

02 18

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Gallagher, Frank

**DATE:**

11/11/91



4199

02 19

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Kelly, Catharine

**DATE:**

11/11/91



4199

POOR QUALITY  
ORIGINAL

0220

Witnesses:

Hattie Peregrin  
Caroline May  
Officer Ellis

In view of the absence  
of the complainant  
and the unwillingness  
of the other witnesses  
to appear I recommend  
the acceptance of the  
Fingerprint

here  
11/9 W.A. [unclear]

Counsel,  
Filed 11 day of Nov 1891

Pleas, [unclear]  
THE PEOPLE

vs.  
Frank Gallagher  
vs. [unclear]  
Catherine Kelly  
Grand Larceny, Second Degree,  
[Sections 828, 834, From the Person, Penal Code.]

DE LANCEY NICOLL,

District Attorney

Dec 11 1891  
Dec 11 1891  
A TRUE BILL.

Part 3, Dec 4 1891  
No 2 - tried and convicted  
Part III, 9. L. 2 day Foreman.

Nov 23 91  
11/9 W.A. [unclear]  
11/9 W.A. [unclear]

The People of the State of New York, : Before Hon. James  
against :  
CATHARINE KELLY. : Fitzgerald and  
: a Jury.

Indicted for Grand Larceny in the 2nd degree.

N E W Y O R K ? December 4th 1891.

For the defendant Mr. Ambrose H. Purdy.

I am a married lady living at No. 140 Amsterdam Avenue in the city of New York . I was on a ferry boat coming from Hoboken on the afternoon of November 6th . I had a pocket book in my pocket on that afternoon containing between eight and ten dollars . There was a five dollar bill, a one dollar bill and a dollar in silver change as I now remember . I last saw the pocket book when I was getting my ticket to board the ferry boat . I missed it when a lady named Mrs. Perego called my attention to the fact that my pocket had been picked . I did not know that any one had taken the pocket book until she informed me of it . It was just as the boat entered the New York slip that I was told of the loss of my pocket book; I looked in the pocket of my dress and found it was missing at that time . I have never recovered it

2

since that time .

CROSS EXAMINATION:

I put the pocket book in my pocket in Hoboken in the state of New Jersey . I did not see it from that time until the time it was taken from me. I did feel it in my pocket about two or three minutes before I got up to leave the boat on the New York side. When I saw the people were commencing to leave the boat I also got up and stood on the front platform of the boat and it was while I was standing there that my pocket book was taken . I did not see who took it .

HATTIE PEREGOY, a witness-for-the People, sworn, testified:

I am a married lady living in Newark New Jersey. I had occasion to visit the city of New York on the afternoon of November 6th this year . I came over to the city on the Hoboken Ferry boat. I was sitting in the cabin of the ferry boat on the ladies side . Next to me sat the defendant now at the bar . Her actions attracted my attention to her . I did not see the complainant who has testified until the ferry boat reached the New York side . I noticed her standing on the front deck and near her stood this defendant . I saw the defendant put her hand down by the dress of this complaint and then bring her hand up again and in it was a pocket book. I saw her hand it to the co-defendant Frank Gallagher and together they left the ferry boat . I called the woman's attention to the fact that her pocket had been picked . I left the ferry boat; called an officer . The female defendant Kelly

3

boarded a West Street car. In company with the officer I entered the car and immediately picked her out as the person whom I had seen standing close by the complainant and who had picked her pocket. Shortly afterwards I saw the male defendant Gallagher standing on a corner and I had the officer arrest him. They both denied having had anything to do with the taking of the pocket book. I am positive in my identification of the woman and the man.

CROSS EXAMINATION:

There was quite a crowd on the ferry boat at the time I saw this occurrence. When the boat was nearing its slip on the New York side, as is usual on such occasions a number of people stood up to go out. It was while standing out on the front platform that I saw this woman put her hand down and take the pocket book. I did not see the hand of the woman Kelly go into the pocket but I did see it come up from the direction of the pocket and it had this pocket book in it. I assumed that the hand had gone in to the pocket because I saw the book in it. She did not have a pocket book in her <sup>hand</sup> and at the time she was walking out of the ferry boat. I drew the attention of the complainant to the fact that her pocket had been picked and immediately went for an officer. I said nothing to the defendant until I procured the services of the officer. He arrested her and she was taken to the station house. I did not see the pocket book found on the person of either of the defendants. This transaction occupied only about five minutes until the boat landed. I kept my eye on the woman until she entered the car and told

4

officer where she was .

ADNER ELLIS, a witness for the People, sworn, testified:

I am a Police officer attached to the 9th precinct in this city . I was stationed at t e Hoboken Ferry on the evening of November 6th . Between two and three o' clock on that afternoon I made the arrest of this de- fendant . Mrs. Peregoy came to me and told me some- thing . In consequence of her information imparted to me I boarded a West Street car and when I got in there Mrs. Peregoy immediately pointed out Catharine Kelly to me . I told Catharine Kelly I wanted her for picking a pocket and that I had the complainant with me . She did not say a word either then or during the time I was taking her to the stati on house . The complainant then called my at- tention to Frank Gallagher the male defendant standing on the corner of the street . Frank Gallagher said that he did not know the Kelly woman and had never seen the complain<sup>ant</sup> before . He denied taking the money . I searched the woman b ut found nothing on her . I searched Gallagher in the station house and found a pocket book on h<sup>er</sup>om, containing ninety three dollars . It was not the pocket book of the complainant .

CROSS EXAMINATION:

The defendant as she was coming off the ferry vboat stumbled across my foot, but I did not pay any atten- tion to her at all as I did not know who she was . I saw her get into the carv. About two minutes after that Mrs. Peregoy came to me and made the complaint that this womans pocket had been picked by the Kelly woman .

D E F E N C E .

FRANCIS GALLAGHER, one of the defendants sworn, testified:

I remember being arrested on the 5th of November by Officer Ellis. I was over in Hoboken at one of the steamer docks trying to sell some birds. My business is that of selling fancy birds which I buy from sailors and others on steamers. I do not know the Kelly woman and did not see her on that ferry boat on that afternoon. I had nothing to do with the stealing of the money. The pocket book which was found on me contained my own money which I had honestly earned. I knew nothing of the matter until the officer came up to me on the corner and arrested me.

CROSS EXAMINATION: My employment at that time was that of a fireman at sea. I have gone to sea on several of the large steamers when I am on land my occupation is the selling of birds. I earned the money which I had in the pocket book honestly. It was not stolen from anybody. I stood on the back of the ferry boat coming over the river. I was not on the forward side of the ladies' cabin at all. I positively swear to the jury under oath that I do not know Catharine Kelly and had never seen her before the time of my arrest.

The jury returned a verdict of Guilty of Grand Larceny in the 2nd degree.

0226

AND THAT I, THE SIGNED, A MEMBER OF THE BOARD OF, BEING

seen her before the time of the murder.  
or at that time nor know anything of her and her mother  
again at all. I bought a small box of the first class  
travel. I was not on the morning side of the river.  
I was on the other side of the river and could see the  
boat on the river. I was not on the river side.  
nothing of this. I bought the boat which I saw the  
first afternoon when I was on the river and was the  
first to see. I had come to see on the river of the

GROSS EXAMINATION: The body showed no first time or first of all.

COURT OF GENERAL SESSIONS

Part III.  
THE PEOPLE  
against  
JOATHAM KELLY, impleaded  
with Frank Gallagher.  
Abstract of testimony on  
tried New York, December  
4th 1891.

I THEREFORE HAVE REQUESTED OF THE DEPT. OF JUSTICE  
 LEVINGER SYSTEMS INC. ONE OF THE MEMBERS OF THE BOARD:

D E L D E G O

POOR QUALITY  
ORIGINAL

0227

DISTRICT POLICE COURT.

THE PEOPLE  
ON COMPLAINT OF  
*Caroline Fries*  
agst.  
*Frank Gallagher*  
*Calvin Kelly*

Examination had *Nov 7* 188*1*  
Before *Edward Hogan* Police Justice.

I, *W. J. Cermak* Stenographer of the *2* District Police  
Court, do hereby certify that the within testimony in the above case is a true and correct copy of  
the original Stenographer's notes of the testimony of *Caroline Fries and*  
*Hattie Perego*  
as taken by me on the above examination before said Justice.

Dated *Nov 7* 188*1* *W. J. Cermak*  
Stenographer

*E. Hogan*  
Police Justice.

Police Court  
Second Dist

The People  
Caroline Frey  
Frank<sup>2</sup> Gallagher  
Catherine Kelly

Examination Before Justice Hogan  
Nov 7 1891

In defendant du Mc Clelland

Caroline Frey being duly sworn and  
examined through an interpreter de-  
poses and says:-

- 2 Did you lose any other property  
beside the pocket book which  
contained seven or eight dollars?
- A Yes sir. a bank book on the  
Hoboken Bank. It represented  
thirty dollars.
- 2 How was it taken from you?
- A I was on the ferry boat when  
I had the pocket book and  
the bank book together in

the same pocket

2 when did you first look for the bank book and pocket book?

A - I had the bank book on the other side. My son gave it to me. My son is here. He brought me to the ferry.

2 when did you put the pocket book in your pocket?

A When the boat was half way between the two shores.

2 when did you sit on the boat

A I was sitting alongside of the defendant Catherine Kelly.

2 were there many passengers in the cabin?

A Yes

2 you got up to go out of the cabin and mingled with the passengers?

A Yes.

2 what time of day was it?

A Between two and three o'clock

2 was the boat crowded?

A Yes.

Q You went along with the crowd to go off the boat?

A Yes.

Q At what distance from the place did you learn that your rocket book was gone?

A I was walking off the boat when I missed the article.

Q How far was it from the place where you missed your rocket book to the place where defendant was arrested?

A About to the middle of the street.

A Yes - right where the cars go.

Hattie Perego being duly sworn and examined as a witness for the people, deposes and says:

Examined by the the Clerk

Q Were you in company with the complainant when she lost

Le Rocket boat?

A I was on the same boat - not  
in Le company.

Q Where were you sitting?

A I was in the ladies cabin  
sitting just beyond this lady  
about three or four seats  
the other side of the defendant  
Catherine Kelly who was sitting  
next to Complainant. I was  
about three seats from Mrs  
Kelly on the same side. There  
was a lady alongside of me  
and a gentleman the other  
side. Strangers to me.

Q When the boat approached the  
bridge did you rise to go out  
with the rest of the passengers.

A No sir not before the  
defendant went out.

Q You anticipated going out?

A Yes sir

Q Was there much of a  
crowd on the boat?

A Yes sir. There was quite

a crowd.

2 How far did you go out?

A I was about half way out.  
That was the place he  
got in front of me.

2 Was there a crowd between  
the chairs and you?

A Yes Sir  
2 When you went out, <sup>complaint</sup> was there ~~any~~ leaving  
the crowd with

A Yes there was quite a crowd.

2 And you came out with it?

A Yes Sir

2 They came together as usual  
for that purpose?

A Yes Sir  
2 Close together?

A Not at that time, when the  
boat came to the bridge the  
crowd bumped together

2 Did you see complaint  
going out?

A Yes; she was right in front  
of me & I held her up  
as the boat crashed.

2 She came out after you and  
got somehow right in front  
of you

A Yes sir - she got on the side.

2 At that time were the  
passenger close together?

A Yes sir (within two or three  
feet of each other)

2 When did you first see the  
Defendant Gallagher <sup>and lady</sup>

A I did not see them <sup>separately</sup>.  
They both came out together.

2 Did they both come out of the  
boat together?

A Yes sir, I think he was  
on the other side.

2 When did you first see the  
Defendant Gallagher.

A Just before the boat landed  
he joined the lady.

2 When did you first see the  
Defendant at that time

A Just before the boat had  
landed he joined the lady.

2 Just before the boat landed

you saw him talking to  
defendant Kelly?

A No Sir, not talking - not  
until he got quite a ways  
up.

Q You did not see them  
talking together on the boat?

A Not inside - no Sir.

Q Or outside?

A Outside they were talking

Q When was that?

A Just before the boat  
landed - about two or three  
minutes before.

Q Had <sup>they</sup> you been out of the  
cabin before?

A Yes.

Q They had come out of the  
cabin after you?

A Yes.

Q And got in front of you?

A Not at that time.

Q Did you keep sight of the  
man until he was arrested?

A Yes Sir, until afterwards -

when I asked the old lady if she had lost her pocket book. Before that I had seen Defendant Kelly put her shawl over the old lady's dress. She was close to me and I saw Catherine Kelly put her hand in the pocket of the complainant. I did not know at the time whether she had taken the pocket book and that was why I asked complainant if she missed her pocket book.

2 You saw Mrs Kelly put her hand in the pocket of the complainant?

A Yes sir. right in right?

2 And you were sitting beside her? Please describe how it was?

A No: This was on the outside outside the cabin that she put her hand in complainant's pocket: just as the boat got in.

2 Do you say this lady was behind you

A No sir. The old lady was in front of me.

2 Have you not just testified that these people came out of the Cabin after you?

A No sir. She came out before me - just before - about a minute.

2 When you went out of the cabin was the old lady on the seat?

A No sir. She had got up

2 And gone out?

A Yes sir.

2 You do not claim that complaints No. 1 was naked while she was sitting down?

A No sir; while they stood.

2 This lady went out of the cabin before you? Mrs

A Kelly and Mr Gallagher went out of the cabin before?

A Yes  
Q Both out of the cabin?

A Yes.

Q Not talking?

A Not talking

Q They came out and stood  
in front of you?

A Yes Sir.

Q Did you see Gallagher and  
Mr Kelly standing close  
together?

A Yes Sir

Q Did you see Defendant  
Mrs Kelly and complainant  
standing close together?

A Close together; yes Sir - the  
gentleman was in back of  
the lady.

Q Soon before the boat touched  
you claim you saw the  
Defendant Mrs Kelly take  
Mr Kelly in complainant's  
locker?

A Just as the boat knocked  
against the boards.

- 2 There was quite a gathering of people there at that time?
- A Yes sir - from the other side - they separated
- 2 There was some in front and some behind?
- A Yes.
- 2 Who stood immediately in front of you?
- A Not gentlemen there
- 2 Mrs Kelly stood sideways?
- A No sir: she stood like this. There is a post a middle post between the front of the cabin and the chair
- 2 When you stood at the middle post which way did you face?
- A Did you face sideways to the boat?
- A Yes sir
- 2 Which way was you looking up the Hudson or down?
- A I was facing towards the city
- 2 When the boat was coming into the ship?

A Yes - on the New York side,  
of the Hoboken ferry.

Q Who was next to you?

A I could not say.

Q Gallagher in front?

A Yes.

Q How was he facing?

A He was right facing the  
lady sidewise like. She  
was here, and the lady was  
there. She was here, and the  
old lady was there. The  
man facing towards New York.  
You were facing New York?

A Yes sir.

Q And he was directly in front  
of you.

A Yes; on the right.

Q On which side - on the right  
side or the left side.

A The Right hand side.

Q He was in front of you  
more than the lady?

A Yes sir.

Q Who stood nearest to you

toward the lady;

A The lady - the defendant  
2 On the side next to you.

A She stood in front of me  
right on the side. He was  
on the right side. She was  
next to the lady.

2 Have you not testified that  
Mr Gallagher stood almost  
in front of you nearer to the  
post

A I was by the post - I  
was on the right side of me

2 Not front of you?

A No Sir

2 Sidewise?

A Yes Sir

2 Did he stand directly opposite  
you?

A No; He was quite a little  
distance from me - about a  
foot from me.

2 To the right?

A Yes Sir

2 To the right of whom?

- A He was here; she was here.  
Dependant stood right here.
- Q Was dependent Mr Kelly  
indirect to you?
- A No sir; she was right in  
front
- Q Who stood in front of you?
- A The old lady
- Q Then Mrs Kelly intervened  
between you and the old  
lady?
- A Yes sir
- Q People with the crowd were  
around?
- A Yes.
- Q Now what do you claim  
you saw?
- A I saw her put her hand  
in the old lady's pocket  
right down at the side.
- Q You saw her put her hand  
down?
- A Yes
- Q A great many people  
around?

A Yes sir

Q Mr Kelly stood between you and the complainant?

A Yes Sir.

Q And on the side that you claim you saw?

A The old lady was standing in front of me, and this lady put her hand across the old lady's side. She was on the other side and she pushed through the crowd.

Q Just before she came out?

A Outside on the deck the old lady pushed through. This gentleman got immediately in front of me. Then I saw her put her hand in the pocket and put it down so - I

did not see anything more then. One hand dropped to the side of the gentleman at about particular part of the boat was that?

Q

A Right in front of the boat.

Q Outside of the cabin?

A Outside of the cabin

Q By the port you were ascending?

A I was standing there.

Q And standing in the way you described you swear that you saw all that?

A Yes sir

Q Did Mrs Kelly stand between you and Corofearment?

A The old lady stood there - I stood here, at the back of them. They were both standing in front of me.

Q Then which hand did Mrs Kelly use; which hand did she put in Corofearment's pocket?

A Her left hand

Q The right side pocket of the Corofearment?

A Yes sir

Q Neither of the defendants spoke to one another?

A They had a little conversation

Q Do you know what it was about?

A No Sir

Q You do not claim that these Defendants had any previous acquaintances?

A No Sir: I do not know anything about them

The Court Have you any other evidence to offer?

Offer: Yes No Sir.

Mr. Clelland I ask for the discharge of the Defendant Gallagher on the ground that there is no evidence to connect him.

(Motion Denied)

Hatter Perezoy recalled by the  
the Clellands for further cross-examination.

Q Have you testified to everything you know about this affair?

A Yes Sir.

Q Is there anything else that you can add to what you have said?

A I do not know of anything or only as the policemen came up stairs & opened the door.

The Court - You mean that you have answered all the questions that have been put to you by counsel?

A Yes Sir.

Q And that is what you want to be understood as saying?

A Yes Sir.

By Mr. Clelland.

Q - Have you any information or any other knowledge other than what you have testified to in answer to my questions in regard to the Larens.

A No Sir.

18 Q And all that you have

POOR QUALITY  
ORIGINAL

0246

stated yesterday, and all that  
you have said were correct;  
A Gen Sir

Defendant held to answer  
\$1000 bail each.

DEPT. OF JUSTICE,

WASHINGTON, D.C.

Police Court 2 District.

Affidavit—Larceny.

City and County } ss:  
of New York,

of No. 146-10-Avenue Street, aged 55 years,  
occupation Days Work being duly sworn,  
deposes and says, that on the 6 day of November 1897 at the City of New York,  
in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in  
the day time, the following property, viz:

A Pocket Book, containing good and  
lawful money of the United States  
of the amount and value of seven  
or eight 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 Frank Gallagher & Catherine Kelly

(both now here) and while acting in concert  
with each other, from the following facts to  
wit: That deponent is informed by Wattie  
Peregoy of No 115 Warren Street of the City of  
Newark State of New Jersey, that on the aforesaid  
date about the hour of 12:30 o'clock P.M. while  
she was standing on the outside of the Ladies  
Cabin of a Ferry Boat of the Hoboken Line  
she saw the said defendant Catherine Kelly  
place and put her hand in the pocket of  
the dress then and there worn on deponent's  
person, and take the aforesaid pocketbook  
containing said money from the pocket of  
said dress, and that she is further informed

by said Mattie Peregoy that she saw the said defendant Catherine Kelly after taking the said Pocket Book from deponents person, pass and give the said Pocket Book to the defendant Frank Gallagher who was standing in close proximity to the defendant Catherine Kelly - Deponent therefore charges the defendants with acting in concert with each other and having committed a Larceny and asks that they may be held and dealt with as the Law may direct -

Worn to before me this } Carolina Frey  
6<sup>th</sup> day of September 1891 }

Wm. J. [Signature] Police Justice

POOR QUALITY  
ORIGINAL

0249

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Mattie Peregoy*  
aged *20* years, occupation *None* of No. *115 Warren Street Newark New Jersey*, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of *Caroline Mey*  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this *6*

day of *November* 189*0*,

*Mattie Peregoy*

*E. E. Parn*  
Police Justice.

