker

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

The said *Max Baker*

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 *day*—
time of said day, with force and arms,

*divers articles of clothing and
wearing apparel of a number
and description to the Grand
Jury aforesaid unknown, of
the value of thirty dollars*

of the goods, chattels and personal property of one

in the dwelling house of the said

Meyer Finkelstein
Meyer Finkelstein

there situate, then and there being found, from the dwelling house 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.

DeLancey Nicoll,
District Attorney

0115

THIRD COUNT—

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

of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

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

of the goods, chattels and personal property of

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

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

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

JOHN R. FELLOWS,
District Attorney.

0116

BOX:

422

FOLDER:

3900

DESCRIPTION:

Barilla, Raphael

DATE:

01/21/91



3900

0117

Witnesses:

Counsel,

Filed

day of July 1891

Pleas,

Allegedly July 1891

THE PEOPLE

vs.

B

Raphael Barilla

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

DE LANCEY NICOLL
JOHN R. FELLOWS

District Attorney.

A True Bill

Franklin Aaron
Foreman.

25

July 25/91

0118

Police Court— District.

City and County { ss.:
of New York,

John Clark
of No. 257 Elizabeth Street, aged 35 years,
occupation Auditor being duly sworn
deposes and says, that on the 21 day of December 188 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Raphael Barilla
[now here] who pointed a revolver and
discharged a ball from a loaded
revolving pistol at deponent
which struck deponent
on his left thigh inflicting a
wound

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

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

Sworn to before me, this 22 day

of December 1888

John Clark

A. J. White Police Justice.

0119

Sec. 108-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Raphael Barilla being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *h* right to
make a statement in relation to the charge against *him* that the statement is designed to
enable *h* 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 *h* waiver cannot be used
against *h* on the trial.

Question. What is your name?

Answer.

Raphael Barilla

Question. How old are you?

Answer.

45 years

Question. Where were you born?

Answer.

Italy

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

Answer.

253 Elizabeth St

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 am not guilty

Raphael Barilla
mask

Taken before me this

day of

188

Police Justice

0120

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 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 Dec 22 18 90 A. J. White Police Justice.

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

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

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

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

0121

BAILED,

No. 1, by Michael Albano
Residence 6 Centre Market Place

No. 2, by _____
Residence _____ Street.

No. 3, by _____
Residence _____ Street.

No. 4, by _____
Residence _____ Street.

Police Court---

1906
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Clark
251 Elizabeth St
Raphael Barilla

2 _____
3 _____
4 _____

Assault Felony

Dated Dec 29 1890
White Magistrate.

White Officer.
10 Precinct.

Witnesses Call Officer
Off Whipple Street.

No. Robert White Street.
241 Elizabeth St

No. 100 Street.
to answer

100 to answer

Case
Bailed Arrest
make



0122

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Raphael Barilla

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

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

The said

Raphael Barilla
late of the City of New York, in the County of New York aforesaid, on the
twenty-first day of December, in the year of our Lord
one thousand eight hundred and eighty-ninety, with force and arms, at the City and County
aforesaid, in and upon the body of one John Clark
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against him the said John Clark
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said Raphael Barilla
in his right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent him the said John Clark
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
Raphael Barilla
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

Raphael Barilla
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said John Clark in the peace of
the said People then and there being, feloniously did, wilfully and wrongfully make
another assault, and to, at and against him the said
John Clark
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said Raphael Barilla
in his right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

Wm. H. McColl,
JOHN R. FELLOWS,

District Attorney.

0 123

BOX:

422

FOLDER:

3900

DESCRIPTION:

Bauer, Henry

DATE:

01/06/91



3900

Number:

10. 6

1891

1891

1891

Counsel,

Filed

Pleads,

1891

THE PEOPLE

vs.

Henry Bauer

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

De Lancey Nicol,
JOHN R. FELLOWS,

District Attorney.

A True Bill.

Franklin Edson
Foreman.

1891

1891

0125

Police Justice.

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

Sworn to before me, this 26 day of Nov 1889

John O'Keefe

Police Justice.

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

James. (Pmhu) who will free
us? particularly attack department
the initial plan in the face with his
hol. and finally, arrived, and
discharged a serious fight
leading with further. and full
which he the defendant held in
his hand, at- effort.
reform- further that- each
account. was committed my

occupation *Wm*
 day of *25th* *December* 188*8*
 at the City of New York, in the County of New York,
 being duly sworn

City and County of New York, ss.:
 I, John Newber, aged 54 1/2, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in my possession.

Police Court—District.

ss } 4ro I ar I jo
} 2mo D cur 2to D

0126

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Henry Bauer 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. *Henry Bauer*

Question. How old are you?

Answer. *15 years old*

Question. Where were you born?

Answer. *New York*

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

Answer. *539, E 83 St & 100*

Question. What is your business or profession?

Answer. *Work in a grocery store.*

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.
I did not discharge a
pistol at him. I only
struck him in the face
because he abused my mother
and threw a box at me.*

Henry Bauer

Taken before me this

26

day of

December

1899

W. J. H. H. H.

Police Justice.

0 127

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 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, Dec 26 189 W. A. [Signature] Police Justice.

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

Dated,..... 189 Police Justice.

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

Dated,..... 189 Police Justice.

0 128

Police Court,

5-1902
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Kempfer
vs.
Henry Bauer

Offense, Account - felony

BAILED,

No. 1, by.....
Residence..... Street.

No. 2, by.....
Residence..... Street.

No. 3, by.....
Residence..... Street.

No. 4, by.....
Residence..... Street.

Dated, Dec 26 1890

Welder Magistrate.

Wm. Valerby Officer.

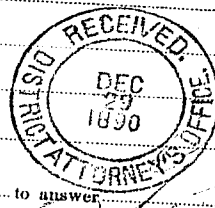
Witnesses Hugo Schultes Precinct.

No. 100 E. 23 Street.

No. Street.

No. Street.

\$ 1000 to answer



Asst. Marshal

0 129

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Bauer

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

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

The said *Henry Bauer*

late of the City of New York, in the County of New York aforesaid, on the
25th day of *December*, in the year of our Lord
one thousand eight hundred and ~~eighty-eight~~ *ninety*, with force and arms, at the City and County
aforesaid, in and upon the body of one *John Kemper*
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against *him* the said *John Kemper*
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said *Henry Bauer*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent *him* the said *John Kemper*
thereby then and there feloniously and wilfully to kill,, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
Henry Bauer
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Henry Bauer*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said *John Kemper* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and to, at and against *him* the said
John Kemper
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said *Henry Bauer*
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully shoot off and discharge, against the form of the statute in such case
made and provided, and against the peace of the People of the State of New York and
their dignity.

DeLancey Nicoll,
JOHN R. FELLOWS,

District Attorney.

0 130

BOX:

422

FOLDER:

3900

DESCRIPTION:

Becker, Henry

DATE:

01/23/91



3900

0131

236.
For McStiner

Counsel,
Filed *23* day of *Jan* 189*9*
Placed, *McStiner*

THE PEOPLE
vs.
B
Henry Becker
VIOLATION OF EXCISE LAW
(Selling on Sunday, Etc.)
[III Rev. Stat. (7th Edition), page 1088, Sec. 21 and
page 1089, Sec. 5.]

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

A True Bill.
For Henry Becker
Part 3 - Henry 192 Foreman.
Des on m. 1899
Becker dead
1899
1899

Witnesses:

Defendant is dead
See proof of death per
newspaper.
May 17/92
J. M. Davis
Conf.

0132

CITY AND COUNTY OF NEW YORK. } ss.

POLICE COURT, 2 DISTRICT.

of No. 20 Recruit. Street, aged 7 years, occupation Police officer being duly sworn, deposes and says

that on the 28 day of Dec 1890

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

Henry Becker (now dead) did unlawfully exhibit to the public on the premises No 549 Ninth Avenue an entertainment of the stage without having a license for such an exhibition. from the following facts to wit: That at about the hour of 8 o'clock PM aforesaid date Dependent went up to the store at said address which the Defendant conducts as saloon and there saw in the rear room of said saloon a stage and upon

Subscribed to before me, this

189

1891

Police Justice.

0133

which there was a woman in stage
costume singing a sentimental
song, called it well (My Darling Boy)
Wherefore defendant charges the
said defendant with violation of section
of no 1990 of the consolidation act.
2/9/00
George Smith
John Ryan

Police Court, District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Dated, 189

Magistrate.

Officer.

Witness.

Disposition

0134

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

2 District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
and demand a trial
by jury

Henry Becker

Taken before me this

day of

188

Police Justice.

0135

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 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 Dec 29 1890 John J. Ryan Police Justice.

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

Dated December 29 1890 John J. Ryan Police Justice.

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

Dated Dec 29 1890 John J. Ryan Police Justice.

0136

BAILED

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

236 1914
Police Court---

District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

George Smith
vs. Precinct
Harry Becker

Dated

Witnesses

No.

No.

No.

Magistrate

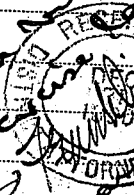
Officer

Precinct

Street

Street

Street



Bailed

0137

City and County } ss
New York

Aaron Buchsbaum
being duly sworn, deposes and says that
he is the Buchsbaum who went bonds
for Henry Becker, Jailor keeper at No
549 Ninth Avenue, and that he is unable
to produce ^{said} Becker in court, as required,
in consequence of the death of said
Becker and that the Henry Becker described
in the attached Transcript from the
records of deaths reported to the Health
Department is the same person for whom
this defendant went bonds.

Sworn to before me
this 17th day of May A.D. 1892

Aaron Buchsbaum
426 W 43rd Street

Alfred J. Rogers

Notary Public

W. H. H. (no 3)

0138

19 Form H.

NEW YORK, May 16, 1892

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

COUNTY OF NEW YORK.

STATE OF NEW YORK.

CITY OF NEW YORK.

CERTIFICATE AND RECORD OF DEATH

No. of Certificate,

43092

Henry Becker

I hereby certify that I attended deceased from Dec 22, 1891, to Dec 26, 1891, that I last saw him alive on the 26 day of Dec, 1891, that he died on the 26 day of Dec, 1891, about 4 o'clock A.M. or P.M., and that to best of my knowledge and belief, the cause of his death was as hereunder written:

Chief Cause, La Grippe

Duration of Disease,

3 days

Contributing Cause, Pneumonia

1 day

Sanitary Observations,

Witness my hand this 27 day of Dec, 1891

Place of Burial, Catharian

(SIGNATURE),

Sra A. Allen, M. D.

Date of Burial, Dec 29, 1891

Undertaker, R. S. Galt

RESIDENCE,

360 W. 42^d St

Residence, 427 W. 42^d

Burial permits issued at 301 Mott Street, Room 38, Week days, 7 A. M.-6 P. M. Sundays and Holidays, 8 A. M.-5 P. M.

Date of Death.	Full Name.	Age, in years, mos. and days.	Color.	Single, Married or Widowed.	Occupation.	Birthplace.	How long in U. S. If foreign born.	How long resident in New York City.	Father's Name.	Father's Birthplace.	Mother's Name.	Mother's Birthplace.	Place of Birth.	Place of Death.	Last place of Residence.	Direct cause of Death.	Indirect cause of Death.	Date of Record.
<u>Dec 26, 1891</u>	<u>Henry Becker</u>	<u>47 years, 9 days</u>	<u>White</u>	<u>Married</u>	<u>Saloon Keeper</u>	<u>Germany</u>	<u>23 years</u>	<u>"</u>	<u>Nicholas Becker</u>	<u>Germany</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>549 9th Ave</u>	<u>"</u>	<u>Pneumonia</u>	<u>La Grippe</u>	<u>Dec 26, 1891</u>

A True Copy.

C. Goldman

Chief Clerk.

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

0139

Court of General Sessions of the Peace,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Sedner

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

of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE, ON SUNDAY, committed as follows:

The said

Henry Sedner,
late of the City of New York, in the County of New York aforesaid, on the
28th day of December, in the year of our Lord one
thousand eight hundred and ninety, at the City and County aforesaid,
the same being the first day of the week, commonly called and known as Sunday, with
force and arms, certain intoxicating liquors and certain wines, to wit: One gill of wine,
one gill of brandy, one gill of rum, one gill of gin, one gill of whiskey, one gill of cordial,
one gill of bitters, one gill of ale, one gill of porter, one gill of beer, one gill of lager beer,
and one gill of a certain intoxicating liquor to the Grand Jury aforesaid unknown,
unlawfully did sell as a beverage to one

and to certain other persons whose names are to the Grand Jury aforesaid unknown,
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

Henry Sedner
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG
AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said

Henry Sedner,
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, the same being the first day of the week, commonly called and known as
Sunday, being then and there in charge of and having the control of a certain place
there situate, which was then duly licensed as a place for the sale of strong and
spirituous liquors, wines, ale and beer, with force and arms, at the City and County
aforesaid, the said place so licensed as aforesaid unlawfully did not close and keep
closed, and on the said day the said place so licensed as aforesaid unlawfully did then
and there open, and cause and procure and suffer and permit, to be open, and to remain
open, against the form of the Statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

JOHN R. FELLOWS,

District Attorney.

