0008

BOX:
437

FOLDER:
4026

DESCRIPTION:
Falk, John

DATE:
05/29/91

4026

Witnesses:

Lizzie Miller
Offr Patrick Lavin
16 Precct

308

Counsel,

Filed 29 day of May 1891

Pleads, Not guilty James

THE PEOPLE

vs.

John Falk

Grand Larceny Second Degree.

[Sections 528, 53, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A True Bill.

W. C. Ridmon
Foreman.

The People of the State of New York
ex rel. Lizzie Miller
against
John Falk

City and County of New York - ss -
Joseph J. Goode, of the city of New York being duly sworn deposes & says; that he is a wholesale newsdealer engaged in business at #597 Sixth Avenue & #1834 Broadway; that John Falk the above-named defendant was in his employ as an extra-man for a period of about a year and a half prior to the month of June 1891; that he said Falk performed his duties satisfactorily, was a willing worker, and was never detected by deponent in any act of dishonest character.

Sworn to before me this 9th day of June 1891

Joseph J. Goode

Herbert Barry
Comr. of Deeds
N.Y. City & Co.

N.Y. Court of General Session

People etc
against
John Falk

This is to certify that I have been acquainted with John Falk the defendant for about eight months and have always known him to be of good moral character, trustworthy and honest and deserving of as much leniency as the court has power to extend.

George Meyerson
14 S. 12th St.
Brklyn E.D.

COURT OF GENERAL SESSIONS,

In and for the City and County of New York.

The People etc. vs. John Falk.	Grand Larceny.

City & County of New York, ss.

Emil Ames being duly sworn deposes and says that " I have known the above named John Falk for the past 2 years and can testify to his honesty and good and industrious behavior. He has been in my employ during the past 2 Months and I have found him to be a hard working youth of refined manners and one who would surely avail himself at a future time of such clemency and leniency which this honorable Court might extend to him.

Sworn to before me
this 11th day of June 1891.

Emil Ames

[illegible] Lustman
Notary Public
Ny. Co. & C.

Mr Bonfiss

Court of General Sessions

People of the State of New York
against
John Falk

City and County of New York ss.
S. S. Dale being duly sworn says -
That he has been acquainted with John Falk the defendant for the past four years and has always known him to be of good moral character. That he is an honest, upright man and worthy lad and deserving of leniency which I hope the court will extend to him. That deponent resides at No. 34 West 19th Street N.Y. City.

Sworn to before me this 11th day of June 1911
Thos. Lafontaine
Notary Public
N.Y. Co.

Saml. S. Dale

N. Y. General Sessions

The People of the State of New York, etc.

— against —

John Falk

Affidavits

ALTER & WISE,
Attorneys for Prisoner
TRACT BUILDING,
150 Nassau Street, - N. Y.

Police Court 2 District.

Affidavit—Larceny.

City and County of New York, } ss:

Lizzie Miller

of No. 280 West 19th Street, aged 21 years,

occupation House keeper being duly sworn,

deposes and says, that on the 25 day of May 189/ at the City of New York,

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

the day time, the following property, viz: One gold watch of the

value of $40.

the property of in deponent case and 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 John Falk (now here) for the reason that

on the above date, deponent was in the company of

defendant, and deponent ~~to~~ looked at her watch

to ascertain the time, her watch was stopped; and

defendant said to deponent ~~to~~ let me have

your watch and I will set it for you. Deponent

then handed her watch to the defendant who

left ~~to deponent to~~ deponent and ~~when~~ went outside

on the pretence of finding out the time. The defendant

did not return the said property. ~~but~~ Wherefore deponent

charges the said Falk with having taken, stolen

and carrying away the said property and begs

that he may be held and dealt with as the

law directs.

Lizzie Miller

Sworn to before me, this 25 day of May 189/

H. Donhead

Police Justice.

Sec. 198—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK } ss.

John Falk 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. John Falk.

Question. How old are you?

Answer. 23 years.

Question. Where were you born?

Answer. New York.

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

Answer. 214. 7th Avenue - 6 Weeks.

Question. What is your business or profession?

Answer. News Dealer

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 had the watch but gave it back to the lady. Another man took it. I know the man who has the watch.

J. Falk

Taken before me this 27 *day of* May 1891

Mansfield

Police Justice.

0018

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Police Court ... 2 ... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1. Virginia Phillips 180 West 19th St
2. John Doe
3.
4.

Offence Larceny fel.

Dated May 27 1891

Mr. Mulver Magistrate.

Larry Officer.

14 Precinct.

Witnesses. Thomas Taylor

No. 39 Lafayette Ave Street.

No. Street.

No. Street.

RECEIVED MAY 1891 LEGISLATIVE ATTORNEY'S OFFICE.

$ 1000 to answer G.S.

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 Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated May 27 1891 [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.

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 Falk

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

of the CRIME OF GRAND LARCENY in the second degree committed as follows:

The said John Falk,

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

one watch of the value of forty dollars

of the goods, chattels and personal property of one Lizzie Miller

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

De Lancey Nicoll,
District Attorney.

0020

BOX:
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4026

0021

BOX:
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FOLDER:
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DESCRIPTION:
Fanning, Henry C.

DATE:
05/11/91

4026

Witnesses;

92

Herwig v. Meyer
1242. 30th

Counsel,

Filed 11 day of May 1891

Pleads, Not guilty 12

THE PEOPLE

vs.

32 115 to 121 Third ave
engineer

Henry C. Fanning

MURDER IN THE FIRST DEGREE
[Section 183, Penal Code.]

DeLancey Nicoll
~~JOHN R. FELLOWS,~~

District Attorney.

On motion of ~~Counsel~~ attorney ordered that this indictment be sent to the Court of Oyer and Terminer now held in and for the City and County of New York, there to be determined according to law. Part 2 May 19/91

A True Bill.

Foreman.

Ordered to the COUNTY COURT
Clerk

Recorded in the Minutes of the COUNTY COURT
Entered in the Minutes

Part III June 11/91
Tried and Convicted of murder in the 1st degree
Part III June 19/91
Defendant sentenced to be executed in week beginning Monday July 27. 1891

POOR QUALITY ORIGINAL

2200

Stenographers' Minutes.

Court of General Sessions of the Peace -
New York County -

The People vs.
against
Henry C. Fanning.

Before -
Hon. Randolph B. Martine
Justice.

New York, June 5th 1891.

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

George Strassner,
Stenographer & Law Reporter,
38. Park Row, (Potter Building) Room 181.
& 45. Pine St., cor. William N.Y.

Court of General Sessions, of the Paace.
New York County.

THE PEOPLE, &c.,

against

HENRY C. FANNING.

New York, June 6th, 1891,
11 o'clock, A.-M.

Examination taken at No. 247 East 124th Street.

PRESENT: Messrs. Wellman & Simms, representing the People; Mr. Louis Meyer, of Herwig & Meyer, appears for the prisoner.

----------oOo----------

Examination of Frances Carthy taken in the presence of the prisoner, Henry C. Fanning, and in the presence of his counsel, pursuant to consent of counsel for the prisoner, Messrs. Herwig & Meyer,

and of the District Attorney, made in open Court, on June 5th, 1891.

----------oOo----------

FRANCES CARTHY, duly sworn:

By Mr. Simms:-

Q What is your full name?

A. Frances Carthy.

Q Where did you reside April 18th, 1891?

A. No. 1215 Third Avenue.

Q How long had you resided there?

A. My husband 22 years; I have been there two years.

Q How long have you been married?

A. Two years.

Q What is your husband's name?

A. James Carthy.

Q Are you acquainted with this gentleman here (indicating to prisoner)?

A. Yes, sir.

Q Henry C. Farming?

A. Yes, sir.

Q How long have you known him?

A. I met him first about two years ago, in June.

Q Where?

A. At Mrs. Taylor's house, when her husband was alive.

Q Where?

A. 143rd Street and Eighth Avenue.

Q Who introduced you to him?

A. Mrs. Taylor.

Q Have you seen him frequently since that time?

A. Not very often, once in a while.

Q When did you first meet Mrs. Taylor?

A. Three years ago, next July.

Q Where?

A. At my husband's house.

Q Where?

A. 1215 Third Avenue.

Q Do you know Mrs. Taylor's first name?

A. Emily.

Q When did you see him after that meeting at her husband's house?

A. I didn't see him a good while after that; the next time I saw him was at 81st Street; I don't know the number.

Q How long have you known him?

A. I met him first about two years ago, in June.

Q Where?

A. At Mrs. Taylor's house, when her husband was alive.

Q Where?

A. 143rd Street and Eighth Avenue.

Q Who introduced you to him?

A. Mrs. Taylor.

Q Have you seen him frequently since that time?

A. Not very often, once in a while.

Q When did you first meet Mrs. Taylor?

A. Three years ago, next July.

Q Where?

A. At my husband's house.

Q Where?

A. 1215 Third Avenue.

Q Do you know Mrs. Taylor's first name?

A. Emily.

Q When did you see him after that meeting at her husband's house?

A. I didn't see him a good while after that; the next time I saw him was at 81st Street; I don't know the number.

Q Together?

A. Yes, sir.

Q When after that did you see him?

A. I seen him at 81st Street.

Q When?

A. It was last year, the Summer before last.

By Mr. Wellman:-

Q Did you know that Mrs. Taylor and Mr. Fanning used to live together?

A. Yes, sir.

Q Where have you seen them live together?

A. In 81st Street, in 74th Street, and 118th Street.

Q Living as man and wife?

A. Yes, sir.

Q How long had they lived together as man and wife?

A. To my knowledge two years, I guess.

Q Two weeks before Mrs Taylor died did you see Mr. Fanning at your house?

A. No, sir; not two weeks before she died I didn't see him; the last time he was there was in December before she died, she came to my house, she was all blackened up and beat and she came at twelve o'clock at night, her face was

all black, she knocked at the door and said --

Q You got up?

A. Yes, sir.

Q What time of the night was it?

A. Twelve o'clock.

Q She came and lived with you two or three weeks before she died?

A. She came to me on the 7th of April.

Q Did you see her after she was dead?

A. Yes, sir.

Q Where did you go to see her?

A. At the Morgue.

Q Did you recognize her as Mrs. Taylor?

A. Yes, sir.

Q Did you look at her throat - did you see her throat?

A. I didn't look at it.

Q You recognized her body? A. Yes, sir.

Q What day did you go there?

A. Sunday; Sunday night, ten o'clock.

Q April, 1891?

A. Yes, sir.

Q 19th of April?

A. Yes, sir.

Q Had you seen her the night before that?

A. At my house; she went out seven o'clock; she went out alone at seven o'clock.

Q Was the person whom you saw at the Morgue after she was dead the same person you saw with Fanning?

A. Yes, sir.

Q At any time during these two weeks she was living with you did you see her then with any marks on her face?

A. When she came to live with me one side of her face was all beat.

Q When was that?

A. The 7th of April.

Q One side of her face was all beat?

A. She had false teeth, one of them was knocked off and her lips were all cut; she showed me two marks on her arm.

Q What sort of marks?

A. With a knife; she told me --

Q This Saturday she went out at seven o'clock what did she do before she went?

A. She kissed me good-by and said "God bless you, Fanny, I may never come back."

----------oOo----------

CROSS EXAMINATION:-

By Mr. Meyer:-

Q Mrs. Taylor was a religious person?

A. Well, she was at one time, she belonged to Dr. Steele's Church; I don't know whether she went much - she went to Church the Sunday she was down there to St. James Church.

Q And her religious life always made her use these expressions?

A. She generally said it going out, if anybody done anything for her she would say, "God bless you."

Q She always used that expression?

A. Yes, sir.

Q She always used expressions similar to the one she used Saturday night?

A. Yes, sir; "God bless you."

Q And since you have known her you have always been accustomed to hear those expressions, - God bless you, I may never see you again?

A. No, sir; a couple of weeks with me - that is all -

Q You mean to say in the last couple of weeks you heard it more frequently?

A. I mean to say that within the last couple of weeks

I heard it more frequently - when she would go she would say it.

Q And you never had lived with her before?

A. No -

Q She never lived with you before?

A. She lived with me a couple of weeks in December and a couple of weeks last May.

Q And about that time too she said it?

A. She would say God bless you.

Q You were a friend of Mr. Taylor?

A. No, sir; I never seen him alive.

Q Didn't I understand you to say a little while ago that Mrs. Taylor introduced you to her husband?

A. No, sir; to Mr. Faming.

Q At that time you knew Mrs. Taylor was married?

A. Yes, sir; her husband was dead at the time, it was the day before the funeral.

Q You never knew her during the life of her husband?

A. I knew her during the life of her husband but I never knew her husband.

Q You knew that when she introduced you to Mr. Fanning that their relations were intimate?

A. Not at that time I didn't. I knew he was a friend of hers and her husband's, she always spoke of him as a friend of her husband's and of hers; I never was in her house but once before that.

Q Within the last couple of years however, you knew that their relations were intimate?

A. Yes, sir; she told me.

Q What I mean by intimate relations is that they enjoyed the same relations as man and wife and were not married?

A. Yes, sir.

Q You have been married two years?

A. Yes, sir.

Q Did you know your husband long before?

A. I knew my husband twelve years before I was married; I knew his mother.

Q In what manner did you know your husband before that?

A. I knew him as an acquaintance; I lived in the house with his mother and knew him that way.

Q Your relations with your husband before you were married were intimate?

A. No, sir; friendly.

Q You never lived with him except within the last two years? A. No, sir.

Q Your marriage if I understand you right before took place at St. Agnes' Church?

A. I cannot pronounce it - it is not Agnes - my husband can tell you, it is St. Ignatius Church.

Q And this Church was where?

A. 47th Street.

Q New York City?

A. Yes, sir.

Q Do you know the priests name that performed the ceremony?

A. It is an Episcopal Church, the priests name was White.

Q What date was it?

A. September 27th, 1889.

Q You read on Sunday the 19th in the newspaper a description of Mrs. Taylor?

A. Yes, sir; that is how I knew of it and that she was dead.

Q Her appearances were merely described and no name was mentioned; is that right?

A. Yes, sir.

Q You know this because she came to you on April 7th?

A. Yes, sir.

Q Did the bruise seem to be recent?

A. Yes, sir.

Q I suppose her face was very much disfigured?

A. Yes, sir; it was very much swollen and black; her lips were cut.

Q All one side of her face was discolored?

A. Yes, sir.

Q What side of her face?

A. The right side, I think; I won't be positive; but I think it was.

Q Did she tell you (Mrs. Taylor) or did you see the scratches on her arm?

A. She showed me them.

Q They were not very serious, were they?

A. No, sir; not on her arm.

Q Scratches?

A. Cuts, they were; they were not scratches.

Q That could have occurred in arranging her toilet - was it liable to?

A. No, sir; I don't think they could.

Q I understood you to say at the Coroner's inquest that the relations between Fanning & Mrs. Taylor were always pleasant?

A. As far as I seen them, yes; when I ever saw them.

By Mr. Wellman:-

Q You say their relations were always pleasant as far as you saw?

A. Yes, sir.

Q Do you remember any occurrence in December?

A. That was at my house, when he came she was at my house and he asked her if she was going back with him and she said no, and he said well, if she didn't he would know what to do; then she said she would go with him and she went. He simply stood there with his hand in his pokcte, in his overcoat pocket, in his right hand pocket.

By Mr. Meyer:-

Q It was a cold day?

A. In December, yes, sir.

Q It was natural to put his hand in his pocket?

A. Yes, sir; the room was warm and it was in the house.

Q She went with him in a pleasant way?

A. Yes, sir; they were pretty pleasant when they went out

Q And it was merely a request to accompany him?

A. Yes, sir.

By Mr. Wellman:-

Q Was he angry when he said he would know what to do?

A. No, sir.

By Mr. Meyer:-

Q Did you ever know Mrs. Taylor under the name of Mrs. Smith?

A. No, sir; never.

Q Were you acquainted with a painter by the name of Smith?

A. No, sir.

By Mr. Wellman:-

Q Can you fix more definitely the day in December when Fanning called and asked Mrs. Taylor to accompany him?

A. No; I cannot; I know it was about a week or two before Christmas; it was just before Christmas, in the early part of December.

By Mr. Meyer:-

Q Do you recollect the Coroners Inquest - you were called to the stand before Albert McMullen?

A. Yes, sir.

Q And that not until after you had listened to McMullen tell about the bruises and discoloration of her face did you say anything about it yourself?

A. Yes, sir; I said so but they didn't understand me. I said she came to my house on the 7th of April with her face blackened; I heard Mr. McMullen testify at the Coroners Inquest about Fannings having told him that he had smashed

Mrs. Taylor in the face with a stone which the devil must have put in his way in Central Park.

Q And it was upon your being recalled by the Coroner that you made this statement, "She came to me on the 7th of April Tuesday morning. Q Did she show any evidence of bruises of violence? A. Her face was all bruised and swollen out like that." Do you recollect that?

A. Yes, sir.

Q What is your age?

A. Twenty-eight.

Q And your husband's?

A. Twenty-eight.

Q How old was Mrs. Taylor, do you know her age?

A. 38 she told me.

Q At that time, in December, when Mr. Fanning came in with his hand in his pocket he just came out of the cold, had he not?

A. Yes, sir; he came upstairs.

Q He remained in if I understood rightly, a few minutes?

A. About half an hour.

Q Did he keep his hand in his pocket?

A. Yes, sir; he had his hand in his pocket and when they were going out she handed him a bundle of papers, he took

the papers and lost them and came back again to look for them.

Q He took his hand out when he came for the papers?

A. Yes, sir; the Wednesday before she died - I told some things to the Coroner I have not told. The Wednesday before she died she went out in the evening and came home about eleven o'clock; she knocked at the door and I opened it and she was crying, she showed me a mark on her neck and she told me -

Q What sort of a mark?

A. It was just like the touch of a pen-knife and her finger was cut where she pushed it - her body was all black and blue.

Q What part of her body?

A. All over her body, under her clothes, where you could not see it; her shoulders and arms and limbs.

Q Her lower limbs?

A. Yes, sir.

Q And breats?

A. Yes, sir.

Q When was this?

A. At different times.

Q How long before this affair?

A. Different times.

Q While she was living with Fanning?

A. Yes; within a year - within this last year, different times.

Q Did she show you those bruises?

A. Yes, sir.

Q Are you sick now?

A. Yes, sir; I have been sick from the time of this occurrence.

Q Were you sick before this occurrence? A. No, sir. I was well.

Q Have you been sick ever since? A. Ever since I went down to the Morgue.

Q On your bed?

A. Yes, sir; On my back seven weeks.

Q Nobody had told you before you went to the Morgue that Mrs. Taylor was the person who was killed?

A. No, sir; nothing only I thought so from the description in the paper; everybody laughed at me when I told them and the Sergeant at the station house told me to go down and I went down, and when - as soon as I seen her face I knew her.

Q Was there anything else that made you think it was she?

A. Nothing only the description in the paper and her not coming home that night and I waited until twelve o'clock and she didn't come.

Q You have lost the use of your lower limbs?

A. I cannot stand on them; I cannot use them at all, they are perfectly helpless.

Q And it is impossible for you to leave the house?

A. Impossible unless the way I was brought here, on a man's back and a rokking chair; I thought I would be able to go out before this -

By Mr. Meyer:-

Q Mrs. Taylor went out always at night, didn't she?

A. Yes, sir, but she told me where she was always going.

Q She always went out?

A. Yes, sir.

Q Now, you explained about this scratch; at the time at the Coroners Inquest?

A. Yes, sir.

Q Didn't it occur while her hat was being fixed; answer yes or no?

A. No, it was not her hat was being fixed, she thought her hat was falling off.

Q Her hat was being replaced on her head when this occurred?

A. Yes, sir.

By Mr. Wellman:-

Q Did she tell you that?

A. No, sir; she didn't tell me her hat was being replaced she told me different from that -

By MrQ Meyer:-

Q Did you not say at the Coroners Inquest, that the scrath you spoke of a minute ago was occasioned as follows:,"When she, Mrs. Taylor was out walking and thought her hat was coming off and he (the person with whom she was) said, let me fix it for you, and he put his arm around her neck and she felt something sticking her and she said what have you got, and she pushed her hands like that and it cut her finger. Q It was in fixing the hat that the scratch occurred? A. Yes, sir." That is a truthful statement, is it?

