

0446

BOX:

386

FOLDER:

3598

DESCRIPTION:

Perkins, Andrew

DATE:

02/21/90



3598

0447

BOX:

386

FOLDER:

3598

DESCRIPTION:

Thompson, Miles

DATE:

02/21/90



3598

0440

Witnesses;

off burham

1. G. R. Wicksford

Counsel,

Filed *21* day of *Feb* 18 *90*

Pleas,

1. Not guilty - w

THE PEOPLE

25 Feb 1890

I

Andrew Perkins

vs

Niles Thompson

Indemnity in the full degree.
with bond
528 & 530.

[Section 496 1725 528 & 530.]

JOHN R. FELLOWS,

Feb 25 *for* *10* *1890* *District Attorney.*

A True Bill.

James H. Keen

Foreman.

Part III February 26/90

1. Ind and convicted

Peth Lacey

Pen one yr

0449

Police Court—2 District.City and County }
of New York, } ss.:of No. Shift 21 Kingsbridge Street, aged 27 years,
occupation Miner being duly sworndeposes and says, that the premises on the west side of the old
Crater Aqueduct called "Hollows" Shanty Street,
in the City and County aforesaid, the said being a dwellings built of
boards, one story high
and which was occupied by deponent as a dwellingsand in which there was at the time a human being, by name deponent.
Patrick Timberlake
were BURGLARIOUSLY entered by means of forcibly breaking
open a window of said shantyon the 9th day of February 1880 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

One overcoat
of the value of ten dollars, one suit
of clothing of the value of eight
dollars, a gold watch of the
value of fifty dollars, a pair of
cuff buttons of the value of
one dollar, a pair of kid gloves
one dollar, a watch chain of the
value of three dollars, a pair of wooden
shoes, ten dollars in money — all
of the value of eighty one dollars & 81
the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by
Andrew Perkins (now here) and Miles
Thompson not arrestedfor the reasons following, to wit: Deponent locked and
closed the said premises about the
hour of 4 o'clock A.M. on said
date and the said property was
then in said premises, and the defendants
were in another room of the said
building. Deponent awoke about
6 o'clock A.M. on said date
and discovered that the said

0450

property was missing and the
 said window of deponent's room was
 broken open and two boxes in deponent's
 room were broken open, said boxes
 having contained a portion of the
 said property. Deponent charges
 the defendant with said burglary for
 the reason that they were the only
 persons missing from said house and
 for the reason that on the evening
 of the 9th day of February deponent
 caught the defendant Perkins
 in 129 South Fifth Avenue with
 part of the said stolen property in his
 possession consisting of a suit of clothes
~~in his possession~~ which the said
 Perkins now has in his possession in
 Court. Deponent asks that defendant be
 dealt with as the law directs.

Sworn to before me this 9th day
 of February, 1899
John J. McLaughlin Police Justice
John J. McLaughlin District Attorney

Police Court _____ District.

THE PEOPLE, &c.,
 ON THE COMPLAINT OF

vs.

Burglary _____ Degree.

Dated _____ 188 _____

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ _____ Bail.

Bailed by _____

No. _____ Street.

0451

Sec. 198-200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

Andrew Perkins

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.

Perkins

Question. How old are you?

Answer.

26 years

Question. Where were you born?

Answer.

N.Y.

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

Answer.

Kuybudge

7 years

Question. What is your business or profession?

Answer.

Labourer

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 only took them clothes

dr
Andrew Perkins
Munk

Taken before me this
day of July

188

Police Justice

[Signature]

0452

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 Feb 10 1880 [Signature] Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0453

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court--- 252 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Patrick Lumbard
Shoft 21 vs. Kingsbridge
Andrew Verkuus

2 _____

3 _____

4 _____

Offence *Burglary*

Dated *Feb 10* 188*90*

Hogan Magistrate.

Andrew Officer.

8 Precinct.

Witnesses _____

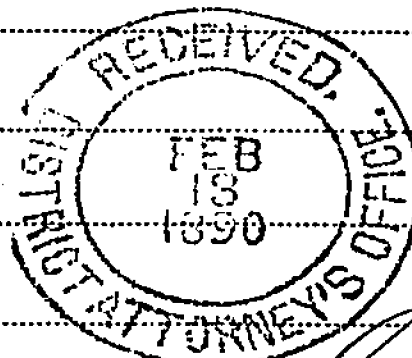
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *G.S.*

8 Com



0454

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Andrew Perkins and
Miles Thompson*

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

Andrew Perkins and Miles Thompson
of the CRIME OF BURGLARY IN THE *first* DEGREE, committed as follows:

The said *Andrew Perkins and Miles*

Thompson, both

late of the *Second* Ward of the City of New York, in the County of New York
aforesaid, on the *ninth* day of *February*, in the year
of our Lord one thousand eight hundred and *ninety*, with force and arms, about the
hour of *four* o'clock in the *night* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *Patricia Timberlake*,

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit: *the said Patricia Timberlake*,

within the said dwelling house, with intent to commit some crime therein, to wit: the goods,
chattels and personal property of the said *Patricia Timberlake*,

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away; *the said Andrew Perkins and*

*Miles Thompson, and each of them, being
then and there assisted by a confederate
actually present, to wit: each by the
other*

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

0455

SECOND COUNT—

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

Andrew Perlman and wife Thompson
of the CRIME OF *Grand* LARCENY in the first degree, committed as follows:

The said *Andrew Perlman and wife Thompson, both*

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 ten dollars, one suit of clothing of the value of eight dollars, one watch of the value of fifty dollars, one pair of cuff buttons of the value of one dollar, one pair of gloves of the value of one dollar, one chain of the value of three dollars, one variety drawers of the value of one dollar, and the sum of ten dollars in money of the value of ten dollars.

of the goods, chattels and personal property of one *Patricia Timberlake,*

in the dwelling house of the said *Patricia Timberlake.*

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

John A. Collins,
District Attorney

0456

BOX:

386

FOLDER:

3598

DESCRIPTION:

Perkins, William

DATE:

02/21/90



3598

0457

Witnesses;

James B. Waddington
John Roberts

212

Counsel, *21* day of *Feb* 18 *90*
Filed
Pleads,

THE PEOPLE

vs.

P

William Perkins

Grand Larceny Second degree
[Sections 528, 529, 530 Penal Code]

John R. Fellows

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Francis McKee

Foreman.

July 24/90

Charles J. Gray

Elmira Ref. R.M.

0458

Police Court 2 District.

Affidavit—Larceny.

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

of No. 101 West 104 Jacob B. Wandling
occupation Manager Street, aged 40 years,

deposes and says, that on the 15th day of March 1889 being duly sworn
at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property, viz:

a quantity of
theatrical wigs of the value of
one hundred and ninety dollars, one
suit clothing and other articles
all of the value of over two
hundred and fifty dollars.

\$ 250

the property of

Daly and then
in deponent's care

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

William Perkins, now
here / under the following circumstances:
The said property was stored in some
trunks at No 531, Eighth Avenue, at
said time and the defendant was
employed there and had access to
said property. The said larceny was
discovered in the latter part of
May 1889 when the said trunks were
found broken open and the said
property was gone. In the following
September deponent had discovered
that the defendant had possession
of the said property and from time
to time, on information given to
deponent by the defendant, deponent

Sworn to before me, this

188

Police Justice

0459

has discovered that the said property
was pawned by defendant and
deponent has recovered a part of said
property from various pawn shops.
But the said rings and other parts
of said property were not returned,
deponent therefore asks that defendant
be dealt with as the law directs.

Sworn to before me this 24 day

of February 1890

Police Justice.

Handling

0460

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

William Perkins 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.

William Perkins

Question. How old are you?

Answer.

20 years

Question. Where were you born?

Answer.

N.Y.

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

Answer.

137 East 19th St - one week

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 returned the goods
on the promise by the
complainant that he
would not prosecute me*

William Perkins

Taken before me this *14*
day of *January* 188*2*

Police Justice.

[Signature]

0461

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.....

William Perkins
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 *Feb 14* 18*90* *[Signature]* Police Justice.

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

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

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

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

0462

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

Police Court---2---294 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Jacob B. Wandling
101 W. 104 St.
vs.

Wm Perkins

2 _____
3 _____
4 _____

Offence
Larceny
Felony

Dated Feb 14 1890

Hogan

Magistrate.

Robert

Officer.

20

Precinct.

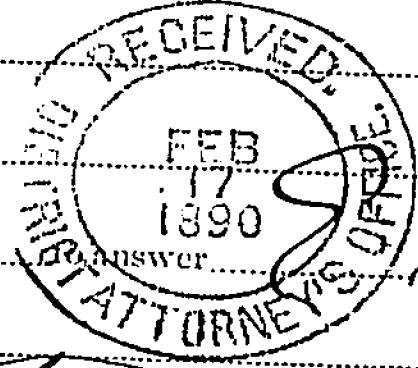
Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 500 answer



Howe

Gr

0463

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William Perkins

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

William Perkins

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

The said

William Perkins

late of the City of New York, in the County of New York aforesaid, on the *fifteenth*
day of *March* in the year of our Lord one thousand eight hundred and *eighty*
nine, at the City and County aforesaid, with force and arms,

*twenty wigs of the value of ten
dollars each, one coat of the value
of fifteen dollars, one vest of the
value of five dollars, and one
pair of trousers of the value of ten
dollars; and divers other goods, chattels
and personal property, a more particular
description whereof is to the Grand Jury
aforesaid unknown, of the value of thirty dollars,*

of the goods, chattels and personal property of one *Jacob B. Waudling*

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.