POOR QUALITY  
ORIGINAL

0250

Sec. 193-200.

CITY AND COUNTY OF NEW YORK

2

District Police Court.

*Catherine Kelly* 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.

*Catherine Kelly*

Question. How old are you?

Answer.

*40 years*

Question. Where were you born?

Answer.

*Ireland*

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

Answer.

*No 52 Atlantic Street Brooklyn - 3 years.*

Question. What is your business or profession?

Answer.

*Housewife*

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 -*

*Catherine Kelly*  
*mark*

Taken before me this  
day of *November* 19*18*

Police Justice

POOR QUALITY  
ORIGINAL

0251

Sec. 193-200

CITY AND COUNTY } ss.  
OF NEW YORK }

24

District Police Court.

*Frank Gallagher*

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

Question. What is your name?

Answer.

*Frank Gallagher*

Question. How old are you?

Answer.

*40 years*

Question. Where were you born?

Answer.

*Ireland -*

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

Answer.

*272 - Cherry Street - 29 years -*

Question. What is your business or profession?

Answer.

*Bird Fancier*

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 this  
Frank Gallagher  
Mark*

Taken before this  
day of *March* 189*9*

Police Justice.



Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against  
Frank Gallagher  
and  
Catharine Kelly

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

Frank Gallagher and Catharine Kelly  
of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said Frank Gallagher and  
Catharine Kelly, both

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

one promissory note for the payment of money of the kind commonly called United  
States Treasury Notes, of the denomination and value of five dollar; one  
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-  
nomination and value of five dollar; one United States Gold Certificate,  
of the denomination and value of five dollar; one United States  
Silver Certificate, of the denomination and value of five dollar;

two promissory note for the payment of money of the kind commonly called United  
States Treasury Notes, of the denomination and value of two dollar each; two  
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-  
nomination and value of two dollar each; two United States Gold Certificates,  
of the denomination and value of two dollar each; two United States  
Silver Certificates, of the denomination and value of two dollar each;

four promissory note for the payment of money, of the kind commonly called United  
States Treasury Notes, of the denomination and value of one dollar each; four  
promissory note for the payment of money of the kind commonly called Bank Notes, of the de-  
nomination and value of one dollar each; four United States Gold Certificates,  
of the denomination and value of one dollar each; four United States  
Silver Certificates, of the denomination and value of one dollar each;

seven coins of a number, kind and denomination to the  
Grand Jury aforesaid unknown, of the value of seven dollars-

of the goods, chattels and personal property of one Caroline Frey  
on the person of the said Caroline Frey  
then and there being found, from the person of the said Caroline Frey  
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.

POOR QUALITY  
ORIGINAL

0254

SECOND COUNT—

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

*Frank Gallagher and Catharine Kelly*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Frank Gallagher and Catharine Kelly*, both

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

*the same goods, chattels and personal property described in the first count of this indictment*

of the goods, chattels and personal property of one

*Caroline Frey*

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

*Caroline Frey*

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

*Frank Gallagher and Catharine Kelly*

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

DE LANCEY NICOLL,

*District Attorney.*

0255

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Gamma, John

**DATE:**

11/11/91



4199

POOR QUALITY  
ORIGINAL

0256

Witnesses:

Counsel,

Filed

day of

1891

Pleads,

THE PEOPLE

vs.

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

John Sanner

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

Nov 17/91

Spied & Acquired

I

POOR QUALITY  
ORIGINAL

0257

3  
Police Court— District.

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

of No. 58 Avenue Street, aged 14 years,  
occupation Errand boy being duly sworn  
deposes and says, that on the 30 day of October 1887 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

John Gammma (name here)  
who cut and stabbed deponent  
on the left side of the body  
with the blade of a pocket  
knife then and there held  
in his hand

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

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

Sworn to before me, this 31 day

of October 1887.

Jacob Morris

John Ryan Police Justice.

POOR QUALITY  
ORIGINAL

0258

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK, }

District Police Court.

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

Question. What is your name?

Answer. *John Gammara*

Question. How old are you?

Answer. *15 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *No 45 New Perry 24 years*

Question. What is your business or profession?

Answer. *Chestnut Stand*

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*

*W's  
John Gammara  
sub*

Taken before me this

day of

1887

Police Justice.

POOR QUALITY  
ORIGINAL

0259

BAILED,  
No. 1, by Victo Lennard  
Residence 59 1/2 Mulberry Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

1369  
Police Court... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

James Morris  
58 Ave C  
John J. Morris

Offence Indecent Assault

Dated Oct 31 1891

Magistrate Ryan

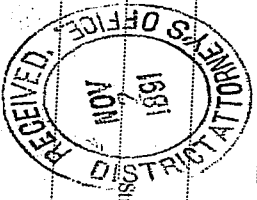
Officer \_\_\_\_\_

Witnesses Samuel Weeks

No. 127 E 23 Street.

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

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



No. 250 Street.

to inspect \_\_\_\_\_

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 Oct 31 1891 John Ryan Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0260

Court of  
General Sessions

The People  
vs.  
John Garrino  
or  
Giovanni Lama

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

100 EAST 23D STREET,

New York, Nov. 3<sup>d</sup> 1891

CASE NO. 60597

DATE OF ARREST

CHARGE

OFFICER

October 30<sup>th</sup> 1891

Melamine Assault

AGE OF CHILD

RELIGION

FATHER

15 years

Catholic

Vincenzo

MOTHER

Munziata

RESIDENCE

45 New Bowery

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy was  
never arrested before - He attends a  
fruit stand - Garrino is 5 years in  
America from Italy - Home is poorly  
furnished and dirty -

All which is respectfully submitted

J. H. Holloway  
Supt

To Dist. Attorney.

POOR QUALITY  
ORIGINAL

0261

Court of  
General Sessions

*The People*  
vs.  
*John Garman*  
or  
*Giovanni Sanna*

PENAL CODE, §

*Obtaining Access*

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,

President, &c.,

100 East 23d Street,

NEW YORK CITY.

POOR QUALITY  
ORIGINAL

0262

474

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 Gamma*

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

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

The said

*John Gamma*  
late of the City of New York, in the County of New York aforesaid, on the *30th*  
day of *October* in the year of our Lord one thousand eight hundred and  
ninety-*one*, with force and arms, at the City and County aforesaid, in and upon  
the body of one *Jacob Morris* in the peace of the said People  
then and there being, feloniously did make an assault and *him* the said  
*Jacob Morris* with a certain *knife*

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

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

SECOND COUNT

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

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

The said

*John Gamma*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in and upon the body of the said  
*Jacob Morris* in the peace of the said  
People then and there being, feloniously did wilfully and wrongfully make another assault,  
and *him* the said *Jacob Morris*  
with a certain *knife*

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

*De Lancey Nicoll*  
District Attorney

0263

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Gardella, Charles

**DATE:**

11/23/91



4199

POOR QUALITY  
ORIGINAL

0264

Witnesses:

Jan 29. 1894.  
Advised Capt. Clemency  
R.B.M.

Counsel, *W. H. H.*  
Filed *23/100* 189  
day of  
Pleds. *July 24*

THE PEOPLE

*57*  
*57* *vs.*  
*Charles Gardella*

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

DE LANCEY NICOLL,  
District Attorney.

*Dec 10*  
*MDCCCX*  
*Not by Court of Chancery*  
*A TRUE BILL. 9th & 10th Dec. 1894.*

*Wm. C. Cady*

Foreman.

*Exp. 3, Dec 21/91.*  
*Wied & Co. 10/24*  
*Assault 10/24-224*  
*S. P. 10/24-15. R.B.M.*  
*Dec 24/91.*

COURT OF GENERAL SESSIONS PART III.

-----x  
The people of the State of New York : Before  
against : Hon.Randolph B.  
Charles Gardella : Martine and a jury.  
-----x

Indictment filed November 23rd, 1891.

Indicted for assault in the first degree.

New York, December 18th, 1891.

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

For the People,

Assistant District Attorney Gunning S. Bedford,

For the defendant,

Mr Joseph F. Moss.

H E N R Y W E L L S, a witness for the people sworn testified:

I am a clerk in a collecting agency. I live at No.466 Van Buren Street, Brooklyn. On the 30th of September last I came from Englewood, New Jersey, in company with John McElvaine. I had with me an English mastiff dog belonging to my brother which I was taking to Brooklyn. I had a collar on him and a piece of rope fastened to the collar and around his stomach so that he would not slip the collar. We came over the Chambers Street ferry. My friend had some business to transact in Canal Street. On our way over to Brooklyn we went through Baxter Street.

We stopped in a clothing store in Baxter Street and my friend purchased a suit of clothes. After procuring the clothes he asked me to have a drink, and we went into the saloon of the defendant Gardella at No. 51 Baxter Street for that purpose. There were some ten or fifteen men in the saloon when we entered. Both myself and my friend drank whiskey and soda. The people in the saloon were surprised to see such a large dog and asked me some questions about the dog as to whether it could fight or not. I told them I did not think it was much of a fighting dog but it could hold its own. The defendant Gardella came from behind the bar and said "I don't want any fighting dog here, you better go some place else if you are looking for fight." I told him I was not looking for fight, and with that he pulled some instrument out of his coat and struck me in the stomach with it. I saw the instrument, whatever it was, shining in his hand. The defendant was standing directly in front of me at the time he stabbed me. As soon as I was stabbed I handed the dog to John McElvaine and said "Take the dog, let us get out of here, I am stuck!" We then went out on the sidewalk and I remember nothing that happened out there. When I came to my senses I was in the Chambers Street Hospital. I was confined to bed there for six weeks suffering from this wound in my stomach. I have stated all the conversation that I remember having in this saloon.

**CROSS EXAMINATION.**

My brother was moving from Englewood to Brooklyn and this dog was part of his effects. I got into this

saloon about 5 o'clock. I had never been in it before. My friend had a due bill to collect in Canal Street, and that is what brought us so far up town. I am not acquainted with the neighborhood of Baxter Street. I do not believe I was in the saloon much over ten minutes. One of the Italians in the saloon asked me what kind of a dog it was, and I told him it was an English mastiff. Then he asked me if it was a fighting dog, and as soon as I made answer to him the defendant Gardella came from behind the bar. When he told me to get out I did not resist. I gave him no occasion for cutting me. Neither my friend nor myself were intoxicated on that day. I am positive that I was stabbed in the saloon and not on the sidewalk. After I received the cut I went out on the sidewalk and I could not tell what happened there. I am positive it was the defendant cut me.

J O H N M c E L V A I N E, a witness for the people, sworn testified:

I live at Englewood, New Jersey. I came over to New York in Company with Henry Wells on the 30th of September. I had a due bill to collect in Canal Street and asked Wells to accompany me up there for that purpose. After collecting the money I went to Baxter Street to buy some clothes. After purchasing the clothes I asked Wells to come into the saloon with me at No. 51 Baxter Street and have a drink. When we got in there we found the saloon pretty well crowded with Italians. One of them asked Wells what kind of a dog it was he had and Wells

said it was an English mastiff. Then one of the men asked him if it was a fighting dog and Wells said, "He cannot fight much but I think he can hold his own." The prisoner came from behind the bar and ordered us out of the saloon. He said "You fellows had better get out of here, I have no dog to fight." I turned and started to go out. When I was going out Wells called to me and said "Take the dog, I am stuck, let us get out of here." I took the dog and started out. Wells followed me out. I started down the street and when I got about ten feet away I looked back and saw a crowd of people outside of the saloon around Wells. As I started to go back a policeman came and took me in. I told him my friend was stabbed. The only man near us at the time Wells said he was stuck was the defendant. He was within three feet of me. I have told all the conversation we had in that saloon. When the policeman took me in I saw Wells laying on the sidewalk senseless. I was held in the station-house as a witness.

**CROSS EXAMINATION.**

I have known Wells about a year. I had never been in that neighborhood before that day. We left Englewood at about four o'clock to bring this dog to Brooklyn. I was not under the influence of liquor nor was my friend Wells. His brother was moving to Brooklyn that day and we were bringing the dog over for him. It was on my invitation that Wells went into this liquor store to have a drink. The store of the defendant is in a basement in Baxter Street. I had never been in it before. There was quite a

number of Italians in this store at the time we entered. The only remark Wells made about the dog being able to fight was that it could hold its own. I did not see the stabbing done, although I was standing right beside Wells at the time. The only information I had about him being stabbed was when he said "Take the dog, I am stuck." The crowd assembled outside of the saloon immediately after we got out. I cannot give any reason why the defendant should cut my friend. We had not been drinking on our way over from Jersey. I collected \$18 on a due bill from a firm in Canal Street for whom I had done some work.

R I C H A R D B A R R Y, a witness for the people, sworn testified:

I am an officer of police and have been such for three years and eight months. I arrested the defendant in this case on the 30th of September in front of 51 Baxter Street shortly after six o'clock. At that hour I was on the opposite side of the street and my attention was called to a crowd collected in front of the premises 51 Baxter Street. I saw the defendant in the attitude of striking the complainant with this iron crow-bar which I now produce. The complainant was standing directly in front of the prisoner and was dodging the blows of the defendant. I ran over and grabbed the prisoner. The complainant said "Officer, arrest that man, I will make a charge against him. I am stabbed." I arrested the prisoner. He said "I could not find my pistol." On the way to the station-house the defendant said "I killed five men and I would

have made this the sixth if you had not come along." I made no remark to him at all. His daughter came along and the defendant was talking with her in the Italian language. The daughter told me that these two men had come into the saloon and wanted to have a dog-fight; that her father had ordered them out and if he could have found his pistol he would have shot the dog. The complainant was carried to the station-house unconscious. He was examined by the surgeon in the police station, and a wound was found in his stomach on the left side. The complainant had no signs of liquor on him, but his friend McElvaine looked like a man who had been drinking.

CROSS EXAMINATION.

I was directly opposite this saloon at the time of this occurrence and saw clearly what happened. I am positive that the defendant had this iron bar raised and was in the attitude of striking the complainant. McElvaine was standing beside a wagon which was in the street he was not in the crowd. The defendant did not strike the complainant with the iron bar as he dodged the blows. The young lady who is now here is the daughter of the defendant with whom he conversed on the way to the station-house. I am positive I had the conversation that I have narrated with the complainant in front of this liquor store. The daughter told me that what her father meant when he said he could not find his pistol was that he would have shot the dog. I am positive the defendant said that he had killed five men.

J A M E S S M I T H, a witness for the people, sworn testified:

I am a police officer attached to the Sixth Precinct in this City. I arrested the defendant on the 2nd of August 1890 for violation of the Excise Law. I know nothing about this case.

J O S E P H M A N N I N G, a witness for the people, sworn testified:

I am a physician practising in this City. I was one of the surgeons at the Chambers Street Hospital on the 30th of September last. On that day Henry Wells was brought to that hospital in an ambulance. I undressed his wound and found that he was suffering from a penetrating stab wound of the abdomen, about three quarters of an inch in length and about an inch and a half in depth. It went through the abdominal wall. In my opinion the wound was inflicted by a very sharp instrument. It was a clean cut wound. The patient remained unconscious for about an hour and a quarter. When he came to the hospital he was suffering from shock, which means a derangement of the nervous system by which a patient's life is very much in danger. A Delicate operation, known as laparotomy, was performed upon Wells. That operation consists in opening the abdomen about four inches in length so that you can see the inside of a man's body. I found that one of the small arteries inside had been severed and that the abdomen was filled with blood. The man was in a very dangerous condition. The effect of such a wound as this would be to

render a man unconscious almost immediately.

H E N R Y   W E L L S, the complainant, recalled:

When I was cut by t e defendant I was standing directly in front of him, facing him,. He Held the instrument with which he cut me in his right hand. I saw him strike the blow. I remember nothing after I told Mc Elvaine to take the dog. I have heard the testimony of the officer. "I do not remember seeing the iron bar which has been produced. I do not remember saying to the officer "Arrest that man. He has stabbed me."

D E F E N C E.

P A U L I N E   L O C I S K O, a witness for the defend-  
ant sworn testified:

I am the daughter of t e defendant. At the time of this occurrence I lived at No.55 Baxter Street. My father keeps a beer saloon at No.51 Baxter Street. On the day of this assault I saw my fathe outside of the saloon. I saw two young men and a dog, and then I saw the officer take my father into custody. My father said to me in Italian "I did not stab the man." He also said "I went behind the bar five times to look for my revolver to kill the dog but I could not find it.

CROSS EXAMINATION.

I saw this iron bar taken from my father. He keeps it in his saloon. Mt father told me that if he had found his pistol he would have killed the dog.

L O U I S   C R O K O W, a witness for the defendant, sworn testified:

I keep a fruit store at the Atlantic Highlands. My father lived in Baxter Street and I was visiting him on the day of this assault. I saw a crowd standing on front of Gardella's saloon, and I noticed a young man about thrity-five years old leave that crowd and walk away very lively. When he got about five houses away he started on a run. I did not know who the man was and had never seen him before.

M A R I A   G U R R E L L A, a witness for the defendant, sworn testified:

I am a married woman and live at No. 51 Baxter Street on this City. On the day of this occurrence I stood in front of my house. I saw a crowd in front of Gardella's saloon and saw these two men, McElvaine and Wells, go to the door of the saloon and kick at it. The defendant came out with an iron bar in his hand. Then I saw a man come out of the next house with a knife in his hand. He ran into the middle of the crowd and plunged the knife into them. I then saw him running away with the knife still in his hand. The defendant poulded on the sidewalk with this iron bar to call the at ention of the polive.

CROSS EXAMINATION.

The man I saw with the knife was a man about 30 years of age. He was tall and had no beard. I could not tell the color of his clothes or of his hat because he ran very quickly away. The handle of the knife was about eight

inches in length. I did not see anyone stagger and fall at the time the man plunged the knife into the crowd. I know it is wicked to swear falsely. When I saw what I have stated I walked to the other side of the street as I had a little child with me and I was very much frightened. I am positive that the two men, Wells and McElvaine, were the men I saw on that day pounding on the door of the defendant's saloon.

P A U L C A R E M E L L O, a witness for the defendant, sworn testified:

On the 30th day of September, at about 6 o'clock I was in my home, No. 52 Baxter Street. I heard a noise and I went to the window to see what was going on. I saw a number of people in front of Gardella's bar room fighting. I saw Gardella come out and rap on the sidewalk with this iron bar to call the police.