0 140

BOX:

422

FOLDER:

3900

DESCRIPTION:

Bergman, Louis

DATE:

01/19/91



3900

Witnesses:

and for
Complainant &

Officer

Sept. 11, 1891
Thurs. - 17.

Counsel,

Filed

Pleads,

19 Jan 1891

THE PEOPLE

vs.

Louis Bergman

Grand Larceny, Second Degree.

[Sections 528, 531 — Penal Code].

DELANCEY NICOLL

District Attorney

A True Bill

John E. Eason

Foreman.

Jan 19/91

James J. Eason
1891 Jan 19/91
J. E. Eason

0142

Police Court

2nd District.

Affidavit—Larceny.

City and County } ss:
of New York,

Mary McConnell
 of No. *446* Madison Ave Street, aged *29* years,
 occupation *Domestic* being duly sworn,
 deposes and says, that on the *8th* day of *July* 189*0* 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:

*Good and lawful money of
 the United States of the value
 of Five hundred and ninety
 seven dollars*

*the property of deponent in fact and the
 remainder in deponent's custody*

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 *Louis Bergman (now here)*

*for the reason that said money
 was in a bureau drawer in a
 room in premises 446 Madison
 Avenue and on said day missed
 the money. The defendant was
 employed in said house and
 suddenly left when the money
 was missed. The defendant
 in open Court after being informed
 of his rights acknowledges and
 confesses that he took, stole
 and carried away said money*

Mary McConnell

Sworn to before me, this

1891 day

Alfred J. ...
 of New York 1891
 Police Justice.

0143

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

2nd

District Police Court.

Louis Bergman 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. *Louis Bergman*

Question. How old are you?

Answer. *23.*

Question. Where were you born?

Answer. *Germany*

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

Answer. *No home at present.*

Question. What is your business or profession?

Answer. *Segar Maker*

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

Answer. *I am guilty.*

Louis Bergman.

Taken before me this

12th

day of *January* 1941

Alfred J. ...

Police Justice.

0 144

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 Louis Bergman

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

Dated January 12th 1891 A. T. M. M. M. M. M. Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0145

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court--- 2nd District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mary McMall
446 1/2 Madison Ave

1 Louis Bergman

2

3

4

Offence Grand Larceny

Dated

January 12th 1891

1891

Magistrate.

Thomas O'Connor

Officer

Central Office Precinct

Witnesses

James A. Merton

No.

19 South

Street.

No.



Street.

No.

Street.

\$

2500

to answer

G. S.

91 money

0146

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Louis Bergman

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse

Louis Bergman

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

The said

Louis Bergman,

late of the City of New York, in the County of New York aforesaid, on the *8th*
day of *July* in the year of our Lord one thousand eight hundred and
ninety, at the City and County aforesaid, with force and arms, in the
day - time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *three hundred*

#597 dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
three hundred
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *three hundred*

dollars; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *three hundred*
dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *ninety-seven dollars*

of the goods, chattels and personal property of one *Mary Mc Connell*
then and there being found,

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

DE LANCEY NICOLL,

~~JOHN R. FELLOWS~~, District Attorney.

0147

BOX:

422

FOLDER:

3900

DESCRIPTION:

Bolton, Joseph M.

DATE:

01/30/91



3900

Paul H. Brown
Witness

* 773
J. H. Brown
Counsel

Filed
Pleads
1891

28 THE PEOPLE
vs.
Joseph M. Bolton
Grand Jurors
John R. Williams
District Attorney

James H. Brown
200 E. 4th St.
Cleveland
Daniel Buckley
117 E. 9th St.
Cleveland

A True Bill

Franklin Eason
Foreman
Jury and Court at the
Circuit Court of the
District of Columbia
at the City of Washington
this 18th day of June 1891

Police Court Second District.

Affidavit—Larceny.

City and County } ss:
of New York,

David J. Larkins
of No. 889 Broadway Street, aged 40 years,
occupation Agent Gorham Manufacturing Company being duly sworn,
deposes and says, that on the 12th day of November 1891 at the City of New York,
in the County of New York, was feloniously taken, stolen and carried away from the possession of said Company
the day time, the following property, viz:

A quantity of Silverware
of the value in the aggregate of
One Hundred and Fifty Dollars

Sworn to before me, this

of January

1891

Notary Justice.

the property of the Gorham Manufacturing Company
a foreign Corporation doing business in the
City of New York said property being in custody
of one Richard Pendleton 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 Joseph M. Bolton that deponent
is informed by Richard Pendleton who was a
Clerk in the employ of said Company that he,
at the suggestion of said Bolton took stole
and carried away said property and
delivered it to said Bolton who received
it with the knowledge that same had
been stolen as aforesaid

Wherefore deponent
charges that said Bolton did felon-
iously receive said property as aforesaid
and prays that he may be ap-
prehended and dealt with according to
law

David J. Larkins

0 150

CITY AND COUNTY }
OF NEW YORK, } ss.

Richard Pendleton
aged 24 years, occupation Clerk of No.
53 East 21st Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Maria J. Larkin
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 12th day of January 1889 Rich. Pendleton

W. J. McMahon
Police Justice.

0151

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

Joseph M Bolton

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

36 " Street and 6 " Avenue; 4 months

Question. What is your business or profession?

Answer.

Clerk

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

Answer.

*I am not guilty and
was examined by Joseph M Bolton*

Taken before me this

28

day of *January*

Edmund Burke

Police Justice

0 152

Sec. 151.

Police Court 2 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 any Marshal or Policeman of the City of New York:*

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 Laura J. Perkins
of No. 889 Broadway Street, that on the 12 day of November
1890 at the City of New York, in the County of New York, the following article to wit:

A quantity of Silver Ware -
of the value of One Hundred Fifty Dollars,
the property of Wheeler Manufacturing Company
w. and belonging to said company
believe, by Joseph R. Bolton taken, stolen and carried away, and as the said complainant has cause to suspect, and does suspect and

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, Marshal and Policemen, and every one of you, to apprehend the body of the said Defendant
and forthwith bring him before me, at the 2 DISTRICT POLICE COURT, in the said City, or in
case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the
said charge, and to be dealt with according to law.

Dated at the City of New York, this 12 day of January 1891
J. T. McMahon POLICE JUSTICE.

0153

Police Court 2 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Nancy Larkin's
Joseph M. Bolton

Warrant for arrest of
Nancy Larkin
for

Dated January 12th 1891

McMahon Magistrate

Officer.

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

Officer.

Dated _____ 188

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.

The within named
122
1891
McMahon

0 154

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

defendant

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

Dated *Jan 28* 18 *91* *J. Henry Ford* Police Justice.

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

Dated..... 18 Police Justice.

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

Dated..... 18 Police Justice.

0155

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---2--- District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

David Larkin
889 Broadway
Joseph M. Bolton

2
3
4

Dated

January 28, 1891
Magistrate.
Hendelberg
Polan
Cahal
Precinct.

Witnesses Wm M. Scato

No. 889 Broadway, Street.

No. _____ Street.

No. _____ Street.

to answer.



Handwritten signatures and initials at the bottom of the document.

Statement of Richard O. Pennell relative to goods stolen by him from the Gorham Manufacturing Company. Made at Police Headquarters in presence of Detective Sergeant Heidelberg, Mr. Holbrook, Mr. Lecato and Detective Officer Flood.

About the 30th of October I went to Philadelphia to act as best man for Walter Stewart who was to be married in that city on the following day. When I arrived there I told Stewart that I had some silver I wished to dispose of. He asked me where I got it, and I told him that it was a lot which I had given to my sister as a wedding present, and she wanted me to sell it. I told him that as I was in the business, I did not care to sell it in New York. I sold it at Colwell's under Stewart's name, giving him as my reason for so doing so the fact that I was not known in Philadelphia, and might have some difficulty in having the firm's check cashed. I got 127 or 128 dollars for the lot of silver, and received a check in Stewart's name for the same. We left Colwell's and went to 2 or 3 drug houses where Stewart was known for the purpose of getting the check cashed, but they did not have the money, and then we went to Wamamaker's, but could not have it cashed there unless we were identified. We finally went back to Colwell's and got the check cashed.

By Mr. Heidelberg---

Was this the first time you took anything from the store? A. Yes, this was the first.

By Mr. Lecato---

Did you give Stewart any of that money? A. No, sir.

By Mr. Holbrook---

Well, when did you next take goods out? A. Some time after that, or it might possibly be before it, I can't tell which; Joseph M. Bolton, a man I have known for about 12 years, asked me to get him a ring. I got the ring for him, and after a while he asked me to get him another. I told him I would not, and he said

(2)

"You might as well; you are into this thing now". So I gave him the ring. Later on he came to me and told me that he could sell a lot of stuff in Philadelphia. I told him I did not want to give him any more stuff, and he said "It is well known that you have been taking stuff from the store, and you had better get some for me." He said he had a third party whom he knew to be straight, who would take the stuff to Philadelphia to a "fence", and that it was safe. The first lot I gave him was about 4 dozen spoons and forks and ~~some~~ some small articles. The spoons and forks were of different patterns and the small articles, as far as I can remember, were individual butter plates, a number of rings, a couple of hair pins, a key ring, a silver match box, card cases, postage stamp box and pen knives. The spoons and forks were of Medici, Kings, and St. Cloud patterns.

By Mr. Lecato---

Where did you meet Bolton to give him these things.

A. On the outside; I don't know just where. I think it was at the Bartholdi Hotel cafe.

After I gave Bolton these things he went to Philadelphia, and came back in 2 days and told me he could only get 60 dollars for the lot. He gave me 30 dollars, telling me it was all he had in the world, and I then gave him back 10 dollars, and the other 20 dollars I immediately gave away. He refused to tell me the name of the 3rd party, and I refused to have anything more to do with him. I didn't see Bolton for a long time, and thought the thing was all dropped, when, one evening about 3 weeks later, I was going home, a man whom I slightly knew as George Williams of 200 1/2 West 24th street, met me and told me that he was the third party in the silver matter. Bolton had told me that he did not mention my name to this third party, and at first I denied all knowledge as to what he was speaking about. He finally convinced me that he knew of the transaction with Bolton, and told me that he must have some more stuff to sell, or Bolton would tell all about it. The first lot I gave this Williams was 72 ounces. This lot consisted principally of spoons

0158

and forks and I gave them to him at a saloon in Broadway near 22nd street. I think he disposed of this lot at a place called Ling's.

I didn't get anything out of this lot, for when Williams came back he said he had been arrested on suspicion in Philadelphia, and that it cost him all the money he had to get out of the scrape.

The next lot I gave him consisted of 155 ounces. They were principally spoons and forks, one or two of these small pin trays. Some of these I gave him in the saloon in Broadway near 22nd st., and the rest in my room in 21st street. Out of this lot I got 70 dollars. I had made up my mind to stop this thing and to try and get back as much of the stuff as I could and pay for the balance that I could not get back. I did get some of the things back, and put them in the Manhattan ~~Store~~ Storage Warehouse under the name of Robert C. Curtis. The articles I put in there are a sugar and cream a travelling inkstand, 2 dozen Cluny dessert spoons, several pen-knives and rings and a couple of key chains.

By Mr. Lecato---

How did you take these things out of the store?

A. I took them out at different times, sometimes in my pockets, and sometimes openly in parcels.

Within a week or so ago I saw Williams and told him I was going to stop, and about that time Larkins went to Philadelphia, and when he came back he met me in the Everett House, and said "Well, I've landed both of you", meaning me and Stewart. I told him then that the silver that I sold at Colwell's was stuff that a friend of Stewart's had given him for a wedding present. Larkin asked me to find out from Stewart who that friend was. That morning a friend of mine named Russell, who, in company with his sister had bought from me in the store a knife and fork before Christmas, came in the store and asked me if his sister could bring the knife and fork in and have them engraved. I told him that she could, and asked him to call at my room that night at 6 o'clock, as I had something to tell him. Larkins and I, after leaving the Everett House, went

0159

4
straight to my room, and going in, Larkins saw the address of Russell's sister on the table. He asked me who it was, and I told him that it was the sister of a young man whom I was then expecting to call at my room. Just at that moment the door bell rang, and Williams came up stairs. I introduced him to Larkins as Mr. Russell.