0464

SECOND COUNT—

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

William Perkins

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

William Perkins

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,

twenty wigs of the value of ten dollars each, one coat of the value of fifteen dollars, one vest of the value of five dollars, one pair of trousers of the value of ten dollars and divers other goods, chattels and personal property, a more particular description whereof is to the Grand Jury aforesaid unknown, of the value of thirty dollars
of the goods, chattels and personal property of one

Jacob B. Waudling

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

Jacob B. Waudling

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

William Perkins

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

JOHN R. FELLOWS,

District Attorney.

0465

BOX:

386

FOLDER:

3598

DESCRIPTION:

Petersen, Adolph C.

DATE:

02/13/90



3598

127

Counsel
Filed 13
day of Feb 18 90
Pleads,

Witnesses;
Charles C. Schriener

THE PEOPLE
vs.
P
Adolph C. Petersen
Grand Larceny Second degree.
[Sections 528, 531 Pennl Code].

JOHN R. FELLOWS,
District Attorney.

A True Bill.

Accused
Feb 14/90
Foreman.
Clement G. Foley
P.E.P. D. P.S. - P.B.M.

0467

Police Court—

District.

Affidavit—Larceny.

City and County } ss.
of New York,

of No.

occupation

deposes and says, that on the

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

of deponent, in the

time, the following property, viz:

Charles C. Christensen
3 East 134th Street, aged 32 years,
Furniture being duly sworn
29th day of January 1890
day
One pair of bracelets, two
gold rings, two gold chains,
hunting case ladies silver
watch, and one hair chain.
together of the value of forty five
dollars.

(\$45.00)

the property of

Deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by

Adolph C. Petersen (now here)

from the fact that the said defendant
had been bonding with deponent for
some time, and at about the hour
of 1.30 O'clock P.M. said date he left
deponent's home, and shortly after he
left, said property was missed.
and after the defendant's arrest, the
hair chain above mentioned was found
in his possession by the officer in
deponent's presence. And he the said
defendant admitted and confessed in
open Court in the presence and hearing
of deponent and Charles Platte, the Officer,
that he did feloniously take steal and

Subscribed and sworn to before me this 29th day of January 1890

Police Justice

0468

Carry away said property
Wherefore defendant prays that the
said defendant may be held and
dealt with according to law.

Served before me }
this 3^d day of Feb'y 1890 } Charles C. Christensen

Wm. H. H. H. H. H.
Police Justice

0469

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK } ss.

5- District Police Court.

Adolph Petersen

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. *Adolph Petersen*

Question. How old are you?

Answer. *37 years old*

Question. Where were you born?

Answer. *Norway*

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

Answer. *in a Lodging House on 9 Ave. 2 days*

Question. What is your business or profession?

Answer. *Shoemaker.*

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

Adolph E. Petersen

Taken before me this

day of

[Signature]

Police Justice.

0470

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 Smith
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 *July 13* 18*80* *Wm. J. Smith* Police Justice.

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

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

W
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.

0471

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court---5---219 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles C. Christensen
3 - East 134th St
Adolph C. Petersen

2

3

4

Office
Laracey, J. J.

Dated Feb 3 1890

Wm. W. Murray Magistrate.

Carpan Platte Officer.

24 Precinct.

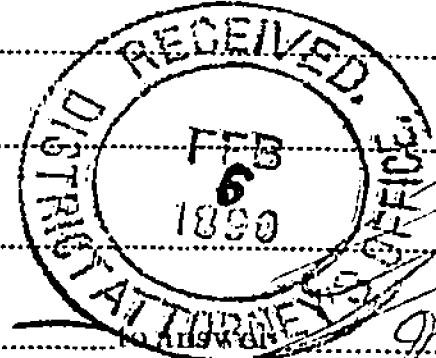
Witnesses Anna Offner

No. Street.

No. Street.

No. Street.

\$ 1000



Carpan

0472

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Adolph C. Petersen

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

Adolph C. Petersen

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

The said

Adolph C. Petersen

late of the City of New York, in the County of New York aforesaid, on the *twenty-ninth*
day of *January* in the year of our Lord one thousand eight hundred and *ninety*:

, at the City and County aforesaid, with force and arms,

*two bracelets of the value of five
dollars each, two rings of the value
of five dollars each, two chains of
the value of seven dollars each,
one watch of the value of
ten dollars, and one other chain of
the value of one dollar*

of the goods, chattels and personal property of one

Charles C. Christensen

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.

*John R. Fellows,
District Attorney.*

0473

BOX:

386

FOLDER:

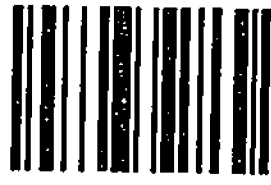
3598

DESCRIPTION:

Pfail, Gustav

DATE:

02/21/90



3598

0474

BOX:

386

FOLDER:

3598

DESCRIPTION:

Fox, Eugene

DATE:

02/21/90



3598

0475

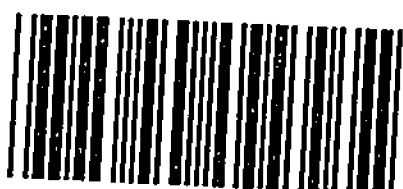
BOX:
386

FOLDER:
3598

DESCRIPTION:

Corrigan, William

DATE:
02/21/90



3598

Witnesses:

Richard Arstall

off Campbell

Sup. a Confines

Chemical. Green

Series in Protection

Reformation?

44

The elephant

Guests: April Mrs.

been twice tried

1st trial jury elected

van - argument

2nd Annual Jury School

6-6- The People
Men can obtain a

conviction and so
rest. H. 18. 11. 11.

per discharged on

has been recognized 433

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

Counsel;

Filed

Pleads,

21 Feb 1890

THE PEOPLE

vs.

Gustav Paul

URGENT BOX
123 Laboratory 18-3-3-40
am/ D

William Corrigan

JOHN R. FELLOWS,

~~District Attorney.~~

Public Bill

Finchem

1

1872

1

10

3-4-4

三

4

10

0477

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 4th DISTRICT.

of No. 25 Precinct Street, aged 48 years,
occupation Patrolman being duly sworn deposes and says,
that on the 9th day of February 1890
at the City of New York, in the County of New York,

that Mary Corrigan is an important
and material witness in the within
Robbery Complaint, deponent has reason
to believe and does believe that the
said Mary will fail to appear
at the trial Court and he therefore
asks that she be committed to the
House of Detention as a witness
J. J. Campbell

Sworn to before me, this

10 day of

1890

Do J. J. Campbell Police Justice,

0478

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 48 years, occupation Samuel J. Campbell
Patrolman of No. 25 Precinct

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

Sworn to before me, this 10

day of February

1895

S. J. Campbell
Police Justice.

0479

Police Court-- 4th District.CITY AND COUNTY }
OF NEW YORK, } ssRichard Brecken
of No. 226 East 74th Street, Aged 30 Years

Occupation Clerk being duly sworn, deposes and says, that on the

9th day of February 1880, at the 19th Ward of the City of New York,
in the County of New York, was feloniously taken, stolen, and carried away from the person of de-
ponent by force and violence, without his consent and against his will, the following property, viz:

One double case Gold Watch

of the value of (\$56) Fifty Six 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 force and violence as aforesaid byMustare Pfail, Eugene Fox, ^{now here} and
William Corrigan not yet arrested,
for the following reasons to wit; That
deponent saw each of said defendants
in the saloon at No 1488-2nd Ave at
about the hour of two o'clock A.M. of
above date; that shortly there after deponent
left said saloon to go home and that
while walking down 2nd Ave near 75th St.
the said defendant Fox forcibly seized
hold of deponent by the left arm and
held him while defendant Pfail took the
above described property from deponent's hand.

Subscribed and sworn to before me this

1880

Notary Public

0480

and then all of said defendants
ran away, said deponent is informed
by officer Samuel J. Campbell of the 25th
Precinct, that after the arrest of defendants
Paid and Fox, Mary Corrigan came to
the 25 Precinct Station House and delivered
to said officer, the watch here shown
which is fully and positively identified
by deponent as his property, and
informed said Officer that she had
taken said property from her husband
William Corrigan at 60th St and 1st Ave
at about one O'clock P.M. of said date
wherefore deponent prays that each
of said defendants now here be held
to answer, and that defendant
Corrigan be apprehended, and be
dealt with as the law directs

Worn to before me
this 10 day of February 1890

Samuel J. Campbell
Police Justice

Dated 1888

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

There being no sufficient cause to believe the within named

Police Justice.

Dated 1888

I have admitted the above named

Dated 1888

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

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—ROBBERY.

1
2
3
4

Dated

1888

Magistrate.

Officer.

Clerk.

Witness,

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

0481

Sec. 198-200

4

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Gustav Pfail 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. *Gustav Pfail*

Question. How old are you?

Answer. *33*

Question. Where were you born?

Answer. *New York*

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

Answer. *333 E 75th St. 1 1/2 years*

Question. What is your business or profession?

Answer. *Spinner*

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
Gustav Pfail.

Taken before me this

day of

1886

Deputy Police Justice.

0482

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

4th District Police Court.

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

Question. What is your name.

