

0025

BOX:

527

FOLDER:

4798

DESCRIPTION:

Bortignoni, Jean

DATE:

07/14/93



4798

L. W. G. [Signature]

Counsel,
Filed *14* day of *July* 189*3*
Plended *Monday 17*

THE PEOPLE
64 W 28 St
Brook

SODOMY.
[Sec. 308, Penal Code, as amended by Chapter 325, Laws of 1892.]

Jean Borgognoni
Part 2 - Aug 23, 1893
Recd. August 3rd, 1893

De Lancey Nicoll,
District Attorney.

A TRUE BILL.

Kayue McKee

Part 1, Aug 8, 1893
Foreman.

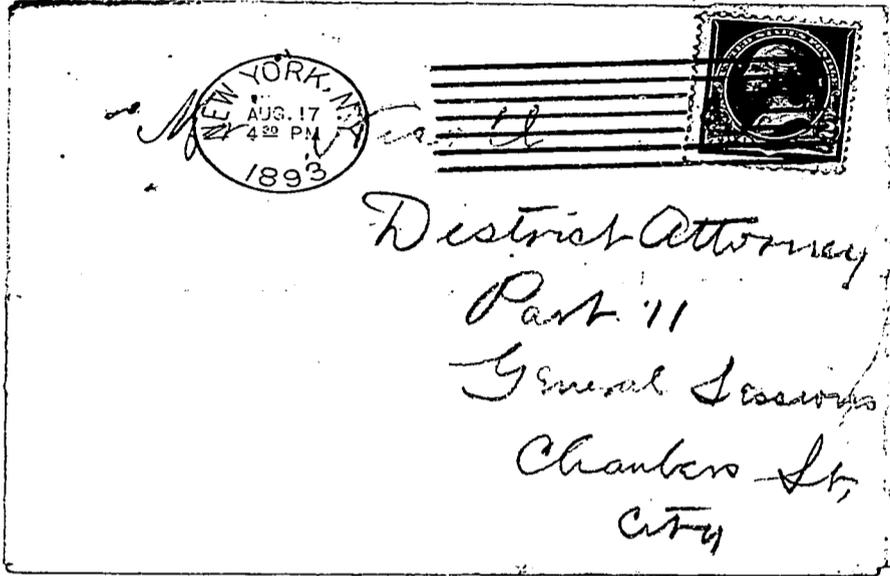
Part I, Aug 17, 1893
Aug 23-1893

Witnesses:
Max Pymman
Chas Ganerroy
Aliso Fay

John Lully Comman
Thos M. [Signature]

POOR QUALITY
ORIGINAL

0027



District Attorney
Part 11
General Sessions
Chambers St,
City

Tom. P. Quinn

Dear Sir,

I hope please in writing you
these few lines hoping for that you may
grant my request and you to be so
kind enough to listen to this what I have got
to tell you I was got a very heavy case
before me now and the lawyer I had
he is gone to Paris I gave him \$5 for
to fight my case I have given him a
Bank Book for \$75 and he was
only over to see me 2 or 3 times since
I am here and every time that he come
here he wanted more money. The lawyer's
name is Garfield of the World Building
There is \$75 in the Bank and the lawyer
has got my Bank Book and I have
not seen him in one month so now
I kindly ask you for to look into my
case as I think it is only a case of
swindling me out of the money

Please write to me or come over and
see me My case is a charge of Rape
and I am innocent of this so now I
hope you will look into this case and
try and Recover my Bank Book
for me

I remain

Sincerely

Jean Bottignoni

cell 46 on 3rd St. New. Prison

Please Answer immediately

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

THE PEOPLE

VS.

BRIEF FOR THE PEOPLE.

JEAN BORTIGNONI.

STATEMENT OF CASE.

The Defendant, Jean (or John) Bortignoni, was indicted for the crime of Sodomy on Charles Gaudefroy, aged 10 years, at the premises No. 219 West 28th Street, on July 3rd, 1893, at 2-00 o'clock in the afternoon.

WITNESSES:

Charles Gaudefroy,
Leonie Gaudefroy,
Fred. Heyman,
Lizzie Fay,
Mrs. Henry Roman,
Angele Gaudefroy,
Allan Hay,
Martin J. Mulligan.