A. Yes, sir

By Mr. Wellman:-

Q Who was that he?

A. Fanning.

----------oOo----------

Court of General Sessions

The People

vs.

Henry C. Fanning

Stenographer's Transcript

June 6th 1891.

Diary
of
Fanning

Office Betts – resides in 78 St bet 9th & 10 Aves. On saturday Apr 18/91 I worked on 78 near 9th Ave. for James Butler, as head carver. I quit at 4 P.M. – I went to Hammond's and the Lemon – Then I walked with Steve Brown up to 24th Ave then up 7th Ave to 92nd St & then up the Park and crossed to 91st St & Broadway to my friend Mr Ross. I arrived there about 6 P.M. – I stayed the night about 9½ [illegible] – Mr Ross, his wife & 5 or 6 other boarders were present – Then I went to 1717 – 2nd Ave where I used to board – I found the place – Mrs Mary Grant kept the boarding house. I stayed there about ½ hour & then went back to 98 St in a car & got a glass of soda – Then went next door to a cigar store & a segar, then went back to Mr Ross in 91st St & got there about 8 P.M. Mr Ross and Mr Al. Carter, Henry Blue, Jim Dixon, Emery Scott & Mr Hicks & Mrs Ross. Another reunion. Mrs Ross was to have

I stayed there until about 7 30 by the clock, then I went 3rd Ave & 97th St in a bar room on corner ~~NE~~ (N.W.). I got there at 7 30 o'clock – Steve Bazin was there playing pool & he wanted me to stay all night with him as it was it was raining. I said that if it continued raining I would stay – If not I would go – I stayed there about 10 minutes ~~[illegible]~~ had glass of water I went ~~and~~ bought 2 pounds of sausage at 96 & 97 St & 3rd Ave. Then I went to 96th St on North side of St toward 4th Ave – I got between 4th & Park Ave & was about 2 blocks behind a & b & I looked in ~~towards~~ the direction from which I came and [illegible] I moved on & got near the tunnel on the [illegible] side, the 4th & there is a lamp post ~~and~~ opposite I lay to see or near running & continued on & I heard a groan & when I got near 4th ave I continued to hear the groans & I stopped – I stood there behind the post & I could not see any one – soon I saw a woman come across

~~Sante~~

diagonally from the West side of the Ave of I was standing on N.E. cor of Bx. She walked right up to me & said lady did you do this to you - She said No I am cut with a razor - Will you please for Gods Sake take me to an Officer - I said Yes Madam I will if I can - She said do you know where a hospital is I said no lady I don't - ~~She~~ ~~a~~ I walked with her asking me where I lived & I told her I don't - She said Don't know where a drug store is & I said there was Physician down here on the Corner -

I said lady do you know who cut you & she says Yes (I did not have time) - She me walked on & she was bleeding & she said I am going home May Be a block you for your kind news. I said you mean I hope he will - She went ~~to Drug Store~~ along N.E. of 96 St to a Drug Store on Cor 96 St & 3 Ave I said to Drug Clerk - This Lady wants one to get a Doctor - The Druggist out side the called me Police

I said you must stay here until Detroit comes — I found Abright ~~the~~ When I got back she was on the floor of Cooper's and dead. Policeman came asked me who killed that man, I said I didn't know — he asked me to leave. I went to the same place & I did so. She died right in the drug store. I was arrested & taken to the Station House

Mr. Bolls. Kelly

People	Ome. B	Defense.
~~III~~ 11		11

Angel M Tingillo
Momo Birnbaum — chal for bias - Sustd
Edwd Hirsch — " " " "
~~Byron~~ C. Mc Cune. — Chall by Defense —
Lichenstein — Chall by def — Sustd
Owen Mc Gunness — Ex by Mut. Consent
Wm J. Nolan — Ex by Consent - Mutual
Henry - Hebner — Excu.
Chas. Long — Chall. bias. - Sustd
Patrick J. Multy — Chall. bias —
Max Frankel — Ex by Consent
Philip N Kopper Jr — " " "
Jno J. Gibson — " " Peo.
Walter W. Reed — " for bias.
Jno Condon. — Chal by Def. - Sustd
Ed. H. Deike — Chal for B.D.
Christian Trinks — Chal. for bias - Sustd
Lester W. Hough — " " B.P. "
Philip Franx — " " B. Pe.
X Wm. E Monteoux. (Jeweler 2345-8 Ave).
Franx Charlotte.

Tuesday started to me [illegible] to the Harlem River that he [illegible] to get out of 115th St, and I asked him where he was going, he said home. He and I started [illegible] to look for a [illegible] and finally [illegible] on 115th St that became no [illegible]. It started until we saw the [illegible] to [illegible] the [illegible] at the [illegible] and the [illegible] said that Mrs. S. had [illegible] to see a [illegible] and he did not [illegible] I [illegible] Mrs. [illegible] and [illegible] the [illegible] and he [illegible] to [illegible] and said I [illegible] at [illegible] you will see her [illegible] so after [illegible] and [illegible] and [illegible] and [illegible] and [illegible] 115th [illegible] into the [illegible] as [illegible] as I can remember, and [illegible] I said [illegible] Mrs. S. [illegible] and he said he [illegible] with a razor. [illegible] He said [illegible] and we walked up 3rd Ave to 90th St and then to [illegible]. While walking along I gave her a [illegible] with the razor

and walking along I said let me see [illegible]
by I have hurt you and when she took her home
down I gave her another fall which did you
do with the razor? I threw it in the [illegible] and
taking a pair of drawers from the [illegible] of the
bed out of the room the [illegible] where
he awoke in the morning early he said [illegible]
have finished the job I walked out [illegible]
Mrs. J.

There no murder in my heart. p. 60 & 61 – 61.

He said I killed Mrs Taylor –

3 or 4 days after he said he had murder in his heart. – 62

Go away you are fooling. 62

The Devil must have put stone there 62

This was about a week prior to Jan 18 – 63

Saw F at 4 P.M. on 18th inst. @ 115 St

He came back to Hotel about 6:20

He then said he had to go to Yorkville –

Rain lasted until after 9 o'clock.

Page 68 – p 68

I have killed Mrs Taylor – I says How did you do it. – "He says with a razor"

Let me see how badly I have hurt you

She took her hand down & I gave her another jab.

p 61

Page 61 – I killed Mrs Taylor in Central Park – About 3 or 4 days after [illegible]

People
v
Fanning

Ans.

Henry H. Forbes — Presbyterian Hospital — 70 St & Madison Ave — Junior Surgeon on the House that night of April 6. 1891 had charge of ambulance — Received call about 9.59 (Calls are sent through Ed R. by phone to Grand St then to Police Hqrs then to 25th Precinct & then a special wire that goes to Hospital direct). Went to corner of 96 St & [illegible] Saw policeman & two other officers throughout a colored man — Mrs Taylor was dead. I saw a cut on the left side of the neck commencing from below the ear & extending obliquely downwards & forwards & finally across the median line. —

Q 59
Call rec'd
Got there
about 10 13

[illegible] up to him in St — Then I took him to the 24 [illegible] 68 St — After we had the taken into police station I saw a cut on the [illegible] After taking him to the Station House I [illegible] by [illegible] the size of my little finger nail on her dress — It was seen by the doorman in St House. The police officer & our final observed

saw it also.

Dr Fordes

With
Mr McNaughton
IBO Nassau.

Dear Nelson

that another [illegible]
[illegible] out as well as [illegible]
[illegible] me if there are
[illegible] from the press
[illegible] - If [illegible]
[illegible] [illegible]

I should have sent you
as there was misunderstanding -
Dr Jones will explain
& certify on that point
Yours truly

1409

COURT OF GENERAL SESSIONS

CLERK'S OFFICE,

New York, ... 189

PEOPLE

vs.

Henry C. Fanning

*20 each to be paid to witnesses

Albert McMullin
Alfred Butts –

R B M

June 9/91.

~~TO THE CHIEF CLERK.~~

~~Please send me the Papers in the Case of~~

PEOPLE

vs.

Henry C. Fanning
— " —

Witnesses

✓ Bolton – Colored man.
✓ Bruckman – Druggist
✓ Angeline – Officer
✓ Dr Forbes. Amb. Surgeon.
✓ ~~Dr Jenkins – Coroners Physician~~
✓ Mrs Frances Gartley. 247 E. 124 St.
✓ James Gartley – do.
✓ Mary Brodie – Fanny boarded with her
✓ Officer Keefe – 27th Precinct ~~District Attorney.~~
✓ Detective Doyle. 27th Precinct.
*Albert McMullen – House of Detention.

For

℞ I have examined Mrs Carthy and find that she is not able to go to court. Not even to be carried that. Jas. Examined her this the 5th day of June. J. G. Thomas M.D.

Co. Hon. R. B. Martin

Date, Over

M. D.

She can testify
but cannot be
moved. Her testimony
might be taken at
the house. She may
not recover.

J. G. Tinsley

Peoples 2 + 3

New Orleans June 5th 1891.

Mr. Richard Pendrell.

Dear Friend.

I should like very much to see you if you can get down here. My trial commenced yesterday so I will not have a chance to see you except on Sat., as on that day they will not hold court. So try to get down on that day. You can get a pass from Supt. Blake at 3d Av. and 11th st. The hours are from 10.30 to 1.30. You will oblige me greatly by coming down. Believe me, Dick, when I tell you that I know no more about the killing of that lady than a child unborn. As for confessing the crime to McMullen, he

lies. I was a mile away from the scene of the crime when they say it was committed. If you will put on your thinking cap you will remember me passing your place about half-past nine that evening with my wife. Now Dick try and think if I am not right. My life may depend upon that. Well nothing to see you to-morrow (Sat.) I am, with best regards.

Your sincere friend
Henry C. Fanning.

City Prison.

Fanning's letter to Pendrell

The People vs
Henry C. Fanning

Witnesses

Mrs. ~~Mc~~ Carthy 125 St

F. W. Brickman (Druggist) 1710 - 3rd Ave. City
James Olliver } Hotel Harlem 2100 - 3rd Ave. "

Mr. Gillen (Saw Keefe pick up Razor) 80th St.
" " (" " " " ") 96th St. near Lex Ave.

Witnesses

Tammy Cave

Mr. District Attorney Nichol
Dear Sir
It is impossible for me to be present this morning at trial of H. C. Fanning as I have only received 1 1/2 hours notice my relief clerk being employed today elsewhere, he relieves me tomorrow morning at 9 A.M. The bearer of this, my clerk, is not competent to take entire charge of store during my absence and to obtain another relief Clerk for today would take at least half a day in finding one not

enclosed.

Respectfully
Frederick W. Brustmann

F. W. Brueckman
Druggist
Recd June 4/91

The People
agst
Henry C. Fanning

Court of General Sessions,
Judge's Chambers,
32 Chambers Street.

To the Governor of the State of New York
Albany, N. Y.

New York April 15 1892

The accompanying ~~[illegible]~~ communication of the District Attorney appears to contain a correct statement of the facts in the case of The People agst Henry C. Fanning. ~~[illegible]~~ The case was fully and carefully tried before me. The ~~proof of~~ defendants guilt of the crime of Murder in the first degree was clearly and fully established by the evidence. The defence interposed that an alibi absolutely failed, and the jury upon their oaths could not have properly rendered any other verdict.

Since the trial I have again carefully considered this case and ~~consider~~ find the verdict rendered amply justified by the evidence, and I am supported in this view by the opinion of the Court of Appeals ~~in~~ just rendered in this case.

Court of General Sessions,
Judge's Chambers,
32 Chambers Street.

New York, _____ 189_

The defendant had said ~~threatened the life~~ of his victim. That if he could not have her no one else should - on another occasion he said there is murder in my heart - From the entire evidence in the case it can justly be inferred that the defendant had premeditated the killing and lured the deceased to the ~~spot~~ place of its accomplishment - ~~It is~~ The ~~[illegible]~~ case largely depends upon the testimony of the witness Albert McMullin a friend and roommate of the deft. For he testifies to statements made by the deft to him which, if true, in connection with the other testimony in the case, establishes the defendant's guilt beyond question. And upon the trial the deft said that he never had any quarrel with McMullin except a slight one - a few words - It did not amount to anything

Court of General Sessions,
Judge's Chambers,
32 Chambers Street.

New York _____ 189__

And he was asked and responded as follows

Q. Can you conceive of any motive or have you any motive that you can suggest that Mr. Mullin could have, to sit in the witness box there and deliberately lie about what you are supposed to have told him that night?

A. I cannot, no sir

Q. Then, so far as you are concerned, you cannot conceive of the motive that that man could have to perjure himself in that way?

A. No sir I cannot.

There was ample proof of the uninterrupted friendly relations between these two men for about seven years - they were members of the same Militia Company - and room mates - and no reason or motive has been suggested for Mr. Mullin testifying as he did if it were not true - If since the trial ingenuity or speculation has

Coroners Office, N. Y. County.

In the Matter of the Inquest into the death

- of -

EMILY TAYLOR.

Before HON. FERDINAND LEVY, and a Jury.

New York, April 24th, 1891, 10 o'clock, A. M.

Appearances: Messrs. Herwig & Meyer, appear for the prisoner; Mr. Townsend representing the District Attorney's Office, appears for the people.

----------oOo----------

FRANCES CARTHY, duly sworn, testified:

By the Coroner:-

Q Where do you reside? A. No. 1215 Third Avenue.

Q Will you tell the Jury all that you know with reference to the cause or causes of death of Emily Taylor; did you know the deceased? A. Yes, sir.

Q Were you acquainted with the prisoner, Fanning? A. Yes, sir.

Q How long have you known them both; how long have you known Mrs. Taylor? A. Going on three years.

Q How long Fanning? A. About 2 years, going on three.

Q Do you know anything with reference to this stabbing? A. No, sir; only what she told me when she was going out -

Q Mrs. Taylor told you what and when? A. She told me five or six times.

Q Of late? A. The last two weeks, that he intended to kill her.

Q Is that all she said? A. She came in with her neck cut one night, just a scratch on it, I asked her who did it and she said Henry.

Q She called Farming by that name? A. Yes, sir.

Q When she spoke of Fanning she said Henry? A. Yes.

15th April

Q How long ago was that? A. That was last Wednesday, not a week.

Q A week ago last Wednesday? A. Yes.

Q Where did you see her that night? A. At my house.

Q 1215 Third Avenue? A. Yes, sir.

Q She came there and what did she have? A. She had a very small wound like a pin - she said Henry had cut her wih a knife.

Q Anything else you know about it? A. I know he used to beat her because she came to me all beaten up, but I was not present, but she told me he had done it.

Q Did you ever see Fanning strike her or cut her or stab her? A. No, sir.

By Mr. Herwig:-

Q When you saw them together what was their conduct?

A. They seemed to be very agreeable together when anybody was there.

Q Did they walwys quarrel? A. They quarrelled.

18th April

Q When did you last see Mrs. Taylor? A. Saturday night at seven o'clock.

By the Coroner:-

Q You saw her Saturday night? A. Yes, sir.

Q Last Saturday? A. Yes, sir.

Q Tell us what happened as far as you know? A. She was very nervous all day, and she kept saying Oh, dear; I said what is the trouble? "I don't know," she said, she came over and kissed me when she went out and said, "God bless you, I might never see you again." She said she was going to meet Eanning at Madison Avenue and 70th Street.

Q When did you next see her? A. Not until she was in the Morgue; I seen her Sunday night in the Morgue, the next day.

19th April

By Mr. Meyer:-

Q Did you ever see Mrs. Taylor drunk? A. No, sir, she would take a glass of lager, but never to hurt her.

Q Did she board at ~~her~~ your house? A. Yes, sir; for nearly two weeks.

Q With you and your husband? A. Yes.

Q Was she in the habit of telling you whenever she went out where she was going to? A. Yes, sir; she said if this thing should happen she wanted me to know who to blame and to have nobody innocent suffer for it, that nobody else would do her - she said he would kill her.

Q You spoke of a scratch - did Mrs. Taylor speak of how it occurred? A. Yes, sir; she said she was walking along with him and she thought her hat was coming off and he

said, "Let me fix it for you," and he put his arm around her neck and she felt something sticking her and she said, what have you got, and she pushed her hand like that and it cut her finger.

Q It was in fixing the hat that the scratch occurred?

A. Yes.

Q And you have seen her bruised before

A. Yes, very much bruised.

Q You know the relations that existed? A. They were living together as man and wife.

Q You knew this while they boarded there? A. Yes.

Q Did I understand you to say you are married?

A. Yes, sir.

Q How long married? A. Going on two years this September.

Q Where and when? A. At St. Agnes' Church.

Q Do you recollect how many times Mrs. Taylor went out to meet Fanning that week? A. Tuesday, Wednesday, Thursday and Saturday.

Apr 14th - 15th " - 16th " 18th "

Q And each of these nights she told you she was going to meet Fanning? A. Yes.

Q And she didn't seem to have any presentiment of crime except Saturday? A. Yes, always did.

Q And still continued? A. Yes, sir; the reason she said she went she thought he would come to my house after her and do something to her in my house and that was her reason for going out.

Q When did you hear of this crime? A. I read about it in the paper Sunday morning, in the Sunday news; I went to Harlem after my husband, he works in 125th Street, and he was not there, he didn't come in until after six o'clock. He told me all I could do was to go to the station house; I went there and identified the body; I asked them who had they arrested for the crime, they said a negro; I said he never done it; they asked me if I knew, and I said, I dont think the colored man did it; I went down and seen the body and when I seen her I knew her and told them what she had told me.

Q Did you tell the police whom you thought had done it? A. Yes, sir.

Q What did you tell them? A. What she told me, that if anything like that happened to her to blame Henry for it; I told them in the station house, to the Sargeant in charge.

By Mr. Meyer:-

Q You have never seen them together in a quarrel, have you? A. No, sir.

Q Do you know whether Mrs. Taylor associated with anybody else? A. Not that I know of.

Q Did you know her for two years? A. Yes, sir.

Q At that time did you know anybody that visited her? A. Nobody ever came to my house to visit her, and she neve left my house to visit anybody but Henry Fanning.

Q You only have the statement of her for that? A. Yes, sir

7th April/91

Q She moved to your house when? A. Two weeks last Tuesday she came about ten o'clock in the morning; she brought a little bundle with her; it contained a few bottles and

little things like that.

Q Any household cutlery or anything of that kind?

A. No, sir; she went out Thursday night and she met Fanning and she walked up to 118th Street and brought back two bundles and there were some plates and dishes in that and two or three knives and forks.

Q Anything else? A. Some clothes and things like that.

Q You never knew Mrs. Taylor to carry any weapon, have you?

A. No, sir.

----------oOo----------

CAPTAIN ELWOOD CARPENTER, duly sworn, testified:

I am captain of the ~~29th~~ 27th Precinct. About half past eleven on Saturday evening, the 18th of April, I came to the station house and they had just brought this colored man in; the Sargeant told me that it was a murder case and said the body of the woman had been brought in a few minutes before by the Presbyterian Hospital ambulance. I questioned this colored man about it and he told me he met this woman at 90th Street and Park Avenue and taking hew to a drug store; I questioned him closely and he said he heard a cry of help and moan and he stood still and she started towards him and when she got to him he noticed - first he said, the lady said to him, " Can you get an officer for me;" he said, I hadn't found any officer near at hand; he said when he got her under the light he noticed she was bleeding;

he said, "Lady you are hit" and she said, "I am not hit, I was struck with a razor; he asked her who did it - he didn't ask her who did it - but he didn't ask her who done it and he took her over to a drug store where the woman died; and we couldn't do anything after that in the case until after the woman was identified and then the officers followed that up.

----------oOo----------

ALFRED BOTTS, duly sworn, testified:-

By the Coroner:-

Q Where do you live? A. 78th Street, between 9th and 10th Avenues.

Q What is your occupation? A. Hod carrier.

