0624

BOX:
12

FOLDER:
154

DESCRIPTION:
Davis, James

DATE:
05/04/80

154

Noll
W. F. P.

Counsel,

Filed 4 day of May 1880.

Pleads Not Guilty

18
350 E. 114
Peddler

THE PEOPLE

vs.

P

James Davis

Burglary ~~First~~ Degree, and
~~Petit~~ Grand Larceny.

BENJ. K. PHELPS,
District Attorney.

A True Bill.

Thos. Ousley
Foreman.

Verdict of Guilty should specify of which count.

Tried Tues May 18. 1880
Tried & convicted - P. L. 24
Sentence Suspended

unsel,

led day of

eads

THE PE

vs.

BENJ.

True Bill

City and County of New-York, } ss.

William H. Schanck

of No. 346 East 114th Street, being duly sworn, deposes and says, that the premises No. 346 East 114th Street, 12th Ward, in the City and County aforesaid, the said being a Frame building and which was occupied in part by deponent as a dwelling House were **BURGLARIOUSLY** entered by means of opening the door leading from the hallway into the back room on the third floor, by turning the knob on the said door, with intent to commit a crime therein

on the Night of the 26th day of April 1880.

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

Good and lawful money of the issue of the United States government consisting of four notes or bills of the denomination and value of one dollar each; one silver coin of the denomination and value of one dollar, and one silver coin of the denomination and value of twenty five cents; said property being in all of the value of five dollars and twenty five 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 James Davis. (now here)

for the reasons following to wit: That at the time this deponent went to bed on the night of the said 26th day of April 1880, he hung his vest, which contained the money aforesaid in the right side pocket thereof, on the looking glass frame hanging on the wall in the said room; that about four o'clock on the said night deponents brother-in-law, Eugene Bonty came to deponents room and asked for five pike and a bottle of medicine and when the said Eugene Bonty retired from deponents room, the said Bonty closed the door: that soon after-

=wards deponent was awakened by some thing touching him and then saw the said James Davis standing alongside of deponents bed with deponents wifes dress in his hand; that deponent then rose in bed when the said James Davis ran out of the said room: that deponent put on his pantaloons and ran into the street and found the said James Davis standing within the railing in front of the basement of the premises two doors east of deponents residence; that deponent accused him of being in deponents room and of stealing the said money whereupon the said James Davis ran down 114th street and deponent pursued him around several blocks and then him entered the premises in 114th street two doors east of deponents residence.

Sworn to before me this 27th day of April 1880

Wm. A. Flanner

Police Justice.

William H. Schenck

William H. Schenck being duly examined says:—

I am a boatman, I was out there last night I was going home to Rockland County to-day. my wife was with me. I came from Rockland County a year ago. I live since then on the ice barges. my wife was with me. ~~stay~~ her mother live at E. 114 between 1st & 2nd Aves No 346. It is a three story building occupied by colored people. This is the back room of the 3rd floor My wife & Alfred Johnson occupied that room. Johnson slept in the same room. His wife was there. There are two beds in the room. The door was not locked. It was locked from about a quarter past eight till about four this morning. My wife locked it. I unlocked the door for Eugene Bonty who wanted his medicine, he lives in the same house. Eugene occupies the room when I am not there I have stood there all night before. He took the medicine asked for his pipe & went out He went back in the other room

adjoining. I went back to bed. I didn't lock the door. This was about four o'clock. Eugene told me so. He looked at his watch. I asked him to. I didn't see him look at his watch. Beauty is to work this morning. I feel asleep in a doze. I don't know how long I was asleep. I was touched by somebody reaching over my bed that was the next thing I knew a feeling along my leg. I got out of bed. I saw a man in front of my bed room. I saw his face. I saw his pants finish. He was standing still. The window was open & the curtain was up. The shutters were open. The window was closed, I meant the shutters. I didn't need any light. He ran out as soon as he saw me start to get out of bed. I looked in my vest pocket for my money & found it was gone. It was hanging on the frame of the looking glass. He had my wife's dress in his hand which he dropped. I put on my pantaloons & went down stairs. I have slept in Harlem before

but not in that house. I slept in
125 St off 3rd avenue at Mrs Wrigley's
last June that was the last time
before last night I slept in New York
City, I commenced to bring ice here
since last April. I saw the money last
night at seven o'clock I guess. I
wanted to use a half dollar. I
gave her that, she brought me back
a quarter and five cents. I don't
drink beer myself. The half
dollar was in my pants pocket.
the change with the rest of my money
I put in my vest pocket. I generally
put my money in my vest pocket
when I go to bed. He had a black
coat, black vest, black pair of
pants & a black hat and a white
face. He had a collar & neck tie
I noticed ~~the color of his~~ his eyes
that they were weak. I did not
see his teeth. I noticed his hair, but
I could not tell if it was parted be-
cause he had his hat on. I was ex-
cited. I ran down out the street, I saw
him just go in the basement of the
house where the prisoner was arrested
I did not see his face then. I slipped in my