CHARLES GAUDEFROY will testify:

That on the afternoon of July 3rd, he was sent to the drug-store on Seventh Avenue, near 31st Street, by his foster-mother. That on his way home he was met by the Defendant who asked him if he was French, to which he replied "Yes". That the Defendant then said he was very fond of boys and asked the Witness if he liked wine and cake, and that when answered in the affirmative the Defendant took Witness to his room at 219 West 28th Street, where the Defendant gave Witness some claret wine and cake and then sat down on a chair taking the Witness between his legs, and next opening the Witness' pants and taking out the Witness' penis put it in his (Defendant's) mouth and sucked on it for some time. That the Defendant then told Witness to go home and under no circumstances to tell his mother what had occurred.

MRS. LEONIE GAUDEFROY, of 318 West 36th Street, will testify:

That the foregoing Witness is ten years of age. That he is her adopted son. That on the afternoon of July 3rd, at about 1-30 o'clock, she sent him to the drug store on Seventh Avenue, near 31st Street, and that he did not return until about 3-00 o'clock. The Witness noticed that the boy was extremely nervous and pale, and after some questioning he informed her of what the Defendant had done to him, and later she informed her husband of the detestable crime.

FRED. HEYMAN of 219 West 28th Street, (storekeeper) will testify:

That on the afternoon of July 3rd he saw a man and a boy enter

the house, and will identify the Defendant as the man and the complaining Witness as the boy.

LIZZIE FAY (housekeeper), of 219 West 28th St., will testify: That the Defendant hired a room from her about a month ago, and that she remembers seeing him standing at his own room door between 2-00 and 3-00 o'clock in the afternoon of July 3rd, but saw nothing of the boy.

copy
MRS. HENRY ROMAN, of 219 West 28th St., will testify: That on the afternoon of July 3rd, at about 2-00 o'clock, she saw a man whom she recognized as the Defendant going upstairs and following him was a boy whom she identifies as the complaining witness, Charles Gaudefroy; also that she saw Defendant give the boy both cake and wine and about ten minutes later saw the boy leave the building.

ANGELE GAUDEFROY, will testify to having been informed of the crime committed upon his adopted son, to his going to the Station and then in company with Officer Hay and another officer to visiting the premises No. 219 West 28th Street, where his adopted son, Charles Gaudefroy, identified the Defendant as the man who had committed the offense.

OFFICER ALLAN HAY, of the 20th Precinct Municipal Police, will testify to having, in company with Angele Gaudefroy and the Complaining Witness, Charles Gaudefroy, on the evening of July 3rd, 1893, proceeded to 219 West 28th Street, where the Complaining Witness identified the Defendant as the party who had committed the detestable crime upon him, and whom this Witness then arrested and took to the 20th Precinct Police Station, where he was locked up.

MARTIN J. MULLIGAN, Officer of THE N. Y. S. P. C. C., had charge of case in Court etc.

N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

JEAN BORTIGNONI.

PENAL CODE, ^{ss}

BRIEF FOR THE PEOPLE.

Police Court, East District.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss:

of No. 297 Trench Street, in said City, being duly sworn,
deposes and says, that a certain male child called Charles Gandeboy
[now present], under the age of sixteen years, to wit, of the age of Ten years, is a
necessary and material witness on behalf of the People of the State of New York in a certain
criminal case now pending in the Court of Gen. Sessions of, in and for the City and
County of New York, entitled, The People against Jean Bartignoni
Jean Bartignoni, wherein the said Jean Bartignoni
is charged with the crime of Sodomy, under
Section 303 of the Penal Code of said State, in that he, the said Jean

Bartignoni at 219 W. 28 St
did there willfully and unlawfully
commit the abominable and
detestable crime of Sodomy
and said Charles Gandeboy
in violation of the laws
aforsaid

and that the said Charles Gandeboy
will, as deponent verily believes, unless duly held to appear on trial thereof, avoid giving his
testimony at the instance of the people.

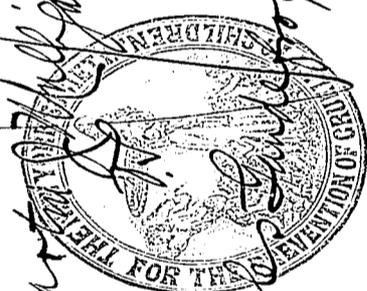
Wherefore, deponent prays that the said child Charles Gandeboy
may be held as a witness to appear on the trial of the aforesaid criminal case, and be committed
temporarily to an institution authorized by law to receive children on final commitment, and to
have compensation therefor from the City or County authorities, as a witness, to appear on the
trial of the aforesaid criminal case, in pursuance of the statutes in such case made and provided,
and especially of Section 291 of the Penal Code of the State of New York.