I subsequently learned that Williams had just returned from Philadelphia, where he had sold more silver. Shortly after this ^{we} all three left and went over to Eschbach's on 4th avenue and had a drink. Larkins then left. Williams and I started to walk down the avenue, and Williams met a girl. We all three walked over to B'way & 22nd street, where I found Russell waiting for me. Williams and the girl left, and Russell and I went down town to Hudnut's to see Stewart. I then for the first time told him about the scrape I was in, and why I used his name in selling the goods at Colwell's. He said he would help me in any way he could. I left him and joined Russell who was waiting outside and together we walked to my room. When there I told Russell of the trouble I was in, and gave him some of the things telling him I expected to be caught soon, and didn't want these things to be found in my room. I gave him then a penknife, a ring and a few small articles. On the following Tuesday or Wednesday I gave him some more small articles, which I had got in the meantime from Williams. These things Russell was to bring me yesterday so that I could place them on deposit in the storage warehouse. On Wednesday I got the "tea and sugar" from Williams, by telling him that I could sell them in this city. These I also put in the storage warehouse.

To go back to last Saturday night--after leaving Stewart Russell and I went to a saloon on the S.W. corner of 24th street and 4th avenue and here met Williams and the girl before referred to. Williams called me aside and handed me a \$100. bill, telling me that he had got \$224. for stuff that he had sold in Philadelphia, and that was my share of the amount. He said he sold this stuff for 95 cents

an ounce. He told me that the stuff he sold was a lot of spoons and forks which he had been keeping.

By Heidelberg--

How much would the stuff that you have taken from the Gorham Manufacturing Company amount to in money? A. Well, it would not reach \$1000.

By Mr. Holbrook---

Has there not been a great deal more forks and spoons than you now recall taken out? A. You will find 2 dozen of these dessert spoons in the storage warehouse. Williams has now a dozen ~~more~~ forks and smaller articles; he has 2 pepper shakers worth 10 dollars at retail, a diary, 2 silver spurs a lot of silver lead pencils and rings.

To Mr. Holbrook--

When I thought this thing over I thought several times of trying to hunt you up and tell you all about it. There are \$300 dollars outside now which I want to turn over to you, and I want to do all I can to recover all the property I took.

By Mr. Lecato---

When did you last see Bolton? A. I saw him one day last week in front of the Bijou Theatre. I told him I was going to be caught, and if I was I would tell all I knew. I was told by Williams that Bolton gave a \$90. watch to a girl named Ione. Williams also told me that Bolton sent a card case to one Fatty Frame, a member of 1st Company 7th Regiment, and that the latter sent it back with a letter telling Bolton to mend his ways.

By Mr. Lecato---

Is there any person you know that could testify as to Bolton having any of this property in his possession? A. A John Black of 439 West 19th street told me in the store one day that he had seen Bolton ~~there~~, and bowed to him in Green's hotel. That was about the time Bolton went there with the first and only lot of goods I gave him.

In addition to the property referred to in the foregoing statement there is a lot of stuff that I laid aside in the houses of my mother and my intended mother-in-law, to be used by me when I would get married. I have this day told Mr. Heidelberg where these goods are, so that he can go and get them.

0 16 1

Statement of George Williams, made at Police Headquarters in presence of Mr. Locato of the Gorham Company, Mr. Heidelberg, Mr. Dolan and Mr. Flood, relative to his connection with Richard O. Pennell, in the latter's thefts of silverware from the Gorham Manufacturing Company.

By Mr. Locato:— Williams, what was the first lot of stuff you took to Philadelphia? A. I don't know the date; it was Bolton who took that. He asked me to go with him.

The stuff was sold in Reed's.

Q. What articles were taken that time? A. Some spoons and a lot of knickknacks--butterplates, and I think a tray.

Q. You say that lot of stuff went to Reed's? A. Yes, sir.

Q. Is this Reed a pawnbroker? A. Yes sir.

Q. How much did you get on the things you brought there? A. I think one ticket was for 30 dollars, another lot was for 40 dollars, and another lot was for either 20 or 30 dollars.

Q. What was taken on your second trip to Philadelphia? A. Mostly spoons.

Q. Where were they placed? A. At Reed's. And there was some fancy stuff placed at Kennedy's at 12th & *Philbert Street*.

Q. Do you remember when the next lot went over? A. It was 2 or 3 weeks afterwards.

Q. Whom were they pawned with? A. We sold them to the Philadelphia Smelting Company at 8th and Vine Street.

Q. Do you remember what they were? A. They were all spoons.

Q. Did you sell any stuff to any of the jewellers over there? A. No sir.

Q. Was any of this stuff bought by a man named Ling? A. No sir.

Q. How often did you go to the smelting company? A. Twice.

0162

Statement of George Williams, made at Police Headquarters in presence of Mr. Locato of the Gorham Company, Mr. Heidelberg, Mr. Dolan and Mr. Flood, relative to his connection with Richard O. Pennell, in the latter's thefts of silverware from the Gorham Manufacturing Company.

By Mr. Locato:—Williams, what was the first lot of stuff you took to Philadelphia? A. I don't know the date; it was Bolton who took that. He asked me to go with him.

The stuff was sold in Reed's.

Q. What articles were taken that time? A. Some spoons and a lot of knickknacks--butterplates, and I think a tray.

Q. You say that lot of stuff went to Reed's? A. Yes, sir.

Q. Is this Reed a pawnbroker? A. Yes sir.

Q. How much did you get on the things you brought there? A. I think one ticket was for 60 dollars, another lot was for 40 dollars, and another lot was for either 20 or 30 dollars.

Q. What was taken on your second trip to Philadelphia? A. Mostly spoons.

Q. Where were they placed? A. At Reed's. And there was some fancy stuff placed at Kennedy's at 12th & ~~Philbert Street~~.

Q. Do you remember when the next lot went over? A. It was 12 or 3 weeks afterwards.

Q. Whom were they pawned with? A. We sold them to the Philadelphia Smelting Company at 8th and Vine Street.

Q. Do you remember what they were? A. They were all spoons.

Q. Did you sell any stuff to any of the jewellers over there? A. No sir.

Q. Was any of this stuff bought by a man named Ling? A. No sir.

Q. How often did you go to the smelting company? A. Twice.

0 163

- Q. How much did you get from these people? A. I got 80 dollars once, and 110 dollars another time.
- Q. How long ago is it since you were there last? A. About 3 weeks ago--just before the holidays.
- Q. Did Bolton go with you most of the time? A. He only went with me the first and second time.

By Heidelberg:-

- Q. What did you do with that parcel of stuff that you left at Mr. Crook's where Mr. Dolan saw it last Friday or Saturday. A. I left it up town at the corner of 47th street and Broadway.
- Q. At that lady's called Mrs. Williams? A. Yes sir.

By Mr. Decato:-

- Q. What were the contents of that parcel? A. We didn't open the parcel, but there were some forks and some fancy articles in it. Russell got the package from Pennell.
- Q. Why did you take the package from the cigar store? A. To dispose of it. We were going to go away.
- Q. What, in your opinion, was the value of that parcel? A. I have no idea.
- Q. How long have you known this man Russell? A. Only since last Saturday a week ago. I had known him for some time but didn't know his name. Pennell introduced me to him at 22nd street and Broadway.
- Q. When you brought that money back from Philadelphia did you divide with Russell and Pennell? A. I gave it to Pennell.
- Q. What was Russell's connection with you and Pennell? A. Pennell sent for Russell to help him out, and Russell never derived a cent's worth of benefit from it.
- Q. Then you and Bolton were the men who really disposed of the goods? A. Yes sir.
- Q. When did you first meet Bolton? A. I have known him about 6 or 7 years, but was never very intimate with him. I used to meet him nights around, and one time he asked me to go to Philadelphia with him the next morning. I stopped at the Vanderbilt Hotel and went with him next morning to Philadelphia. On the train he told me he had some stuff that he wanted to dispose of. He would not tell me then where he got it. I got 11 dollars out of that transaction; I don't know what Pennell got out of it.
- Q. Did Pennell meet you on the outside and give you the stuff? A. Usually in his room.
- Q. As far as you can remember have you told me everywhere in Philadelphia where stuff was disposed of? A. Yes sir.

0 164

Q. What did you do with the tickets you got for this stuff?
A. I destroyed them.

Q. Did you tell them at Reed's and the other places that you were going to destroy the tickets? A. Yes sir, but they said they had to make out the tickets anyway.

I make the foregoing statement of my own free will, and my object in making it is to assist in recovering the property that was stolen from the Gorham Manufacturing Company by Pennell and disposed of partly by Bolton and partly by myself.

0 165

Statement
of
George Williams

0 166

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

.....

The People,

vs.

JOSEPH M. BOLTON.

)
) Before

) HON. FREDERICK SMYTH,

) and a Jury.
)

.....

Tried February 18, 1891.

Indicted for GRAND LARCENY IN THE SECOND DEGREE.

Indictment filed January 30, 1891.

APPEARANCES:

Assistant District Attorney Weeks,

For The People.

Messrs. Howe & Hummel,

For The Defense.

0 167

RICHARD PENDELTON testified that he had been acquainted with the defendant for about eight years. He the witness was in the employ of the Gorham Silver Manufacturing Company in the latter part of October, 1890, as a salesman. He had access to the silverware in the cases of the Gorham Manufacturing Company. On or about November 12th, 1890, he stole silverware belonging to the Company, including spoons, butter plates and forks. He also stole silver rings with stones set in them and a number of small fancy articles. He identified the articles produced in court as articles that he had stolen. Some of the articles he took around to his the witness 's room and others he gave to Bolton. Bolton told him the witness to steal them. Bolton said that he had a friend who would place them in Philadelphia, and told him the witness to steal all that he could and he Bolton could dispose of what-

0 168

3

ever he stole. He said that he could dispose of them in Philadelphia at a "fence," that he knew of, through a third party. He the witness delivered the greater part of the goods that he stole to Bolton. Some of them he delivered in the cafe of the Bartholdi Hotel, and the rest in his the witness's room at 53 East 21st Street. He saw Bolton next a few days after the delivery of the stolen goods. The delivery was made in the early part of November. He the witness met Bolton almost every night when he left the Gorham Manufacturing Company's store and delivered goods to him in the Bartholdi Cafe. The very last of the goods were delivered to Bolton in his the witness's room and Bolton packed them in a valise of his the witness's the night before Bolton left for Philadelphia. Bolton asked him the witness to meet him the next night if possible with more goods, as he Bolton, wished to carry a considerable quantity to Philadelphia. Bolton was to return on the night following his departure for Philadelphia and give him the wit-

0 169

4

ness half of whatever money he got from the "fence." Bolton knew that the witness was employed by the Gorham Manufacturing Company, and had been in the store and seen him the witness at work behind the counter. The valise that Bolton packed the stolen silver in was a black leather valise. Bolton put the silver articles in loose, one on top of the other, and then he left the house, going towards 4th Avenue, and he the witness met Bolton at Hudnut's drug store about twenty minutes later. Hudnut's drug store was on Broadway between 21st and 22nd Street. Bolton told him the witness that he had left the silverware in the Bartholdi Hotel. His first conversation with Bolton in regard to stealing any goods from his employers took place in the holiday season of 1889 and 1890. He the witness was then in the employ of the Gorham Manufacturing Company. Bolton got a ring from him the witness, agreeing to pay for it, but he never paid for it. He the witness had taken the ring from the stock and gave it to Bolton---a silver ring set with garnets.