pants & that is all. The vest I found in the bureau along side of the frame. It could have fallen down there. I have examined the pants before the prisoner was arrested after I got the police. I found the street door open when I went down I cant say that it was the prisoner that went down the basement. I infer it was. I ran to the gate, the basement was back in the rear I walked past the gate not quite to the corner. I saw Mr Bell who had just into 114th St from 1st Avenue then we walked back & as we got to the gate, the prisoner came to the gate from the rear & Bell said that the very same man. I had been talking with Bell about him Bell had told me that he had seen him run in the gate I then accused him of being in my room. He was dressed the same he denied the charge. I repeated it, he came out of the gate & ran down 114th Street towards the river. I ran after him & did not

lose sight of him until he ran down in the basement again. He ran down 114th street quite a distance he went down a street & ran across a place where there was digging then ran up another street jumped over a man's fence. I ~~after~~ him then he ran around I guess it was 113th street, ~~back up~~ then through 1st Avenue into 114th street through that street to the gate ~~into~~ the basement. I lost sight of him the only time he jumped the fence when I got over the fence he had gained quite some. I can't tell where the fence was, it was a board fence I crossed two fences. I called police once in a while, ~~police~~ When I crossed the second fence I brought me on the sidewalk of 113th street. I told all the folks about the loss of the money. After the prisoner returned to the basement I sent for a policeman. He was coming across 114th street at 2nd Avenue. There was only one house searched & that was the house in the basement

of which he saw. The officer went into the house ~~[illegible]~~ & knocked at an inner door in the hall, a man came to the door and the officer the man ~~[illegible]~~ [illegible] William H.

Redirect accent.

Taken before me this 27th day of April 1880

[illegible]

Police Justice.

Police Court, Ninth Judicial District, cor. of 129th St. and 4th Ave.

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

James H. Bell of No. 346 East 114th Street, in said city, being duly sworn deposes and says that at about the hour of five O'clock of the night of the 26th day of April 1880, deponent was looking out of the front window of the said premises when he heard a noise in the house as if some person was running down the stairs and a moment or two thereafter deponent saw a man run out of the front door of the said house and into the front yard of the premises two doors east of deponents residence; that deponent in a few moments afterwards met William H. Schenck - the complainant - who asked me if I had seen a white man come down stairs, I told him that I had seen a white man run out of the house and into the second house as aforesaid; that deponent accompanied the said Schenck to the house where deponent saw the said man run into and met him standing at the gate - say, when the said Schenck accused the said man of ~~stealing~~ in his room and stealing the said money, whereupon the said man made some reply and ran away; that deponent

identifies the accused, James Davis, as the man he saw run out of the premises in which deponents resides, and into the premises two doors therefrom.

Sworn to before me this 27th day of April 1880 } James H. Bell

[illegible] Justice

Cun. Examination of James H. Bell: —

Schenck met me in 1st Ave near 114th St. I ~~was~~ ~~statute~~ had been to a store & it not being open I ~~ate~~ was returning. I saw a white man jump from the stoop of my front door. I was up stairs at the time it was before I went to the store. I saw the side of his face & hair. I saw the side of his face as he turned in the gate. He walked fast. The gate is to the first house that stands back east of where I live. He was dressed in black. That's all I saw of him till Schenck met me. I went to show Schenck where he entered. I was not ~~at~~ sure which one he went into. It was seeing a man come to the gate when I was with Schenck that made me think that that was the one he entered. The person the man I spoke to at the gate, where he returned & entered I. Schenck was

about fifty to one hundred yards behind. I then went to the store & got my coal. It was something after five when the prisoner returned with Schenck after him I never saw the prisoner before. I never spoke to Schenck before to day

James H Bell

Taken before me this 27th day of April 1880

Chas G Hamman
Police Justice

Police Court—Fifth District.

CITY AND COUNTY OF NEW YORK, } ss.

James Davis being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer. James Davis.

Question. How old are you?

Answer. Eighteen years of age.

Question. Where were you born?

Answer. South Wales.

Question. Where do you live?

Answer. 350 East 114th Street.

Question. What is your occupation?

Answer. Puddler

Question. Have you anything to say, and if so, what,—relative to the charge here preferred against you?