Sworn to before me, this 15th day of July 18 93
Martin J. Mulhigan
[Signature]
Police Justice.

POLICE COURT 2nd DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Mrs. J. J. Kelly
Charles J. Kelly



AFFIDAVIT.

WITNESS.

No. 31687. 36th Precinct.

Dated *July 7th* 18*93*
J. J. Kelly Magistrate.
M. J. Kelly Officer.

Disposition, *Com to*
C. J. Kelly

Second District Police Court.

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

of Number 297 Fourth Ave, being duly sworn, deposes and says, that on the 3rd day of July 1893 at the City of New York, in the County of New York, one Jean Bortignoni (now here) at the premises known as 279 W. 28th St, in said City of New York, did then and there, willfully, and unlawfully, carnally know in a manner contrary to law and nature one Charles Gunde-froy (now here) a child of the age of Ten yrs, and did commit, the abominable, and detestable crime of Sodomy on above said child in violation of section 303 of the Penal Code of the State of New York, for the following reasons to wit, deponent has been informed, (and does verily believe), by said Charles Gunde-froy, that said Jean Bortignoni took said Charles Gunde-froy, into his room at above said premises, and then and there took the penis of the said Charles Gunde-froy into his mouth, and suck it, in violation of the laws aforesaid

Wherefore the complainant prays that the said Jean Bortignoni may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 9th day of July 1893 Martin J. Mulhigan

Police Justice

2nd

District Police Court.

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

of Number 277 Fourth Ave being duly sworn,
deposes and says, that on the 3rd day of July 1893 at the
City of New York, in the County of New York, at 219 West 28th

Premises situated in said City
of New York, one Jean Bartignoni
(now here) did criminally know
in a manner contrary to law
and nature, one Charles Gaudetroy
(now here) a child of the age
of Ten years, and did commit
the abominable, and detestable
crime of Sodomy, on above
said child in violation of
Section 303 of the Penal Code
of the State of New York, for
the following reasons, to-wit:
Jean Bartignoni, did take the
said Charles Gaudetroy into a room
at above said premises, and thereforcibly
insert his penis into the mouth of the said
Jean Bartignoni and push it in and out in violation
of the laws aforesaid.

Jean Bartignoni
may be apprehended, arrested and dealt with according to law.

Sworn to before me, this 5th day of July 1893

Martin J. Mulhgan

W. H. Brady
Police Justice.

Affidavit dated July 9th 1893
Substituted for this by order of
Justice Brady
J. Mulhgan
Deputy

CITY AND COUNTY }
OF NEW YORK, } ss.

1877

Charles Gaudetroy

aged Ten years, occupation _____ of No. _____

318 West 36th Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Martin J. Mulligan

and that the facts stated therein on information of deponent are true of deponent's own

knowledge.

Sworn to before me, this 9th
day of July, 1897

Charles Gaudetroy

[Signature]
Police Justice.

Sec. 198-200.

2

1882 District Police Court.

City and County of New York, ss:

Jean Bortignoni 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. *Jean Bortignoni*

Question. How old are you?

Answer. *64 Yrs.*

Question. Where were you born?

Answer. *France*

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

Answer. *219 West 38 Street 1 month*

Question. What is your business or profession?

Answer. *Cook*

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
Jean Bortignoni*

Taken before me this

9th

day of

June

189*9*

Police Justice.

[Signature]

District Attorneys Office,
City & County of
New York.

John ²⁰Portigoni Sodary

Agent Miller - S P C
Lehas Gaudetroy - Comp.
Off. Allan Hay 20th P

Leone Gaudetroy
Fred Peymon -

Lizzie Fox 219 W. 28th

Mrs. Shury Roman ^{W. 28th} 219

Angela Gaudetroy
318 W. 36th St.

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

THE PEOPLE OF THE STATE OF NEW YORK

against

Jean Bortignoni

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

indictment accuse *Jean Bortignoni*

of the CRIME OF SODOMY, committed as follows:

The said *Jean Bortignoni*,

late of the City of New York, in the County of New York aforesaid, on the

third day of *July*, in the year of our Lord one thousand
eight hundred and ninety- *three*, at the City and County aforesaid,

in and upon one *Charles Faudelroy*,

a - male person, then and there being, feloniously did make an assault, and

to the said *Charles Faudelroy*, then
and there feloniously did carnally know *with the mouth* 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.

