

0688

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Cohen, Barnett

**DATE:**

05/24/89



3319

0689

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Cohen, Abraham

**DATE:**

05/24/89



3319

POOR QUALITY ORIGINAL

0690

People  
 of  
 Barnett Cohen  
 Abraham Cohen  
 No 1 was tried  
 & convicted -  
 No 2 - was tried  
 Nov 29<sup>th</sup> 89 - the  
 jury did agree  
 standing 6 to 6  
 Indictment was  
 found in 1889 -  
 I do not think  
 a conviction could  
 ever be obtained -  
 I will that the  
 defendant Abraham  
 Cohen be discharged  
 on his own recognizance  
 Feb 13<sup>th</sup> 93  
 G.S.B.  
 A.D.A.

O. G. Stewart  
 25 9<sup>th</sup> Nov 89

Counsel,  
 Filed, 24 day of May 1889  
 Pleads, C. H. G. 29

THE PEOPLE,  
 vs.  
 Barnett Cohen  
 and  
 Abraham Cohen

RECEIVING STOLEN GOODS.  
 (Section 550, Penal Code.)

On the 21<sup>st</sup> 1889  
 On the 26<sup>th</sup> 1889  
 JOHN R. FELLOWS  
 District Attorney  
 22 Oct 14/89  
 11<sup>th</sup> 1<sup>st</sup> 1889  
 A. T. H. BIR.  
 May 12<sup>th</sup> 1890  
 May 11<sup>th</sup> 1890

Witnesses:  
 Saml. Herach  
 Offr. McCauley  
 Nathan Alarant

Nov. 29/89  
 No. 2.

Speed of jury duty  
 6-6  
 Phil Leaper  
 11-16-89  
 17-29-89

Bond renewed Dec. 2/89  
 No. 2. by Lazarus Levy  
 141 Madison St.  
 E. side inside

POOR QUALITY ORIGINAL

0691

People  
 of  
 Barnett Cohen  
 Abraham Cohen  
 No 1 was tried  
 & convicted -  
 No 2 - was tried  
 Nov 29<sup>th</sup> 89 - then  
 jury was agreed  
 standing 6 to 6  
 Indictment was  
 found in 1889 -  
 I do not think  
 a conviction could  
 ever be obtained -  
 I ask that the  
 defendant - Abraham  
 Cohen be discharged  
 on his own recognizance  
 Feb 13<sup>th</sup> 93  
 G.S.B.  
 A.D.A.

O. G. Stewart  
 45 9pm  
 Counsel,  
 Filed, 24 day of August 1889  
 Pleads, Not guilty

RECEIVING STOLEN GOODS.  
 (Section 550, Penal Code).

THE PEOPLE,  
 vs.  
 Barnett Cohen

Abraham Cohen  
 Nov 21 1889  
 On the affidavits filed in  
 this case the Court deposes that the  
 same be set down for trial on  
 JOHN R. FENLON  
 District Attorney.

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Witnesses:  
 Louis Berach  
 Off. McCauley  
 Nathan Abram

Nov. 29/89  
 Dec 2  
 Speed of jury duty  
 6-6  
 Pleas (peres)  
 Feb 27 91  
 Mar 29 91  
 Bond renewed Dec 2/89  
 No. 2 by Lazarus Levy  
 14/ Madison St  
 Bird's Field  
 1890

**POOR QUALITY ORIGINAL**

0692

COURT OF GENERAL SESSIONS,

In and for the City and County of New York.

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

-against-

Barnett Cohen.  
----- x

DEFENDANT'S BRIEF ON MOTION TO SET ASIDE  
THE VERDICT OF THE JURY AND FOR A NEW TRIAL.

The defendant was indicted, charged with receiving stolen goods, and convicted of that offence. The motion for a new trial involves a review of the testimony and the application of such legal principles as govern the trial of the accusation in question. It was incumbent upon the people to establish beyond a reasonable doubt:-

FIRSTLY: That the defendant purchased the stolen goods, and

SECONDLY: That he effected purchase with the knowledge that the goods purchased were stolen.

It is proposed to consider those two branches of the people's case separately.

FIRSTLY: Did the defendant purchase the stolen goods.

The evidence presented by the prosecution in support

**POOR QUALITY  
ORIGINAL**

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of the contention that the defendant bought the goods, consisted of the testimony of Adams, the thief, (who declared that upon some of the occasions, when he sold goods at 36<sup>1</sup>/<sub>2</sub> Baxter Street, the defendant was present and engaged in the transaction) and of Sergeant McCauley and Louis Hirsch, who in an uncertain and indefinite way testified that when they called at one of the stores of the defendant, he admitted that he had bought goods of the thief. As the defendant's son, Abraham, who confessed that he and he alone bought all the goods, which came from the thief, was present when Mr. Hirsch and the Sergeant called at the store and he participated in the conversation then had, it is quite probable that they are mistaken in the impression which they acquired that the defendant admitted that he purchased the goods, when in fact it was the son, who made that admission. Opposed to the utterly unreliable testimony of the thief and the uncertain statements of Mr. Hirsch and the Sergeant, the evidence of the following witnesses was adduced on behalf of the defendant:-

1. M. A. Marks - who testified that during the past two years, he repeatedly called at defendant's store during business hours, but never found him at home - thus negating the assertion of the thief that the defendant was there when he called to sell the stolen goods.

2. Semche Simon - who testified that he has known the defendant ten years and was familiar with his uniform custom of leaving home at about 8 A. M. daily and returning save on Fridays, at about 8 P. M., thus establishing

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ORIGINAL**

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the extreme improbability of the thief's having met the defendant at the store as he stated.

3. Samuel Cohen - one of the defendant's sons corroborated the others in the statement as to his father's habit of leaving home at about 8 in the morning and not returning until about 8 in the evening, and hence the improbability of his having met the thief.

4. Abraham Cohen - another of the defendant's sons not only confirmed that habit of his father, but he pointedly and unequivocally declared that he and he alone purchased the stolen goods, and that his father was never present when Adams called - that his father knew nothing of the purchase of any of those goods, and that he learned that fact and saw Adams for the first time, when Adams called with Mr. Hirsch and the Sergeant.

5. Abraham Harris - who has known the defendant for eleven years, who had occasion by reason of business transactions to visit his store very frequently, but never found him in - the store being invariably in charge of the defendant's son, Abraham.

6. Louis Cohen - who is not related to the defendant, but who during the time of the thief's visits, was a clerk of the defendant and employed at No. 36<sup>1</sup>/<sub>2</sub> Baxter Street, declared that the defendant was not present upon any of the occasions, when he (Louis Cohen) saw the thief there, and moreover he corroborated what the others said respecting the defendant's business habits.

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ORIGINAL**

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7. Henry S. Topping - who testified that the defendant was a regular attendant at the semi-weekly auction sales of Topping & Co., - hence the improbability of the thief's pretense that he saw the defendant when he called there.

8. Louis Ullmann - also an auctioneer, whose testimony was similar in substance to that of Mr. Topping.

9. Barnett Cohen - the defendant who denied that he ever saw Adams until he called in company of Mr. Hirsch and Sergeant McCauley, and declared that until that time he knew and had heard nothing concerning any purchase of goods from Adams. He confirmed the testimony of the other witnesses as to his customary absence from his store from 8 A. M. to 8 P. M. except on Fridays, when he returned home earlier in order to attend divine services at the Synagogue and on Saturdays and Sundays, when his places of business were closed.

Thus it appears overwhelmingly that the defendant had absolutely nothing to do with acquiring the stolen property. Will a Court of Justice sanction a conviction predicated upon the oath of a thief and the uncertain statements of two witnesses who concede the possibility that they may be mistaken, when in opposition thereto there is presented the emphatic contrary evidence of nine witnesses? Is it not apparent that the jury was moved by prejudice in weighing the testimony to the detriment of the defendant? Would any unbiased person considering

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the testimony in its fair and just proportions, convict an unfortunate defendant upon such a state of facts? Was the purchase of the goods by the defendant established beyond a reasonable doubt or on the contrary was not the fact that he in nowise participated in the purchase clearly established by a preponderance of evidence?

SECONDLY: Were the purchases made with guilty knowledge.

Upon this branch, the people's case is not only much weaker than on the first branch considered, but is almost entirely devoid of proof. In fact there is an utter absence of such proof as the law requires as a prerequisite to establish guilty knowledge.

The only direct evidence tending to show guilty knowledge is that of the thief, who pretended that on one occasion he declared that the goods were "crooked". In that assertion, he is no wise - in no manner - and to no extent corroborated. Therefore his testimony is to be entirely disregarded. No conviction upon the unsupported testimony of a thief can be legally sustained, nor should it be countenanced. The only additional evidence bearing upon the question of guilty knowledge is that respecting inadequacy of price. While such evidence is admissible upon that question, merely however as a circumstance, it has been held that standing alone it is wholly insufficient to warrant or sustain a conviction. As the unsupported testimony of the thief goes for nought, the

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ORIGINAL**

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evidence of inadequacy of price standing alone furnishes no basis for a conviction. Upon that ground alone, even if the defense presented no contradictory testimony, the defendant was legally entitled to an acquittal.

Let us however consider the evidence upon the subject of guilty knowledge adduced on behalf of the defendant:-

1. Joseph Jacobs. This gentleman was induced by the thief, Adams, to buy some of the stolen goods and Adams told him the same story that he told Abraham Cohen - to wit: that he (Adams) was a cap-maker, out of work, buying an occasional piece of goods at auction and making caps therefrom, and that Adams made no suggestion or intimation to him that they were "crooked". That recital of Jacobs - a total stranger to the defendant - accords precisely with what Abraham Cohen and Samuel Cohen say the thief told them, and in direct refutation of the thief's pretense that he declared that the goods were "crooked."

2. Samuel Cohen.
3. Abraham Cohen.
4. Louis Cohen.

These three gentlemen agree in averring that the thief told them the same story that Mr. Jacobs asserted he had told him regarding the source of the property,

**POOR QUALITY  
ORIGINAL**

0598

which he offered for sale as being of his own manufacture, out of goods purchased by him at auction. They all declare most emphatically that Adams never uttered a word or made an intimation even remotely indicating that the merchandise was stolen or improperly acquired. All these three gentlemen moreover declare that the goods bought from Adams were openly displayed in the defendant's store - that the cloths were first sent to the sponger to be sponged and that no attempt was at any time made to conceal any of that property.

Add to that the following significant facts:-

- a. The defendant has had during a series of successive years, a license to deal in second hand goods.
- b. He sent, as is admitted, voluntarily for the goods which he had in his other store and exhibited them to Mr. Hirsch. In fact Mr. Hirsch says, he did not know that the defendant had a place of business at No. 18 Baxter Street, and that when he announced to the defendant that the goods which Adams sold had been stolen from him, the defendant forthwith enquired, if any of the goods acquired from the thief were in his other store, and upon being informed that such was the fact, he immediately ordered them to be brought there and exhibited to Mr. Hirsch and the Sergeant. Does such conduct indicate guilt or innocence?
- c. The fact that the present is the first offence

**POOR QUALITY  
ORIGINAL**

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ever charged against the defendant.

d. His voluntary production and delivery to the Sergeant of the bills received from the thief - those bills not only embracing the goods then in the defendant's possession but also others which had been consumed or disposed of.

e. The fact that a custom prevails among peddlars to visit the stores in the vicinity of Baxter Street, offering wares for sale in the same manner as did the thief, and that hence his method aroused no suspicion.