Answer. I am not guilty of the charge - I went to bed about 10 o clock on the 26th day of April 1880, and I knew nothing about this matter until I was awakened by the officer while in bed in my room.

Taken before me, this 27th *day of* April 1880

James, Davis

Otto C. Hammer *Police Justice.*

POLICE COURT—FIFTH DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

William H. Schenck
346 E. 114 St

1 James Davis

2

3

4

Offence

Assault

BAILED.

No. 1, by

Residence,

No. 2, by

Residence,

No, 3, by

Residence,

No, 4, by

Residence,

Dated April 29th 1880

C. A. Flammer Magistrate.

Albert Reed Officer. 12th Prct.

Eugene Bourty Clerk.
346 E. 114

Witnesses:
Sarah Carlson
346 East 114
James H. Bell
#346 East 114th Street
Albert Reed
12th Police Precinct

$1000 to Ans.

Committed.

Received in Dist. Att'y's Office.

0640

CITY AND COUNTY OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York, upon their Oath, present:

That James Davis.

late of the Twelfth — Ward of the City of New York, in the County of New York, aforesaid,
on the twenty sixth — day of April — in the year of our Lord one thousand eight hundred and ~~seventy~~ Eighty — with force and arms, about the hour of Four o'clock in the night time of the same day, at the Ward, City and County aforesaid, the Dwelling-house of William H Schanck — there situate, feloniously and burglariously did break into and enter by means of forcibly opening an outer door of said dwelling house whilst there was then and there some human being to wit, one William H Schanck — within the said dwelling-house he, the said James Davis — then and there intending to commit some crime therein, to wit, the goods, chattels, and personal property of William H Schanck — 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.

And the jurors aforesaid, upon their oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, about the hour of Four o'clock in the night time of said day, the said James Davis

late of the Ward, City, and County aforesaid,
one coin of the kind called a dollar of the value of one dollar, one coin of the kind called a quarter dollar of the value of twenty five cents —

Four ~~Divers~~ Promissory Notes for the payment of money, the same being then and there due and unsatisfied, and of the kind known as United States Treasury Notes, of ~~a number and denomination to the jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of~~ the denomination of one dollar and of the value of one dollar each —

Four ~~Divers~~ Promissory Notes for the payment of money, the same being then and there due and unsatisfied, and of the kind known as Bank Notes, of ~~the denomination of one dollar and of the value of one dollar each — to the jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of~~

of the goods, chattels, and personal property of
William H Schanck — in the said dwelling-house of one William H Schanck —, then and there being found in 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.

BENJ. K. PHELPS, District Attorney.

0641

BOX:
12

FOLDER:
154

DESCRIPTION:
Davis, William

DATE:
05/26/80

154

553

Counsel,

Filed 26 day of May 1850

Pleads,

THE PEOPLE

vs.

William Davis

BURGLARY—Third Degree, and Larceny.

BENJ. K. PHELPS,

District Attorney.

A True Bill,

Foreman.

Part 2nd May 27. 1850 pleads Burg 3.

S P 2 years.

0643

City and County of New-York, } ss.

Henry Silverstein

of No. 32 Eldridge Street, being duly sworn, deposes and says, that the premises No. 32 Eldridge Street, 10 Ward, in the City and County aforesaid, the said being a Dwelling and which was occupied by deponent as a Dwelling and Store were **BURGLARIOUSLY** entered by means forcing off the lock, and removing the bars from the ~~side~~ door of said premises on the day of the 17 day of May 1880 and the following property feloniously taken, stolen and carried away, viz:

Two dozen leather shoe uppers of the value of Thirty Dollars. Ten pair of gaiters of the value of Forty Dollars. Six dozen pair slippers of the value of Fifty four dollars. One over coat of the value of Thirty-five dollars and one pair of pantaloons of the value of Eight Dollars. in all of the value of One Hundred and Sixty seven dollars.

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 William Davis. suspected

for the reasons following to wit: That said Davis admitted in presence and hearing of deponent that he entered said premises in company with two others, and took said property therefrom.

Sworn to before me this 19 May 1880

H. Silverstein

[illegible]

Police Justice

Witness
Dennis Kilbride
77 Canal St.
John Wade.
10 Precinct.

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, } ss.

William Davies being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him states as follows, viz.:

Question.—What is your name?

Answer.— William Davis.

Question.—How old are you?

Answer.— Twenty five years

Question.—Where were you born?

Answer.— In Scotland

Question.—Where do you live?

Answer.— 144 Chrystie St.

Question.—What is your occupation?