Answer.

Eugene Fox

Question. How old are you?

Answer.

30

Question. Where were you born?

Answer.

New York

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

Answer.

333 E 75 St. 2 years

Question. What is your business or profession?

Answer.

Printer

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
Eugene Fox

Taken before me this

10

day of *May*

188*8*

W. J. Kelly
Police Justice.

0483

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

Mustang Hail and Eugene Fox

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

Dated *May 10* 188 *Police Justice.*

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

0484

BAILED.

No. 1, by Annie P. A. Shlenberg
Residence 510 East 76th St. Street.

No. 2, by " " 1 - 2
Residence _____ Street.

No. 3, by _____
Residence Mary Corrigan Street.

No. 4, by Mary Corrigan
Residence Mary Corrigan Street.

Mary Corrigan
Committed to Mary
House of Detention
in default of Bail
Mary Corrigan.

Police Court 4 District 248

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard Brebeck
1326 E. 74th St.
Gustave Fair
Eugene Fox
Wm. Corrigan
Offence _____

Dated February 10 1880

Harry Brown Magistrate ✓
331 E. 45th St.

Campbell Officer. ✓

25 Precinct. ✓

Witnesses Call the Officer

No. 25 Precinct Street. ✓

Henry Schump, 1428 2^d Ave, Oakland

No. Mary Corrigan Street. ✓

Annie P. A. Shlenberg, 353 E. 81st St. Street. ✓

Sent for Corrigan for making sing-

\$2000 to answer

ATTORNEY

COMMITTED.

0485

March 20th
1890

Mr Parker I Address these few lines to you and asking a favor of you which I know you can grant ~~you~~ me as you are the only one in this case can grant this favor for me Mr Parker I received a letter from my husband and he says that Phail has got out on bail and he thinks the trial will not be call for quite a while and Mr Parker it is a terrible loss to me as I could be working every day and my shoes and what clothes I have got on is getting all wore out I have told all I knew in this case and when I am needed I can be found At 318 East 40th

0486

there is no need of me running
away as they cant do nothing
to me Mr Parker I beg this
favor of you if you can grant
it to me as I am worried to
death, when ever you need me
you can find me in my cousins
818 E 40th St so I hope you will
try and do it for me as I can
get work as soon as I go out
Mr Parker will you please
be kind enough to answer
this if you have time and
please oblige.

Mrs McCorrigan
203 Mulberry street
house of Detention

Mary Corrigan

0487

New York

March 7th/90

Dear Wife

I just received your ever welcome letter and was very glad to hear from you. I can't tell you in words how sorry I am that this ~~stuff~~ happened. I don't care for my self its thinking what will be come of you if I go away. its a poor way I am praying you for your goodness to me while I was away. but Marnie I don't think I will go away for this. do you Remember down to court that I got called out of the Box well they asked me if I would tell the truth about this case / so I told them I would so he said he would send for me in a day or so - well I think he will take me as a witness against Guss and Fox

0488

as they are all trying to down
me. I think the best thing I can
do is tell the truth and get my
self out of it. that man know
~~the~~ who rob him and I do too
where I made a Mistake was
when Gus drop that watch. I was
right to give it to the first cop
I met, but of course I was drunk
and I never give the watch a thought
until you put your hand in
my Pocket for it. with the help of
god I might get out of it O.K. and
the man says him self that I did
not go near him. Dear Mammie
the aunt was down to see me to
day and is coming down tomorrow
with clean under ware to meet
she cried like hell. and if I need
a longer she will get it for
me she will be down the day
of the trial. yes you can bet

I missed you and I went on
like a mad man since you
been their and thoes people
up town, used me dirty and
for 2 pence I would put them
all in a hole. I have not stop
- their for over a week. they
was playing me for such a
I had to leave it and
I hope to god you will keep
away from that dirty gang. I
told the aunt all about them
and she is going up their to raise
she told me a lot of stuff
and I got ~~drunk~~ drunk and got
people and brought them up to
face it out and they told her
she was a liar to her face
a good I wish I could have
tell you as I got lots to tell
Dear Mammie I was glad to
see you looking so good you

0489

are getting fed as a Pig. as for
my self I am feeling pretty good
~~they~~ there is no use of us
worrying as that won't help us
any. I think as soon as they
hear my story they will make
me a witness. because when I
told Martin and Campbell it
they said it was the same as
the man him self says so
old girl dont worry. I will write
you a long letter Sunday and
let you know what the
aunt says tomorrow so good By
from your unlucky
Husband

W. H.

Write soon

Good By

Court of General Sessions of the Peace

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Agustas Pfohl,
Eugene Hof and
William Corrigan

The Grand Jury of the City and County of New York, by this indictment, accuse Augustus Alfred Eugene Cox
and William Rougion
of the CRIME OF ROBBERY in the First degree, committed as follows:

The said *Augustus B. Vail, Eugene Fox*
and *William Romagnin*, all _____
late of the City of New York, in the County of New York aforesaid, on the *ninth*
_____ day of *February* in the year of our Lord one thousand eight
hundred and ~~eighty~~ *ninty*, in the *night* time of the said day, at the City and
County aforesaid, with force and arms, in and upon one *Adriana Priolella*,
in the peace of the said People, then and there being, feloniously did make an assault, and

one watch of the value of fifty
six dollars.

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

James B. Fay, Eugene Fox and William Cornigan, and each of them, being then and there aided by an accomplice actually present, to wit: each by the other, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

John R. Bellows,
District Attorney

0491

BOX:

386

FOLDER:

3598

DESCRIPTION:

Phelan, William J.

DATE:

02/05/90



3598

0492

Witnesses:

John Sean
John Eagan

Counsel,

Filed

day of

1880

Pleds,

W. J. Kelly

THE PEOPLE

vs.

R

William J. Shelan

John H. D.

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

JOHN R. FELLOWS,

District Attorney,

Room 112

A True Bill

Samuel McKee

Foreman.

Paul
Feb 26 1880
Feb 27/90

Specs of convicted of
C. J. Kelly
L. J. 8 yrs. 1 P. B. M.
Feb 27/90

0493

POOR QUALITY
ORIGINAL

Sworn to before me, this 23 day of February 1890

CITY AND COUNTY OF NEW YORK, ss. POLICE COURT, 4 DISTRICT.

Thomas J. Egan
of the 23rd Precinct Police Street, aged 38 years,
occupation Roundsmen of Police being duly sworn deposes and says,
that on the 2 day of February 1890
at the City of New York, in the County of New York, John T. Dean
(now here) is a material witness on
a certain complaint against
William J. Phelan charged with
Assault, Felony, and deponent has
good reason to believe that said
Dean will not appear to testify as
such witness, deponent therefore
~~charges~~ prays that said ~~Dean~~ shall
be committed to the House of Detention until
he shall be thence delivered by due course
of law.

Thomas J. Egan

Edmund J. [Signature]
Police Justice,

POOR QUALITY
ORIGINAL

0494

Police Court— 4 District.

City and County } ss.:
of New York,

Gale Street

of Brooklyn

occupation Matchmaker

deposes and says, that on the 2 day of February 1888 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

William Freeman (now here) who did point

aim and discharge a revolving pistol, loaded with powder and ball, at deponent's person, and fired several shots from said pistol so aimed at deponent wounding deponent's left breast and said assault was committed

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

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

Sworn to before me, this 2 day
of February 1888

William Freeman v John Dean
William Freeman Police Justice.

0495

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, } ss.

4' District Police Court.

William J. Phelan

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.

William J. Phelan

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

New York

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

Answer.

N^o 850 - 2 Avenue about 3 months

Question. What is your business or profession?

Answer.

Machinist

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

Answer.

*The complainant aimed
a pistol at me and fired two
shots at me, I shot.*

Wm J Phelan

Taken before me this

day of *Sept* 189*8*

Ch. J. Phelan

Police Justice.

0496

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

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

Dated Feb 9 90 188 J. Henry Paul Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

0497

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court 4 1888 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John D. [unclear]
William Phelan
2 _____
3 _____
4 _____
Offence *Assault*
Felony

Dated *Feb 2* 1890

J. Ford Magistrate

Rogan Officer.

23 Precinct.

Witnesses *Adelman Thos. J. Rogan*

No. *23* Precinct *Police*

The complainant committed

to the House of detention in

default of *John B. [unclear]* Street.

No. _____ Street.

\$ *25.00* answer

Carroll

Attorney

Asst. [unclear]

Justice

0498

THE PEOPLE

vs.

WILLIAM J. PHELAN.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE MARTINE.

Wednesday, February 23, 1890.

Indictment for assault in the first degree.

Asst. Dist. Atty. Macdonna for the People.

Mr. Purdy for the Defendant.

A Jury was empanelled and sworn.

John Dean sworn and examined by Mr. Macdonna.

Q. Where do you live, Dean.

A. Long Island City.

Q. Were you in this city on the night of the 2nd of February last.

A. Yes sir.

Q. On that night did you see this defendant Phelan.

A. Yes sir.

Q. Go on and tell the jury where you saw him, what time of night was it first.

A. Between twelve and one o'clock in the morning.

Q. Where.

A. Corner of 42nd Street and Second Avenue; I was going over to Blissville, I stopped behind an ice cart there private, three men, three young fellows. turned the corner and they seen me and walked over to the curbstone and said some words I did not understand, I saw them step out in the mud gutter and one of them hit me in the mouth with his fist and slit my lip; this young lad here after I stepped back a couple of steps, came up with a revolver and stuck it up under my nose.