Many facts established by the unassailed testimony of numerous disinterested witnesses clearly indicate the defendant's innocence and although there is literally no proof tending to create a contrary impression, yet this defendant stands convicted. Justice demands that a verdict based upon such a condition of affairs should be set aside as soon as the attention of the learned Court is called thereto.

The explanation of the defendant as to the manner in which the stolen merchandise came into his store - that his son purchased it, without his participation, knowledge or consent was reasonable and probable, and while that explanation was sustained by numerous, disinterested witnesses, and not a word contradictory thereof was adduced by the prosecution, yet the jury utterly disregarded it. Under such circumstances the verdict cannot be sustained.

**POOR QUALITY  
ORIGINAL**

0700

In Brothers v. State, 22 Tex. App. 447, (S. C. 3 Southwest 737), it was held that where a party in possession of property recently stolen, gives an exculpatory explanation of his possession, which is reasonable or probable, then the burden devolves upon the State to prove its falsity, otherwise he is entitled to an acquittal.

Not only did not the State, in the case at bar, discharge the burden of proof thus cast upon it by the defendants "exculpatory explanation" but it did not even offer a word of evidence respecting it. How then <sup>can</sup> that this learned Court hold the defendant to the verdict rendered?

Supplement all the foregoing with the superabundant evidence of numerous disinterested witnesses as to the good character and blemishless reputation of the defendant and the defense becomes almost unanswerable. The following named gentlemen attested the defendant's good reputation, to wit:-

1. Henry S. Topping.
2. M. A. Marks.
3. Henry Hess.
4. Louis Ullmann.
5. Semche Simon.
6. Simon Oberfelder.
7. Jacob Franks.
8. L. Goodman.

Most of these eight gentlemen had engaged in business transactions with the defendant and always found him

**POOR QUALITY  
ORIGINAL**

0701

honest and straightforward in his business dealings, while the others knew the defendant socially as a man of good repute and against whom no complaint or word of suspicion had ever been uttered. But his enviable record availed him nothing. The Jury ignored it all and found the unfortunate defendant guilty of a crime, of which it must be apparent to every fair minded, impartial person, he is entirely innocent.

The verdict should be set aside and a new trial awarded.

Most Respectfully Submitted,

David Leventritt, and

Orlando L. Stewart,

Defendant's Counsel.

**POOR QUALITY ORIGINAL**

0702

GENERAL SESSIONS **Court.**

The People of the State of  
New York,

*against*

Barnett Cohen.

DEFENDANT'S BRIEF.

David Leventritt,

Attorney for Defendant,  
320 & 322 BROADWAY,  
NEW YORK CITY.

To \_\_\_\_\_ Esq.

Attorney for \_\_\_\_\_

Due and timely service of a copy of the within  
\_\_\_\_\_ is hereby admitted.

Dated \_\_\_\_\_ 18

Attorney for \_\_\_\_\_

POOR QUALITY ORIGINAL

0703

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Patrick G. Duffy a Police Justice of the City of New York, charging Barnett Cohen Defendant with the offence of Receiving Stolen Goods

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned

We, Barnett Cohen Defendant of No. 36 1/2  
Baxter Street; by occupation a Tailor  
and Samche Simon of No. 95 East Broadway  
Street, by occupation a Tailor Surety, hereby jointly and severally undertake that the above named Barnett Cohen Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of ten Hundred Dollars.

Taken and acknowledged before me, this 21 day of February 1889

B. Cohen

Samche Simon

[Signature]  
POLICE JUSTICE

POOR QUALITY ORIGINAL

0704

CITY AND COUNTY OF NEW YORK, ss.

*Samuel Simon*

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *over ten thousand* ~~Hundred~~ *Leaves* Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *stock and fixtures*

*in the store No 95 East Broadway of the value of ten thousand dollars in the city of New York*

*Samuel Simon*

*Sworn to before me, this 1888*  
*Justice*

District Police Court.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Louis Hirsch*

vs.

*Harriet Cohen*

*Undertaking to appear during the Examination.*

Taken the... day of

188

Justice.

**POOR QUALITY ORIGINAL**

0705

Sec. 192.

District Police Court.

\*Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Patrick G. Duffy a Police Justice of the City of New York, charging Abraham Cohen Defendant with the offence of receiving stolen goods

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, Abraham Cohen Defendant of No. 36 1/2 Bayter Street; by occupation a Clothier and Abraham Zubinsky of No. 25 East Broadway Street, by occupation a Manager of a business Surety, hereby jointly and severally undertake that the above named Abraham Cohen Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Five Hundred Dollars.

Taken and acknowledged before me, this \_\_\_\_\_ day of \_\_\_\_\_ 188 \_\_\_\_\_

Patrick G. Duffy  
POLICE JUSTICE.

Abraham Cohen  
A. Zubinsky

**POOR QUALITY ORIGINAL**

0706

CITY AND COUNTY OF NEW YORK, } ss.

*Sworn to before me, this 16th day of July 1888*  
Public Justice

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Ten thousand Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of a house and lot of land at nos. 25 E. Broadway, in the City of New York,

*A. Zubevitch*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Louis Kirsh*

vs.

*Abraham Cohen*

*Undertaking to appear during the Examination.*

Taken the ..... day of ..... 1888

..... Justice.

**POOR QUALITY ORIGINAL**

0707

Sec. 192.

2 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Patrick J. Jeff a Police Justice of the City of New York, charging Barnett Cohen Defendant with the offence of Receiving Stolen Goods

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, Barnett Cohen Defendant of No. 9642  
Baxter Street; by occupation a Dealer  
and Abraham Zabinsky of No. 25 East Broadway  
Street, by occupation a Manufacturer of Picture Frames Surety, hereby jointly and severally undertake that the above named Barnett Cohen Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of ten Hundred Dollars.

Taken and acknowledged before me, this 16 day of February 1889

[Signature]  
Police Justice.

B. Cohen  
A. Zabinsky

**POOR QUALITY ORIGINAL**

0708

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Abraham Zabrinsky*

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *ten thousand* ~~four~~ hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of

*a house and lot  
of land at No 25 East Broadway  
in the City of New York*

*A Zabrinsky*

*[Signature]*  
Supervisor  
District Police  
1887

Sworn to before me, this

*10*

District Police Court.

THE PEOPLE, & c.,  
ON THE COMPLAINT OF

*Louis Bruch*

vs.

*Joseph Jacob*

Undertaking to appear  
during the Examination.

Taken the *10* day of *Dec* 188*7*

*[Signature]*

Justice.

**POOR QUALITY ORIGINAL**

0709

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Patrick P. Duffy a Police Justice of the City of New York, charging Joseph Jacobs Defendant with the offence of Receiving stolen goods on oath and complaint of Louis Hirsch

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, Joseph Jacobs Defendant, of No. 153 Park Row Street; by occupation a clothes and Louis Jacobs of No. 268 Madison Street, by occupation a clothes Surety, hereby jointly and severally undertake that the above named Joseph Jacobs Defendant shall personally appear before the said Justice, at the 2 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of ten Hundred Dollars.

Taken and acknowledged before me, this 16 day of February 1889 } Joseph Jacobs  
 } Louis Jacobs  
Patrick P. Duffy }  
POLICE JUSTICE.

**POOR QUALITY ORIGINAL**

0710

CITY AND COUNTY OF NEW YORK, } ss.

*Louis Jacob*

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth *one ten thousand* Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of *deponents interest in the house and lot of land at No 97 Orchard street in the city of New York* *Louis Jacob*

*Sworn to before me, this 16th day of Feb 1885*  
*J. J. [Signature]*  
Justice

District Police Court.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

*Louis Hirsch*

vs.

*Louis Jacob*

Taken the *16* day of *Feb* 1885

Justice.

*Undertaking to appear during the Examination.*

POOR QUALITY ORIGINAL

0711

Sec. 192.

9 District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Patrick E. Duffy a Police Justice of the City of New York, charging Abraham Cohen Defendant with the offence of Receiving stolen goods

and he having been brought before said Justice for an examination of said charge, and it having been made to appear to the satisfaction of said Justice that said examination should be adjourned to some other day, and the hearing thereof having been adjourned,

We, Abraham Cohen Defendant of No. 2672  
Brooklyn St Street; by occupation a clerk  
and Isaac Blumberg of No. 54 East Broadway  
Street, by occupation a clothing store keeper Surety, hereby jointly and severally undertake that the above named Abraham Cohen Defendant shall personally appear before the said Justice, at the 9 District Police Court in the City of New York, during the said examination, or that we will pay to the People of the State of New York the sum of Ten Hundred Dollars.

Taken and acknowledged before me, this 21

[Signature] 188 }  
POLICE JUSTICE.

Abraham Cohen  
Isaac Blumberg

**POOR QUALITY ORIGINAL**

0712

CITY AND COUNTY } ss.  
OF NEW YORK, }

*Sworn to before me this*  
*21*  
1889  
Police Justice

*Isaac Blumberg* lease  
the within named Bail and Surety being duly sworn, says, that he is a resident and  
holder within the said County and State, and is worth *Ten Thousand* Hundred Dollars,  
exclusive of property exempt from execution, and over and above the amount of all his debts and  
liabilities, and that his property consists of *Refrigerator, stock and*  
*fixtures in the store No 58 East*  
*Broadway in the city of New York*

*Isaac Blumberg*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Louis Hirsch*

vs.

*Abraham Cohen*

*Undertaking to appear*  
*during the Examination.*

Taken the *21* day of *Feb* 1889

Justice.

*[Signature]*

POOR QUALITY ORIGINAL

0713

N.Y. General Sessions

The People vs }  
-v- } Receivng Ellen  
Barnette Cohen } Ford  
vs her

City & County of New York

I Joseph F. Horn  
being duly sworn according  
to law do depose say

I am one of the firm of  
Horn & Horn Counsel for  
above named defendants

Mr William F. Horn my  
associate in this case, who  
has been specially retained to  
defend the case, is now ac-  
tually engaged before the  
Court of Appeals at Saratoga  
in a criminal case on appeal

to be argued this day  
I was to be present  
this 10 day of June 1830  
Henry J. Wynne  
Notary Public.  
N.Y. Co

J. F. Horn

**POOR QUALITY ORIGINAL**

0714

*People  
of  
Cuba*

**POOR QUALITY ORIGINAL**

0715

IS

*Testimony in case  
Abraham Cohen*

*filed May 1889*

I, the undersigned, do hereby certify that the within copy is a true and correct copy of the original as the same appears in the files of the Department of Justice.  
 Witness my hand and seal of office at Washington, D.C., this 15th day of May, 1889.  
 J. EDGAR HOOVER, Director.

POOR QUALITY  
ORIGINAL

0716

People vs  
Abraham Cohen

The People

vs.

Abraham Cohen

Court of General Sessions, Part 4  
Before Recorder Smythe.  
November, 1889

Indictment for receiving stolen goods.

Louis Hirsch sworn and examined by Mr. Mac-  
Donn.

Q. Mr. Hirsch, what is your business.

A. I am manufacturer of cloth hats and caps.

Q. Where. A. no. 52 West Houston Street.

Q. No. 52 West Houston Street in this city.

A. Yes sir.

Q. What is the firm name under which you do business.

A. I. Levinson & Co.

Q. Are you a partner in that business.

A. I am manager of the firm.

Q. Manager of the firm representing one of the interests in  
the firm.

A. Yes sir.

Q. As member of such firm and manager did you prior to the  
13th day of December last miss any goods from your cus-  
tody. A. Yes sir.