A N T O N I O G A L B A R I N O, a witness for the defendant, sworn testified:

I live at No. 20 Baxter Street. I was in the saloon of the defendant at about half past 6 on the evening of the 30th of September. McElvaine and Wells came into the saloon. They asked if anybody there had \$25 to bet on a dog to fight their dog. Nobody answered them. Then one of the men said to the proprietor Gardella "You have got a bull-dog face, and if you don't put your face up against the dog we will do something pretty soon." The proprietor did not mind that. Then Wells took the collar off

11

the dog, and began to sick the dog on everybody in the place. I got so frightened that I ran out of the door and up on the roof to save my life.

CROSS EXAMINATION.

I was convicted of stealing 9 years ago when I was a small boy and sent to the House of Refuge. When Wells took the collar off the dog he did not growl or make any attempt to bite anybody in the place. I ran up on the roof because I was afraid the dog might bite me.

J E R O L O M O V. O I T A N O, a witness for the defendant, sworn testified:

I was in Gardella's saloon on the night of this difficulty. These two men came in with the dog and asked Gardella if he had a dog that could match theirs. Gardella told them he had not, and further told them to go to No. 24 Baxter Street and there they might find a dog to fight. Wells then said "I will bet \$25 if you want to fight this dog;" Gardella said "I don't want to have any dog-fight, if you want to raise a disturbance go out in the street." Then Wells said "If you have no dog to fight you fight the dog yourself because you have a face like a dog." I left the bar-room after that. This conversation was in English but I understood it. Before I left the bar-room Wells said "Sick him, Jack" and everybody got excited and ran out. Gardella took the bar of iron and went outside and rapped for the police.

C H A R L E S G A R D E L L A, the defendant, sworn testified.

I am fifty-seven years of age. I have been in this country 20 years. I keep a lager beer saloon at No. 51 Baxter Street. I did not stab Henry Wells as he has testified. These two men came into my saloon and asked for two beers. I told them I thought they had enough beer, but would give them anything else they wished. They then took two sodas. Then they asked me if I wanted to buy this dog. I said "No, I don't." Then they said "Loose your dog so that they can fight together." I said "I have none." I told them they should go some other place and find a dog to fight, that I wanted no dog-fight there. Then one of the men said "I will have you torn to pieces every one of you here by this dog." I told them I didn't want them to raise any disturbance, but they didn't pay any attention to me and unlocked the collar from the dog's neck. Then they began to sick the dog on to everybody in the place but the dog did not do anything. They remained in my store about 7 or 8 minutes talking between themselves. I wanted to close my door and I told them to go out. They were standing in the door so that no one could go out or come in. I took one of them by the coat and told him I wanted to close the door, to get out of the way. They went out. In a short time I heard them knocking on the door while I was inside eating my supper. I continued eating my supper, and I heard a great noise outside on the steps, as I thought they might break the glass in my windows, I took this iron bar and went outside to rap for a policeman. After I had rapped once or twice I was arrested. When the officer arrested me he wanted me to pay him \$5 and afterwards wanted \$30 to get me out on

13

bail. On the morning after my arrest he came around with me to my saloon to see if I could get the money for him.

CROSS EXAMINATION.

The officer told me if I got the \$50 he would get me out on bail right away. I did not pay him any money at all. He told me if I raised the money I would get out of jail right away. I was arrested for murder in Pottsville Pennsylvania. I was discharged in nine days because I had killed a negro who was trying to get into my room to steal something from me. There was no trial. I have never used a knife on any person. These men were drunk when they came into my saloon.

O F F I C E R B A R R Y, recalled in rebuttal, testified

I have heard the testimony of the defendant. It is not true that I asked him for \$5 or for \$30 or for any other amount to get him out on bail. I did not take him back to his saloon on the day following his arrest to get any money.

J A M E S S M I T H, recalled in rebuttal, testified:

Gardella, the defendant, told me on the occasion when I arrested him that I would be his next victim, that he had done fifteen years in Philadelphia for killing a man. He assaulted me on the way to the station-house and another officer had to take him there. The charge of assault was dismissed at that time.

H E N R Y W E L L S, recalled in rebuttal, testified:

I did not offer to bet \$25 that my dog could whip any other dog that Gardella might produce. Neither McElvaine nor myself made any such bet. We did not unloose the collar of the dog or sick him on to anybody in that saloon. We did not kick against the front door of this saloon as the witnesses have testified. I did not make the remark about the proprietor having a bull-dog face as has been testified here. I do not remember anything that occurred after I was stuck. I told everything as I remembered it.

C H A R L E S C O S T E L L I, a witness for the defendant, in rebuttal, testified:

I live at No.17 Baxter Street. I don't work and I don't live home. Officer Barry about two months ago sent me into the store of Louis Olivi to ask him to come out when Olivi came out he and the officer had a conversation.

L O U I S O L I V I, a witness for the defendant in rebuttal, sworn testified:

I live at No.17 Baxter Street. I lived there about two months ago. On the day spoken of by the last witness I came out of my store and Officer Barry was there. He said to me "If you want to get the statement of the wounded fellow so as to have Gardella out of bail, now is the time. It won't cost you much. Give me \$10 and it will be settled." I had this conversation with the officer at the corner of Park Row and Baxter Street. I have no in-

terest in this case. I came here to tell the truth.

CROSS EXAMINATION.

I have known the defendant Gardella for several years. I stood for one of his children. I went to Mrs Gardella and told her that the officer said her husband could be gotten out on bail for \$10 and she said she would not pay any money at all. I am no relation to the defendant whatever. If Mrs Gardella was willing I would have paid the money to get my friend out on bail. Afterwards Officer Barry came to me and said that he wanted \$25 to pay the doctor for a certificate so that we could get Gardella out on bail.

OFFICER BARRY, recalled, testified:

I heard the statement of the last witness. I never asked him for \$10, for \$35, or for any other amount in my life. I never told him I could get the defendant out on bail for \$10. I never saw the boy who has testified here in my life and never had any conversation with him. I remember having a conversation with Olivi on one occasion but it was nothing in relation to this case. It was about a blackbird that a man had who lived opposite to his store. That is the only conversation I ever had with him that I know of.

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

POOR QUALITY  
ORIGINAL

0280

Indictment filed Nov. 23rd 1891

COURT OF GENERAL SESSIONS

Part III.

The PEOPLE &c.

against

CHARLES GARDELLA.

Abstract of testimony on

trial New York, December

18th and 21st 1891.

POOR QUALITY  
ORIGINAL

0281

FIRST DISTRICT POLICE COURT.

CITY AND COUNTY }  
OF NEW YORK. } ss.

Recognizance to Testify.

BE IT REMEMBERED, That on the

7<sup>th</sup> day of October in the year of our Lord 18 91  
John Mc Elwaine  
of No. Engelwood New Jersey Street, in the City of New York,  
and Thomas A. Bruen  
of No. 182 West Street, in the said City,  
personally came before the undersigned, one of the Police Justices in and for the City of New York, and acknowledged themselves to owe to the PEOPLE OF THE STATE OF NEW YORK, that is to say; the said

John Mc Elwaine  
the sum of one Hundred Dollars;  
and the said Thomas A. Bruen  
the sum of one Hundred Dollars;  
seperately, of good and lawful money of the State of New York, to be levied and made of their respective goods and chattels, lands and tenements, to the use of said People, if default shall be made in the condition following, viz:

The Condition of this Recognizance is such, That if the person, first above recognized, shall personally appear, at the next COURT OF \_\_\_\_\_ SESSIONS of the Peace, to be holden in and for the City and County of New York, and then and there Testify and give such evidence, in behalf of the people of the State of New York, as he may know, concerning an OFFENCE or MISDEMEANOR, said to have been lately committed in the City of New York aforesaid by

John Mc Elwaine  
And do not Depart thence, without leave of the Court, then this Recognizance to be void, otherwise to remain in full force and virtue.

Taken and acknowledged before me, the }  
day and year first above written.

J. Mc Elwaine

Police Justice  
POLICE JUSTICE.

POOR QUALITY  
ORIGINAL

0282

CITY AND COUNTY }  
OF NEW YORK, } ss.

the within-named Bail, being duly sworn, says, that he is a house holder in  
said City, and is worth Two Hundred Dollars,  
over and above the amount of all his debts and liabilities; and that his property consists of

the stock and fixture of a  
Liquore store at No 182  
West Street in said City  
of the value of six  
thousand dollars clear

Yours truly

RECOGNIZANCE TO TESTIFY

New York Sessions.

THE PEOPLE, &c.,

vs.

Police Justice.

18

day of

Filed.

POOR QUALITY  
ORIGINAL

0283

The Society of the New York Hospital,  
HOUSE of RELIEF, 160 Chambers St.,  
New York, Oct 7- 1891.

To whom it may concern.

This is to certify that  
Harry Wells is still a patient at Chambers St  
Hospital suffering from a stab-wound of his  
abdomen - and although not out of danger he  
still continues to improve.

Most Respectfully Submitted  
Jas. Manning. M.D.

POOR QUALITY  
ORIGINAL

0284

CITY AND COUNTY } ss.  
OF NEW YORK.

POLICE COURT, DISTRICT.

of No. 66th Street Street, aged 34 years,  
occupation Police officer being duly sworn, deposes and says  
that on the 30th day of September 1891  
at the City of New York, in the County of New York Deponent

arrested John 716 @ Elvaine (nowhere)  
who is a maternal & necessary witness  
against Charles Gonsella charged  
with having assaulted Harry  
Evans with a knife and from the  
effects of such injuries he is now  
confined in the New York Hospital  
and deponent says he has good and  
sufficient reasons to believe that said  
Mr. Elvaine will not appear at the examination  
and asks that he be committed to the house  
of detention in default of bail Richard Barry

Sworn to before me this  
of October 1891 day

Richard Barry Police Justice.

POOR QUALITY  
ORIGINAL

0285

The Society of the New York Hospital,  
HOUSE of RELIEF, 160 Chambers St.,  
New York, Oct 1st 1891.

To whom it may concern-

This is to certify  
that Harry Wells is at Chambers St Hospital  
suffering from fatal wound of Abdomen and  
in my opinion is unable to appear in  
Court.

Most Respectfully,  
Dr. Jos. A. Manning  
House Surgeon -

POOR QUALITY  
ORIGINAL

0286

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 1 DISTRICT.

of No. 64 Greenwich Street, aged 32 years,

occupation Police Officer being duly sworn deposes and says,

that on the 30th day of September 1889

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

arrested Charles Cordella (now

here) and the complainant of Harry

Wells charging him with knocking

out and stabbed said Wells

about the abdomen with a knife

and from the injuries so received

said Wells is now confined at

the New York Hospital and deponent

asks that said defendant be held

to await the result of injuries of

said Wells. Richard Barry

Sworn to before me, this 1st day

of October 1889

Police Justice

POOR QUALITY  
ORIGINAL

0287

Police Court, 1- District.

THE PEOPLE & c.,  
ON THE COMPLAINT OF

vs.

Charles Giaccone

AFFIDAVIT.

*Assault on  
Harry Callo*

*& Oct 20 10 a.m.*

Dated Dec 1st 1889

O'Reilly Magistrate.

Danny Officer.

Witness, John J. Evarino

House of Detention 18-Qu S

Disposition Committed to  
await the result of  
inquiry

*The justice presiding in  
this Court will hear  
me determine this case  
by reason of my absence  
D. J. Evarino  
Police Justice*

POOR QUALITY  
ORIGINAL

0288

Certiorari.- 197.

John Polhemus, Printer and Mfg Stationer, 102 Nassau St., N.Y.

The People of the State of New York

TO

The District Attorney of the  
County of New York

GREETING:

CERTIORARI  
TO CERTIFY CAUSE OF  
DETENTION.

Command you, That you certify fully and at large to me  
one of the Justices of the Court  
at a Special Term held at Chambers  
on the 7 November 1891 10.30 am  
the day and cause of the imprisonment of Charles  
Gardella

by you detained; as is said, by whatsoever name the said Charles Gardella

shall be called or charged, and have you then this writ

Witness

the

day of

18

Abraham R. Lawrence Justice  
November 9,  
Charles W. Barker  
State's Attorney. By the Court Thomas H. McGuire  
Wetzer Building N.Y.C. Clerk.

POOR QUALITY  
ORIGINAL

0289

*original*  
*Cortezari*

*Within 10 days allowed*  
*Dated 11/6 Nov 91*

*Mr. Lawrence*  
*Recd*  
*Nov 6/91*

*upon receipt of*  
*Bail ordered in*  
*the sum of \$3000*  
*11/6 Nov 91*

*Mr. Lawrence*  
*Attic*

POOR QUALITY  
ORIGINAL

0290

The Society of the New York Hospital,  
HOUSE of RELIEF, 160 Chambers St.,  
New York, *Nov 4th* 1891.

*To whom it may concern.*

*This is to certify  
that in my opinion Harry Wells is out  
of danger.*

*Geo. B. J. Manning, M.D.*

POOR QUALITY  
ORIGINAL

0291

The Society of the New York Hospital,

HOUSE of RELIEF, 160 Chambers St.,

New York, Oct 20 1891

To whom it may concern;

This is to certify  
that Harry Wells is still a patient at  
Chambers St. Hospital and in my opinion  
is not out of danger.

Most Respectfully  
Jas. McJannet  
House Surgeon



District Police Court.

New York, Nov 4<sup>th</sup> 1891

To whom it may concern  
This is to certify  
that in my opinion Harry Welles is not  
of danger

Jo. S. J. Manning M.D.

This is a correct copy  
of certificate from  
Hospital in case of  
Harry Welles vs Charles  
Gunnella.

Harry A. Perry  
Clerk  
m. s. j.

POOR QUALITY  
ORIGINAL

0293

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

*Gas Gardella*

*Assault*

*Moore*

*Swanson*

*for* District Attorney.

*Received*

*John H. Donohue*  
*for H. W. Meyer*

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

1639.

Nov. 9 1891

Hon. William O'Reilly  
Dear Sir:

In the case of  
Charles Gardner, there  
seems to have been an  
omission to make  
a formal commitment  
which, of course, is  
necessary before a  
man can be admitted  
to bail upon the Commit-  
ment. It is suggested  
as the proper course  
that you sign the  
ordinary Commitments  
indorsed on the back  
of the paper, which I  
understand expresses the  
disposition you make  
of the matter.

Respectfully,  
Wm. O'Reilly

POOR QUALITY  
ORIGINAL

0295

Police Court—1st District.

City and County } ss.:  
of New York,

Harry Wells  
of No. 466 Van Buren Street Brooklyn, aged 23 years,  
occupation Clerk being duly sworn  
deposes and says, that on the 30 day of September 1887, at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Charles  
Gardella who put  
and stabbed weapons in  
the abdomen with some  
sharp instrument which  
he then held in his hand

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

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

Sworn to before me, this 1st day  
of October 1887

Harry Wells  
Police Justice.

POOR QUALITY  
ORIGINAL

0296

Sec. 193-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

day of

Taken before me this

1883

Police Justice.

POOR QUALITY  
ORIGINAL

0297

4 Oct 20, 1901

10

Police Court... District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Charles Sandella

Offence Assault

No. 1, by

Dated Oct 1

1901

Daniel O'Reilly Magistrate

Barry L. Officer

Prison official in arrest

the result of injuries

\$3000 bail paid

No. Street

No. Street

to answer

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

Charles Sandella

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

Dated *NY. 20* 1891 Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

POOR QUALITY  
ORIGINAL

0298

*James McElroy*  
*300 1st Ave*  
*John McElroy*

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

Police Court... District.

THE PEOPLE, vs.,  
ON THE COMPLAINT OF

*James McElroy*  
*300 1st Ave*  
*John McElroy*

Dated

*Nov 18 1891*

*James*  
Magistrate.

Witnesses

No. *Charles S. McElroy*  
Street \_\_\_\_\_

No. *John P. McElroy*  
Street \_\_\_\_\_

No. *John P. McElroy*  
Street \_\_\_\_\_

to answer

*John P. McElroy*



*John P. McElroy*

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 \_\_\_\_\_

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

Dated *Nov 18 1891* Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0299

The Society of the New York Hospital,  
HOUSE of RELIEF, 160 Chambers St.,  
New York, Nov 18- 1891.

To whom it may concern.

This is to certify that  
Henry Wells once a patient at Chambers St  
Hospital was operated on for a penetrating  
stab wound of his abdomen and that  
the operation revealed the said diagnosis  
to be correct.

Most Respectfully Submitted  
Jos. Manning M.D.  
Chambers St Hospital.

POOR QUALITY  
ORIGINAL

0300

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Daniel J. Reilly a Police Justice  
of the City of New York, charging Charles Gardella  
the offence of Reckless Assault Defendant with

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, Charles Gardella Defendant of No. 58  
Barth Street; by occupation a Saloon Keeper  
and Guidonia Annella of No. 17 1/2 Cherry  
Street, by occupation a Walter Surety, hereby jointly and severally undertake  
that the above named Charles Gardella Defendant  
shall personally appear before the said Justice, at the 1 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 Thirty  
Hundred Dollars.

Taken and acknowledged before me, this 10 Charles Gardella  
day of November 1891 Guidonia Annella  
D. J. Reilly POLICE JUSTICE

POOR QUALITY  
ORIGINAL

0301

CITY AND COUNTY } ss.  
OF NEW YORK, }

Sworn to before me, this 10  
day of November 1931  
J. J. Kelly, Police Justice.

*Guidonia Innella*

the within named Bail and Surety being duly sworn, says, that he is a resident and *free*  
holder within the said County and State, and is worth *Sixty* 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 *one half interest in brick*

*house and lot of ground known as number*  
*174 Cherry Street, said one half interest being*  
*worth \$6500 over all encumbrances.*

*Guidonia Innella*

District Police Court.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Undertaking to appear  
during the Examination.

vs.

Taken the ..... day of ..... 1931

Justice.

*Surety identified*  
*by Inspector*  
*City & Co*  
*169 Montague St*  
*Brooklyn*

POOR QUALITY  
ORIGINAL

0302

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK. }

I, Giavonia Iannella the surety mentioned in the  
annexed recognizance <sup>for examination</sup> ~~to answer~~, do hereby authorize and empower any Police=  
man of the City of New York, or any  
or either of them, in my name, place, and stead, to take, seize and surrender the  
said Charles Gardella (in the said bond named as  
defendant) to the Court therein mentioned, or deliver him to the custody of the  
authorities of said City and County, in my exoneration as surety on said recog=  
nizance.

Dated 16 November 1891 Giavonia Iannella  
Surety.

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
against

*Charles Gardella*

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

The said *Charles Gardella*  
late of the City of New York, in the County of New York aforesaid, on the *thirtieth*  
day of *September* in the year of our Lord one thousand eight hundred and  
ninety *one* with force and arms, at the City and County aforesaid, in and upon  
the body of one *Harry Wells* in the peace of the said People  
then and there being, feloniously did make an assault and *him* the said  
*Harry Wells* with a certain sharp in-  
strument to the Grand Jury aforesaid unknown  
which the said *Charles Gardella*  
in *his* right hand then and there had and held, the same being a deadly and  
dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and  
wound,  
with intent *him* the said *Harry Wells*  
thereby then and there feloniously and wilfully to kill, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York and  
their dignity.

SECOND COUNT—

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

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

*De Lancy Nicoll*  
District Attorney

THIRD COUNT—

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

*Charles Gardella*  
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Charles Gardella*  
late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, with force and arms, in and upon the said *Harry Wells*  
in the peace of the said People then and there being, feloniously  
did wilfully and wrongfully make another assault and *him* the said

with a certain *sharp instrument* to the  
*Grand Jury aforesaid* *unknown*  
which *he* the said *Charles Gardella*

in *his* right hand then and there had and held, in and upon the *ab-*  
*domen* of *him* the said *Harry Wells*

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

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

DE LANCEY NICOLL, District Attorney.