0499

By the Court. Q. Describe how.

A. He pointed it up under my nose, he says, "do you see this?" I said, "yes, I can smell that"; I stepped back a couple of steps, I took off my gloves, I took out my revolver and he fired and hit me.

By District Attorney. Q. Where did he hit you, Dean.

A. Right there. (Pointing to the right hand side of the chest.)

By the Court. Q. Are those the clothes you had on.

A. Yes sir.

Q. Is that the shirt, show me the hole.

A. Yes sir.

Q. Is that the undershirt.

A. Yes sir.

The Court: You can show that to the jury, pass along in front and show that to the jury.

By District Attorney. Q. Show them the clothes.

The witness did so.

Q. Did that go into your body.

A. No sir, I found it in my stocking that night.

Q. It only went as far as your skin, did it mark your skin and cut it.

A. It gave me a little cut.

Q. What became of the bullet that you found in your boot.

A. I have got it in my pocket.

Q. Now let us have it.

Witness produced the bullet.

Q. That is it.

A. Yes sir.

Q. How far was this man Phelan from you when he shot you.

0500

- A. About the same distance as that man sitting there.
- Q. About this distance. (About ten feet.)
- A. Yes sir.
- Q. What happened after that, after you were shot.
- A. He fired one or two before ^I he had a chance to fire anyone, I fired one to see if I could not scare him away but instead of that he got on the other side of the street and fired all he had.
- Q. How many did he fire before you drew your pistol.
- A. He fired one first and hit me before I had mine out of my pocket, he must have fired two or three.
- Q. Including the one that hit you.
- A. Yes sir.
- Q. What were you doing in the meantime, did you go around the cart.
- A. No sir, I stayed there by the cart and one of his chums told him to look out and not to fire at him, fire at the lad who was at the wheel, I was standing at the big wheel I took out my pistol and fired one to see if I could not scare him off, I fired it on the ground.
- Q. Did it frighten him away.
- A. No sir, he returned the rest he had in his pistol.
- Q. How many more.
- A. There must have been two or three, I was so excited I did not count them.
- Q. He returned some more.
- A. Yes sir.
- Q. What were you doing in the meantime, did you go around the cart or did you stand quietly.
- A. No sir, I stood there.

0501

- Q. You evidently were not afraid of that kind of a pistol.
- A. I knew when he did not hit me every shot he could not have been much of a shot.
- Q. How long before the officer came.
- A. Right away before the firing ceased.
- Q. What was the officer's name, do you know, Officer Fagan.
- A. Fagan took my revolver from me, I do not know who arrested him.
- Q. Were there more than one officer there.
- A. Yes sir.
- Q. What became of your pistol.
- A. Mr. Fagan took it from me.
- Q. Do you know what became of Phelan's pistol.
- A. That got taken off him.
- Q. Did you see it taken from him.
- A. The two of them were up in the Station House.
- Q. Had you ever seen this man before that night.
- A. No sir, never before in my life.

Thursday, February 27, 1900.

Cross Examined.

By Counsel. Q. What is your business.

- A. Watchman.
- Q. Where is your place of business.
- A. Blissville, Long Island City.
- Q. In Blissville, Long Island City.
- A. Yes sir.
- Q. And when did you come to the city of New York that day.
- A. That same night, Saturday.

0502

- Q. What time.
- A. About one o'clock.
- Q. One o'clock Saturday afternoon.
- A. Yes sir.
- Q. Had you been drinking.
- A. No sir.
- Q. Not a drop of anything.
- A. No sir.
- Q. What were you doing at two o'clock out on the street with your pistol in your hand shooting it off.
- A. I was not shooting it off.
- Q. You did shoot it, didn't you.
- A. I fired one shot when three or four was fired at me.
- Q. Did not you tell us yesterday you fired two shots.
- A. No sir, one shot.
- Q. Was the pistol loaded when you came to New York.
- A. Yes sir.
- Q. And when you were arrested was there not two shots out of it.
- A. No sir, only one shot.
- Q. Only one shot from it.
- A. Yes sir.
- Q. What were you doing out at two o'clock in the night.
- A. I was with friends of mine. I left them and was going home, I left them at 50th Street and 8th Avenue, I don't know the exact time when I left them, about a quarter after twelve.
- Q. What were their names.
- A. Henry Mullan.
- Q. Who else.
- A. William Brennan.

0503

- Q. Who else.
- A. That is all.
- Q. You had been with them all that evening, had you.
- A. Yes sir.
- Q. Where were you with them.
- A. I was at their working place, 45th Street.
- Q. What did they work at.
- A. Carpet cleaning.
- Q. Was the carpet cleaning place open till eleven and twelve o'clock at night.
- A. No sir, I was with them until the shop closed up and then I went to the theater and different places with them.
- Q. What time did the shop close.
- A. Six o'clock.
- Q. Then you went to the theater and different places.
- A. Yes, we went around walking around to the museum.
- Q. You told us ^{that} you did not drink a drop of liquor that day or night.
- A. No sir. I did not.
- Q. Or beer either.
- A. No sir.
- Q. Do you drink at all.
- A. Yes sir, I drink.
- Q. How many years have you been in the habit of drinking.
- A. About one year or a year and a half.
- Q. What did you come from Long Island City here for.
- A. I came over here just to see them.
- Q. Did they drink in your society at all that night.
- A. No, not as I know of.
- Q. You were not in any saloon at all.

0504

A. No sir.

Q. You did not drink any beer or anything else.

A. No sir.

Q. Have you a permit to allow you to carry a pistol.

A. No sir.

Q. You were standing near this wagon you say.

A. Yes sir.

Q. Responding to a call of nature, was that it.

A. Yes sir.

Q. And this young man and another young man came up, did they not.

A. Three of them.

Q. Three of them.

A. Yes sir.

Q. What was the first thing that took place.

A. They turned the corner, they seen me there and walked over to the curb stone; they said some~~the~~ words, the three of them were talking, I did not understand what they were saying.

By the Court. Q. You do not know who said it.

A. No sir.

By Coun-

sel. Q. What was the next thing.

A. The three of them stepped out in the mud gutter and one of them hit me a punch in the mouth, it was not this prisoner; I stepped back a couple of paces and the defendant put the revolver up under my nose.

Q. Did not you after this man struck you in the nose, step back and draw that pistol.

A. No sir.

Q. Where were you carrying that pistol.

0505

A. In my overcoat pocket, right hand side.

Q. Did not you have a pistol pocket in your trousers.

A. I have a pistol pocket there, yes sir.

Q. Why had you it in the overcoat pocket ready to use.

A. I had it there so that I could use it in Long Island in case anyone bothered me.

Q. When did you change it from your pistol pocket.

A. At home.

Q. After you had been struck in the face then you say that he put his pistol up to your nose and asked you to smell of it.

A. He says, "do you see that?" I said, "yes, I can smell of it." I turned my head one side, then I stepped back a couple of steps.

Q. Did not you pull your pistol out there.

A. No sir, I was taking off my gloves; I said, "perhaps two can play at that" and he fired; I was taking off my gloves and before I had it off he fired one shot and hit me, while I was taking it out he fired a couple more.

By the Court. Q. Taking what out.

A. My revolver.

Q. You had that revolver.

A. He fired one shot at me and hit me.

Q. He fired three shots before you fired at all, is that so.

A. Yes sir.

By Counsel. Q. Then you fired.

A. I fired one shot.

Q. How far was he away from you when you fired.

A. About where the stove is. (Pointing.) He was not running away, he was walking backwards, I was by the ice cart.

0506

Q. Show us which is your revolver and which is his. (Handing witness the revolvers.)

A. That is mine.

Q. You are a watchman, in what capacity do you watch.

A. For Dradda Brothers.

Q. What is Dradda Brothers business.

A. Stone cutting, they have got two marble yards.

Q. You watch the marble yards.

A. Yes sir.

Q. Afraid somebody would steal the marble.

A. Afraid somebody would mark the head-stones.

By the Court. Q. Deface them.

A. Yes sir.

By Counsel. Q. You have this revolver to keep them from marking the head-stones.

A. To scare them away.

By District Attorney. Q. In what condition was that pistol when you came into town that night.

A. It was loaded, seven shots in it.

Q. There was seven shots in it all with cartridges.

A. Bullets, yes sir.

Q. Bullets in all of them, you are quite confident of that.

A. Yes sir, sure of it.

Q. Had you shot it off that night before.

A. No sir, I did not fire one shot out of it since I left the house.

Q. There was seven in it when you left the house.

A. Seven when I left the house.

Q. You fired but one shot that night.

A. Fired one shot.

0507

Q. After you fired your shot did you overhear any conversation between this defendant or any of his party.

A. Yes sir.

Q. What was it.

A. One of them was near me, he says. "look out, don't hit me, fire at the fellow at the wheel", meaning me, I was at the wheel of the ice cart.

Q. Anything further.

A. And then he kept firing on and then we were arrested.

Q. Officer Wagan came up.

A. Yes sir.

By a Juror. Q. You claim that you stood by the wheel when these this man came up and struck you in the face, or one of the men struck you.

A. Yes sir.

Q. Was there no provocation on your part at all for him to have struck you.

A. No sir, I never seen or heard of them before.

By the Court. Q. Had you spoken to them before or they to you.