Q Tell us what happened on Saturday evening last, the 18th? A. On Saturday evening four o'clok we stopped work, it was half past five or later than that when I came on the east side; there was a little sewer there near some shanties; I am not acquainted with the streets there; it leads up towards the tunnel; when I got up there I heard a screaming, I thought there were a lot of boys playing and moving on and I, still heard the noise and cries on the street, on the opposite side of me, I seen something running.

Q Man or a woman? A. It was a man I seen, and I continued to go on and when I got near the tunnel I heard a noise but I hadn't seen it yet, so I stopped right still

I seen something coming across the street and I stood still and it was a woman and I said, "Did anybody hit you lady," she said, "No, I am cut with a razor;" she said, "My God, take me to an officer, will you;" I said, "Madam, I will, if I possibly can." She asked me whether I knew where a hospital was and I said no ma'am there - she asked me did I know where the drug store was and I said down to the corner; she said take me down there and may God bless you for your assistance."

Q What happened at the drug store? A. I sat her on a chair and I stepped outside to look for an officer and she done fall on the floor at the time; when I was outside of the door someone came and told me come back here, and the lady was lying on the floor.

Q Was she dead? A. She was not dead then, she was lying on the floor.

Q Were you there when the ambulance surgeon came?
A. Yes.

Q Did he pronounce her dead? A. I don't know whether he pronounced her dead at that time or not.

Q How long did you remain there? A. I remained there from the time they called me in until the ambulance took her away.

Q Did you ever see the lady before? A. No, sir.

Q Do you know the appearance of the man that ran away?
A. I couldn't say anything about that; I know he was a medium sized man.

Q. About the size of this man (indicating to prisoner)
A. About the size, but I couldn't identify him - I couldn't

see what kind of clothes -

Q Have you told us all that she told you - did she tell you anything else besides what you have told the Jury?

A. That is all she said.

Q Did she mention any names? A. She mentioned no name at all.

Q Did she say she knew who the man was? A. She said she knew who did it.

By Mr. Meyer:-

Q Where do you work? A. On 78th Street.

Q Where? A. Between 9th and 10th Avenues.

Q You left there about half past four? A. Somehweres near that; I knocked around there a little and came over on the east side.

Q What did you do upon leaving your place of business?

A. I had no place of business at all.

Q Did you live there? A. I only stayed there.

Q You left there about half past four - in what direction did you go? A. Up 9th Avenue, up through the Park and came into 97th Street with a gentleman by the name of Ross, and stopped there for my supper and left my dir y clothes there and went down to 1777 Third Avenue and stayed there a while, then I came back to Ross's.

Q About what time did you go there? A. I couldn't tell you the time exactly; I went across into a bar room to see a gentleman and he wanted me to stay all night; I said it is not necessary - I looked at the clock, but I ouldn't tell you what time it was.

Q Can you tell the time by looking at the clock? A. I cannot tell the time exactly - I can get pretty near the time.

Q What time is it? (The coroner shows his wath to the witness?) A. 8 minutes after eleven o'clock; but I didn't take any account of the time.

By Mr. Meyer:-

Q It was after supper? A. Yes, sir.

Q You don't know what time you had your supper?

A. It was six o'clock, I had my supper.

Q On what side of 4th Avenue did you go up?

A. On the right side.

Q On the east side? A. Is it fourth Avenue - I was on the right hand side, going up.

Q In what situation were you got the first sound?

A. There is a sewer just from the cellar out in the middle of the street, I was right there - I was at that sewer when I heard the scream; I was crossing that little cross there.

Q Do you know where this sewer is - is it the beginning or the center of the block? A. It is not in the enter of the block.

Q When you heard this scream you started to cross the street? A. I did not start nowhere, I kept right on where I was going; I didn't go to ~~xxxrighxxwhxx~~ the right or to the left until I stopped there until this party came across the street.

Q She came across the street to you on the same side with the sewer? A. On the same side with the sewer, but higher.

Q And then when she came to that place you stopped?
A. Yes, sir.
Q Did you go to meet her? A. No, sir; I stopped right still with the bundle under my arm, I said Lady did anybody hit you; she said no, I am struck with a razor, My God, can you take me to an officer.

By the Coroner:-

Q You have told us all that.

By Mr. Meyer:-

Q You are living and working at the same place, in 78th Street, between 9th and 10th Avenues? A. Yes, sir.
Q When this woman came up to you, you said it was on 90th Street? A. I don't know the name of the street.
Q What was in that bundle you hand under your arm?
A. Two pounds of sausage, an undershirt and a pair of pants.

----------oOo----------

ALBERT McMULLIN, duly sworn, testified:-

By the Coroner:-

Q Where do you live?A. The Harlem House, 125th Street and Third Avenue, I room there.
Q What is your occupation? A. Laborer in the mill.
Q What mill? A. J. B. Smith, 176 East 116th Street.
Q You have been working there for some time? A. Yes, sir; for some years.

Q Single or married? A. I am a widower now.

Q Now, McMullin, you made a statement the other day to the Court, the stenographer took it at the time. Tell the Jury - make that statement that you made at the time, give it to the Jury? A. Well, sir, Fanning came into my room about midnight as far as I can remember on the 18th of April last Saturday, and he said to me, "I have killed Mrs. Taylor;" I said, "Go away, don't talk about that." He said, "Yes, it is over now;" "How did you do it? " He said, "I did it with a razor." I said, "How:" He said, "I cut her - gave her a jab in the neck and I walked a little ways and I said, 'Emily, let us see how bad I cut you' and gave her another jab; "What did you do with the razor?" "I threw it in the plaza." I said, "You are fooling, you ae off your nut;" he still had his clothing on and sat there on a chair next to the bureau; I think he must have gone down for a drink -

He came me a of or cheap shir

Went into saloon to wash hands

Q What followed after that? A. I told him I would go down and get a bottle of whiskey whih I did; oming upstairs it occurred to me, I had been drinking in the ~~xxxxxxxxxx~~ evening, that I may go upstairs and he probably had committed suicide; I went in with the bottle of whiskey and he was lying on the bed; when I got back, in a doze; I put the whiskey on the bureau, went down in the office of the hotel, sat there a few moments and came back upstairs again, the whiskey was untouched; he was stretched at that time in the bed; I sat down in the chair and was smoking when a knock came at the door and the two detectives came, and

Cleaned hands of his nature from blood [illegible] go up,

when they took him they searched the place, and he asked permission to take the rest of the whiskey out of the bottle; he asked permission to take the rest of the whiskey and he drank it all, the remainder of the whiskey. I asked the detective if he wanted me, he said no, I went down with him and followed him out to the corner.

Q This was on Saturday night? A. Yes, sir; when he got up Sunday a kind of dozed off the extra calibre, I had, he said, I have completed the job; I said, what job; he said, "I have killed Mrs. Taylor."

Q You told me the other day in your statement that you have sworn to, you told me something about Farming cutting off his moustache? A. Yes, sir; he took a pair of scissors out.

Q Was it midnight? A. When he came in.

Q On Saturday night? A. When he came in, he took the scissors out of the back in a small sack alongside of the bureau, and took it out and said, "There she goes;" he looked in the glass; I don't know whether he used the razor to shave himself or not; I saw him take the scissors and say, "Here she goes." I didn't ask him why he cut the moustache.

Change Form

Q What about the Central Park episode, you spoke to me about the other day? A. He told me a couple of weeks beforehand, when he came in, I cannot recollect the time, that he had taken her over to Central Park, Mrs. Taylor, and while she was laying down, there was a stone lying alongside of her, and he said the Devil must have put it

there, and he took it up and smashed her; I said you xxx will find her alive; no, she couldn't be alive after that, he said, after that smash I gave her. I said you will find her alive; I didn't pay any more attention to it.

Q When did Farming first become your room-mate?

A. Three weeks ago.

Q Have you those cards with you you had the other day?

A. Here they are.

(Witness produces fx cards from the hotel.

Q Did he say where he was stopping? A. 108th Street and Lexington Avenue.

Q Did xxx he give you any reason why he left there?

A. Non-payment of rent.

Q Did he say that to you? A. Yes, sir.

Q He left on account of being dispossessed? A. The woman wanted her room and he had to get out, those were the words he used.

Q Then he was not dispossessed for non-payment of rent?

A. He said he had to get out; he was there seven weeks without paying anything.

Q He told you that too? A. Yes, sir.

Q Did he tell you he had been living there with Mrs. Taylor? A. I knew he had been living there with Mrs. Taylor.

Q Seen them together? A. Yes, sir.

Q And from that time he was your room-mate? A. Yes, sir.

Q Did you pay his room rent? A. Borrowed it, he borrowed some off the captain, Captain Porett, of the Ninth

Regiment, he came the next night and put down a dollar and the next night he gave two dollars on the room.

Q What was the night you walked from the Armory, you walked home from the Armory, was that the sixth or the 11th?

A. About the 11th, I guess.

Q It was the night of the murder, was it? A. No, sir; that was the 18th.

Q Was that about a week before? A. Yes, sir.

Q You walked up - there was a drill? A. Yes, sir.

Q You told me something that happened in reference to Mrs. Taylor, on your way home? A. He said, if he couldn't have her nobody else could have her.

Q Where were you drilling? A. 26th Street and Eighth Avenue, Company C, 9th Regiment, New York State Militia; he was the first sargeant in my company, and I was corporal; we went home from the drill.

Q That is the time he said, if I can't have her nobody else can? A. That is what he said.

Q What time did he leave you Saturday eveing?

A. About six o'clock.

Q What condition was he in then? A. He had been drinking.

Q Absinthe and whiskey? A. Yes, sir.

Q Was that your favorite drink? A. Yes, sir.

Q Among friends that was your favorite drink?

A. Yes, sir; he drank it.

Q Did you drink the whiskey first and the absinthe afterwards? A. We made a slight decoction of it, we mixed it.

Q How many of those mixed absinthe and whiskey drinks did you take that afternoon? A. I couldn't enumerate them; I am a steady drinker myself, I can stand considerable without affecting me, until I mix the drinks, and then I get mixed up; naturally on pay night -

Q What was Farming working at? A. The last place he worked was the Hall hod hoisting, running an engine.

Q Andon Saturday the 18th he left about six o'clock?

A. Yes, sir.

Q Did he tell you where he was going? A. He was going down to 70th Street, he was -

Q Anybody else with him? A. No, sir.

Q Did he tell you he was going to meet anybody?

A. No, sir.

Q The next you saw, he came up, it was twelve o'clok?

A. Yes, sir.

Q You had already been up in your room? A. Yes, sir.

You watched? A. Yes, sir.

Q Had you gone to bed already? A. I was lying on the bed, I was not undressed.

Q He came in? A. Yes, sir.

Q You expected him? A. I didn't know what time he would be in.

Q He came in? A. Yes, sir.

Q The very first thing he said when he came into that room? A. I finished the job.

Q That is the first thing he said? A. Yes, sir; I said what job; he said, I killed Mrs. Taylor, then followed the description which I have already given.

Q Did he show you the razor? A. He didn't show me the razor, I believe he had one in his pocket, the detective took out on in the bureau drawer; I saw a razor ----

Q Could you identify the razor if you saw it?

A. I have seen that in the drawer.

Q Did you see it before? A. I had seen that before, I knew he had some razors, I knew that.

Q Could you identify the razor that the detective took from Fanning, personally? A. I might if I saw it.

The detective: There was no razor taken from the prisoner.

(Witness continuing) The razor shown to me the other day, I seen that before ----

Objected to.

Q Did you see the officer take a razor from Fanning? or one belonging to Fanning or some razors? A. I knew that there were two in the drawer, and when he put his ~~hand~~ hand in his pocket he took out a razor, it looked like one; he went to the wash-stand drawer and took out another one.

Q The one that was shown to you the other day, what reason had you to give for its identification? A. The narrow blade, and a very keen, sharp edge; and I think there is

an initial on it.

By Mr. Meyer:-

Q Where was this razor you spoke of? A. I think on the mantel.

Q Which razor were you talking about now, the one from the drawer or from Fanning(s pocket or one thrown over the plaza A. I am not talking about the one in your mind.

By the Coroner:-

Q Examine that razor again, you said he had several razors? A. Yes, sir.

Q Can you swear here while on the stand, that this is one of the razors he had? A. Yes, sir- here are the initials

Q What are they? A. S. T., hold on a moment, there is an S and it looks like an R or T, I cannot see very well.

Q Any other mark there? A. No other mark, on the handle, but I know that from the narrowness of the blade.

Q When he came home did he show you a razor? A. He threw that in the plaza.

Q How do you know? A. He told me so.

By Mr. Meyer:-

Q You say you drank with Fanning that afternoon? A. Yes, sir.

Q What time did you commence? A. About 4 or a little after.

Q And you continued drinking until when? A. I couldn't tell you the time, I think he went down and that was about six o'clock and went up the Avenue.

Q And you saw him again when? A. At midnight.

By the Coroner:-

Q In your affidavit you also said that Fanning told you - he met her at 8 6th Street and Third Avenue? A. I think I stated that.

Q He said I walked her up to 90th Street and Park Avenue? A. Is that so - that is what he told me, either 96th Street or around that way, I think up Park Avenue.

By a Juror:-

Q Were you acquainted with the cause of the quarrel betwen Mrs. Taylor and the prisoner? A. I have no idea of it.

By Another Juror:-

Q How much absinthe and whiskey did you drink - did you drink more absinthe than whiskey? A. Two or three squirts of absinthe in the whiskey.

----------oOo----------

MRS. CARTHY, recalled:-

By the Coroner:-

Q You knew this lady - you saw this lady two weeks before? A. Yes, sir, it was not quite two weeks.

Q At that time she was boarding there? A. She came to me on the 7th of April, Tuesday morning.

Q Did she show any evidences of bruises or violence? A. Her face was all bruisedand swollen out like that.

Q That was on the 7th? A. Yes, sir.

Q Did she tell you? A. I said to her when she came in, another beating? She said yes, I said, You look pretty,

she said, Henry gave it to me.

Q Did she say where? A. She didn't, I didn't ask.

By a Juror:-

Q You knew the lady for two years and she only lived with you two weeks - what was the nature of the acquaintance at that time? A. V Sometimes I went to see her for two or 3 weeks and sometimes once a week again, then again I would not see her for a month.

Q You knew her for a couple of years? A. Yes, sir.

Q You saw her enough to know what she was doing all that time? A. Yes, sir.

By the Coroner:-

Q Was her name Emily Taylor when you first became acquainted with her? A. Yes, sir.

Q Did she introduce herself to you as Emily Taylor? A. Yes, sir.

Q Did you see her husband? A. Not in life, I seen him in death, then she was a widow.

Q But she had been living with Fanning as man and wife? A. Yes, sir.

----------oOo----------

EDWARD H. DOYLE, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q What is your occupation? A. I am a detective attached to the 27th Precinct.

Q Tell the Jury all that you have done in relation to this case? A. On Saturday night, the 18th of April, about quarter past or half past ten I learned that a woman had been stabbed or cut and had died in a drug store or in the ambulance on the way to the station house, and also a negro had been arrested for committing the crime; I tried to discover some evidence in relation to Botts and found out where he had come from and what he was working at and whom he was employed with and about where he had been duringthe evening, up to about 10 or 12 minutes before the murder had been committed. I went to the station house and saw the body there and Detective Keefe and myself searched to see if we could get any further evidence against Botts and we couldn't find anything further that night; on Sunday or on Sunday evening through information received from Mrs. Carthy we went to the Harlem House about half past one o'clock and asked the Clerk if Fanning and McMullin had a room in that house; the Clerk stated he did and told us the number of the room and took us upstairs and knocked on the door, and went in; Fanning was lying on the bed with his pants on and his coat, vest and shoes off; I told him to get up, we wanted him; he looked at me for a moment and didn't ask me what for, but hesitated, when I said get up we want you; he got up and put on his shoes and McMullin was sitting in a chair alongside of the bed while Fanning was dressing himself. I asked Fanning where he had been on Saturday night; he said that Doc, meaning McMullin and himself had gone out about five o'clock and gone down and had two or three drinks and went from there to 11th Street

and Second Avenue to collect a judgment against one of the members of his regiment; and from there he had gone up Second Avenue between 112th and 113th Streets to a liquor store where they had a big demijohn outside and they had a couple of drinks ~~xxxx~~ there; I asked him what time he left McMullin and I asked McMullin what time he left Fanning, McMullin said about six o'clock, somewheres around six o'clock - somewheres around that neighborhood; I asked McMullin what time he was home again and he said he didn't see him until about 12 o'clock, midnight, then Fanning turned to McMullin and said don't you remember seeing me at ten o'clock and he said, no, I didn't see you at ten in the evening, if you get yourself in trouble, if you get yourself in prison you cannot blame anybody else; I asked him to com come to the station house, if he could account for where he had been between 10 o'clock and 12 o'clok, and he stated he could not; he had been drinking absinthe and whiskey all day and he couldn't tell anything about where he had been or what he had been doing and the next morning I took him to the Harlem Police Court, and he was remanded to your custody.

Q Did you make any search? A. Yes, sir.

Q For any weapon? A. Yes, sir; Officer Keefe made it, he found two penknives in his pocket and in the bureau drawer we found one razor and that razor is in the station house, it was perfectly clean.

Q Did you subsequently, or any day subsequent to that make a search for any other razor? A. Well, no, sir, I did not, Officer Keefe made the search.

By Mr. Townsend:-

Q You examined the knives? A. Yes, sir.

Q You have the knives? A. Yes, sir.

By a Juror:-

Q Was there any blood on the prisoner's clothes?

A. Not that I noticed, we looked at the clothes, and we didn't notice any stains of blood on him.

By Mr. Meyers:-

Q Who has the custody of your first razor now, of this first razor now? A. We have, in the station house.

----------oOo----------

OFFICER THOMAS KEEFE, being called as a witness by the Coroner, was duly sworn, and testified as follows:-

By the Coroner:-

Q What precinct are you attached to? A. 27th Precint.

Q You went up with Officer Doyle to arrest the prisoner, Fanning? A. Yes, sir.

Q You have heard Officer Doyle's testimony.

Q You corroborate the same, or have you anything else to say? A. Not at the house, no, sir; I simply corroborate his testimony.

Q In whose company did you search for this razor?

A. My own company.

Q Were you instructed by Captain Carpenter to look for that razor? A. That Monday afternoon he said look in the

plaza, the little park over the tunnel between 95th and 96th Street ~~between~~ in Park Avenue, to look for the razor; I heard the evidence of McMullin at the time.

Q You ~~heard~~ McMullin make his statement to the Captain?

A. Yes, sir, that he threw it in the plaza.

Q You made the search for it? A. Yes, sir; I walked up where the blood stains were on the walk and across in the Park and commenced to walk catecornerned across the Park and at last - I can show you by this diagram we happened to find this razor.

Q You found that razor? A. Yes.

Q And took it to the station house? A. Yes, sir.

Q Did you make any mark on it? A. I did.

Q Where is the mark? A. Here it is, a cross.

Q Did you make that sketch? A. I was with Officer Kegner when he made it; it shows the spot here near 96th Street.

Q Anything else you did in this matter? A. Nothing further; Sunday evening Mrs. Carthy came to the station house and she stated that this man was living in the Harlem House.

By a Juror:-

Q What time did Mrs. Carthy come to the station house?

A. About nine o'clock, I believe; I was not there when she came.

----------oOo----------

ALBERT McMULLIN, recalled:

By the Coroner:-

Q Did you observe or notice any blood spots on the clothes or any part of the body of Fanning? A. Not that I remember.

Q What did you say in your affidavit about that shirt the other day? A. He wrapped up a shirt and told me to take it to the laundry and I told him all right.

Q You took the shirt? A. I took it to the Chinese Laundry.

Q You didn't examine it? A. No, sir; I just handed it in.

----------oOo----------

The Coroner: Does the prisoner desire to testify?

By advise of counsel the prisoner declines to take the stand.

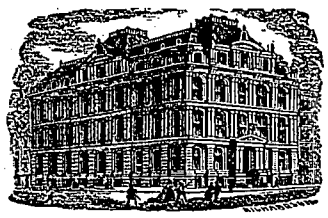
The cards for the room in the hotel are marked Exhibits 1, 2 and 3.