0305

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Gardner, Hattie

**DATE:**

11/25/91



4199

POOR QUALITY  
ORIGINAL

0306

Witnesses:

26/ *Marshall*

Counsel,

Filed *28th* day of *Nov* 1891

Pleas, *Wm. 27*

THE PEOPLE

*4* *2* *78*

*Stattie Gardner*

PETIT LARCENY.  
Sections 528, 532 Penal Code.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*(H. J. C. 1891)*

*Parb 3. Dec 3/91 Foreman.*  
*Pleas. Attend. Petit Larceny*

*Dec 22-3*

*G. P. 1891*

*3 mrs per 1891*

POOR QUALITY  
ORIGINAL

0307

(1895)

Police Court—2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 400 Hudson Street, aged 21 years,

occupation Collector being duly sworn,

deposes and says, that on the 10<sup>th</sup> day of Nov 1897 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:

Two finger rings of the value  
of about six dollars  
\$6.00

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 Harriet Gardner, (now here)

from the fact that deponent met the defendant on South 5<sup>th</sup> Avenue about the hour of One forty five O'Clock A.M. on said date, and the said property was in deponent's fingers. That the defendant asked deponent whether he was at the said rings which deponent did and handed them to her. That the defendant refused to return the rings when asked for them by deponent and deponent caused her arrest. Therefore deponent prays that the defendant be held and dealt with as the law directs.

Theodore L. Lert.

Sworn to before me this  
16 day  
of Nov 1897

John H. Lert  
Police Justice.

POOR QUALITY  
ORIGINAL

0308

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK,

2 District Police Court.

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

Question. What is your name?

Answer. *Hattie Gardner*

Question. How old are you?

Answer. *24 years*

Question. Where were you born?

Answer. *Chicago*

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

Answer. *104<sup>th</sup> Clinton Street 5 months*

Question. What is your business or profession?

Answer. *Keep House*

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*  
*Hattie Gardner*

Taken before me this

day of

188

*Wm. J. ...*

Police Justice.

POOR QUALITY  
ORIGINAL

0309

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

Police Court

District

1433

THE PEOPLE, &c.,

VS.

*Charles A. Smith*

*John E. Smith*

*John E. Smith*

Offence

Date

*Nov 16*

18

*91*

Magistrate

*John E. Smith*

Officer

*John E. Smith*

Witnesses

*John E. Smith*

No.

*John E. Smith*

No.

*John E. Smith*

No.

*John E. Smith*

No.

*John E. Smith*

No.

*John E. Smith*

No.

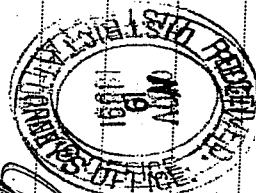
*John E. Smith*

No.

*John E. Smith*

No.

*John E. Smith*



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 *John E. Smith* be held to answer the same and *John E. Smith* be admitted to bail in the sum of *Ten* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until *John E. Smith* give such bail.

Dated *Nov 16* 18 *91* *John E. Smith* Police Justice.

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

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

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

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

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK  
against

*Hattie Gardner*

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

*Hattie Gardner*

of the CRIME OF PETIT LARCENY, committed as follows:

The said

*Hattie Gardner*

late of the City of New York, in the County of New York aforesaid, on the 16th  
day of November in the year of our Lord one thousand eight hundred and  
ninety- one, at the City and County aforesaid, with force and arms,

*two finger rings of the  
value of three dollars each*

of the goods, chattels and personal property of one

*Theodore Stern*

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

*DeLancey Nicoll,  
District Attorney*

03 11

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Garnell, Benjamin

**DATE:**

11/25/91



4199

POOR QUALITY  
ORIGINAL

03 12

Witnesses:

230

1435

Counsel,

Filed

day of Nov 1891

Pleads,

THE PEOPLE

vs.

Benjamin Gannell

( 2 cases )

De LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Foreman.

P. 2 Dec 24, 1891

Died and convicted

{ M. 6 Nov 27  
Dec 29, 1891

POOR QUALITY  
ORIGINAL

0313

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

City and County }  
of New York, } ss.

of No. 5 Fruit Street, aged twenty six years,  
occupation segar's being duly sworn, deposes and says,  
that on the seventh day of November, 1891, at the City of New  
York, in the County of New York, one Benjamin Gamell did

extort from her the sum of twenty five  
dollars in money by threatening that if she did  
not give him said money he would accuse her  
of keeping a disorderly house, deponent being  
put in fear by means of said threat and being  
shrewdly induced to give him the said sum of  
money.

Sworn to before me this  
7th day of December 1891

Lena Schmitt

Justiciary

Commissioner of deeds

City & County of New York

POOR QUALITY  
ORIGINAL

03 14

12  
DISTRICT ATTORNEY'S OFFICE,  
City and County of New York.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*Lena Schmidt*

vs. *5 1st St*

*Benjamin Garrell*

Office *Exhibition*

Dated *December 7* 1891

Witnesses, *Wm. J. Jacobs*

No. *10* Street,

No. Street,

No. Street,

POOR QUALITY  
ORIGINAL

03 15

Brooklyn Dec 9-91

To Whom it may  
concern we the undersigned  
know Mr Ben. Garrell  
for the past 7 or 8 years  
as an honest & industrious  
young man he learned  
the business of house painter  
& decorator and never  
had any fault to find  
with him and body in  
need of his services we  
recommend him highly  
Respectfully

J R Stern & son  
Painters & Decorators  
672 Degg Ave  
Brooklyn C. D.

POOR QUALITY  
ORIGINAL

03 16

Brooklyn, Dec. 9, 1891

To Whom this may concern?

I have known  
Mr. Benjamin Farnell for the past  
four years, and during that period he  
has done various jobs for me. I have  
always known him to be a man of  
good habits and character.

Respectfully

L. Schwartz

213 Bedford Ave

Brooklyn E.D.

POOR QUALITY  
ORIGINAL

0317

(522)

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Benjamin Farnell.*

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

indictment, accuse *Benjamin Farnell* —

of the crime of *Extortion*, —

committed as follows:

The said *Benjamin Farnell*,

late of the City of New York, in the County of New York aforesaid, on the  
*fourteenth* day of *November*, in the year of our Lord one thousand  
eight hundred and ninety- — *one*, — at the City and County aforesaid,  
*did feloniously and extortionately obtain*  
*from one Sena Schmidt, the sum of*  
*twenty five dollars in money, lawful*  
*money of the United States of America,*

POOR QUALITY  
ORIGINAL

03 18

and of the value of twenty five dollars,  
of the money and personal property  
of the said Anna Schmidt, in the year  
past, and such consent being then and there  
induced by the said Benjamin Farnell  
by a wrongful use of force, to wit: to say  
on the part of the said Anna Schmidt,  
induced by a threat then and there made to  
her by the said Benjamin Farnell, to  
accuse her of the crime of drunkenness and there  
keeping a house of ill-fame and prostitution,  
and a disorderly house, against the form  
of the Statute in such case made and  
provided, and against the peace of the  
County of the State of New York, and  
her dignity.

De Dancourt.

Attorney.

03 19

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Geraughty, Martin

**DATE:**

11/16/91



4199

0320

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Geraughty, Martin

**DATE:**

11/16/91



4199

0321

POOR QUALITY  
ORIGINAL

Witnesses:

175  
Counsel,  
Filed  
189

Pleads,

THE PEOPLE

vs.

P

Martin Geraughty

ATTEMPTING SUICIDE.  
(Section 174, Penal Code.)

DE LANCEY NICOLL,  
District Attorney.

A TRUE BILL.

(Haysman)

Foreman.

1897/9/1

Heard by Jury  
30 days 1897

POOR QUALITY  
ORIGINAL

0322

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877.

aged 35 years, occupation Police man of No. 4th Precinct Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Thomas Meekhan and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 12 day of November 1891 }

George W. Akerly

Do J. C. Beckett  
Police Justice.

CITY AND COUNTY }  
OF NEW YORK, } ss.

POLICE COURT, 1 DISTRICT.

of No. 13 State St. Brooklyn Street, aged 37 years, occupation Watchman being duly sworn deposes and says, that on the 12 day of November 1891 at the City of New York, in the County of New York, Martin Kenity

(now here) did with intent to take his own life, commit upon himself an act dangerous to human life: to wit to jump into the East River off pier 28 C. R. Deponent further says that the said Kenity admitted to him in the presence of Officer George W. Akerly of the 4th Precinct that he wanted to drown himself.

Thomas Meekhan

Sworn to before me, this 12 day of November 1891

Do J. C. Beckett  
Police Justice.

POOR QUALITY  
ORIGINAL

0323

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

*Martin Genity* 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. *Martin Genity*

Question. How old are you?

Answer. *30 years.*

Question. Where were you born?

Answer. *Ireland.*

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

Answer. *No Home*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am guilty Martin Genity*

Taken before me this

day of

*November*

1891

Police Justice.

POOR QUALITY  
ORIGINAL

0324

BAILED,  
No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

Police Court...

District.

14/3

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

1 Thomas Proctor  
13 West 41<sup>st</sup> St.  
1 Madison County  
2  
3  
4

Offence *Att. Suicide*

Dated November 12 1891

*O'Kelly* Magistrate.

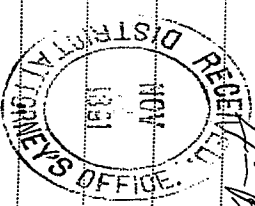
*O'Kelly* Officer.

4<sup>th</sup> Precinct.

Witnesses *Geo. M. O'Kelly*

No. \_\_\_\_\_  
*John P. French* Street.

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



No. \_\_\_\_\_  
\$ 1000 *68* Street.

COMMITTED.

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

*Defendant*

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

Dated *Nov 12* 1891 *Police Justice.*

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

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

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

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

POOR QUALITY  
ORIGINAL

0325

Court of General Sessions of the Peace

503

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Martin Fitzgerald*

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

*Martin Fitzgerald*

of the CRIME OF ATTEMPTING SUICIDE, committed as follows:

The said *Martin Fitzgerald*,

late of the City of New York, in the County of New York aforesaid, on the *Twenty*  
day of *November*, in the year of our Lord one thousand eight hundred and  
ninety- *one*, at the City and County aforesaid, with intent to take *his* own life,  
*did feloniously cast and throw himself*  
*into the waters there commonly called the*  
*East River, and sink and submerge*  
*his body in the waters aforesaid,*

the same being an act dangerous to human life, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

0326

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Goffinet, Ernest

**DATE:**

11/02/91



4199

POOR QUALITY  
ORIGINAL

0327

Witnesses:

*Lawyer Bonick*

*Cent for appice*

*for*

*Mary West*

*on Rem acc*

*Procedures*

Counsel,

Filed

189

day of

Pleads,

THE PEOPLE

vs.

Degree.  
Penal Code]

*Ernest Goffner*

[Sections 528, 53]

Grand Larceny.

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Hand case*

Foreman.

*Hand case*  
*Hand case*  
*Hand case*  
*Hand case*

POOR QUALITY  
ORIGINAL

0328

(1305)

Police Court— District.

Affidavit—Larceny.

City and County }  
of New York, } ss.

of No. 149 Fulton Street, aged 24 years,  
occupation Restaurant/Bar being duly sworn,

deposes and says, that on the 23 day of October 1891 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 after time, the following property, viz:

Good and lawful  
money of the United  
States of the amount  
and value of two hundred  
and fifty-six dollars

\$256.00

the property of

The Mezquin Restaurant  
and Wine Company and  
in the care and custody 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 Ernest Goffinet

(now here who after being in-  
formed of his rights admits  
and confesses to having stolen  
said property.

Henry J. Mezquin

Sworn to before me this  
of October 1891 day

Edw. J. Callahan Police Justice.

POOR QUALITY  
ORIGINAL

0329

Sec. 198-200

CITY AND COUNTY } ss.  
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

*I am guilty -*  
*Ernest Goffiner*

Taken before me this

day of

*Ernest Goffiner*  
1889

Police Justice.

POOR QUALITY  
ORIGINAL

0330

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

Police Court---

District

THE PEOPLE, &  
ON THE COMPLAINT OF

*James J. McLaughlin*  
*Conrad J. Offner*  
*Offence*  
*James J. McLaughlin*  
*Conrad J. Offner*

Dated

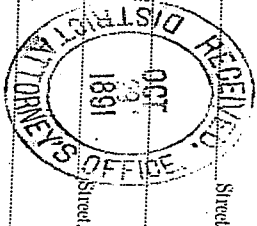
*Oct 28 1891*

*McLaughlin*  
Magistrate  
*McLaughlin*  
Officer  
*174*  
Precinct

Witnesses

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

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



No. \_\_\_\_\_  
Street \_\_\_\_\_  
\$1000 to answer  
*P. S.*

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

*Alfred...*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Seven* 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 *Oct 28 1891* *P. S. R. R.* Police Justice.

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

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

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

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

POOR QUALITY  
ORIGINAL

0331

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

528

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Ernest Goffinet*

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

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

The said

*Ernest Goffinet*

late of the City of New York in the County of New York aforesaid, on the *23rd* day of  
*October* in the year of our Lord one thousand eight hundred and ninety-*one*  
at the City and County aforesaid, with force and arms, in the *night* time of said 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  
*\$56.00* aforesaid unknown, for the payment of and of the value of *one hundred and twenty-eight*

dollars; divers other promissory notes for the payment of money, being then and there due and un-  
satisfied (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 *one hundred and twenty-eight*

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

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

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

of the goods, chattels and personal property of *one a corporation called the*  
*Mouquin Restaurant and Wine Company (limited)* then and there being found,

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

DE LANCEY NICOLL,

District Attorney.

0332

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Golden, Daniel M.

**DATE:**

11/12/91



4199

POOR QUALITY  
ORIGINAL

0333

Witnesses:

Counsel,

Filed- 12 day of Nov 1891

Pleads, *W. J. Kelly, 13*

THE PEOPLE

vs.

*Daniel M. Solan*

*Second Degree*  
Grand Larceny, [Sections 628, 629, 630, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

*Calendar of Part 2  
Nov 25<sup>th</sup> to fix a day only  
V. M. D.*

A TRUE BILL.

*Subscribed on  
another indictment  
Mar. 31/92*

Foreman.

*March 2 for trial - Park Ave. U.S.D.*

*Sept 2 - Branch 4: 1892.*

*Tried and Acquitted on the ground  
of variance between the proof  
and the indictment.*

Del. case 880 Franklin-

1. Geo. L. Putnam from Suezler Paintworks - a  
partnership - & owned by -

✓ 2. Major Lackey - of 374 Bayway packed  
goods - Reg. 4658 -

✓ 3. ~~Walter~~ Alexander Halliday Shipping Clerk - Delivered  
goods to Truckman & ~~received~~

✓ 4. Dennis Moylan - Truckman - Delivered  
goods to W. S. R.R. & received 200  
of W. S. R.R.

✓ 5. Antonio J. Bister - 374 Bayway - sealed  
box - before opened by marks on side  
& goods inside by the private  
mark of Suezler - Paulbrook & Co

6. Samuel Cline - 1000 goods.

7. Albert Anderson - checker

8. Fritz Cook - Sealed Car -

9. Louis Simons - Car sealed in Hoboken -

10. F. Hardenburgh - Conductor -

11. E. P. Slansbury - discovered car of car at  
Hampton Park -

12. Win Richards - discovered box of  
goods at Rosendale N. J.

13. Chas. Gallagher - 290 W 11th Warehouse -  
O'Brien stored goods on 21st Feb - 195<sup>th</sup>

14. Joseph Kaplan - 49451 Chrystie St - from whom  
O'Brien hired horse & wagon on evening of  
20 Feb 195. Kept same out all night.

**POOR QUALITY  
ORIGINAL**

0335

15. Clerk of Court of Gen. Sessions - provide  
record of conviction - of George E Smith
16. Off. John Roberts - 20 Pr. identifies  
James A'Brien as the George Smith.

POOR QUALITY  
ORIGINAL

0336

21640  
MSR.R

Swamp Bidge Tran

@SL

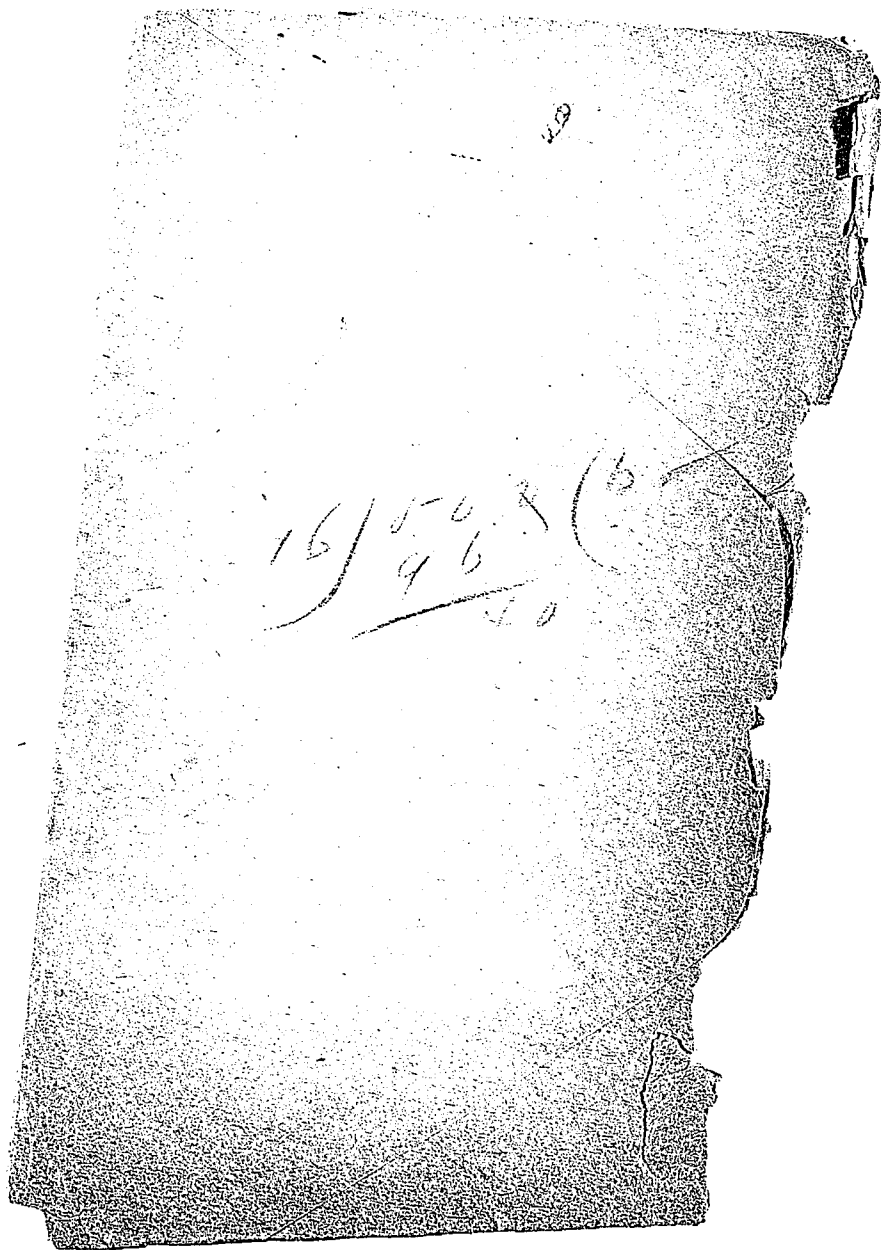
(12)

@rr

B

**POOR QUALITY  
ORIGINAL**

0337



TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

Mr. Huntington.  
~~W. S. Road~~  
Chas Warman  
E. Holziger -  
W. S. Road

District Attorney.