(2049)

Edmund Miele
District Attorney

0042

BOX:

527

FOLDER:

4798

DESCRIPTION:

Brophy, Philip

DATE:

07/18/93



4798

POOR QUALITY ORIGINAL

0043

4 140

Counsel,

Filed

day of

1893

Pleads,

August 19

THE PEOPLE

vs. *Phil Brophy*

Grand Larceny, in the 5th Degree, (From the Person), [Sections 528, 529, Penal Code.]

DE LANCEY NICOLL

District Attorney.

A TRUE BILL.

James M. Keen

Foreman.

Part 3. Aug 19 1893

Pleads *Attorney* 193

aug 15, 1893

Ed. J. [unclear]

Witnesses:

W. Lee

John W. Brophy
218 East 27th

273rd Avenue

one eighth up
of Mrs Lawrence

POOR QUALITY ORIGINAL

0044

Police Court - 1 District.

1912

Affidavit - Larceny.

City and County of New York, } 55.

of No. 215 - Boompfield Street Hoboken N.J. Street, aged 35 years, occupation Laundry

deposes and says, that on the 9 day of July 1893 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 night time, the following property, viz:

One gold watch of the value of forty five dollars and one plated chain of the value of four dollars - together of the value of forty nine dollars

Sworn to before me this 11th day of July 1893

[Signature]
Police Justice

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 Philip Brophy (now here) for the reason that on the aforesaid date as deponent was walking on Park Row and had said watch in the lower left hand pocket of his vest, then in his person attached to said watch was the aforesaid chain. Deponent later found a tag at said chain and this defendant then ran away from deponent. Wherefore deponent charges defendant with attempted larceny from the person. Deponent further swears that he saw defendant's hand on said chain when he felt the said tag.

Hok Lee

POOR QUALITY ORIGINAL

0045

Sec. 198-200.

1882
District Police Court.

City and County of New York, ss:

Philip Brophy 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. *Philip Brophy*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *U. S.*

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

Answer. *252, 11th Avenue. 2 months*

Question. What is your business or profession?

Answer. *Newspaper Boy*

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.*

Philip Brophy

Taken before me this *10* day of *July* 189*2*
[Signature]
Police Justice

POOR QUALITY ORIGINAL

0046

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

285
 723
 Police Court---
 District

THE PEOPLE, &c.,
 ON THE COMPLAINT OF
 Frank Hill
 215 3rd Avenue St. Notary Public
 Paul's Paraphy

1 _____
 2 _____
 3 _____
 4 _____

Date, July 10 1893

Magistrate
 Maxwell

Witnesses
 Sing Key
 No. 83. Madison Ave St
 No. 83. Madison Ave St

No. _____ Street
 No. _____ Street

No. 10880 Street
 to answer b.j.

1000 E. July 10. 2 Paul's Paraphy

Offense Attempted Larceny from the Person

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

Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of _____
 \$1000 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 10 1893 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

New-York July 29/93.

Mr. Geo. Lancy Nicoll!

Dear Sir.

Having been confined in the Tombs for quite a while on the charge of taking a Persons Watch i fully protest my innocence, i never had anything to do with this matter, in fact i was wrong, fully arrested, but my health not being very good, i have fully made up my mind that before staying here much longer i will accept a Plea to Petty-Larceny with your permission in order to get out of here. If my wish is acceptable to you and receives your kind consideration and approval it shall be a Lesson to me all my Life and your kindness shall never be forgotten by you.

J. V. 18' Humble Servant
Philip Brophy
Boys Prison
Tombs, N.Y.C.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Philip Brophy

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

Philip Brophy

attempting to commit the crime of of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said

Philip Brophy

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

one watch of the value of forty five dollars, and one chain of the value of four dollars.

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

De Lancey Nicoll, District Attorney.

0049

BOX:

527

FOLDER:

4798

DESCRIPTION:

Burk, James

DATE:

07/12/93



4798

No 80
Counsel,
Filed *[Signature]* 189
day of July
Pleads,

Grand Larceny,
(From the Person)
[Sections 828, 830
Penal Code.]

THE PEOPLE

vs.

James Burk

DE LANCEY NICOLL,
District Attorney.

July 13/93

A TRUE BILL.

[Signature]

July 13/93 Foreman.