A. They came over to the curbstone and said some words to me, I did not understand what they said.

Q. Did you make any response.

A. No sir.

Q. Was the first word you understood spoken before or after you were struck.

A. Before I was struck; they said something to me, they came over and one of them hit me in the mouth.

Q. The first word that you understood was spoken before or after you were struck.

A. After I was struck.

0508

Q. The first intelligible word to you was after.

A. Yes sir.

By Counsel. Q. Did I understand you to tell the Judge that it was before you were struck ---- isn't it a fact that you were drunk and that you were staggering all over the sidewalk.

A. No sir.

Q. And as they came along one of them spoke to you and said, "what do you want, do you own the whole sidewalk?"

A. No sir, I was not on the sidewalk.

Q. You wish this Jury to understand that you were going on peaceably and you were not on the sidewalk.

A. No sir.

Q. And that an entire stranger came and struck you in the face without provocation.

A. Yes sir, they came over and struck me in the face.

Thomas J. Fagan sworn and examined by District Attorney.

Q. Officer Fagan, you are connected with the 23rd precinct.

A. Yes sir.

Q. Do you remember on the night of the 2nd of February arresting this defendant Phelan.

A. Yes sir.

Q. Where.

A. About two hundred feet west of Second Avenue on the north side of 42nd Street.

Q. What time of day or night.

A. It was in the neighborhood of one o'clock in the morning, Sunday morning.

0509

Q. Were you in the same vicinity of the complainant and this man while the shooting was going on.

A. Yes sir.

Q. Just tell us exactly what you noticed at that time on that night.

A. On the night in question ----

By the Court. Q. What night was it Officer.

A. On the 2nd day of February, one A.M. Sunday morning, I visited Officer Regan whose post is on 42nd Street on the north side of the street --- 42nd Street divides two precincts, the 23rd and the 21st -- - and we were walking toward Second Avenue in conversation when my attention was attracted to the south west corner of 42nd Street and Second Avenue, which is in the 21st precinct, to two or three persons in conversation. I at the time presumed they were friends who were parting; we stood still and one of the parties who proved afterward to be the Defendant, crossed the street and when he had got about midway in the street at the car track he discharged a pistol.

Q. In the direction of the men he had left.

A. In the direction of the men he had left in the south side of the street, he then crossed rapidly toward the curbstone on the sidewalk when a shot was returned from the other side, I could not at that time determine exactly who discharged it, he was coming toward the north side, going from the cart toward the north side; I then stated to Officer Regan ----

Q. Never mind what you stated, tell us what you and he did or what was done.

A. Then the shot was returned from the crowd.

05 10

Q. How many did the crowd consist of about.

A. Three, they were on the south side and this defendant on the north, four in all. Well, in rapid succession this young man, the defendant, discharged five shots before I could get to him to arrest him; he started then to come toward me when I grabbed him, put both arms around him and took the pistol from the left hand pocket of his overcoat.

Q. Is that the pistol you took from him, Officer. (Showing pistol.)

A. Yes sir, that is the one.

Q. In what condition was that pistol as to discharges when you found it?

A. There was six cartridges exploded.

Q. No bullets.

A. But one, there was one in it which had a ball in it.

Q. And the other ones were empty.

A. The other six were empty.

By the Court. Q. Did you examine the pistol then.

A. No sir, not till I got to the Station House.

Q. Did you have it in your hand.

A. I had it in my hand and put it in my pocket.

Q. Did you notice its condition at the time.

A. It at the time was quite warm.

Q. Warm. A. Yes sir.

Q. Had six empty and one loaded.

A. Yes sir, one which had not been discharged.

By District Attorney. Q. What occurred then after you took hold of him and held on to him.

A. I held on to him and took his pistol from him and took

0511

him to Center Street where there had been three other officers.

By the Court. Q. They had come up, had they.

A. Yes sir, the officers from the 21st precinct had succeeded in capturing two of the party, Dean the complainant being one of the number and in bringing him toward where I stood I saw the pistol in Dean's hand as he had his hand out in that position and I took the pistol from his hand, that large one.

By District Attorney. Q. This pistol here.

A. Yes sir, from his right hand, he had it in that position, I took it out of his hand.

Q. Show us exactly in what position you mean.

A. He had it like that. (Illustrating.)

Q. With his hand down.

A. His hand in the position which mine is -- that is the Complainant had it.

Q. Was that pistol warm too.

A. Yes sir.

Q. What if anything was said by this Defendant after you took hold of him, just tell us what he said.

A. I cannot remember exactly during the excitement what he had said at that time.

By the Court. Q. Do you remember his saying anything on that night

A. I do not.

By District Attorney. Q. You took him to the Station House.

A. I took him to the Station House.

Q. Did Dean say anything to you in the presence of this defendant.

A. No sir, not that I can remember.

0512

Q. You brought him up and arraigned him in the station.

A. Arraigned him in the Station.

Q. Was anything said there by the defendant.

By the Court. Q. Or by Dean in his presence.

A. Nothing that I can remember exactly positively, I do not wish to swear to anything ----

By District Attorney. Q. When you took them to Court was there an explanation given to the Court by this Defendant.

A. Yes sir.

Q. What was it.

A. This Defendant made the remark at the Court the following morning before Justice Ford in 57th Street when questioned as to his action why he did this he remarked he was not going to let anybody get within ten feet of him without having the first shot.

Q. There had been a counter-charge made on both sides and when the Magistrate heard him make that remark he tore up the other complaint.

Q. Now what if anything was said by Dean -- you heard Dean's testimony here this morning, didn't you.

A. Yes sir. Dean explained the circumstance about his going home.

Q. As he did here this morning.

A. As he did here this morning, he corroborated his testimony as near as I can remember to what he had given in the Police Court.

District Attorney: I offer the two pistols in evidence.

0513

Cross Examined by Counsel.

- Q. Isn't it true, Mr. Tagan, that he told you that this other man shot at him first, and he pulled his pistol to defend himself.
- A. No sir, not that I remember.
- Q. Did you ask him for any explanation of the firing of this pistol.
- A. I did, on the way to Court.
- Q. What did he say about it.
- A. He said, he made the remark, that he had been stabbed on that corner previous to this and he made up his mind he was not going to get done again.
- Q. Then when he got to Court he made a charge against the other man for shooting him, didn't he, against Dean.
- A. Yes sir.
- Q. And the Court took both charges but when he said that he was not going to allow another man to get within ten feet of him without getting the first shot, thereupon the Magistrate tore his complaint up and locked this man, the Complainant, up in the House of Detention.
- A. Yes sir.
- Q. And that remark was the one which led the Magistrate to hold this Defendant..
- A. I presume so.
- Q. Did you examine the pistol when you got it from Dean.
- A. Not at the time directly, I did not have an opportunity to examine it.
- Q. You carried it, you put it in your pocket.
- A. Yes, I put it in my pocket.

05 14

Q. You can't tell whether it was like it or not.

A. No sir, I only had it ten minutes before that, I did not look at it.

By Counsel. Q. Go on and tell the Jury how you came to fire that pistol off.

A. I was going home from the theater and my friend stood at the door when this occurred, I was going up Second Avenue and a young man asked me did I want to buy a pistol off him? He said he wanted to go to the Pilgrim Lodging House in 34th Street and First Avenue; he wanted half a dollar for it, I said I did not have it, I only had twenty cents; he argued a little while and I gave him twenty cents. I was talking in 42nd Street to my friend and there was a drunken man; he said, "what do you want, the whole sidewalk?"

Q. Who was the man.

A. The complainant; he asked us, "do you want the whole of the sidewalk?" And we said, no sir; he said something to my friend and he hit him in the mouth, his name is Joseph Connors; he (Dean) said, "I will get square with you, I will fix you." He pulled out a handkerchief and all of a sudden he pulled out his pistol; I did not know whether the pistol I had myself was loaded or not, I shot at him, I ran across the way and somebody ran at me, I turned around and fired five shots, I ran down the street and the officer caught me.

Q. How far away were the parties when you fired these other five shots.

A. About ten feet away, they were on the gutter, I don't know whether they were ten feet, I was on the car tracks.

0515

Q. When did you examine it.

A. I examined it at the Station House; there were not six loaded, there was what they call a blank cartridge in one of them, that is, a cartridge with powder etc. in it without a ball.

Q. Then there was five in it.

A. Five with balls in.

By the Court. Q. All loaded if I understand the Officer and one had a blank cartridge, a cartridge containing powder and not a ball. is that it.

A. Yes sir, exactly, that is it.

District Attorney: That is the case for the People.

William J. Phelan sworn and examined in his own behalf, testified.

By Counsel. Q. What is your business, Phelan. A. Machinist.

Q. Have you ever been arrested or convicted of any crime before this. A. No sir.

Q. Is that your pistol there. (Showing pistol.)

A. I do not know, sir.

By the Court. Q. Look at it.

A. I could not tell exactly.

Q. Which one is most like yours, you had a pistol. (Two pistols shown witness.

A. Yes, I had, I could not tell which one.

17 Q. Which is nearest like yours, look at them.

A. I don't know whether it was this or not.

05 16

Q. Did you aim at anybody.

A. When I fired the first shot I was about ten feet away and when I took the rest I was over on the other side of the way, across the street.

