

0754

BOX:

386

FOLDER:

3601

DESCRIPTION:

Ross, Charles

DATE:

02/11/90



3601

Witnesses:

Charles F. Fisher

Amie Hayes

Counsel, *Harold Fisher*

Filed

1890

day of

Pleas,

Guilty

THE PEOPLE

1890, 2nd, 1890

I

Charles Ross

Verdict in the THIRD DEGREE
(Section 498, 506, 528, 532 and 550)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Laura M. Keever

Foreman.

Part III February 14/90.

Verdict and Convicted

Recd. 3rd day

19

S. P. 3 yrs.

0755

0756

Police Court Third District

City and County } ss.:
of New York,

of No. 119 Suffolk Street, aged 34 years,
occupation Butcher being duly sworn

deposes and says, that the premises No. 119 Suffolk Street, 14 Ward
in the City and County aforesaid the said being a four story brick
dwellling house the store, the
second floor and two rooms
and which was occupied by deponent as a

and in which there was at the time ^{no} human being, by name in the room
entered

were **BURGLARIOUSLY** entered by means of forcibly opening
the door of the Bed room on
the top floor

on the 14th day of February 1889 in the Daytime, and the
following property feloniously taken, stolen, and carried away, viz:

One suit
of clothes the value of Twenty
five Dollars

the property of Robert Deitchman caught 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

Charles Ross (nowhere)

for the reasons following, to wit: About seven O'clock
a.m. on said date said
room was effectually locked
bolted, and closed, at half
past three O'clock on said
day the deponent saw said
Defendant coming out of
said premises and found
said property on the floor

0757

in the hallway of said premises, and Annie Kluges saw said Defendant with said property in his possession in said premises. Therefore Defendant now charges said Defendant with Burglariously entering said premises, and taking, stealing and carrying away said property and prays that he be dealt with as the law directs.

Subscribed to before me }
this 5th day of Feb 1890 }
Chas. H. Fischer }
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____ 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 mentioned, I order he to be discharged.

Dated _____ 188____ Police Justice.

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

0758

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 36 years, occupation Housekeeper of No. 119 Suffolk Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Chas H. Fisher
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me this 3
day of Nov 1887

Annie H. Hayes

Charles N. Linton

Police Justice.

0759

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thurgood District Police Court.

Charles Ross 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.

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.

Charles Ross

Taken before me this

day of

1894

Charles W. Fairbank

Police Justice.

0760

CITY AND COUNTY } ss.
OF NEW YORK, }

POLICE COURT, 3 DISTRICT.

Charles J. Fisher

of No. 119 Suffolk Street, aged 34 years,
occupation Butcher being duly sworn deposes and says

that on the 4th day of January 1880

at the City of New York, in the County of New York he Caused the arrest

of Charles Ross (now dead) charged
with Burglariously entering the
residence of deponent. Deponent
prays that the defendant be
held in order to enable deponent
to produce further evidence

Chas. J. Fisher

Sworn to before me, this

of

1880

day

Charles W. Martin Police Justice.

0761

Police Court-- 3 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Fisher

vs.

Charles Ross

Age 42. Res. 180 Park Row.

Dated January 4 1890

Jautis Magistrate.

Fellin Officer.

Witness,

Disposition,

#1000. for ex
Feb-5-90 9AM
CND

11 present

0762

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

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

Dated *Feb 5th* 188*90* *Charles N. Luntz* 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.

0763

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

B. 07
Police Court

3rd 217 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Char. F. Fisher
vs. Char. Ross
119 Suffolk St.

2

3

4

Dated

Feb 5th 1890

Magistrate

Successor of Sholey

12 Precinct.

Witnesses

No. 119 Suffolk Street.

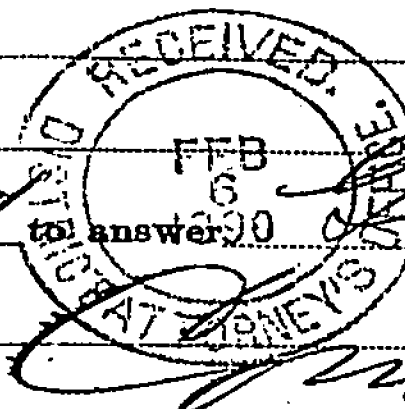
Annie Klages

No. 119 Suffolk Street.

No.

\$

1000 to answer 20



0764

COURT OF GENERAL SESSIONS.

Part III.

The People of the State of New York :
a g a i n s t : Before Hon. Rufus
C H A R L E S R O S S . : B. Cowing, and
: a Jury.

Indictment filed February 11th, 1890.
Indicted for Burglary in the Third Degree.

New York, February, 14th, 1890.

APPEARANCES: For the People, Assistant District
Attorney, Parker.

For the defendant: Mr. J. R. Hein-
zleman.

CHARLES F. FISCHER, a witness for the people, sworn
testified:

I reside at No. 119 Suffolk Street in this City.
I lived there on the 4th of February, this year. On
that day a coat and vest was taken from my premises.
The door of the room in which this property was, I had
locked. . One of the other tenants in the house, saw
this man going downstairs and the clothes were afterwards
found in the hall. He ran away but he was caught by
one of the people in the house. I identified the clothes
which were found in the hallway as mine. The defendant
was afterwards handed over to an officer.

0765

2

Cross examination.

The clothes did not belong to me, but to one of my workingmen, who lived there in one of my rooms. I could not say whether the front door of that house was open or not.

ANNIE CLAGES, a witness for the people sworn, testified:

I live at No. 119 Suffolk Street. I am a married woman. I saw this man on the 4th of February in the premises where I live at about three o'clock in the afternoon. I heard someone in the hall and I thought it was one of my friends and I called to her but got no answer. I then went out into the hall and I saw this man here with a bundle of clothes under his arm. I didn't say anything to him but I went downstairs and got another lady, and as soon as we went downstairs after him, he dropped the clothes and ran out. . I picked up the clothes which were in the hall and showed them to Mr. Fischer, and he identified them as the clothes of one of his men.

Cross-examination. This man was up one flight of stairs at the time I first saw him. The hall door was locked. It was the footsteps in the hall that attracted my attention. I am certain that this man had a bundle of clothes under his arm, and that he dropped them.

0766

3

JOHANNA MORGENWECK, a witness for the people, sworn, testified:

I live at No. 119 Suffolk Street. On the 4th of February I heard the last witness call me and I came out into the hall. I saw a bundle of clothes with this man as he came down-stairs. I afterwards saw the last witness pick them up. This man ran away as soon as we came down-stairs after him. The clothes were then taken to the Station House and we got an Officer and had this man arrested. I am certain that the halldoor was closed and locked.

JOHN SULLIVAN, a witness for the people, sworn testified:

I am an Officer of Police attached to the 12th Precinct. I arrested this defendant on the 4th of February this year. All the explanation he gave was that he was looking for a friend.

Cross-examination.

I didn't examine these premises at all. I searched the defendant, but I didn't find any skeleton keys or anything of that sort upon him.

CHARLES ROSS, the defendant sworn testified:

I am 42 years of age. I was arrested once for being drunk, about three or four years ago. I have never been arrested for anything else. On the 4th of February I was looking for a man whom I met while working on the subway. I went into No. 119 Suffolk Street in order to find him. I went up

0767

4

one flight of stairs and knocked at a door and nobody answered me. I was informed that this man lived at No. 119 Suffolk Street, and that is the reason I went there. I found the front door of the house open and I walked right upstairs. I knocked at three or four different doors, but I got no answer. When I was going down-stairs again one of these women grabbed me and said I was a thief. I told her I was no thief at all. I didn't take any of these clothes that have been spoken of. I didn't go into any room in that house. I never had any bundle of clothes under my arm at all.

Cross-examination.

The front door wasn't locked. I walked right straight in. I live in a lodging house at No. 180 Park Row.

CHARLES J. DUFFY, a witness for the defendant sworn, testified:

I am clerk in the lodging house spoken of by the last witness. He has been stopping at that house for six months. I think he is a good man. I have always found his behaviour quiet.

The Jury returned a verdict of " Guilty of Burglary in the Third Degree".

0760

Indictment filed Feb. 11-1890

COURT OF GENERAL SESSIONS

Part III.

The People &c.

against

CHARLES ROSS.

Abstract of testimony on

trial New York February

14th 1890 .

0769

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Ross

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

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said *Charles Ross*,

late of the *Seventeenth* Ward of the City of New York, in the County of New York
aforesaid, on the *fourth* day of *February*, in the year of our Lord one
thousand eight hundred and ~~eighty~~ *ninety*, with force and arms, in the
~~day~~ time of the same day, at the Ward, City and County aforesaid, the
dwelling house of one *Charles S. Fischer*,

there situate, feloniously and burglariously did break into and enter, with intent to
commit some crime therein, to wit: with intent, the goods, chattels and personal property
of the said *Charles S. Fischer*,
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.

0770

SECOND COUNT—

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

Charles Ross

of the CRIME OF Pelvic LARCENY, _____, committed as follows:

The said Charles Ross, _____

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 day _____ time of said day, with force and arms,

one coat of the value of fifteen
dollars, one pair of trousers of
the value of seven dollars, and
one vest of the value of three
dollars,

of the goods, chattels, and personal property of one Robert Dicks, _____

in the dwelling house of the said Charles F. Fischer _____

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.

0771

THIRD COUNT.

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

_____ *Charles Ross* _____
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows :

The said *Charles Ross*. _____

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

*one coat of the value of fifteen
dollars, one pair of trousers of the
value of seven dollars, and one vest
of the value of three dollars,*
of the goods, chattels and personal property of *Robert Dicks*.—

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen from the said *Robert Dicks*.—

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

— *Charles Ross*.—

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen), 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.

0772

BOX:

386

FOLDER:

3601

DESCRIPTION:

Ross, Thomas

DATE:

02/14/90



3601

Witnesses:

Charles F. Giddell

W. W. Giddell

J. W. Giddell

W. W. Giddell

Counsel,

Filed

14 day

of

Feb 1890

Pleads,

W. W. Giddell

THE PEOPLE

30

vs.

W. W. Giddell

Thomas Ross

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

JOHN R. FELLOWS,

District Attorney.

Feb 27 1890

A True Bill.

W. W. Giddell

Foreman.

Part III February 27/90
Pleads Assault 2d deg

S. P. 5 m. d.

0773

0774

Police Court—1st District.

CITY AND COUNTY }
OF NEW YORK, } ss.

of No. 197 South Charles Engdall Street,

being duly sworn, deposes and says, that
on Friday the 7th day of February
in the year 1888 at the City of New York, in the County of New York,
he was violently and feloniously ASSAULTED and BEATEN by

Thomas Ross (narrator)
who aimed a Revolving Pistol at
deponent, and discharged two shots
therefrom at deponent's person

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 8 day
of February 1888

H. Engdall
Attorney POLICE JUSTICE.

0775

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Thomas Ross 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.

Thomas Ross

Question. How old are you?

Answer.

30 years

Question. Where were you born?

Answer.

Norway

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

Answer.

96 Cherry Street 5 years

Question. What is your business or profession?

Answer.

Firman

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 don't know any thing about it.
T. Ross

Taken before me this

day of February 1899

A. M. Shuler

Police Justice.

0776

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of 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 July 8 1890 W. T. McDonough 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.

[illegible]

Residence.

2021

0778

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Thomas Ross

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

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

The said

Thomas Ross

late of the City of New York, in the County of New York aforesaid, on the
seventh day of February, in the year of our Lord
one thousand eight hundred and ~~eighty-ninety~~ eighty-ninety with force and arms, at the City and County

aforesaid, in and upon the body of one Charles Engdall
in the peace of the said People then and there being, feloniously did make an assault and

to, at and against him the said Charles Engdall
a certain pistol then and there loaded and charged with gunpowder and one leaden
bullet, which the said Thomas Ross

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 Charles Engdall

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

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

The said

Thomas Ross

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 Charles Engdall 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

Charles Engdall
a certain pistol then and there charged and loaded with gunpowder and one leaden bullet,
which the said Thomas Ross

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.