[Signature]

S. P. H. years.

Witnesses:

Officer McQueen

Police Court _____ District. 1

1912 Affidavit—Larceny.

City and County }
of New York, } ss.
of No. 318 - W - 39 - Street, aged 40 years.
occupation Locksmith

deposes and says, that on the 3 day of July 1893 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 night time, the following property, viz:

A watch and chain valued at ten 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 James Burk - (now here)

~~depon~~ for the following reasons - on said date deponent had said watch in the left hand pocket of the vest that he then wore and it was attached to said vest by said chain - deponent is informed by Officer Brennan of the 6th Precinct that he (the officer) found deponent intoxicated on Chatham Square - and that he (the officer) had been informed by a citizen that the defendant had stolen deponents watch - the officer arrested the defendant and found in his possession a watch and chain which deponent has since seen and fully identified as his property - that was stolen

Jeus Jacobson

Sworn to before me, this _____ day of _____ 1893
James C. [Signature]
Police Justice

CITY AND COUNTY }
OF NEW YORK, } ss.

William Duman

aged *6* years, occupation *Police Officer* of No. *6*

Princeton Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of *Jess C. Jacobson* and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me this *3* day of *July* 189*3* } *William Duman*

Occomoad
Police Justice.

Lined area for additional text or notes.

Sec. 198-200.

1882

District Police Court.

City and County of New York, ss:

James Burk 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 a 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. James Burk

Question. How old are you?

Answer. 32 years

Question. Where were you born?

Answer. New York

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

Answer. 9 Essex St - 6 years

Question. What is your business or profession?

Answer. Driver

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
James Burk

Taken before me this

day of

3

1893

Police Justice

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

Police Court... 1
 District... 120

THE PEOPLE, Ec.,
 ON THE COMPLAINT OF

John C. Jacobson
James Bank

1 _____
 2 _____
 3 _____
 4 _____

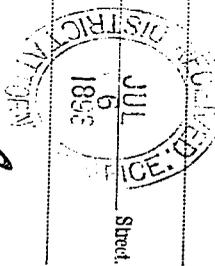
Dated *July 3* 189 *3*

Spencer
 Magistrate

Witnesses *Call to office*

No. _____ Street _____

No. _____ Street _____



No. _____ Street _____
 \$ *1000* to answer *4.8*

Call to office

Offense *Larceny from the person*

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

_____ *Defendant*
 guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *1000* 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 3* 189 *3* _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Burk

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

James Burk

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

The said

James Burk

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

one watch of the value of seven dollars, and one chain of the value of three dollars

of the goods, chattels and personal property of one Jens C. Jacobson on the person of the said Jens C. Jacobson then and there being found, from the person of the said Jens C. Jacobson 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.

Re Laurey Nicoll District Attorney.

0056

BOX:

527

FOLDER:

4798

DESCRIPTION:

Burke, Frank

DATE:

07/21/93



4798

0057

BOX:

527

FOLDER:

4798

DESCRIPTION:

Duffy, Francis

DATE:

07/21/93



4798

Witnesses:

Charles Levy

Raymond Mas

Samuel A. Dean

270 by Inspector

Spekman of

Banker from

Cumulative

R.

Counsel,

Filed

day of

1933

Friends, not guilty (24)

THE PEOPLE

vs.

Frank Burke

Richard

James Duffin

Grand Larceny, Second Degree [Sections 529, 531, 532 Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Lawrence McKee

Foreman.

Part 2, July 2, 1933

Both bleed. Filing Larceny

Chap. 9, Mrs. L. 281

Ch 2 / 1933 H. D. J. M. P. 21

Police Court 2 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

of No. 11 West 3rd Street, aged 46 years,
occupation Clothing being duly sworn,
deposes and says, that on the 15 day of July 1893 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:

Twenty four vests of the amount
and value of forty dollars

\$ 40 ⁰⁰/₁₀₀

the property of Brackman and Levy, and
of which Levy deponent is Co-partner,

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously
taken, stolen and carried away by Frank Burke & Francis Duffy
(both now here) and while acting in concert with
each other from the following facts to wit: that
about the hour of ten o'clock of the aforesaid
date, deponent suddenly missed the aforesaid
property from a counter in the above mentioned
premises - and that in a few minutes later
he found the aforesaid property in the possession
of the defendants, who were in company with each
other in a hallway of a building in Green
Street near West 3rd Street - Deponent therefore
asks that the defendants may be held to
answer

Charles Levy

Sworn to before me this 15 day of July 1893
of Charles Levy
Police Justice.

Sec. 198-200.

District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Frank Burke

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. *Frank Burke*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *295 East 8th Street -*

Question. What is your business or profession?

Answer. *Barman*

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 -*

Frank Burke

Taken before me this

day of

[Signature]

1898

Police Justice.