Q. Can you tell about how much goods you lost and what goods  
you lost.

**POOR QUALITY  
ORIGINAL**

0717

A. I have been robbed to the extent continually between six and eight thousand dollars worth of goods. That went on -----

By the Court. Q. Tell us what kind of goods you missed.

A. The first article I missed was something like nine pieces of corkscrew cloth.

Counsel: I object to all evidence except the goods mentioned in the indictment.

The Court: I cannot tell till I hear what they are.

Witness: I missed several pieces of red satin, I missed several pieces of corduroy, I missed some fine imported corkscrew for which I paid \$3.25 or \$3.50.

By Mr. MacDona. Q As matter of fact you missed corkscrew of three different qualities.

A. Yes sir.

Q. Go on.

A. I missed a second grade not quite as fine corkscrew, I missed at one time a certain small manufacture of caps, I was busy in the store -----

By the Court. Q. How many caps in each box.

A. About a dozen.

Q. A dozen in each box.

A. Yes sir, and various other articles.

Q. Is there anything else that you recollect.

A. Yes sir, some chinilla caps.

Q. Anything else.

A. That is all.

Q. About what is the value of that, all this property that you have named, about what is the value of it.

A. Between six and eight thousand dollars I have lost entirely altogether.

**POOR QUALITY  
ORIGINAL**

0718

By Mr. MacDona. Q. Well now, did you ever recover or see again a portion of the corkscrews or the satin or the satinette or the tricot or the red linings that you have mentioned.

A. I have found several of these in Cohen's store.

Q. At Cohen's store where.

A. In Baxter Street.

Q. Number what 5872.

A. No. 5871 or 5712.

By the Court. Q. What did you find there, can you state from memory.

A. Yes sir.

Q. Very well, please state it.

A. I found either thirty-one or forty-one pair of pants, I am not quite sure, made of corduroy which I bought; they were cut up and pants made out of it.

Q. What more.

A. I found about twenty-one pants and vests; I found a piece of lining, cotton lining, I have seen I think one cap which was manufactured in my place, that is all I remember.

Q. How when did you find these things.

A. At the latter part of December.

Q. Of last December.

A. Yes sir, about the latterpart of last December, 1888.

By Mr. MacDona. Q. Now Mr. Hirsch, here is a bundle of pants made of corkscrew, some blue and some black, will you come and look at them and see if you can identify them as made from the cloth stolen from your store.

A. Yes sir, I looked at the same things before; I identify that cap by the workmanship.

POOR QUALITY  
ORIGINAL

0719

Q. You declare that is one of the caps stolen from you.

A. Yes sir.

Q. The first bundle will be No. 1, the cap No. 2, bundle No. 3 are these clothes made from the goods, do you identify them as part of the property stolen from you, are they the same ones that you identified at the other trial.

A. Yes sir.

Counsel: I ask that the question and answer be stricken out.

The Court: Strike it out. Ask him if he identifies it now.

By Mr. MacPona. Q. Do you identify that bundle No. 3.

A. Yes sir.

Q. And bundle No. 4 brown corduroy trousers?

A. Yes sir.

Q. And No. 5 the same thing.

A. Yes sir.

The Court: What do these bundles contain, are they manufactured.

Mr. MacPona: All manufactured, No. 1 contains corkscrew pants made of the corkscrew goods which we will identify afterwards, No. 3 contains two pairs of pants made of corduroy which he identifies, and a coat and a vest made of corkscrew. No. 4 contains pants made of brown corduroy and No. 5 contains some articles of wearing apparel including some vests made of corkscrew and pants made of corduroy, and the second exhibit in the case is a hat which he identifies as his by the workmanship and by the goods in it, Exhibit No. 2, a soft cap.

Q. Mr. Hirsch, whereabouts in Cohen's store did you find these goods?

A. I have seen them, they were on shelves, part of them, one piece of lining I seen also laid on a shelf after I

**POOR QUALITY  
ORIGINAL**

0720

locked through. Some other parts they have shown up after the thief said he sold them more.

Q. When you were in that store on that day who was with you, who went to the store with you on the day that you discovered these goods there.

A. First Adams went in with me.

Q. Nathan Adams.

A. Nathan Adams.

Q. He was present at that time, he was in your employ.

A. No, that time he was under arrest, he was charged already.

Q. He had been in your employ.

A. He had been with me for about a year and a half or two years; he went with me and introduced me as a man that wanted to get a pair of pants made. At First Adams felt very sorry that he stole all these goods of me and he said ---

Counsel: I object.

By the Court. Q. You were asked who was with you on the occasion when you found these goods in Cohen's store.

A. Nathan Adams.

Q. Who was Nathan Adams.

A. That is the man stole them goods from me.

Q. Was he ever in your employment.

A. Yes sir.

Q. How long was he in it.

A. About a year and a half or two years.

Q. You and he went together to Cohen's store.

A. Yes sir.

Q. Was Cohen there when you went.

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0721

K

Q. Did you have any conversation with Cohen.

A. I merely said -- a

Q. Did you have any conversation.

A. Yes.

By Mr. MacDona. Q. With this Cohen, the Defendant.

A. Yes, this Cohen; I told him I wanted to have a pair of pants made, and he showed me a piece of corkscrew which was not mine; I told him I wanted some better goods; he said he would go and bring it in; he went out but he never came back with those goods; finally by looking around I found those pants and other goods; I told him how did these goods come here, I asked him how did they come here --- they are mine, and he told me.

Q. Who told you this.

A. I said to Cohen --

Q. Which Cohen, this Cohen.

A. This Cohen.

Q. You say he did not come back.

A. Not this man, another man went out, he remained in the store, he sent one of the clerks.

Q. Mr. Hirsch, what conversation did you have with this Cohen who is at the bar, you went in and you told him that you wanted to get a pair of pants made, corkscrew.

A. Yes.

Q. And this man showed you some corkscrew, did he.

A. Yes sir.

Q. You told him it was not the quality you wanted.

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0722

Q. Now what did he do.

A. He told some of the clerks to go to another store -- they have two stores, to go out and get another piece of cork-screw.

Q. Did the clerk go out.

A. He went out but ----

Q. What conversation did you have while he was gone with this man Cohen at the bar.

A. I waited, I looked around the store and the first thing I seen was a piece of lining which I identified as my goods I told him, how did you come to have this lining here? And he turned around and he said, "I bought it of this man." I told him that was stolen from me.

Q. Bought it of which man.

A. Adams. I looked further and I found these corduroy pants lying there, they were made up and laid on a shelf. I told him, "this is also my goods." He acknowledged he bought it of Adams.

By the Court. Q. What else, go on.

A. In the meantime the detective comes in.

By Mr. MacDon. Q. Who was the detective.

A. McCauley and O'Brien.

Q. Both of them came in.

A. Both of them, no, allow me, McCauley and McCluskey.

Q. Did they have any conversation in your hearing with this man Cohen, the prisoner at the bar.

A. Yes sir.

Q. Well, what was it.

A. They asked him about these goods. He said that he bought

**POOR QUALITY  
ORIGINAL**

0723

these of Adams and they have bills to show -- they buy goods most any time providing they get bills for them.

Q. What did McCauley do after he went into the back of the store, did he have any conversation with him or did you follow him in.

A. I seen him, he spoke to the old man Cohen.

By the Court. Q. Was this man present, the Defendant.

A. He was.

By Mr. MacDona. Q. What did he say.

A. He merely said that he bought these goods of Adams and that he got a bill for them.

By the Court. Q. What did McCauley say to Cohen in the presence of this Cohen here.

A. I do not remember exactly what he said, there was a good deal said then. I do not remember exactly what was said.

Q. Tell us in substance what was said.

A. McCauley asked him how he came to buy goods of a thief, a young man like that bringing in goods, one time caps, the other time satin and the third time corkscrew and so on, that looks very suspicious. Well, he told him that this Adams said that he bought goods at auction and he gave him a bill most all the time and claimed that he had a poor family and was manufacturing himself also and was just hard up and sold him these goods --- that was about the substance I understood of the conversation.

By Mr. MacDona. Q. Did you see any bills McCauley found in the presence of this man Cohen.

A. Yes sir, this Cohen.

Q. Could you identify any of these if you saw them now.

S.

**POOR QUALITY  
ORIGINAL**

0724

A. I could identify the writing of Adams.

Q. Could you identify any of those bills. (Bills shown.)

A. Yes sir, I identify the signature of Adams to most of these, to most all the bills, this is his signature.

Q. Did you see them there that day in Cohen's store.

A. Yes sir.

Q. I refer you to the first bill there. Fifty yards of No. 3 corkscrew, is it, what is it, read it.

Objected to as immaterial and irrelevant. Objection overruled.

A. New York, December 18, 1938. Mr. E. Cohen bought of Charles Adams, one piece of corkscrew \$7.50; one piece of satin \$4.50, amounting to \$12.00. Received payment in full, Charles Adams.

Q. Mr. Hiesch, what was the value of that fifty yards of No. 3 corkscrew that was sold for \$7.50 according to that bill.

A. That goods was valued at thirty-five cents a yard.

Q. That would make that amount of ~~\$35.00~~ \$17.50, \$7.50 paid for it.

A. Yes sir.

Q. As to the red satin which is marked \$4.50 there on that paper, what was the value of that.

A. The value of it is about sixty cents a yard.

Q. There was sixty yards in that.

A. Yes sir.

Q. How much is that. A. That is \$36.00

Q. And that bill shows that he paid \$4.50, don't it.

A. Yes, \$4.50.

Q. Well now, I refer you to the second bill there dated

**POOR QUALITY  
ORIGINAL**

0725

December 17, 1888, thirty yards of corkscrew No. 1, is that the bill.

A. Yes, thirty yards of corkscrew at seventy-five cents, which was \$22.50, received payment.

Q. State the real value of that Mr. Hirsch, how much a yard.

A. \$2.25.

Q. In other words, \$75.00 for the whole amount which was sold for \$22.50.

A. Yes sir.

Q. Now I refer you to bill number three, December 15, 1888, what does that bill call for.

A. Ninety yards of corkscrew at twenty-six cents.

Q. What is the real value.

A. The real value is \$1.23 these goods.

Q. The whole amount \$112.50, what does that bill there call for.

A. \$25.40.

Q. Now I refer you to bill number four, what does that call for dated 19th of December, 1888.

A. One piece of blue cloth \$11.75.

Q. How many yards.

A. No yards specified at all, one piece of blue cloth.

Q. That is what you call tricot, is it.

A. Tricot.

Q. What is the real value of it.

A. Eighty-seven or eighty-five cents, something like that.

Q. How much was it sold for.

A. \$11.75, it does not state the yards only one piece of blue cloth.

**POOR QUALITY  
ORIGINAL**

0726

Q. Now then refer to bill number six.

A. The bill calls for fifty yards of corkscrew at fifteen cents, amounting to \$7.50.

Q. What is the real value of that.

A. Thirty-five cents.

Q. And the whole amount of that fifty yards would be \$17.50.

A. \$17.50.

Q. What does that bill call for?

A. \$7.50.

Q. What is the second item on that bill number six.

A. January 23, one piece of satin, \$4.50.

Q. About how many yards.

A. About sixty yards; they generally run.

Q. What is the real value of that.

Q. About sixty cents a yard.

Q. About thirty-three dollars for the whole amount.

A. One piece, that is all what this bill calls for.

By the Court. Q. How many yards in a piece.

A. About sixty yards.

Counsel: I object to that question and answer, note an exception.

