

0430

BOX:

371

FOLDER:

3476

DESCRIPTION:

Van Osten, Otto

DATE:

10/22/89



3476

POOR QUALITY
ORIGINAL

0431

Witnesses:

Chas Brown

off. Chas W. Stevens

22 Rich

175 J.B. a
Counsel,
Filed 22 Oct 1889
Pleads, *Myerly*

THE PEOPLE
vs.
181 *100* vs.
11 *100*
Otto Van Osten
Grand Larceny, *1st* Degree.
(From the Person.)
[Sections 528, 587 — Penal Code.]

JOHN R. FELLOWS,
District Attorney.

Pr. *4* Nov 4/84
Ju. *100* PL
Pen. *11 mos*
A True Bill. *P.B.M.*

W. L. Cole
Foreman.

POOR QUALITY
ORIGINAL

0432

Police Court—1st District.

Affidavit—Larceny.

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

of No. 41 Washington Street, aged 38 years,
occupation Cooper being duly sworn

deposes and says, that on the 23 day of September 1889 at the City of New

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

good and lawful money of the United
States consisting of four notes of the denomination
of five dollars each
and silver coin of the value of about four dollars
said money being in all of the value of
about twenty four dollars

\$ 24 ⁰⁰/₁₀₀

the property of deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Otto Van Osten (now here)

From the fact that deponent was lying asleep
upon a bed, in the aforesaid premises,
when deponent had said money in the
right hand pocket of the pants then
worn upon deponent's person
that deponent felt a hand in said
pocket and thereby was awakened, deponent
made an outcry, when said defendant
struck deponent a blow in the face
and then threw deponent out of said
premises, Deponent immediately missed
said money

Done & sworn

Sworn to before me this 25 day
of September 1889

Lo J. McNeill
Police Justice.

POOR QUALITY
ORIGINAL

0433

Sec. 193—200.

15 District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

Otto Van Osten 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.

Otto Van Osten

Question. How old are you?

Answer.

28 years

Question. Where were you born?

Answer.

Berlin Germany

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

Answer.

71 Washington Street New York

Question. What is your business or profession?

Answer.

Butcher

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

Otto Van Osten

Taken before me this

day of September 1889

J. C. McElroy Police Justice.

POOR QUALITY
ORIGINAL

0434

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

Police Court--- / District.

1487

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Brown
1015 1/2 Broadway
City New York

Offence

Dated Sept 25 1889

Magistrate.

Officer.

Precinct.

Witnesses

\$1000 to answer

No. _____ Street.

No. _____ Street.

\$1000 to answer

Committed

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

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

Dated Sept 25 1889 Police Justice.

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

Dated _____ 1889 Police Justice.

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

Dated _____ 1889 Police Justice.

POOR QUALITY
ORIGINAL

0435

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Otto Van Osten

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

Otto Van Osten
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *Otto Van Osten*

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

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

*diverse coins of a number, kind and
denominations to the Grand Jury
aforesaid unknown, of the value
of four dollars.*

of the goods, chattels and personal property of one *Charles Brown*
on the person of the said *Charles Brown*
then and there being found, from the person of the said *Charles Brown*
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.

0436

BOX:

371

FOLDER:

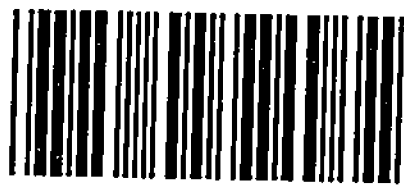
3476

DESCRIPTION:

Vellato, James

DATE:

10/01/89



3476

Witnesses;

Isabella Amato
2124 1st Ave

Counsel,

Filed

Pleads.

day of

188

THE PEOPLE

vs.

James Vellato

Burglary in the second degree,
and Grand Larceny in
the first degree,
[Section 49, 50, 51, 52 and 53.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Chas. A. Sobusho

Oct. 9. 1889 Foreman.
Tried and convicted

P. L.
Ten: One year

POOR QUALITY
ORIGINAL

0437

POOR QUALITY
ORIGINAL

0438

Police Court— District.