Answer.— Glass cutter by trade.

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.— I am guilty

William Davis

Taken before me, this 16 day of May 1878

Police Justice

0646

Copy of Ans

0647

City and County of New-York, } ss.

Henry Silverstein

of No. 32 Eldridge Street, being duly sworn, deposes and says, that the premises No. 32 Eldridge Street, 10 Ward, in the City and County aforesaid, the said being a Dwelling and which was occupied by deponent as a Dwelling and Store were **BURGLARIOUSLY** entered by means of forcing off the lock, and removing the bars from the ~~[illegible]~~ door of said premises on the day of the 17 day of May 1880 and the following property feloniously taken, stolen and carried away, viz:

Two dozen leather shoe uppers of the value of Thirty Dollars. Ten pair of gaiters of the value of Forty Dollars. Six dozen pair slippers of the value of Fifty four dollars. One over coat of the value of Thirty-five dollars and one pair of pantaloons of the value of Eight Dollars. in all of the value of One Hundred and Sixty seven dollars.

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 William Davis. Non-present

for the reasons following to wit: That said Davis admitted in presence and hearing of deponent that he entered said premises in company with two others, and took said property therefrom -

Sworn to before me this 19 May 1880

H. Silverstein

[illegible]

Police Justice

Witness.
Wm. Kilbride
77 Canal St.
John Wade.
10 Reed St.

0649

0649

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, } ss.

William Davis being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him states as follows, viz.:

Question.—What is your name?

Answer.— William Davis.

Question.—How old are you?

Answer.— Twenty five years.

Question.—Where were you born?

Answer.— In Scotland

Question.—Where do you live?

Answer.— 144 Christie St.

Question.—What is your occupation?

Answer.— Glass cutter by trade.

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.— I am guilty

William Davis

Taken before me, this 19 *day of* May 1880

[illegible] Police Justice.

0650

Cont'd over

Form 115.

POLICE COURT--THIRD DISTRICT.

449

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Silberstein
32 Eldridge St

1 William Davis

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Larceny

Offence.

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated 19 May 1880

W. Magistrate,

Wade Officer.

Murray Clerk.

Witnesses Dennis Kilbride

No. 77 Canal Street.

John Wade

No. 10 Precinct Street.

No. ..... Street.

$ 2000 to answer Committed.

Received in Dist. Atty's Office,

RECEIVED
MAY 21 1880
DISTRICT ATTORNEY'S OFFICE.

0652

CITY AND COUNTY OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK, *in and for the body of the City and County of New York, upon their Oath, present:*

That

William Davis

late of the Tenth Ward of the City of New York, in the County of New York, aforesaid, on the Seventeenth day of May in the year of our Lord one thousand eight hundred and ~~forty~~ Eighty with force and arms, at the Ward, City and County aforesaid, the Store of Henry Silberstein there situate, feloniously and burglariously, did break into and enter, the same being a building in which divers goods, merchandise, and valuable things were then and there kept for use, sale and deposit, to wit: the goods, chattels, and personal property hereinafter described, with intent the said goods, chattels, and personal property of the said Henry Silberstein then and there therein being, then and there feloniously and burglariously to steal, take and carry away, and

Twenty four pieces of leather [of the kind called uppers] of the value of One dollar and twenty Cents each

Twenty shoes [of the kind called Gaiters of the value of Two dollars each

Seventy two slippers of the value of Eighty cents each

One coat of the value of thirty five dollars

One pair of pantaloons of the value of Eight dollars

480
60
57.60
43
145.40

of the goods, chattels, and personal property of the said Henry Silberstein

so kept as aforesaid in the said Store then and there being, 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.

BENJ. K. PHELPS, District Attorney.

0653

BOX:
12
FOLDER:
154
DESCRIPTION:
Deady, Eugene
DATE:
05/26/80

154

Filed 26 day of May 1880

Pleads

THE PEOPLE

vs.

Eugene Deady

Assault and Battery.—Felonious. Firearms.

BENJ. K. PHELPS,

District Attorney.

Part Iro May 27. 1880
pleads Art B.
Sentence suspended

A True Bill.

Foreman.

0655

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

Form

Police Court—First District.

Annie Deady

of No. 21 Henry Street, being duly sworn, deposes and says, that on the 21 day of May 18[illegible] at the City of New York, in the County of New York, he was violently and feloniously assaulted by

Eugene Deady now present.

That said Eugene did willfully and maliciously point and aim a loaded pistol at this deponent and did fire and discharge said pistol while the same was so pointed and aimed with the intent and purpose to do deponent bodily harm

Deponent believes that said assault as above set forth, was inflicted by said

Eugene Deady

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

Wherefore this deponent prays that the said assailant may be dealt with according to law.