The Court: I will give you an exception.

By Mr. MacDermott. Q. What else is there.

A. Fifty yards of corkscrew.

Q. What is the real value of that corkscrew.

A. Thirty-five cents.

Q. \$17.50 the total amount.

A. Yes sir.

Q. What does that bill call for there.

A. \$7.50.

Q. What is the next item on the bill.

**POOR QUALITY ORIGINAL**

0727

A. Forty-five yards of corkscrew.

Q. What is the real value of it.

A. Thirty-five cents.

Q. \$15.75, the total amount of the forty-five yards.

A. Yes sir.

Q. How much does that bill call for.

A. It shows Adams got for it \$0.50.

Counsel: The last part of that answer I ask to be stricken out.

Mr. MacDonna: Strike it out.

The Court: How many bills are there.

Mr. MacDonna: Six.

POOR QUALITY  
ORIGINAL

0728

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

Abraham Cohen

Mr. Parker - I want you  
to defend of this case the  
terms without fail.  
The person accused  
stealing the property  
has been in the  
Fombs awaiting sentence  
for nearly a year - &  
is held for the trial  
of the above Defendant  
District Attorney.

No 1 of the Review  
has been tried &  
convicted

J. H. Hill

POOR QUALITY ORIGINAL

0729

STATE OF NEW YORK, }  
CITY AND COUNTY OF NEW YORK, } ss. POLICE COURT, 2 DISTRICT.

Louis Hirsch

of No. 57 West Houston Street, being duly sworn, deposes and says that on the 13th day of December 1888

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

and Abraham Cohen of No 36 1/2 Baxter Street, and Joseph Jacob of 153 Park Row did unlawfully receive and purchase a quantity of stolen goods, knowing the said goods to be stolen; that the said goods were all stolen from the firm of J. Levenson & Co., on or about said date, by Nathan Adams, (now dead); that the said Adams gave information on which a portion of said <sup>stolen</sup> goods, consisting a quantity of caps was recovered by the said Cohen, and a quantity of satine caps was recovered from the said Jacob; that deponent is informed by said Adams that he sold the said goods at price which was more than 75 per cent below the market price and that at the time of selling a part of said goods the said Abraham Cohen said to him Adams "I suppose these goods was crooked" and the said Adams said "yes" and deponent is informed by Detective Sergeant Mc Auley and G. Prier that at the time of the arrest of the

POOR QUALITY ORIGINAL

0730

Defendant ~~the~~ they found in the possession of the defendants a number of bills, receipts attached which show that the defendant Cohen purchased a lot of said goods at a price 20 percent below the market cost. The total value of the goods recovered from all the defendants was of the value of two hundred and fifty dollars.

Memo to be on an item }  
16a day of February 1913 } Louis Hirsch  
J. G. Peiffer }  
S. J. Peiffer }

Police Court District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

AFRIDA VIT.

vs.

Dated 188

Magistrate

Officer

Witness

Disposition

**POOR QUALITY ORIGINAL**

0731

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 24 years, occupation clerk of No. 607 6th St

Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Louis Hirsch and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 16 day of February, 1887 } N. Adams  
J. J. Duffy  
Police Justice.

POOR QUALITY ORIGINAL

0732

Sec. 108-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

Barnett Cohen 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. Barnett Cohen

Question. How old are you?

Answer. 34 years

Question. Where were you born?

Answer. Poland

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

Answer. 36 1/2 Bay St, 6 years

Question. What is your business or profession?

Answer. Teniler

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  
B. Cohen

Taken before me this  
day of February 1888

[Signature]  
Police Justice

**POOR QUALITY ORIGINAL**

0733

Sec. 198-200

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*Abraham*  
*Barrett Cohen*  
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. *Abraham*  
*Barrett Cohen*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Poland*

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

Answer. *36 1/2 Buxton - 5 years*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer. *I am not guilty*

*Abraham Cohen*

Taken before me this

day of

1885

*[Signature]*  
Police Justice.

**POOR QUALITY ORIGINAL**

0734

Sec. 198-200.

2  
District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Joseph Jacob 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. Joseph Jacob

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. England

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

Answer. 153 Park Row - most of my life

Question. What is your business or profession?

Answer. Artist

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  
Joseph Jacob

Taken before me this

day of

March 1888

[Signature]  
Police Justice

POOR QUALITY ORIGINAL

0735

1559  
Police Court... 2  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
James J. McNeill  
512 West 14th Street  
Barnett Cohen  
Abraham Cohen  
Joseph Stevens

Offence Receiving Stolen Goods

No. of 1 by James J. McNeill  
Residence 35 East 14th Street  
City New York  
State N.Y.

No. of 1 by James J. McNeill  
Residence 35 East 14th Street  
City New York  
State N.Y.

No. of 1 by James J. McNeill  
Residence 35 East 14th Street  
City New York  
State N.Y.

No. of 1 by James J. McNeill  
Residence 35 East 14th Street  
City New York  
State N.Y.

No. of 1 by James J. McNeill  
Residence 35 East 14th Street  
City New York  
State N.Y.

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 Barnett Cohen and Abraham Cohen

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

Dated May 16 1889 J. G. Duffy Police Justice.

I have admitted the above-named Barnett Cohen and Abraham Cohen to bail to answer by the undertaking hereto annexed.

Dated May 16 1889 J. G. Duffy Police Justice.

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

Dated May 16 1889 J. G. Duffy Police Justice.

POOR QUALITY ORIGINAL

0736

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

Barnett Cohen and  
Abraham Cohen

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

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

The said Barnett Cohen and Abraham Cohen, both

late of the City of New York, in the County of New York aforesaid, on the ~~thirteenth~~ day of December, in the year of our Lord one thousand eight hundred and eighty-eight, at the City and County aforesaid, with force and arms, three hundred and fifteen yards of ~~corduroy~~ cloth of the value of thirty nine cents each yard, sixty yards of satin of the value of fifty nine cents each yard, fifty eight yards of satin of the value of eleven cents each yard, one hundred and two yards of corduroy of the value of thirty three cents each yard, thirty nine yards of tourist cloth of the value of eighty eight cents each yard, sixty yards of satin of the value of thirty eight cents each yard, twelve caps of the value of twenty nine cents each, and twelve other caps of the value of forty five cents each,

of the goods, chattels and personal property of one Louis Hirsch, by one Nathan Adams, and

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

Louis Hirsch.

unlawfully and unjustly, did feloniously receive and have; the said Barnett Cohen and Abraham Cohen

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

JOHN R. FELLOWS,  
District Attorney.

0737

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Connors, George

**DATE:**

05/22/89



3319

**POOR QUALITY ORIGINAL**

0738

*219*  
Counsel,  
Filed *22* day of *May* 188*9*  
Pleads, *Myself*

THE PEOPLE  
*vs.*  
*1st* *vs.* *1st* *vs.* *1st*  
*George Connors*  
Grand Larceny, *5th* Degree.  
(From the Person.)  
[Sections 528, 580 — Penal Code].

JOHN R. FELLOWS,  
District Attorney.  
*Pr May 28/89*  
*pleads by 2/22/89*  
*S.P. 2 yrs & 1 mo*  
*R.B.H.*  
A True Bill.  
*Edward W. ...*  
Foreman.

Witnesses:  
*Robert Perry*  
*Officer Higgins*

**POOR QUALITY ORIGINAL**

0739

Police Court 1 District.

Affidavit—Larceny.

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

*Robert Perry*

of No. 90 Roosevelt Street, aged 24 years,  
occupation Cook being duly sworn

deposes and says, that on the 10<sup>th</sup> day of May 1889 at the City of New

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

*One gold scarf pin of the value of about thirty 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 George Connors (now here) for the reasons that on said day deponent was on a ferry boat while on a passage from Brooklyn to New York on the East River. Deponent was asleep in the cabin of said ferry boat and deponent had the said pin in the scarf then worn on his person and part of his bodily clothing. Deponent was awakened by a movement at his chin and deponent saw the defendant take, steal and carry away said property

*Robert Perry*

Sworn to before me this 11 day of May 1889  
*[Signature]*  
Police Justice.

**POOR QUALITY ORIGINAL**

0740

Sec. 193-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

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

Question. What is your name?

Answer. *George Connors*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *Philadelphia*

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

Answer. *141 Dacker St. Bklyn 6 mos*

Question. What is your business or profession?

Answer. *Agent*

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

Answer. *I am not guilty*  
*George Connors*

Taken before me this

day of

1889

Police Justice.

**POOR QUALITY ORIGINAL**

0741

The Justice presiding at the 1st Precinct Police Court will adjudge that the within named defendant be held to answer the same and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

BAILIED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court... 699 District...  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
Robert Perry  
George Lomax  
Dated May 11 1889  
Magistrate  
Heggen's Officer  
Witnesses  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
No. \_\_\_\_\_ Street \_\_\_\_\_  
\$ 1000 TO ANSWER  
By Perry 13. 5. 10 PM  
" " 14. 2. 10 PM  
" " 15. 9. 10 PM

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

*defendant*

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

Dated May 11 1889 *J. Henry Bond* Police Justice.

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

Dated 1889 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 1889 Police Justice.

**POOR QUALITY ORIGINAL**

0742

CITY AND COUNTY } ss.  
OF NEW YORK, }

POLICE COURT, 11<sup>th</sup> DISTRICT.

of the 4<sup>th</sup> Precinct Police Street, aged  
occupation Police Officer being duly sworn deposes and says  
that on the 11<sup>th</sup> day of May 1889

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

Robert Perry, who is a necessary and material witness in a cause of the people against George Connors and deponent has good cause to believe that the said Perry will not appear on trial; deponent therefore prays that the said Perry will be held to give Bonds for his appearance on trial or in default thereof, be sent to the house of detention.

Michael Higgins

Sworn to before me, this 11<sup>th</sup> day of May 1889

*[Signature]*  
Police Justice.

**POOR QUALITY ORIGINAL**

0743

The Justice presiding at the 1st Precinct in my absence will please hear and determine the within

*Robert Perry*  
*Police Justice*

BAILLED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

*Michael David May 11/89*

Police Court--- 1  
District 699

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Robert Perry*  
*George Connor*  
23  
1  
2  
3  
4  
Offense *Larceny from person*

Dated *May 11* 1889

*Magistrate*  
Magistrate  
*Magistrate*  
Magistrate  
Precinct 4

Witnesses  
No. *1*  
No. *2*  
No. *3*  
No. *4*

RECEIVED  
MAY 13 1889  
CITY OF NEW YORK  
CLERK OF THE POLICE

\$ *10000* to answer  
*May 13 5 40 PM*  
*May 14 2 40 PM*  
*May 15 9 30 AM*

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

*defendant*

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

Dated *May 11* 1889 *J. Murray Bond* Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

**POOR QUALITY ORIGINAL**

0744

TO THE CHIEF CLERK.

PLEASE SEND ME THE PAPERS IN THE CASE OF

PEOPLE

vs.

*George Corvick*

*Case to which arose  
of ... Cult  
and sent to ...*

*District Attorney.*

*In ...*

*J. ...*

POOR QUALITY  
ORIGINAL

0745

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Connors

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

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

The said

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

one scarf-pin of the value  
of thirty dollars

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

John R. Bellows,  
District Attorney.

0746

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Conto, Gaetano

**DATE:**

05/13/89



3319

POOR QUALITY ORIGINAL

0747

Witnesses:

*Lawrence Ballou*  
*Officer Farney*

Counsel,

*me [unclear] chosen*  
Filed *13* day of *May* 188*9*  
Pleads, *Guilty*

THE PEOPLE

vs.