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

~~Golson~~  
Fred Schaeffer  
105 North 11<sup>th</sup> St  
Blg -  
~~Peckham~~

Burke Davis & Co. Love  
a ch. y. Office 60 Maiden Lane,  
Is Mr. John Day <sup>District Attorney.</sup> there?

Mr. Huntington  
E. Holzner, West from  
N. S. Road need the  
large envelope <sup>from Flat at Captains</sup> with the  
duplicate shipping  
receipts. He assigns them to the  
vanman loading clerk.  
In this case to  
Chas Warman -  
He stands by Car door  
& calls for goods - His  
picker gets them &  
they are put on truck  
& trucked into the Car  
of destination - He does  
not check it until he  
sees it go into car.  
When it goes into Car  
he checks off on duplicate  
& endorses duplicate with  
No. of Car & initials -

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

James Armstrong  
- checker -  
143 North 8th Blyn  
or North 5th & Wythe  
Ave Blyn.  
E. E. Whitbeck.  
Chief Clerk  
N. S. R. R. North  
5th St & Wythe Ave. <sup>District Attorney.</sup>  
or 278 South 4th St  
near Mercy Ave.

POOR QUALITY  
ORIGINAL

0340

No. 1.

408

District Attorney's Office.

PEOPLE

vs.

*Garrett*

*Grand Larceny*

Referred to Mr. Davis  
for time.

Mr. Davis.

Please

con. documents with  
Prof. Ashford Green  
5 Vanderbilt Ave.  
in the case of City.

*D.L.W.*

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

*Elder*

*George E. Groney*  
*112 North 1st St*

*Blyer*

*Rec. Clerk & Clerk*

*Townman*

*Signed the receipt*

District Attorney.

District Attorney's Office  
City & County of  
New York

Warren R. Weeks  
90 Maiden Lane

Received by

Walter Webster, boy in employ of

Chem. Co., received receipt  
from truckman & gave receipt to  
Warren R. Weeks of Park St.  
90 Maiden Lane

Walter Webster, boy in employ of  
N.Y. Office of Chem. Works remembers  
getting receipt from truckman & checking  
truckman's receipt. Then Webster took  
receipt to P. Davis Co. & gave it to  
Warren R. Weeks, buyer, who sent it  
to R.R. Office w/ bill of lading. One  
bill of lading they sent to Detroit &  
retained other.

Chem. Co's office 114 Wm St.  
Park St. Co. 90 Maiden Lane  
see Mr. Blay

District Attorney's Office  
City & County of  
New York

Walter Webster, boy in employ of  
N.Y. Office of Chem. Works remembers  
getting receipt from truckman & checking  
truckman's receipt. Then Webster took  
receipt to P. Davis & Co. & gave it to  
Warren R. Weeks, buyer, who sent it  
to R.R. Office & got bill of lading. One  
bill of lading they sent to Detroit &  
retained other.

Chem. Lab's office 114 Wm St.  
Parke Davis Co. 90 Maiden Lane  
see Mr. Blay

POOR QUALITY  
ORIGINAL

0343

TO THE CHIEF CLERK.

Please send me the Papers in the Case of  
PEOPLE

vs.

*Golden*

*Walter F. Shibley*

*239 Vernon Ave.*

*Bklyn*

*W. I. Road - East Bound  
Clerk now - then Sealer.*

*District Attorney.*

*Sealed the Car.*

*As the Car leaves  
depot for the I  
check it off in my  
West Bound Book  
& Running Slip.*

POOR QUALITY  
ORIGINAL

0344

559. 7-22-90. 1000. U. & A.

# Canada Southern Line.

VIA WEST SHORE RAILROAD.

[N. Y. C. & H. R. R. CO., LESSEE.]

NEW YORK AGENCY.

B. B. MITCHELL,  
General Manager, Rochester, N. Y.  
WM. H. GOMERSALL, JR., Agent,  
363 Broadway, New York.

New York, Nov 21 1891

Frank Aaron Esq  
Asst General Mgr  
5 Vandewater Ave

Dear Sir

Mr Eder agent at  
Williamstown requested us to  
forward to you today under  
personal cover the enclosed  
receipt for one case drugs  
consigned to Parke Davis & Co  
Detroit from the N.Y. Bureau  
of Chemical Goods. Please  
return when through with

Yours truly  
W. H. Gomersall Jr  
agent  
Nov 20

Mr Kinney

Mr Eder advises me you want  
this day receipt

11/27

Yrs John

POOR QUALITY  
ORIGINAL

0345

WEST SHORE RAILROAD.

N. Y. C. & H. R. R.R. CO., LESSEE.

HUDSON RIVER DIVISION,

P. O. ADDRESS, 42D ST. FERRY, N. R., NEW YORK

W. G. WATTSON,  
SUPERINTENDENT.

WEEHAWKEN, N. J., June 20, 1896.

Mr. John R. Fellows;

District Attorney,

New York City.

Dear Sir:-

I have received subpoenas for myself and several others,  
in connection with the O'Brien case, requiring us to appear on the 24th  
day of June.

As the boat races take place at Highland on the 24th  
and 26th, and will require my personal attention, I will be greatly  
obliged if you can postpone this case to some other day. Will you kind-  
ly advise me by wire, or telephone "Union 15 A", on Monday? I will  
hold the subpoenas until I hear from you.

Yours truly,

W. G. Wattson  
Superintendent.

*Part of  
all witnesses  
were let down for June  
29 at 10:15*

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

189

with the Car which is first sealed  
by Walter. The scales whose book  
will show that the car went on  
the float

Bay View  
Each, Clerk is to examine  
and show that the car is  
away with him.

Have sent down to the bank to  
for the money due on 9000.00

Woodrow & Lewis sold both cars  
to Stephen Brod on 6th St. They sold  
to Hall, Duck 46. 216. Accompanied

Mr. J. H. Brown buyer for Hall, Duck 46.  
with the car.

Deft brought the car to Milford  
Woodrow & Lewis

District Attorney's Office  
City & County of  
New York

189

Mr. Elger - ~~Afternoon~~ <sup>Evening</sup>  
Goods sent at North 5th St. Station.  
receipts by Geo. Schuyler

Drivers ~~drivers~~

<sup>master</sup>  
Packer, ~~Smith~~, Schuyler.

Porter -

Drivers - with duplicate receipts made  
out by Shipper

<sup>the duplicate</sup>  
Armstrong's check - into car - ~~initials~~  
Bacon signed driver receipt -

Armstrong probably took duplicate of  
stair where it was entered in field  
in ledger by Mr. Whitbeck -

From this duplicate a manifest is  
made out by Whitbeck - The duplicate  
was put in tally envelope by Whitbeck  
& sealed - The envelope is made out by  
Armstrong - & manifest wrapped around it -  
& sent to Mr. Huntington at Albany

POOR QUALITY  
ORIGINAL

0348

State of New York,  
City and County of New York,

ss.

of No. 377 W 43rd Street, being duly sworn, deposes and says,

that Daniel M. Gaden (now present) is the person of the name of

James Gaden mentioned in deponent's affidavit of the 5th

day of October 1891, hereunto annexed.

Sworn to before me, this 6

day of November 1889

Joseph Betts

[Signature]

POLICE JUSTICE.

Witnesses -

Joseph B. Stewart W.S.R.R. Office  
Newark N.J.

Boyle, O'Connell & Vallely C. Office.

Charles Gallagher 290 West 11th St.

Antoine J. Eusta 374 Bway.

Albert Anderson 294 Grand St. Jersey City

~~Officer Roberts~~ 20th Precinct

" Allan Hays 13 "

George Lee, 70 Brodsky & Guttenman 54 Allen St.  
Joseph Kaplan bring account book Jan'y & Feb. '96.  
49 & 51 Chrystie St

Geo. L. Putnam 374 Bway

Major Lackey " "

Alexander Halliday " "

Dennis Moylan " "

Samuel Cline to West Shore R.R.

Albert Anderson " " " "

Fritz Cook " " " "

Louis Strause " " " "

F. Hardenburgh " " " "

E. P. Slansbury " " " "

Wm Richards " " " "

Chas. Gallagher 290 W. 11th bring book  
showing goods received on Feb. 21st/96.

POOR QUALITY  
ORIGINAL

0350

List of Witnesses

Sub out today  
for Tuesday

POOR QUALITY  
ORIGINAL

0351

J. Ottmann, Lion, Park Bldg. N.Y.

Invoice Book 5 page 530

New York

111N 4 1898

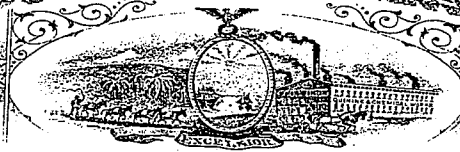
Messrs Parke, Davis & Co. *Per 411*

Detroit, Mich.

Bought of **NEWYORK QUININE & CHEMICAL WORKS**

TERMS  
NET CASH.

CABLE ADDRESS "QUINCHEM"



Limited.

P.O. BOX 2120.

We cannot insure the safe delivery of goods.  
After obtaining a receipt for same as "shipped in  
good order" we are not responsible for any damage  
or loss that may occur in transportation.

Office 114 William Street.

All claims must be made within five days  
after receipt of goods. Should you have  
occasion to refer to this invoice, please  
mention book and page as given above.

WS & MC

500 op Bisulph.  
25 lb. Sulph.

Quinine bulle. 190  
Cinchona " 48

"NET 30 DAYS"

113 85  
12 00 125.85

ENTERED

*Handwritten:* Sullivan & Co. 7/3

Brooklyn

Feb 26. 18, 92.

Dear Sir,

I take the pleasure of writing you  
a few lines to with kindly regards  
to let you know that I am in  
the care until next Tuesday and then  
I will be ready for you any day.  
Please send me a note with day  
you wish to see me.

Yours truly

W Kiercker



GEO. C. PRATT.

P. O. BOX, NO. 23.

BRANCH OFFICE OF

Massachusetts District Police.

North Rhine, Mass., Mar 24 1896

John J. Boyle Esq

Dear Sir

Yours at hand I sent to  
Concord Reformatory Mass.  
Feb 18 1889 Superior Court  
Plymouth. I had him for throwing  
stuff from Freight Car  
at Depot or between Depots  
at the time he was living with  
family by the name of Peter  
Stagerwald & Mary his wife  
were arrested at the time but  
could not hold them I thought  
at the time he was an old  
bird & I think I wrote your  
Office for his Recd but could  
not get any thing so he went  
to Reformatory

I called ~~called~~ him when I had  
him a good close mouth-man  
I couldn't get a word from him  
had to work for all I got  
the Picture you send me is the man  
sure give him a good one for  
my sake he deserves it in my  
judgement at the time he was  
living in the Family of Peter  
Stagerwald Peter is inferior look  
my man compared with I'm  
& had a good looking wife. I told  
Q'm that he had a pull but not  
talk from if they are there you  
will find stuff with them. so then  
please let me know what is done  
with him & if you find Peter  
Stagerwald & family  
Yours

Geo B Pratt  
Mass District Police  
PO Box 23 No Abington Mass  
he has changed some but is the man

POOR QUALITY  
ORIGINAL

0355

DISTRICT ATTORNEY'S OFFICE,  
CITY AND COUNTY OF  
NEW YORK.

*The New York Quinine Chemical Works.*

*North Eleventh & Berry St.*

*Brooklyn, E.D.*

Court of General Sessions,  
City and County of New York,

----- x  
The People  
against  
Daniel M. Golden.  
----- x

TRIAL BRIEF FOR PLAINTIFF.

-----  
New York Quinine & Chemical Co. 114 William St.  
John L. Kirkland, <sup>Treas.</sup> C/o McKesson & Robbins, 91 Fulton St.  
Certified copy Articles of Association.  
Fred Schaeffer, 105 North 11th St., Book-keeper, )

Jacob Keppler, " " " " Packer, ) :- Both saw  
the case packed. Can identify the tin cases as being the kind  
they use. Can identify the shipment because it is the only  
time they ever shipped 25 lbs. of the bark in one lot.

Schaeffer holds Exhibit 1. Receipt from truckman that he re-  
ceived the box.

" " Exhibit 2. Receipt from the New York office  
showing that truckman delivered the  
railroad receipt to them. Evidence  
that he properly delivered goods to  
the West Shore Agent

M. Kiesecker, 24 Thornton St., Brooklyn.

(Laid up with a )  
(broken leg. )  
(Dec. 14, 1891.) )

Says he can remember the box and can  
identify the receipt he gave and the  
receipt he received from New York  
Office. Also says he delivered R.R.  
shipping bill to N.Y. office.

Exhibit 3 - West Shore R.R. receipt signed across the face  
by Geo. E. Greaney, in hands of Gen-  
eral Counsel, West Shore R.R.

George E. Greaney. Receiving Clerk and Ass't Foreman at West

Books in office of Dan'l Purcell show that this box was put  
in car W.S. - 21640, with 3 other packages for Park, Davis & Co.  
from another shipper.

West Shore freight station, Brooklyn, will  
identify Exhibit 3 and deliver the dupli-  
cate to E.E. Whitbeck, Chief Clerk.

E. E. Whitbeck, Chief Clerk, can produce large book if neces-  
sary showing entry of this box with car it went into.

James Armstrong, checked package into car and gave the memo-  
randa to Whitbeck.

Walter F. Sibley, Sealer; says he sealed car 25,485 as soon as  
it was loaded and before it was moved.

When boat reached Weehawken, bills were  
taken to Huntington's office. Then bills  
of all cars to be reloaded were delivered  
in large envelope to

E. Holzzer, Ass't Foreman at Weehawken.

He delivered them to Charles Warman, who  
stood at car door and checked off the goods  
as they went into car 21,640 W.S. on June  
5th, 1891.

Charles Warman, Checker, Weehawken.

Can swear to his check mark on the dupli-  
cate way-bill.

Exhibit No. 4.

Duplicate way-bill now in hands of Dis-  
trict Attorney - has Warman's check mark.

J. Mulford, 94 Pearl St. Says he thinks he can identify Golden.

Golden came to him and said he had some  
tag ends of drugs that he wanted to close  
out, and asked if he sold drugs. Mulford  
agreed to take them and sell them the first  
time he had a drug sale.

Exhibit No. 5.

Voucher from D.M. Golden of 37 Bovey, of  
98 oz. Quinine - 25 lbs. bark left for sale.  
This is in Mulford's hands. Cans were

sent he thinks by truck. Golden did not come with them. Golden called for the money when Mulford referred him to our detective.

Edwin Popkins, Detroit, Mich. Receiving Clerk of Park, Davis & Co  
This quinine and cinchona never received by Parke, Davis & Co.

P.B. Merritt, Detroit, Mich.

Checker who unloaded car at Detroit, In employ of Michigan Central R.R. Co.

This quinine and cinchona not in car on reaching Detroit.

**POOR QUALITY  
ORIGINAL**

0359

Court of General Sessions,  
City and County of New York.

The People

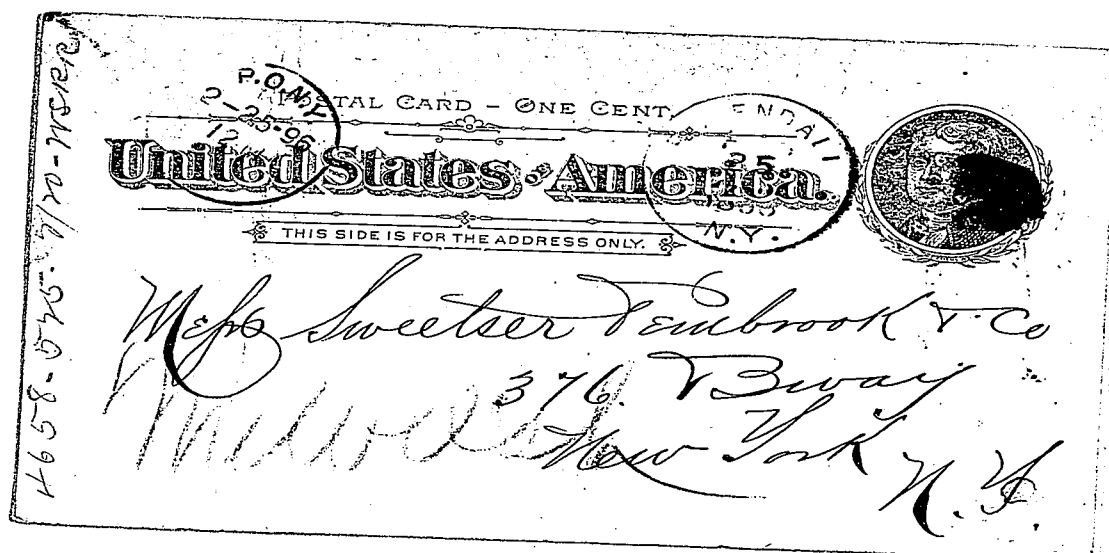
against

Daniel M. Golden

TRIAL BRIEF FOR PLAINTIFF.

POOR QUALITY  
ORIGINAL

0360



POOR QUALITY  
ORIGINAL

0361

Return to JAS. FERGUSON,  
General Merchant,  
ROSENDALE, NEW YORK.  
If not delivered in 5 days.

2. 24. 96

Dear Sirs

The dry goods billed 19<sup>th</sup> inst  
has not arrived here yet  
What the matter send tracer  
Yours Resp  
Jas Ferguson  
Feb 27 att

People vs. Golden -

I

1. Articles of Incorporation of Company.
2. Fred Schaeffer, Bookkeeper, 105 North 11th St. Blyn.  
to bring truckman's receipt for package - & can  
identify the two cans - saw them packed -
3. Jacob Kippler - Packman 105 North 11th St. Blyn.  
Packed the cans & can identify them.
4. M. Kierecker, Truckman, 24 Thornton St. Blyn -  
can identify receipt held by Schaeffer. also receipt  
marked by Greeny at depot. he gave up the  
Greeny receipt to his company 114 Wm St. N.Y.  
& rec'd receipt in return.
5. Walter Webster 114 Wm St. rec'd the Greeny receipt  
& took it to Parks, Davis & Co. 90 Maiden Lane -
6. Warren Weeks 90 Maiden Lane rec'd the  
Greeny Receipt & sent it to R.R. Office & got  
two bills of lading. kept one & sent the other  
to Detroit. Also ordered the druggist.
7. H. H. ~~Homestead~~ 363 B'way issued the bill  
of lading upon the Greeny Receipt.
8. Edwin ~~Papkins~~ Rec. Clerk of Parks D Co at  
Detroit. Goods not rec'd. Did he see  
original bill of lading? now here -

II

1. Greeny } Put his name on orig. shipping rec't
2. Armstrong } Weighs the box & puts it into car. &  
puts his initials on back & no. of car.  
& gives it to Whitbeck.
3. Sibley seals up the car.
4. Whitbeck enters the receipt in Ledger & sends  
it along with car to workman.