0 170

5

Several days later Bolton came in and got other articles, promising to pay for them, but he did not. He the witness did not dare to make any trouble about this for fear that his employers would accuse him of stealing their goods. In the fall of 1890 Bolton came into the store one day, and told him the witness that he wanted some other articles. Other parties he said knew of his Bolton's getting the other articles that he hadn't paid for, and that he Bolton would want something else to keep them quiet; and he the witness gave what Bolton asked for. Bolton asked for a watch and chain and a charm to go on the chain, and also for another ring. Bolton was waiting outside of the store for him that night, and when he gave the stolen goods to Bolton, Bolton told him to get more articles,---as many as he could---and that he Bolton would sell them in Philadelphia to a "fence" through a third person. Bolton told him the witness that h might as well continue to steal as others knew that he had been stealing, and they must be kept quiet. Then

0171

3

he and Bolton went to the Bartholdi cafe and had a drink, and thereafter he the witness stole various articles from the store from time to time. When Bolton went to Philadelphia it was agreed that Bolton was to send him the witness a telegram at the Continental Hotel in Broadway to notify him the witness when he would return. He the witness got the telegram but did not see Bolton when he returned from Philadelphia. On the day after he the witness was in the White Elephant saloon on Broadway and Bolton came in. Bolton said he had just returned from Philadelphia, and that he had received \$80 altogether. He said that he had been detained in Philadelphia longer than he expected to be. He also said that it cost him \$30 for expenses, and showed him the witness two pawn tickets one being, the witness thought, for \$40, and it was marked, "For butterplates."m The pawntickets were issued Carver Reed in Philadelphia. Bolton then gave him the witness \$30, and told him the witness that he had no money left, and thereupon he the witness gave

0172

7

Bolton \$10 out of the \$30. A few days later he met Bolton and told him that he did not get enough money for the goods, and Bolton said that a third person had pawned the goods in Philadelphia, and had cheated him Bolton out of the money. The conversation occurred in the Cafe under the Bijou Theatre. He the witness told Bolton that he Bolton had not acted square and that he the witness was going to stop the whole business and have nothing more to do with it. A few days after this conversation he the witness was walking up Broadway when a man named George Williams stopped him. He the witness had met Williams in saloons when Bolton was present and Bolton introduced him Williams to him the witness. Williams said, "I want to see you a minute," and they walked around the corner. The witness did not remember the street, but believed it was 30th Street. Williams said that he Williams was the third party that went to Philadelphia with Bolton, and that Bolton was not treating him the witness square. Then Williams said that he

0173

8

Williams knew all about the matter, and that he the witness would have to get some goods for him Williams to keep him quiet.

In

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

Pendelton testified that his real name was Pennell, and that he was 24 years of age. He got a fair salary from the Gorham Manufacturing Company. He had an idea that he had stolen goods worth probably a couple of thousand dollars altogether, from the Gorham Manufacturing Company. The goods that he gave to Bolton were fully worth \$500. He gave almost all the remainder of the \$2,000 of goods that he stole to the man Williams. Williams also gave him money when he came back from Philadelphia at different times, aggregating about \$200. Before he was employed by the Gorham manufacturing Company he was employed by a firm called the Pennell Manufacturing Company, manufacturers of brasses. He

0174

9

worked for this Company several months and left of his own accord. Then he went down to Texas and worked at different times thereafter for the Gorham Manufacturing Company. When he believed that his stealings had been discovered, he did not run away from the City. He went to his home in 21st Street, and on the following morning he went to the hotel at 8th Avenue and 51st Street. He was arrested at the corner of 24th Street and 1st Avenue, on the 15th of January. He left the Gorham Manufacturing Company's employ on the 13th of January. He was arrested by Officers Heidelberg Dolan and Larkins. He the witness was born in New Jersey and had lived at 53 East 21st Street. He saw Williams in the Tombs after he the witness was taken there, but he the witness did not talk to Williams about the case. He the witness had not been promised any immunity for turning State's evidence. He the witness made a full confession on the day after his arrest to Mr Le Cato and Mr. Heilberg of the Gorham Manufacturing Company and Detective Sergeants Heidelberg and Larkins.

0175

10

GEORGE W. WILLIAMS testified that he identified the silverware in evidence and testified that he first saw the silverware in Philadelphia in Green's Hotel, in the possession of Bolton, the defendant. He the witness went from New York to Philadelphia with Bolton. Bolton asked him if he wished to go to Philadelphia with him Bolton and he the witness consented to go. Bolton said he was going to Philadelphia to see about some cloth and to collect a bill that was due him. His the witness's family lived in Philadelphia. When they reached Green's Hotel in Philadelphia Bolton showed the silverware to him the witness and said that it belonged to a friend of his who was in business in New York and was short of money and had asked him Bolton to dispose of the silverware. Bolton then asked him the witness if he knew of any place where it could be disposed of and he the witness said that he knew of no place except a pawnshop and Bolton asked him the witness to show him the way to the pawnshop. The

0176

11

silverware was taken to Philadelphia in a valise. The silverware was wrapped up in packages covered with tissue paper. Bolton then asked him the witness to dispose of three dozen spoons and he the witness went to Carver Reed's and returned to the hotel and gave Bolton a pawnticket and \$35 or \$40. On the following morning he the witness went to Carver Reed's with Bolton. Carver Reed's was in Market Street above 13th. Bolton said that the remainder of the silver might as well be disposed of, and asked him the witness if he knew of any other pawnshop and he the witness said that he did not. When they got to the corner of 13th Street Bolton said that he had to see a man named Anderson about a bill, and asked him the witness to go to Reed's with more of the silver and pawn it, and meet him Bolton at Green's Hotel. He the witness took the silverware to Wright's and got a pawnticket and \$60. He took them to Green's Hotel and gave them to Bolton. Bolton said that he the witness ought to have got more and he the witness said that

0177

12

it was all that he could get. Nothing further was said, and they started for New York. There was more silver in the satchel and on the way to the depot they stopped at Reedt's again. Bolton pawned the remainder of the silverware and got some money and a ticket. Then they took the 4 o'clock train for New York. They reached this City at about 8:30, and he the witness went to his home at 200 West 24th Street. He left Bolton at 23rd Street. All that he the witness got of the proceeds of the pawning of the silverware was \$11. On the following day after their return to New York he the witness met Bolton in Broadway between 31st and 32nd Street. Bolton said that the party who had given him the silverware was dissatisfied with the returns, and said that he would not give any more. Bolton said that it was Pennell who gave him the silverware. He the witness knew Pennell by sight but not by name, and Bolton described Pennell to him and he the witness recognized him by the description. He the witness did not know that the silver was stolen

0178

13

he returned to New York, when Bolton told him. He the witness then first learned that Pennell gave the silverware to Bolton and that Pennell was in the employ of the Gorham Manufacturing Company. Bolton said that Pennell was mad at the smallness of the returns and had refused to give him any more silver and that he the witness ought to see Pennell. A week later he the witness saw Pennell in Broadway. Bolton pointed Pennell out to him Williams at about Broadway and 27th Street, and told him the witness that he had better have a talk with Pennell. He the witness told Pennell that he the witness was the person who went to Philadelphia with Bolton to dispose of the silver ware and that he the witness knew all the facts about the stealing of the silverware and that Pennell had better get more silverware for him the witness, and Pennell said that he would do so. He the witness reported the interview to Bolton on the following day. He met Bolton in Johnson's saloon at 8th Avenue and 38th Street. About a week later he the witness and Bolton went again to

0179

14

Philadelphia and Bolton had a satchel containing spoons. They sold all of the silverware to the Philadelphia Smelting Company and took the remainder to W. Roads's. He the witness pawned the remaining silverware and Bolton stood outside. Then he the witness gave the proceeds to Bolton, and Bolton told him what to give to Pennell and what to keep for himself. The amount was about \$90. altogether, or \$100 altogether. He the witness pawned the goods under the name of Johnson. When he was arrested in New York he made a full confession to Mr. Le Cato, Detective Weidberg and Detective Dolan. He the witness made altogether three trips to Philadelphia with stolen silverware. He the witness was arrested in Flatbush, and had been locked up for about five weeks at the date of the trial. He had pleaded guilty in the General Sessions and was awaiting sentence. He hadn't been promised any immunity. On the third visit he the witness went to Philadelphia alone, and sold the silverware that he took to a man in the jewelry business. He the witness could not

0180

15

recall the name but Detective Sergeant Hoidelberg knew it. He the witness did not tell the jeweler that the property was stolen but assured him that it was not stolen. He the witness had never been arrested before upon any charge.

CHARLES HEIDELBERG testified that he was a detective sergeant attached to the Police Central Office. The defendant was turned over to him the witness at Police Headquarters. On the way to the police court on the following morning he the witness asked Bolton if he knew Pennell and he said yes. He the witness said, "Did you ever have any transaction with him and Bolton said once. He the witness asked what the transaction was and Bolton said "I am not afraid to tell. I heard there was a warrant out for me and I am willing to tell the

0 18 1

18

truth." Then he said that Pennell had given him a lot of silverware which he Bolton had given to Williams to sell and Williams gave him \$70 for it, and he took the \$70 to Pennell on the day after, and Pennell gave him \$10. He the witness asked Bolton if he had any other transaction with Pennell, and Bolton said, "No; that's the only transaction I ever had." Bolton said that he got \$70 from Williams. Bolton said that he had known Pennell for a long time, and had boarded in the same house with him. He the witness took the silverware in evidence from the store of Carver Reed.

JOSEPH C. BEANS testified that he was a clerk for Carver W. Reed Pawnbroker of 1314 Market Street Philadelphia. He identified the silverware in evidence as having been pawned at his employers shop:

0 182

17

They were taken from the shop by Detective Sergeant Heidelberg. The first lot of silverware was pawned on November 20th and \$35. was advanced. On the 21st of November a second lot was pawned and \$50 was advanced, and November 28th a third lot was pawned and \$125. was advanced. Williams and Bolton were together when the second lot was pawned on the 21st of November.

0 183

18

FOR THE DEFENSE.

WILLIAM P. MITCHELL testified that he had been an Excise commissioner of the City of New York and had resided in the City of New York for many years. He had known the defendant about 12 or 13 years, and had known his father. The defendant's general reputation was good.

In

C r o s s - E x a m i n a t i o n ,
the witness testified that he had met the defendant frequently for ten or twelve years, in the defendant's father's store. He did not know that the defendant was in partnership with his father in the tailoring business, but he knew that the defendant had worked for his father. He the

0184

19

witness had his clothes made at his father's store. He had also met the defendant at public entertainments such as balls. He had known the defendant's father fully 20 years, and knew him to be a respectable man.

UNION ADAMS, JR. testified that he had known the defendant for about six years, and that his general reputation was good. He the witness was a member of the Seventh Regiment National Guard of the State of New York, and the defendant was also a member of that Regiment. He and the defendant were members of Company D. He had met the defendant socially at other places, and had heard his previous character to be good.

0185

20

HARRY W. TOTTER testified that he was a wholesale grocer at 15 Jay Street, and had known the defendant for about ten or twelve years, and believed his reputation to be good.

In

Cross - Examination,
he testified that he believed he had heard persons say that the defendant was a pretty fast traveller, and was in the habit of gambling.

GEORGE P. MCCANN testified that he had known the defendant for about six years, and that the defendant's reputation was good. He the witness was a member of the same regiment.

In

0186

21

Cross - Examination,
the witness testified that he was not a member of a
firm, but was employed by Meyer & Livingston, as a
salesman, and had been for about 20 years. He the
witness was accustomed to buy clothes from the
defendant's father, and the defendant was in the
habit of collecting bills and giving receipts. The
defendant's father had a judgment against him the
witness for the amount of clothes that he had not
paid for. He the witness had not claimed that he
did not owe the money, because he had paid it
to the defendant.

MICHAEL J. RYAN testified that he lived at 198 East
10th Street, and was in the upholstery business. He
had know the defendant about 20 year , and believed

0187

22

his reputation to be good. He the witness had his clothes made by the defendant's father, and the defendant had often receipted bills for him.

JOHN CLARK, of 707 7th Street testified that he was a clerk in the Comptroller's Office, and he had known the defendant for about 15 or 18 years. The defendant's reputation was good.

In

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

he testified that he had heard that the defendant was a pretty lively boy, but he looked up this statement as meaning that the defendant was looking out for his father's business, and going around town. He was accustomed to meet the defendant at balls, and other public entertainments.

0 188

23

JOHN P. BOLTON testified that he was a merchant, tailor and had been in business in New York since 1807. His the witness's son, the defendant, had been connected with him the witness in business for 15 years. The defendant had always been a good son and an attentive business man.

In

Cross - Examination,
the witness testified that he was doing business under his son's name. He the witness signed all the checks but his son's name appeared upon the books and the bill-heads. He had recognized the defendant as his partner since 1884 when he the witness had parted from his former partner, Sammis. He the witness was doing business for his son under his son's name. He the witness did not pay his son a stated salary, but he the son drew what money he needed. He the witness did not know that the defendant had collect any money and retained it.

0189

24

There had been some talk of that kind, but he found that the money had been turned in by the defendant when he came to settle up the cash.