----------oOo----------

The Coroner: Gentlemen of the Jury, your duty is to mention the time and place of death where death was caused; if you believe that she died from the result of criminal violence it is your duty to say

whom you hold responsible for that act, and if you think the evidence satisfies you that the prisoner Fanning caused that criminal violence which resulted in the death of Mrs. Emily Taylor, you will say so by your verdict; if you believe that there is any doubt in the matter, of course you have a right to say so also. The evidence speaks for itself. You have given your undivided attention to this case and I will leave it in your hands.

----------oOo----------



E. B. DUNN,
OBSERVER IN CHARGE.

BAROMETERS COMPARED WITH STANDARDS, WITHOUT CHARGE. | Office Open to Visitors from 10 A. M. to 4 P. M. | SELF-REGISTERING AND OTHER METEOROLOGICAL INSTRUMENTS ON FREE EXHIBITION.

THE

UNITED STATES SIGNAL OFFICE,

EQUITABLE BUILDING.
120 BROADWAY,

New York, June 9th 1891

De Lancey Nicoll,
District Attorney,

Sir:

April 18th, 1891 – It was cloudy during the evening and night, there was a thunder storm; rain beginning 8.05 p.m. & ending 9.45 p.m.

Temperature at 8 p.m. 71.7; highest for day 76.6; lowest, 50.0.

No rain on 19th temperature at 8 a.m. 63.4, weather clear.

Very respectfully,
E. B. Dunn,
Sgt. Sig. Corps.

0097

PART III.

THE COURT ROOM IS IN THE FIRST STORY.

If this Subpœna is disobeyed, an attachment will immediately issue.

Bring this Subpœna with you, and give it to the officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPŒNA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Mary Brady

of No. 203. East 117th. Street

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park, in the City of New York, on the 5th. day of June 1891, at half past ten o'clock in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

Henry C. Fanning.

Dated at the City of New York, the first Monday of June in the year of our Lord 1891.

427

DE LANCEY NICOLL, *District Attorney.*

District Attorney's Office.

PEOPLE

vs.

.....

.....

12 45 PM

TO THE CHIEF CLERK.

~~PLEASE SEND ME THE PAPERS IN THE CASE OF~~

PEOPLE

vs.

Henry C. Fanning

Please subpoena all the witnesses in above case to see Mr. Wellman at ~~District Attorney.~~ his office tomorrow morning at 11 30 o'clock

Dated May 28/91

C. E. Simms Jr

all issued

0 100

2 478124 SN

Jim McCarthy
247. E 124th

Bradley &
Lechbrook
125 7th

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 C. Fanning

Affidavit of Service of Subpœna.

City and County of New York, ss.

Edward H. Doyle being duly sworn, deposes and says: I reside at No. 337 East 84th Street, in the City of New York. I am a ~~subpœna server in the office of the District Attorney of the~~ police officer attached to the 27th Precinct in City and County of New York, and am over twenty-one years of age. On the 24th day of June 1891, at No 203 East 117th Street in said city, I served a subpœna in the above-entitled action, of which a copy is hereto annexed, upon Mary Brody a witness in the said action, personally, by delivering the said subpœna to and leaving the same with the said Mary Brody in person, at the place aforesaid; and that I know the said Mary Brody so served as aforesaid, to be the person named and described in the said subpœna as such witness.

Sworn to before me, this 5th day of June 1891,

Edward H. Doyle

Chas. E. Simms Jr
Notary Public
New Co

Court of General Sessions.

THE PEOPLE, ~~on the Complaint of~~

vs.

Henry C. Fanning

Offense: .....

DE LANCEY NICOLL,
District Attorney.

Affidavit of Service of Subpœna by

.....
~~Subpœna Server~~

Let Attachment issue
Dated June 5th 1891

Mrs Brady is in
Court June 5/91
O E Ell

0 104

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, ss.

AN INQUISITION,

Taken at the ~~house of~~ Coroners Office No. 124 Second Avenue ~~Street~~, in the 17th Ward of the City of New York, in the County of New York, this 24th day of April in the year of our Lord one thousand eight hundred and 91 before Ferdinand Levy Coroner of the City and County aforesaid, on view of the Body of Emily Taylor lying dead at

Upon the Oaths and Affirmations of Twelve good and lawful men of the State of New York, duly chosen and sworn or affirmed and charged to inquire, on behalf of said people, how and in what manner the said Emily Taylor came to her death, do upon their Oaths and Affirmations, say: That the said Emily Taylor came to her death by

Incised wound of throat inflicted with a razor in the hands of Henry C. Fanning at or near 96th Street and Park Avenue New York City, April 18th 1891

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

JURORS.

Albert E. Arn 5 Bway
G. A. Schmidt 57 Ludlow St
Chas H. Ulmann 2109 7th Ave
Charles F. Gaing 15 West St.
John Denninger 9 Cortlandt St
Fred A. Stollberg 117 Broad St.
~~Michael D. O'Brien~~

Michael S. O'Brien 1153 3rd Ave.
Henry Meyer 75 W. 125 St.
Target B. Johnson 8 E 14 St.
F. C. Schermann 73 Broadway
Jacob Dalchelder 423 W 125 St.
Hermann Cohen

Ferdinand Levy
CORONER, L. S.

Coroner's Office,

CITY AND COUNTY OF NEW YORK, } ss.

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

Question—What is your name?

Answer— Henry C. Fanning

Question—How old are you?

Answer— 32 years

Question—Where were you born?

Answer— New York City

Question—Where do you live?

Answer— Harlem House 115th St & 3rd Ave

Question—What is your occupation?

Answer— Engineer

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

Have nothing to say at present.

Henry C. Fanning.

Taken before me this 24th day of April 1891

Ferdinand Levy CORONER.

0 106

MEMORANDA.

AGE			PLACE OF NATIVITY	WHERE FOUND	DATE When Reported
38 Years	Months	Days	England	Morgue foot of 9th St. & 4 ave.	Apl 19/91

608

No. 269, 1891

HOMICIDE.

AN INQUISITION,

the VIEW *of the* BODY *of*

Emily Taylor

Whereby it is found that O *the came to*

Death by the hands of

Henry O'Hanning

Inquest taken on the 19 *day*

April *1891*

Before

Hardman Levy

Coroner.

Committed

Bailed

Discharged

MAY 7 1891

Date of death

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 R. Fanning

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

— Henry R. Fanning —

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

The said Henry R. Fanning,

late of the City of New York, in the County of New York aforesaid, on the eighteenth day of — August. — in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety-one, at the City and County aforesaid, with force and arms, in and upon one

— Kimball Sanford. —

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

Henry R. Fanning, he, —

the said Kimball Sanford, with a certain razor, — which he the said Henry R. Fanning in his right hand then and there had and held, in and upon the neck — of — he — the said Kimball Sanford, — then and there wilfully, feloniously, and of his malice aforethought did strike, stab, cut and wound, giving unto he, the said Kimball Sanford, then and there with the razor aforesaid, in and upon the neck of — he — the said Kimball Sanford, — one mortal wound of the breadth of one inch, and of the depth of six inches, of which said

mortal wound she the said Emily Taylor then ~~at the City and County aforesaid, from the day first aforesaid, in the year aforesaid, until the day of in the same year aforesaid, did languish, and languishing did live, and on which said day of in the year aforesaid, the said at the City and County aforesaid, of the said mortal wound did die.~~ and there died.

And so the Grand Jury aforesaid do say: That the said Henry R. Fanning, Jr.,

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said — Henry R. Fanning —

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

The said Henry R. Fanning,

late of the City and County aforesaid, afterwards, to wit: on the said eighteenth day of April, — in the year of our Lord one thousand eight hundred and ~~eighty-ninety-one,~~ at the City and County aforesaid, with force and arms, in and upon the said Emily Taylor, —

in the peace of the said People then and there being, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of — her, — the said Emily Taylor —, did make another assault, and the said Henry R. Fanning, Jr., the said Emily Taylor —, with a certain razor — which — he — the said Henry R. Fanning in

his right hand then and there had and held, in and upon the neck of — her — the said Emily Taylor —, then and there wilfully, feloniously, and with a deliberate and premeditated design to effect the death of her the said Emily Taylor, did strike, stab, cut and wound, giving unto her the said Emily Taylor, then and there, with the razor aforesaid, in and upon the neck — of — her, — the said Emily Taylor, — one mortal wound of the breadth of one inch and of the depth of six inches, of which said mortal wound she the said Emily Taylor, ~~at the City and County aforesaid, from the said day of in the year aforesaid, until the day of in the same year aforesaid, did languish, and languishing did live, and on which said day of in the year aforesaid, the said , at the City and County aforesaid, of the said mortal wound did die.~~ then and there died.

And so the Grand Jury aforesaid do say: That the said Henry R. Fanning, Jr., — the said Emily Taylor, in the manner and form, and by the means aforesaid, wilfully, feloniously, and with a deliberate and premeditated design to effect the death of — her, — the said Emily Taylor, did kill and murder, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

D. Cameron McGill
~~JOHN R. FELLOWS,~~

District Attorney.

0110

BOX:
437

FOLDER:
4026

DESCRIPTION:
Fanning, William

DATE:
05/14/91

4026

123 619

Witnesses:

Agt Frank G. Barkley
Soc Prev Cruelty Children

Counsel

Filed 14 day of May 189 1

Pleads, Guilty

THE PEOPLE

vs. B

William Fanning

VIOLATION OF EXCISE LAW.
(SELLING TO MINOR).
[Section 290, Penal Code, sub. 3.]

JOHN R. FELLOWS,
District Attorney.

A True Bill.

W. L. Hidmow

Foreman.

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Fanning

The Grand Jury of the City and County of New York, by this indictment accuse William Fanning of a MISDEMEANOR, committed as follows:

The said William Fanning late of the City of New York, in the County of New York aforesaid, on the sixth day of May in the year of our Lord one thousand eight hundred and ninety one, at the City and County aforesaid, certain strong and spirituous liquors, and certain wine, ale and beer, 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 strong and spirituous liquor to the Grand Jury aforesaid unknown, unlawfully did sell, and cause and procure and permit to be sold to one Ida McGirr who was then and there a child actually and apparently under the age of sixteen years, to wit: of the age of eight years, 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.

0113

BOX:
437

FOLDER:
4026

DESCRIPTION:
Favale, Vincenzo

DATE:
05/14/91

4026

Witnesses;

Joseph Lambrosio
Offr Price
6 Precct

Witness called
May 1. 1891 by
Antonio Alvaro
23 Marion St

I gave the defendant an opportunity to receive the money to the complaint. He has not done so. This Ch. is very bad. - the very worst kind a lawyer knows when arrested. - F.V.

130 L. Barber 625

Counsel,

Filed 14 day of May 1891

Pleads, Not guilty

THE PEOPLE

vs.

Vincenzo Favale

Grand Larceny, Grand Degree.
[Sections 528, 530, — Penal Code].
Trial and Sentence.

26. Summons for W.D.
57 Summons for W.D.

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

Filed & deposited of G. C. Keyes,

A True Bill.

W. L. Skidmore
Foreman.

J. M. McMahon J.P.
May 29/91

Police Court— 1 —District. **Affidavit—Larceny.**

City and County of New York, } ss.

Giuseppe Dambrosio

of No. 54 Cross Street Patterson New Jersey Street, aged 29 years, occupation Bootblack being duly sworn deposes and says, that on the 4 day of May 18 9 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 amount of Five Hundred dollars and Eighty dollars ($580 00/100)

the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by Vincenzo Tarale (now here) from the following facts to wit: That on the aforesaid date about the hour of 11 o'clock A.M. while deponent was standing alongside his Bootblack stand at the corner of Broadway and West Street in the City of Patterson New Jersey he was accosted by the defendant who was in company with a man who is unknown to deponent and was asked by the defendant if that was New York and on deponent replying No. the said defendant asked deponent if he would go with them and show them New York City. They would pay deponent for his trouble, and deponent then came to New York City in company with

Sworn to before me this day of 18

Police Justice

defendant, and said unknown man, and deponent further says that the said defendant then told deponent that they had a quantity of American Money which they wanted to have exchanged into Italian money.

And the said defendant then took a handkerchief from his pocket and handed it to deponent, and told deponent that the said handkerchief contained Three thousand and fifty (3050) dollars in American Money and that they wanted him (deponent) to take and have exchanged for Italian money — but would have to have security that he deponent would return to defendant after having said money exchanged — And deponent relying on their representations, that the said handkerchief contained said money — did then and there give the defendant the aforesaid property. And deponent further says that after giving the defendant the aforesaid property he turned around to see where the defendant had gone and saw the defendant in company with said unknown man, had gone away — and deponent immediately opened said handkerchief which defendant had given him, and which he told him contained said money — and found two newspapers rapped up in said handkerchief.

Deponent therefore charges the defendant and said unknown man with having committed a Larceny and asks that they may be held and dealt with, as the Law may direct.

Sworn to before me this 13 day of May 1891

Giuseppe Ambrosio
mark

Police Justice

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Vincenzo Farale being duly examined before the undersigned 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. Vincenzo Farale

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. Italy

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

Answer. 57 Forsyth Street - 3 months

Question. What is your business or profession?

Answer. Barber

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 —
Vincenzo Farale

Taken before me this 12 *day of* May 188 9

Police Justice.

0118

Police Court 1 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Hudson Dimmock
[illegible]
Thomas Farrell

2.
3.
4.

Offence Larceny
Felony

BAILED,

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

Dated May 13 1891

Hogan Magistrate.
Police Wm McClennan Officer.
6 Precinct.

Witnesses Complainant - committed
Notify Hudson Dimmock Street.
by Recognizance to appear at this
Court on the 5th day
May 14 91 at 10 o'clock A.M.
Notify Hudson Dimmock Street.
No. 2 to appear.
$ to appear.

NOTIFIED
MAY 14 1891
DISTRICT ATTORNEY'S OFFICE

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 May 13 *18* 91 Hogan *Police Justice.*

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

Dated *18* *Police Justice.*

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

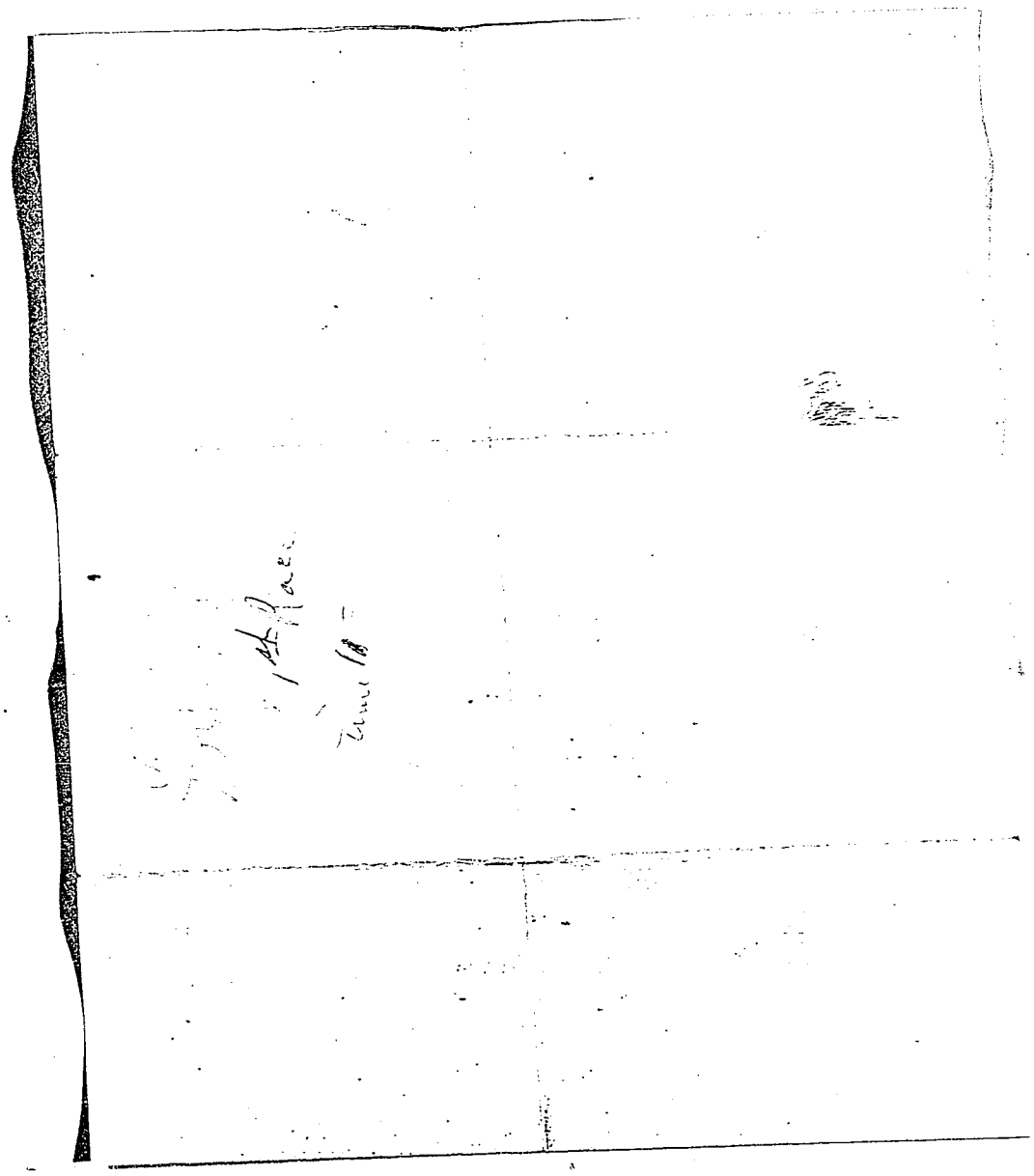
Dated *18* *Police Justice.*

Police Department of the City of New York.

Precinct No. 6

New York, 189

Jim Fum. was arrested by Officer Day Sixth Precinct on Sept 22nd 1891. for grand Larceny taking 34 Dollars from Venerio Carra Complaint failed to make. Complaint. Discharged Justice White



City & County of New York ss:
City and County of New York ss:
Charles E. Le Barbier being duly sworn deposes & says that he is the atty for the defendant in the case of The People vs. Vincenzo Favalla, that he has received no notice of trial, that material and material witnesses in this case are absent, & that it is not safe or proper to proceed at to the trial of this action;
that said witnesses will be able to the alibi of the defendant at the time of the offense charged.

Sworn to before me
this 22 May 1891 } Charles E. Le Barbier

That the defendant has used every effort and diligence to obtain his witnesses for this morning; who are willing witnesses
That the defendant has had his witnesses ready & present in Court for the last two days, and that he was anxious and ready to proceed.
That he has issued notices for them today.

Sworn to before me
this 22 May 1891 } Charles E. Le Barbier
[illegible]
Deputy Clerk - Criminal Court Division

THE PEOPLE vs. VINCENZO FAVALA. | COURT OF GENERAL SESSIONS, PART I. BEFORE RECORDER SMYTH.

Friday, May 22, 1891.

Indictment for grand larceny in the first degree.

Asst. Dist. Atty. Stapler for the People.

Mr. LeBarbier for the Defendant..

Counsel asked for a postponement of the trial in consequence of the absence of a material and necessary witness.

The Court denied the motion and Counsel for the defendant took an exception to the ruling of the Court and filed the following affidavit: City and County of New York ss. Charles E. LeBarbier being duly sworn says that he is the attorney for the Defendant in the case of the People vs. Vincenzo Favala, that he has received no notice of trial, that important and material witnesses in the case are absent and that it is not safe or proper to proceed to the trial of this action; that said witnesses will testify to the alibi of the defendant at the time of the offence charged. That the defendant has used every effort and dilligence to obtain his witnesses for this morning, who are willing witnesses. That the defendant has had his witnesses ready and present in Court for the last two days, and that he was anxious and ready to proceed --- that he has issued notices for them to-day. Charles E. LeBarbier.

Sworn to before me this 22nd of May, 1891,

Edward J. Hall, Deputy Clerk of the Court of General Sessions.