*Gaetano Conto*

Robbery, *1st* degree, [Sections 224 and 227, Penal Code].

JOHN R. FELLOWS,

*June 12 1889* District Attorney.

*Tried and convicted*  
*Ar. 2. d. June 17. 1889*  
*Ar. 2. d. June 14. 7. 8. month*

A TRUE BILL.

*[Signature]*

Ordered to the COURT of *Foreman*

*[Signature]*

of the COUNTY of NEW YORK,

for trial (Entered in the Minutes)

*June 10th 1889*

17

**POOR QUALITY  
ORIGINAL**

0748

Oyer & Terminer Court.

The People  
vs.  
Gaetano Conto.

Before  
Judge Patterson  
and a Jury.

New York, June 11 & 12, ~~1897~~ <sup>1899</sup>.

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ROBERT BONYNGE,  
LAW STENOGRAPHER,  
MORSE BUILDING,  
No. 140 NASSAU STREET, NEW YORK.

**POOR QUALITY  
ORIGINAL**

0749

NEW YORK OYER AND TERMINER.

-----  
THE PEOPLE )  
          - vs. - )  
GAETANO CONTO. )  
-----

Before Judge Patterson and a Jury.

New York, June 11, 1889.

A P P E A R A N C E S:

For the Prosecution, Assistant District Attorney Bedford.  
For the Defense, Purdy & McLaughlin.

The Jury having been impanelled, the Court  
adjourned until to-morrow morning at 11 o'clock.

**POOR QUALITY  
ORIGINAL**

0750

2

New York, June 12, 1889.

Mr. Bedford opened for the Prosecution.

I  
G E N E R O S O A V A L O N O, a witness called on behalf of the Prosecution, having been duly sworn, testified as follows:

DIRECT EXAMINATION By Mr. Bedford:-

I  
My business is contractor for stone mason; I live at present in 34 Mulberry Street. I was in the City of New York on May 5th; about eleven o'clock on the evening of May 5th I was standing in front of the house, of my door, with my wife, at 88 James Street, in this city; that was my home -- I lived there. I was standing in front of my house and those people called me -- he says, "Come here, I have to tell you something; " they called me into the yard. There were four of them; four men called me into the yard; the prisoner was one of the four. I never had any dealings with them, but I knew them by sight. I knew the prisoner by sight, and a couple of times we happened to be in a bar room and had a couple of drinks together. The four men called me into the yard and the defendant was one of them. I followed them into the yard when they called me. What happened when I and

**POOR QUALITY  
ORIGINAL**

0751

3

the defendant and the three men were in that yard was I entered the rear room of the bar and then from there I went into the yard. We had some drinks in this rear room and then I went into the yard; I had some drinks with those four persons; they called me into the yard, and from the yard we entered the back room and I had some drinks and then I went out into the yard. After having been in that rear room I intended to go out to urinate, and I said, "I will go out in the yard to urinate," and he said, "I will go along with you", and I said, "You need not come". He came along with me anyhow.

The first time nothing happened. He came with me into the yard, and we returned to that rear room again. Then we commenced to drink again and I remained there about fifteen minutes in the bar room and then I wanted to go out again into the yard to urinate, and he insisted -- I refused -- I say, "You need not come with me," but he insisted and came forcibly with me into the yard. Whilst I was urinating, I saw this man take out a razor and holding it in his hand. Then two others came near to him -- to the prisoner -- close to him, and whilst I was buttoning my pants one of the other two men said, "Here, Mr. Generoso, give me this watch and chain," and caught hold of my watch and chain, and one of the two held a re-

**POOR QUALITY  
ORIGINAL**

0752

4

I  
volver against me and said, "If you don't give it up I will kill you". While the revolver was being held against me, and the threat was made, "If you don't give it up I will kill you, " this man, the defendant, was behind me, with a razor in his hand, holding his hand right along my neck; he said, "If you don't give it up I will kill you," this man said, with the razor in his hand -- the prisoner. Then the one who held the revolver against my chest he tore away the chain and the watch, and only that little piece remained in the buttonhole, attached to the vest. The man who held the revolver took it, and not the other man who was with him. The value of the watch and chain was \$100.; it was my property. There was this little piece of the chain left.

Piece of chain produced and offered in evidence.

I  
The Witness: I have seen that piece of chain before; it is a piece of the chain that the man who was holding the revolver against me while this man was holding a razor over my neck, took away from me on that night; this is the piece that remained when they took away the chain. The balance of the chain, and the watch, I never have got, never recovered it.

Since this robbery was committed I have seen this man; I saw him in Court. He was in front of the Judge's

**POOR QUALITY  
ORIGINAL**

0753

5

desk. He said, "Well, I might get twenty years -- that is all right; but whenever I come out, I will kill you anyhow." That is what the prisoner said to me.

I forgot to tell that when I returned the two men, the one with the revolver in his hand, and the other, they ran away immediately when they took the watch. This man returned into the room from the yard. Going from the yard to the room he said, "If you say a word about this affair to anyone," he said, "I will kill you if you say a word about this affair to anyone." I had no weapon with me, and could not defend myself against him. Then I returned into that room. The owner of the place he saw me and he says, "Where is your chain?"

This happened on the evening of May 5th, and after these threats being made by the defendant, my friend he went to the police and notified them, because I remained with my wife. This is my mark on the paper now shown me; I don't know how to sign my name.

Complaint, made two days afterwards, offered in evidence.

CROSS EXAMINATION By Mr. McLaughlin:-

I know the defendant five or six months. I first saw him when I kept a butcher store in James Street and

**POOR QUALITY  
ORIGINAL**

0754

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he used to come to buy meat; there I knew him first; he was sometimes a customer, not always; sometimes he came in and bought some meat. I didn't see him for about three months before this happened. I don't recollect how often I have met him in saloons; I recollect that we drank together that evening, but I am not sure if I ever drank before with him. It might be so that I had met and drank with him before; it might be that I happened to be in a bar room and he also, and we had a drink, but I can't recollect it very well.

This assault occurred between half past ten and eleven o'clock in the night, in 88 James Street; it happened in the yard, in the rear. Three countrymen of his were with him. My wife was with me and they came up to me; I was standing in front of the house with my wife and several other friends who lived there in the house; we were standing on the sidewalk, in front of the house. The parties with me were my wife and the two women who are sitting over there, and then another man who is sitting there, and this man's brother. The defendant invited me into the saloon to take a drink with him; he said, "Let's go in and take a drink." The other men were standing all together around him. They went into the saloon with me, all five of us; we went right into that bar room, he and

**POOR QUALITY  
ORIGINAL**

0755

7

I three companions and me. Each had a drink; I paid for it. The defendant invited me in; he told me to come in to have a drink, and I paid for it; twice I paid for the drinks. We remained in the saloon in all about half an hour. When I first went out this man came with me out into the yard, and the other three remained in the bar room. That was the first time. Then I returned to the saloon and remained about a quarter of an hour and I went out again; I went to the urinal each time.

I It is not true that the defendant has known me for the past two years; I don't know him for two years. It is not true that in this fight that took place in the back yard the defendant was knocked down and robbed by the parties there; there was no fight -- no such a thing happened. The defendant was not knocked down at all. During all the time that this scene that I have stated occurred in the back yard I did not make any outcry; I did not dare to call because they were ready to kill me. My friends were outside on the sidewalk; the door leading from the hall to the yard was shut.

**POOR QUALITY  
ORIGINAL**

0756

8

G I O V A N N A R I Z Z I, a witness called on behalf of the Prosecution, having been duly sworn, testified as follows:

DIRECT EXAMINATION By Mr. Bedford:-

About eleven o'clock on the evening of May 5th I was in the hallway or the yard of the premises 88 James Street in this city. On that occasion I saw the complainant, the witness that has just left the witness box; I also saw this prisoner at the bar. Genoroso Avalono and he and the other men were in company; they had some drinks in the rear room, and they were talking together; I didn't hear in particular what this man said, because I went right into the room and came out, and I came in again and they were in the rear room drinking and talking together still. I saw this man and Avalono and the prisoner in the hallway; this man held the complainant by the arm and he had a razor in his hand; he held it in his right hand -- he held the razor. He said to Avalono, whilst holding that razor, he said to the complainant, "Be silent and don't say anything that your watch and chain was taken, else I will kill you".

CROSS EXAMINATION By Mr. McLaughlin:-

I reside at this number in James Street; on the evening in question Genoroso Avalono came to see me in my house, in my rooms; this is the complainant I speak of.

**POOR QUALITY  
ORIGINAL**

0757

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I went to the street with the complainant; we were in front of the house, with Avalono. There were about four or five persons with him there, his wife and my wife and myself, and then two or three other persons were standing in front of the house. We remained there about ten minutes, and then we went inside; I went to my rooms then; the complainant came up to my room; then I went out and the complainant remained in my room. I saw this occurrence; I went out -- when I came back to the house I saw this affair; it was at the end of the hall near the yard, near the door. This man held the complainant and had a razor in his hand and I heard him say what I said; that was at the door; they were standing right on the threshold; he was inside in the hall and Genoroso Avalono was standing outside of the door in the yard, right across the threshold; I saw there only him and the complainant. I did not see the taking of the chain and the watch. When I first saw the complainant and the defendant in the act they were standing and then they came after me; then they came for me, and the complainant came up to my room together. Exactly what was said in that hallway by the defendant to the complainant was he said to the complainant "Genoroso, don't say anything that your watch and chain was taken, else I will kill you;" that was all that was said.

**POOR QUALITY  
ORIGINAL**

0758

10

I Then they did not go up stairs; I keep that bar room; the bar room is on the ground floor, and they came into the bar room again together from the hall way; they entered the yard and came into the room again. I keep this bar room, with a partner of mine together; I have four rooms in the rear of the bar; I do not live up stairs.

A N T O N I A R I Z Z I, a witness called on behalf of the Prosecution, being duly sworn, testified as follows:-

DIRECT EXAMINATION By Mr. Bedford:

I I recollect the evening of May 5th, that I was in the hallway of 88 James Street, about eleven o'clock; I was in front of the hall outside; I then saw this prisoner and the complainant. Genoroso Avalono was standing in front of the hall; then the prisoner came up and said, "Genoroso, come, let's have a drink." Genoroso refused, he was not willing to go, and he insisted -- he pulled him and said, "Come on, and let's have a drink," and they went into the room and they had a drink, and Genoroso went out in the yard for a call of nature, and this man went with him, and he didn't do anything the first time -- the prisoner didn't do anything to Genoroso the first time. Then Genoroso went out into the yard for a call of nature the second time, and whilst he was leaving the room this man

**POOR QUALITY  
ORIGINAL**

0759

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said, "I will accompany you out into the yard." Genoroso said, "I don't need any company where I am going." He said -- he insisted -- he said, "I want to accompany you," and insisted all the time. Then this man went out with Genoroso the second time, and other three men followed after him, and Genoroso was out in the yard; Genoroso was near the closet there in the yard, and one of his companions caught hold of Genoroso's chain and said, "Here, give me that chain and watch." The man who spoke held a revolver in his hand, and he said, "If you don't give me that I will kill you." The prisoner was standing at that time with a razor in his hand; one man was standing in front and he had a revolver in front of the complaint, and the prisoner was standing sideways of Genoroso with a razor in his hand. Then Genoroso was very much frightened and they took away his chain and watch, and his other two companions ran away; they took the chain and watch and ran away. Genoroso was about to try and run after them, but he caught hold of Genoroso and said, "Don't say a word or I will kill you," with always the razor in his hand.