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Francis Duffy

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

Question. What is your name?

Answer *Francis Duffy*

Question. How old are you?

Answer *21 years*

Question. Where were you born?

Answer *New York*

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

Answer *26 Prince Street - 6 months.*

Question. What is your business or profession?

Answer *Glass Business*

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.*

Francis Duffy

Taken before me this

day of *July* 19*21*

Michael J. [Signature]
ASS

Police Justice.

POOR QUALITY ORIGINAL

0062

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

Police Court... District...

765

THE PEOPLE, etc.,
 ON THE COMPLAINT OF
William Dow
 9 11. M 3 1893
Frank Dwyer
James Duffy
Lacey
 Office

Dated *July 17* 18*93*
John H. Ford Magistrate
Thomas T. Sullivan Officer
 Precinct, *17*

Witnesses:
 No. Street,
 No. Street,
 No. *1000* Street,
 To His Honor
[Signature]

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

guilty thereof, I order that *he* be held to answer the same and *he* be admitted to bail in the sum of *Five* Hundred Dollars, *lack* 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 17* 18*93* *[Signature]* Police Justice.

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

Dated 18 Police Justice.

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

Dated 18 Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Frank Burke and Francis Duffy

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

Frank Burke and Francis Duffy of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Frank Burke and Francis Duffy, both

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

twenty four vests of the value of one dollar and seventy five cents each

[Handwritten flourish]

of the goods, chattels and personal property of one Charles Levy

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

SECOND COUNT—

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

Frank Burke and Francis Duffey
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Frank Burke and Francis Duffey*, both

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

*Twenty four vests of the value of
one dollar and seventy-five cents each*

of the goods, chattels and personal property of one

Charles Levy

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

Charles Levy

unlawfully and unjustly did feloniously receive and have; the said

Frank Burke and Francis Duffey

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

DE LANCEY NICOLL,

District Attorney.

SECOND COUNT—

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

Frank Burke and Francis Duffey
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Frank Burke and Francis Duffey, both*

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

*Twenty four vests of the value of
one dollar and seventy-five cents each*

of the goods, chattels and personal property of one

Charles Levy

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

Charles Levy

unlawfully and unjustly did feloniously receive and have; the said

Frank Burke and Francis Duffey

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

DE LANCEY NICOLL,

District Attorney.

0066

BOX:

527

FOLDER:

4798

DESCRIPTION:

Burns, Thomas

DATE:

07/06/93



4798

0067

BOX:

527

FOLDER:

4798

DESCRIPTION:

Murray, John

DATE:

07/06/93



4798

Witnesses:

Officer Carr

11

Counsel,

Filed

Pleads,

Anthony [unclear]
11
May of July 1893

THE PEOPLE

Thomas Burns

and

John Murray

DE LANCEY NICOLL,

District Attorney.

Part 2. July 21, 1893
" 24, 93

A TRUE BILL.

James McKee

Part 2. July 1893 Foreman.

W. E. P. Leads Pettifancery

Part 2. July 2 1893

Part 2. Tried and convicted

Ch. 1 - 9. Nov 1893

Ch 2. 1. 1. 4M
July 18 1893

Grand Larceny, Degree 2
[Sections 828, 831, 832 Penal Code.]

Police Court 5 District.

Affidavit—Larceny.

City and County }
of New York, } ss:

Wersch Frank

of No. 103 West 103rd Street, aged 46 years,
occupation Real-estate being duly sworn,

deposes and says, that on the 27 day of June 1893, 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 lead pipe; and brass faucets; all together valued at about thirty-dollars

the property of deponent.

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Thomas Burns and John Murray; both now here; from the

fact, that Officer Carr of the 26-Precinct Police, arrested these defendants with the said property in their possession which property deponent identifies as that which was taken and stolen from premises # 105 West-103rd Street.

Therefore deponent charges these defendants with acting in concert and larceny and stealing said property, and prays that they may be held to answer.

Frank Wersch

Sworn to before me, this 27 day of June 1893.

John J. Burke
Police Justice.

POOR QUALITY ORIGINAL

0070

CITY AND COUNTY } ss.
OF NEW YORK, }

1877

aged 30 years, occupation Police Officer of No. 26 Precinct Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Hersch Frank and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 28 day of June 1893 } John Cain

Charles R. ...
Police Justice.

[Lined area for additional text or notes]

Sec. 198-200.

5

1882

District Police Court.

City and County of New York, ss:

Thomas Burns 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 a 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.