0779

BOX:

386

FOLDER:

3601

DESCRIPTION:

Rudolph, John

DATE:

02/05/90



3601

0780

BOX:

386

FOLDER:

3601

DESCRIPTION:

Saunders, Tony

DATE:

02/05/90



3601

0781

Witnesses;

Sam. Wing
Off. Sec. in

25 26

Counsel,

Filed

1890

Pleads,

THE PEOPLE

vs.

[Section 498, 506, 528, 548, 572.]
Burglary in the Third degree,
and Robbery

John Rudolph
and
Tommy Squanders

JOHN R. FELLOWS,

July 14, 1890 District Attorney.

pleads Burg. Bdg.

presented under arrest of July

A True Bill.

Lawrence W. Keener

July 17/90 Foreman.

same days

Chief of Constable of

Sam. Wing July

No. 1 Edward

July 21/90 3:45 P.M.

0702

Police Court— District.

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

City and County of New York, } ss.:
I am Wing
of No. 72 Mulberry Street, aged 24 years,
occupation Laundryman being duly sworn
deposes and says, that the premises No. 72 Mulberry Street, 6th Ward
in the City and County aforesaid the said being a tenement house the
ground floor of
and which was occupied by deponent as a laundry
and in which there was at the time a barn being for use

were BURGLARIOUSLY entered by means of forcibly breasting open
the front door

on the 26th day of January 1880 in the night time, and the following property feloniously taken, stolen, and carried away, viz:

A memorandum book and lawful money
of the value of about forty cents.

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

John Rudolph
Tony Saunders (both now living)

for the reasons following, to wit:

me
for the reasons following, to wit: That deponent securely locked and fastened the said store and said property was therein. Deponent is informed by Peter Devlin (now here) that he Devlin found said place broken open and the defendants therein and the said property in their possession.

San Wing

*The Horn & Lufen are
the only way to Greenland 1880*

0783

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 27 years, occupation Peter Devlin of No. 11th Avenue

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

Sworn to before me, this 27th day of January 1890

Peter Devlin

John J. Mann
Police Justice.

0784

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Toney Sanders 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.

Toney Sanders

Question. How old are you?

Answer.

19 years

Question. Where were you born?

Answer.

Italy

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

Answer.

81 Roosevelt Street one month

Question. What is your business or profession?

Answer.

Farmer

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
Toney Sanders

Taken before me this

27th

day of *January*

1890

John J. McManus
Police Justice.

0785

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

John Rudolff being duly examined before the under-
signed 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. *John Rudolff*

Question. How old are you?

Answer. *18 Years*

Question. Where were you born?

Answer. *Russia*

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

Answer. *53 Bowery 2 Months*

Question. What is your business or profession?

Answer. *Reddler*

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*
Yhan Rudolff

Taken before me this

27th

day of *January*

1890

John J. Therman

Police Justice.

0786

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 *Fifty* 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 *January 27th* 1890 *John J. Smith* Police Justice.

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

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

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

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

0787

\$1500 bail for Ex
2 PM Jan 29/
190

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court---

18th District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Sam King
22 Mulberry St
1. Joney Sanders
2. John Rudolff
3.
4.

Offence Burglary

Dated January 27th 1890

Chorman Magistrate.

Devlin Officer.

Precinct.

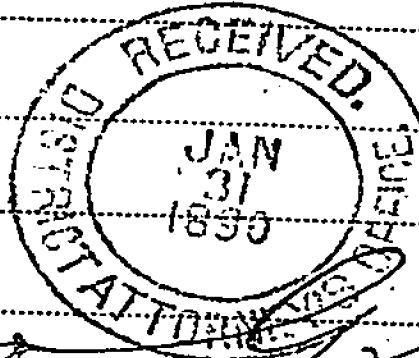
Witnesses _____

No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ 1500 to answer



CH

Wm P. P.

0788

2 1/90
The People
Long Saunders
jointly indicted
with

John Rudolph

Court of General Sessions. Part I
Before Judge Martine.
Monday Feb. 17th 1890.

for Burglary in the third degree.
Peter Devlin, sworn I belong to the
Sixth precinct and on the night of
the 26th of January I arrested Saunders
at 72 Mulberry St. at a quarter to ten
in the evening at a Chinese Laundry
on the ground floor. A lot of boys
came up and followed and one
of them told me something. I went
across the street and found the
door of 72 Mulberry St. I went in and
saw Saunders behind the counter.
I saw Rudolph run behind the door.
I ran to the door again and closed
the door and ~~stopped~~ called for assistance.
Rudolph ran behind the front
door to get out. The roundsman
came to my assistance and both
of us went in. The roundsman got
Rudolph and I took hold of Saunders
behind the counter where he dropped
under the counter. There was no-
body else in the place at the time.
I examined the door. The lock was
broken. I searched Saunders in the

0789

place. I found forty cents, three cuff buttons, a collar button and a Chinese bracelet. This white cuff button was found on the floor where the defendant was standing. The other three were in his pocket. I found the pocket book a little distance from his feet on the floor. I took him to the station house and the next morning to the Court. Before the Justice the defendant said the man sent him in there from No. 63 Mulberry St. The defendant was confronted with the complainant in the station house; he was shown the property and he identified it as his. Cross Examined. This was Sunday night when I arrested the defendant; he said a man sent him in there. When I first opened the door the defendant dropped down behind the counter and remained there. I did not talk to him until the roundman came. I watched him until the officer came. There was no light in the premises. I held the knob of the door while I called for assistance. It was not a minute before it came. There is only one door to

0790

the store and when I went in there that door was closed. There are windows there. I examined them and they were closed. I put my hand to the knob of the door, I turned it and it opened.

Sam King sworn. I live at 72 Mulberry St. in this city; my business is laundry. I remember it was a Sunday night when two boys were arrested for being in my place. I was not in the place when they came in. I was at Sunday school in Brooklyn half past two o'clock. I locked the door, put the key in my pocket and went to school in Brooklyn. What time did you get back? I got back about eleven o'clock. I went to see my friend. I came back to my place at eleven o'clock at night in 72 Mulberry St. I went into the laundry; the lock of the door was broken and the policeman was standing at my store. The memorandum book now shown me is mine; it was in my store when I went to Sunday School. The bracelet shown me is mine; it belonged to my mamma; it was given to me

at Christmas. It was left in the store when I went to Sunday School. I saw these buttons before; they belonged to my brother; they were left in my drawer. I am sure they are mine. My brother wanted to put on American clothes and he uses the buttons. I left one bill in the drawer. Cross Examined. It was the Holy Bible that I kissed a moment ago. I read it a little in Sunday School, and my teacher told me to pray to God. I believe in the God and the Jesus the Bible speaks of. The ticket now shown me is not mine. I did not give it to any one for some wash that was left at my place. I never saw these tickets before. The tickets are written in Chinese characters. The ticket did not come from my laundry.

Peter Devlin recalled by District Attorney. Q What ward in this city is 42 Mulberry st. A. The Sixth ward. That was the case for the people.

0792

Tony Saunders sworn and examined in his own behalf testified. How old are you? Nineteen. How long had you lived in the City of New York? I lived thirteen years in the City of New York and three years in Denver, Colorado. How long have you been in the City of New York? About six weeks, about nine weeks now. Do you remember the night you were arrested in this laundry? Yes sir. How did you happen to go in there? I was sitting in 63 Mulberry St. and I was talking to a couple of young fellows in there. I asked one of the young fellows to give me a cigarette. They were all smoking cigarettes. The young fellow said, "yes, I will give you a cigarette if you will go over and do me a favor." I said, "yes, if I can do it for you." He says, "Go and get my washing at the laundry." I said, "all right." He said, it was not far, it was on the corner. He gave me twenty cents to get his laundry. I don't know his name. How long do you know him? I just know him by sight about a week or ten days.

0793

He is the man who gave me the cigarette and he asked me to get his wash. I left the place to get it, he gave me 20 cents and the two tickets. I went in Sam ~~Wong's~~ laundry 72 Mulberry St. I opened the door and walked in. I took hold of the knob and opened it, and as soon as I got in the other fellow that was in there jumped up - the fellow who was arrested with me. I did not know him. He jumped up, he had something in his hand and threw it away. I said, "What is the matter?" He said, "nothing," he was kind of short-winded. I said, "Is the Chinaman in?" He said, "they must be back, and as soon as he said that, I started to walk out, and as soon as I walked out I met the officer; we faced each other. The officer says to me, "What are you doing in here?" I said I came in there to get washing. He says, "you came in here to get your washing." I said, "yes." He says to me, "Who broke in the door?" I said, "I don't know who opened the door, I came in after washing, a boy

0794

sent me from No. 13 Mulberry St. He rapped his club and there was another detective came there. I don't know his name and he arrested me. I heard him say that he found me behind the counter; that is not true. I was just opening the door when the officer arrested me. I did not have the bracelet and the books, I did not have anything at all. I had 70 cents in my pocket when I went into the place. They did not find the tickets on me. I told them in the station house I went in after my washing; they did not ask me for the tickets. The officer said, "you are a damned liar, you did not go in after your washing." I said, I did. He said, "you lie," and he went to hit me with the club. The tickets were in my pocket. I have never been in trouble before this arrest. My father and mother are in Denver, Col.; my father is a farmer. Cross Examined. I was in a restaurant in Mulberry St. talking to a couple of young fellows, I generally go there to eat. I have been three weeks in the

0795

Jumps and six weeks more in New York, nine weeks altogether. I was doing nothing here. I remember being asked in the Police Court to give an explanation of the charge made against me and I said "I am not guilty." I produced the tickets there. There was a kind of a light in the laundry when I went in. There was a big show window in the store. This was Sunday night and between nine and ten o'clock I know the young man by sight who sent me for the washing. I asked him how far it was, and he said right on the corner. He did not address me by name before that. Among the young men who were there smoking cigarettes was one whom I knew, but he was not the one who gave me the tickets. Before he gave me the tickets he gave me a cigarette. He said, "Tony, will you do me a favor? I said, "yes, if I can." He said, "will you go and get my washing?" I said, "I will if it aint far." He said, "it is right at the corner next to the Italian apple stand

0796

I knew the young man by sight seven or ten days.. I don't know whether those tickets were from a Chinese laundry or not. I don't know the name of the man who sent me to the laundry. I never went on such an errand before. He was not lame or sick, and he was sober. I have an uncle in this city. I have not had a lawyer until this morning.

The jury rendered a verdict of guilty of burglary in the third degree.

0797

Testimony in the
Case of
Tony Saunders

filed Feb. 1890

0798

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Rudolph and
Tony Saunders.*

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

John Rudolph and Tony Saunders

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

John Rudolph and Tony Saunders, both

late of the

Sixth

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

New York, aforesaid, on the *twenty-sixth* day of *January* in the year of
our Lord one thousand eight hundred and *ninety*, with force and arms, at the
Ward, City and County aforesaid, a certain building there situate, to wit: the *laundry* of one

Sam Wing

feloniously and burglariously did break into and enter, with intent to commit some crime therein,
to wit: with intent, the goods, chattels and personal property of the said

Sam Wing

in the said *laundry* 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.