- ✓ ✓ ✓ Warrman checker at Weehauken. checked the bill  
+ put the goods into another car
- ✓ ✓ ✓ ~~Bridgman~~ ~~was the one sitting at Weehauken~~  
Now Cartrell who checked out the car at Junction  
Yard - M. C. R R Co. to produce original shipping  
P slips on which the shortage was marked by  
him -
- ✓ Person who made the original shipping  
slips from original way bill - also produces  
original way bill - now here

III

- ✓ ✓ ✓ Gallely C. O. K.
- ✓ ✓ ✓ ~~Jenniah~~ ~~was the one sitting at Weehauken~~  
Mr. Hall 216 Greenwich St. Hall & R. cable  
St. John ~~At Weehauken~~
- ✓ ✓ ✓ ~~Bello~~  
Von Gerichten
- ✓ ✓ ✓ ~~Hall Clerk at 37 Battery~~ ~~Barrett~~

Maun 43 St had given it to him

COURT OF GENERAL SESSIONS  
CLERK'S OFFICE.

PEOPLE

vs.

George Smith  
Contracted  
1888

TO THE CHIEF CLERK.

Please send me the Papers in the Case of

PEOPLE

vs.

Golden -

Muro.

Johansen of the  
Chemical Co. actually paid  
the goods.

Did Muro the buyer  
order them orally?

Was the purchase for  
Cash or on credit?

District Attorney.

POOR QUALITY  
ORIGINAL

0365

Clerk of Courts  
Plymouth Mass.

May 16. 1896.

Mr. John J. Boyle,

Dear Sir,

I can find no record  
of conviction against D. M. Golden  
but I enclose copy of record  
against D. M. Gilmore for  
stealing from C. C. R. R. Co., as I  
think that he may be the  
same man.

He was convicted the day that  
you mention in your letter  
Feb. 18. 1889.

Yours truly,

Edward E. Hobart

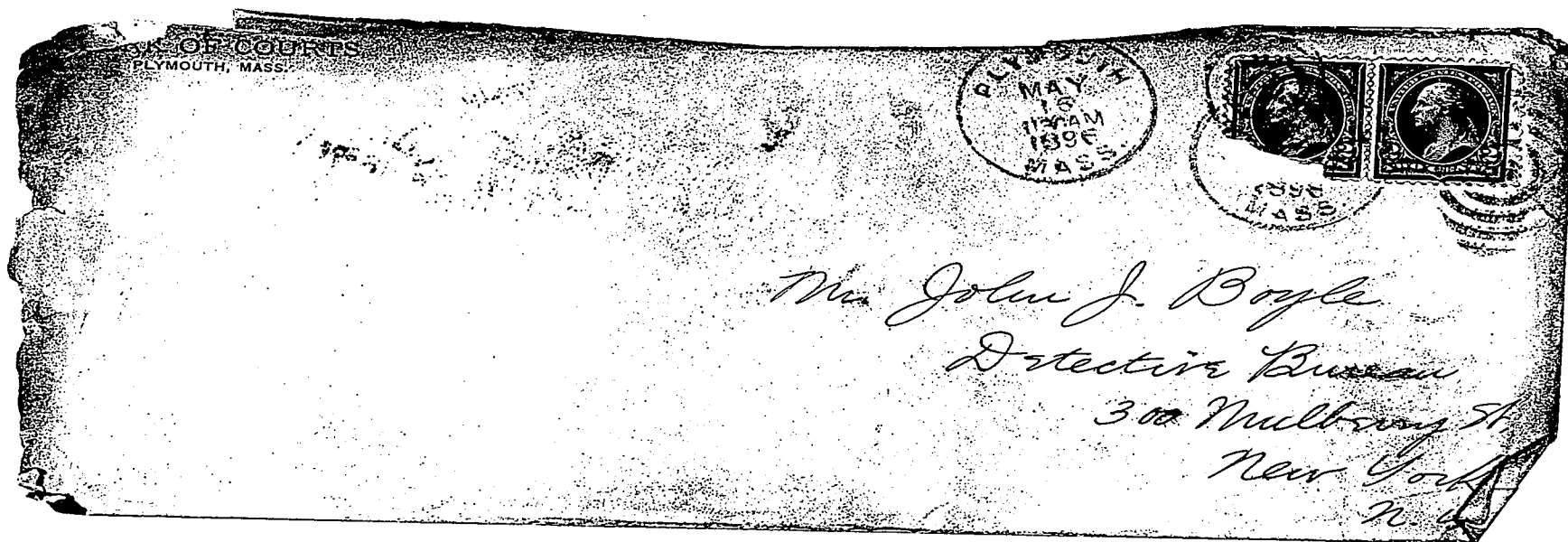
District Attorneys Office.  
City & County of  
New York.

- 18
- 1 Articles of Incorporation first.
  - 2 Schaeffer ~~who~~ who packed goods
  - 3 Kipples } + delivered them to  
              } truckman - can identify the cans.
  4. Chemist from Chemical works to prove contents of cans.
  5. M. Kiesecker. truckman who delivered the goods at depot.

✓ Theodore St. John 17 Cedar St got both cans  
of Mureford. - then sold Guinness to  
Hall & Beckale (Joseph Brown) - Jacob <sup>128 Wm Danforth St</sup> ~~Hynes~~  
gave the Cirothone & bottles.

POOR QUALITY  
ORIGINAL

0367



District Attorneys Office.  
City & County of  
New York.

Checker at  
junction Yds  
& billing -  
Checker at  
Detroit &  
Billing of

Car 21640 is sealed & goes on to Junction  
Yds near Detroit. There car 21640 was  
was probably <sup>loaded</sup> unloaded into Car 36403  
Blue Line. This case was checked & sent  
at Detroit from car 36403.

First Part

- 1 Articles of Incorporation.
- 2 Fred Schaeffer, Broker - 105 North 11th St. Blyn. holds  
Truckman's receipt for packages.
- 3 Jacob Kessler, Packer. " " " "
- 4 Mr. Kiesecker, Druggist 24 Thornton St. Blyn.  
can identify receipt held by Schaeffer - also receipt marked by  
Greeney - also receipt received by him from 194 10th St  
where he gave up Greeney receipt.
5. Walter Webster, 114 W 11th St. took Greeney receipt from  
Druckman & gave truckman receipt for receipt. Webster  
took Greeney receipt to Parke Davis & Co. & gave it to
6. Warren Weeks. 90 Maiden Lane. P.D. & Co.  
sent Greeney receipt to P.D. Office & got two bills of  
lading, one of which was sent to Detroit & other returned.
- 7 R.R. man who made out bill of lading.
8. Edwin Popkins, receiving clerk of P.D. & Co. at Detroit  
Did he see original bill of lading.  
Did not receive the goods.

June 24/91  
Car 25-485  
Envelope  
Tally

District Attorneys Office.  
City & County of  
New York.

Belling

Carman brings the package to the station (N.Y.) in Williamsburg. He first saw Armstrong, the checker & handed him the original & duplicate receipts. Carman unloads box upon the platform. Armstrong then weighs the box & takes the original receipt to Green, the Rec. Clerk who puts his name across it (this is required by the N.Y. Office in order to get the bill of lading). This original is then given to the Carman, it first having been stamped in red ink by Green or by Armstrong.

The duplicate is retained by Armstrong who writes upon it the weight (100 lbs) & also the no. of the car in which he put the package 25-485. He also puts his initials (A) on back. He also puts this package into the car. Armstrong then took the duplicate to Whitbeck who enters it in the West Bound Ledger. This dup. with others is put into a large envelope & sent to Weehauken with the car 25-485, which had been first sealed by Sibley.

At Weehauken Holzer rec'd the large envelope & gave duplicate to Warman Checker, who checked goods from 25-485-115 to car 216-40 N.Y.

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

2<sup>nd</sup> Part

1. Linceny
2. Armstrong.
3. Silley Slater
4. Li Arman Checks at 44th Street.
5. Bridgman who make out shipping bill.
6. Men at Junction Road who check out N.S. Car,  
to produce bill made out by Bridgman.

3rd Part

1. Mueford Auctioneer - with bill -
2. Valley - C. O.
3. Hotel Clerk at 37 Bowry.
4. Porter who brought stuff - St. John  
Kael & Co. 44th St.

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Daniel M. Golden*

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

*Daniel M. Golden*

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

The said

*Daniel M. Golden*

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

*five hundred ounces of guinine of the  
value of twenty cents each ounce  
and twenty-five pounds of cinchona  
of the value of two dollars each  
pound*

of the goods, chattels and personal property of ~~an~~ *a corporation* called the  
*New York Guinine & Chemical Works, (Limited)*

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

SECOND COUNT—

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

*Daniel M. Golden*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*Daniel M. Golden*  
late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

*five hundred ounces of guanine  
of the value of twenty cents  
each ounce and twenty five pounds  
of cinchona of the value of two  
dollars each pound*

of the goods, chattels and personal property of ~~one~~ a corporation called the  
*New York Guanine & Chemical Works (Limited)*  
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before  
feloniously stolen, taken and carried away from the said *corporation*

unlawfully and unjustly did feloniously receive and have; the said

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

DE LANCEY NICOLL,

*District Attorney.*

0373

**BOX:**

457

**FOLDER:**

4199

**DESCRIPTION:**

Goldstein, Michael

**DATE:**

11/13/91



4199

0374

Foreman.

St. Margaret

Grand assembly

John Paul D.

16/02/91

POOR QUALITY  
ORIGINAL

0375

80 00  
50 21  
130 00

THE PEOPLE

vs.

MICHEAL GOLDSTEIN.

COURT OF GENERAL SESSIONS, PART I.

BEFORE RECORDER SMYTH.

Monday, November 23, 1891.

Indictment for burglary in the third degree.

Asst. Dist. Atty. Weeks for the People.

Mr. Counsel for the Defendant.

A Jury was empannelled and sworn.

ISRAEL SKILOPSKY, sworn and examined by Mr. Weeks,  
through the Interpreter.

Q. Where do you live, Mr. Skilopsky? A. No. 296 Cherry St.

Q. What is your business? A. I have a butcher store.

Q. What time did you leave your store on the night of the 31st  
of October? A. Between eight and nine, I

should say nine o'clock.

Q. And who did you leave in charge of your store?

A. My clerk Myer Liberman.

By the Court. Q. Did he lock him up in the store? . He sleeps  
in the store, and when I left he was not retired but he was  
in the store.

By Mr. Weeks. Q. And what time did you return to your store?

A. After twelve o'clock, between twelve and one  
o'clock.

Q. At night? A. Night time.

Q. And in what condition did you find your store when you got  
there at that time? A. The door was open and the  
window was open. As I looked around in the store I found  
that my overcoat and pantaloons are missing.

**POOR QUALITY  
ORIGINAL**

0376

Q. Anything else?

A. And then the decalogues, there was a box with decalogues and that was taken.

By the Court. Q. How many decalogues?

A. I think five hundred and eighty.

By Mr. Weeks. Q. Now I show you this coat and pair of pants, do you recognize them?

A. That is mine.

Q. Are those the ones that were missing that night when you came in?

A. Yes sir.

Q. I show you these things, do you recognize these as ever having seen them before? (Showing little tin cases.)

A. Those are decalogues.

Q. Are those the decalogues that you referred to?

A. Yes sir, those are; it is printed in Hebrew.

The Court: Those are things to hold the decalogue I suppose?

By Mr. Weeks. Q. Is not the proper name of these Mezzuzes?

A. Yes sir, in their jargon they call them Mezzuzes.

By the Court. Q. To hold decalogues is that it? (No answer.)

By Mr. Weeks. Q. How much were the coat and trousers worth that were missing?

A. I paid about twenty dollars for them.

Q. For the two?

A. For the two.

Q. What was the tinware worth?

A. They did not belong to me; the man left it in the store, the man says that \$10.50 he paid for them.

Counsel: That is objected to.

Interpreter: They are new.

By the Court. Q. Ask him if he bought one of those (tin cases)?

A. The man used to manufacture these in my store and he left them there, I gave him a little space in the store to

manufacture.

Q. Ask him if he manufactured one of those himself?

A. No sir.

By Mr. Weeks. Q. When did you next see your coat and pants after that day or that night? A. More than eight days after.

Q. And where?

A. When I came once to the store.

By the Court. Q. Where did he see the coats eight days after?

A. There was a crowd of people and one man said he (the defendant) has the pawn tickets for the things that is missing; then he tried to run away, I caught him; then he said he has got the pawn tickets, but he told me they were in the room on the window, he told me which house where I would find them. So I went, I held on to Goldstein and another man, a friend of mine went up and got the pawn ticket.

Q. Where was the house that he sent him to to get the pawn tickets? A. No. 306 Cherry Street.

By Mr. Weeks. Q. That is the house that Goldstein lived in?

A. I do not know, I think he lives there.

By the Court. Q. What is the name of the man that he sent to get the pawn tickets? A. Isaac Eppter.

Q. What did this boy say about the pawn tickets?

A. Well, he told us that the pawn tickets are upstairs, I did not trust him.

Q. Ask him where he said the pawn tickets were upstairs in the room? A. Yes, he told us the room.

Q. Where? A. I do not know because I did not go up myself, the other man went up, I remained down stairs and held on to him.

Q. Ask him what part of the room he said they would find the tickets?

A. He says on the window, on the top window in the hall.

By Mr. Weeks. Q. Then you held on to Goldstein and this Eppster went upstairs is that right?

A. He brought down the pawn tickets.

Q. Then what did you do after you had the two pawn tickets?

A. Well, the policeman came immediately on the scene and he was arrested.

By the Court. Q. Which was arrested, the policeman or the boy?

A. Goldstein was arrested.

By Mr. Weeks. Q. I asked you where you saw your coat and trousers after that?

A. I went with the detective to the pawn broker, and the pawn broker produced -----

By the Court. Q. What is the name of the pawn broker?

A. I do not know, the detective went with me, I do not know the name of the pawn broker <sup>and</sup> producing the ticket these goods were shown to me.

Q. Which goods, the tins or the coat?

A. The coat and the pants and I recognized them as mine.

CROSS EXAMINED by Counsel.

Q. You do not know where the pawn tickets were found do you, of your own knowledge?

A. No, I do not.

Q. Who was it told you about the pawn tickets first?

A. When I came into the store I heard that Mrs. Eppster was talking to him and said, "I will give you a dollar if you will tell me where the tickets are, if you will let me have the tickets." He said, "I do not know, another man knows where the tickets, it will require three dollars to

get them.

Q. Where is she? A. Mrs. Eppter is sitting here in Court.

Q. She and the defendant were in conversation? A. Yes sir, in my store.

Q. You overheard her say to the defendant that she would give him a dollar if he would produce the pawn tickets?

A. He said, "I do not know, but if three dollars are given the tickets will be found."

Q. Then did you take hold of the defendant? A. Well, he left the store and I followed him and begged him to give me the tickets. When he said, "I have not got the tickets" he commenced to run; I ran after him and he fell and I fell on top of him, I staggered against him and a man by the name of Gimple caught him. Then I held on to him, then he spoke about the tickets and said, "they are in the window"; I did not want to give him up, I sent a man up to find the tickets on the window.

Q. Do you know Max Baron? A. Yes sir.

Q. How long have you known him? A. The second month.

Q. Did you see him around there that day, the day that you caused this defendant's arrest? A. Yes sir. Max Baron was in the street when this man went out and I followed him.

Max Baron said, "do not let him run away, he has the ticket."

Q. It was Max Baron told you about the pawn tickets?

A. Yes sir, he said, "don't let the young man run away he has the ticket."

Q. Did not Max Barontell you that the defendant had placed pawn tickets on the window sill? A. Max Baron did not say that, this man Goldstein said ----

**POOR QUALITY  
ORIGINAL**

0380

Q. He said they were on the window sill in what house?

A. 306 Cherry Street .

Q. Did not Max Baron live in the apartments in which you found these pawn tickets?

A. I am not sure if he lives there.

Q. Were not you in 306 to see Max Baron?

A. I never was in 306.

Q. Were not you at the hall door of 306 Cherry?

A. No sir.

Q. Where were you when the defendant as you say, went into

306 to get the pawn tickets?

A. I remained standing at the door inside the hall.

Q. What door?

A. Of the street door, the big door.

Q. Of what house?

A. Of 306 Cherry Street.

By the Court. Q. Ask him if he was ever inside of 306 Cherry St.

A. Yes sir, I am selling meat there in that house.

Q. In 306?

A. Yes sir, I have customers there selling meat.

By Counsel Q. You know Max Baron lives in that house?

A. Well, I only knew him by sight, I do not know him very well.

Q. Did not Max Baron tell you that the defendant at the bar

was the man who committed the burglary?

A. No, he did not tell me that.

Q. What day was the burglary committed?

A. It was Saturday night, Sunday was the first.

**POOR QUALITY  
ORIGINAL**

0381

MYER LIBERMAN, sworn and examined.

By Mr. Weeks. Q. Where do you work? A. 296 Cherry Street.

Q. For whom? A. For Skilopsky.

Q. The man who was just on the stand here? A. Yes sir.

Q. Do you remember the night of the 31st of October?

A. Yes sir.

Q. What time did Mr. Skilopsky leave that store?

A. I cannot tell you the right time, about nine o'clock.

Q. Was there anyone else in the store beside yourself when he left?

A. NO.

Q. Where did you sleep that night? A. In the back.

Q. In the back part of the store? A. Yes sir.

Q. Did you close the store up? A. Yes sir, I locked it.

Q. Closed the front door and locked it? A. I locked it with a key.

Q. Is there a wire screen there? A. Not on the door.

Q. Inside? A. Yes sir.

Q. How about that, was that closed? A. Yes sir.

Q. Tell the Court about the wire screen, the screen separating the butcher shop into two apartments, it was inside the wire screen where the property was?

A. You mean the wire grating outside the window?

By the Court. Q. The wire grating out on the window?

A. Yes sir.

Q. There was a window to the store, was there? A. Yes sir.

Q. Did you shut down the window that night? A. The window is always shut.

**POOR QUALITY  
ORIGINAL**

0382

Q. Fastened? A. Yes sir.

Q. Outside of the window on the street there is an iron screen, is that right, a wire screen? A. Yes sir, that is right. it is locked from inside.

Q. The wire screen is locked from the inside? A. Yes sir.

Q. A bolt fastened through it? A. No, it was an iron stick about the size of that (showing), and the way the thing comes on the nail it goes through.

Q. It was fastened anyway? A. Yes sir.

By Mr. Weeks. Q. What time did you go to bed that night?

A. I done my work about ten o'clock and I went to bed.

Q. Then you went to bed? A. Yes sir.

Q. And when did you wake up next after that, did you go to sleep? A. Yes sir, I went to sleep.

Q. What time were you woke up? A. When the boss came along to our store.

Q. What time was that? A. One o'clock he said that was.

Q. Then when you woke up how did you find the store?

A. He showed me how this door was open where I locked it and the window was open.

By the Court. Q. Was the screen taken out of the window?

A. Yes sir.

By Mr. Weeks. Q. Did you see Mr. Skilopsky's coat and trousers in the store that night when you locked up the place?