A Jury was empannelled and sworn.

GUISEPPE LAMBROSIO, sworn and examined through the Interpreter, by Mr. Stapler.

Q. Where do you live. A. In paterson, New Jersey.

Q. What do you work at? A. Bootblack.

Q. Were you there on the 4th of May last? A. Yes sir.

Q. What were you doing there that day? A. I was doing my work shining boots.

Q. At what place did he have his establishment for shining boots? A. Broadway and West Street, Paterson.

Q. Was it on the street? A. On the sidewalk, I had a chair there

Q. Did he that day see the prisoner at the bar?

A. Yew, he came up to me.

Q. State to the jury what he said to you and what you said to him? A. First another one came and then he came up, another Italian came up and talked to me.

Q. Tell him to state what was said by this man in his presence to him and what he said to him? A. The other one was present and this one spoke to me. He said to me, "is this New York", he asked me is this the city of New York I said no; I said, "this is Paterson, this is not New York." He said, "would you please me and come with me to New York, to show me New York?" I said, "my business is here, I cannot go away from here." Then he said to me, "I am new in this country, only four months that I have been in America and I do not know which way to go to New York. ~~He~~ I said, "I have not been very long in this country and I cannot leave my business." He said, "well, if you want to come with me and guide me in New York I will pay all the expenses." Then he paid the railroad ticket for me. We

landed near the Battery from the steamboat Lourier.

Q. Has he told all that was saidat the time before he left Patterson? A . On the way he did not say any more, but when we landed here in New York he says, "come with me, I have three thousand and fifty dollars in American money"-- the prisoner said that .

Q. Where was he when he said that? A. In the neighborhood of where we landed, in the street.

Q. What did he say in reply? A. We arrived there about noontime, about twelve o'clock. He said, "I should like to have this money changed into Italian money in a bank somewhere. At that time the other one was present, he and the other one were together. I said, "I know a place where to go to change the money, I have been in New York before, I know an Italian bank here. I was here before." Then he gave me a package, it was wrapped in a handkerchief; this is the handkerchief in which it was wrapped. (Producing a red handkerchief) He showed me the money first and then he wrapped it up in this handkerchief and he said, "the amount is three thousand and fifty dollars."

Q. Ask him from what pocket he took that handkerchief with the money in? A. From here, from his inside coat pocket.

Q. After he showed you the money in the handkerchief he put the handkerchief back in his pocket did he, what did he do?

A. Yes sir, he put it back into his pocket.

Q. Then what next was done by him? A. Then he said to me, "if you want to change this money have you got any money to give me security? I said, "I have money with me, I have five hundred and seventy dollars; and he said, "here, I will give you my money."

Q. How much did he say he had? A. Five hundred and seventy dollars ---- now he says five hundred and eighty.

Q. Tell me what kind of money it was, was it American money?

A. It was American money, all bills.

By the Court. Q. Did he give him the five hundred and eighty dollars? A. I handed my money to this man and the other man said, "we will wait here.

Q. Did he hand that five hundred and eighty dollars in American bills to the prisoner? A. When I handed him my five hundred and eighty dollars, I had already the package that he gave me and I had it already in my hand.

By Mr. Stapler. Q. I want to know when it was that the prisoner gave him the package? A. He says he had already the money he gave him before, he had the money already.

By the court. Q. You gave it to us a moment ago that he showed him he had the money and he put it back in his pocket?

A. The prisoner put it back; the question came up about security; he asked him if he had any money.

By Mr. Stapler. Q. Before the witness gave to the prisoner the five hundred and eighty dollars, did he receive anything from the prisoner? A. He gave me first his package, this prisoner.

Q. From what part of his person did he take that package?

A. From here, from the inside pocket of his coat and then I handed him over my money as security.

Q. Then was it he put his hand into the inside pocket of his coat and brought out the handkerchief, this was after he had shown him the money? A. That was the second time.

Q. And took out the handkerchief? A. Yes sir.

Q. Did you open that handkerchief before you gave the five hundred and eighty dollars to the prisoner? A. No, I did not open it then because I saw it already before.

Q. What did you do? A. I went ahead and they were behind me, walking behind me.

Q. What street was this, do you know where this was?

A. I could not tell the street ---- there were plenty of people in the street.

By the Court. Q. He went ahead and the prisoner and the other man followed him? A. Yes sir.

Q. Let us see what next he did? A. I was walking for some distance and then when I looked back I did not see them any more.

Q. What did he do then? A. Then I retraced my steps when I could not see them any more and went back to see if I can find them; I could not see them any more and I opend then the handkerchief, the package. When I opened the handkerchief I could not find ------

Q. Did you find the three thousand and fifty dollars?

A. Then there was nothing but newspapers in it.

By Mr. Stapler. Q. Was there not a paper of tobacco in there?

A. There was also a package of tobacco and newspapers.

Q. Did he find the men again? A. Not then.

Q. What did you do next? A. I went home to Paterson, went back.

Q. When did you next see this prisoner and where?

A. When the policeman requested me in Paterson to go to New York ---- the policeman came to me and told me to come to New York.

By the Court. Q. Did not he make a complaint to somebody?

A. In Paterson I informed the police what happened to me.

Q. Then what next? A. Then the policeman from New York came and requested me to come over to New York.

By Mr. Stapler. Q. You came, where did you go? A. The police officer took me to the Tombs.

Q. Did you see the prisoner there? A. He was among a line of other men, put in a line.

By the Court. Q. Did he pick him out? A. I picked him out among others.

By Mr. Stapler. Q. Was anything said by him to the prisoner to which the prisoner made reply? A. No, we did not talk together, I recognized him, but we had no talk.

CROSS EXAMINED by Counsel.

Q. How old are you? A. Twenty-nine years old.

Q. How lng have you been in this country? A. Five years.

Q. How long have you been in Patterson? A. Four years I have been in Paterson.

Q. How long have you been a boot-black? A. Four years, all the time that I have been in Paterson.

Q. You say that this money was yours? A. My own money.

Q. How did you get it? A. I saved it from my work, shining.

Q. You stated that the defendant showed you some kind of security, do I understand him to state that he showed him some kind of security before he gave him the money first off?

By the Court. Q. Ask him if the defendant did not show him some

money in this handkerchief before he gave him the five hundred dollars, that is what he is after? A. Yes sir, he showed me, it was not that amount, but he showed me a roll of money and he put it back into the handkerchief and put it into his pocket again.

Q. What kind of money, ask him, was it American money that this man showed him? A. Yes sir, it was American money.

Q. I thought he wanted to change Italian money?

A. No, he wanted to change American money into Italian money.

By Counsel. Q. The defendant you stated, opened the handkerchief?

A. When he took it out first it was not in a handkerchief, then he put it into the handkerchief and put it back in his pocket.

Q. Where did he take this money from first, from what part of his person? A. From the same pocket where he put it back.

Q. Did he state to you at the time that this was the money he wanted changed? A. He said, yes, that is the money he wanted changed.

Q. Did he state to you that that was all the money he wanted changed? A. He said, "this is the money that he wanted to change, no other.

Q. Was it tied up inany way or loose? A. It was rolled up together.

Q. What did you see in the matter of the denominations of the bills? A. Fifty dollar bills and hundred dollar bills.

Q. And those were the only denominations of money that he saw? A. It was all rolled up, but on the top I saw fifty and a hundred.

Q. Then he put that money back in his pocket, did he not?

A. He put it in a handkerchief and then put it in his pocket.

Q. You saw him put it in the handkerchief, did you?

A. Yes sir, wrapped it up in the handkerchief and put it in his pocket.

Q. Did you have that money at all in your hands for any time?

A. No, I did not, he did not give it to me, he only showed it to me.

Q. Did you ask to look at it? A. He says, "look here, see how much money I have, I want to have this changed."

Q. Can you tell good American money from bad? A. Yes sir, I know that.

Q Was this good American money that he showed you?

A. It was good money.

Q. Then he tied money in the handkerchief? A. Wrapped it up.

Q. What kind of a handkerchief was that? A. This is the one that he wrapped it in.

Q. That is the handkerchief that he wrapped that good money up in? A. I say that he put it into the handkerchief and wrapped the handkerchief around it.

Q. Then after he had wrapped it up in the handkerchief what was the next movement that the defendant made?

A. He put it in his pocket, in his side coat pocket.

Q. You are quite certain that that is all tht was done that time? A. I did not see him doing anything else but

putting the money in his pocket, that was all, that was the end of it.

Q. How long was it after that before he received the handkerchief from the defendant? A. About four or five minutes afterward.

Q. Where was this, what particular locality?

A. It was here in New York, I could not tell exactly the locality.

Q. Have you been to New York frequently? A. I was about three or four times before that time in New York but I came always with other people here.

Q. I ask him whether he can state where this alleged transaction took place? A. It happened here on this side of the city.

By the Court. Q. On the west side? A. The southwest side, pointing southwest.

By Counsel Q. Do you recollect the testimony that you gave in the Police Court? A. Yes sir, I recollect.

Q. Was it interpreted to him in that Court? A. Yes sir.

Q. Was the deposition which he signed read and translated to him? A. Yes sir, he read it and explained it to me.

Q. Does he know that it does not anywhere appear here in that affidavit about taking any money out of any pocket and showing it?

Objected to.

Q. Is this your signature? (Examination paper shown.)

By the Court. Q. Ask him if he writes? A. He cannot write, he does not know how to write.

Q. Ask him if he recollects putting his mark there?

A. Yes sir, I recollect putting a cross.

By Counsel. Q. Was that paper read and translatedto you?

A. Yes sir, it was read to me and explained.

By the Court. Q. By an Italian? A. Yes sir, it was an Italian.

By Counsel. Q. Did he there state in the po ice Court an thing about being shown any money before he received this handkerchief? A. Yes sir, I said the same as here, that he showed it to me and he put it in the handkerchief and then I received it later on.

Q. If the affidavit states that he took the handkerchief from hispokket and handed it to him and told him that the handkerchiefcontained three thousand and fifty dollars in American money, is that statement true as to all that occurred between him and the defendant? A. I said that I saw the money before; if it is not there I do not know.

Q. How long have you known the defendant? A. I did not know him before that day when the transaction took place.

Q. Did you ever see him in Paterson? A. Never saw him in Paterson before.

By the Court. Q. Ask him if he knew the other man who was with the defendant? A. I did not know this man and I did not know the other man who was with him until they came up that day, that is the first I saw of them.

By Counsel. Q. Can he tell me what kind of a looking man the other man was? A. The other man was somewhat taller than he, he had a black moustache, somewhat older than he.

Q. After four or five minutes had expired and he states that he received this package again, did he receive it in the

same form that he had seen it put back into this man's, the defendant's, pocket? A. It was apparently the same shape as when he wrapped it up and put it in his pocket.

Q. Was it taken from the same pocket? A. Yes, from the same pocket he took it out.

Q. Is this man dressed as he was that day? A. Yes, he was dressed as he is dressed now.

Q. Had no overcoat on or anything? A. He had a white overcoat.

Q. Did he have a high hat? A. Yes sir.

Q. A hat like this (showing a silk hat)? A. No, it was not.

By the Court. Q. Was it a hat like that (showing the interpreter's hat)? A. It was a black hat, it wa not round on top it was flat.

By Counsel Q. What kind of a hat did he say it was? A. A flat top hat.

Q. Was it like this (showing a soft hat)? A. It was a black hat the same shape as the foreman's hat.

Q. This bundle that was handed to you had about the same shape? A. Yes, it was about the same shape as when he put it back in his pocket.

Q. What did you do when you received that bundle?

A. He told me to put it into my pocket and I put it into my pocket.

Q. Without looking at it? A. Without looking, without opening it.

Q. Up to this moment had you told him what money you had in your possession? A. When he gave me the money he says, "here, take this money and give me yours as security";

he knew I had money because he saw it in Paterson, I changed five dollar bills in Paterson, he saw my money.

Q. Did he keep that five dollar bill wrapped up with all the other money that he had in his possession?

A. When we went to the railroad depot to get our tickets I changed a five dollar bill for him and he saw my money.

Q. To whom did the five dollar bill belong? A. He gave me five dollar bills to change.

By the Court. Q. How was it that the prisoner showed money, try if we can't get that? A. He said to me, "change me a five dollar bill"; I took my money out and changed it and he saw my money.

By Counsel. Q. I asked him if every time he changed a bill or wanted change if he would take it from this one package of money that he had? A. If I happened to have in my pocket some money I would change it that way; if not, I always took out my money and changed it, I always carried my money with me.

Q. In what way did he carry his money with him?

A. He had it in a pocketbook.

Q. And his pocketbook was in his pocket? A. In the inside vest pocket I always kept the money.

Q. Can you state to me whether or not if within a short time previous to this occurrence you know that anybody had seen your pocketbook or when you changed any money or had seen this money in your possession? A. I never took it out at Paterson to show it, I never took it out in the presence of others to show that I had money; when I changed I always had it in my pocket, always some change in my pocket, and I changed that way; I was careful not to

take it out.

~~By Counsel~~. Q. Was it at the Tombs that the identification of the defendant took place A. Where all the policemen are

By the court. Q. Where was the defendant when he picked him out of a row of people as the man who took his money, what place? A. They were in anroom.

Q. Does he know whether the room was in the City Prison or whether itwas in the police station? A. There is a prisoner also there and there was police there.

By Counsel. Q. Tell me what the policeman at Paterson told you, just prior to your coming to New York? A. He told me to come with him to New York, he said, "those who took your money have been arrested.

Q. How many days after this was it that he had told the policeman about his loss? A. I went back to Paterson, I did not say it toanyone until the policeman came and took me to New York.

By the Court. Q. Did not he tell a policeman in Paterson what had happened to him in New York? A. I did not.

Q. When he went back after losing his money to Paterson, ask him if he told anybody in Paterson about the loss of his money in New York, see if you can't get an answer to that?

A. I did not tell to noone.

Q. Did not he say that he told a policeman in Paterson and that a policeman in New York came over for him?

A. I did not say, but we talked to a policeman in New York when we came over.

Q. Did he tell anbody in New York or any policeman in New York, that he lost his money? A. I did not say it.

Q. How did the police find out that he had lost anything?

A. I do not know, I cannot explain it, how the policeman in New York knew it, I cannot tell how the New York police knew about the loss of the money.

By Counsel. Q. So that without having made any complaint himself or telling the story to anybody he was informed, was he not, that a man had been arrested? A. Yes sir, the policeman came up and said, "come with me, the two men, those who stole your money, have been arrested."

Q. Did you then go with the policeman from Paterson?

A. Yes sir, that is the way.

Q. So you had spoken to the policeman in Paterson , had you not, about this loss of the money? A. He talked to me first, he said, "you lost so much money, now come over here, we arrested the people who had the money."

Mr. Stapler: I think the witness refers to the policeman from New York.

Witness: The policeman from New York came up and said, "you lost some money, we arrested the people, come over to New York."

By Counsel. Q. He spoke to you first upon that subject?

A. He told me, "you lost some money, come over to New York."

Q. Then did the policeman go with you to the station house??

A. Yes sir.

Q. And you were told at the Station House that the man had been arrested and was in there, were you not so informed?

A. Yes sir, he told me that the man is arrested here in this house.

Q. On the way down they told you what kind of a fellow he was, didn't they? A. He did not give me any description; he says, "come with me there and find out and identify the

man who stole your money.

Q. Did he talk with anybNew York policeman before seeing the defendant? A. I did not talk with no one only with the policeman who came from Paterson to New York with me.

Q. Did you speak to anybody concerning this matter except to the policeman who brought you to New York?

A. I did not talk to no one until the day when this policeman came from New York, came and talked to me and said, "come to New York to identify the man."

Q Did not this policeman tell him the name of the man that they had arrested, a certain man? A. He did not.

Q. Did not they describe them to him? A. He did not give any description of the man, no name, no description.

Q. Did not this New York policeman tell him that the prisoner was in that station house and he was to go in to some room to identify him? A. He said to me that those who took your money have been arrested and it is for you to find out the man who did it when you are in the station house.

Q. How many did he say had been arrested, two or three?

A. The policeman said four or five had been arrested.

Q. Did you look in the room where the policeman told you the man or men were who had been arrested? A. When the policeman took me into the room then I went in.

By the Court. Q. What did he say when he went in there?

A. He said, "can you recognize the man who took your money?"

Q. Were there any other men there? A. There were plenty of people there.

Q. About how many people? A. There were about thirty persons in the room.

Q. And he picked this man out of the thirty persons?

A. Yes sir.

Q. Wee these men seated around in that room?

A. They were like a circle sitting.

By the Court. Q. Were they sitting up or standing?

A. Sitting.

Q. And was the prisoner sitting too? A. He was sitting too.

By Counsel. Q. Isn't it a fact that the officer pointed out the defendant to you saying, "there is the man?" A. I recognixed him myself, he did not say it.

Q. What did you do then after you pointed out the man?

A. Nothing else happened; when I said, "this is the man, then the policeman said, "that is all right"---- nothing happened any more.

Q. Where did you go then? A. I remained here in New York.

By the Court. Q. Where did he remain, ask him if he was not sent to the House of Detention? A. I remained where the policemen are.

By Counsel Q. How long after you had received that package in your possession was it before you opened it?

By the Court. Q That is the package contaning newspaper, ask him?

A. About half an hour I kept it without opening it.

Q. Where were you during this half hour that you kept that?

A. I was standing around in the neighborhood, all around to see if I could find the men.

Q. Before opening the package you did all this?

A. When I saw that I could not find the men, I opened the package then.

Q. Was anybody present with him when he opened the package?

A. I was alone.

Q. Then you went back to Pate-son? A. The same day I returned to Paterson.

Q. Have you said everything that you know upon this subject matter? A. That is all, I told all that happened and when I saw I could not find the man, that there was no money------

By the Court Q. Ask him what place he was going to get this money changed, what bank? A. They told me to go to the banker Cantoni, he is a banker in Wall Street; there is a banker in Wall Street by the name of Cantoni, an Italian banker; I don't know where Cantoni is, I do not know the name of the street. He says, they told me togo to the banker Cantoni --- he and the man who was with him told me to go and change it in Cantoni's bank.

By Counsel. Q. As I understood your testimony you stated in the beginning to Mr. Stapler that you were to receive this money to change for the defendant, is that so? A. Yes, that was the agreement with this defendant, I should take it; he says, "this is my money, I will give it to you to change it, you must give me as security your money; so he gave it to me and I gave him my money.

Q. Did he not also state to Mr. Stapler that he knew where to change this money? A. The man who was with me he told me to go to Cantoni to change it; so I knew where to change it.

Q After you took this money did you go and inquire to try to change this money? A I did not reach any bank, I was going ahad and they were behind me and after a while I

looked behin me and again they disappeared, I commenced to look where they are, I did not go to any bank.

Q. How did he expect to change this money taking it from him for the purpose of changing it and state to-day that he knew where there was a bank. A. He says he did not know the companion of the defendant told him to go to the bank Cantoni, that is how he knew where to change it.

Q. You found no bank did you? A. No sir, I did not go to the bank.

By Counsel. Q. I thought you sad after you got this money or this package you remained stationary waiting for them for about half an hour? A. I was not standing in one place I was walking around to see if I could see the people.

Q. But you now state that as soon as you got that package you went ahead of the men who followed you to go to some bank?

A. Yes, immediately when I received it I went ahead and they followed me.

Q. What do you mean when you say that you went from place to place around? A. I say now that I was looking around in all directions, going to and fro everywhere and when I saw I could not find them, then I went to Paterson.

Q. When you started ahead this morning how far ahead were you?

A. About three or four paces, they were behind me.

Q. Why was it that you consented to walk ahead of them?

A. They told me, "go ahead, we will follow you."

Q. Then when was it he noticed that they were not there, the men who were following him? A. You mean how long he was walking before he noticed?

Q. Yes? A. They followed me up about the distance of three or four houses and then I looked behind me and I did

did see them any more.

Q. Did you see them running away or anything? A. No, they disappeared all at once, there were plenty of people in the street and I could not see them any more.