0799

SECOND COUNT—

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

John Rudolph and Tony Saunders
of the CRIME OF *Petit* LARCENY committed as follows:

The said

John Rudolph and Tony Saunders 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 book of the value of ten cents
and divers coins of the United States
of a number, kind and denomination
to the Grand Jury aforesaid unknown,
of the value of thirty cents*

of the goods, chattels and personal property of one

Sam Wing—

in the *laundry* of the said

Sam Wing—

there situate, then and there being found, *in* the *laundry* 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. Fellows,
District Attorney*

0000

BOX:

386

FOLDER:

3601

DESCRIPTION:

Russell, James

DATE:

02/24/90



3601

Witnesses;

Harry Blackburn
off. Allen

222
County

Counsel, *Det*
Filed *27* day of *Feb* 1890
Pleeds, *W. J. Russell*

THE PEOPLE
James Russell
(2 copies)
Emergency in the first degree.
[Section 496 Code.]

JOHN R. FELLOWS,
District Attorney.
Spent provided of
Aug 1 day.

A TRUE BILL.

James McKeever
Foreman
ready March 5th
20 Apr 1890
Elmer A. [illegible]
March 12th 1890
9.5.0

0001

0002

61415
22/90

THE PEOPLE

vs.

JAMES RUSSELL.

COURT OF GENERAL SESSIONS, PART I.

BEFORE JUDGE FITZGERALD.

Friday, March 14, 1890.

Indictment for burglary in the first degree.

Asst. Dist. Atty. Bedford for the People.

Mr. Ambrose Purdy for the Defendant.

A Jury was empannelled and sworn.

Mr. Bedford opened the case for the People.

George Schramm sworn and examined.

By Mr. Bedford. Q. Mr. Schramm, where do you live, sir.

A. I live right in the same building on the ground floor.

By the Court. Q. Where do you live, what number.

A. No. 1513 First Avenue.

By Mr. Bedford. Q. You live at 1513 First Avenue.

A. Yes sir.

Q. How long have you been living there.

A. For this last six years.

Q. What is that building, how many stories is it.

A. It is a four story building.

Q. Who lives there, a number of men, women and children beside yourself.

A. Yes sir.

Q. How many.

A. There is seven families in the house.

Q. Seven families in the house.

A. Yes sir.

Q. Where is your room in this house.

A. Mine is on the ground floor in the rear of the store.

Q. The ground floor in the rear of the store.

0003

A. The ground floor.

Q. That is your dwelling apartment is it, your room.

A. Yes sir.

Q. In other words, here is the hall, you are on one side of it, your sleeping apartment and your store is on the other.

A. Yes, is on the other.

Q. What time did you go to bed that night.

A. That is the time when I have been in bed, I have been in bed since the 3rd of January, I was not able to go out when this happened.

Q. Were you awakened at the time.

A. I was awakened.

Q. You got up.

A. I got up, my wife ----

Q. What did you do after you were awakened by the noise.

By the Court. Q. You were awakened by a noise, were you.

A. Yes sir, as soon as we heard the knock of Mr. Allen the policeman, my wife got up right away as I was not able to get up, I was sick with pneumonia. So Mr. Bernard he lived upstairs you know, he gave the answer and the officer thought it was me, it was not myself and so he got down stairs and he found two men in the store, the officer and Mr. Russell the Defendant.

B Q. Can't you tell us what you saw.

A. I was sleeping in the house, I was in bed sick.

Q. You were in bed and you heard the knocking at the door, you did not get up, you remained in bed, your wife got up.

A. My wife got up.

0004

Q. You did not rise at all did you, you did not get up.

A. No, I was not able to.

By Mr. Bedford. Q. You are the owner of that store which is in the building, in the same building where you lodge.

A. Yes sir.

Q. What was the property in there if any, in the store.

A. Well, there is about six thousand dollars.

Q. What did it consist of, what was it.

A. Well, in money and stock, there is a safe where I keep the money in, papers and everything.

Q. There was about six thousand dollars worth of property in that store that night you were sleeping there, is that so.

A. Yes sir.

By the Court. Q. What was the property, what kind of a store do you keep.

A. It is a liquor store.

Q. This property consisted of liquors and segars.

A. Liquors, segars, etc.

Q. And money did you say.

A. Yes sir.

Q. Money in the safe.

A. Money in the safe.

Q. About how much money was there there on this night.

A. That night I could not tell.

Q. There was liquors, cigars and money there.

A. Yes sir.

By Mr. Bedford. Q. As I understand it the liquor store and your dwelling is in the same building, No. 1513 First Avenue.

A. Yes sir.

Q. And in that same building seven families sleep above the

0005

store.

Q. Who do you rent the store from?

A. Yes sir.

A. From Threlk.

Cross Examined.

Q. Now what is a flat house?

By Mr. Purdy. Q. This is what is known as a flat house, isn't it

A. Yes, sir.

Mr. Schramm.

Q. How many families?

A. A flat.

Q. Who is the owner?

A. George Ehret.

Q. George Ehret the brewer is the owner of the flat house.

A. Yes sir.

Q. These other seven families have rented separate apartments

as flats.

A. Yes sir.

Q. And they each have a door, an outside door leading into the

A. I am not sure.

halls, do they?

Q. You have a diagram of the premises, is that correct?

A. Yes sir.

Q. Will you kindly look at this (showing diagram to the witness)

and say whether you can say whether that is a fair plan of

these premises, I will explain it to you.

A. Yes sir.

Q. This is a fair diagram is it, of the premises in question.

A. Yes sir.

Q. Yes sir.

By Mr. Bedford. Q. (Pointing to diagram.) This is the entrance to

the house through which the members of the seven families

must go through, it is your entrance to your home also and

apartments, your private flat of seven rooms.

to your saloon as well as other entrances, that was one of

A. Yes sir.

Q. the doors that was broken that night was it, is that the

A. Yes sir.

Q. This door marked A is the door leading into your

front door, the main entrance for all the families.

A. Yes sir, that is the one.

Q. This door marked B is the door leading to the hallway.

Mr. Purdy: That is conceded.

A. Yes sir.

0006

Q. Who do you rent the liquor store of.

A. Mr. Ehret.

Q. How much rent do you pay for it.

A. Fifteen hundred dollars for the ground floor.

Q. Have you a partner.

A. Yes, I have a partner also -- fifteen hundred dollars a year for the store and my apartments, for the ground floor and basement.

By the Court. Q. You rent the apartments and stores together.

A. Yes sir.

By Counsel. Q. Do you and your partner rent them together.

A. I have no partner, I am alone.

Q. You are all alone.

A. I am all alone.

Q. You were sleeping this night when you heard the policeman knock at the door, were you.

A. Yes sir.

Q. Then you woke up .

A. Yes sir.

Mr. QPurdy: I offer that diagram in evidence.

The Court: Is there any objection?

Mr. Bedford: No sir.

The Court: Mark it Defendant's Exhibit I.

By Mr. Purdy. Q. This door marked A is the door leading into your apartments, your private flat of seven rooms.

A. Yes sir.

Q. This door marked B is the door leading into the saloon.

A. Yes sir.

Q. This door marked C is the outer door to the hallway.

5 A. Yes sir.

0007

Q. This door marked E is the inside door of the vestibule.

A. Yes sir, the second door, the vestibule door.

By Mr. Bedford. Q. You have to open the vestibule door and the front door to get into your apartments.

A. I have to open three doors.

By Mr. Purdy. Q. This hallway is the general hallway leading to all the apartments in the house.

A. Yes sir.

Henry Kloppenburg sworn and examined.

By Mr. Bedford. Q. Mr. Kloppenburg, where do you live.

A. No. 1500 Boulevard.

Q. You are the manager I believe of Mr. Schramm the gentleman who has left the witness box.

A. Yes sir.

Q. And who has a liquor saloon on the ground floor and seven rooms his apartments on the other.

A. Yes sir.

Q. Were you at No. 1513 First Avenue on the evening of February 4.

A. I was, the evening of the 3rd.

Q. You being his manager, he was unable at that time to attend to his business by reason of sickness.

A. That is so.

Q. You as manager took care of his business, did you not.

A. I did.

Q. What time did you leave that saloon No. 1513 First Avenue and what did you do to the saloon door, the vestibule door

0000

and the door which is the public entrance at the time of your leaving, if you did anything to those doors.

A. We close business at twelve o'clock sharp and it generally takes about fifteen minutes to get all the doors of the place locked.

Q. What doors did you yourself lock, if any.

A. I locked three doors, the store door, the vestibule door and the hall door --- five doors I locked.

Q. This diagram is correct. (Showing diagram to the witness).
Now sir, you are the manager of Mr. Schramm, this is the restaurant as I understand it and that is his apartment.

A. Yes sir.

Q. Did you lock door B.

A. I did, sir.

Q. It is the door to the saloon.

A. It is.

Q. Did you lock door E which is the vestibule door.

A. I did sir.

Q. Did you lock door C which is the front door.

A. I did, sir.

Q. As I understand it that is the door which is the only entrance for the seven families to go upstairs.

A. Yes sir.

Q. You swear to this Jury that in the neighborhood of twelve or half past twelve o'clock you yourself locked those three doors.

A. I did, sir.

By the Court. Q. How about the front door.

A. The front door leads to the avenue.

By Mr. Bedford. Q. In other words you secured all the doors of the

0009

premises according to your usual custom that night?

A. I did, sir.

Q. You are sure it was that night in particular.

A. I am positive I did.

Q. Every door through which a burglar could get.

A. Yes sir, every door.

Q.

Henry Bernard sworn and examined.

By Mr. Bedford. Q. Mr. Bernard, where do you live in this city.

A. No. 341 East 78th Street.

Q. Were you in the building.

A. I was, sir.

Q. On the night in question.

A. Yes sir.

Q. Did you see the prisoner at the bar there.

A. I seen him handcuffed to the officer in the saloon.

Q. You saw this James Russell handcuffed.

A. Yes sir, that man there. (Pointing to the Defendant.)

Q. In the saloon.

A. Yes, in the saloon.

Q. Who was in the saloon at the time.

A. The officer and Mr. Schramm's wife.

Q. The officer and Mr. Schramm's wife.

A. Yes sir.

Q. Were you present when he made any threat to the officer.

A. I was asleep in my room, it was a little after two o'clock
I should judge because I have one clock and the other is an

0010

alarm clock, I let it go a little fast, I heard a rap on the stairway and not knowing what it was I got up and looked at the time, I listened again and there was more raps, I got to the door and I says, "who is there." Somebody said, "the officer wants someone to come woen at once, there is a building broke in"; I says, "wait a minute and I will come down"; I went back in my room and dressed myself as soon as possible, I came down stairs and saw the prisoner at the bar handcuffed to the officer in the saloon; after that the wife of the owner of the saloon opened the side door and the officer went out into the street, I with him.

Q. And who else.

A. The officer handcuffed to the prisoner and I with him into the street.

Q. What occurred after you left the premises and while in the street.

A. While on the corner the officer who was whistling for an officer to come and rapping he says, "you had better go for an officer", I ran as hard as I could up Second Avenue or rather up 79th Street to Second Avenue along the avenue as far I think as 82nd Street, I saw an officer talking to a man, I halloed to him, "Officer Allen wants you in 79th Street and First Avenue."

Q. You halloed and the officer came.

A. Yes sir.

By the Court. Q. You spoke to the officer.

A. The officer ran, the two of us ran back to where Officer Allen was.

By Mr. Bedford. Q. What occurred after you and the officer got

0011

back to where Officer Allen and this man the Defendant, were.

A. We got to the corner, we saw no Allen and no prisoner, he had already gone to the Station House., he was not on the corner.