Thomas Burns

Question. How old are you?

Answer.

23 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

539 East 118th Two years

Question. What is your business or profession?

Answer.

Stone mason

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

Thomas Burns

Taken before me this

day of April 1899

[Signature]

Police Justice.

Sec. 198-200.

5

1882

District Police Court.

City and County of New York, ss:

John Murray 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 a charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

John Murray

Question. How old are you?

Answer.

20 years old

Question. Where were you born?

Answer.

New York City

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

Answer.

242 East 123rd three months

Question. What is your business or profession?

Answer.

Brick Layer

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

Answer.

I Am Not Guilty

John Murray

Taken before me this

day of

1891

Police Justice.

BAILED,

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

Police Court, 5th

District

697

THE PEOPLE, &c.,
ON THE COMPLAINT OF

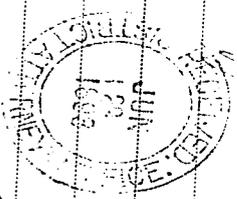
1 *Joseph Frank*
 2 *Joseph Frank*
 3 *John Murray*
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Dated, June 28 1893

Ernest Magistrate

Matt V. Van Officer

Paul Witness



No. *Each* Street

\$ *1500* to answer

Perms

Offense *Larceny (felony)*

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

Defendants

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *1500* 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, *June 28* 1893 *Paul* Police Justice.

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

Dated, 1893 Police Justice.

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

Dated, 1893 Police Justice.

COURT OF GENERAL SESSIONS OF THE PEACE,
City and County of New York.

The People, " "
vs. " "

JOHN MURRAY, " "
jointly indicted with " "
THOMAS BURNS. " "

Before,
HON. FREDERICK SMYTH,
and a Jury.

Tried, JULY 24TH, 1893.

Indicted for GRAND LARCENY, in the SECOND DEGREE.

Indictment filed JULY 6TH, 1893.

APPEARANCES:

ASSISTANT DISTRICT ATTORNEY BARTOW S. WEEKS,
For THE PEOPLE.

MR. THOMAS M. CANTON,
For THE DEFENCE.

JOHN HANE, being duly sworn, testified that he was an officer of the Municipal police, attached to the 26th precinct. On the day in question he saw the defendant. He first saw the defendant at 103rd street and Columbus avenue. The defendant was accompanied by the co-defendant. They were crossing Columbus avenue from the west side. The premises 105 West 103rd street were just west of Columbus avenue. The defendant and the co-defendant had a bag over their shoulders. The defendant and the co-defendant separated at the corner of 103rd street and Columbus avenue, the defendant continuing through 103rd street and the co-defendant going through 104th street. He, the witness, then followed the co-defendant. The defendant and the co-defendant met again at the corner of Eighth avenue and 104th street, and were about boarding a car when he, the witness, arrested them. When the defendant and the co-defendant threw the bags which they carried on the platform of the car, some lead fell out. The defendant ran away, into the park, and he, the witness, chased the defendant about three blocks and captured him. He

took the defendant back. He then examined the bags, and found that they were filled with lead pipe and some brass faucets. He asked the defendant and the co-defendant where they got the lead pipe, and neither of them offered any explanation; they did not say a word. He took the defendant and the co-defendant to the station house. That night he, the witness, went up to Mr. Frank's, 103 West 103rd street, and he and Mr. Frank made an examination of 105 West 103rd street, and found that the lead pipe had been cut and the brass faucets taken away.

In cross-examination the witness testified that it was about half-past four o'clock in the afternoon when he first saw the defendant and the co-defendant. Both the defendant and the co-defendant tried to board the car. Two gentlemen held the co-defendant while he, the witness, was chasing the defendant.

HERSCH FRANK, THE COMPLAINANT, being duly sworn, testified that he lived at 103 West 103rd street, and was a real estate dealer. The house 105 West 103rd street be-

lanced to his wife. He, the complainant, examined those premises on the 27th of June, about 7 o'clock in the evening. There had been a fire in the building previous to that, and it was unoccupied. He found that all the lead pipe, from the cistern down to the water-closet, had been carried away. The faucets had also been taken. He saw some lead pipe and faucets, similar to those which he had had in his house, the next morning, in the police station. He had no idea of the value of the property which had been stolen, but it cost him £100.00 to have it put back again. About two hundred pounds of lead pipe had been taken.