A. Yes sir, it was hanging over my head where I was sleeping.

Q. And how about this tinware? A. There was a man working down there -----

Q. Where was that? A. That was packed up in boxes on

the floor.

Q. On the floor in the store when you locked up the store?

A. Yes sir, against the wall.

By the Court. Q. Did you keep the key of the store?

A. No, the key is in the hole where I locked it.

Q. Did you lock it on the inside?

A. Certainly.

Q. Left the key in the key-hole, is that right?  
that is right.

A. Yes sir,

Q. How about the window?

A. The window is locked;

when he woke me up he showed me the wire screen was broken  
off and the door was open a little bit.

Q. You are sure you locked it?

A. Certainly, sure I

locked it.

By Counsel. Q. There is glass in that window frame is there not,  
panes of glass?

By the Court Q. In the window there is glass like that?

A. Yes sir, certainly.

CROSS EXAMINED.

By Counsel. Q. There was not any glass broken?

A. No, the

glass was not broken ---- there is a spring on it.

Q. There is a spring on the lower half?

A. Yes sir.

Q. Were the windows open when you got up that night?

A. Yes sir, when he woke me up he showed me.

Q. You say the door was open?

A. Yes sir.

Q. Do you know Ma x Baron?

A. I know him but not long

ago; when I started to work for that gentleman so I know  
that fellow, he used to be down there.

Q. You know him, don't you?

A. Yes sir.

Q. He has been in that place too, has he not?

A. Yes sir.

**POOR QUALITY  
ORIGINAL**

0384

Q. How was the door opened if the key was on the inside?

A. When they got in through the window they would not go back through the window, I locked the door when I went to bed.

By the Court. Q. The window was open?  
window was locked.

A. No sir, the

Q. When you got up wasn't it open?

A. Yes sir.

Q. So that a person could go in through the window and unlock the door, could they?

A. Yes sir, certainly.

Q. Was not the window locked too?

A. When I went to bed certainly it was fastened all the time.

Q. Can that fastening be removed by a person on the inside, could you go outside of the store and remove that fastening from the window?

A. Of course if I will work on it I can do it.

Q. From the outside?

A. Yes sir.

Q. Is not the fastening on the inside

A. Yes sir, if you will break that spring off you can unfasten that.

Q. Was the spring broken?

A. Yes sir.

Q. Were you in the store when Max Baron was there in conversation with your boss?

A. You know he used to go down there but I did not see him have any conversation with him.

Q. Did you hear Max Baron tell your boss that Goldstein had some pawn tickets?

A. O that is right, he went down and he told me that I should not let go of him because he has got them and that he knew where the things were pawned or sold.

Q. Max Baron told your boss that he knew where the things were

**POOR QUALITY  
ORIGINAL**

0385

sold?

A. Yes sir.

By the Court. Q. Did you hear Max Baron tell his boss?

A. Yes sir, I did.

Q. What did he tell him? A. He says, "don't let go of that fellow because he has got the tickets. that Mike Goldstein.

Q. Mike was in there at that time? A. Yes sir.

By Counsel. Q. Did you hear Max Baron tell your boss that the Defendant had the pawn tickets and stole the property?

A. Yes sir; he said, you know my boss was going to let go Micheal Goldstein; so Max Baron came down and he says, "don't you let go of him because Mike Goldstein has got the tickets and he stole the property."

Q. I do not mean when the defendant was there, I mean on another occasion, the next day Sunday --- Sunday you saw Max Baron didn't you, the next day? A. Yes sir.

Q. Was he not speaking with your boss? A. I did not see that, I seen him but I did not see him speak with him, you know I aint always down ---

Q. Do you know when this boy was arrested? A. I heard that only, I can't tell you.

By the Court. Q. Were you there the day that he came into the store and was arrested? A. O yes I was.

By the Court. Q. How many days after the store was broken open was it when he was arrested? A. That was the 30th or the 31st, I cannot tell you.

By Mr. Weeks. Q. The store was broken open? A. Yes sir.

Q. When was he arrested after that? A. He was arrested on the second day.

By the court. Q. How many days after? A. I cannot tell

**POOR QUALITY  
ORIGINAL**

0386

You, I do not remember.

By Counsel Q. Do you know who broke into that store?

A. They say that is the fellow broke in.

By the Court. Q. He wants to know if you know of your own know-

ledge or from what somebody told you?

A. I did not

see him do that.

By Counsel. Q. Did not Max Baron some days before the Defendant

was arrested want to sell the pawn tickets to you or your

boss for three dollars?

A. He was not talking

with me about that I am sure.

By a Juror. Q. Who sleeps in the store, young man?

A. I sleep myself.

Q. Who beside you?

A. No one else, he (the boss)

used to sleep with me.

By the Court. Q. How long was it since the boss slept in the store?

did he sleep in the store the night of this burglary when

he came at half past twelve, he came to go to bed?

A. Yes sir.

Q. You went to bed at ten o'clock?

A. Yes sir, he woke

me up and he says, this property was stolen and he took the  
officer down.

By a Juror. Q. Did you let the boss in that night?

A. No sir.

By Mr. Weeks. Q. Did you open the door for your boss to come in that  
night?

A. No, he woke me up when he find the  
door open.

Q. And that was the first you know of it when your boss came in  
and woke you up?

A. Yes sir.

By the Court. Q. Where is the spring, is it on top of the window,  
show us where the spring was?

A. From the wire  
screen there was a spring down here and there was a spring

on the top.

Q. There was the ordinary catch on the lower half of the window, is that right?

A. Yes sir.

Q. Was that shoved back?

A. No, it was broke off.

By a Juror. Q. There was no glass broken though?

A. NO.

MAX BARON, sworn and examined by Mr. Weeks,  
through the Interpreter:

Q. Where do you live?

A. 306 Cherry Street.

Q. Did you see the defendant Mike Goldstein on the night of the 31st of October?

A. Yes sir.

Q. What time of night was it?

A. About ten o'clock.

Q. Where did you see him?

A. In Madison Street.

Q. What did he have with him?

A. He had a box inside with those tin things.

By the Court. Q. What else did he have, did he have anything else?

A. Nothing else.

By Mr. Weeks. Q. What did he say to you?

A. He asked me

where he could sell there.

Q. What did you say to him?

A. Then I told him that he

could sell it in 30 Canal Street where they sell Hebrew books.

Q. That is Germansky's place; that man's place? (Pointing to a man in court.)

A. Yes sir.

Q. Did you go there with the defendant?

A. Yes sir, I

went with him.

Q. What did you do, tell me what happened, go ahead?

A. Immediately I went with him, he paid for my service

supper and a glass of beer.

By the Court. Q. Did he sell these things to him in the store?

A. I went with him, with Goldstein right immediately to the place of this man Germansky.

Q. Did he buy them?

A. Yes sir, he bought them.

Q. How much did he give for them?

A. \$5.70.

Q. Who did he give the money to?

A. Goldstein took

the money.

By Mr. Weeks. Q. And then Goldstein took you out and treated you to supper, is that it, and some beer?

A. Two dollars

Gomansky gave into my hands and I immediately passed it over to Goldstein; when he paid the five dollars he did not give the whole amount at once, he gave two dollars to me and I passed it to Goldstein.

Q. When did you first hear anything about Goldstein having any pawn tickets?

(No answer.)

By the Court. Q. Did Goldstein tell you where he got those things?

A. No sir.

Q. Did you ask him where he got them?

A. I asked him

but he kind of said something and did not give me any answer.

By Mr. Weeks. Q. After that did you have any talk with Goldstein about any other property?

A. From that evening I

did not see him any more, I did not talk to him, I only interfered afterward when I heard that there was a larceny committed, then I interfered.

By the Court. Q. Ask him when he heard there was a larceny committed, did he tell the boss of this place Skilopsky?

A. Yes sir, then I went and told him.

By Mr. Weeks. Q. When was that?

A. About seven days after

when I heard that the larceny was committed.

Q. You went to Skilopsky's place and told him, did you?

A. I went to Skilopsky's place and I told him that I know where the tinware is.

**CROSS EXAMINED.**

By Counsel. Q. Do you know what these are (showing the tin cases)?

A. Those are mezzuzes.

Q. Do you know what they are used for?  
know.

A. Yes sir, I

Q. Did not you know that they did not belong to the defendant?

A. I did not know it when I met him.

Q. You spoke to the man who bought them about buying them, did you not?

A. We both spoke to him when we entered his store.

Q. Do you remember this was on the 31st of October, Saturday night?

A. Yes sir.

Q. When did you again see the defendant after that night?

A. About three or four days afterward I saw him again, I spoke some words to him about three or four days after.

Q. Did you meet him at No. 306 Cherry Street?  
house I met him.

A. In the

Q. Where, what house?

A. 306 Cherry.

Q. That was three or four days after he sold these things?

A. Yes sir.

Q. Between the time that you know he sold them and the next time you met him, had not you heard that they had been stolen from that butcher shop?

A. About four or three days after I heard that the larceny was committed, that they were stolen.

Q. Was that before you met the defendant?

A. Yes sir, I

know it because he showed the pawn tickets to me and another boy.

By the Court. Q. When did he know when did he show him the pawn tickets?

A. About four days after we sold the tins

by Counsel. Q. Four days after you sold the tins?

A. He showed the pawn tickets to me and another boy.

Q. You are sure you met him four days after? A. Yes, I know when I first met him after we sold the mezzuzes.

By the Court. Q. Ask him if he knew that this butcher shop was broken into and property taken out when he met this boy with the witness and went up Canal Street, ask him if he knew it then?

A. No sir.

Q. Ask him after this defendant sold the things to the man in Canal Street how soon after did he see this boy, how many days after?

A. About four days, not more.

Q. What did he say two days a minute ago for?

A. About four or five days, I cannot tell for sure.

Q. Was it then he showed him the pawn tickets?

A. Yes sir, when he showed me the pawn tickets.

Q. Then did he know that the place had been broken into?

A. He told it to the other boy, he did not tell it to me but I heard when he spoke to the other boy.

By Counsel. Q. Do you know Mr. Skilopsky? A. Yes sir.

Q. Were not you in Skilopsky's place two days after the burglary, that was Monday morning?

A. I always passed the store because I live in that neighborhood but I did not enter the store Monday.

Q. Don't you know the young man who was on the stand here and who works in that store, Myer Liberman?

A. Yes sir, I know him.

- Q. Were not you in to see him the Monday following the burglary?  
A. I saw him in the street.
- Q. Monday, two days after the burglary?  
A. Yes sir, I saw him.
- Q. And did not he tell you about the burglary?  
A. I had no time to talk with him. he just commenced and said a word but I could not understand what he was telling me, he just said a word, I had no time to wait and I went away.
- Q. Did not he tell you the place was broke in Saturday night?  
A. He only said there was something stolen from the store, I did not hear what or how.
- Q. Were you not in that store and did not you have a conversation with Liberman before you saw the defendant after the 31st, after the burglary?  
A. I spoke with Liberman but I did not enter the store.
- Q. You have known this defendant a long time?  
A. About three months I have known him.
- Q. You both lived in the same house, 306 Cherry Street?  
A. I have been living there for four months and at the time when that burglary was committed he only lived for one week in the house.
- Q. Both lived with the same family?  
A. Yes sir, in the same family we lived.
- Q. You had a quarrel with this defendant did you not, before the burglary?  
A. No sir.
- Q. Do you remember what day it was you told Mr. Skilopsky that you went with the defendant to 30 Canal Street and sold the tinware?  
A. About seven days later after we sold the mezuzes I told him.

Q. And how many days was that after you met the defendant in the street?

A. About four or five days after.

Q. How many days after the burglary did you hear that a burglary had been committed, that that place had been broken open?

A. About four or five days after I heard about the burglary I heard something, as I said, that there was something stolen.

Q. Do you know that the defendant was in Connecticut after the 27th of October up to the 3rd or 4th of November?

The Court: He says he sold some things with him on the 31st of October.

Counsel: Very well, I will withdraw it.

Q. Did you, when you met the defendant three or four days as you say after the 31st, see two dollars with the defendant and ask him for one?

A. No sir, when he showed the pawn tickets he had two dollars.

Q. And did you say that if he would not give you one of the dollars that you would put up a job on him?

A. No sir, I did not say that.

ISAAC EPPTER, sworn and examined, by Mr. Weeks, through the Interpreter:

Q. Where do you live?

A. No. 17 Chrystie Street.

Q. Did you have any talk with the defendant Mike Goldstein about the burglary at Mr. Skilopsky's?

A. No, I did not speak to him.

By the Court. Q. Do you know the day this boy was arrested?

- A. I saw when the policeman took him into custody.
- By Mr. Weeks. Q. Were not you there when Skilopsky was talking to him about some pawn tickets? A. No sir, but I was sent for to come.
- Q. And after you were sent for what did you do?
- A. When I came I was informed that a boy was caught who has the pawn tickets for the coat and the pantaloons.
- Q. Where was he informed that? A. In Cherry Street not far from the store when I was told.
- Q. Ask him who told him? A. The man is here who told me.
- Q. When that man told him about this what did this man do?
- A. When I heard that I went up to Golustein and I said to him, "you give these tickets up and nothing will be done to you," and as I was talking with him he commenced to run away, he started to run.
- Q. That is, this defendant? A. Yes sir.
- By the Court. Q. Then what did he do? A. The whole crowd ran after him and a man who is connected with these mezzuzes he caught him.
- Q. When he was caught what did they do with the boy?
- A. Then when he was caught I went up to him again and I said, "you give up the pawn tickets without any further trouble else you will be arrested, the policeman will take you."
- Q. What did he say? A. Then he said, "you come with me upstairs where I live and I will give the pawn tickets."
- Q. Did he go with him? A. I was afraid, I am an old man and I was afraid because a <sup>man</sup> ~~thief~~ who is a thief, he could strike me on the head also, and so I was afraid and

another man said, "don't be afraid, I will go with you up-  
whole stairs." That is the ~~old~~ story.

Q. This man and another man went with this boy, where did they go? A. He was led down stairs.

By Mr. Weeks. Q. What did the boy tell you before you went upstairs?

A. Goldstein told me that upstairs on the second floor on the window there is the tickets, you take those tickets."

By the Court. Q. Did the other man go upstairs?

A. Yes sir,

several persons came up.

Q. Did he come down again with the tickets?

A. Yes, he

found the tickets there and we came down.

Q. When he got the tickets and the tickets were found what was the next thing done?

A. I came down stairs and

I showed him. I said, "are those the tickets?"

Q. What did he say?

A. Then he said, well now you have

the tickets, you have nothing to do with me any more." I

said, "no, I would not let you go now."

Q. What did he do?

A. A policeman was called and

he was arrested.

Counsel: Where are the tickets, let him identify the tickets if he can.

Mr. Weeks: The tickets were given up to the pawn broker.

THOMAS STAPLETON, sworn and examined.

By Mr. Weeks. Q. You made the arrest, Officer, or rather he was turned over to you?

A. Yes sir.

By the Court. Q. Who arrested him?

A. Officer Micheals.

Q. Where is Micheals?

A. He is not here, your Honor, I was in the Station House when he came in and they could not speak English and I sent to get an Interpreter and find out what was in this case; I got the pawn tickets, I got the interpreter and I inquired in the matter.

By Mr. Weeks. Q. You were in the Station House when the defendant was brought in, on what day was that, Officer?

A. That was on the 10th of November.

Q. Were any pawn tickets handed you at that time?

A. There was two pawn tickets.

Q. By whom?

A. By Isaac Eppter.

Q. By the man who has just testified upon the stand?

A. The last witness, that is right.

Q. Did you speak to the defendant Goldstein about those pawn tickets?

A. He denied knowing anything about it.

By the Court. Q. Did you speak to him?

A. Yes sir.

By Mr. Weeks. Q. What did you say to him?

A. He said,

"I do not know anything about this." I asked him how he came in possession of those tickets that he was accused of having? He said he did not know anything about them.

Q. Did you speak Hebrew?

A. No, the defendant can speak good English; he said he did not know anything about them.

By the Court. Q. Did you go to Silverstein's place, 318 Broom St. where the tickets came from?

A. I did, I went with the complainant on the following morning.

Q. You found the coat and trousers?

A. He identified them two articles as articles taken from his place on the 31st of October in the night.

Q. Those were the articles called for by the pawn tickets handed you by Eppter?

A. Yes sir, Silverstein,

318<sup>n</sup>Broom Street.

By Counsel. Q Did you go to Germansky's, No.30 Canal Street?

A. I went there to serve a notice.

Q. That is all you did?

A. Yes sir.

Q. To deliver him a subpoena?

A. Yes sir.

JAMES HAGGERTY, sworn and examined.

By Mr. Weeks. Q. No.296 Cherry Street is in the 7th ward of the city and county of New York?

A. Yes sir.

Q. You have inspected the premises of Skilopsky/, have you?

A. I did.

Q. Please describe them, that screen is placed over the window, would it be possible for the screen to be moved and the window opened by a person from the inside?

A. It is in the basement underneath the stoop, the store is, it is an ordinary window with a wire screen on the outside of it, fastened with a hasp and a staple at the bottom. There was supposed to be a nail running through the staple to fasten the hasp on the inside of the window, that is between the sash and the screen.

Q. How could it be opened from the outside?

A. It could be opened by shoving out the nail fastening and placing the hand in the screen.

Q. If the window was closed?

A. If the window was closed, that is to take the screen off.

By the Court. Q. Was there a catch on the window, Officer?

A. That I am not positive of.

By Counsel. Q. Was it a double window?

A. It is an ordinary window with a top and bottom sash.

**POOR QUALITY  
ORIGINAL**

0397

- Q. Went up and down? A. Went up and down with weights.  
Q. You did not see anything broken at all only this fastening  
to the screen? A. NO.

ASHER L. GERMANSKY, sworn and examined.

By the Court. Q. Ask him if he has got a store at 30 Canal Street?

A. Yes sir.

Q. What kind of business? A. Hebrew religious books.

Q. Does he know this boy Goldstein? A. I cannot rec-  
ollect, I do not know.

By Mr. Weeks. Q. Do you remember anybody bringing this tinware to  
your store? A. Yes sir.

By the Court. Q. Ask him who brought it, whether it was a big  
woman or man or what? A. Two boys.

By Mr. Weeks. Q. What time of night was it? A. Between  
nine and ten o'clock.

Q. On Saturday night? A. Saturday night.

Q. Do you remember the date? A. I think it was Sat-  
urday night, no, I do not know the date.

By the Court. Q. Ask him if he bought it? A. Yes sir.

Q. How much did he pay for it? A. \$5.70.

By Mr. Weeks. Q. You cannot say whether or not this is one of the  
boys that was there (the defendant)? A. I cannot  
remember.

By the Court. Q. Could he remember the other boy who saw him?

A. Yes sir, I could remember the other boy.

Q. What is the other boy's name? A. I do not know his  
name.

- Q. Baron, do you know that boy? A. Yes sir.
- Q. Was he one of the boys? A. Yes sir, he was.
- Q. How much of this tinware was there? A. That is about the price.
- Q. What are they worth each, he sells these things?  
A. I sell it when the decalogue is inside already, that I put in.
- Q. What are they worth each without the decalogue?  
A. I pay, about a cent apiece, a cent and a quarter sometimes.
- Q. Ask him how many of those tin things he bought from the boy?  
A. Number 585.
- Q. Did he ask the boys where they got them? A. Yes sir.
- Q. What did they tell him? A. One of the boys said, "I am a tinsmith, I have been working in a factory but the factory is stopped and now in order to make something I make these things home on my own account."
- By Mr. Weeks. Q. Which one of the boys said that?  
A. The bigger boy.
- Q. Baron, is that the boy that said he was the tinsmith?  
A. Yes sir.
- Q. Did you know him before? A. No, I never knew him before.
- Q. Ask him what he thought of boys coming in with a box full of tin at ten o'clock at night, ask him why he buys such things of boys  
A. I thought that he is manufacturing, that he is making those things - -- and he wants to explain something.