Q. You came back and they were not there.

A. No sir.

Q. What did you next do, if anything.

A. We stood there and the first thing we heard was rapping on the sidewalk.

Q. Then what occurred.

A. The Officer says, "come, let us run up."

Q. Did you run up .

A. Yes sir, we did.

Q. Where did you run to.

A. To 82nd Street and First Avenue.

Q. To the Station House.

A. No sir, to the middle of the street.

Q. What did you discover.

A. The prisoner lying in the street unconscious at 82nd Street and First Avenue.

Q. And who else was there.

A. Officer Allen and Mr. Malone I think his name is, I am not acquainted with him, I am not acquainted with that gentleman, and the Officer and some milkmen I suppose they were, there was lots of people standing around, I suppose they were milkmen that hour of the morning.

Q. After you were there what did you see.

A. Somebody brought a lamp, we hunted around and we found a pistol on the street all broke in two, different pieces

08 12

though in one place. At the time the man was lying on the sidewalk I says to the officer "Officer, there is a "jimny" in his pocket."

Q. Did you see the jimny taken from him.

A. I saw the jimny taken out of his pocket.

Q. Is that the jimny that you saw taken out of this man's pocket. (Showing it to the witness.)

A. Yes sir, that is the jimny.

Q. And that is the pistol that was found. (Showing pistol.)

A. Yes sir, that is the pistol. From there the man became unconscious, we got a hand-cart and took him to the Station House; at the Station House that part of the rule was found in his pocket.

Q. This part of the rule. (Showing it to the witness.)

A. I will show it to you, this one here.

Q. Broken in that way.

A. Yes, broken in that way; after he was put at the bar Officer Allen and I both went back and I went in Mr. Schramm's apartments, he being sick with pneumonia, and I stayed up all night with the officer to mind the place; the light in the place shown ^{on} on the floor, I says to the officer, "there is the other part of the rule that was found in his pocket."

Counsel: I move to strike that out.

The Court: Yes, strike it out.

By Mr. Bedford. Q. What did you find in the saloon if anything.

A. The place broken open.

Q. What did you find on the floor.

A. That portion of the rule.

0013

Q. And that is the balance of this rule that you took from his pocket.

A. Yes sir, I didn't take it.

Q. It was taken in your presence from him.

A. Yes sir.

Q. What else was there.

A. We went back again and we stayed in the saloon that night.

Q. Describe the condition of that saloon what you found.

A. The front door was bursted open, the vestibule door was broken open and the jamb of the saloon door was taken away.

Q. Did any marks appear on those doors.

A. Every door that I came to.

Q. What kind of marks were on them.

A. Marks I should judge of a jimmy.

Q. Of a weapon like that. (Showing the jimmy to the witness.)

A. Yes sir, and the doors are not in order since.

Q. I believe you stated now the substance of all the facts that you know.

A. I know I have.

By the Court. Q. This house 341 East 79th Street, is that the same house as 1513 First Avenue, that being the street number.

A. Yes sir.

Q. That is the house you were asleep in.

A. Yes sir.

Q. What floor.

A. The floor above the saloon.

Q. That is the second floor.

A. I always called it the first, one pair of stairs up.

08 14

Cross Examined by Mr. Purdy.

Q. You rent the flat there do you, you live with your family.

A. Yes sir, I live there with my wife, mother-in-law and brother-in-law.

Q. Mr. Schramm has the flat on the first floor.

A. On the first floor, back of the saloon.

Q. Your flat is above his.

A. Part of it runs above his apartment and part of it is over his saloon.

Q. You rent your flat of Mr. Ehret.

A. I don't rent the flat at all, my wife has had all that business to do, it is rented I suppose from Mr. Ehret or his agent.

Q. You say you found the doors broken open, do you understand this diagram. (Showing the diagram to the witness.)

A. I could if I looked at it.

Q. That is correct, is it.

A. I don't know what you want to get at.

By the Court. Q. Do you understand the diagram.

A. I do not understand the diagram.

Counsel for the Defendant explained the diagram to the witness.

Witness: I found the doors C, E and B, the door B being the one leading into the liquor store, broken in.

Q. When you left the prisoner and the officer on the sidewalk he was handcuffed to what officer, Officer Allen.

A. To Officer Allen.

Q. The next time you saw him he was senseless.

A. He was still handcuffed to the officer but senseless on the ground.

08 15

By Mr. Bedford. Q. By door C you mean the front door on the street.

A. The front door on the street.

Q. By door E you mean the vestibule.

A. The inside vestibule door.

Q. And door B is the liquor store.

A. Yes sir.

By the Court. Q. The apartment that you occupy in that house and this liquor store and the apartments occupied by the other tenants and the apartment occupied by Mr. Schramm, are they all in the one building.

A. All in the one building.

Q. All under the one roof.

A. All under the one roof.

Q. And that building is ~~at~~ 1513 First Avenue.

A. No. 341 79th Street.

Q. In this city.

A. Yes sir.

By Counsel. Q. But they are distinct and separate apartments rented to different tenants.

A. Yes, flats to different people.

Q. I say they are distinct apartments.

A. Different apartments rented to different people.

Q. Each constituting an apartment of itself, a kitchen, a dining room, bed rooms, etc.

A. Yes sir.

By the Court. Q. And one stairway going through the house.

A. One stairway going through the house and one general entrance.

By Counsel. Q. Only one.

A. That is all I know of, that is all I ever heard of.

0016

Q. Can you say that there is any other entrance to the house.

A. Not that I know of, I have not been down stairs any further.

Christopher P. Malone sworn and examined.

By Mr. Bedford. Q. Now Mr. Malone, where do you live.

A. No. 1513 First Avenue.

Q. In this city.

A. This city.

Q. Were you there on the night of this burglary.

A. I was on my way home.

Q. You were on your way home.

A. Yes sir.

Q. And did you arrive at No. 1513 First Avenue before or at the time of this burglary.

A. I had got past it.

Q. After it happened or before.

A. About the time that it occurred.

Q. Well, what did you do when it was brought to your notice.

A. It was brought to my notice in this way --- I heard the rap of the officer's club.

Q. Hearing that, what did you do.

A. I went across the street to where I heard the rap -- seeing the officer and having a casual acquaintance with him.

Q. By the way, was it Officer Allen.

A. I did not know that his name was Allen, I know him as an officer, I know him now as Allen, I did not then.

Q. You met Officer Allen, then what.

A. He had the prisoner Russell, a handcuff as you call it, on the prisoner's right hand, and I says, "what is the matter, Eddy?" He did not respond, he rapped a second or third time and the officer from the lower precinct ---- 79th St. is the dividing line between the two precincts --- an officer came up and Officer Allen then requested the officer that responded to the rap --- he says. "you mind that store while I take this man up to the house; at the consent of Officer Allen I accompanied him.

By the Court. Q. Did he request you to accompany him.

A. Well no, I asked him, I says, "will I go up with you, Eddy?" He says, "yes"; that is consent. On the way to the Station House we had got as far as the northwest corner of 82nd Street and First Avenue; as we were about to step up on the north curb the prisoner having his hand in the left side overcoat pocket, pulled out his hand and made at the officer. I, not knowing what ----

Counsel: I object.

By the Court. Q. Tell us what he did.

Objected to. Objection overruled. Exception.

A. If I have been called as a witness I would like to answer what the Officer ----

Q. You can only answer what I will allow you to --- you let the lawyers put the questions and you answer the questions

A. Excuse me.

By Mr. Bedford. Q. I ask you as a witness to tell this Jury everything that you heard and saw done in the presence of James Russell.

By the Court Q. You are at 82nd Street and First Avenue.

A. Yes sir; the prisoner withdrew his hand from the left overcoat pocket, I being on the right of the Officer at the time grabbed at his hand and in so doing got the revolver.

By Mr. Bedford. Q. Is that the revolver. (Showing a revolver.)

A. It has not been in my possession since, I could not say that it is, it was a five chambered revolver, I grabbed the revolver, the hammer of it cutting my hand which prevented the explosion I believe of the cap; the next instant the three of us were in a heap on the sidewalk, the Officer gaining his feet first; he pulled out his stick and as he had it in his right hand he struck the prisoner three or four times and in one of those blows he evidently loosened the chamber of the revolver; as I placed the revolver in my pocket and on looking at it again the chamber was not in it. He then rapped for assistance again and several responded, two or three policemen being with him and one of the men having a lantern in his hand. So I took the lantern, I says, (Today, the chamber must be in it for he never pulled it out empty, we will see if we can find it); and about three yards distant from where the man lay we picked up the chamber with one cartridge in it then; we picked up the chamber of the revolver and the Officer says, "here, give me that"; I handed it to him. In looking again at the man the left arm dropped one side and from the inside pocket of the coat I took out a jimmy or a chisel, a tool.

Q. Is that it. (Showing witness the jimmy.)

A. That looks like it; as I said before, it has not been in my possession, I could not swear -- that looks like it, yes sir.

Q. After you took that from him and after you managed to save this man's life by striking your finger on this ----

Objected to. Objection sustained.

Q. What happened then.

A. As I said, two or three officers with a few other people responded and a hand wagon was procured and the prisoner taken to the Station House. While in the Station House they searched him and found a paper of tobacco and some small change and part of a rule, those were taken out of his pocket.

Q. Does that look like the rule. (Showing a portion of the rule to the witness.)

A. I think that is the piece.

Q. You think so.

A. Yes sir.

Q. Go on, after the rule was taken from him and the paper of tobacco and some change, what next was done.

A. Well, in the meantime an ambulance had been summoned and he was taken from the Station House to the hospital, I think. After a while the officer returned from the Station House to the saloon, I in his company; we entered the saloon, it was then in charge of an officer, the officer that responded to the rap, and I looked at the doors, particularly the inside door attracted my attention as part of the casing was away from the wall altogether, that is the upper part of the casing on the right hand side as you go out of the store.

By the Court. Q. Is that the door leading into the saloon.

A. Yes sir, into the saloon from the hall.

0020

By Mr. Bedford. Q. Did you examine the other doors, the front door and the vestibule door.

A. Yes sir.

Q. What were their condition.

A. They were marked with something like a flat instrument.

Q. An instrument like that would be apt to make such marks, such an instrument as that. (Showing jimmy to the witness).

A. Yes, I rather think the upper end.

Q. Rather this end than that.

A. Yes sir. We remained in the saloon until the bartender came in the morning about five o'clock and then the officer came out and I went upstairs and went to bed, I live across the street, No. 1516.

Cross Examined.

By Counsel. Q. You did not see but one jimmy there, did you.

A. That is all.

Q. You took it out of this man's pocket yourself.

A. Yes sir.

Q. The last gentleman says he took one out, did you see him take any jimmy out of the man's pocket.

A. No sir.

Edward Allen sworn and examined.

By Mr. Bedford. Q. Now, Officer Allen, what precinct do you belong to.

A. The 27th.

Q. What time on February 4th did you go on your patrol duty for the night.

0821

A. Twelve o'clock midnight.

Q. And when did that patrol cease.

A. Six o'clock A.M.

Q. In other words, you started out on February 4th to patrol this city as a police officer from twelve until six o'clock

A. Yes sir.

Q. Where were you about the hour of two o'clock on that morning, or rather night.

A. Well, I was walking on the west side of First Avenue between the hours of two and 2.15.

Q. While you were walking you had your uniform on just as you are now.

A. Yes sir.

Q. Did anything attract your notice as an officer while you were walking in that neighborhood.

A. Yes sir. As I was passing the northwest corner of 79th Street, the saloon owned by George Schramm, I heard a noise like the breaking of doors, I went around to the side entrance leading to the living apartments and found that the outside door and the vestibule door was broken open, I went into the hall and found that the rear door leading to the saloon had been broken open and the Defendant standing about seven feet inside of the saloon; he let on as though he was drunk at the time and I went over to him and caught hold of him; he asked me what I would have; I told him I would have him. I then brought him to the front of the store at the bar and placed him against the bar, I put my hand in my pocket and drew out my nippers and placed them on his right wrist, I then brought him to the rear again to

0822

Mr. Schramm's living apartment and rapped at the door with my club, having him with the nippers all the time. Mrs. Schramm got up and came out and I heard somebody upstairs, of course I found out that it was Henry Bernard after; he came down stairs and I told him to go after a policeman to Second Avenue and he ran up after a policeman; I then took the prisoner to the sidewalk and rapped for assistance there and two policemen from the 25th precinct came there and I told one of them for to mind the store while I took the prisoner to the Station House and the rapping drew the attention of a few and among them was Mr. Malone; Mr. Malone says, "Eddy, will I go up with you?" ~~He~~^I says, "yes"; as we got to the northwest corner of 32nd Street and First Avenue the prisoner drew the revolver and punched me in the lip with it and just snapped it as Mr. Malone grabbed it with his right hand and with the force of the punch of the end of therevolver it staggered me and ~~th~~th drew the prisoner and the three of us flat together; I got up first and he had the revolver still in the left hand, I struck the revolver and knocked the chamber out of it and then hit him three times, once over the face and twice over the head and he was unconscious on the street.