Q. Does he know what street it was? A. He does not know the name of the street.

By Mr. Stapler. Q. Did you notice whether or not the prisoner, this man who gave you this money, had any jewelry or any watches or watch chains about his breast?

Objected to.

By the Court. Q. You can ask him did he notice anything about this man's dress and if so what it was?

Objected to as irrelevant and immaterial.

Objecttion overruled.

By Mr Stapler. Q. Did you notice anything about this man's dress, anything peculiar about his person that attracted your attention? A. He had a chain, a gold chain on both sides dividing in the middle, on one side he had a gold watch and on the other side he had a silver watch attached to these two branches of the chain.

By the Court. Q. How does he know that he had a gold watch in one pocket and a silver watch in the other? A. He showed it to me, he took it out.

FRANK S. PRICE, sworn and examined.

By Mr. Stapler. Q. You are connected with the municipal force of the city of New York? A. Yes sir.

Q. Attached to what precinct? A. The sixth precinct.

Q. Tell the jury whether or not subsequent to the 4th day of May, 1891 you went to Paterson, N.J. A. Yes sir.

By the Court. Q. What day did you go, Officer? A. I went a week ago last Tuesday.

By Mr. Stapler. Q. It was on the 12th then? A. Yes sir, on the 11th a man came to the Station House in the morning before I got there and left a card with this complainant's name on and his address, No. 98 Market Street, Paterson, N.J. and said -----

By the court. Q. Never mind what the man said in consequence of that what did you do? A. In consequence of that I went to investigate it at Paterson, N.J.

By Mr. Stapler. Q. Where did you go after you got to Paterson?

A. I went down to No. 98 Market Street and they told me that the man was not there, if I would go down to the corner of Broadway and West Street I wouldbget him blacking boots on the corner in front of the saloon.

By the court. Q. The complainant? A. Yes sir, I went down to the corner of Broadway and West Street, I found the complainant blacking boots.

By Mr. Stapler. Q. The witness on the stand? A. Yes sir, I asked him in English if he lost any money, he could not understand me, I thought he could not talk English, I got an interpreter and he asked him; he said, "yes, he lost some money , it was a week ago yesterday morning, a week ago Monday, I was there on a Tuesday; I askedhim how he lost it and he explained it to me; I asked him a description of the man that he gave his money to and he described this man whom I know, the prisoner as having a light coat on and having a watch chain with a double chain, with a silver watch in one side and a gold in the other. Me knowing the prisoner from that description, I fetched the complainant back with me

on the train and I went the next morning and arrested the prisoner.

Q. Where did you arrest him? A. At 81 Baxter Street, and the minute I arrested him I put my hand in his pocket and found a loaded revolver.

Counsel: I move to strike that out.

The Court: No.

Witness: And these cartridges were in it. (Producing them.) I took him to the Station House and I also arrested four other men whom I know tonbe in the same business as him.

Counsel: I move that answer be stricken out.

By the Court. Q. You arrested four other men? A. Yes, and I took them all to the Station House; that night we put fourteen mennin the back room and fetched the complainant in and he walked right up and identified this man as the man that took his money and gave him the handkerchief. In the Court the next morning we put him in a line with a lot of prisoners, bums and one thing and another, and he also identified to the interpreter that this was the man that he gave the moneyto. The man that was his accomplice on the day I know -------

Counsel: I move to strike that out.

The Court: Yes.

Witness: And he made an affidavit there and signed it.

By Mr. Stapler. Q. Did the prisoner make any statement in your presence? A. He pretended he could not talk English.

By the court. Q. Do you know him, does he talk English?

A. Yes sir, I know him by the name ofnJames ---- -- the name he gave at the Station House, he is a barber.

CROSS EXAMINED.

By Counsel. Q. How many times did you go to Paterson?

A. Once.

Q. Did you bring in the man that same day with you?

A. That same afternoon.

Q. You brought him to the station house? A. Yes sir.

Q. Did you leave him at the Station House? A. Yes sir.

Q. Did you arrest this man afterwards? A. Yes sir.

Q. The complainant stated that the New York policeman whom I take to be yourself. brought him to the city of New York to the Station House and that then the officer took him into a room and that these men were in the room and he identified the man? A. Not that night.

By the Court. Q. Did he at any time? A. The next afternoon; we got to the Station House about eight o'clock in the evening Tuesday night and on Wednesday I arrested these five men about seven o'clock in the evening and the captain put other Italians and other men sitting in the chairs amounting to fourteen men and this man walked right in and the Captain gave him instructions to put his hand on the man that took his money, and he walked right over after looking at the men and put his hand on this man. He was dressed in a light coat and had on a double chain and there was a silver watch and a gold watch on it at the time.

JOSEPH SHERMER sworn and examined.

By the Court. Q. Are you an officer? A. Yes sir, of the sixth precinct.

By Mr. Stapler. Q A member of the police force of this city?

A. Yes sir.

Q. Were you at the station House on the 12th or the 13th day of May last? A. Yes sir.

Q. Did you see the prisoner? A. I did.

Q. Did you see the complainant? A. I did.

Q. Did you see the complainant go into a room where there were other men? A. Yes sir.

Q. Did you see him go up and put his hand on the shoulder of this man, what did you see him do? A. He went up and put his hand on this man's shoulder and said that was the man who took his money.

By the Court Q. Does Officer Price belong to the same precinct as you do? A. Yes sir.

Q. Where is the station House? A. No.19 Elizabeth St.

Q. So that this man was taken to the Elizabeth Street station house and that is where this identification took place?

A. Yes sir.

Mr. Stapler: That is the Peoples' case.

The Case for the Defence.

VINCENZO FAVALI, sworn and examined.

By Counsel. Q. Are you ever known by the name of James Funn?

A. They used to call me in the neighborhood around Mulberry Street James Funn for a short name.

Q. Is James the English of Vincenzo? A. Yes.

Q. Many people have called you that? A. Most all the people around that neighborhood have called me that name because they could not spell Vincenzo in English they calld me James.

Q. Are you known generally by the name of James Funn, is that

the name that you gave in the Station House?

A. Yes sir.

Q. You are the defendant in this case? A. Yes sir.

Q. You have heard the complainant testify, have you not, you heard what he said? A. I heard what he said.

Q. He states that on the 4th of May he met you in Paterson, is that statement true? A. No sir.

Q. State the facts and circumstances so far as you know them of your connection or any dealings at all with the complainant? A. Why, I never saw the complainant before, I never had any conversation with the complainant.

Q. Where did you first see him? A. I seen him in the Station House in Elizabeth Street.

Q. Did you ever take any money from him? A. No sir.

Q. Did you ever accompany him to New York from Paterson to show him New York or ask him to change any money for you?

A. I did not see him before I saw him at the Station House.

Q. What were the circumstances under which you were pointed out in the Station House? A. I do not know.

By the Court. Q. What the counsel wants you to state is what took place in the Station House at the time this bootblack pointed you out as the man who took his money, do you understand that? A. I understand that well enough.

Q. Tell the Jury? A. The man (the complainant) came in and pointed at me and said, "this is the man." I never knew the man at all, never saw the man; I asked, "what am I arrested for and he (the officer) said, "some woman in Mulberry Street."

By the Court. Q. That is what the officer said? A. Yes sir.

By Counsel. Q. What officer was it? A. The man right back there, I do not know his name, right alongside of Mr. Racey.

Q. Officer Shermer? A. Yes sir.

Q. Did you have any conversation with Officer Shermer or Officer Price in relation to this matter? A. Not at all, he spoke to me in Baxter Street, No. 81.

By the Court. Q. That is, you were arrested there? A. He went to arrest me in the room, I was sitting playing cards with some men, there was several other men there and they told me they wanted to see me; I got up, I say, "what do you want?" They put their hands in my pocket. "Have you a pistol in your pocket?" I says, "yes." "What do you carry that for?" Of course I carry a gold watch generally and money and I say it will be dangerous to have a watch on me and I will have a pistol with me.

Q. What is your business? A. I am a barber by trade, I used to furnish men for the railroad, contractors in the country.

By the Court. Q. Where is your shop? A. I do not own no shop.

CROSS EXAMINED.

By Mr. Stapler. Q. How long have youbeen in this country?

A. I have been in this country eight years

Q. Lived in New York all that time? A. I have been part of it in New York, not all the time.

Q. Where else have you been besides New York? A. I have been in the country and used to get a job to furnish a lot of Italians in the country different places.

Q. How long have you been in New York city? A. I have been in New York city for about seven months.

Q. What have you been doing since you have been here?

A. I have been working all around the city when I used to get a job.

Q. Who have you worked for? A. For different men.

By the Court. Q. He wants the names? A. I do not know the names, one week for one man.

By Mr. Stapler Q. Can't you give us the name of some man?

A. He is in Brooklyn, Rubino.

Q. How long had you worked for him? A. I worked for him a week.

Q. Where is Rubino's place? A. No. 170 Franklin Street, Greenpoint.

Q. Where did you work ? A. No.49 Forseith Street.

Q. How long did you work? A. One Saturday and Sunday.

Q. Give us the name of another place you worked ?

A. I can't mind the names.

Q. You can't give us the plates, that is all the information you can give us? A. All the information I can give.

Q. Do you know Officer Day? A. No sir.

Q. Do you know a man named Antonio Cavato? A. No sir.

Q. Where were you on the 4th of May ? A. On the 4th of May I was in New York.

Q. What part of New York? A. I used to be in James Street part of the day.

By the Court. Q. That day? A. That day I have been in James Street and I have been home once, I hae been around Mulberry Street.

By Mr. Stapler. Q. Where were you working that day? A. I was not working that day.

Q. You were not working that day at all? A. No.

By the Court. Q What day of the week was it, do you know?

A. On a Monday.

By Mr. Stapler. Q. You were in Mulberry Street and James Street and at home and you were not working? A. I was not working.

Q. And that is all you can tell us about your movements on that day, is that right? A. That is right.

By Qounsel. Q. State a little more specific-ally what you recollect doing on that day? A. That day I recollect doing business to see if I could get any job to furnish some laborers in the country for some contractor.

Q. Where was it, in Chamber Street that you were?

A. In James street, I was with Frank Marino over there in his house.

By the Court. Q. He is a padrone? A. No, he is no padrone.

Q Were you with Frank that day? A. I was with Frank all day on the 4th of May.

Q. Where? A. I was in his house.

Q. Where is his house? A. In 88 James Street.

Q. What time in the morning did you go there? A. It was about nine o'clock in the morning.

Q. You stayed until whattime? A. I stayed there until about twelve.

Q. Then where did you go? A. Then we went out together, me and Frank.

Q. Where did you go? A. We went out in Mulberry Street different numbers.

Q. Give me the number that you went? A. I have been in 63 and went out in the street.

Q. What other number? A. We had been around the street

talking to some friends.

Q. Did you go to any house? A. No.

Q. How long did you stay there, when did you part with him?

A. I parted with him sometime in the evening.

Q. What time in the evening? A. I cannot say, it was after dark.

Q. Where did you part with him? A. I do not remember.

Q. What place did you meet him? A. I do not remember generally we used to go together, I do not remember that night where we parted.

By Mr. Stapler. Q. On the 22nd of September of last year weren't you in the Station House in Elizabeth Street, were you there on any day in September? A. In September I was arrested, when they arrested me and brought me there on the 12th of May.

By the Court. Q. Were you ever in it before? A. No, I never was in there before.

By Mr. Stapler. Q. Were you ever in the Tombs Police Court?

A. No, I never was arrested, I have been in the Tombs some Italians have hired me to be interpreter for them.

FRANK MARONI sworn and examined by Counsel through the Interpreter.

Q. Do you know the defendant at the bar? A. I made his acquaintance here in America since he has been here.

Q. How long have you known them? A. About four or five years.

Q. Were you with him on the 4th of May, 1891.

A. Yes sir.

Q. State what you did that day? A. He came to my house in the morning about five or six o'clock in the morning, I could not be precise about it, and he had his breakfast in my house and then we went out together about nine o'clock, we left home together.

By the Court. Q. Left home where? A. It was on a Sunday we went to hear mass in church.

Q. You went to mass on Sunday to church? A. In the Catholic church in James street.

Q. How long did you remain there? A. About eleven or half past eleven we left church.

Q. And then where did you go? A. Then he came with me to my home.

Q. Where is your home? A. No.88 James Street, and he had his dinner with me about half past eleven, about noontime we had our dinner, I could not tell exactly what time we finished our dinner. Then we had some game of cards for a pint of beer together in my house; about three o'clock we went out again and then we went to Central Park.

Q. How long did they stay there? A. All the afternoon.

Q. Until what time? A. About seven o'clock we arrived home again from Central Park.

Q. To his house? A. Yes sir.

Q. And then what, did he stay there all night?

A. About eight or quarter past eight he left saying that he gone home to sleep.

Q. Where was his home? A. He says he is going home to sleep because he has to get up early to go to work.

Q. Ask him where his home was? A. I do not know where he lived.

Q. That is the last you saw of him that day? A I did not see him any more.

By Counsel. Q. Did you see him the next day? A. Yes sir, the next day about nine o'clock.

Q. What did you do with him the next day? A. I went about nine o'clock in Franklin Street to the barber shop to get shaved and he was in the barber shop, he worked there in the barber shop.

Q. Do you know the complainant in this action? A. No, I do not know him .

Q. Did you ever see him in the company of the defendant?

A. No sir.

Q. Did you see him in the company of the defendant on the 4th of May, 1891?

By the court. Q. On the day that he was in church in James Street?

A. No, I did not see the complainant, I and Vincenzo, we were alone, did not have anybody else.

By Mr. Stapler. Q. What do you work at? A. I am a foreman for Italian laborers, taking out Italians laborers in the country to work.

Q. This prisoner did not live at his house? A. No sir, he came as a friend to see me only.

VINCENZO FAVALE recalled by Counsel.

Q. Frank Maroni says he was with you on the 4th of May?

A. Yes sir.

Q. He states that you and he went to church together.

Objected to.

The Court: That wont do; he has told all about where he was on the 4th of May and Frank Maroni has told it too; it is for the jury to settle this little difference.

30

the jury to settle this little difference between this man and Frank.

Counsel: This witness was not going to admit that.

The Court: He may not admit it but unfortunately Frank admits it.

Counsel: I will leave it as it is.

The Court: Yes, you had better leave it as it is.

AMALIA DEBITZZO sworn and examined by Counsel through the Interpreter.

Q. Where do you live? A. No.88 James Street.

Q. Do you know the defendant at the bar A. Yes sir, I know him, he was in my house.

Q. Was he in your house on the 4th of May, 1891?

A. Yes sir, he was in my house.

Q. What time was he in your house? A. I do notrecollect what time he came.

By the Court. Q. Ask her if it was in the morning or in the afternoon? A. He came in the morning and he ate in our house.

Q. Ate his breakfast? A. I could not tell, they had something to eat in my house.

Q. What time was it? A. I am a woman, I have not got a watch with me, I do not know if it was dinner or what it was.

By Counsel. Q. Was it the middle of the day about? A. It was on a Sunday; they said, "cook something because we want to go out."

By the Court. Q Did not he go to church that day? A. Yes, he said he was going to church.

Q. And did that man Maroni go with him? A. She said her

husband said, he is going to church. Maroni is her husband; they always give their maiden name.

Q. Maroni and the defendant went to church? A. Yes sir, they went out and said, "we will go to hear mass."

Q. What timr was it when they went to hear mass? A. I do not know, I cannot tell, I am getting up very late in the morning, I do not know what time.

Q. How early did she get up that morning? A. I could not tell whether it was eight or nine o'clock, I have no watch.

Q. They went to mass that morning? A. Yes sir, they went.

By Counsel. Q. Did you see the defendant the next day?

A. The next day he came to my house but I was not there, I was not in the house, my husband told me.

Mr. Stapler: I move to strike that out.

The Court: Strike it out. Is that the case now?

Mr. Stapler: We have no rebuttal.

The Jury rendered a verdict of guilty of grand larceny in the first degree.

Testimony in the case of Vincenzo Parole filed May 7, 1911

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Vincenzo Fonda

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

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

The said Vincenzo Fonda, —

late of the City of New York, in the County of New York aforesaid, on the fourth day of May, in the year of our Lord one thousand eight hundred and ninety-one, at the City and County aforesaid, with force and arms, in the said 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 five hundred and eighty 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 five hundred and eighty — dollars; divers United States Silver Certificates of a number and denomination to the Grand Jury aforesaid unknown, of the value of five hundred and eighty — dollars; divers United States Gold Certificates of a number and denomination to the Grand Jury aforesaid unknown, of the value of five hundred and eighty — dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of five hundred and eighty dollars,

of the goods, chattels and personal property of one Giuseppe Dandrosio, — 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.

DeLancey Nicoll

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

0157

BOX:
437

FOLDER:
4026

DESCRIPTION:
Ferradina, Francesco

DATE:
05/06/91

4026

Witnesses;

Joseph Lavica

Counsel,

Filed 6 day of May 1891

Pleads,

THE PEOPLE

vs.

Francesco Ferradina

Assault in the First Degree, Etc.

(Sections 217 and 218, Penal Code.)

DELANCEY NICOLL

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. S. Bridmon

May 7/91

Foreman.

Police Court— 1 District.

City and County of New York, } ss.:

Joseph Lafica

of No. 36 Cherry Street, aged 37 years,

occupation Laborer being duly sworn

deposes and says, that on 3 day of May 188 9 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED [redacted] by

Francesco Ferindino (now here)

who did willfully and maliciously cut and stab deponent on the neck, with a Knife then and there held in his hand

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

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

Sworn to before me, this 4 day of May 188 9

his Joseph X Lafica mark

Police Justice.

Sec. 198—200.

1 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Francesco Ferrandino being duly examined before the undersigned 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. Francesco Ferrandino

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. 36 Cherry Street - 4 days

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
Ferradina Francesco

Taken before me this 4 *day of* May 188 1

Police Justice

596

Police Court---1 District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Frank Dorteus
36 Eldridge St
Thomas Martino

2.

3.

4.

Offence Assault
felony

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

Dated May 4 189

Magistrate.

Officer.

Precinct.

Witnesses Wm Schmidt Sent
Frank Dorteus
Wm Schmidt 69 Ludlow St

No. Street.

No. Street.

$1000 to answer.

RECEIVED. MAY 1891 DISTRICT ATTORNEY'S OFFICE.

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 Ten *Hundred Dollars,* and *be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.*

Dated May 4 *18*91 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *18* *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated *18* *Police Justice.*

0162

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 1 DISTRICT.

John J. Hickey

of No. South Precinct Police Street, aged years,

occupation Police Officer being duly sworn deposes and says,

that ~~on the~~ ~~day of~~ ~~188~~

~~at the City of New York, in the County of New York,~~ Joseph Lafica

(now here) is a necessary and material

witness against Francesco Ferundino

charged with having cut and stabbed

said Lafica on the neck -

and deponent further says that he is

led to believe that the said Lafica

will not appear at the said trial

of Ferundino - he therefore asks that

the said Lafica may be held to

await the said trial or find surety

for his appearance at said trial

John J. Hickey.

Sworn to before me, this day

of 188

Police Justice

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Francesco Ferradena

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

The said Francesco Ferradina

late of the City of New York, in the County of New York aforesaid, on the third day of May in the year of our Lord one thousand eight hundred and ninety-one, with force and arms, at the City and County aforesaid, in and upon the body of one Joseph Lafica in the Peace of the said People then and there being, feloniously did make an assault and ~~to, at and against~~ him the said Joseph Lafica, with a certain knife ~~pistol then and there loaded and charged with gunpowder and one leaden bullet,~~ which the said Francesco Ferradina in his right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there ~~shoot off and discharge~~ strike, stab, cut and wound, with intent him, the said Joseph Lafica 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 Francesco Ferradina of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said Francesco Ferradina

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 Joseph Lafica 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 Joseph Lafica, with a certain knife ~~a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,~~ which the said Francesco Ferradina 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,~~ strike, stab, cut 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 NICOLL,
~~JOHN R. FELLOWS,~~
District Attorney.