CROSS EXAMINATION By Mr. McLaughlin:-

The last witness is my husband; I have not conversed with him about this case, nor with the complainant. I couldn't tell exactly how many were on the sidewalk

**POOR QUALITY  
ORIGINAL**

0760

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when the invitation was given to the complainant to go in and take a drink; there were many standing by the sidewalk there, about four or five. At first the complainant refused to go in after being invited to take a drink, but this man commenced to pull him and insisted that he should come, and he went there. The other three men, his companions, were there then; the other three were the same countrymen of this man; they came up all four together. The complainant then went into the saloon with the defendant; they went into that room; I went after them; I went into my rooms, where I live; there were four rooms occupied by my husband, the saloon and four rooms -- the saloon and bar room and then four rooms where we live. These people drank in the kitchen, what is called the kitchen, the first room after the bar room, we call it the kitchen; they drank in the kitchen. While the drinking was going on there were there he and his companions, Generoso Avalono and that woman (indicating); I went into the kitchen also. To get into the yard from the back room there are two doors, one from the bar room and the other from the rooms. When he first went out into the yard he went through the door leading to the rooms; he was accompanied by the complainant at that time; he went with him the first time, and they returned; they came back

**POOR QUALITY  
ORIGINAL**

0761

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both together; they returned through the same door, leading to the rooms; what I call the door to the rooms is in the kitchen, from the kitchen; the other two rooms are after the kitchen; after the bar room is the kitchen; then there is another room, and after that there are three other rooms. To get from the kitchen into the yard, the kitchen is in the middle and two rooms are this way, and another room is this way (indicating), and the kitchen is in the middle; you need not go through these other rooms to get from the kitchen into the yard; you go at once into the yard.

I remained in the kitchen all the time; from the window of the kitchen we have a view to the water closet; I was at the window and saw what happened outside; at the time he threatened the other man it was near the water closet. When he threatened him the other men were gone already -- they were escaped already. This threatening took place near the door of the hall; they were near the door of the hall; they were in the yard; Genoroso was at the door leading to the yard, and he was in front of the corridor, of the hall; the one was with his feet in the hall and the other with his feet in the yard; he was standing in the hall preventing Genoroso from entering the hall. Then they both came in together, into the

**POOR QUALITY  
ORIGINAL**

0762

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I saloon; they remained there together about eight or ten minutes; I didn't make any outcry when I saw what I have testified to, because I was afraid that they would kill us; I was afraid they might kill my husband. The defendant was the only one there at that time, and he was in the yard alone with Genoroso, with the razor in his hand. I did not cry out then because I was afraid that if I called out my husband may come and he may kill my husband with the razor. My husband is a partner in that bar room where they took the drinks that day.

S A N T A R O C C O, a witness called on behalf of the Prosecution, being duly sworn, testified as follows:-

DIRECT EXAMINATION By Mr. Bedford:-

I About eleven o'clock on the evening of May 5th I was in front of the door in the yard at 88 James Street in this city; at that time I remember of seeing Genoroso Avallono and this prisoner; I saw them there holding each other by the arms; the defendant held a razor in his hand and his companion had a revolver. Soon after his chain and watch was taken Genoroso made amove to run, and the prisoner held him, and this razor was in his hand, and he said, "Don't say a word or I will kill you".

**POOR QUALITY  
ORIGINAL**

0763

15

CROSS EXAMINATION By Mr. McLaughlin:-

This occurred after the other two parties had run away; they were gone; the others were already gone. At this time I was in the house 88 James Street; I was up the stairs; the stairs are near the yard, in the hall near the yard; I was down stairs also, in the kitchen. I was in front of the door when this happened, when he said so; I was in the kitchen, on the ground floor, at the door of the kitchen on the ground floor, that is where I stood; when this occurred the complainant and the defendant were standing near the yard in the hall, near the light.

P E T E R S . F A R N E Y, a witness called on behalf of the Prosecution, being duly sworn, testified as follows:-

I am a member of the Municipal Police of this City; at present I belong to the 4th Precinct; I was not present at the time when this robbery was said to have occurred. On the evening of May 5th, about eleven o'clock, I came through James Street towards Oak, and met the complainant and Mr. Rizzi coming down from Oak Street towards Cherry; he told me that Mr. Avolone got robbed. The prisoner was not present then. I searched the building, went through the building, and through Mulberry Street,

**POOR QUALITY  
ORIGINAL**

0764

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and searched until two o'clock, and then went to the station house. Next morning I left the station house and went to where this robbery had been committed and waited in front of the saloon, 88 James Street. I saw the prisoner in the hallway of 86 James Street. I asked him if he was one of the men and he said he was, and I went towards him and he turned and tried to run in the hallway and to run away from me; I ran after him and caught him; I caught him in 86; I brought him around and asked him if he was one of the men, and he said yes, that he was the man that held the razor; he said it promptly -- "That is the man that held the razor." I brought him in Court, and in Court I understand the complainant to say that he threatened to take his life. I don't understand Italian and did not hear it, but I understood that the complainant made that remark. I gave you that piece of chain which is in evidence; the complainant gave it to me; he told me that was all he had left of the chain and watch. I don't know anything more, of my own personal knowledge.

CROSS EXAMINATION By Mr. McLaughlin:-

I made this arrest about ten minutes after six the next morning, Monday morning, May 6th. The robbery occurred on Sunday night. I am sure that when I approached the defendant he made for the hallway; I am positive of

**POOR QUALITY  
ORIGINAL**

0765

17

that; I had my uniform on, just as I am now. When I first saw the prisoner he came out of 86 James Street, out of the doorway. I am a detective, detailed in that Precinct; I have seen this complainant before; I have seen him hanging around that restaurant there, in 86 James Street; I have seen his face, I couldn't say how long; I was on post there once for a year.

PROSECUTION RESTS.

Recess.

Mr. McLaughlin opened for the Defense.

G A E T A ~~E~~ N O C O N T O, the defendant, called on his own behalf, being duly sworn, testified as follows:-

DIRECT EXAMINATION By Mr. McLaughlin:-

I reside at 7 James Street and have resided there about a year . My occupation is selling bananas -- fruit -- on the street. I have known the complainant about two years; I know the other witnesses that appeared here too, about three years -- I know the others; I never went to call on those witnesses in their houses, but I know them from the street, seeing them in the street. I didn't have

**POOR QUALITY  
ORIGINAL**

0766

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anything to do with the robbery of the complainant's watch, with the commission of that offence; I was intoxicated at the time and had nothing to do with it. On the evening in question I was passing the street and this Genoroso was with several other friends and they were drinking beer, right on the sidewalk. When I passed, Genoroso, the complainant, say to me, "Do you want a glass of beer?" I said, yes, and I had a glass of beer. Then another pint of beer was brought and we drank it all together -- the people present, we drank that beer. Then there was sent for another pint of beer and we drank that. When we finished the last beer it was about half past seven in the evening. Then Genoroso said, "Let's go inside in the bar room and we will have some drinks there." Then I went inside the bar room with Genoroso and two other Italians, countrymen of Genoroso -- he is a and I am from Sicily, and his countrymen came along with us. Then three others came in and they said to me that they were from Sicily also, but I didn't know that. All the time we were drinking; they were all the time calling for beer, and the others and Genoroso also called for beer, and we had plenty to drink, and those three who came in who said they were countrymen of mine, they treated also. At midnight we left the bar room, went out of

**POOR QUALITY  
ORIGINAL**

0767

19

I the bar room and went out on the sidewalk. When I was outside the bar room on the sidewalk I received a blow in the face, I don't know by whom; that was precisely midnight. I fell to the ground; then I was taken up from the sidewalk and they took me inside the bar room and they were putting water on my eye -- I received the blow on my eye -- and I insisted that I want to go home; I said I wouldn't remain any longer among these people, and they said, "Remain a little while yet." Then they ordered some wine and we had some wine then. Then I left, and when I came out of the bar room I fell on the sidewalk -- I was too much intoxicated. Two men picked me up from the sidewalk and each one took me by an arm and they were leading me home and the policeman passed and said, "What is the matter, George"? I couldn't give any answer; I was in the street; I didn't answer anything. They took me home and in the morning I got up about seven o'clock; I got up to go about my business, to go to buy some bananas in the market. When I looked for my money I had no money in my pocket; my money was gone; ten dollars I had in my pocket and I missed that. I went to the restaurant to get my breakfast, my coffee; I don't know the number of the restaurant -- it is in James Street, not in the same one where we had the drinks the night before, in

**POOR QUALITY  
ORIGINAL**

0768

20

another place in James Street. I was just sitting down in the restaurant and the man came up, I don't know who he was; he said "John, come along with me". He took me to the station house and I was searched, and when they commenced to search me I didn't know what it was for and I said, "I will take off my clothes if you want to find something on me." The policeman said to me, "If you know who took the watch and chain you will be let go." I said I don't know; I was intoxicated; I don't know anything about it. When we came back to the station house Genoroso gave five dollars to the police and then I was taken to the Tombs. The policeman was not satisfied with five dollars, and Genoroso said, "I will give you more later." That is all.

CROSS EXAMINATION By Mr. Bedford:-

On the night of this robbery I am sure I was on those premises, 88 James Street; the two men who were kind enough to pick me up when I was so drunk, I don't know those two men, I don't know who they are. The other witnesses have perjured themselves, but I tell the truth. I know what perjury is; it is a sin and one will be punished for it; to make perjury a sin you have to be a false witness; I know I am under oath now; I heard what the oath was when I took the witness box; I swore to

**POOR QUALITY  
ORIGINAL**

0769

21

tell the truth and I have told the truth; in the face of God and Heaven I told the truth -- I didn't do anything wrong; the complainant and the other three witnesses have all sworn falsely against me; they were not present -- those witnesses. I know John Rizzi and Antonia Rizzi, and Santa Rocco; I have known them about two years. For two years I have lived in James Street and I know them from seeing them in the street. At the station house when the complaint said, pointing to me, "That is the man that had the razor in his hand," I didn't give any answer; I told them in the station house I was intoxicated and I don't know anything what happened.

DEFENSE RESTS.

TESTIMONY CLOSED.

**POOR QUALITY  
ORIGINAL**

0770

*Oyer & Terminer* COURT.

---

*The People*

vs.

*Gastano Conto.*

---

TRANSCRIPT OF

**Stenographer's Notes**

NEW YORK, *June 11 1889.*

---

**ROBERT BONYNGE,**

LAW STENOGRAPHER,

**MORSE BUILDING,**

No. 140 NASSAU STREET,

NEW YORK.

**POOR QUALITY ORIGINAL**

8771

Police Court District.

CITY AND COUNTY }  
OF NEW YORK, } ss

*Generoso Wallace*  
of No. *88* *James* Street, Aged *33* Years

Occupation *Mason* being duly sworn, deposes and says, that on the  
*5* day of *May* 188*9*, at the *Fourth* Ward of the City of New York,  
in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
ponent by force and violence, without his consent and against his will, the following property, viz:

*One silver watch, one gold chain and  
locker all of the value of One Hundred  
dollars.*

day of  
188

Sworn to before me, this

~~of the value of~~ *One Hundred*  
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 force and violence as aforesaid by *Gaetano*  
*Conte* (now here) and two other men not  
arrested who were in company with each  
other and acting in concert for the reason  
that at about the hour of eleven o'clock  
on the night of said day deponent was  
passing along the hallway of premises  
*88 James Street* and was followed through  
said hallway by the defendant. That deponent  
saw a man lying in the hallway and de-  
ponent passed on into the yard of said  
premises. That while deponent was in  
said yard one of said unknown men  
pointed and aimed a pistol at deponent's

Police Justice.