Q. Is that the revolver. (Revolver shown to the witness.)

A. Yes sir.

Q. Just show this jury how he pointed it at you, did he grab at the pistol and step out that way.

A. He did it that way and he grabbed it this way. (Illustrating.)

Q. Where, pointing at your head.

0023

A. Yes sir, he struck me first in the lip.

Q. Then how soon after striking you in the lip was it before he pointed it at you.

A. Just immediately.

Q. You heard the snap.

A. Yes sir.

Q. Go on, then you struck him and knocked him senseless.

A. Yes sir; then I rapped again and two or three officers came and we placed him in a hand-cart that lay in front of a hardware store and rolled him to the Station House; an ambulance was then summoned and the doctor dressed his head and he was taken to Bellevue Hospital.

Q. Did you ever see that before. (Showing a jimmy.)

A. Yes sir; when he lay on the ground the jimmy stuck out of his inside overcoat pocket and I think Mr. Malone, I am pretty sure it was him, put his hand down, I was kind of excited at the time, and took the jimmy out and handed it to me, I know he handed me a revolver.

Q. The jimmy that this gentleman took from the inside overcoat pocket of this man was handed to you and you have had it in your possession ever since.

A. Yes sir.

Q. And this is the jimmy that you saw taken from him.

A. Yes sir.

By the Court. Q. Did you examine the revolver.

A. Yes sir.

Q. In relation to the cartridges --- describe the condition of the revolver when you made the examination.

A. When I examined the revolver there was nothing only one blank cartridge left in the chamber. In the meantime

0024

while I was up to the Station House waiting for the ambulance to come and before I got back to the saloon, the street sweepers came through the street and swept the street, it was a sort of a rainy morning .

Q. Tell us the condition of the revolver.

By Mr. Bedford. Q. When you examined it was it loaded or unloaded.

A. It was unloaded.

By the Court. Q. How about the cylinder, was that in it.

A. The cylinder was not out of that revolver, it is broken at present.

By Mr. Bedford. Q. Did you strike the revolver with your club, at the time he pointed it at you.

A. Yes sir, this is broken here. (Pointing to the revolver.)

Q. How many cartridges were in it when you picked that pistol up after knocking it and breaking it.

A. Nothing, only that empty shell.

Q. Where did you find these. (Showing cartridges to the witness)

A. I found these in 32nd Street on the street.

Q. How near the place where he fell and where the pistol was knocked from his hand.

A. Well, about I should judge, seven or eight feet.

Q. Do those cartridges fit the revolver.

A. Yes sir.

Q. As I understand it when he pointed that pistol at you you up with your club and knocked the pistol out of his hand.

A. I knocked the barrel out of the chamber.

Q. You used such force as broke the chamber.

A. Yes sir.

Q. On your return back you tell this Jury that within seven or

0025

eight feet of where you struck that pistol out of his hand when it was being pointed at your head, you picked up those cartridges which fit the chambers of that pistol.

A. Yes sir.

Cross Examined.

By Mr. Purdy. Q. I show you this diagram, here is the door leading into this flat house.

A. Yes sir.

Q. It is a four story flat house. is it not.

A. Yes sir.

Q. And this is door C, inside is another door, door E is the vestibule door, is that right.

A. Yes sir.

Q. Here is door B leading into the saloon from the hallway.

A. Yes sir.

Q. Now you found doors C and E open.

A. Yes sir.

Q. And the door B broken in.

A. I found C, E and B broken in.

Q. And the prisoner inside of the liquor store.

A. Yes sir.

Q. About six feet from the door.

A. About six or seven feet.

Q. Here is door A leading to Mr. Schramm's flat.

A. Yes sir.

Q. You rapped at this door did you A, after you arrested the prisoner.

A. Yes sir.

Q. Then Mrs. Schramm unlocked the door and came out, didn't she.

0026

A. Yes sir.

By Mr. Bedford. Q. What ward is this house in.

A. Then 19th ward.

By the Court. Q. The 19th ward of the city of New York.

A. Yes sir.

Mr. Bedford: The People rest.

Counsel: So do the defence also.

I ask your Honor to advise the Jury on this evidence to acquit the prisoner of the charge of burglary in the first degree.

The Court: I will deny the motion, Mr. Purdy:

Counsel: Note my exception.

I ask your Honor on this evidence to advise the Jury to acquit the prisoner of burglary in the second degree.

The Court: I will deny the motion.

Counsel: Your Honor will note our exception, and that is all.

Mr. Bedford: I submit the case, your Honor.

Counsel: I ask your Honor to advise the Jury that those apartments in this flat are separate and distinct apartments by themselves and that the breaking of any outer door is not burglary in its first or second degree.

The Court: The case of the people against Quinn ----

Counsel: I have examined it very carefully, that is where there was only one tenant in one house, here is five different tenants in different houses.

The Court: In the case of the People against Quinn it appeared on the trial that the portion of the building which was broken was used as a bar-room, that no person lived or

0027

slept in that room; that the owner of the bar-room lived over the store adjoining and that there were other people living in other parts of the building all under the same roof ---- that is the language of Judge Dyckman.

There was no summing up by Counsel on either side, the case having been submitted under the charge of the Judge.

*The jury rendered a verdict
guilty.*

*2/23/1906
James
C. Dyckman
Jury
1/23/1906*

0020

50

Testimony in the
case of
James Russell

filed
Feb. 1890

Lithospermum

၇. အကျဉ်းချုပ်

THE GOVERNMENT PRINTING OFFICE: 1964

ENCLOSURE NO. 1

LOCAL - - - - - OFFICE IN THE TOWNSHIP OF THE DISTRICT.

TRAFFIC IN OPIUM. LIST OF THE PRINCIPAL SITES WHERE THE

[illegible]

APPEAR TO HAVE LOOKED, AND THE OWNER OF THE BUS-LOOK TRUCK

100-443887-100

0029

FINDLER & WIPER, Stationers and Printers, 140 Nassau Street, N. Y.

STENOGRAPHER'S MINUTES.

Court of General Sessions
Part 4

The People
v.
James Russell

BEFORE

His Honor Judge Fitzgerald

March, 1890

WITNESSES

Direct. Cross. Re-Direct. Re-Cross.

The Judge's Charge

[illegible]

0030

COURT OF GENERAL SESSIONS,

Part I.

Before Judge Fitzgerald.

Friday March 14, 1890

-----x
The People x

-vs- x

James Russell. x

x Indictment for burglary in
the first degree.
-----x

J U D G E ' S C H A R G E .

Judge Fitzgerald charged the Jury as follows:-

Gentlemen of the Jury:-

The defendant at the bar is charged in this indictment with committing the crime of burglary in the first degree; and I will read to you the statute defining what burglary in the first degree is. I will read the entire section relating to that offense. " A person, who, with intent to commit some crime therein breaks and enters in the night time the dwelling house of another in which there is at the time a human being, first, being armed with a dangerous weapon; second, armed himself therein with such a weapon--that is, going in unarmed, but finding

0031

2

some weapon in there and arming himself with it--;third, being assisted by a confederate actually present, if two men or more than two men were engaged in the crime, it would not make any difference whether or not they were armed with a dangerous weapon; fourth, who while engaged in the night time in effecting such entry or committing any crime in such building, or in escaping therefrom assaults any person is guilty of burglary in the first degree. The evidence here is that the house, 1513 First Avenue in this city, part of which house was occupied by Mr. Schramm, the complainant, occupying it partly as a liquor store, a place for the transaction of his business and partly as a dwelling house, a place for himself and his family to live in--the dwelling house being across the hall from where the liquor store was at a rental of \$1500 a year; that on the night in question Mr. Schramm was sick with pneumonia and was asleep in bed, if not asleep was in bed in his apartments; that at that time his property consisting of stock and money was in his store, that this store was locked by Mr. Kloppenberg, who was the manager of the store, at about twelve o'clock at night--the doors leading into the street on the avenue and

0032

3.

on the side street being closed, the door leading into the hall of the building being closed and the inner vestibule door and the outer hall door of the building being closed at that hour by Mr. Kloppenburg himself before he went home--that is the evidence. He locked up that place and those premises on that night. Now, Mr. Bernard tells you that he lived in that house, he was under that roof on that night, that he heard some noise, that he came down stairs, that he saw this deponent at the bar, handcuffed to the officer in the saloon. Then he mentions a number of other things that occurred that you will recollect about their leaving the saloon and his going after another officer, the finding of the jimmy and the revolver and a rule in the manner in which it was found, a portion of it being found, as I remember it, in the pocket of the defendant at the station house, and the other portion which is put in here being found subsequently in the store. Then Mr. Malone tells you that he lived across the way on First avenue, that he was on his way home about 2 o'clock that he heard the rapping of the officer's club, that he crossed the street in the direction from which the rap came, that he saw officer Allen with whom he had a previous acquaintance and that Allen had at that time the

0033

4

prisoner handcuffed to him. He asked him what was the matter that he rapped, and another officer came; that he put that officer in charge of the saloon and that he and Malone started for the station house with the defendant. Then he told you what occurred on the corner of 82nd street and First avenue in relation to the revolver. He furthermore testified to the manner in which he saw the jimmy end to the manner in which the different portions of the revolver became broken and separated, in some way, in this fight, and to the manner in which different portions of it were found. He also tells you when he came back to the house he noticed the condition of the door, he noticed that the front door and the vestibule door bore marks of such an instrument as is produced here and that the inner door of the saloon had part of the casing torn off. The next witness called is officer Allen, an officer who certainly appeared on that night to have performed his duty very faithfully. He says that he went on duty at 12 o'clock at night--his tour of duty was to last from 12 o'clock at night until 6 o'clock in the morning--that in about the neighborhood of 2 o'clock that he was on the west side of First avenue, that being part of his post, and that he heard a noise around the corner, and

0034

5

that he went around to the private entrance of this house 1513 First avenue which is on 79th street, that he found the doors leading into that house burst open, the outer door and the vestibule door were broken open, and the door leading from the hall into the liquor store; that he went into the liquor store and that he found the defendant there, and that the defendant assumed to be drunk, and asked him among other things what he would have; that then he put him under arrest and put the handcuffs on him that he took him to Schramm's place across the hall, and that he left an officer in charge of the store and that he started for the station house along with Malone and the defendant, and he describes to you what happened at 82nd street and First avenue. Now, gentlemen of the jury, is that evidence true, do you believe that evidence? "A person who with intent to commit some crime therein breaks and enters in the night time a dwelling house, in which there is at the time a human being--" Did this defendant with intent to commit some crime break and enter in the night time? That is a question of fact for you to determine. Was it or not a dwelling house of another in which there was at the time a human being?