JOSEPH M. BOLTON, the DEFENDANT, testified that he had been a member of the 7th Regiment for about five years and had been associated with his father in business. Then the defendant denied that he had ever asked Pennell to steal any goods from the Gorham Manufacturing Company, or that he knew that they had been stolen by Pennell. Pennell told him that the silver was wedding presents belonging to a Mrs. Ruggles, who boarded in his Pennell's house in 21st Street. He the defendant was going to Philadelphia on the following morning to recover some clothing that had been stolen from him the witness and Pennell asked him to take the silver-

0190

25

ware to Philadelphia to sell it as it would bring a better price there. Pennell said that he wanted \$70 for the silver. Williams was going on to Philadelphia at the time, and he and Williams went together. Williams sold all of the silverware except the last portion---about \$10 worth. He the witness did not have time to sell the silverware, and he told Williams about it and asked him to dispose of it. As they were going to the train he the witness disposed of the silverware that was left, and gave all of the money to Pennell.

0 19 1

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 M. Bolton

The Grand Jury of the City and County of New York, by this indictment, accuse
Joseph M. Bolton
of the CRIME OF GRAND LARCENY in the second degree committed as follows:

The said Joseph M. Bolton

late of the City of New York, in the County of New York aforesaid, on the twelfth
day of November in the year of our Lord one thousand eight hundred and
ninety, in the day - time of the said day, at the City and County
aforesaid, with force and arms,

divers articles of silverware,
of a number and description to the
Grand Jury aforesaid unknown, of
the value of one hundred and fifty dollars,

of the goods, chattels and personal property of one a corporation called
the Gorham Manufacturing Company
then and there being found, from the person of the said
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.

0 192

SECOND COUNT—

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

Joseph M. Bolton
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

Joseph M. Bolton

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,

divers articles of silverware, of a number and description to the Grand Jury aforesaid unknown, of the value of one hundred and fifty dollars

of the goods, chattels and personal property of one a corporation called the Torrham Manufacturing Company by one Richard Pendleton and by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Corporation

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

Joseph M. Bolton

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

Deane McColl
JOHN R. FELLOWS,

District Attorney.

0193

BOX:

422

FOLDER:

3900

DESCRIPTION:

Bozdech, Vaclav

DATE:

01/21/91



3900

0194

Witnesses;

Counsel,

Filed

Pleads,

208
M. E. Goshart
132 Nassau

day of May 1891

W. G. Nichols

THE PEOPLE

vs.

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

P
Vaclav Bozdech
(2 cases)

DE LANCEY NICOLL

JOHN R. FELLOWS

District Attorney.

for 17. 1791. 0m2.

A True Bill.

Franklin Adams

Foreman.

Adm'd Feb 4, 90

W. G. Nichols

0195

Police Court—4 District.

City and County { ss.:
of New York,

of No. 185 East 76th Annie Konarnik Street, aged 19 years,
occupation Cigar maker being duly sworn
deposes and says, that on the 12 day of January 1889 at the City of New
York, in the County of New York,

She was violently and feloniously ASSAULTED and BEATEN by Vaclav Bozdech
(now here), who struck deponent a
violent blow on her head with
a slung shot (made of leather
with lead fastened on) thereby
severely wounding deponent

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

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

Sworn to before me, this 13 day } Annie Konarnik
of January 1889 } mark
John H. Ryan Police Justice.

0 196

Sec. 198-200.

14 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer. *Vaclav Bozdech*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Moscow*

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

Answer. *187 8th St*

Question. What is your business or profession?

Answer. *Cigar maker*

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*

Vaclav Bozdech

Taken before me this

day of

1887

Police Justice.

0197

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 Fifteen 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 Jan 18 John Ryan Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0198

64

Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Annie Kovarnik

*185th East 76th
Vaclav Bozdech*

2 _____
3 _____
4 _____

*Office Asst. Secy
H. L. H. H.*

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Dated *Jan 13* 1891

Myay Magistrate.

Hourke Officer.

25 Precinct.

Witnesses *Mike Botocheck*

No. *185* Street.

John J. Kunka

No. *185* Street.

No. _____ Street.

No. _____ Street.

\$ *1500* to answer

1500 for Exp Jan 15, 2nd



0200

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Vaclav Bozdech

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

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

The said

Vaclav Bozdech

late of the City of New York, in the County of New York aforesaid, on the
twelfth day of January in the year of our Lord
one thousand eight hundred and ninety-one, with force and arms, at the City and
County aforesaid, in and upon the body of one Annie Konarnik
in the Peace of the said People then and there being, feloniously did make an assault
and her the said Annie Konarnik
with a certain slung-shot

which the said Vaclav Bozdech
in his right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

her the said Annie Konarnik
with intent thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

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

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

The said

Vaclav Bozdech

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

with a certain

slung-shot

which the said Vaclav Bozdech
in his right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York,
and their dignity.

0201

THIRD COUNT—

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

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

The said

Vaclav Bozdech,

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said
Annie Konarnik in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
her the said *Annie Konarnik* —
with a certain *slung shot* —

which

he

the said

Vaclav Bozdech

in

his

right hand then and there had and held, in and upon the

head

of *her*

the said

Annie Konarnik

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

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.

Delancey Nicoll
JOHN R. FELLOWS,

District Attorney.

0204

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

of No. 57 Hallett St. Astoria Street, aged 34 years,
 occupation Cigar packer being duly sworn
 deposes and says, that on the 17 day of January 1889 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Vaclav Bozdech
 (now here), who struck deponent
two violent blows on his head
with some hard substance
thence severely cutting deponent's
head and that said assault
was committed

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

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

Sworn to before me, this 13 day
 of Jan 1889

Anton Cermak
John H. Ryan Police Justice.

0205

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

14 District Police Court.

Vaclas Bozdeck 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. *Vaclas Bozdeck*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Austria*

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

Answer. *187 E 78th St*

Question. What is your business or profession?

Answer. *Cigar maker*

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*

Vaclas Bozdeck

Taken before me this
day of *June* 1938

Police Justice.

0206

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 Thyendau

Thyendau 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 Jan 15 1891 John Ryan Police Justice.

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

Dated Jan 15 1891 John Ryan Police Justice.

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

Dated Jan 15 1891 John Ryan Police Justice.

0207

63

Police Court--- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Anton Cermak
37-Hall St. Astoria

Vaclav Bogdich

2

3

4

Asst. Clerk
McLary

Dated

Jan 3 1891

Magistrate.

✓ Rourke Officer

Precinct.

Witnesses

Mike Bogdich

No.

185 Street.

No.

Street.

No.

Street.



\$

1580 to answer *1500* *Jan 15 1891*

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0208

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Vaclav Bozdech

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

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

The said

Vaclav Bozdech

late of the City of New York, in the County of New York aforesaid, on the
twelfth day of January in the year of our Lord
one thousand eight hundred and ninety-one, with force and arms, at the City and
County aforesaid, in and upon the body of one Anton Cermak
in the Peace of the said People then and there being, feloniously did make an assault
and him the said Anton Cermak
with a certain hard substance to the Grand
Jury aforesaid unknown
which the said Vaclav Bozdech
in his right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, ~~cut, stab~~ and
wound,

with intent him the said Anton Cermak
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

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

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

The said

Vaclav Bozdech

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said Anton Cermak in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and him the said
Anton Cermak
with a certain hard substance to the
Grand Jury aforesaid unknown,
which the said Vaclav Bozdech
in his right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully strike, beat, ~~cut, stab~~ and wound, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York,
and their dignity.

0209

THIRD COUNT—

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

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

The said

Vaclav Bozdech

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

him the said Anton Cermak
with a certain hard substance to the
Grand Jury aforesaid unknown,

which he the said Vaclav Bozdech
in his right hand then and there had and held, in and upon the head
of him the said Anton Cermak

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

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

De Lancey Nicoll,
JOHN R. FELLOWS,

District Attorney.

02 10

BOX:

422

FOLDER:

3900

DESCRIPTION:

Brady, John

DATE:

01/22/91



3900

Witnesses;

Sept Carson
his name in
Plen
777

Counsel,
Filed *22* day of *Jan* 1891
Pleas, *Wm. H. H. H.*

7331
Wm. H. H. H.

THE PEOPLE
vs.
John Brady
Grand Larceny
From the Person
(Sections 538, 539, Penal Code)
DE LANCEY NICOLL
JOHN R. FELLOWS
19
Wm. H. H. H.

District Attorney.

A True Bill.

Franklin Eason
Foreman.
Wm. H. H. H.
Wm. H. H. H.
Wm. H. H. H.

02 12

Police Court—3—District.

Affidavit—Larceny.

City and County }
of New York, } ss.of No. 976 1st Av Charles Keller
occupation Black Locksmith Street, aged 28 years,
being duly sworndeposes and says, that on the 11th day of January 1899 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
Person of deponent, in the night time, the following property, viz:

One hunting case silver
watch with gold plated
Chain attached together of
the value of Sixteen Dollars
(\$16.00)
the property of Dependent

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 John Brady

(Now here) from the fact that
at about the hour of 1.30 O'clock
on said date deponent was
standing in the Burying near Blucker
Street waiting for a car. and at
that time deponent had said
watch in the ^{left} hand pocket
of his vest attached to said chain
the other end of said chain being
attached to a button hole of said
vest. When this deponent came
up to deponent and catching hold
of said chain he the deponent
pulled said watch from deponent.

Sworn to before me this 11th day of January 1899

Police Justice

0213

hooket and ran away with said
watch and chain.
Wherefore defendant charges this
defendant with felonious taking
obtaining and converting away of said
property from the person of defendant.

Servy before me } Charles Folger
this 11th day of June 1891.

Cliff Meade

Notary Public

02 14

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
John Brady

Taken before me this

day of

1891

Police Justice

02 15

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.....

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

Dated *Jan'y 12* 18 *91* *Crowley* Police Justice.

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

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

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

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

02 16

Police Court---

~~51~~ District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Feller
976- vs. 1st Ave.

John Brady

2.
3.
4.

Dated

January 11 1891

Magistrate.

James Morris

Officer.

14

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

4000

to answer

J.S.

Chm C.P. person
\$4,000 Ex Jan 12. J.P.W.

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

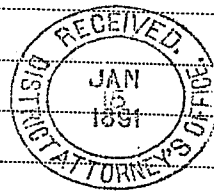
Residence

Street.

No. 4, by

Residence

Street.



02 17

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

John Brady

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

The said

John Brady

late of the City of New York, in the County of New York aforesaid, on the *eleventh*
day of *January* in the year of our Lord one thousand eight hundred and
ninety-one, in the *night* time of the said day, at the City and County
aforesaid, with force and arms,

*one watch of the
value of twelve dollars, and
one chain of the value of four
dollars*

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

*De Lancey Nicoll,
District Attorney.*

02 18

BOX:

422

FOLDER:

3900

DESCRIPTION:

Brambet, Pedro

DATE:

01/09/91



3900

02 19

72

Counsel,

Filed 9 day of Jan 91
Pleads, *Arguing in*

THE PEOPLE

vs.

P
Pedro Brambet
(2 cases)

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

FILED

JOHN R. FELLOWS,

District Attorney.

Perf'd
Jan. 21/91

A True Bill.

John W. Allen

Foreman.

Witnesses:

0220

Police Court— District.

City and County { ss.:
of New York,

of No. 43 Franklin Street, aged 23 years,
occupation Reverend being duly sworn
deposes and says, that on the 30 day of December 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Pedro

Mombetto who cut and
stabbed deponent on
the arm with the blade
of a dagger which he
then held in his hand
and said assault was
committed

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

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

Sworn to before me, this 31 day

of December 1888

Wm J Mulcahy

J. Dineen Police Justice.

0221

Sec. 198-200

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Peter Brant 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. *Peter Brant.*

Question. How old are you?

Answer. *22 years.*

Question. Where were you born?

Answer. *Italy*

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

Answer. *59 Mulberry St. 7 years*

Question. What is your business or profession?

Answer. *Broker*

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

Answer. *I am not guilty*
Peter Brant
man

Taken before me this

day of *December* 1934*J. J. J. J.*

Police Justice.

0222

Police Court, District.

City and County
of New York,

of No. 10th Avenue Street, aged 30 years,
 occupation Police Detective being duly sworn, deposes and says,
 that on the 30 day of December 1889, at the City of New
 York, in the County of New York, Pedro Ramirez

(now here) did feloniously
 carry concealed on his per-
 son with intent to use
 against another that
 dangerous knife known
 as a stillito in violation
 of Section 410 of the
 Penal Code of the State
 of New York for the
 reasons following to-wit:
 on the said date defendant
 was informed by William
 Mankin that he had
 been stabbed by
 defendant, the defendant
 at the time was running
 away. Defendant followed
 defendant and found con-
 cealed on his person
 the said stillito.

Sworn to before me
 This 31st day of December 1889
 John Harrington

Deputy

Police Justice

0223

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer. *Leorn Brumber*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *59 Mulberry St. 3 years*

Question. What is your business or profession?