0 164

BOX:
437

FOLDER:
4026

DESCRIPTION:
Finnerty, Patrick

DATE:
05/21/91

4026

0165

BOX:
437

FOLDER:
4026

DESCRIPTION:
Finnerty, Patrick

DATE:
05/21/91

4026

Upon further investigation I am willing to have W.I. withdraw his plea of Guilty and ask that he be discharged on his own recognizance

Witnesses: G.S.B.

Off. Kelly. a.D.a.

May 28th 91

2d " Prec.

M. Cory

Abdullah Candle

after Examination of this case I am willing to accept a plea of assault 3d degree from Patrick Finnerty

No. I.

May 25th G.S.B.

a.D.a.

The complainant has left for New Mexico We have made many attempts to serve him & failed & now he is out of our jurisdiction. I pray that W.I. be discharged G.S.B.

May 28th 91 a.D.a.

May 15 O.K.

212

F 0

Counsel,

Filed 21 day of May 1891

Pleads, Not guilty

THE PEOPLE

21
89 Washington st
Saloon-keeper.

Patrick Finnerty
(1)

and

Patrick Finnerty
(2)

Robbery, degree.
[Sections 224 and 22 8, Penal Code].

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

District Attorney.

Part III May 25/91 –
~~May 28/ Pleads Guilty~~
Filed withdrawn pleads Not Guilty

A True Bill.

W. L. Hidmow
Foreman.

Part III May 28/91 –
Both discharged on their ~~own~~ recog.

May 28th May 26th
G.S.B.

Adalaida Gaudee
vs
Patrick Finnerty No1
Patrick Finnerty No2

Charged with Attempted Larceny from the person
May 18/1891

Complainant being duly sworn deposes and says. Cross Examined by Mr Callahan (through an interpreter)

Did the complainant state that Finnerty the defendant last night

A. Yes Sir

Did it appear that they were skylarking and took one another hats off

A. Yes Sir

Sworn to before me this 18th day May 1891

Police Magistrate

1

Nasso Sessman a witness for the people being duly sworn deposes and says through interpreter)
By the Court
Q Where does he reside?
A 91 Washington Street
Q What is his business?
A Flowers.
Q Was he present at the time of the alleged larceny, what does he know about the alleged attempt at larceny?
A Last night the complainant and I were coming from 71 Washington Street to 91 Washington Street, as on the way there we saw 2 men on the stairs they were standing there and one of the men grabbed complainants cap and took it off his head, and when the complainant asked the man for his hat, he would not give it to him, and the complainant took his hat from him, then the

Defendant grabbed the complainant and made him fall on the ground and took his hand and hit him and then another man came who is Palmer Finerty and hit the complainant on the foot and the complainant identifies this man Palmer Finerty as the man who just hit him once and kicked him in the face

Sworn to before me this 18th day of May 1891

Pol de Sanchez

Patrick Finnerty No 1. defendant being duly sworn deposes and says

Direct Examination

Q Where do you reside?

A Sq Washington State

Q What is your business?

A Store keeper.

Q What happened between you and the complainants?

A I was coming one way and they were coming from another, and we met facing and I took his cap in my hand and he made a kick at me, and I shove him away, and he rushed at me again the second and 3d time and I shoved him away, and another man made a rush at me and then this man Finnerty No 2 jumped in and shoved him away

Q Did you see this man who watch and chain?

A Yes sir

5

Patrick Finnerty No 2 defendant being duly sworn deposes and says.

Q Direct Examination

Q Where do you reside?

A 59 Washington Street

Q What is your occupation?

A Coal Shoveler

Q Tell the Judge what you know about this case

A Finnerty No 1. and the boy commenced to fool with their caps and Finnerty knocked off his cap and the Turk hit him, and he hit the Turk, and another fellow jumped in and hit Finnerty and I went in and shoved the other fellow away.

Q Did you touch his watch

A No sir I never saw it

Maggie Shea called as a witness for the defendant, being duly sworn deposes and says

Direct Examination

Q Where do you reside?

A 89 Washington

Q Were you present at the time of this alleged robbery

A I came down at the door and Twenty No1. and the two were talking Twenty No1. had the two plaintiffs hat and the arabian says, will you change hats and he says no and he gave him back his hat, and they were hitting one another at the time, and this witness opened the outer door and there was nobody there at all

Q Did you see any watch taken?

A No Sir

Q And you say this witness was not there at all?

A No Sir he was not there, the Arab

9

Sixteen Twenty Not. Exhaustion the ardo.

Q Anodyne did it see either one of these men take this woman watch?

A Yes sir

Pytletown

Q What time was it?

A Half past one or a quarter to 2 in the afternoon

8

Matthew Kelly being duly sworn deposes and says

That he is a police officer attached to the 2d precinct police

Direct Examination

Q You made the arrest?

A Yes Sir

Q State what you know about it?

A I was passing through Reade Street at a quarter past one and this woman told me to arrest that man Finnerty No 1. and I did so and brought them to the station house and he accused him there of striking him and shaved his watch and chain and they were locked up for the night

Q Did the defendant make any statement to you when he was arrested

A No Sir

Q Did you tell him the nature of the charge that he was arrested on?

A Not until we got to the station house

Q What did he say then?
A He didnt know anything about the watch, he said he had some trouble with him about a hat but he didnt know anything about the watch

Case closed Defendants held to bail in sum of 500 each for General Sessions

Police Court— 1st District.

CITY AND COUNTY OF NEW YORK, } ss

Abdala Candle

of No. 91 Washington Street, Aged 17 Years

Occupation Peddler being duly sworn, deposes and says, that on the 16 day of May 1891, at the First Ward of the City of New York, in the County of New York, was attempted to be feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

one silver Watch with plated Chain attached

of the value of Five DOLLARS,

the property of Deponents Mother Farda Candle

and that this deponent has a probable cause to suspect, and does suspect, that the said property was attempted to be feloniously taken, stolen, and carried away, by force and violence as aforesaid by Patrick Finnity No 1. & Patrick Finnity No 2 (both men here) Deponent says that he was walking up Washington Street in said City when said defendants came up to him and said Finnity No 1. struck deponent several blows on the head and face knocking him down and while down said Finnity No 1 continued to assault him.

Deponent says that while lying down said Finnity No 2 kicked him on the face. Deponent says that after said Finnity No 1. assaulted

Sworn to before me this day of 188

Police Justice.

Police Court, ... District.

THE PEOPLE, &c.,
on the complaint of

.....

vs.

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

Offence—ROBBERY.

Dated 188

..... Magistrate.

..... Officer.

..... Clerk.

Witnesses, ...

No. ..... Street,

No. ..... Street,

No. ..... Street,

$ ..... to answer General Sessions.

.....

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

.....

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

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

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

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

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

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

.....

Filed in the Clerk's Office of the City and County of New York, on the day and year above written.

Witness my hand and the seal of the Police Justices of the City of New York, the day and year above written.

Clerk.

Present to Robert Ure
this 18 day of April 1891

Police Justice

POOR QUALITY ORIGINAL

0177

Sec. 198—200.

District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Patrick Finnerty No 1 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. Patrick Finnerty No 1

Question. How old are you?

Answer. 21 years

Question. Where were you born?

Answer. Ireland

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

Answer. 89 Washington Place 6 Months

Question. What is your business or profession?

Answer. Longshoreman

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

Pat Finnerty

Taken before me this 1 *day of* March 1881

[illegible] Police Justice.

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, } ss.

/ District Police Court.

Patrick Finnerty (No 2) being duly examined before the undersigned 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. Patrick Finnerty

Question. How old are you?

Answer. 22 years -

Question. Where were you born?

Answer. Ireland

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

Answer. 89 - Washington Street

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 -

his
Patrick X Finnerty (No 2)
mark

Taken before me this 16 *day of* May 189 1

Police Justice.

0180

655

Police Court 1 **District**

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Nicola Gonella
91 Washington St
Patrick Hunnyth
Patrick Hunnyth

3.
4.

Offence Attempt at Robbery

Dated May 16 1891

Kelly Magistrate.

Officer.

Precinct.

Witness Jas. Orcard
27 Washington St

No. Street.

Mrs. Nicola
91 Washington

No. Street.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

No. Street.

$ 1500 to insure the appearance of the within named

Commd Desk

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

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

Dated May 16 *18*91 *Police Justice.*

I have admitted the above-named

to bail to answer by the undertaking hereto annexed.

Dated *18* *Police Justice.*

There being no sufficient cause to believe the within named

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

Dated *18* *Police Justice.*

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 Jones
one Patrick Kennedy
and a certain other Patrick
Kennedy,
Defendants

The Grand Jury of the City and County of New York, by this indictment, accuse the above named defendants —

of the CRIME OF ~~ROBBERY~~ attempting to commit in the first degree, committed as follows:

The said defendants, both

late of the City of New York, in the County of New York aforesaid, on the sixteenth —— day of March, in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety-one, in the night time of the said day, at the City and County aforesaid, with force and arms, in and upon one Abraham Randle, in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of four dollars and fifty cents, and one chain of the value of fifty cents,

of the goods, chattels and personal property of the said Abraham Randle, — from the person of the said Abraham Randle, against the will, and by violence to the person of the said Abraham Randle, — then and there violently and feloniously did attempt to rob, steal, take and carry away, the said defendants, and each of them, having then and there aided by an accomplice actually present, to wit: each by the other:

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

0182

BOX:
437

FOLDER:
4026

DESCRIPTION:
Flynn, Francis J.

DATE:
05/21/91

4026

Witnesses;

Wm P. St John

1917

Counsel, Purdy

Filed 21 day of May 1891

Pleads, Not guilty

THE PEOPLE

vs.

Francis J. Flynn

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

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

A True Bill.

W. L. Skidmore
Foreman.

Part II May 26.
Plead guilty.

El Ref J.

POOR QUALITY ORIGINAL

E 8 1 0

Police Court 1 District. Affidavit—Larceny.

City and County of New York, } ss:

William P. Andrew

of No. 191 Broadway Street, aged 42 years, occupation Bank President being duly sworn, deposes and says, that on the 12th day of May 189 1 at the City of New York, in the County of New York, was feloniously ~~taken~~ attempted to be, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Seven Hundred and ninety five dollars in money
$795 00/100

the property of the Mercantile National Bank of which bank deponent is the President

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 Francis J. Flynn (number 1) from the fact that on said date defendant came to said bank and presented a check or draft on the Mercantile National Bank for said amount marked Exhibit A. and hereto annexed and made part of this complaint. That defendant was employed by Chas. Austin and Company and that he was sent to collect said amount and the said check was genuine and good. Deponent has since been informed by Harvey J. Hopkins whose name appears on said check that he never signed said check

Sworn to before me, this day of 189

Police Justice.

and the name of witness on said check was a forgery. Deponent therefore caused the arrest of defendant and charges him with attempting to take, steal and carry away said money and proceeds that he be tried to answer. John H Boland of the firm of Cross Austin and Co says that the defendant has never been in the employ of said firm

Sworn to before me this 14th day of May 1891

Police Justice

Police Justice

CITY AND COUNTY OF NEW YORK, } ss.

George Taylor

aged 31 years, occupation Waiter of No. 39 Lexington Avenue Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Lizzie Miller and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 27 *day of* May 1891 } George Taylor

D. McMahon

Police Justice.

CITY AND COUNTY OF NEW YORK, } ss.

Harvey J. Hopkins

aged 42 years, occupation Lumber Merchant of No. Pleasantville Pa ~~Street,~~ being duly sworn deposes and says, that he has heard read the foregoing affidavit of William P. St John and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 14 *day of* May 1891 } Harvey J. Hopkins

[illegible]

Police Justice.

CITY AND COUNTY OF NEW YORK, } ss.

John N Ireland

aged 53 years, occupation Gunsmith Dealer of No. Kent avenue and Cross Street Brooklyn N.Y. ~~Street~~, being duly sworn deposes and says, that he has heard read the foregoing affidavit of William P H Jahn and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 14 *day of* May 1889 } John N Ireland

P H Jahn

Police Justice.

Memo. for District Attorney's Office from ST. J.

May 12th 1891.

About noon a young man presented a check on the Mercantile National Bank of the City of New York, dated Pleasantville, Pa, April 30th 1891 No 124 for $195. to the order of Cross Austin & Co, purporting to be signed H. J. Hopkins, and purporting also to be endorsed H. J. Hopkins. The blank form upon which the check was drawn being a form prepared for H. J. Hopkins by Corlies Macy & Co., but evidently from an untrimmed sheet. The Paying Teller discovering the forgery at once handed the check to the Cashier of the bank who asked the young man into the office whereupon I (S.J.) questioned him with the following result.

He said: "my name is Williams. I have been for the last 6 weeks employed by Cross Austin & Co. in their office, Corner of Kent Ave & Cross St, Brooklyn, E.D. — Was formerly with Covert in the same business. — Obtained the check from Book Keeper of Cross Austin & Co. with instruction to obtain the cash or have it certified if the bank would not cash." Answering inquiry

as to whom he personally knew in the neighborhood of the bank he mentioned a Mr Flynn, with Sanborn of 69 Beekman St. We subsequently learned that Flynn is his father, and that the young man's name is Francis J Flynn; that he has been for some weeks employed by Sanborn helping his father with heavy work.

By telephone, Cross Austin & Co. stated that they did not know anything about the check or transaction, and that they nor their bookkeeper know anything about "Williams" or Flynn, or the check on the Mercantile National Bank. They also May 13th, 1891 telegraphed to the same effect in answer to S.H.J's letter of the 12th.

Mr Herbert of Corlies Macy & Co. is anxious to find out how the blank was obtained for this check, and mention one John R. Crawford as being now under indictment at the instance of Smith & McNeil for similar operation on a blank check form prepared by Corlies Macy & Co.

George H. Sanborn Sons furnish Receipts

0190

New York May 9 1891

Received from

Two 50/100 Dollars

for services at store.

$2 50

Francis J. Tylyn

POSTLEY & BERTINE 81 & 83 FULTON ST. N.Y.

(99)

0191

(8)

New York May 11 1891

Received from

Two 50/100 Dollars

for services as stone

$ 2 50/100

Francis J. Flynn

POSTLEY & BERTINE 81 & 83 FULTON ST. N.Y.

(herewith)
" dated May 9th, and one dated May 11th signed Francis J. Flynn for services at store (only the signature being Flynn's writing), the signature showing characteristics of the writing of the said forged check, particularly the small letter "r" in Francis as compared with the small letter "r" in Cross Austin & Co., and the capital "J" as compared with the same in H. J. Hopkins.

Hearing that young Flynn had been acting the part of amateur detective, I asked him where; and he replied, "in connection with the 17th Precinct Police Station, Brooklyn". The manner of the young fellow is not at all communicative, in any respect.

May 14th, 1891. Flynn Sr. called at 11 a.m. Proposes to see his son and learn if possible of any associates in the crime. Says his boy was employed by Detective McNierny and last Saturday night (May 9th) by Detective Hardie of Central Office, Brooklyn; or that his boy so stated, saying that he was going to Westchester County on

a forgery case. The father says the boy was in the habit of coming home late, claiming to be engaged in such undertakings. Says that he (F. Sr.) furnished money for a partnership arrangement between one Brown and his son (F. Sr. thinks the real partner) as plumbers in Brooklyn, but that the partnership was broken up because of a row between the two young men, due to the collecting of bills by Brown without the right to do so. F. does not know whether his son collected any or not. Says that the Asst District Attorney of Brooklyn knows all about that case, which is recent. Flynn Sr. claims to be a man of some means, the bank is a respectable, hardworking man. Has another son - 21 years old - now at press-work with "The Recorder". This son has been "steady" since January - not always so before; but did not associate closely with the brother whom we have under arrest (so F. Sr. says)

When young Flynn presented the check at the Bank he was well dressed & very clean in appearance. When arrested he was in his working clothes & very dirty. Flynn Senior says his son's latest story is that a man near the Herald Building gave him the check. Herman L. Sanborn, by Beekman, is the active partner of H. H. S & Sons.

WM. P. ST. JOHN, President.

FRED'K B. SCHENCK, Cashier.
JAMES V. LOTT, Ass't. Cashier.

No. 1067.

Capital $1,000,000.

The Mercantile National Bank
of the City of New York.

DICTATED!

New York, May 19th 1891.

Hon. The District Attorney,
County of New York

Dear Sir:

In the case of Francis J. Flynn arrested on the 13th inst., remanded for a day and finally committed to the Tombs on 14th inst., I beg to hand you herewith my memorandum of the occurrence, May 12th inst., for which he was apprehended.

Although the charge which I submitted to the Judge was for an attempt to obtain our money fraudulently — "larceny" — I assumed that the Grand Jury, under your advice, would conclude to indict also for forgery. The unique "R" upon which I remark in my memo. and appearing in the two receipts herewith, appears also in the offhand signature made by Flynn in the Police Court.

Flynn's mother and father have separately called upon me with an anxious expression of desire

WM. P. ST. JOHN, President.

No. 1067.

Capital $1,000,000.

FRED'K B. SCHENCK, Cashier.
JAMES V. LOTT, Asst Cashier

The Mercantile National Bank
of the City of New York.

DICTATED.

New York, 2 189—

that the boy might be sent to a Reformatory, instead of being treated as a convict, if found guilty. I therefore believe that if indicted, Flynn would plead guilty if the Reformatory were to be his destination.

I am satisfied, from all reports, that his father and mother are very worthy people; that they suffer in their boy's disgrace; and that they might wisely be saved as much as is consistent with proper treatment of the son, whom I fear is a bad fellow. I promised to say this much to you.

Very truly yours.

[signature]

POOR QUALITY ORIGINAL

0196

Signs

PETROLEUM LUMBER and MERCHANDISE

No. 124

H. J. HOPKINS.

PLEASANTVILLE, PA. April 30th 1891

Pay to the order of Gross Christie & Co

Eleven Hundred and Ninety Fifty Dollars

To the Mercantile National Bank, New York.

H. J. Hopkins

CORLIES, HACY & CO. STATIONERS, 25 NASSAU ST. N.Y.

POOR QUALITY ORIGINAL

0197

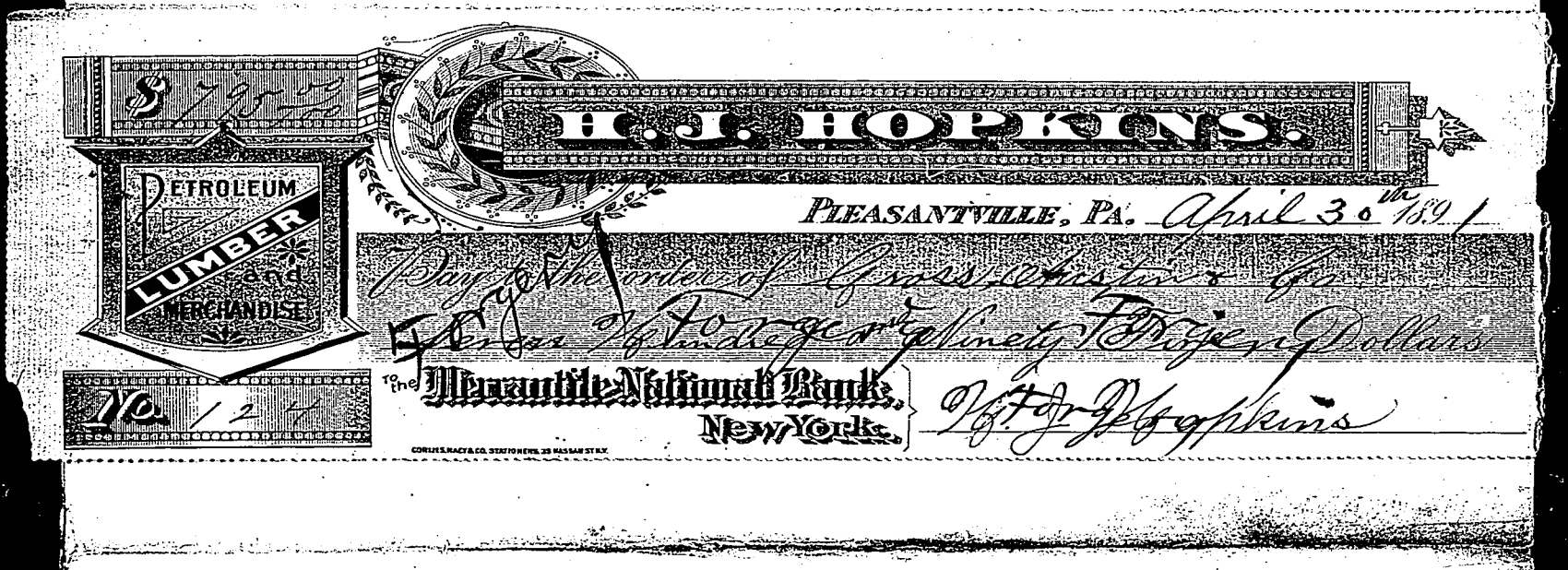


Exhibit A

Office of the District Attorney.
Kings County.