0035

5

that he went around to the private entrance of this house 1513 First avenue which is on 79th street, that he found the doors leading into that house burst open, the outer door and the vestibule door were broken open, and the door leading from the hall into the liquor store; that he went into the liquor store and that he found the defendant there, and that the defendant assumed to be drunk, and asked him among other things what he would have; that then he put him under arrest and put the handcuffs on him that he took him to Schram's place across the hall, and that he left an officer in charge of the store and that he started for the station house along with Malone and the defendant, and he describes to you what happened at 82nd street and First avenue. Now, gentlemen of the jury, is that evidence true, do you believe that evidence? "A person who with intent to commit some crime therein breaks and enters in the night time a dwelling house, in which there is at the time a human being--" Did this defendant with intent to commit some crime break and enter in the night time? That is a question of fact for you to determine. Was it or not a dwelling house of another in which there was at the time a human being?

0036

6

Was he armed at the time with a dangerous weapon? That is a question of fact for you to determine from this evidence. Was it the dwelling house of another, was there a human being at the time in the dwelling house, was the defendant armed with a dangerous weapon because it is not claimed here that he was accompanied by a confederate? If these facts are established to your satisfaction beyond a reasonable doubt, then, the contention of The People is made out. If upon any one of these questions of fact you do entertain a reasonable doubt, it is your duty to give the defendant the benefit of that doubt. You can convict him under this indictment of the crime of burglary in the first degree, or the crime of burglary in the second degree, or of the crime of burglary in the third degree, or you can acquit him. Burglary in the second degree is defined thus-"A person who with intent to commit some crime therein breaks and enters a dwelling house in which there is a human being under circumstances not amounting to burglary in the first degree, that is, not being armed with a dangerous weapon, and not arming himself therein with such weapon, and not being assisted by a confederate actually present, and not being done in the night time, that constitutes

0037

7

burglary in the second degree. Burglary in the third degree is where a person with intent to commit a crime therein breaks and enters a room or any part of the building with intent to commit a crime." The law requires that I should instruct you, but the mere fact of this defendant not taking the stand in his own behalf, is a circumstance that must raise no presumption against him. That is a right for him to exercise or not as he sees fit; the mere fact of his not doing it, raises no presumption whatsoever against him.

MR. MCLAUGHLIN:

I desire to except to so much of your Honor's charge as relates to burglary in the first degree.

THE COURT:-

All right. Your verdict, gentlemen of the Jury, will be guilty of burglary in the first degree, guilty of burglary in the second degree, guilty of burglary in the third degree, or not guilty.

The Jury rendered a verdict of guilty of burglary in the first degree without leaving their seats.

THE COURT:--I think that, gentlemen, was very properly and very promptly found. (to counsel) Do you wish a remand.

MR. MC LAUGHLIN: If your Honor please until Tuesday.

0038

8

Tuesday, March 18, 1890.

James Russell, was placed at the bar for sentence.

MR. PURDY: I move for a new trial on the ground that the verdict is against the evidence, and on the ground that the evidence did not sustain the verdict of burglary in the first or second degree, and on the exceptions taken to your Honor's ruling, and to your Honor's charge during the trial.

THE COURT: I deny the motion.

MR. PURDY:- Note my exception. In this case I have little to say, except as to the character of the defendant. He never was arrested for any crime before, nor charged with any offense. He has been a hard working man has got out of employment and engaged in crime. The case was presented to the jury and to your Honor as one of very great aggravation. Of course all cases of crime are aggravating. To sum it all up in a single word, this man broke into a tenement house for the sake of getting into the liquor store. He did not intend to break into any sleeping apartments, and as matter of fact, he did not break in. As to that pistol affair, he is indicted for that. Your Honor heard the testimony on that. Unless that is to be taken into consideration on the sentence, I think

0039

9

the indictment against him ought to be dismissed. I have a witness in Court who has known him. Would your Honor care to see him? He has a word for him. I could have brought others, but I suppose it is not necessary. The prosecution has not furnished you any evidence as to his character, he has not been arrested before.

The witness was called up and examined by the Judge.

THE COURT: Russell, in your case, you were convicted in my judgment very properly and very promptly by the jury on a very serious crime; and the manner in which it was perpetrated indicates to my mind that you are a man of desperate character and dangerous to the community. At 2 o'clock in the morning you broke into this house, a house occupied by a number of people, broke in the front door, through the vestibule doors, and then broke into this liquor store, and that at the time of that breaking you were armed with a jimmy, and besides you were armed with a revolver. Officer Allen, who in my judgment is entitled to very great credit for his conduct on that occasion, was going along First avenue, and he was attracted by the noise of this breaking, this moulding falling off the door in some way, and he went round and got

0040

10

in the store and arrested you. You were then being taken by him around to the station house, and fortunately for him a neighbor who happened to be out that night accompanied him and you to the station house, and on the way to the station house, at 79th street and First avenue you drew your revolver on the officer and snapped it at him. By some good fortune and by the activity of this Mr. Malone the officer's life was saved. You are to be congratulated that you are not here to answer with your life, because that inevitably would have been the consequence if the act that you then intended had been carried out. The officer overpowered you, the revolver was broken, the cylinder knocked out, and some of the cartridges that were in the revolver fell out, and a little while after that they came back and on the spot after you were disposed of, they found these cartridges and they fitted exactly the cylinder of that revolver. I do not know any worse case of burglary than that that you have attempted to commit. I have not been placed in possession of any reliable information that would warrant me in concluding that you had been before convicted of crime. If it was your first attempt at crime, you certainly attempted a very aggravated form of offense. The

0041

11

punishment must necessarily be severe, but the presumption that you have not been convicted heretofore will be taken into consideration by me. If I was satisfied that you had been convicted of an offense similar to that before, I would take occasion, as far as it lay in my power, to deny you the power of ever committing it again. The sentence of the Court in your case is, that you be imprisoned in the States Prison at hard labor for twenty years.

0042

POOR QUALITY
ORIGINAL

*The People
v
James Russell*

STENOGRAPHER'S TRANSCRIPT.

Burlington 1st Dec
189

*The Courts
Charge
and Proceedings
before Judgment*

0843

Depts Sec Gen
State Prison
Mch 29/94



The People
v
James Russell

Court of General Sessions
Judge's Chambers
32 Chambers Street

Burglary
1st Degree

Minutes of the
Evidence

Letter of Hon. C. H.
Van Buren - P. J.
Supreme Court of
June 22/94

0844

Feb 24 1890

0045

Vannemora
 CORRESPONDENCE
 DEPARTMENT
 Clinton Prison

Mar 29th 1893.

To the Hon^{ble} Judge Fitzgerald:
 Honored Sir, I make bold
 to address this letter to you, in hopes
 of receiving assistance from you in
 the form of "Justice".

I was tried, convicted,
 and sentenced in the month of
 March 1890. I received my sentence
 from you. I was indicted for
 Burglary in the first degree,
 and you sentenced me to serve
 the term of twenty (20) years in
 States Prison.

My Counsel, (Mr. Turdy)
 who defended me, emphatically stated
 at my trial ~~that~~ also after I was
 convicted, that it was a judicial
 error in my being indicted for Burglary
 in the first degree, as the case
 called for nothing above Burglary
 in the third degree.

Now Judge, my Counsel knew
 I was a poor man; but he ad-
 vised me to raise enough money
 to Appeal my case, and said
 that he was positive if my case

0046

received another hearing I would never be convicted on the charge of Burglary in the first degree, but that he would clearly prove that my offence was but the third degree.

Your Honor knows that it takes money to Appeal a case. I am a poor man as I have stated before, and the only true friend I have in the world is my wife and she done all in her power for me at the time, she got the synopsis of the case from the stenographer; but for want of means couldn't go further. The old saying is: trouble never comes singly; for right after my conviction my daughter died, and another child of mine - a boy - met with a serious accident. Having had his arm broken in three places. So you can see by this statement, that my only friend (my wife) was prevented from aiding me, by misfortune after misfortune falling on her.

Judge, I have received a long and unjust sentence, I do not wish you to labor under the belief that I am trying to make you think I'm an Innocent man - No I am guilty; But I'm not guilty of Burglary in the first degree - nor not even to an attempt in the first.

I was captured in the act of burglarizing a "Store", no one occupied or slept in this store after it was closed for the night. I acknowledge opening the "Hall" doors of the "Tenement" house in which this store was, I then forced the side door leading into said store, I was then interrupted and arrested by a policeman.

Now, Honored Sir, - I am not forcing myself on your notice as a reformed criminal; for whatever I am - I'm not a hypocrite, neither do I mention my wife, and her misfortunes, in hopes of sympathy, but only for the purpose of showing the impossibility of a person in the position I am placed in of obtaining Justice

0048

If I had to have been justly delt with, I would never have been indicted for any higher degree than Burglary in the 3rd

Your Honor, I have no friends, no money, You have the reputation of being the most lenient, also the ^{most} just of any of the criminal Judges who occupy the bench in New York city. If this rumor is correct, I will hope and expect you to look my case up, and if there is any hope for me in the form of a commutation of this long and unjust sentence I hope you will kindly inform me.

At any rate I beg of you to give me an answer to this appeal so that I will know just how I stand and what to expect.

I close and remain

Respectively James Russell;
Dannebora, Clinton Prison.
Prison Number 2058.

0049

CORRESPONDENCE
DEPARTMENT

Memorial

City Prison.

To the Honorable Jas. Fitzgerald, - July 24-94. N.Y.
Judge of Court of General Sessions,
New York, N.Y.

Dear Sir;

I scarcely know in what manner to address you the following letter in order to thoroughly explain how thankful I feel for the interest you have taken in regard to seeing that I would have the benefit derived from the opinion of the higher courts regarding my case. I only hope and pray for the account of my wife and child that you will allow sympathy to mingle with sentiment in the adjudication of the matter to greater extent than the Police expected would be shown me when they had written on my commitment papers "make a case of this." Why they were so anxious to make a case is easily explained, to wit, on or about the time of my arrest numerous robberies had taken place in the 27th precinct the Police were unable to discover the perpetrator and the daily press had called attention to the matter. My conviction vindicated Captain Connors.

Since my imprisonment, which dates back four years, I have met many cases similar to mine but in no instance

do I find such a severe sentence as was imposed on me, mainly for the reason that in undoubted cases of burglary in first degree the perpetrators have invariably been allowed to plead to burglary in second degree; while others guilty of second and third degree offenses - which I maintain should have been the degree my indictment should have called for - generally escaped with from a two to seven year sentence.

During your illness my lawyer was willing that I should plead guilty to burglary in second degree but, District Attorney Bedford, to use his own words "wanted to prosecute this case." consequently I was compelled to defend myself against the injustice of being tried for burglary in first degree when the facts of the case clearly prove it to be a second degree offense.

Trusting you will make ample allowance for my presumption in addressing to you the foregoing letter and take into consideration my present circumstance and position and from your long experience in

0051

The District Attorney's office. you will not be unwilling to concede that what I have stated is suggestive of the manner in which the police and that office discriminate

I am without a vestige of hope for the future except what is to be derived from the decision which will be arrived at in this case. I am aware that the whole case hinges on whether my crime was burglary in first degree; my lawyer, Mr. Hardy, contended that the verdict of the jury was not in accordance with the evidence. and I have been unable to proceed further with the case until the receipt of your letter gave me renewed hope.

Trusting that you will accord me whatever legal redress I am entitled to, I remain,

Yours very respectfully

Geo. Russell

Clinton Prison.

2058. Dannemora
N.Y.

0052

From
Jas Russell
Clinton, N.Y.

File with papers.

0853

*Supreme Court,
Judges Chambers.*

New York, June 22, 1894.