**POOR QUALITY  
ORIGINAL**

0399

**CROSS EXAMINED.**

By Counsel. Q. You say you know that boy Baron? A. He recognizes him now but he did not know him that night when he came in, he recognizes him now as one of the boys.

Q. And he made the statement that he was a tinsmith?

A. Yes sir.

Q. Did you give the money to that Baron boy? A. I do not recollect to whom I gave the money because there were two, I was very busy when they came in and so I did not pay much attention.

By a Juror. Q. How is it that you know one of the boys and did not know the other one.

A. Because this boy came the day before, I think it was the day before with a sample and said, "I am making those things, will you buy such things?" I said, "yes, I will buy them."

By Counsel. Q. This Baron boy said that? A. Yes, the Baron boy said, "I am making those tins, will you buy those tins if I have ready some?" I said, "yes, if you have them ready I will buy them."

By a Juror. Q. Did you ever buy any of those at that price previous to that lot? A. He says, "a cent apiece he paid \$5.75."

Mr. Weeks: The People rest.

Counsel: I desire to recall the complainant for cross-examination.

**ISRAEL SKILOPSKY, recalled by Counsel.**

Q. You remember having been in the Police Court on the 11th day of November, it is October down here, it ought to be November you remember to have made a statement to the Clerk and the Judge?

A. Essex Market he said, in Eldridge Street he was.  
By the Court. Q. Wasn't he before the Police Justice ?

A. The next day I was called to Essex Market.  
By Counsel. Q. Do you remember having made your mark to a paper there, your statement ---- do you remember that it was read to you before you were asked to sign it? A. Yes sir, I only put my hand on the pen, I did not write, it was read to me but they speak the real German and I can't understand the real German.

Q. Do you remember to have stated there this, "that deponent was informed by Max Baron of 306 Cherry Street that on the 31st day of October, 1891. at about ten o'clock he saw the defendant with a box of tinware," Max Baron telling you that?

A. Gimple said that.

Q. Did Max Baron tell you that he saw the defendant with a box of tinware? A. Gimple went to the man where they sold those things.

By the Court. Q. Ask this witness if Max Baron told him that he saw this boy, the defendant with a box of tinware?

A. No, he did not tell him that.

Counsel: I offer this affidavit in evidence.

The Court: You can read it.

Counsel: (Reads) ".Deponent is informed by Max Baron of 306 Chorr. Street that on the 31st of October, 1891, about ten o'clock, P.M. he saw the defendant with a box of tinware and the defendant asked said Baron if he knew where to sell the said tin."

The Case for the Defence.

MICHEAL GOLDSTEIN, sworn and examined.

By Counsel. Q. Where were you living when you were arrested?

A. No. 306 Cherry Street.

Q. How long were you living there?  
there one week.

A. I was living

Q. Do you know Max Baron?

A. Yes sir.

Q. How long have you known him?  
the old country.

A. I know him from

Q. Did you break into any butcher store on the night of the  
31st of October last?

A. NO.

Q. Did you go with Max Baron to sell any property at No. 30  
Canal Street?

A. No sir.

Q. Did you ever see those articles of tin before?

A. I saw that in every place, in every room. I can't  
talk good English.

Q. Did you ever have these tins in your possession?

A. What do you say?

The question was repeated through the Interpreter.

A. No sir.

Q. Did you at any time ever steal anything from anyone?

A. Never.

Q. Were you at 30 Canal Street any time with another boy and  
sold goods there?

A. No sir, I did not see the boy  
and I did not sell it.

Q. Before you lived at 306 Cherry Street this city where did  
you live?

A. No. 222 Madison Street.

Q. What is your business.

A. I am a tailor.

Q. Where were you last employed?

A. With Mr. Kaplan,

No. 19 Rutger Place.

By the Court. Q. How long ago was that?

A. I worked for him for about six months and then I got a quarrel with one of the workmen and I left him; it will be about five weeks ago when I left him; I had to board with Mr. Kaplan when I worked for him.

By Counsel. Q. Where were you living at the time that you were arrested?

A. No. 306 Cherry Street.

Q. And you had been living there one week?

A. Yes sir, a week when I came from the country I moved into that house.

Q. Where, what part of the country?

A. Meriden, Conn.

Q. How long were you there?

A. About seven days, I could not find work.

Q. Where is that pawn ticket?

A. I gave it to my cousin.

By the Court. Q. When did you go to Connecticut?

A. I went Monday night twelve o'clock.

Q. What day of the month?

A. I can't tell the month but it must be about three weeks and a half now when I came back.

By Counsel. Q. Where is that pawn ticket you had in the box?

A. I gave it to my cousin.

Q. Is he in Court?

A. I do not know, you can find him.

Q. Don't you know that the day that you pawned your coat and vest you went to Connecticut?

A. The same day I was going in the country, the same day before I left I went to a pawn broker and I pawned my coat and vest.

By the Court. Q. What was the pawn broker's name?

A. Cohn, I do not know the number, it is in Canal St.

By Counsel. Q. Can you read and write?

A. No, not in English.

Q. Don't you know what date was on that pawn ticket?

Objected to. Objection sustained.

Q. What time did you come back from Connecticut, what day of the month?

A. On a Monday morning at four o'clock.

By the Court. Q. How long did he stay in Connecticut?

A. Tuesday at four o'clock I arrived at New Haven, then I took a ticket to Meriden and Tuesday eight o'clock I arrived at Meriden.

By Counsel. Q. Do you know what day of the month it was that you came back from Connecticut to New York?

A. Monday four o'clock, he does not know the date of the month; I can't tell you because I do not know.

Q. Did Mike tell you to keep that pawn ticket?

A. O. he came Saturday and I gave him the pawn ticket to sell it and to try to get a lawyer for me.

The detective saw my pawn ticket, he gave it to me back.

Q. Did you ever have a quarrel with Max Barone?

A. Yes sir, this time.

Q. After you came back from Connecticut?

A. Yes sir.

Q. What did he say to you?

A. "I will fix you."

Q. What did he say that for?

A. Because I did not give him a dollar; he did not want it for a loan, he wanted me to give him a dollar.

Q. Do you remember the day that you were arrested, the day of the month?

A. It was in the same month.

Q. The 10th of November, was it not?

A. I cannot tell.

Q. You say you came back from Connecticut Monday, is that right?

A. Yes sir.

Q. Then what day of the week was it you were arrested?

A. I think it was a week after I arrived here on the

Monday when I was arrested.

Q. The following Monday, the 9th you came here and you were arrested on the 10th?

A. Yes sir.

Q. You were here one week in New York before you were arrested, is that right?

A. Yes sir, I was a week here before I was arrested.

Q. And the Monday before that you left New York for Connecticut

A. Yes sir, so it is.

Q. What about those pawn tickets, did you have any pawn tickets representing a coat and vest or those articles?

A. When the detective brought me to the Station House I took out what I had and I showed him the pawn ticket, it was my own, for my coat and vest that pawn ticket, the detective saw it.

Q. Is it true that you told anyone the day of your arrest that you had some pawn tickets up in the room at 306 Cherry St.?

A. No, that is a lie.

Q. Were you ever arrested before?

A. Never.

Q. What is the man's name in Connecticut?

A. Buchinoki.

Q. What is his business?

A. No. 12 Cedar Street, he keeps a kind of restaurant and boarding house --- people working in the factory board with him.

Q. Did you live with him during the week you were in Connecticut?

A. Yes sir.

CROSS EXAMINED by Mr. Weeks.

Q. What is the name of your cousin?

A. Ike, I don't know any other name, that is what we call him.

Q. Was he in court here Friday?

A. He came Saturday to the Tombs, I did not see him here.

- Q. You had a talk with this same Counsel here Friday, didn't you in Court about your case? A. Yes sir.
- Q. And then on Saturday you saw this cousin of yours came to the Tombs and you gave him the pawn ticket? A. Yes sir, I gave him the pawn ticket.
- Q. How long had you been out of work when you started for Meriden? A. I was working but not steady, I did not work the whole week because I could not find a good place.
- Q. How much money did you have coming to you at the end of your week's work? A. When I left New York I had five dollars.
- Q. How much of that did you get on your coat for pawning it? A. Two dollars I got for the coat and vest.
- Q. Where did you get the other three dollars from? A. I worked a week.
- Q. Who paid it to you? A. The boss.
- Q. Kaplan? A. No.
- Q. Who was your boss? A. I was working for another boss.
- Q. What was his name? A. Harris, in Brownsville.
- Q. Long Island. is he related to Kaplan? A. No sir.
- Q. When did you stop working for Harris in Brownsville, what day of the week did you work there last? A. Friday.
- Q. And the Monday after that you went to Meriden, is that right? A. Yes sir. I went to Connecticut.
- Q. Is Mr. Harris in Court? A. I did not call him here.
- Q. Is your cousin Ike in Court, look around? A. I do not see him.
- Q. Is Mr. Kaplan here in Court? A. I do not see Kaplan but I seen the landlady over there.

Q From Kaplan's?

A. Yes sir.

Q. What is her name?

A I do not know her name.

By a Juror. Q. How long do you know your cousin?

A. I know

him from home, he was a young boy when he left.

Q. How long ago?

A Six years ago.

By another Juror. Q. He hasnot changed his name, has he?

A. At home his name was Aria they make it Ike here.

By the Court. Q. What was his other name?

A. I do not know.

By Mr. Weeks Q. Do you remember calling on that lady (Mrs. Simons.)

A. Yes sir.

Q. When?

A. I took a place with Kaplan. He took me

Saturday, the custom is when a man takes another Saturday

he has to work the whole week; so I worked Sunday and Monday

half a day and then he sacked me and he took another man to

work; then I said, "why dn't you pay me for the time I  
worked."

Q. What day was it that you went to see Mrs. Simons?

A. On a Monday.

Q. The Monday before you were arrested?

A. Yes sir, the

night I got arrested.

Q. Did you tell Mrs. Simons then that you were working for Kap-  
lan and Kaplan sent you there to get two dollars?

A. Yes sir.

Q. Was that true?

A. Yes sir.

Q. Did Kaplan send you there to get two dol ars?

A. He told me to come pay day and he will pay me  
and then I had no money and I went down to Mrs. Kaplan and  
she begged her to loan her two dollars.

Q. Mrs. Kaplan begged Mrs. Simons to loan her two dollars?

A. Yes sir.

Q. Did you get the two dollars?

A. Yes sir.

Q. Mrs. Kaplan had not sent you for the two dollars?

A. No sir. I took it for my wages.

By a Juror. Q. How much money did you have after you got your ticket for New Haven?

A. \$1.15 I paid for the

ticket.

Q. How much did you have left?

A. I had left \$3.35.

THOMAS STAPLETON, recalled by Counsel.

Q. Do you remember Officer, when you arrested the defendant?

A. I do.

Q. Did you have him in custody at any time?

A. I did.

Q. You took what pawn tickets from him, what property?

A. I took one ticket that he claimed was his own.

Q. What did that represent do you know?

A. A coat and vest

I believe.

Q. Do you remember the date on that ticket?

A. I do not.

Q. Did not you read it?

A. I disremember the day I went

with the man that lost some property in that neighborhood to see if he would identify it as his property and he said no.

Q. You do not remember the date of the ticket?

A. I do not.

Counsel: That is the case.

The Jury rendered a verdict of guilty of grand larceny in the first degree.

The prisoner was remanded for sentence.

**POOR QUALITY  
ORIGINAL**

0408

Testimony in the case  
of Michael Goldstein

Filed Nov.

1941

POOR QUALITY  
ORIGINAL

0409

Form 199-12

53-71-12 (B) 20,000

DISTRICT ATTORNEY'S OFFICE

County of New York

OFFICE OF THE CHIEF CLERK.

*July 14* 1913.

PEOPLE  
vs  
*Mike Goldstein*

Indictment  
filed:

*Nov 13 1891*

CLERK OF THE COURT OF  
GENERAL SESSIONS:

Please send to this  
office the following  
original papers:

Indictment, complaint &c.  
~~Gorener's inquisition.~~  
Original exhibits.  
~~Stenographer's Minutes~~  
~~of trial.~~

Respectfully yours,

*Harry D. Sayre*  
Chief Clerk.

POOR QUALITY  
ORIGINAL

0410

Police Court— District.

City and County } ss.:  
of New York,

of No. 296 Cherry Street, aged 21 years,  
occupation Butcher being duly sworn

deposes and says, that the premises No. 296 Cherry Street, 7 Ward  
in the City and County aforesaid the said being a Five story brick  
Building - the ~~store~~ basement of  
which was occupied by deponent as a Butcher shop and sleeping room  
and in which there was at the time a human being, by name Myer Liberman

were BURGLARIOUSLY entered by means of forcibly removing a  
wire screen which was fastened to the front  
window of said place

on the 31 day of October 1891 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

One Over Coat and one pair of Pants  
and a quantity of Tin ware used in  
religious services - all together of  
the value of Thirty dollars

the property of Deponent and another, and in deponents care & custody  
and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen and carried away by  
Mike Goldstein (now here)

for the reasons following, to wit: about the hour of 9 o'clock P.M.  
on said date deponent left the said place  
and left Myer Liberman in charge of said  
place, the said property was then in said  
place - deponent is informed by the said  
Liberman that he securely locked and  
fastened the doors and windows of said  
place and then went to bed in said  
place - deponent returned about the hour

POOR QUALITY  
ORIGINAL

0411

of 12 o'clock A. M. on said night and found  
the front & door of said place open - and the  
wire screen removed - and the said  
property missing, and the said Liberman  
was in bed asleep. Deponent is informed by  
Max Baron of 306 Cherry Street that on the 31<sup>st</sup>  
day of October 1891 - about 10 o'clock P. M. he saw the  
defendant with the box of Tin ware - defendant asked  
said Baron where if he knew where to sell the  
said Tin - Baron accompanied defendant to No 302  
Canal Street, where he sold the Tin for Five dollars  
and seventy cents.  
Deponent is further informed by Isaac Eppler of  
No 17 Chrystie Street, that he accused defendant  
with having stolen said property, and told defendant  
that if he would tell him where the property could be  
found he would not be prosecuted - Defendant told  
said Eppler that two Pawn tickets could be found  
in defendant house - the said Eppler found two pawn  
ticket representing an overcoat and one pair of pants  
deponent went to the pawnshop represented by said  
tickets and saw the property, & that was pledged and  
fully identified it as his property that was stolen

Police Justice.

Guilty of the offence within mentioned, I order him to be discharged.

Israel Skilopsky

There being no sufficient cause to believe the within named

Dated 188

I have admitted the above named  
to bail to answer by the undertaking hereby/affidavit

Dated 188

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

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

Police Court, District,

THE PEOPLE, &c.,  
on the complaint of

Offence—BURGLARY.

vs.

1  
2  
3  
4

Date

188

Magistrate.

Officer.

Clerk.

Witness.

No.

Street.

No.

Street.

No.

Street.

\$ to answer General Sessions.

POOR QUALITY  
ORIGINAL

0412

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 17 years, occupation Butcher of No. 296 Cherry Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Israel Skilopsky  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 11

day of Nov 1898

his  
Meyer Liberman  
mark

[Signature]  
Police Justice.

(3692)

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 16 years, occupation Painter of No. 306 Cherry Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of \_\_\_\_\_  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 11

day of Nov 1898

his  
Israel Skilopsky  
mark

[Signature]  
Police Justice.

(3692)

POOR QUALITY  
ORIGINAL

0413

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 57 years, occupation

Isaac Epstein  
Tailor of No.

17 Chuyetki

Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of

Isaac Skilopsky

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

Sworn to before me, this

11

day of

Nov

1890,

Isaac Epstein  
his  
mark

[Signature]  
Police Justice

POOR QUALITY  
ORIGINAL

0414

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK }

5  
District Police Court.

*Mike Goldstein* 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.

*Mike Goldstein*

Question. How old are you?

Answer.

*18 years*

Question. Where were you born?

Answer.

*Russia*

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

Answer.

*No 306 Cherry St Newark*

Question. What is your business or profession?

Answer.

*Tailor*

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

Answer.

*I am not guilty*

*his*  
*Mike Goldstein*  
*shank*

Taken before me this

day of

*[Signature]*  
Police Justice.

0415

District

ON THE COMPLAINT OF

Samuel Thompson

of the County of

Miss Goldstone

2

Dated

Feb 11

155/

Magistrate,

ability

\_\_\_\_\_  
Deputy Registration Officer.

2

Preinet.

2

*[Handwritten signature]*

Q.

11012) filed.

## Witnesses

John A. King

No.

17 Church St.

0

*Malina A. Zvereva*

No. 7

W. J. ...  
Scrib.

.....

for a lot more

10

..... Street.

2

RECEIVED

39

LSA

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: Respondent

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

the City Prison of the City of New York, until he give such bail.

Dated Nov 11 18 1901 Police Justice

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

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

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

dated.....18.....Police Justice.

POOR QUALITY  
ORIGINAL

04 16

463

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Michael Goldstein*

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

*Michael Goldstein*

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

The said

*Michael Goldstein*

late of the *7th* Ward of the City of New York, in the County of New York aforesaid, on the  
*thirty-first* day of *October* in the year of our Lord one  
thousand eight hundred and ninety-*one*, ~~at~~ *about* time of the same day, at the  
Ward, City and County aforesaid, the dwelling house of one *Israel Skilopsky*

there situate, feloniously and burglariously did break into and enter, there being then and there a  
human being within the said dwelling house, with intent to commit some crime therein, to wit: the  
goods, chattels and personal property of the said *Israel Skilopsky*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal,  
take and carry away,

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

POOR QUALITY  
ORIGINAL

0417

SECOND COUNT—

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

*Michael Goldstein*  
of the CRIME OF *Grand LARCENY in the first degree*, committed as follows:

The said

*Michael Goldstein*

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

*one overcoat of the value of twenty  
dollars, one pair of trousers of  
the value of five dollars, and  
a quantity of tinware, (a more  
particular description whereof  
is to the Grand Jury aforesaid  
unknown) of the value of five  
dollars*

of the goods, chattels and personal property of one

*Israel Skilopsky*

in the dwelling house of the said

*Israel Skilopsky*

there situate, then and there being found, from the dwelling house aforesaid, then and there felon-  
iously 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.

POOR QUALITY  
ORIGINAL

0418

THIRD COUNT:

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

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

The said

*Michael Goldstein*

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,

*one overcoat of the value of  
twenty dollars, one pair of  
trousers of the value of five  
dollars and a quantity of tinware  
(a more particular description  
whereof is to the Grand Jury aforesaid  
said unknown) the value  
of five dollars*

of the goods, chattels and personal property of one

*Isaac Skulapsky*

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

*Isaac Skulapsky*

unlawfully and unjustly did feloniously receive and have; the said

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

DE LANCEY NICOLL,

*District Attorney.*