Q. Did you aim at anybody in the other shots.

A. Nonsir.

Q. Why did you fire the shots.

A. Dean was running after me and I wanted to go away.

Cross Examined by District Attorney.

Q. How long were you making this bargain about this pistol with your friend.

A. Two or three minutes.

Q. Where was it, in the street.

A. 38th Street and Second Avenue.

Q. You never looked at it at all.

A. No sir, I just put it in my pocket.

Q. You could not tell after you got through looking at it whether it had a black or white handle.

A. No sir, I always thought it had a broken wooden handle.

Q. You don't know whether it was silver or steel.

A. I do not, I aint no judge of it.

Q. You did not ask him any questions whether it was loaded or not.

A. No sir, I did not.

Q. What was your object in buying the pistol, to help him out, to let him go to the Pilgrim Lodging House.

A. Yes, I had only twenty cents when I bought it, I said it would do me for 4th of July.

By a Juror. Q. Did you ever own a pistol before you bought this one in your life.

A. No sir, never in my life, never had one in my possession, I had a knife of my father's, it was about that large,

0517

I had it at work; them are the pants I wore.

By Counsel. Q. Did you ever work for John H. Stearns & Co., manufacturers of silk.

A. Yes sir, I worked three years there.

By a Juror. Q. What is your age.

A. Nineteen.

Thomas McLaughlin sworn.

By Mr. Purdy. Q. *What is your business -* Contractor.

Q. Do you know this boy.

A. Yes, I know him since he was born, his father worked for me before he was born.

Q. What is his character.

A. First class, I never knew anything against him before, his father is an honest, hard-working man.

By the Court. Q. What about the boy.

A. The boy the same thing, I never heard anything before bad about him.

By Counsel. Q. You have heard the testimony here today about this.

A. Yes sir; he used to carry his father's dinner when a boy when he was foreman for me.

Q. What is the defendant's character for peace and quietness.

A. I never heard anything against the boy before, that is all I know about him.

Mr. Purdy read the following certificate by permission of the District Attorney: "John M. Stearns & Co., Manufacturers of Silks, 213 East 42nd Street; New York, Feb. 27, 1890.

This is to certify that William Phelan was in our employ about two years as a spinner. During that time we found

05 18

him to be an honest and industrious boy. John N.
Stearns & CO."

Patrick Toner sworn and examined.

By Counsel. Q. What is your business.

A. Contractor.

Q. Do you know this boy.

A. Yes sir, I know that boy.

Q. How long have you known him.

A. Oh, about ten or twelve years I guess., something like that.

Q. Can you speak as to his character for peace and quietness.

A. Yes sir, I can.

Q. Is it good or bad.

A. It is good.

Q. He is an industrious and hard working boy.

A. Yes sir, I know that boy over ten or twelve years, I never
knew anything about his character only what was right.

Ann Kelly sworn.

By Counsel. Q. Where do you live.

A. 250 East 43rd Street.

Q. Do you know this boy.

A. Yes, I have known him fourteen years.

Q. Do you know his character whether it is good or bad.

A. An excellent boy, a good, industrious and very obedient boy.

The Jury rendered a verdict of guilty of assault
in the first degree.

0519

Testimony in the

case of

M^r J. Helan

filed per

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0520

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William J. Phelan

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

William J. Phelan
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

William J. Phelan

late of the City of New York, in the County of New York aforesaid, on the
second day of *February*, in the year of our Lord
one thousand eight hundred and ~~eighty~~ *ninety* with force and arms, at the City and County
aforesaid, in and upon the body of one *John Dean*
in the peace of the said People then and there being, feloniously did make an assault and
to, at and against *him* the said *John Dean*
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said *William J. Phelan*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon, wilfully and feloniously did then and there shoot off and discharge,
with intent *him* the said *John Dean*
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

William J. Phelan
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

William J. Phelan

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

John Dean
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said

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

JOHN R. FELLOWS,

District Attorney.

0521

BOX:

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FOLDER:

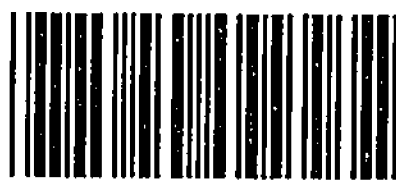
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DESCRIPTION:

Phelps, Erastus

DATE:

02/12/90



3598

0522

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Witnesses

Samuel W. Claassen

Counsel,

Filed,

Pleads,

12th Feb'y 1880

THE PEOPLE,

vs.

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

B

Erastus G. Shaffer

1543. 1st ed.

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Samuel W. Claassen
Feb'y 13/80 Foreman.
Fine \$50.00
P. B. M.

0523

City and County of New York, ss.

I *Samuel W. Lelason M.D. of No 1 East 125th St* an
Assistant Sanitary Inspector of said city, being duly sworn, deposes and says, that on the
17th day of *Jan'y.* in the year 1890,

at premises number *1583 1st Av.* in the City of New York, the said premises being
a place then and there where Milk was kept for sale, one *Erastus G. Phelps* -
unlawfully did then and there keep, have and offer for sale three quarts of impure and unwhole-
some Milk, which had been and was then and there watered, adulterated, reduced and changed by
the addition of water or other substance, or by the removal of cream therefrom, and that such
impure, unwholesome, watered, adulterated or reduced and changed Milk was then and there, by
the said *Erastus G. Phelps*, unlawfully held, kept and offered for sale
against and in violation of the provisions of the Sanitary Code, and of such Sanitary Code then
and there, and at all times thereafter in force and operation, and especially against and in violation
of the provisions of a section and ordinance of such Sanitary Code which was duly passed and
adopted by the Board of Health of the Health Department of the said City of New York, and by
said Health Department at a meeting thereof, duly held in said city, on the twenty-third day of
February, 1876, in the manner and language following, to wit:

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

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

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

Sworn to before me the
of *Jan'y* -

27th
1890

day }

Samuel W. Lelason

Wm. J. Munn
Police Justice.

Police Court, 5th District.

THE PEOPLE, & C.,

ON THE COMPLAINT OF

Samuel W. Carlson

vs.

Ernesto G. Phelps

1583 1st St

Affidavit

Dated January 27th 1880

Justice.

Witnesses
(E. J. Lederle Clerkish
E. J. Brennan
301 North St.

Grocery & Milk Store
Sells 80 qts. Milk daily
4% Skimmed
5% added water

0524

0525

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Erastus G. Phelps

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.

Erastus G. Phelps

Question. How old are you?

Answer.

32 years old

Question. Where were you born?

Answer.

New York State.

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

Answer.

158 W. 14 Avenue. 3 years

Question. What is your business or profession?

Answer.

Keep a milk and butter store.

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

Answer.

*I am not guilty And demand
a trial by Jury
Erastus Phelps*

Taken before me this

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188

Police Justice.

0526

Sec. 151.

Police Court 5th District.

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

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Samuel H. Helason M.D.
of No. 1 East 125th Street, that on the 17 day of January.

1890 at the City of New York, in the County of New York,

One Erastus G. Phelps held and offered for
sale at the premises No 1583 1st Av. three
quarts of adulterated milk in violation
of Sanitary Code of said City -

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

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

Dated at the City of New York, this 27th day of January 1890
[Signature] POLICE JUSTICE.

0527

1583.1

POLICE COURT 5th DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel M. Lelason

vs.

Erastus G. Phelps

Warrant-General.

Dated July 27th 1880

Magistrate.

Hill

Officer.

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

Thomas Hill

Officer.

Dated July 30 1880

This Warrant may be executed on Sunday or at
night.

Police Justice.

30th 2nd 30th Pm

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

Dated 188

Police Justice.

The within named

32 MS 1583-1

0528

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

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

Dated Jun 30 1890 Wm. J. [Signature] Police Justice.

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

Dated July 30 1890 Wm. J. [Signature] 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.

0529

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

198 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sam W. Cluett

vs.
Erastus G. Phelps

2

3

4

Dated

Magistrate.

Officer.

Precinct.

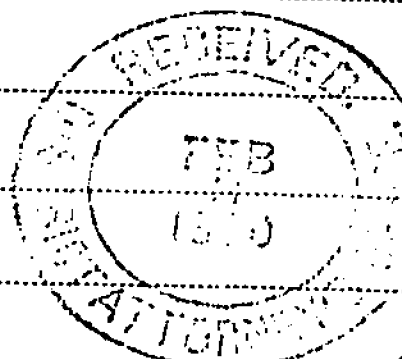
Witnesses

No.

No.

No.

to answer



Office
Vio Santary
Cord

Phelps

0530

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Erastus G. Phelps

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

Erastus G. Phelps

(Chap. 183, Laws of 1835, § 1, as amended by Chap. 577, Laws of 1880, § 1.) of a MISDEMEANOR, committed as follows:

The said *Erastus G. Phelps*

late of the City of New York, in the County of New York aforesaid, on the
seventeenth day of *January* in the year of our Lord
one thousand eight hundred and *eighty-ninety*, at the City and County aforesaid,
did unlawfully expose for sale three quarts of unclean, impure, unhealthy, adulterated
and unwholesome milk (the same not being skimmed milk produced in the said County),
against the form of the Statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

0531

SECOND COUNT:

(§ 186, Sanitary Code

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

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

The said

Erastus G. Phelps

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

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

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

JOHN R. FELLOWS,

District Attorney.