Answer. *Baker*

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. *am sure I am fully
Leorn Brumber
must*

Taken before me this

day of *June* 189*3*

James
Police Justice.

0224

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.....

Refrindant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 200 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 3 18 90 J. D. [Signature] Police Justice.

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

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

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

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

0225

BAILED.

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court--- District.

THE PEOPLE &c.,
ON THE COMPLAINT OF

John Farrington
vs.
John Bramble

2
3
4

Dated *Dec 31 1890*

Heinrich Magistrate.

Orlando Farrington Officer.

Precinct.

Witnesses *Wm McIntosh*

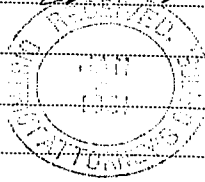
No. *43 Franklin* Street.

No. Street.

No. Street.

\$ *1000* to answer *Geo.*

John W. Wagon



0226

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.....

Heppard
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *15* 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 *Nov 3/* 18 *90* *P. Prince* Police Justice.

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

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

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

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

0227

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court--- District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1

2

3

4

Dated

189

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

§

to answer

§.

0228

42
The People
vs.

Pedro Brambet

{ Court of General Sessions. Part I
Before Recorder Smyth. January 21.
Indictment for carrying concealed
weapons. 1891

testified.

John Harrington, sworn and examined,
What is your business? Police officer
What precinct are you attached to? The Sixth.
Did you arrest this defendant on the night
of the 30th of December last? Yes sir. I arrested
him in Bayard near Mulberry street.
Had your attention been called to him by a
man named Mulcahy? Yes sir. In consequence
of what Mulcahy said to you you went to
look for this man, did you? Yes. Where did
you find him? In Bayard near Mul-
berry street. Did you have any conversa-
tion with him or did you take hold of
him? I took hold of him. What did you say?
I started in to search him right away
without saying anything to him. He was
pointed out to you? He was pointed out
to me by Mulcahy as the man that
stabbed him. Did you find anything
in him? Yes. I found the knife now
shown me. You found this knife (showing
witness a long dagger) Yes sir. You
are quite positive you did not insert
that knife into this case? Yes sir.
You took that out of his pocket? Yes sir.

Which pocket was it in? In the left hand coat pocket, the outside coat. That is the man from whom you took it (pointing to the defendant) Yes sir; in searching him my hand came in contact with something sharp. I then put my hand in his coat pocket and pulled this out. (meaning the dagger).

Cross Examined - The same coat that he has on? No sir. What kind of coat did he have on? In the dark it looked like a brown coat. Was it a long coat, an overcoat? No. Was there any part of the knife projecting? No sir, not that I could see. I had put my hand in his pocket to get the knife. Where was this on the street? Yes, on the street in Bayard street. It was so dark you could not see? I could not see very well. You say the knife was in his coat pocket? In his coat. Tell the jury how the knife was, that is a pretty long knife? Just take the knife and describe how it was? As near as I can get at it it must have been - the point must have been backwards and the handle forward. In searching him in ~~stripping~~ the coat it struck me right there, and then I put my hand in the pocket and pulled it out.

0230

Was there a thing about that knife that could be seen by anybody? No sir, unless the point in the back. I was in front of the man unless the point was out through the coat, and it must have been to catch me when I found it. The handle of this was projecting from the pocket? No sir, the handle was in the pocket. Have you had this particular knife in your possession ever since the time you made the arrest? Yes sir. There is some doubt about the knife, are you positive that is the knife? I am positive that is the knife. When you arrest a man charged with having concealed weapons, don't you usually put a tag on them? No sir, not always. Is it not the custom to do that in the station house? No sir. Why didn't you put a tag on it? Simply because I have a box of my own in the station house and I kept it there ever since. Is that box locked? Yes sir. Have you a key to that box? Yes. So that there is not any possibility whatever of your being mistaken regarding this particular knife? No sir. Did you have any conversation with the defendant at the time you arrested him? I could not have

0231

Pete Brumbett
Assault
10 days
Jan. 1948

0232

sitting down on the chair on the ground floor in the room. Some ladies in there you say - what number was that bad woman's house? No. 58 Mulberry street. How long had you been in there before you were arrested? I was not there for four minutes. The officer say he arrested you on the sidewalk on the street in Bayard street? No sir, it is not true. Is that your Knife (Knife shown)? No sir, this does not belong to me. Did you ever see it before? I did not know it at all. I never saw it before. When you were arrested did you have a Knife in your pocket? I had one, a small pocket Knife. Was the blade open or shut? There were three small blades and they were all three of them closed. What part of the clothing did you have your Knife in? On the left hand side of the pocket of my vest. The officer took you to the station house, didn't he? Yes sir. When he got you to the station house didn't he charge you there with having the Knife? Yes. Did he show the Knife to the sergeant at the desk? No sir. I did not. Did you see the Knife in the Police Court in the morning when you were brought there? Yes sir. I did see it next morning. Was it

this Knife? I did not see the handle of it. I only saw the blade. Was it a blade as long as that one there? No sir, he had the handle in his hand, and there was ~~only~~ a short blade to it. Did you attempt to stab anybody with that little Knife you had in your pocket? No sir. Was the blade of the little Knife he had in his pocket as long as that (Knife shown) It was a very small blade - that size (showing). Did he attempt to stick anybody with the other Knife, did he attempt to stab a man that night? No sir.

Counsel

That is the case your Honor. John Farrington, recalled by Mr. Macdenna Officer, did you arrest this man in a house of prostitution in Bayard street or was he on the street? Do you mean on the 30th of December. Yes, on the street when you arrested him? I arrested him in Bayard street on the sidewalk near Mulberry St. He has testified that he had another Knife in his pocket when you searched him in the station house, you found ~~another~~ Knife, didn't you, a pocket Knife? Yes sir. Where was it, in his vest pocket? In his pants pocket.

By the Court & He said when you went to the station

0234

house and arraigned him before the Sergeant that you did not show that knife (the large one produced in court) didn't you lay that down in front of the desk? Yes. Then you went the next morning to the Police Court did you have that knife with you? Yes sir. And that was laid in front of the Magistrate? Laid on the Magistrate's desk.

By Counsel A Do you know No 58 Mulberry st.? Yes sir. Are you familiar with the premises there? Yes. As matter of fact is there such a place there as the defendant describes in regard to these women being there?

By the Court Q Is there a house of ill repute there? There has been. As I suppose there is a dozen of them all round about? Yes sir. I do not know of any being around there about the 30 or 31st. I was not there on the 30th. We keep a record in the station house of houses of ill repute. When you brought the defendant to the station house you had the knife in your pocket? I never took it out of my hand from the time I took it out of his pocket until I laid it on the sergeant's desk. There was an entry made in the blotter of carrying concealed weapons; the defendant was arraigned on two charges in the station house.

0235

William Mulcahy, sworn and examined.
I saw the defendant on the street in Mulberry St. on the night of the 30th of Dec. I was going home and the defendant and a woman were fighting there on the street; she halloed "murder"; he was beating a woman there, and she cried out for help. This fellow was trying to kill her. I stood on the opposite side of the gutter; I said, "Don't do that;" and this fellow stopped and ran after me; he called me a vile name, a son of a b h, and he made a plunge at my heart with a knife. I saw the knife and the blade of it. It was the very same knife now shown me. He cut me in the arm; it bled a little bit. I waited on the corner and I said to a man, Do you know the lady who was being beaten? He said, "I do." I asked him to help me to get him arrested. I went on the opposite side and the defendant chased me half a block with a knife in his hand. The people who were there ran away thinking that he was crazy. I met officer Harrington and told him about it. He found him parading up and down Bayard St. with that knife. I was present when the officer searched him and found it in his pocket. The jury rendered a verdict of guilty.

0236

Testimony in the
case of
Pedro Brambet

filed

Jan.
1891

0237

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Pedro Brambet

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

of a FELONY, committed as follows:

The said

Pedro Brambet
late of the City of New York, in the County of New York aforesaid, on the *30th*
day of *December* in the year of our Lord one thousand eight hundred and
eighty-ninety at the City and County aforesaid, with force and arms, feloniously did
furtively carry, concealed on his person, a certain instrument and weapon of the kind
commonly known as *dirk, dagger and dangerous knife*
with intent then and there feloniously to use the same against some person or persons to the
Grand Jury aforesaid unknown, against the form of the statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

of a FELONY, committed as follows:

The said

Pedro Brambet
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, feloniously did possess a certain instrument
and weapon of the kind commonly known as *dirk, dagger and*
dangerous knife by him then and there concealed, and furtively carried on his person,
with intent then and there feloniously to use the same against some person or persons to
the Grand Jury aforesaid unknown, against the form of the statute in such case made and
provided, and against the peace of the People of the State of New York and their dignity.

John R. Fellows
JOHN R. FELLOWS,

District Attorney.

0238

Witnesses:

Counsel,

Filed

day of

1891

Pleas,

THE PEOPLE

vs.

P

CONCEALED WEAPON.
(Section 410, Penal Code).

Pedro Brambet

(P. Cases)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Foreman.

Spec. Foreman

5.4 P. S. P. 28

0239

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Pedro Brambet

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

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

The said *Pedro Brambet* —

late of the City of New York, in the County of New York aforesaid, on the
thirtieth day of *December* in the year of our Lord
one thousand eight hundred and *ninety*, with force and arms, at the City and
County aforesaid, in and upon the body of one *William J. Mulcahy*
in the Peace of the said People then and there being, feloniously did make an assault
and *him* the said *William J. Mulcahy*
with a certain *knife*

which the said *Pedro Brambet* —
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent *him* the said *William J. Mulcahy*
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

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

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

The said *Pedro Brambet* —

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
the said *William J. Mulcahy* in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and *him* the said
with a certain *knife*

which the said *Pedro Brambet* —
in *his* right hand then and there had and held, the same being a weapon and
an instrument likely to produce grievous bodily harm, then and there feloniously did
wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

De Lancey Knoll,
District Attorney

0240

BOX:

422

FOLDER:

3900

DESCRIPTION:

Braunstein, Elias

DATE:

01/28/91



3900

732

Witnesses

Counsel,

Filed, 28 May of 1891

Pleas

THE PEOPLE,

vs.

Elias Braunstein

B

ADULTERATED MILK.

(Chap. 183, Laws of 1885, Section 1, as amended by Chap. 577, Laws of 1886, Section 1; Section 186, Sanitary Code, and Section 575 of the N. Y. City Consolidation Act of 1882.)

I hereby consent and desire that this case against me be sent to the Court of Special Sessions for trial and final disposal.

DE LAUNCEY NICOLL,

JOHN A. HINDLOWE,

District Attorney.

A True Bill

Franklin Green
Foreman.

0242

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Elias Braunstein

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

Elias Braunstein

(Chap. 233, Laws of 1883, § 1, as amended by Chap. 577, Laws of 1890, § 1.)

of a MISDEMEANOR, committed as follows:

The said *Elias Braunstein*

late of the City of New York, in the County of New York aforesaid, on the
— seventh — day of — November — in the year of our Lord
one thousand eight hundred and ~~eighty~~ *ninety*, at the City and County aforesaid,
did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated
and unwholesome milk (the same not being skimmed milk produced in the said County),
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:

§180, Sanitary Code

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

— *Elias Braunstein* —

of the CRIME OF VIOLATING THE SANITARY CODE OF THE BOARD OF HEALTH OF THE HEALTH DEPARTMENT OF THE CITY OF NEW YORK, committed as follows:

The said — *Elias Braunstein* —

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, did unlawfully keep, have and offer for sale, three quarts of milk which had been and was then and there watered, adulterated, reduced and changed by the addition of water and other substances to the Grand Jury aforesaid unknown, and by the removal of cream, against and in violation of the Sanitary Code of the Board of Health of the Health Department of the City of New York, duly adopted and declared as such at a meeting of the said Board of Health, held in said city on the second day of June, 1873, as amended in accordance with law, and particularly in violation of a certain ordinance thereof, to wit: the one hundred and eighty-sixth section of said code, which is as follows, that is to say:

"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."

Which said section and ordinance above set forth was, by a certain resolution, duly passed and adopted by the said Board of Health and by said Health Department, at a meeting thereof duly held in said city on the twenty-third day of February, 1876, added to and made a part of the said Sanitary Code aforesaid, and adopted and declared to form a portion thereof, pursuant to the authority and power conferred by law upon the said Board, and 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 the said city, to wit: in the issues of such newspaper of the twenty-fourth day of February, 1876, and also of the second day of March, 1876, and which said Sanitary Code so amended and altered was then and there, at the time of the committing of the offense hereinabove alleged, in full force and operation, and was by law declared to be binding and in force in said city, and which said section and ordinance above set forth was then and there in full force and virtue, having been in nowise altered, amended or annulled by said Board of Health, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll.
~~JOHN R. FELLOWS~~
 District Attorney.