City and County } ss.:
of New York,

of No. 339 East 109th Street, aged 59 years,
occupation Saigle. being duly sworn

deposes and says, that the premises No. 339 E 109th Street, 12th Ward

in the City and County aforesaid the said being a dwelling house

the rear room on the 1st floor

and which was occupied by deponent as a sleeping apartment

and in which there was at the time a human being, to wit - deponent.

were BURGLARIOUSLY entered by means of forcibly raising a

rear window and entering said

premises

on the 26th day of August 1889 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

Twenty dollars good money

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

for the reasons following, to wit:

James Vellato
That at about the hour
of 2 o'clock AM of said date
deponent detected the defendant
in said premises and in the act
of exiting with a bundle of
clothes in his arms that deponent
made an outcry and endeavored
to arrest the flight of the defendant
and in so doing seized his shirt

POOR QUALITY
ORIGINAL

0439

and retained the paper, (see above) that after his flight department discovered the loss of her money which had been contained in a pocket book in the pocket of her dress which was laying on a chair in said apartment.

Subscribed and sworn to before me
this 27th day of August 1889
J. H. [Signature]
Police Justice

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

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—BURGLARY.

1
2
3
4

Dated

188

Magistrate.

Officer.

Clerk.

Witness.

No.

Street,

No.

Street,

No.

Street,

\$ to answer General Sessions.

POOR QUALITY
ORIGINAL

0440

Sec. 193-200

District Police Court.

CITY AND COUNTY
OF NEW YORK.

James Vellato 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.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

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

Answer.

Question. What is your business or profession?

Answer.

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

Answer.

I am not guilty
James Vellato

Taken before me this

day of *October* 189*9*

Police Justice.

POOR QUALITY
ORIGINAL

0441

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

Police Court... District.

1298

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Deborah Annate

389 East 109

John V. Velleto

1 _____
2 _____
3 _____
4 _____

Offence *Burglary*

Dated *August 29* 188 *9*

W. B. B. 1
Magistrate.

Charles M. Brown
Officer.

77
Precinct.

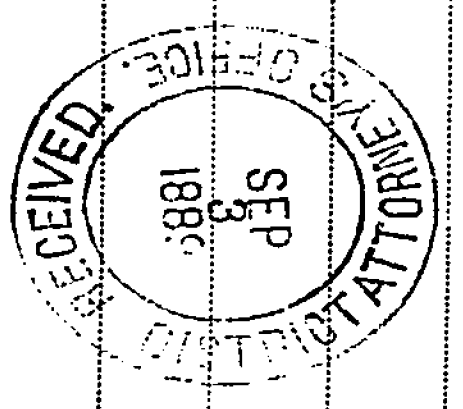
Witnesses _____

No. _____
Street _____

No. _____
Street _____

No. _____
Street _____

No. *2000* to answer *B. J.*
Street _____



429 1/2 9th Ave
West
Wood & Co

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

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

Dated *Aug 29* 188 *9* *W. B. B. 1* Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

POOR QUALITY
ORIGINAL

0442

COURT OF GENERAL SESSIONS.

-----X
The People :
v. :
James Vellato, : Tried Oct. 10, 1889, before
Indictment filed Oct. 1, '89: Hon. Henry A. Gildersleeve
Indicted for burglary in the: and a Jury.
second degree. :
-----X

Assistant District Attorney Macdonald for the People.
Messrs. House & Friend, for the Defense.

I S A B E L L A A M A T O, the complainant,
testified that she lived at 309 East 109th Street. On
the 26th of August, 1889, she found the defendant in
her room. She knew him and called him by name. When
she went to bed that night she locked the door, but
left the window open because it was warm. The lower
sash of the window was raised up to admit the air. It
was raised up enough to allow a man to enter. Her room
was on the ground floor in the rear. Her window opened

**POOR QUALITY
ORIGINAL**

0443

2

on the yard. When she woke, about two o'clock in the morning, she saw the defendant with her dress in his hand. She called him by name, and asked him what he was doing in her room. Then the defendant blew out the light and laid down beside her on the bed. She pushed him away and then he got up and ran away. He went through the window, jumping out into the yard. The defendant was in her room from a quarter to half an hour from the time that she first saw him with her dress in his hand. The defendant was not in the habit of going into her room. She afterwards found the defendant's hat in her room. It was on the floor near the bed. She missed from her dress pocket twenty dollars that was contained in the pocket book. She was awakened by the closing of her pocket-book when he took the money out of it. She saw the pocket-book in his hand when she woke up. She saw the twenty dollars just before she went to bed. She received it that evening.