My dear Judge:

I have looked over the papers submitted to me by you this morning in reference to the case of James Russell, convicted before you of burglary in the first degree and sentenced to the state prison. It is claimed by him that he was not guilty of burglary in the first degree because the house into which he broke was the outer door of a tenement house, and it was with the intent of getting into a liquor saloon in which there was no person at the time.

By the statute, a person who, with intent to commit some crime therein, breaks into and enters in the night time the house of another in which there is at the time a human being, being armed with a dangerous weapon, is guilty of burglary in the first degree.

It is urged by the prisoner that this was not a dwelling house within the definition of the statute, being a tenement house. It is certainly not the intention of the statute to exempt such houses from its protection. Because several families dwell within the walls of a building, it is no less a dwelling house than if it were occupied by one family. The object of the statute is to make the crime applicable to the entering into those places which are accustomed to be inhabited

0054

when there are some persons therein; and it is evident that a tenement house is a building of the character contemplated by the statute. It certainly would not be contended for a moment ^{but} that if the prisoner had broken into a room in a house which was occupied by a family as their dwelling he would be within the purview of the statute. What difference, therefore, does it make when he breaks in an outer door, whether the interior is occupied by one or more families.

It is to be observed that the accompaniment of the crime, in some ~~thing~~ of its features, is, that the person entering shall be armed with a dangerous weapon, or shall arm himself therein with a dangerous weapon. From a consideration of this language it is apparent that the fact that the burglar is liable to meet human beings and to make use of his weapons to facilitate his escape forms one of the ingredients of the crime as defined by the statute. In the case at bar the prisoner was armed. He entered a building which was occupied by several families as a dwelling, and after his arrest attempted to use his weapon.

There seems to be no escape from the conclusion that he was guilty of burglary in the first degree, and that he was willing to take human life in order that he might escape after he had been detected. Such characters do not seem to deserve very much consideration at the hands of the court or of the community.

Yours very truly,

W. H. Bruce

0855

Police Court— District.

City and County } ss.:
of New York, }of No. 1513 1st Avenue Henry Kloppenburg Street, aged 24 years,

occupation Manager being duly sworn

deposes and says, that the premises No. 1513 1st Avenue Street, Ward

in the City and County aforesaid the said being a five story brick flat-

house. George Schramm liquor saloon & dwelling house.

and which was occupied by ~~deponent~~ as a and in which there was at the time a human being, by name George Schramm

were BURGLARIOUSLY entered by means of forcibly prying open

the hall and vestibule doors leading from the

street into the hallway of said premises and the

door leading from said hallway into the said

George Schramm liquor saloon with a jimmy

on the 4th day of February 1890 in the Night time, and the

following property feloniously taken, stolen, and carried away, viz:

a quantity of liquors and cigars and
money all of the value of at least one
thousand dollars.

the property of George Schramm and in deponent's care and

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

James Russell. (narrated).

for the reasons following, to wit:

that at about the hour of

12.30 o'clock A. M. February 4. 1890 said

doors were securely locked and fastened and

said saloon closed for the night.

Deponent is informed by Officer Edward

Allen of the 27th Precinct Police that at about

the hour of 2 o'clock A. M. said date he

the Officer heard the noise of the breaking

of the door leading from the hallway into said

0056

saloon. that he the Officer then went into said
premises through the hall door and into the saloon
through said door which he the defendant had
forced open. and that he the Officer found the
said defendant in said saloon. and that
when he the Officer searched the defendant
he found a jewelry and a loaded revolver;
pistol in his possession.

Wherefore deponent charges the said defendant
with Burglary, entering said premises
as aforesaid with the intent to steal. And
may he may be held and dealt with on the
law directs.

Sworn to before me } Henry Koppelman
this 12th day of Feb'y 1898

Wm. J. Justice
Justice

Dated _____ 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

_____ of the City of New York, until he give such bail.
I have admitted the above named

_____ 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, _____	Office—BURGLARY.
THE PEOPLE, &c., on the complaint of	1. _____ 2. _____ 3. _____ 4. _____
Dated _____ 1888	Magistrate.
_____	Officer.
_____	Clerk.
Witness, _____	_____
No. _____	Street, _____
No. _____	Street, _____
No. _____	Street, _____
\$ _____	to answer General Sessions.

0057

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward Allen

aged _____ years, occupation Police Officer of No.

27th Precinct-Park Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Henry Koppelman

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

12

day of

Feb

1880

Edward Allen

Henry Koppelman

Police Justice.

0050

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Russell 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.

James Russell

Question. How old are you?

Answer.

31 years old

Question. Where were you born?

Answer.

South Carolina

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

Answer.

106 St 2 Mrs

Question. What is your business or profession?

Answer.

Steam fitter

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 Russell

Taken before me this

188

Police Justice.

0859

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 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 July 12 1890 Henry J. Murray 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.

0060

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

315
Police Court--- 246
District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Koppfening
1513 1st Ave
James Russell
1
2
3 - 2 indictments
4
Officer J. J. Langley

Dated July 12 1880

Murray Magistrate.

Edward Allen Officer.

27 Precinct.

Witnesses Edward Allen

No. 27 Precinct-Prison Street.

Henry Bernard

No. 1513 1st Ave Street.

George Schumann

No. Christopher Maslow Street.

2500

Edward

0061

STATE OF NEW YORK
Executive Chamber
ALBANY

January 25/1900 1899.

Dear Sir:

Application for Executive clemency having been made on behalf of James Russell who was convicted of burglary 1st in the County of New York and sentenced March 18. 1890 to imprisonment in the State Prison for the term of 2 years

I am directed by the Governor respectfully to request that in pursuance of Section 695 of the Code of Criminal Procedure, you forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of enquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

Hon. Asa Bird Gardiner
District Attorney
New York

Wm. J. Youngs
Private Secretary.

0062

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 Russell

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

James Russell

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

The said *James Russell*,

late of the City of New York, in the County of New York aforesaid, on the *fourth* day of *February*, in the year of our Lord one thousand eight hundred and eighty *eighty* with force and arms, at the City and County aforesaid, in and upon the body of one *Edward Allen*, in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Edward Allen*, a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *James Russell* 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 *attempt to* shoot off and discharge, with intent *him* the said *Edward Allen*, 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

James Russell

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

The said *James Russell*,

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 *Edward Allen* 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

Edward Allen a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said *James Russell*

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 *attempt to* 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.

Witnesses:

off Allen

Counsel,

Filed

day of

1889

Pleads,

Offspring 20

THE PEOPLE

vs.

I

James Russell
(2 cases)

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

JOHN R. FELLOWS,

District Attorney.

A True Bill.

James W. Keen

Foreman.

By the 1st

March 14th

G. L. D.

0063

0064

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 Russell

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

James Russell
of the CRIME OF BURGLARY IN THE *first* DEGREE, committed as follows:

The said *James Russell*,

late of the *5th* Ward of the City of New York, in the County of New York
aforesaid, on the *fourth* day of *February*, in the year
of our Lord one thousand eight hundred and *ninety*, 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 *George Schramm*,

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

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

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away; *the said James Russell being*
then and there armed with a dangerous
weapon, to wit: with a certain pistol
then and there charged and loaded
with gunpowder and lead;

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. Kellom,
District Attorney

0065

BOX:

386

FOLDER:

3601

DESCRIPTION:

Ryan, Edward

DATE:

02/13/90



3601

0066

Witnesses:

Joseph Somaran

144

Counsel,

Filed

13 day of July 1890

Pleads,

Chiquita

THE PEOPLE

vs.

R

Edward Bryan

(2 cases)

ASSAULT IN THE THIRD DEGREE
(Section 219, Penal Code).

John R. Fellows

District Attorney.

A True Bill.

Foreman.

Complaint set to the Court
of Special Sessions.

Part III, February 26, 1890.

0067

Police Court— District!

CITY AND COUNTY
OF NEW YORK

of No. *Seventh Avenue* Street, aged *34* years,
occupation *Police Officer* being duly sworn, deposes and says, that
on the *4* day of *February* 189*9* at the City of New York,
in the County of New York,

he was violently ASSAULTED and BEATEN by *Edmond Ryan*
(now here), who struck *deponent*
a violent blow on the face
with his clenched hand and
did resist arrest.

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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this

day of

February 189*9*
Charles N. Luntz

Robert Fitzgerald

Police Justice.

Robert Fitzgerald

0060

INFORMATION CUT
OFF AT BOTTOM
EDGE

0069

Sec. 192-200

CITY AND COUNTY }
OF NEW YORK, } ss.

3 District Police Court.

Edward Ryan 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.

Edward Ryan.

Question. How old are you?

Answer.

21 years.

Question. Where were you born?

Answer.

California

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

Answer.

417 Water Street. 2 years.

Question. What is your business or profession?

Answer.

Boiler - 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.
Edward Ryan

Taken before me this

day of February 188

Charles J. De

0870

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 son
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 July 5 1888 Go. Charles H. Smith 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.

0071

1-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

229 District.

THE PEOPLE, &c
ON THE COMPLAINT OF

1
2
3
4

Dated

Magistrate

Officer.

Precinct.

Witnesses

No.

No.

No.

\$

FEB 10 1890

Street.

to show

RA.

0072

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Edward Ryan

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

Edward Ryan

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

The said

Edward Ryan

late of the City of New York, in the County of New York, aforesaid, on the *fourth*
day of *February* in the year of our Lord one thousand eight hundred and
ninety at the City and County aforesaid, with force and arms, feloniously made
an assault in and upon one *Robert Fitzgerald*

then and there being, a *patrolman* of the Municipal Police of the City of
New York, and as such *patrolman* being then and there engaged in the lawful
apprehension, of *him*, the said *Edward*
Ryan;

and the said

him, the said

Edward Ryan
Robert Fitzgerald
then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent
then and there and thereby to prevent and resist the lawful *apprehension*
of *him*, the said *Edward Ryan* as aforesaid,
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.

Witnesses;

off. Fitzgerald

160

1437 *Kenny*

Counsel,

Filed 18th

day of Feb 1890

Pleads,

Guilty

THE PEOPLE

*23rd Foreman
417 Clem. R*

Edward Bryan

(2 cases)

Assault in the Second Degree
(Resisting Arrest.)
(Section 218, Penal Code.)

me

17th Dec 1890
JOHN R. FELLOWS,

District Attorney.

Off. Sec. June 1890
Special Process

A True Bill.

James McKee

Foreman.

Park III June 12/90

Fried and convicted

Assault 3rd deg.

June 13/90
pen 6 mo.

0073

0074

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Edward Ryan

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

Edward Ryan

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

The said

Edward Ryan

late of the City of New York, in the County of New York aforesaid, on the *fourth*
day of *February* in the year of our Lord one thousand eight hundred and
~~eighty-ninety~~ *at the City and County aforesaid, in and upon the body of one Joseph*
Donovan in the peace of the said People then and there being, with force
and arms, unlawfully did make an assault, and *him* the said *Joseph*
Donovan did then and there unlawfully beat, wound and ill-treat, to the great damage
of the said *Joseph Donovan* 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.

0075

BOX:

386

FOLDER:

3601

DESCRIPTION:

Ryan, Patrick

DATE:

02/07/90



3601

0076

BOX:

386

FOLDER:

3601

DESCRIPTION:

Edwards, Frank

DATE:

02/07/90



3601

0077

Plead guilty to P.D. on
and indict. R.B.M.

Witnesses:

Thomas Corroy
J. Mulligan

59
2 cases

Counsel,
Filed
Pleads,
7 day of
1890
J. J. McGuire vs

THE PEOPLE

vs.
Patrick Ryan

Frank Edwards
(2 cases)

JOHN R. FELLOWS,
District Attorney.

Sentenced on another
indictment.
A TRUE BILL.