In cross-examination the complainant testified that he thought it was two inch lead pipe, but he was not positive. He was not willing to swear that the pipe he saw in the station house was the lead pipe which had been stolen from his house; the pipe was similar to that which had been stolen.

THOMAS BURNS, called by the DEFENCE, being duly sworn testified that he had been jointly indicted with the defendant

for stealing the lead pipe in question, and he had pleaded guilty; he did take the lead. He was alone when he took the lead. He put the lead pipe in two bags and took it down to 103rd street and left it lying in a lot. He did not know the defendant, and never saw him before the day in question. He met the defendant on the street, and he asked the defendant if he would carry a bag for him, and he would give him, the defendant, half a dollar for doing it. The defendant asked him if it was stolen; and he told the defendant it was none of his business. He gave the defendant one of the bags, and the defendant put it on his shoulder, and they started for the car. He, the co-defendant, did not separate from the defendant, as the officer had testified; they were close together all the way down to the car. The defendant was not a relative or friend of his, and he had positively never seen him until he met him in the street on the day of his arrest.

In cross-examination the witness testified that he intended to take the lead to a junk-shop in

East 104th street. He did not know the name of the man who kept the junk-shop; he had never been there before. He lived at 539 East 118th street. He was looking for a job in 103rd street. He found the bags lying near a grocery store, and he picked them up and took them. He had been out of the building about half an hour before he saw the defendant. He, the co-defendant, was sitting in the lot, waiting for somebody to come along, when he saw the defendant. He went out and asked the defendant if he would carry one of the bags, and the first thing the defendant said to him was, "Is it stolen?" He told the defendant it was none of his business. He, the co-defendant, was a stone mason. He had not worked for two years. He had never been arrested before.

JOHN MURRAY, THE DEFENDANT, being duly sworn, testified that he was twenty years of age. He was born in Long Island City. His parents were dead. He was a working man. He had never been arrested nor convicted of any offence. When he received the lead pipe from the co-defendant he did not know it was stolen. He

did not know the codefendant, and had never seen him before the day in question. He, the defendant, was walking along the street, and he met the co-defendant. He, the defendant, was slightly intoxicated at the time. The co-defendant said to him, "Will you carry this bag for me to the car in Eighth Avenue? and I will pay you fifty cents." He, the defendant, said, "Yes; but is this stolen?" The co-defendant said, "It is none of your business." He, the defendant, needed the money, so he carried the bag and left it on the car, and was just going to jump off when the officer arrested him. On the way to the car the co-defendant said to him, "You walk ahead; I went to light a cigarette," and he walked ahead. He had the fifty cents in his pocket which the co-defendant had given him, when he was arrested. When the officer arrested him, he said, "Who are you?" The officer said, "I am an officer." And when the officer said that he, the defendant, ran away. He, the defendant, did not take any part in stealing the lead pipe.

In cross-examination the defendant testi-

field that he had been down to see a friend of his at 82nd street and 9th avenue, and was on his way to his home in Harlem. He walked from 82nd street to 103rd street. He lived on the east side, in 123rd street. He had been working up to the time of his arrest. He was a clothes-line hawker, and sold clothes lines in tenement houses. Before doing that he had worked at driving a cart for a man in 110th street. He, the defendant had never been in any trouble in his life before. The reason he asked the co-defendant, "is is stolen?" was because he thought the co-defendant looked suspicious; but the co-defendant did not look any less suspicious after that than he did before. He, the defendant, did not tell the officer, when the officer asked him what he had in the bag, that the co-defendant had hired him to carry the bag to the car. He started to tell the Magistrate, in the Police Court, that the co-defendant had hired him, but he was told to shut up, and then he pleaded not guilty.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Thomas Burns and John Murray

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

Thomas Burns and John Murray of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Thomas Burns and John Murray, both

late of the City of New York, in the County of New York aforesaid, on the 27th day of June in the year of our Lord one thousand eight hundred and ninety-three at the City and County aforesaid, with force and arms,

two hundred pounds of lead pipe of the value of ten cents each pound, and ten faucets of the value of two dollars each

of the goods, chattels and personal property of one

Hersch Frank

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

SECOND COUNT—

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

Thomas Burns and John Murray
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Thomas Burns and John Murray* both

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

two hundred pounds of lead pipe of the value of ten cents each pound and ten faucets of the value of two dollars each

of the goods, chattels and personal property of one

Hersch Frank

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

Hersch Frank

unlawfully and unjustly did feloniously receive and have; the said

Thomas Burns and John Murray

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

DE LANCEY NICOLL,

District Attorney.