**POOR QUALITY ORIGINAL**

0772

body and threatened to shoot deponent and at the same time the other man not arrested by force and violence and against deponent will and consent, took the said watch chain and locket from the vest which was worn on deponent's person and part of his bodily clothing. That at the same time the defendant was held deponent with an open razor in his hand and warned deponent to not say anything about the taking of said property.

Therefore deponent charges said defendant with acting in concert with said two unknown men and aiding and assisting in the commission of this robbery.

Sworn to before me } Generoso & Avallone  
this 7<sup>th</sup> day, 1889 }

J. Murray  
Police Justice

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

Police Court, District, \_\_\_\_\_  
THE PEOPLE, &c.,  
on the complaint of \_\_\_\_\_  
vs. \_\_\_\_\_  
1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated \_\_\_\_\_ 188\_\_  
Magistrate \_\_\_\_\_  
Officer \_\_\_\_\_  
Clerk \_\_\_\_\_  
Witnesses, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
No. \_\_\_\_\_ Street, \_\_\_\_\_  
\$ \_\_\_\_\_ to answer General Sessions.

**POOR QUALITY ORIGINAL**

0773

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*Gaetano Conto*

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. *Gaetano Conto*

Question. How old are you?

Answer. *28 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *James Street. 3 years*

Question. What is your business or profession?

Answer. *Vender*

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*

*Gaetano X Conto*  
*mark*

Taken before me this

day of *May* 188*9*

*J. W. Campbell*

Police Justice.

**POOR QUALITY ORIGINAL**

0774

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

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

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

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

Police Court... *First District*  
*678*

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

*Marcelo Wallace*  
*58 - 10th Ave*  
*East New York*

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

Offence *Robbery*

Dated *May 7<sup>th</sup>* 1889

*J. Ford* Magistrate

*J. J. Officer*

*11<sup>th</sup>* Precinct

Witnesses

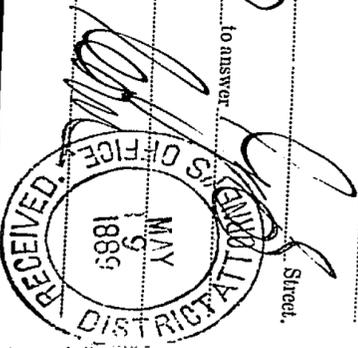
No. .... Street .....

No. .... Street .....

No. .... Street .....

\$ *500*

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 *defendant*

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

Dated *May 7<sup>th</sup>* 1889 *J. J. Officer* Police Justice.

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

Dated ..... 188 ..... Police Justice.

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

Dated ..... 188 ..... Police Justice.

**POOR QUALITY ORIGINAL**

0775

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

*against*

*Gasparo Rando*

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

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

The said *Gasparo Rando*,

late of the City of New York, in the County of New York aforesaid, on the *15th* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*nine*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Severoso Avallone*, in the peace of the said People, then and there being, feloniously did make an assault, and

*one watch of the value of twenty dollars, one chain of the value of fifty dollars, and one pocket of the value of twenty dollars,*

of the goods, chattels and personal property of the said *Severoso Avallone*, from the person of the said *Severoso Avallone*, against the will, and by violence to the person of the said *Severoso Avallone*; then and there violently and feloniously did rob, steal, take and carry away, *the said Gasparo Rando* being then and there aided by an accomplice actually present, whose name is to the Grand Jury aforesaid unknown:

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

**POOR QUALITY ORIGINAL**

0776

~~Court of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK.~~

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

Second Count:

And <sup>aforesaid</sup> The Grand Jury ~~of the City and County of New York,~~ by this indictment, ~~accuse~~ further accuse the said Wastano Porto of the CRIME OF ROBBERY in the 2<sup>nd</sup> degree, committed as follows:

The said Wastano Porto.

late of the City of New York, in the County of New York aforesaid, on the 15<sup>th</sup> day of May, in the year of our Lord one thousand eight hundred and eighty-nine, in the night time of the said day, at the City and County aforesaid, with force and arms, in and upon one Veneroso Avallone, in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of fifty dollars, one chain of the value of fifty dollars, and one pocket of the value of twenty dollars,

of the goods, chattels and personal property of the said Veneroso Avallone, from the person of the said Veneroso Avallone, against the will, and by violence to the person of the said Veneroso Avallone, then and there violently and feloniously did rob, steal, take and carry away, the said Wastano Porto armed with a dangerous weapon, to wit: as well with a certain pistol, charged and loaded with gunpowder and lead, as also with a certain razor.

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.

POOR QUALITY ORIGINAL

0777

~~Court of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK.~~

~~THE PEOPLE OF THE STATE OF NEW YORK,~~

~~against~~

*Third Count.*

And <sup>of aforesaid</sup> The Grand Jury ~~of the City and County of New York,~~ by this indictment,

~~do~~ *Further* accuse the said *Mastano Porto*

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

The said *Mastano Porto*.

late of the City of New York, in the County of New York aforesaid, on the *7th* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*nine*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Generoso Avallone*, in the peace of the said People, then and there being, feloniously did make an assault, and

*one watch of the value of forty dollars, one chain of the value of fifty dollars, and one pocket of the value of twenty dollars;*

of the goods, chattels and personal property of the said *Generoso Avallone*, from the person of the said *Generoso Avallone* against <sup>his</sup> will, and by violence to the person of the said *Generoso Avallone* <sup>in fear</sup> ~~then and there~~ <sup>at some immediate moment to his person,</sup> did rob, steal, take and carry away,

*Mastano Porto* <sup>himself</sup> ~~and there~~ aided <sup>by</sup> an accomplice <sup>actually</sup> present, whose name is to the Grand Jury <sup>aforesaid</sup> unknown.

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

**POOR QUALITY ORIGINAL**

0778

~~Court of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK.~~

~~THE PEOPLE OF THE STATE OF NEW YORK,~~

~~against~~

*Thina Ponte,*

And ~~The Grand Jury of the City and County of New York,~~ <sup>*doresaid*</sup> by this indictment, ~~accuse~~

*Further accuse the said Thina Ponte*  
of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *Thina Ponte,*

late of the City of New York, in the County of New York aforesaid, on the *15th* day of *May*, in the year of our Lord one thousand eight hundred and eighty-*nine*, in the *night* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Generoso Avallone,* in the peace of the said People, then and there being, feloniously did make an assault, and *one watch of the value of forty dollars, one chain of the value of fifty dollars, and one pocket of the value of twenty dollars;*

of the goods, chattels and personal property of the said *Generoso Avallone,* from the person of the said *Generoso Avallone* <sup>*his*</sup> against the will, and by violence to the person of the said *Generoso Avallone* <sup>*in fear*</sup> ~~of some immediate injury to his person,~~ then and there violently and feloniously did rob, steal, take and carry away, *the said Thina Ponte* <sup>*himself*</sup> and *her* aided *by* an accomplice actually present, whose name is to be found *by doresaid indictment.*

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.

**POOR QUALITY ORIGINAL**

0779

~~Court of General Sessions of the Peace~~

~~OF THE CITY AND COUNTY OF NEW YORK.~~

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

Bartholomew

And <sup>the</sup> Grand Jury ~~of the City and County of New York,~~ by this indictment, ~~accuse~~  
further accuse the said Bartholomew  
of the CRIME OF ROBBERY in the first degree, committed as follows:

The said Bartholomew,

late of the City of New York, in the County of New York aforesaid, on the 15th  
May day of 1889 in the year of our Lord one thousand eight  
hundred and eighty-nine, in the night time of the said day, at the City and  
County aforesaid, with force and arms, in and upon one Benvenuto,  
in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of forty  
dollars, one chain of the value  
of fifty dollars, and one pocket  
knife of the value of twenty dollars,

of the goods, chattels and personal property of the said Benvenuto,  
from the person of the said Benvenuto, against the will,  
and by violence to the person of the said Benvenuto in his  
then and there violently and feloniously did rob, steal, take and carry away,

Bartholomew being then and there  
armed with a dangerous weapon, to  
wit: as well with a certain pistol, charged  
and loaded with gunpowder and  
lead, as also with a certain razor,  
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. [Signature]  
District Attorney

0780

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Costello, Mary A.

**DATE:**

05/22/89



3319

0781

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Armstrong, Peter

**DATE:**

05/22/89



3319

POOR QUALITY ORIGINAL

0782

Witnesses:

*Thomas Kearns*  
*Officer in Charge*

It appearing that the evidence against the defendant Peter Armstrong would not justify his conviction & recommend that his indictment as to Armstrong be dismissed. *John R. Fellows*  
May 27/87.  
*per [Signature]*

*211 [Signature]*

Counsel,  
Filed *22* day of *May* 188*9*  
Pleas, *Not guilty*

THE PEOPLE  
*33* *1889*  
*18* *1889*  
*18* *1889*  
Mary A. Costello  
and  
Peter Armstrong  
H.D.

Grand Larceny Second Degree.  
[Sections 528, 537, Penal Code.]

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL.

*[Signature]*

Part II May 27/89 Foreman.  
No. Pleas. Peter Larceny.  
Per [Signature]  
No. 2 - Indictment dismissed

POOR QUALITY ORIGINAL

0783

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York } ss.:

Home Detention Edward Kearns  
of the Steamship Niagara lying at Pier 20 Street, aged 30 years,  
occupation Cook

deposes and says, that on the 16<sup>th</sup> day of May 1889 being duly sworn

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 to the amount and of the value of twenty eight dollars. (\$28.00)

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 Mary A. Costello and Peter Armstrong (both names) from

the fact that at about the hour of 7 o'clock P.M. said date deponent was sitting in a keg in the saloon at no 54 Thompson St. and at that time deponent had said sum of money in the right hand pocket of his pantaloons. When the defendant

Mary A. Costello sat down beside deponent and putting her hand into deponent's pocket where said money was, she took said money from deponent's pocket and

Subscribed to by Edward Kearns  
Police Justice

POOR QUALITY  
ORIGINAL

0784

Started to run away with it defendant  
followed her and attempted to prevent  
her making her escape with said  
money when the other people in said  
saloon got around defendant and  
defendant saw her the said Mary  
Castello pass something to the  
defendant Peter Armstrong.  
Wherefore defendant charges the  
said defendants with being together  
and acting in concert with each  
other and feloniously taking stealing  
and carrying away said sum of  
money from the person of defendant.

Sworn to before me  
this 17th day of May 1889

J. J. Duffy  
Police Justice

POOR QUALITY ORIGINAL

0785

Sec. 198-200.

2 District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Mary A Costello

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

Question. What is your name?

Answer. Mary A Costello

Question. How old are you?

Answer. 33 years old

Question. Where were you born?

Answer. England

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

Answer. 78 Sullivan St. 1 year

Question. What is your business or profession?

Answer. Nothing

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

Mary Ann Costello

Taken before me this

day of

1888

Police Justice.

POOR QUALITY ORIGINAL

0786

Sec. 192-200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

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

Question. What is your name?

Answer. *Peter Armstrong*

Question. How old are you?

Answer. *51 years old*

Question. Where were you born?

Answer. *Richmond Va*

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

Answer. *61 Thompson St. 1925*

Question. What is your business or profession?