0532

BOX:

386

FOLDER:

3598

DESCRIPTION:

Phillips, Henry

DATE:

02/27/90



3598

0533

B. W. M. H. 3/10

267
Lofgren

Witnesses:

Fritz Schwarzbaum

Counsel

Filed

day of

1880

Pleads

Not Guilty (Aug 21)

THE PEOPLE

vs.

F

~~F~~

Henry Phillips

Grand Larceny second degree [Sections 528, 531 Penal Code]

315

RANDOLPH B. MARTINE,

Part III & 1/10 District Attorney

on motion of it. City.

agreesing - de ft. charged on

his own ready - see report

A True Bill.

R. B. M.

Lawrence M. Keen

Foreman.

0534

Fritz Schwartz asked the complainant being duly sworn deposes and says.

Q Have examined
Are you in the employ of Miss Selan
with her Po?

Answer

Q Am in charge of a department?
Answer Yes department.

Q Where is that place located?
A 68th Ave Grand Street on the second
floor

Q How many people are there up
there?

A Four.

Q How many people down stairs?
A About 7.

Q So there are altogether 11 people up
and down stairs?

Answer

Q Where is this place? what part of the
store?

A It's the whole of the second floor
and that takes in two houses.

A 68th Ave 70. years

Q Now there are a great many people
that come in there?

A Not at this season of the year.

Q There are some?

Answer

Q That go up to this department?

0535

2

Answer:

Q And where are you stationed up there
how far from the stairs?

A About 10 feet.

Q And where is your sick counter
A Along western end of main street

Q And are there desks or tables in
the centre of the floor?

A In the centre of the table are only
corner cases

Q And the sick was in the shed on
the western side?

Answer:

Q Whereabouts on the day in question
were you in conversation with
the two people that came in there

A I was in conversation all around
the counters from one counter to
the other?

Q What time of day was it that they
came in?

A I think it was about 1 o'clock

Q Who spoke to you first?

A The other gentleman

Q And what was the result of that
conversation?

A I showed him goods and he bought
one piece of silk I think the
piece 12 dollars for it and it was
wrapped up and given to him

Q And he paid for it?

0536

3

Ayesen

Q Did you see him go out?

Ayesen

Q Who did he go out with?

A The gentleman (repeating)

Q And where did he carry the bundle?

A In his arm

Q How large a parcel was it?

A From 18 to 19 inches long (approx.)

Q And how many yards was it?

A About fifty yards in that piece I think

Q Did you recall the people that were there at the time?

A Yes, two entry clerks, nobody else

Q And when they went out you escorted them to the door?

Ayesen

Q And you noticed nothing wrong?

A Yes, I was in conversation with the other gentleman.

Q Tell me how many pieces of silk there were in this particular sheep that the silk was taken from?

A There are of the kind about 19.

Q The exact number you don't know?

A I do not. I know the exact number of pieces of that one kind & quality that were in the sheep.

Q/What time did you go into the building that morning?

A 9 o'clock

Q/What is your first duty there?

A My duty there is to wait for customers to come in

Q/You don't examine your stock in the morning, do you?

A I don't ^{examine} look at it I look at it when I come in

Q/Did you look at the sick on the shelf the night before you went away?

A Yes sir I looked at it the night before because its right behind my desk.

Q/Then you saw the sick on the shelf as you say on Saturday preceding the Monday when the alleged larceny took place

A Yes sir about 1/2 past 12 or 1 o'clock

Q/Now the sick that was purchased by the one who was supposed to be with the defendant was that sick taken from the shelf

A No sir

Q/If you were not near that shelf across the 20 foot away just at that time and the other man was near the shelf in passing out.

0538

Q The last time that you saw this
sick was on Saturday afternoon
Aussie Monday morning at
9 o'clock when I came to the
store

Q Do at 9 o'clock in the morning
that was the last time you
saw the sick?

A Yes Sir

Q How long after those two people
went away from there did you
go to this corner?

A Right after they left.

Q Within an hour?

A Yes Sir probably half an
hour.

Q So from the hour of 9 o'clock in the
morning you didn't see that
sick again?

A Did not

Q Consequently between the hour of
9 o'clock and the time that these
people left the place about
4 hours elapsed?

A From 3 to 4

Q Don't it probable that in the
elapse of the 4 hours there
may have been somebody
else there?

A Don't remember anybody else
in there?

0539

Q Will you swear positively that nobody else was in there?

A Yes sir.

Q You didn't see this man take this sack?

A No sir.

By the Court

Q You stated here that the only persons in the place were the actor employees the entry clerks from the time you saw it until you missed it?

A Yes sir.

Q And they were the only persons?

A Yes sir. Then you and the three actor employees were the only persons who were there from the time you saw it until you missed it.

A Yes sir.

Recess Rained

Q Do you mean to say that no strangers were in the place from 9 o'clock in the morning until after you missed the goods?

A Yes sir.

Q Where was the elevator then?

A Yes sir.

Q Who comes up and down that elevator?

A The porters.

Q How many porters have you got?

0540

Q There?

Q Now for all you know the three persons
in the floor?

A They don't come in the floor.

Q Will you swear they were not
in the floor from 9 o'clock until
1 o'clock?

A I cannot swear to it.

Q Now can you positively swear that
none of the employees from down
stairs were up in that floor that
morning?

A I can swear to it.

Q Will you swear positively that
nobody, no customers or strangers
were in that floor that morning?

A There was no strangers or customers

Q Now you make any sales that
day?

A No sir probably afterwards, in the
afternoon.

Q You did make sales that day?
Yes sir.

Q How do you know that you made
sales that day unless you say
there were no customers in there
that day?

A We see goods without any customers
being in the store at all.

Q Didn't the boxes come in?

A No sir, two are in Europe. One

0541

8

was down stairs

Q The porters can come up there ^Q
the last evening from down stairs
Answer

Q How long since you were there
all day?

Answer

Q What time did you go to your lunch
Ad to an early lunch there.

Q Did you go down stairs in the
office that day?

A I don't remember

Q Is it possible that you might
have gone down?

A It's possible but not probable.

Q Will you swear positively that you
were ~~not~~ on that floor from
noon in the morning until
you closed up without coming
down stairs or up stairs or
leaving it?

A I cannot swear to that

Q Is it true that you and your
aid group went to the outer
closet and were gone for a
period of 1/2 an hour?

A No Sir the closet is two floors
above

Q Did you go to it?
A In the morning
Yes Sir

0542

9

A Just when I came in about 9 o'clock
Q How long were you there?
A 3 minutes

Q Now sir is it not possible that
somebody might have come
in there while you were in the
water closet?

A I say from the time I saw the goods
I saw the goods after I came down
from the closet.

Q How do you know that?

A These steel capers behind my
desk ^{and} when I turned around
I saw them I saw them probably
3 or 4 times after 9 o'clock

Q Do you know what time it was that
this was stolen?

A No sir

Q Now you don't know who stole it?
A No sir

Q Do you know the purchase price
of that steel?

A The cost price is about a dollar
a yard.

Q You put it down for less than
it cost?

A Yes sir I put it down as a dollar
I don't know exactly

Q Do you positively charge this
defendant with having stolen
this property?

0543

10

Ayesa

Q The porters that you got reference to
they come up on this floor?
A Only to the Elevator, though they
don't come near the shelf of
goods.

By the Court

Q The defendant was the only person
that you saw near that property
from 9 o'clock when you finish
paid it until you crossed it?
A Yes, so the only stranger

The witness leaving was assumed to
July 18th 10 am.

67

0544

11

June 18th Examination proceeds
Q. Do you know how many pieces
of steel there were in the shop
that you got charge of?
A. I don't know.

Q. When do you take stock steel?
A. We took stock about the 24th or 25th
June.

Q. When did this occur?
A. 27 June

Q. So you took stock on Saturday
Evening

A. Yes sir we finished taking stock
on Saturday evening at 6 o'clock
Q. Then if you make the statement
that you closed up on Saturday
half holiday you are mistaken
A. No sir I said it was the first
half Saturday holiday and I went
away.

Q. Who remained there after you
left?

A. Two entry clerks and the postman
Q. Who else came there?
A. I don't know

Q. Did they assist in taking stock?
A. Yes sir

Q. And they finished taking the stock
on Saturday night.

Q. And is it a fact that on
Monday morning the proprietors

0545

12

as well as the entry clerks went
up there and finished taking the
stock?

Answer:

There were not memorandums
made on Monday morning
in your department.

Answer:

So when you came there on
Monday morning the stock
had all been taken.

Answer:

Did you examine the stock?
I examined the stock sheets. The
entry species & numbers that
are written on the entry sheets.

Was your duty ended there?

Answer:

That was all that you did that
morning?

Answer: A great deal besides that
concerning the stock?

Answer:

You did not examine the stock
yourself?

Answer: I did not examine every
piece.

You glanced over the stock?

Answer: I could not keep seeing it
it was right at my back.

Did you notice the rest of the

13

stock whether anything else was missing?

A I know that this was missing this was the morning morning at 9 o'clock and after that I know it when these two men left the place.

Q Why did you make complaint immediately to the house?

A Because I could not say that he took the goods.

Q How large is this floor?

A 40 by 60.

Q Did you see this man on Saturday?

A Yes. Q Did you have any conversation with him?

A Yes. He came in and asked if Mr Chapman was there. I told him no. And I think he said to go him a rendezvous. He seems to meet him there between 11 & 12 o'clock. He stated further if Mr Chapman heard from the house in New Haven.