0244

BOX:

422

FOLDER:

3900

DESCRIPTION:

Brennan, Frank

DATE:

01/30/91



3900

0245

For

Witnesses:

Sawyer

Conder & Oppen.

By

Counsel, *374*
Filed *May 18 91*
Pleads, *XXXXXX*

THE PEOPLE

vs.

A

Frank Brennan

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

William M. ...
JOHN R. ...

District Attorney.

A True Bill.

Franklin Green

Foreman.

Grand Juror
Wm. S. ...
Feb. 3, 1891

0246

Police Court— 3 District.City and County } ss.:
of New York, }

William Bohl
 of No. 71 Forsyth Street, aged 19 years,
 occupation Driver being duly sworn
 deposes and says, that on 27th day of January 1891 at the City of New
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Frank
Brennan (nowhere) who cut and
 stabbed deponent seven times
 in the back, and three times on
 the left arm, said cuts and
 stabs being caused by a knife
 defendant at the time held in
 his hand, causing deponent
 severe lacerations and wounds.
 Deponent further says— Said
 assault being committed

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

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

Sworn to before me, this 28th day }
 of May 1891. } *Wm Bohl*

Wm Murray Police Justice.

0247

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Brennan being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *h*is right to
make a statement in relation to the charge against *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.

Frank Brennan

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

United States

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

Answer.

56 Catherine St - 1 mo

Question. What is your business or profession?

Answer.

Plumber

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

Answer.

*I am not guilty.**Frank Brennan*

Taken before me this

1897

Police Justice.

0248

Government Hospital

January 27, 1891.

To Whom it may concern

This is to certify
that William Rohl is suffering
from several stab-wounds
of back & arm, but is
not necessarily in a serious
condition at present.

Lia. J. Johnson M.D.
House Surgeon,

0249

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

Subscribed before me, this _____ day of _____ 188____

of *Eleventh Precinct* *Street*, aged _____ years,
Officer being duly sworn deposes and says,
 that on the *27th* day of *July* 188*91*

at the City of New York, in the County of New York, *he arrested*
Maat Brennan and John Williams (both
 now here) on complaint of *William Bohl*
 for *felonious assault*

Said William Bohl
 Deponent says, — is now confined in
 Gouverneur Hospital, suffering from
 injuries received, and is unable to appear
 in Court as shown in certificate hereto
 attached. Deponent further says,
 said William Bohl, in deponent's
 presence, identified defendants
 as his assailants.

Police Justice

0250

Wherefore, defendant prays, that
defendants be held to await the results
of said William Bohl's injuries.

Appear before me
this 27th day of June 1891

Daniel M Gilloon

D. M. Gilloon
Police Justice

ARREDAVIT
William Bohl

Police Court, 123 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Frank Brennan

John Williams

Dated June 27 1891

Murray Magistrate.

Gilloon Officer.

Witness, William Gilloon

W. S. Heston

Ernest Bohl

71 Barreget

Disposition, Committed to

Court the result

0251

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

Defendant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty* 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 28* 18 *91* *Ben Murray* Police Justice.

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

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

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

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

0252

Police Court--- 3 --- District. 115

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William Bohl
71 Foreyth St
Frank Brennan

Office
William's Assn

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated June 8 1891
Magistrate.

Daniel M. Gilloon, Officer.
11th Precinct.

Witnesses William Ehrhart

No. 118 Beeson Street.

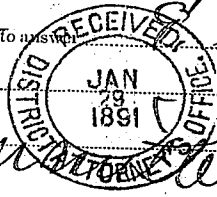
Mary Bohl

No. 71 Foreyth Street.

Manie Kennedy

No. 144 Cherry Street.

\$2.00 - to costs



willie mearns
144 cherry st

0253

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank Brennan

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

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

The said

Frank Brennan

late of the City of New York, in the County of New York aforesaid, on the
Twenty seventh day of *January* in the year of our Lord
one thousand eight hundred and *ninety-one*, with force and arms, at the City and
County aforesaid, in and upon the body of one *William Bohl*
in the Peace of the said People then and there being, feloniously did make an assault
and *him* the said *William Bohl*
with a certain

knife

which the said

in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent

him the said *William Bohl*
thereby then and there feloniously and wilfully to kill, against the form of the statute in
such case made and provided, and against the peace of the People of the State of New York
and their dignity.

SECOND COUNT—

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

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

The said

Frank Brennan

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

with a certain

knife

which the said

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

0254

THIRD COUNT—

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

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

The said

Frank Brennan
late of the City and County aforesaid, afterwards, to wit: on the day and in the year
aforesaid, at the City and County aforesaid, with force and arms, in and upon the said
William Bohl in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
him the said *William Bohl*
with a certain *knife*

which *he* the said *Frank Brennan*
in *his* right hand then and there had and held, in and upon the *back*
and arm of *him* the said *William Bohl*
then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said *William Bohl*

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

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

District Attorney.

0255

BOX:

422

FOLDER:

3900

DESCRIPTION:

Bristol, Richard

DATE:

01/19/91



3900

176

Counsel,

Filed

19 day of May 1897

Pleads,

THE PEOPLE

vs.

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

H

Richard Bristol

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. J. Linderson

Foreman.

May 19/97

Grand Jurors 2 days
4 Apr. 6 Mos. 10/97
May 23/97

Witnesses:

Sanford Connerly

and officer H

Get the kids d.

of high tension
of a parent.

supm - ch. very

has H

0257

Police Court— 2 District.City and County { ss.:
of New York,of No. 16 1/2 Downing Street, aged 26 years,occupation work in a silk factory being duly sworndeposes and says, that on 11th day of January 1889 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Richard Bristol (Norker)who wilfully and maliciously
cut and stabbed deponent
in the forehead with a
pocket knife he then and
there held in his handsDeponent further says
that said assault was committedher
with the felonious intent to take the life of deponent, or to do ~~him~~ grievous bodily harm; and without any justification on the part of the said assailantWherefore this deponent prays that the said assailant may be ~~apprehended and~~ bound to answer for the above assault, etc., and dealt with according to law.Sworn to before me, this 12 dayof January 1889Statie Mansell
Police Justice.

0258

Sec. 105-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

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

Question. What is your name?

Answer.

Richard Bristol

Question. How old are you?

Answer.

24 years

Question. Where were you born?

Answer.

San Antonio, Texas

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

Answer.

Manhattan Hotel 2841 76 Ave.

Question. What is your business or profession?

Answer.

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

Answer.

*I am not guilty**Richard Bristol*

Taken before me this

day of *March* 189*9**John J. McQuinn*
Police Justice

0259

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 Fifteen 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 Jan 12 1899, W. T. McMahon Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

0260

50

Police Court--- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Walt Mammill
16 1/2 28 Downing
Richard Bristol

McMullen
(Selling)
Offence

1
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 *Jan 12* 1891
McMahon Magistrate.
Hunt & Burlingame Officer.
9 Precinct.

Witnesses

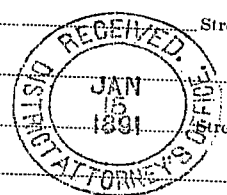
No. Street.

No. Street.

No. Street.

\$ *1500* to answer *H. S.*

Can
Smith



26/11

The People
 Richard Bergen
 jointly indicted with Jacob De Young, W^m Schultz and
 George Williams for grand larceny in second degree.

Court of General Sessions. Part I
 Before Judge Cowing February 9. 1891
 Adolph Cypres, sworn and examined, testified
 I am a pawn broker and my place of business
 is No. 326 Bowery. I am the complainant. I saw
 the defendant on the 14th of last month in my
 place of business. I identify the ring now shown
 me as mine; it was in my possession on
 the 14th of January and I lost it on that day.
 On the 14th of January between seven and eight
 o'clock in the evening two young men stop-
 ped in front of me. I understand now that their
 names are Schultz and Jake De Young. Schultz
 demanded me to show him a diamond ring
 worth a hundred dollars. I took two diamond
 rings out of my show case and handed
 them to Schultz; while that happened two
 other young men came in, Richard Bergen
 the defendant and another one. The defendant
 showed me a seal ring; the one now shown
 me I identify as the one because I marked
 it. He asked me how much I would charge
 for a stone ^{to be} set in that ring. I told him
 \$1.50. I was looking at those two young
 men with that diamond ring, and
 during that time Bergen put his hand
 in front of me to cover those other two

0262

Schultz and De Young. That interfered with my opportunity of seeing what they were doing.

The same moment I noticed that Schultz said to De Young, "Jake, I think that ring will suit you," and as soon as he stated this Jake skipped with the ring. At the same time I called a man from the back of my office with whom I had been talking to stop them. I ran in front of my counter and the other three kept me back. Bergen helped to do that; and the only one I succeeded in getting was Schultz. The other three escaped. When I seized Schultz De Young had already fled with the ring; when I seized Schultz Bergen and the fourth man kept me back. One of them - I don't remember which - said, "Stay here, I have some particular business to transact with you." While I was holding Schultz Bergen and the other man ran out of the place and made their escape; they took the real ring along - they ran right out. I called an officer in and had Schultz arrested. The diamond ring now shown me was the one I handed to Schultz and which he passed to De Young and with which De Young ran away; the other one I took back. The diamond ring cost me seventy five dollars.

Cross Examined. The two young men must have been

0263

in my place about a minute or two before the prisoner came in with the other man I was showing them some rings. They were all standing in front of the counter, and while there Bergen put his arm out in front of De Young and said he could buy a new one for \$1.50, and at once De Young went out. I wanted to pursue De Young, but I was kept back by those two young men. I grabbed Schatz and the other two young men went out. Afterwards saw Bergen at Headquarters and picked him out. I never spoke a word to him.

Edward Armstrong, sworn and examined. I am a detective officer and arrested Bergen upon the charge for which he is now on trial. I arrested him at Fourteenth St. and Third Avenue in a pool room on the 19th day of January about four o'clock in the afternoon. I got in the car. He says, "What is the matter?" I says, "you know pretty near what is the matter." "No. I do not." "The Inspector wants to see you." "What about the ring?" I says, "I guess it is; what did you do with it?" He says, "It was pawned down near Chatham Square." "Whereabouts in Chatham Square, and what did you get off it?" He said, "I got fifteen dollars for my part of it." "What became of the ticket?" He said,

0264

Jake told me he lost the ticket. I says. "Jake did not lose the ticket. Had no further conversation with Bergen until the pawnbroker, Mr. Crynes, identified him; he was stood up that afternoon amongst a number of men. I brought the defendant to headquarters and searched him and found the seal ring upon him. I showed that to the pawnbroker and he told me that was the ring Bergen offered to him to have repaired to distract his attention. Officer Grady was present with me coming down in the Third Avenue car when he told me about the money, how much he got of it and what became of the ticket. That is about all the conversation I had with the defendant in regard to this transaction. He said it was some place near Chatham street it was pawned; he did not say he pawned it. I do not think he said he was present when the ring was pawned. He did not tell me who told him the ring was pawned, but he said De Young told him he had lost the ticket. The ticket represented a ring for \$45. Mr. Crynes went with me and identified it. I got the ticket from a boy to whom Jake sold it; his name is on the papers, Scheller.; he is cashier in Kearney's, a saloon corner of Fourteenth St. and Third Avenue.

I was not present when the defendant was identified by the complainant. That is all I know about the case.

Dennis Grady, sworn and examined. I am a detective officer. I was present when Bergen was arrested. I heard a conversation between him and Officer Armstrong. We learned that Bergen was in a pool room on January 19th that afternoon and we went up there from Headquarters to make the arrest. I stayed on the corner and Armstrong went in the pool room and found Bergen there, he came out and passed me on the corner and I went over and took a Third Avenue car with him. Then we got in the car Armstrong was in conversation with him. He (Armstrong) says to him, "What did you do with the ring that De Young, Schultz, Williams and you got at Cyprie's pawn shop in the Bowery on the 14th?" He hesitated a moment and he says, "we pawned it down around Chatham street somewhere." Armstrong says, "What did you get on it?" "Fifty five dollars." He says, "What was done with the fifty five dollars?" He says, it was divided up in three parts between Williams, De Young and myself. "What did you get?" He says, I got fifteen dollars, Williams got fifteen dollars and De Young got fifteen dollars.