Answer. *Laneshoreman*

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

Answer.

*I am not guilty*

*Peter Armstrong*  
*Mack*

Taken before me this

day of

*Wm. J. [Signature]*  
Police Justice.

POOR QUALITY ORIGINAL

0787

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

Police Court... 2/14/14  
 District...

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

Edmund J. Murray  
 Attorney at Law  
 Mary A. Costello  
 Peter Amuntang

1  
 2  
 3  
 4

Office  
 Larceny from  
 the Person

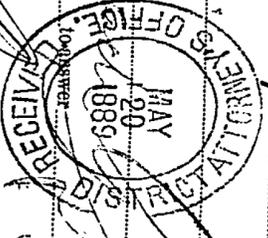
Dated May 17 1889

Charles R. Stein, Officer  
 Precinct...

Witnesses  
 Complainants  
 No. Commit to the  
 Street...

Have returned in  
 amount of \$1000 full  
 to certify...

No. 570  
 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 Mary A. Costello and Peter Amuntang

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

Dated May 17 1889 [Signature] Police Justice.

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

Dated \_\_\_\_\_ 1889 \_\_\_\_\_ 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 \_\_\_\_\_ 1889 \_\_\_\_\_ Police Justice.

**POOR QUALITY ORIGINAL**

0788

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

THE PEOPLE OF THE STATE OF NEW YORK,

*against*  
*Mary A. Costello*  
*and*  
*Peter Armstrong*

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by  
this indictment, accuse *Mary A. Costello*  
*and Peter Armstrong*  
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE,  
committed as follows:

The said *Mary A. Costello, and*  
*Peter Armstrong, both*  
late of the City of New York, in the County of New York aforesaid, on the *sixteenth*  
day of *May* in the year of our Lord one thousand eight hundred and  
eighty-*nine*, at the City and County aforesaid, with force and arms, in the  
*#28.00* *day* - time of the same day, divers promissory notes for the payment of money, being  
then and there due and unsatisfied (and of the kind known as United States Treasury  
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the  
payment of and of the value of *twenty-eight*

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  
*twenty-eight*

dollars; divers United States Silver Certificates of a number and denomination to the Grand  
Jury aforesaid unknown, of the value of *twenty-eight*

dollars; divers United States Gold Certificates of a number and denomination to the  
Grand Jury aforesaid unknown, of the value of *twenty-eight*

dollars; divers coins of a number, kind and denomination to the Grand Jury aforesaid  
unknown, of the value of *twenty-eight dollars*

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

JOHN R. FELLOWS, *District Attorney.*

0789

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Crelli, John

**DATE:**

05/10/89



3319

**POOR QUALITY ORIGINAL**

0790

*[Signature]*  
Counsel,  
Filed *10* day of *May* 188*9*  
Pleads

THE PEOPLE,  
vs.  
*John Grelli*  
*May 13/89*  
*[Signature]*

VIOLATION OF EXCISE LAW  
(Selling on Sunday, Etc.)  
[111 Rev. Stat. (7th Edition), page 1083, Sec. 21,000  
page 1080, Sec. 2]

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL.  
*[Signature]*  
Treas.

WITNESSES:  
*Officer Bishop*

**POOR QUALITY  
ORIGINAL**

0391

**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 Crelli*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*John Crelli*  
of the CRIME OF SELLING INTOXICATING LIQUORS AND WINES AS A BEVERAGE ON SUNDAY, committed as follows:

The said *John Crelli*

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

*Henry C. Bischoff*  
and to certain other persons whose names are to the Grand Jury aforesaid unknown,  
against the form of the Statute in such case made and provided, and against the peace of  
the People of the State of New York and their dignity.

SECOND COUNT—

And the Grand Jury aforesaid by this indictment further accuse the said  
*John Crelli*  
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG  
AND SPIRITUOUS LIQUORS, WINES, ALE AND BEER, committed as follows:

The said *John Crelli*

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

**JOHN R. FELLOWS,**  
District Attorney.

0792

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Crush, Louis

**DATE:**

05/13/89



3319

**POOR QUALITY ORIGINAL**

0793

Witnesses:

*Charles Langford*  
*Officer*

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

*[Signature]*

Counsel,

Filed *18* day of *May* 188*9*

Pleads

THE PEOPLE

vs.

*Louis Cusack*

*[Signature]*

INJURY TO PROPERTY.  
[Section 654, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

*[Signature]*  
*May 13/89*

Foreman.

*[Signature]*  
*[Signature]*

POOR QUALITY ORIGINAL

0794

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *Louis Crusto*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *348 East 32<sup>nd</sup> Street 8 months*

Question. What is your business or profession?

Answer. *Work along shore*

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

Answer. *I am guilty*

*Louis Crusto*

Taken before me this

day of

*May*

188

*9*

*Thomas J. Brennan*  
Police Justice.

POOR QUALITY ORIGINAL

0795

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street

Police Court No. \_\_\_\_\_ District \_\_\_\_\_

THE PEOPLE, &c.,  
ON THE COMPLAINT OF  
*Charles Amey*  
298 1/2 Ave A  
Room 302  
Offence *Mal. Murder*  
*John*

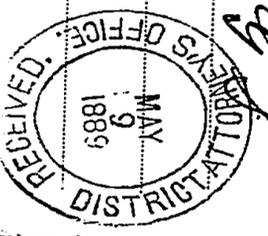
Dated *May 4* 188*9*

*John* Magistrate.  
*Thomas Mulvaney* Officer.

Witnesses *Sam'l Williams*  
No. *343* Street *9th*

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

No. *1000* Street *8th*  
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 *Five* Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *May 4* 188*9* \_\_\_\_\_ 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.

POOR QUALITY ORIGINAL

0796

CITY AND COUNTY } ss. OF NEW YORK,

POLICE COURT, 4 DISTRICT.

Charles Langenbach

of No. 295 Avenue A Street, aged 43 years,

occupation Saloon Keeper being duly sworn deposes and says,

that on the 6 day of May 1889

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

Louis Lush (nowhere) who unlawfully and willfully did break and destroy a plate glass Window at the premises of aforesaid of the value of one hundred & fifty dollars the property of one Mrs. Alshewer

Deponant saw said defendant throw two bricks in said Window destroying the same, in violation of section 654 of the Penal Code of the State of New York Charles Langenbach

Sworn to before me, this 7 day of May, 1889

[Signature]

Police Justice,

**POOR QUALITY ORIGINAL**

0797

**Court of General Sessions of the Peace**

IN AND FOR THE CITY AND COUNTY OF NEW YORK.

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

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

*Samuel Roudin*  
of the CRIME OF UNLAWFULLY AND WILFULLY *detourning*  
PERSONAL PROPERTY OF ANOTHER, committed as follows:

The said *Samuel Roudin*,  
late of the *Eighteenth* Ward of the City of New York, in the County of New York  
aforesaid, on the *ninth* day of *May* in the year  
of our Lord one thousand eight hundred and eighty-*nine*, at the Ward, City and  
County aforesaid, with force and arms, *certain goods,*

*of the value of one hundred and fifty dollars,*  
of the goods, chattels and personal property of one *Charles Langford,*  
then and there being, then and there feloniously did unlawfully and wilfully *steal*  
*and destroy;*

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

**POOR QUALITY ORIGINAL**

0798

SECOND COUNT.

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

The said         Louis Ruder        ,  
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year  
aforesaid, at the Ward, City and County aforesaid, with force and arms. retain  
of arms.

of the value of one hundred and fifty dollars  
in, and forming part and parcel of the realty of a certain building of one Jane Alderman,  
(whose name is to be found in the records of the City of New York)  
there situate, of the real property of the said Jane Alderman.

then and there feloniously did unlawfully and wilfully break and destroy

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

**JOHN R. FELLOWS,**  
District Attorney.

0799

**BOX:**

352

**FOLDER:**

3319

**DESCRIPTION:**

Curtis, George

**DATE:**

05/24/89



3319

**POOR QUALITY ORIGINAL**

0000

772 Home a

Counsel, *[Signature]*  
Filed *24th* day of *May* 188*9*  
Pleads, *Arquilly*

THE PEOPLE  
vs.  
*36 21st R*  
*3rd 20th*  
*George Curtis*  
*H.P.*

Grand Larceny, *Second Degree*,  
(From the Person.)  
[Sections 528, 587 — Penal Code.]

JOHN R. FELLOWS,  
*District Attorney.*

**A True Bill.**

*[Signature]*

Part II *June 7 1889* Foreman.  
Pleads *with larceny*  
*Men 6 mds*  
*1889*

Witnesses:

*A. J. Morney*  
*H. Charles*

POOR QUALITY  
ORIGINAL

0801

City and County  
of New York So  
William J. Mounsey of the 11th Precinct  
Police being duly sworn says that  
Henry Charles the within named  
Complainant ~~is a necessary and~~  
material witness against George  
Curtis charged with a Felony  
offense. Mounsey says that said  
Complainant has no permanent  
place of abode and asks  
that he give surety for his  
appearance to testify.

William J. Mounsey

20 May 1889  
G. W. Kelly

POOR QUALITY ORIGINAL

0802

Police Court - 3 District. Affidavit - Larceny.

City and County of New York, ss.:

Henry Charles Lodging House  
of ~~North~~ East Corner Avenue 73<sup>rd</sup> & 8<sup>th</sup> Street, aged 19 years,  
occupation Waiter being duly sworn

deposes and says, that on the 19 day of May 1889 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

one cloth coat, one cloth Vest, one pair of cloth pantaloons one pair of shoes all of the value of Five dollars and ninety cents

the property of Richard Charles deponent's Father

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by George Curtis (man here) and another man whose name is unknown

Deponent says that about the hour of 3 1/2 P. M. on said date he was walking along Chrystie Street when said Curtis and said unknown man came up to him that said Curtis engaged him in conversation and thereafter took said property from under deponent's arm and thereafter headed the same to said unknown man

Deponent says that he turned around on about five minutes thereafter and said unknown man disappeared with said property. Wherefore deponent charges said defendants with feloniously taking said property

Henry Charles

Sworn to before me, this 20 day of May 1889  
J. P. Kennedy Police Justice.

**POOR QUALITY ORIGINAL**

0803

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. George Curtis

Question. How old are you?

Answer. 36 years.

Question. Where were you born?

Answer. U S

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

Answer. 340 E 14th St 3 years

Question. What is your business or profession?

Answer. Steward

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 of the charge  
Geo. Curtis

Taken before me this 1st day of May 1889  
[Signature] Police Justice.

POOR QUALITY ORIGINAL

0004

BAILIED, *JA*

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_  
Street \_\_\_\_\_

Police Court... 3

District 936

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Henry Smith*  
*George Smith*

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_

Offence *Widow's Law*  
*Larceny Felony*

Dated *May 20* 188*9*

*D. O. Reilly* Magistrate.  
*M. Mcweeney* Officer.  
Precinct *11*

*Recommendation committed to*  
*the House of Detention with*  
*deposit of \$1000 to testify*

RECEIVED  
MAY 20 1889  
CLERK OF THE DISTRICT COURT  
No. *15000* to answer *5*

*Commenced*  
*Person*

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

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

Dated *May* 188*9* *D. O. Reilly* 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.

POOR QUALITY ORIGINAL

0805

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

George Curtis

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

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

The said George Curtis

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

one coat of the value of two dollars, one vest of the value of one dollar, and one pair of shoes of the value of one dollar

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

John L. Fellows District Attorney

0807

**END OF  
BOX**