Under Cross Examination, she testified that she saw the defendant take the money out of her pocket-book. Then the defendant made a gesture for her to be silent, and then he came and lay down upon her bed, first blowing out the light. He did not remove any of his apparel

**POOR QUALITY
ORIGINAL**

0444

3

before he laid down on the bed. He was in bed with her a quarter of an hour and all the time she tried to get him out of the bed. Finally she pushed him out of the bed and he jumped out of the window. She called out for the owner of the house. She had in her pocket-book twenty dollars and twenty-five cents. She did not say in the Police Court that she saw the defendant jump out of the window with a bundle of clothes in his hand. When she woke up he had her dress in his hand. She did not say in the Police Court that she took the defendant's hat from his head, but she did take the dress out of his hand. It was when he got out of the bed that she sprang up and pulled the dress out of his hand. She had known the defendant for some time. He took his meals in the house--in the boarding house where she was employed. She did not know where he lived.

O F F I C E R G E O R G E A. D O R A N tes-
tified that he arrested the defendant on the 26th of August at Avenue A and 74th Street, about nine o'clock in the evening on information received from the complainant. A friend of the complainant's pointed the defendant out. The defendant was at work in a shoemaker shop, and he, the officer, told him to dress himself and come

**POOR QUALITY
ORIGINAL**

0445

4

along, and the defendant put on everything but a hat. He could not make the defendant understand what he said, he being an Italian.

Under Cross Examination, the officer testified that the defendant was at work at a shoemaker's bench when he arrested him. He did not have a hat on at the time. He did not have any hat when he went out of the shop. He, the officer, took him to the station house without any hat. He asked the defendant where his hat was, and the defendant shrugged his shoulders. In the Police Court the following morning the complainant produced the hat that she said that she had found in her room, and the defendant said that it was his hat.

For the Defense, J A M E S V E L L A T O testified that he was a shoe maker, and that he lived on the Boulevard. He was once arrested as a witness of a fight and was released the next morning. He had never been arrested charged with any crime. He did not enter the complainant's room on the night of the 28th of August and steal twenty dollars or any other property from her. He had never been in her room. The hat produced by the complainant in the Police Court was his

**POOR QUALITY
ORIGINAL**

0446

5

hat. He accounted for the complainant being in possession of his hat by the fact that he got drinking that evening with the proprietor of the boarding house in which she was employed, and that he did not know what he was doing and went away leaving his hat behind him.

Under Cross Examination, he testified that he left the boarding house to go home at about eleven or a quarter past eleven. He believed he left his hat on a chair in the boarding house. He went to his shop after he left the boarding house. He got home about midnight. He did not know the names of any of the men with whom he was drinking in the boarding house.

The Complainant, being recalled, testified that she received the twentydollars that evening from her employer.

G E O R G E G R A T I A a D I O testified that the defendant did not board with him, but came occasionally to get his meals. On the night in question the defendant was there until about midnight. He was drinking there with some other men--beer and wine. He went away about twelve o'clock. Two other men left with him at that hour. When the defendant left he had

**POOR QUALITY
ORIGINAL**

0447

his hat on. The hat that the complainant said she found was lying by her bed when he, the witness and his wife went into her room. His, the witness's, wife saw the hat lying upon the floor, and he, the witness, picked it up. The complainant was employed as a general servant, employed by the month. She was paid at the rate of seven dollars a month. She had been with him about three months when the defendant was arrested. He paid her two or three days before the burglary. He then paid her twenty dollars. He never paid her twenty dollars at once.

POOR QUALITY
ORIGINAL

0448

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 Varrato

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

James Varrato
of the CRIME OF BURGLARY IN THE ~~second~~ DEGREE, committed as follows:

The said *James Varrato*,

late of the *Second* Ward of the City of New York, in the County of New York
aforesaid, on the *twentieth* day of *August*, in the year
of our Lord one thousand eight hundred and eighty- *nine*, with force and arms, about the
hour of *two* - o'clock in the *night* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *Isabella Amato*,

there situate, feloniously and burglariously did break into and enter, there being then and there
some human being, to wit: *The said Isabella Amato*,

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

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

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

POOR QUALITY
ORIGINAL

0449

SECOND COUNT—

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

James Vellato
of the CRIME OF ~~Grand~~ LARCENY in the first degree, committed as follows:

The said James Vellato,

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 ~~mid~~ time of the said day, with force and arms,

The sum of Twenty dollars in money
lawful money of the United States
and of the value of Twenty dollars,
and divers articles of clothing and
merchandise, of a number and
description to the Grand Jury
aforesaid unknown, of the value of
Twenty dollars,

of the goods, chattels and personal property of one Isabella Amato,

in the dwelling house of the said Isabella Amato,

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 R. Halloway
District Attorney