Cross Examined. I have told you the conversation as

0266

it occurred. I made a memorandum of it but the book is at home. Armstrong asked him about the pawn ticket but he said it was tore up. I am sure of that - either tore up or lost. I am not positive whether he said it was lost or tore up. I have got the substance of the conversation, what was said anyway.

Jacob De Young, sworn and examined testified. I am one of the defendants in this case. I have already pleaded guilty to the crime charged in the indictment. I am the one who ran off with the ring. I know the defendant Berger. I have known him probably a year. I know Schultz and Williams and knew them on the 14th of January. I remember being present in the evening about seven o'clock in 326 Bower, the office of the pawn broker, Adolph Brynes. Had you seen the defendants Berger, Schultz and Williams on that day prior to the time when you entered 326 Bower? We were all in company together on the street before we went in the store. Had you been together anywhere else that day than on the street? In a pool room up on Fourteenth St. I don't know the name of the man who keeps it. You were all present together that afternoon in that pool room on Fourteenth St? Yes sir. State what occurred between you four there at

0267

that pool room with reference to your after-
ward going to this pawn broking establishment.
I was sitting down on a chair in the pool
room and Schultz came up to me and
asked me if I would like to go down and
smoke a pipe? Bergen was present, Bergen
and Williams joined in with us; we took
a walk down the Bowery, the whole four
of us; we got down as far as Dyer street.
We could not get into the place, the opium
joint there, and we walked back to the Bowery
towards Brynes' pawnshop, and when out-
side the pawnshop Schultz said to me, "This
would be a pretty good place to turn off -
this would be a good place to steal a
diamond ring or something. So the robbery
was planned, and we all, Schultz, Williams
and Bergen said so. Bergen said, "I have
got a good idea; I have got a ring in my
pocket - no, he first said, if Schultz and I
should go in the store first and ask for
a diamond ring to buy one, and then
he said he would shade us off so we could
get out. He said, "I have a ring in my
pocket which I will show to the broker with
a stone out of it to see if I can get it
fixed, and that will give us a chance
to steal the ring. That is how the robbery
was planned before we entered the pawn

0268

broker's office I entered first with Schultz and then afterwards Bergen and Williams came in. Before Bergen and Williams came in we were looking at some rings. Schultz was pricing them; he (Schultz) handed me over a ring. I took it and ran out. Bergen, when he came in, showed to the pawn broker a ring to be fixed and while he did that, Schultz handed me over the diamond ring and I ran out with it and Schultz and Bergen ran out after me; we met up at the corner of Broadway and Bleeker st.; we went through Bleeker st. across town and went up Sixth avenue. Then we went up to this pool room again and then we went down to Doyer street to smoke opium. The ring now shown me is the ring I took. Bergen, Williams and myself went and pawned the ring at a pawn shop in the Bowery; the man's name is Berman; we got forty five dollars from the pawn broker; he handed me the ticket with the money and divided it - fifteen dollars was given to Bergen, fifteen to Williams and fifteen to me.

Cross Examined. I think by giving my testimony in this case it will help me out a little in getting my sentence lower and probably getting a suspension of sentence, but no

one told me sentence would be suspended. I have never been arrested or convicted of crime before. I only smoked opium twice. When we got to this pawn shop Schultz said that it would be a good place to turn off. I live in Boston. I have been here about six months. He pawned the ring the next day after it was stolen, it was in the morning.

Richard Bergen, sworn and examined in his own behalf testified. I am 22 going on 23 years old and was born in Germany. I have lived in this city since I was twelve years old. I have worked for Tillman and Hansgan for four years steady. I have known De Young, Schultz and Williams about a year. I met them at this pool room in 14th street. On the night of the 14th of January I was in the pool room with these gentlemen. De Young said, "I can get in an opium joint." Mr. Schultz said, "I'll bet you cant." De Young says, "All right," and they made a bet of some kind. Mr. Schultz said to me, "Will you come down?" I says, "yes," and Mr. Williams came down with us. So when we got down there they would not let us in, and we walked back again up the Bowery. When we went up to the Bowery, Mr. Schultz says, "I am going in to buy a ring." I says to Williams, we

will wait outside." We looked in the show window. I seen the rings in there with initial stones in them. I says to Williams, "I have got a ring I lost a stone out of, I am going in to ask how much he will charge me to put a stone in the ring." I went in and Mr. Cypres came over to me and says, "What do you wish?" I said, "I wish to have a stone put in the ring." I handed him the ring; he said, "it will cost you \$1.50, the ring is no good." I says, "that is too much money," he said, "I can sell you a ring for \$1.50, the same kind of a ring, it is not worth while to get a stone put in, you can buy a ring." I says, "all right," he handed me the ring back. I put my hand out for the ring and then I walked out. During that time while I was talking with Mr. Cypres De Young says, "I want to go out to look in the show window and tell you what kind of a ring I want." Mr. Cypres said, "all right." Then he went out. Mr. Cypres handed me the ring back and I walked out. I saw De Young next up in the pool room that same night. He said to me, "I have got a ring." I said, "I will not have any thing to do with it." I saw

0271

him the next night after in a restaurant; he said he pawned the ring and lost the ticket. I was laid off from work that week, and so to have some money, I went in the pool room to play on horses. Mr. Armstrong came in, and he says, getting hold of my shoulder, "the Inspector wants to see you." I said, "What for?" I did not understand what he meant. He says, "Come on," and shoved me out. When we got on the street I says, "What is the matter?" He says, "You ought to know - about that ring. I says, 'No, I do not know anything about that.' He says, 'Well, we will get it out of you.' He wanted me to confess everything. I says, 'I did not have anything to confess; he says to the other officer, 'we will take it out of him when we get him down to Headquarters. He threatened to lick me if I would not tell. Then he asked me who took the ring? I says, as far as I know De Young took the ring, and he told me he lost the ticket. Then he says, 'Where is Williams?' I says, 'I do not know. It is not true what De Young said that we all planned to take the ring and that he gave me fifteen dollars of the money. I was not with him when the ring was pawned. I was with him when it was stolen."

0272

Cross Examined. I worked for Stillman and Hansen
91 Elizabeth St. polishing and grinding nickel
plating. I left their employ two weeks before
Christmas. I was trying to make money on
horse races. I am married about a year; my
wifes name before she was married was Reilly.
I was married by a minister named Joyce
in Newport R.I. When I was arrested I lived
on the corner of Thirteenth St. and Third Ave.
my wife has given up housekeeping since I
was arrested. I did not see Schultz pass the
ring to De Young in the pawn shop. Williams
and I walked out quietly. When I got across
the street with Williams I heard Schultz was
arrested for stealing a ring. I did not speak
to them when I went into the pawn shop.
I have not seen Williams since and I
do not know where he lives.

Hugo Schaefer sworn. I am in the cutlery
business with my father. I know that the
defendant's character for honesty is good.
Counsel read a certificate from Stillman and Hansen
to the effect that Bergen was employed
by them for six years and proved himself
during that period to be an industrious,
honest, sober young man. It was signed
by Gustav Hansen.

The jury rendered a verdict of guilty of grand
larceny in the second degree. He was remanded
for sentence.

0273

Testimony in the
case of
Richard Berger
filed Jan.
1891

0274

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Richard Bristol

The Grand Jury of the City and County of New York, by this indictment, accuse
Richard Bristol
 of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Richard Bristol*

late of the City of New York, in the County of New York aforesaid, on the
eleventh day of *January* in the year of our Lord
 one thousand eight hundred and *ninety-one*, with force and arms, at the City and
 County aforesaid, in and upon the body of one *Kate Mannsell*
 in the Peace of the said People then and there being, feloniously did make an assault
 and *her* the said *Kate Mannsell*
 with a certain *knife*

which the said *Richard Bristol*
 in *his* right hand then and there had and held, the same being a deadly and
 dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and
 wound,

with intent *her* the said *Kate Mannsell*
 thereby then and there feloniously and wilfully to kill, against the form of the statute in
 such case made and provided, and against the peace of the People of the State of New York
 and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Richard Bristol
 of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Richard Bristol*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year
 aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of
 the said *Kate Mannsell* in the peace of
 the said People then and there being, feloniously did wilfully and wrongfully make
 another assault, and *her* the said
 with a certain *knife*

which the said *Richard Bristol*
 in *his* right hand then and there had and held, the same being a weapon and
 an instrument likely to produce grievous bodily harm, then and there feloniously did
 wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in
 such case made and provided, and against the peace of the People of the State of New York,
 and their dignity.

He Lancelotti,
District Attorney.

0275

BOX:

422

FOLDER:

3900

DESCRIPTION:

Brossy, Edward

DATE:

01/06/91



3900

0276

Witnesses:

Counsel,

Filed

Pleas,

day of

1891

THE PEOPLE

vs.

36 Cottage

I

Edward Broddy

CONCEALED WEAPON.

(Section 410, Penal Code).

JOHN R. FELLOWS,

District Attorney.

Jan 9th 1891

A True Bill.

Franklin Edson

Foreman.

Sub 2 - Jan. 9. 1891

Pleas, Cynthetic.

Per 6 m.

0277

Police Court, 2 District.City and County } ss.
of New York.

of No. 15 Precinct Street, aged 23 years,
 occupation Police Officer being duly sworn, deposes and says,
 that on the 23 day of December 1889 at the City of New
 York, in the County of New York, Edward Bussey (nowhere)

did unlawfully and feloniously carry
 conceal and possess a certain instru-
 ment; commonly known as a Slung Shot
 from the following facts to wit: that on
 the aforesaid date at about the
 hour of 6 o'clock P.M. deponent saw
 the said defendant, standing in front of
 No 138 West 4th Street.

Deponent is informed by Edward
 Hammill of No 138 West 4th Street that
 the said defendant had made threats to
 do the said Hammill bodily harm and
 to take his life.

Deponent further says that he found
 the said Slung Shot concealed in his
 inside pocket of a coat that was then
 and there worn upon the person of the
 said defendant.

Deponent therefore charges the
 said defendant with violation of section
 410 of the Penal Code and prays that he
 may be held and dealt with as the law
 directs.

24
December
John J. [unclear]

Thomas S. Mahaffey.

0278

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward Hammill
aged 34 years, occupation waiter of No. 138 Macdougall
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Thomas Mahaffy
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

1890

Dec 24
John J. Ryan

Police Justice.

0279

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, ss.

2
District Police Court.

Edward Bussey

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

Question. What is your name?

Answer.

Edward Bussey

Question. How old are you?

Answer.

44 years.

Question. Where were you born?

Answer.

Switzerland

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

Answer.

36 Cottage Place 2 years

Question. What is your business or profession?

Answer.

Mattress maker

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

Edward Bussey

Taken before me this

day of

1897

Police Justice.

0280

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

There ~~guilty~~ thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Two Hundred Dollars, 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 24 1897 John H. Ryan Police Justice.

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

Dated _____ 18 _____ Police Justice.

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

Dated _____ 18 _____ Police Justice.

0281

Police Court--- 21900 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Mahaffy
Edward Barry

James Mahaffy
Edward Barry
See 410 P.C.

2
3
4

Dated *Dec 24* 188*90*

James Mahaffy Magistrate.
Officer.
Precinct.

Witnesses *Edward Hammill*

No. *138* *Edward Hammill* Street.

No. Street.

No. Street.

1000 to answer

COMMITTED.

Conway

FILED,

No. 1, by

Residence Street.

No. 2, by

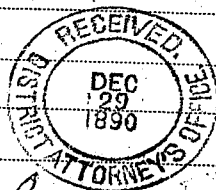
Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.



0282

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Brossey

The Grand Jury of the City and County of New York, by this indictment, accuse
— *Edward Brossey* —
of a FELONY, committed as follows:

The said *Edward Brossey* —
late of the City of New York, in the County of New York aforesaid, on the *twenty third*
day of *December* in the year of our Lord one thousand eight hundred and
~~eighty ninety~~ at the City and County aforesaid, with force and arms, feloniously did
furtively carry, concealed on his person, a certain instrument and weapon of the kind
commonly known as *a slung shot* —
with intent then and there feloniously to use the same against some person or persons to the
Grand Jury aforesaid unknown, 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
— *Edward Brossey* —
of a FELONY, committed as follows:

The said *Edward Brossey* — 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, feloniously did possess a certain instrument
and weapon of the kind commonly known as *a slung shot* —
by him then and there concealed, and furtively carried on his person,
with intent then and there feloniously to use the same against some person or persons to
the Grand Jury aforesaid unknown, against the form of the statute in such case made and
provided, and against the peace of the People of the State of New York and their dignity.

De Laurence Nicoll
~~JOHN R. FELLOWS,~~

District Attorney.