Q He told you he was going to the races?

A Yes. I told him I would like to go there myself but that we often make up combinations and play them. And I asked him

if he would take this same situation
down for me and he said he would
gladly play them
Q. Now you gave him some money?
A. Yes Sir

Q. Was one of the horses in your com-
bination was scratched he did not
play it the next day sometimes
you your money

A. No Sir on Monday

Q. Did you ask him to call on Monday
A. Yes Sir

Q. You expected him to come back
A. Yes I expected him to come back
Q. Did you give him the money on the
tickets?

A. I did not care if he came back
Monday Tuesday or Wednesday
Q. It was more for him than you
gave him your money
A. Yes Sir

Defendants Furnell moved to
dismiss the complaint

By the Court

Motion Denied

Counsel withdraws for the examination

0548

1 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Fritz Schwartzbach Examination had *July 18* 188 *7*
agst. *Henry Phillips* Before *Sam'l C. Reilly* Police Justice.

David J. Feltman Stenographer of the 1 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 *Fritz Schwartzbach*

as taken by me on the above examination before said Justice.

Dated *July 20* 188 *7*

Sam'l C. Reilly
Police Justice.

David J. Feltman
Stenographer.

0549

1 DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF
Fritz Schwartzbach
agst. Examination had *July 18* 1887
Before *Samuel C. Reilly* Police Justice.

David C. Feltman Stenographer of the 1 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 *Fritz Schwartzbach*
as taken by me on the above examination before said Justice.

Dated *July 20* 1887

Samuel C. Reilly
Police Justice.

David C. Feltman
Stenographer.

0550

Police Court— / District.

Affidavit—Larceny.

City and County }
of New York, } ss.Fritz Schwanzenbach
of No. 68¹/₂ 70 Grand Street, aged 26 years,
occupation Salesman being duly sworndeposes and says, that on the 27 day of June 1887 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz:One piece of black cashmere silk
containing about 60 yards of
the value of Fifty five dollarsthe property of Henry Ballenbach and co-partners
in the care and charge of deponentand that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Henry Phillips (now here)
and another man whose name
is unknown. Deponent says on said
date said Phillips in company with
said unknown man came in premises
No. 68¹/₂ 70 Grand Street in said City
and said unknown man engaged
deponent in conversation and said
Phillips walked around the premises
and ~~stop~~ deponent saw said Phillips
stand alongside of said property about
thirty seconds. He said Phillips having
an overcoat on his arm at the time and
walked out alone thereafter and called
out to said unknown man that heSworn to before me, this
of _____ day
1887

Police Justice.

0551

he would see him that Evening at the Hotel, and left said premises

Deponent says that said unknown man kept him engaged talking for about three minutes when said Phillips returned and said to said unknown person that he had forgot to ask him for an address, and they both walked out together

Deponent says that said defendant and said unknown man were the only persons in said premises except employees from the time he saw said property until he missed the same and charges said defendant with feloniously taking stealing and carrying away the same

J. Schwarzenbach

Sworn to before me this
16th day of June 1887

Sam'l Child, Police Justice

0552

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK,

District Police Court.

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

Question. What is your name?

Answer. *Henry Phillips*

Question. How old are you?

Answer. *27 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *226 W 23rd St - 18 mos*

Question. What is your business or profession?

Answer. *Clerk*

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

Answer.

*I am not guilty and demand
an Examination
Henry Phillips*

Taken before me this

day of

188

Donald McDonald
Police Justice.

0553

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

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

Dated July 16 188 7 Samuel C. Hill Police Justice.

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

Dated July 17 188 7 Samuel C. Hill Police Justice.

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

Dated _____ 188 _____ Police Justice.

0554

Police Court

1143 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Fritz Schwarzbach
Grand
Henry Phillips

Offence Larceny

2
3
4

Dated July 16 1887

W. O. Reilly Magistrate

Fogarty, Handy Officer.

Detective Sergeant Precinct.

Witnesses

\$2000 E. G. Sullivan Street.

10 a. M. 1887

No. 2 P. M. Street.

No. Street.

\$1500 to answer G. S.

Committed
Baier

BAILED.

No. 1, by Thomas McGurney

Residence 102 Hurd Street.

No. 2 South Brooklyn

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

0555

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Henry Phillips

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

Henry Phillips

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

The said *Henry Phillips*,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the
Twenty-seventh day of *June*, — in the year of our Lord
one thousand eight hundred and eighty-*seven*, at the City and County aforesaid,
with force and arms,

sixty yards of ribbon of the
value of one dollar each yard,

of the goods, chattels and personal property of one

Henry Sallentach, —

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.

Anthony J. Bernadine

District Attorney.

0556

BOX:

386

FOLDER:

3598

DESCRIPTION:

Polonsky, Solomon

DATE:

02/06/90



3598

0557

Witnesses:

James L. Lavery

Samuel J. Murphy

Counsel,

Filed

Pleads,

THE PEOPLE

vs.

Solomon Polonsky

JOHN R. FELLOWS,

District Attorney.

A TRUE BILL.

James M. Moore

Part 2 - April 29/90

Ind and acquitted

Foreman.

Inducement expenses.

[File, 316, (Case Code)]

0558

Sec. 192.

3rd District Police Court.

Undertaking to appear during the Examination

CITY AND COUNTY }
OF NEW YORK, } ss.

An information having been laid before Hon. J. M. Patterson a Police Justice
of the City of New York, charging Salomon Polonsky Defendant with
the offence of Indecent Exposure

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 hear-
ing thereof having been adjourned.

We Salomon Polonsky Defendant of No. 213
Madison Street; by occupation a Shoemaker
and Samuel Cohen of No. 215 E. Broadway
Street, by occupation a Mineral Painter Surety, hereby jointly and severally undertake that
the above named Salomon Polonsky Defendant
shall personally appear before the said Justice at the 3rd 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 _____
Hundred Dollars.

Taken and acknowledged before me, this 21st
day of January 1888

J. M. Patterson POLICE JUSTICE

0559

CITY AND COUNTY
OF NEW YORK, } ss.

Police Justice.

Wm. J. McQuinn
1889

Sworn to before me, this

the within named Bail and Surety being duly sworn, says, that he is a resident and holder within the said County and State, and is worth Five 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 brick house

and lot 162 W. Hamilton
North 43000. Mortgage 27000
Equity 10000 and 10000

Samuel Cohen

Ed
District Police Court.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

Undertaking to appear during
the Examination.

Taken the 14 day of June 1889

Justice,

0560

CITY AND COUNTY
OF NEW YORK, ss.

POLICE COURT, 3 DISTRICT.

Fanny Littery

of No. 215 Madison Street, aged 13 years,

occupation Work for father Being duly sworn deposes and says

that on the 19th day of January 1889

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

(now here) did wilfully and lewdly expose
the private parts of his person to public
view and to deponent and Dinah Josephs
Deponent and Dinah were standing on
the ^{front} stoop of the above ^{and the defendant} premises, was in his
shop in the basement of the adjoining
building and attracted the attention
of deponent and Dinah and she looked
down and saw the defendant wilfully
expose his penis and ~~and~~ called
the attention of deponent and said

Sworn to before me, this
of 1889 day

Police Justice.

0561

I wish to witness said exposure
Sworn to before me } Fanny Littery
this 24th January 1890 }

Wm Patterson
Police Justice

Police Court--- District.

THE PEOPLE, & c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT.

Dated

189

Magistrate.

Officer.

Witness,

Disposition,

0562

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

J District Police Court.

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

Question. How old are you?

Answer. *75 1/2 years.*

Question. Where were you born?

Answer. *Russia.*

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

Answer. *43 Madison St. 1 year.*

Question. What is your business or profession?

Answer. *Shoe maker.*

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

Answer. *I am not guilty.*
Solomon Polonsky
mark

Taken before me this

day of *January* 188*9*

W. J. Sullivan
Police Justice.

0563

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

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

Dated *Jan 24* 188*9* *Wm Patterson* Police Justice.

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

Dated *Jan 25* 188*9* *Wm Patterson* Police Justice.

There being no sufficient cause to believe the within named.....

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

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

0564

BAILED.

No. 1, by Samuel Cohen

Residence 205 E. Broadway Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Cohen
Thomas Housley

2 47 Norfolk St

3 _____

4 _____

Dated Jan 24 1890

Patterson Magistrate

Simmons Officer.

Don Precinct.

Witnesses Denah Joseph

No. 22 Rutgers Ave Street.

No. Ex Jan 25 Street.

No. 10 E 10th Street.

No. 10 E 10th Street.

No. 10 E 10th Street.

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No. 10 E 10th Street.

0565

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edmon Edmand

The Grand Jury of the City and County of New York, by this
Indictment accuse Edmon Edmand

of the crime of willfully and lawfully exposing the
private parts of his person,
committed as follows:

Heretofore, to wit: on the 19th day of January,
1890, at the City and County of New York,
aforesaid, the said Edmon Edmand, late
of the City and County aforesaid, willfully
and lawfully did unlawfully expose the
private parts of his person, in the dock
of him the said Edmon Edmand, there
situate, where Dinda aforesaid, Fanny
Sikens and other persons to the Grand
Jury aforesaid unknown, were then and
there present; against the form of the Statute
in such case made and provided, and
against the peace of the People of the State
of New York and their dignity.

John D. Hallows,

District Attorney