James McKee

Feb 10/90 Foreman.

James Gaulty
Ben 1 year
Feb 14/90 R.B.M., '16

Observe justice
Section 517, Penal Code

0078

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Patricia Ryan
and Sandra Ramon*

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

Indictment accuse *Patricia Ryan and Sandra Ramon*

of a Misdemeanor,

of the crime of

committed as follows:

The said *Patricia Ryan and Sandra Ramon*

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

first day of *January* in the year of our Lord one thousand

eight hundred and eighty-*ninety*, at the City and County aforesaid,

*did unlawfully have in their possession
with intent to sell and to show, direct
to wit: five obscene, lewd, lascivious, filthy
indecent and disgusting pictures and
drawings representing dress naked men
and women in dress lewd, lascivious,
indecent and disgusting attitudes and
postures, which said pictures and drawings
are so obscene, lewd, lascivious, filthy, indecent
and disgusting that a more particular
description of the same would be offensive
to the court here and improper to be*

0079

spread upon the records thereof, wherefore
the Grand Jury aforesaid do now more
particularly describe the same in this
indictment; against the form of the
Statute in such case made and provided,
and against the peace of the People of
the State of New York, and their dignity

John R. Mellow,

District Attorney

0000

BOX:

386.

FOLDER:

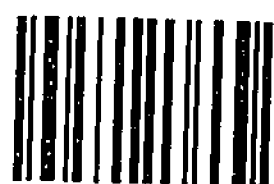
3601

DESCRIPTION:

Edwards, Frank

DATE:

02/07/90



3601

0001

BOX:

386

FOLDER:

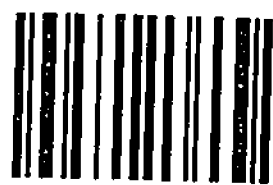
3601

DESCRIPTION:

Ryan, Patrick

DATE:

02/07/90



3601

22880

Police Court--- 209 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Conway

Patrick Ryan

Paul Edwards

3

4

Offence

Alcohol & Drunken

Dated

July 3

190

Magistrate

William L. Lynam

Officer

Prisoner

Witness

James & Mullin

No.

100

Street

No.

100

Street

No.

100

Street

No.

100

Street

No.

100

Street

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

No. 5, by

Residence

Street.

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

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.

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

Dated 18 18

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

Dated 18 18

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

Police Justice.

0003

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police

Frank Edwards 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. *Frank Edwards*

Question. How old are you?

Answer. *23 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *3 Bowery 6 Months*

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. *Am not guilty*

Frank Edwards

Taken before me this

day of *February* 1890

John J. McDonald

Police Justice

0004

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Patrick Ryan 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 *h* 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. *Patrick Ryan*

Question. How old are you?

Answer. *19 Years.*

Question. Where were you born?

Answer. *Ireland*

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

Answer. *152 Second Street 4 Years.*

Question. What is your business or profession?

Answer. *Butler*

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*

Patrick Hannan

Taken before me this

day of *July* 189*9*

H. H. H. H. H.

Police Justice.

0005

CITY AND COUNTY }
OF NEW YORK, } ss.

aged years, occupation *Fabrizio Mullin* of No.

1000

Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Thomas Courcy*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

188

Fabrizio Mullin

A. J. Mullin

Police Justice.

0005

Police Court,

District.

City and County } ss.
of New York,

of No. 198 North Street Brooklyn Street, aged 15 years,
 occupation Class being duly sworn, deposes and says,
 that on the 1st day of February 1890, at the City of New
 York, in the County of New York,

Patrick Ryan & Thos. Edwards
 (both now here) did unlawfully
 have in their possession for the
 purpose of showing and selling
 a number of obscene & lewd
 and filthy pictures or drawings
 from the fact that on said date
 deponents saw the said defendants
 acting in concert together on
 South Street that the said Ryan
 was exhibiting a number of obscene
 pictures thereby causing a crowd
 to collect and offering the same
 for sale, that deponents saw
 the said defendants walking
 along South Street in company
 with each other, and that the
 said Ryan offered five cents
 for the sum of ten cents
 Dependent is informed by Officer
 Mullin that he arrested the
 said defendants and found
 in the possession of the said
 Edwards a number of obscene
 pictures, Dependent therefore prays
 that the said defendants may
 be dealt with as the law directs

Sworn before me } Thomas Courney
 this 3rd day of February 1890
N. J. Mulvaney
 (Notary Public)

0007

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 Clegmunds

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, Each 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 1890 W. W. Mahon 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.

0000

Police Court---

209 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas Conway

vs.

1 *Patrick Ryan*

2 *Frank Edwards*

3

4

Offence *absent in Court*

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *July 3* 18*90*

W. M. Mahan Magistrate.

William H. Lawrence Officer.

4 Precinct.

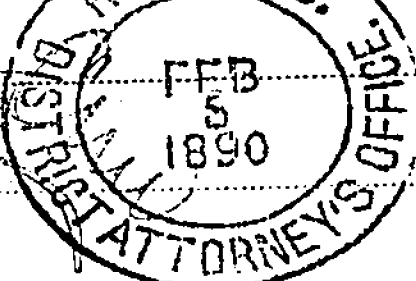
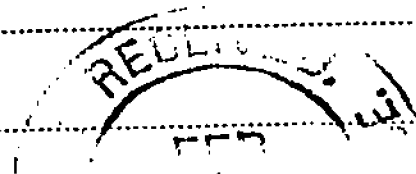
Witnesses *Lawrence & Mullin*

No. *1th Beacon* Street.

No. Street.

No. Street.

\$ *500* S.



0009

BOX:

386

FOLDER:

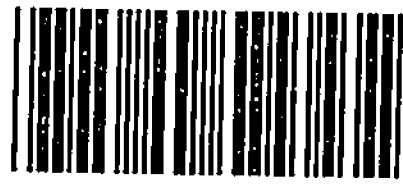
3601

DESCRIPTION:

Ryder, Nicholas P.

DATE:

02/24/90



3601

Witnesses:

off O'Tole

234.
Counsel
Filed
Pleads, *Why guilty, April 13*

23 *W 5th* *B*
37th *Salmon*
THE PEOPLE

vs.
Nicholas P. Snyder
Grand Larceny, Second Degree.
[Sections 528, 531 — Penal Code]

JOHN R. FELLOWS,
District Attorney.

April 9th 1890. tried

A TRUE BILL.

James H. Hester

Foreman.
Part III May 1900
tried and convicted -
Attorney *W. H. 2^d deg.*
with record *no former*
Sentence *provided.*
P.B.M.

0090

0091

GET A CERTIFIED COPY OF THE TRANSCRIPT OF
CONVICTION FROM CHIEF CLERK OF GEN. SESSIONS COURT.

NICHOLAS P. RYDER, arrested in a gambling house Feb. 12, 1890
by Sergeant P. O'Tool. Was taken before Magistrate McMan, where he pleaded "not guilty" but was held under \$500. bail.
J. Ryder became bondsman, 1st. Dist. Court. Indicted Feb. 24, 1890, and later convicted of Grand Larceny, 2nd. Degree for attempting to take \$69.00.- Sentence Suspended by Judge Mulqueen. Tried by Ass't. Dist. Att. Jerome.

0092

Police Court

District.

Affidavit—Larceny.

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

William O'Toole
of No. 300 Mulberry St. Central Office Street, aged 47 years,
occupation Sergeant of Police being duly sworn
deposes and says, that on the 11th day of February 1889 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property, viz:

Good and lawful money of the
United States of the value of
Sixty nine Dollars

the property of the care and charge 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

Nicholas P. Ryder and Pier
Jayamus (both now here) for the reasons
that on said day deponent was entrusted
with a search warrant to search the
premises 522 Sixth Avenue, a place
used for gambling purposes. Deponent
in pursuance to said warrant took
possession of all of the paraphernalia
and apparatus in said premises.
Deponent shortly after taking possession
saw the defendant Ryder sitting
at a table near a drawer therein
and saw him reach over and open
said drawer and saw him hand
something over to said Jayamus

Sworn to before me this
day

188

Police Justice.

0093

who also reached therefor but ~~and~~ it
fell on the floor and deponent
picked it up and found it to be
the above sum of money.

Wherefore deponent charges the defen-
dant with acting in concert in the
commission of said larceny.
Sworn to before }
this 12th February 1890 } William O'Dool

W. F. McMahon
Police Justice

0094

Sec. 198—200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Nicholas P. Ryder 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. *Nicholas P. Ryder*

Question. How old are you?

Answer. *23 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *373 West 52^d Street*

Question. What is your business or profession?

Answer. *Salesman*

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*
Nicholas P. Ryder.

Taken before me this

12th

day of *February* 189*0*

Wm. Nichols

Police Justice.

0095

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Pier Jayenue

being duly examined before the under-
signed 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 h ~~im~~; that the statement is designed to
enable h ~~im~~ if he see fit to answer the charge and explain the facts alleged against h ~~im~~
that he is at liberty to waive making a statement, and that h ~~is~~ waiver cannot be used
against h ~~im~~ on the trial.

Question. What is your name?

Answer. *Pier Jayenue*

Question. How old are you?

Answer. *37 Years*

Question. Where were you born?

Answer. *New York*

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

Answer. *102 Third Avenue betty one year*

Question. What is your business or profession?

Answer. *Bartender*

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
Pier Jayenue

Taken before me this

19th

day of *February* 1890

W. J. Mahoney

Police Justice.

0096

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, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he gives such bail.
Dated February 12th 1890 W. W. Mahon Police Justice.

I have admitted the above-named defendants, Ryder
to bail to answer by the undertaking hereto annexed.
Dated Feb 12 1890 W. W. Mahon Police Justice.

There being no sufficient cause to believe the within named
guilty of the offence within mentioned. I order h to be discharged.
Dated _____ 18 _____
Police Justice.

0897

The defendant *Pier*
Jarvis was discharged
 by Supreme Court Judge
Waterman on writ of habeas
 corpus by consent of his
 trust Attorney.
 Dated N. Y. January 20, 1890
Edward Moore
Deputy Clerk

BAILED,

No. 1 by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Police Court---*First* District. 254THE PEOPLE, &c.,
ON THE COMPLAINT OF*William O. Toole*

vs.

Nicholas P. Ryder

3.

4.

Offence *Grand Larceny*

Dated

February 17th 1890

Magistrate.

O. Toole

Officer.

C. O.

Precinct.

Witnesses

*Officer O. Toole to bring*No. *Search Warrant* Street.*Anthony Constock*No. *Times Building* Street.

0098

ESTABLISHED 1868.

TELEPHONE.

NEW YORK, _____ 189

M _____

Bought of C. R. CUSHING,

DEALER IN

Sugar-Cured Hams, Shoulders, Bacon,

Country Pork, Lard, Sausages, Bolognas,

SMOKED TONGUES, SMOKED BEEF &c.

Nos. 50 & 51 Central Market,

Orders by mail promptly attended to. Broadway, 48th St. & 7th Ave.

Hon Judge Martin
Dear Sir
I am in trial before
you a young man I have
known for the past fifteen
years Nicholas P. R. J. J.
I have more knowledge
to commit any dishonest
act and he is steady and
reliable in his habits
I hope you
will consider the above facts
and deal with him as
humanely as possible

Yours Very Respectfully

Charles R. Cushing

May 1st 1890

0099

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

THE PEOPLE OF THE STATE OF NEW YORK,

against

Nicholas P. Snyder

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

this indictment, accuse *Nicholas P. Snyder*

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

The said *Nicholas P. Snyder*,

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
nineteen, at the City and County aforesaid, with force and arms, in the
~~night~~ time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *sixty nine*

dollars; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
sixty nine

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

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

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

of the goods, chattels and personal property of one *William O. Soole*,
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.