Court House, Room 3.
Brooklyn, N.Y.

To whom it may concern:

Francis J. Flynn, who is now under indictment in N. Y. County has been known to me for many years. His family in Brooklyn is very respectable. Up to very recently he has been a model boy. He is under twenty years of age. With a good deal of experience in such matters, I unhesitatingly say that I believe the cause of Justice would be effectually subserved by his commitment to the State Reformatory. It would also be a great act of mercy to his parents.

Yours

John Maguire.
Asst. Dist. Atty.

JOHN J. KEENAN & SON,
SANITARY PLUMBERS AND GAS FITTERS,
39 RAYMOND ST. AND 327 HUDSON AVE.

ESTIMATES CHEERFULLY GIVEN. JOBBING PROMPTLY ATTENDED TO.

Brooklyn, May 26 1899

Hon. Judge Fitzgerald.—

Dear Sir,—I have known Francis Flynn for the past nineteen years; I have always found him to be a steady sober industrious boy and I have never known nothing detriment to his character, that would cause me to believe that he could be guilty of committing such a crime and I have always shown his mother prided in him as her model boy, and should anything serious happen to him, I am sure it would break her heart, hoping that you will be as lenient as possible

I remain yours respectfully

John J. Keenan.

Sec. 198—200.

_____ District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Francis J Flynn 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. Francis J Flynn

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York

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

Answer. Chesnut street and Fulton ave Brooklyn, 6 years.

Question. What is your business or profession?

Answer. Machinist

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 refuse to answer the question

Francis J Flynn

Taken before me this _____ day of _____ 188_

_____ Police Justice.

0202

Police Court 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Wm Polk
791 Broadway

1 Francis Lyman
2
3
4

Offence Attempted Grand Larceny

Dated May 14th 1891

Geo Ryan Magistrate.
Geo Reynolds Officer.
2nd Precinct.

Witnesses Manning Griffin
191 Broadway Street.
Geo H Graham
Street.
No. Geo Kennedy and Geo Orr
No. Barclay & S. 2nd Street.

RECEIVED MAY 1891 DISTRICT ATTORNEY'S OFFICE

No. Street.
$2000 No answer.
Court
Aug 21st

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 De Lyman

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 May 14th 1891 Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against
Francis J. Flynn

The Grand Jury of the City and County of New York, by this indictment, accuse Francis J. Flynn of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows:

The said Francis J. Flynn late of the City of New York, in the County of New York aforesaid, on the Twelfth day of May in the year of our Lord one thousand eight hundred and Ninety-one, with force and arms, at the City and County aforesaid, feloniously did forge, and cause and procure to be forged, and willingly act and assist in the forging a certain instrument and writing, to wit: an order for the payment of money which said forged order is as follows, that is to say:

$795 60/100 N. J. Hopkins
Pleasantville, Pa. April 30th 1891

Petroleum Lumber and Merchandise. Pay to the order of Cross, Austin & Co
Seven Hundred and Ninety Five Dollars
No. 124 To the Mercantile National Bank, New York } N. J. Hopkins

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

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said Francis J. Flynn of the CRIME OF FORGERY IN THE SECOND DEGREE, committed as follows: The said Francis J. Flynn, 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, did feloniously utter, dispose of and put off as true, a certain forged instrument and writing, to wit: an order for the payment of money which said forged order is as follows, that is to say:

$795.00/100 H. J. Hopkins

Pleasantville, Pa. April 20th 1891

Petroleum Lumber and Merchandise

Pay to the order of Cross, Austin & Co Seven Hundred and Ninety Five Dollars

No. 124 to the Mercantile National Bank, New York. H. J. Hopkins

with intent to defraud he the said Francis J. Flynn then and there well knowing the same to be forged, against the form of the Statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

0205

BOX:
437

FOLDER:
4026

DESCRIPTION:
Follak, Meya

DATE:
05/07/91

4026

Witnesses;

Sarah Rinner
Herman Zemit
Off Frank Bucaser
11 Precinct

49 W. S. Levy

Counsel,

Filed 7 day of May 1891

Pleads Not guilty

THE PEOPLE

vs.

Meyer Pollak

Grand Larceny, Second Degree
(From the Person.)
[Sections 528, 531, 530 Penal Code].

DE LANCEY NICOLL,
~~JOHN R. FELLOWS,~~

District Attorney.

A True Bill.

W. L. Hickmon
Foreman

Part 2 - May 25, 1891
Tried and Acquitted

Police Court 3rd District.

Affidavit—Larceny.

City and County of New York, } ss:

Sarah Rinner

of No. 31 Clinton Street, aged 20 years, occupation Housekeeper, being duly sworn, deposes and says, that on the 1st day of May 189 1 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent and person, in the day time, the following property, viz:

A pocketbook, containing good and lawful money of the United States of the value of Five Dollars two gold rings of the value of Fourteen Dollars, all of the value of Nineteen Dollars

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Meyer Pollax (now here) for the reasons following, to wit:

Deponent says - about 5 30 PM of said date, she was watching a parade on Suffolk Street, and had said property, as well as two pawnticets, in a pocketbook which pocketbook was in the pocket of a dress worn by deponent at the time. Deponent further says - defendant was standing at her side, and felt defendant pressing against her, then suddenly go away, and then deponent missed said property. Deponent further says - she is informed by Herman Zimet of No. 31 Clinton Street, to whom deponent had related said occurrence, and furnished

Sworn to before me this day of 189

Police Justice.

a description of the man who had been at her side, in the manner aforesaid, that he sought after defendant, and saw him in the pawn office of M. Mehrbach, No. 433 Main Street, in the act of redeeming the property represented by the pawnticket herein annexed, as above & early May 2nd, which pawnticket deponent identifies as one of the pawntickets that had been contained in said pocketbook.

Deponent further says — That caused defendant's arrest by Officer Mark Bressey of the 11th Precinct, and identified defendant in the presence of said Officer as being the said man who had pressed against deponent in the manner aforesaid, as well as a pocketbook that was recovered from defendant by said Zimet, as deponent is informed by him as her property.

Wherefore, deponent charges defendant with taking, stealing and carrying away said property from her person and possession.

Sworn to before me this 2nd day of May (89) } Sara Rinnon

C. O. Mead
Police Justice.

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Meyer Follak 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. Meyer Follak

Question. How old are you?

Answer. 3 3 years

Question. Where were you born?

Answer. Austria

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

Answer. 84 Eldridge St — 8 mo

Question. What is your business or profession?

Answer. Cabinetmaker

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.

Mayer Fallek

526 - 531 - 550 -

Barnet Cohn & Co.

Taken before me this 2 nd *day of* Dec 1887

Police Justice.

0210

Police Court--- 3rd District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Sarah Cohen
3 Clinton
Meyer Cohen

2.
3.
4.

Offence Grand Larceny from Person

Date May 2nd 1891

Warrant Arrest Magistrate.

Benny Brussel Officer.

11th Precinct.

Witnesses David Meyer

No. Street.

Herman Israel

No. 3 Clinton Street.

M. Manheimer

No. 43 Pitt Street.

$1,000 Attorney's Fee

RECEIVED IN OFFICE

Counsel

Reason

BAILED,

No. 1, by Benny & Co. Greenblatt

Residence 60 Pitt Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant *guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of* 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 May 2 *18* 91 O'Donnell *Police Justice.*

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

Dated ——— *18* ——— *Police Justice.*

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

Dated ——— *18* ——— *Police Justice.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK
against
Meyer Follak

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

The said Meyer Follak,

late of the City of New York, in the County of New York aforesaid, on the first day of May in the year of our Lord one thousand eight hundred and ~~eighty~~ ninety-one, in the day time of the said day, at the City and County aforesaid, with force and arms, one ~~[illegible]~~ of the value of fifty cents,

No. 20 one promissory note for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of five dollars; one promissory note for the payment of money of the kind commonly called Bank Notes, of the denomination and value of five dollars; one United States Gold Certificate, of the denomination and value of five dollars; one United States Silver Certificate, of the denomination and value of five dollars:

two promissory notes for the payment of money of the kind commonly called United States Treasury Notes, of the denomination and value of two dollars each; two promissory notes for the payment of money of the kind commonly called Bank Notes, of the denomination and value of two dollars each; two United States Gold Certificates, of the denomination and value of two dollars each; two United States Silver Certificates, of the denomination and value of two dollars each:

three promissory notes for the payment of money, of the kind commonly called United States Treasury Notes, of the denomination and value of one dollar each; three promissory notes for the payment of money of the kind commonly called Bank Notes, of the denomination and value of one dollar each; three United States Gold Certificates, of the denomination and value of one dollar each; three United States Silver Certificates, of the denomination and value of one dollar each; divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of five dollars and twenty-eight cents, two finger rings of the value of seven dollars each and two pawn tickets of the value of one dollar and fifty cents each, of the goods, chattels and personal property of one Sarah Rinner on the person of the said Sarah Rinner then and there being found, from the person of the said Sarah Rinner 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.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Meyer Follak of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said Meyer Follak 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, the same goods, chattels and personal property described in the first count of this indictment

of the goods, chattels and personal property of one Sarah Renner by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Sarah Renner unlawfully and unjustly, did feloniously receive and have; the said Meyer Follak 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.

DE LANCEY NICOLL.

JOHN R. FELLOWS,

District Attorney.

0213

BOX:
437

FOLDER:
4026

DESCRIPTION:
Francis, Jarvis H.

DATE:
05/07/91

4026

0214

BOX:
437

FOLDER:
4026

DESCRIPTION:
Tilton, Blanche

DATE:
05/07/91

4026

Bail $1000 ~~$~~

Witnesses:

Frank A Cordts
Charles F ~~Walker~~ Walters

After an examination of the evidence in this case, I am of opinion that the indictment cannot be sustained. The complainant has signed a withdrawal of the charge, & has told me that he does not believe there was any criminal intent on part of defendant Francis. I therefore recommend the dismissal of this indictment, Aug 5. 1892.

Verum M. Davis
Asst

W.3. B.W. May 7/92

Counsel,

Filed 7 day of May 1892

Wd 1 Pleads, Not Guilty

THE PEOPLE

vs.

Wd 1 Jarvis M. Francis ~~N.A.~~ B
alias Benjamin Leonard

and N.A.

Blanche M. Tilton
~~alias Blanche M. Leonard~~

LARCENY, 2 counts
(False Pretenses).
[Section 528, and 531, Penal Code].

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

A True Bill.

W. L. Skidmore
Foreman.

Augt 5. 1892. Part Ma
on recom. of Dist. Atty
indict. dis. - BJM.
Aug 10/92

Book 1556 Page 29

New April 18th 1891

Recd from Mr Loyd Grant the sum of Three Hundred & Ninety five Dolls in full settlement for upright Colmer Piano, all furniture carpets & etc are contained in this flat of No 268 West 93rd Street N.Y. City. and I warrant this to be no lein or claim or mortgage on the same. and my own Property.

Benjamin Leonard

Blanche M. Leonard.

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 4 DISTRICT.

Frank H. Coggles

of No. 59 Washington Street, Hoboken, N. J. aged 29 years,

occupation Furniture being duly sworn deposes and says

that on the 18th day of April 189[illegible]

at the City of New York, in the County of New York, one Jarvis M. Francis

and Blanche M. Tilton did wilfully

and unlawfully remove secrete

and unlawfully dispose of a

quantity of furniture and effects

hereto fore contained in premises

268 West 43rd Street, upon which

there were at the time a lien

or mortgage executed by said

Francis and Tilton to Aymmet for

the sum of Three Hundred and

Fifty two dollars and odd cents

Sworn to before me, this day of 188

Police Justice.

and recorded in the office of the Register of the City and County of New York on the 10th day of April 1891.

Deponent prays that said Francis and Tilton may be arrested for so unlawfully removing said property. (Vio Sec 571. P.C.)

Sworn before me this 21st day of April 1891 } Frank H. Coutts

A J White
Police Justice

Police Court, 1 District.

AFFIDAVIT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
F H Coutts
vs.
Francis
Tilton

Dated Apr 21 1891

White Magistrate.

Officer.

Witness,

Disposition,

Edward T. Taylor husband of Emily Taylor committed suicide by hanging himself at residence 305 W. 143 St June 15. 1889

Fanning and Mrs Taylor residing at 135 E. 118 St
" " " " " " 228 E 74 St

furniture belonging to Mrs Taylor stored at Columbia Storage Warehouse 163 & 165 E 84 St taken there May 19. 1890 from 228 E 74 St. Public administrator not. fried on April 29. 1891

Mrs Jayleen

Court of General Sessions,
Judge's Chambers,
32 Chambers Street.

New York _____ 189_

suggested a motive. It surely would require to be supported by some ~~thing~~ testimony that would appear credible, before much weight could be given to it, in view of the defendants testimony on that head upon the trial.

I am at a loss to understand upon what this application ~~either of~~ either for pardon or clemency is based. The case was fairly tried. The defendants guilt was established beyond all reasonable doubt. The killing was cool, planned and premeditated and wholly without excuse. It is my solemn judgment that the ~~defen Case~~ verdict rendered was a righteous one. ~~and~~ And that no good reason exists why the law should not be permitted to take its course and the sentence be fully executed.

With great respect —

Draft Letter of B. M. to Executive
in application for pardon
People vs Fanning
April 16. 1891

Hoboken July 16th 1892

This is to certify that I wrote and qualified about the first of July that Mr Jarvis M Frances was sick and unable to attend Court. The above refered certificate was thought to be lose in the mail

Respectfully
J Pindar M D

State of New York
City & County of New York } ss

J. Pindar M.D.

being by me duly sworn deposes and says that the above statement is true.

Sworn to before me this
17th day of February 1892
Wm O. Shipman

J Pindar M D

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS
Jarvis M. Francis

As complainant in the above case, I beg to recommend the defendant to such leniency and clemency as the Court and District Attorney may see fit to show; but I expressly assert that my reasons for so doing are not controlled by any advantage to myself.

The defendant's illness I presume was the cause of his action; and I desire to withdraw the complaint with the consent of the Court. I think the act was committed without criminal intent

Charles F. Walling

Sec. 151.

Police Court X District.

CITY AND COUNTY OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York, or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the *Police Justices* for the City of New York, by Frank H Todd

of No. 59 Washington Street, Hoboken, that on the 18th day of April 1889 at the City of New York, in the County of New York,

One Jarvis M. Francis and Blanche M. Tilton did unlawfully and wilfully remove and secrete a certain chattel mortgaged property from premises 1268 West 43rd Street. Complainant having a mortgage thereon, in the sum of $350 and over

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

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said *Sheriff, Marshals and Policemen,* and each and every of you, to apprehend the said Defendant and bring Same forthwith before me, at the 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 21 *day of* April 1889

S J Oliver POLICE JUSTICE.

Police Court ..... District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

_____

vs.

_____

_____

Warrant—General.

Dated _____ 188

_____ *Magistrate*

Officer.

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

_____ *Officer.*

Dated _____ 188

This Warrant may be executed on Sunday or at night.

_____ *Police Justice.*

The within named

_____

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.*

0227

398

Police Court--- 5th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs. 1346 Broadway

Offence

Dated 2 1 3 1890

Magistrate.

Officer.

Precinct.

Witnesses

No. Street.

BAILED,

No. 1, by Henry Greenberg

Residence 112 E 83rd Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street

RECEIVED MAY 1891 DISTRICT ATTORNEY'S OFFICE

No. Street.

No. Street.

$ to answer.

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

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

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 M. Francis, otherwise called Benjamin Leonard and Blanche M. Dixon, otherwise called Blanche M. Leonard

The Grand Jury of the City and County of New York, by this indictment, accuse Louis M. Francis, otherwise called Benjamin Leonard and Blanche M. Dixon otherwise called Blanche M. Leonard

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

The said Louis M. Francis, otherwise called Benjamin Leonard and Blanche M. Dixon, otherwise called Blanche M. Leonard, both late of the City of New York, in the County of New York aforesaid, on the ~~eighteenth~~ day of April, in the year of our Lord one thousand eight hundred and ~~ninety~~ one, at the City and County aforesaid, with force and arms, with intent to deprive and defraud one Charles E. Walters,

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of the use and benefit thereof, and to appropriate the same to ~~their~~ own use, did then and there feloniously, fraudulently and falsely pretend and represent to the said Charles E. Walters,

That they, the said Louis M. Francis, otherwise called Benjamin Leonard, and Blanche M. Dixon, otherwise called Blanche M. Leonard, were then the sole and absolute owners in their own right of a certain upright piano, and of all the furniture, carpets and other household personal property then contained in the top floor of the premises then private, known as number 268 West 43rd Street, which said piano, furniture,

complete and other property, they then and there agreed and proposed to sell to the said Reader F. Walters at and for the price, sum and consideration of three hundred and ninety nine dollars, and that the said property was then and there free and clear from all liens and encumbrances whatever, and that there was then no lien or mortgage on the same.

And the said Reader F. Walters —

then and ~~their~~ there believing the said false and fraudulent pretenses and representations so made as aforesaid by the said ~~Jonia M. Francis otherwise called Benjamin Jeonard and Blanche M. Tilton otherwise called Blanche M. Jeonard,~~ and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to ~~deliver, and did then and there deliver to the said~~ purchase and buy the said piano furniture complete and other property, of and from the said Jonia M. Francis otherwise called Benjamin Jeonard and Blanche M. Tilton otherwise called Blanche M. Jeonard at and for the price, sum and consideration aforesaid, and to deliver and did then and there deliver to the said Jonia M. Francis otherwise called Benjamin Jeonard and Blanche M. Tilton otherwise called Blanche M. Jeonard, in payment therefor, the sum of three hundred and ninety nine dollars in money, lawful money of the United States of America, and of the value of three hundred and ninety nine dollars, of the proper moneys, goods, chattels and personal property of the said Reader F. Walters —

And the said Jonia M. Francis otherwise called Benjamin Jeonard and Blanche M. Tilton otherwise called Blanche M. Jeonard, did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Reader F. Walters — by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Reader F. Walters — of the same, and of the use and benefit thereof, and to appropriate the same to their own use

Whereas, in truth and in fact, the said Jonia M. Francis, otherwise called Benjamin Jeonard and Blanche M. Tilton otherwise called Blanche M. Jeonard were not then the wife and

absolute owners in their own right of the said piano, furniture, carpets and other household property then contained in the said flat, and which they so as aforesaid then and there induced the said Charles F. Walters, to purchase and buy at and for the said price, sum and consideration; and the said property was not then and there free and clear from all liens and encumbrances whatever, and there was then a lien and mortgage on the same, as they the said James M. Francis, otherwise called Benjamin Leonard and Blanche M. Tilton otherwise called Blanche M. Leonard then and there well knew.

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said James M. Francis, otherwise called ~~to the said Benjamin Leonard and Blanche M. was and were~~ Tilton, otherwise called Blanche M. Leonard, to the said Charles F. Walters ——

were then and there in all respects utterly false and untrue, as —— they —— the said James M. Francis otherwise called Benjamin Leonard, and Blanche M. Tilton otherwise called Blanche M. Leonard, at the time of making the same then and there well knew.

And so the Grand Jury Aforesaid, do say that the said James M. Francis, otherwise called Benjamin Leonard and Blanche M. Tilton, otherwise called Blanche M. Leonard, in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said Charles F. Walters, ——

then and there feloniously did STEAL, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

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

District Attorney.