Annie Deady

Sworn to, before me this 22 day of May 18[illegible]

[illegible] Police Justice.

Police Court, First District.

CITY AND COUNTY OF NEW YORK. } SS.

Eugene Deady being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to him states as follows, viz:

Question. What is your name?

Answer. Eugene Deady

Question. How old are you.

Answer. 26 years

Question. Where were you born?

Answer. New York City

Question. Where do you live?

Answer. 10 Oak Street

Question. What is your occupation?

Answer. Printer

Question. Have you anything to say, and if so, what,—relative to the charge here preferred against you?

Answer. I had the revolver in my hand but fired it into the hall with my back turned to her after I had told her it was loaded I did not fire it at her nor did I intend to injure her

Eugene Deady

Taken before me this 8th day of Jan 1898

Police Justice.

Police Court—First District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Annie Deady
21 Chrystie St
Eugene Deady

2

3

4

5

6

Affidavit—Felonious Assault and Battery.

Dated, May 22 1889

Duffy Magistrate.

Barrett Officer.

Clerk.

Witnesses,

$500 to answer

at General Sessions,

Received at Dist. Atty's Office,

BAILED.

No. 1, by

Residence,

No. 2, by

Residence,

No. 3, by

Residence,

No. 4, by

Residence,

No. 5, by

Residence,

No. 6, by

Residence,

COUNSEL FOR COMPLAINANT:

Name,

Address,

COUNSEL FOR DEFENDANT.

Name,

Address,

0658

CITY AND COUNTY OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK, *in and for the body of the City and County of New York, upon their Oath, present:*

That

Eugene Deady

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

on the twenty first day of May in the year of our Lord one thousand eight hundred and ~~seventy~~ eighty, with force and arms, at the City and County aforesaid, in and upon the body of Annie Deady in the peace of the said people then and there being, feloniously did make an assault and to, at and against her the said Annie Deady a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Eugene Deady 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 her the said Annie Deady 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 Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said Eugene Deady with force and arms, in and upon the body of the said Annie Deady in the peace of the said people then and there being, wilfully and feloniously did make an assault and to, at and against her the said Annie Deady a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Eugene Deady 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 discharge, with intent her the said Annie Deady 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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said Eugene Deady with force and arms, in and upon the body of the said Annie Deady then and there being, wilfully and feloniously, did make an assault and to, at and against her the said Annie Deady a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said Eugene Deady in his right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there shoot off and discharge, with intent, then and there, thereby her the said Annie Deady wilfully and feloniously then and there to injure, 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said Eugene Deady with force and arms, in and upon the body of the said Annie Deady then and there being, wilfully and feloniously, did make an assault and to, at and against her the said Annie Deady a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said Eugene Deady in her right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there attempt to shoot off and discharge, with intent, then and there, thereby her the said Annie Deady wilfully and feloniously then and there to injure, 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.

BENJ. K. PHELPS, District Attorney.

0660

BOX:
12

FOLDER:
154

DESCRIPTION:
DeLaney, Edward

DATE:
05/26/80

154

0661

BOX:
12

FOLDER:
154

DESCRIPTION:
DeLaney, Henry

DATE:
05/26/80

154

372

Counsel,

Filed 26 day of May 1880

Pleads

26 Burglary

THE PEOPLE

vs.

Edward Delaney

Henry Delaney

Burg. Cap. & Dep. S. Lar. Sec. Ret. Stat. - Sec.

INDICTMENT.

Point Issues of Law from the Pa

BENJ. K. PHELPS,

District Attorney.

A True Bill.

Hayes Olney

May 27-1880

Foreman.

Plead Guilty Burg 3d Deg

State Reformatory Elmira

~~Indictment~~

~~THE PEOPLE,~~

~~vs.~~

~~BENJ. K. PHELPS,~~

~~District Attorney.~~

~~A TRUE BILL.~~

~~Filed day of 187~~

~~Pleads~~

Robbery
Jail
Guilty
105 Mad. Brooklyn
Sentenced to
Sullivan Co.

Robbery
Jail.
Guilty
w. Mad Brooklyn

0662

Police Office, First District.

City and County of New York, } ss.: George H Gibson

of No. ~~[illegible]~~ West 49th Street, being duly sworn, deposes and says, that the premises ~~No.~~ three rooms in aforesaid ~~Street~~ 22 Ward, in the City and County aforesaid, the said being a Private School house and which was in part occupied by deponent as a Residence where deponent & Wife resides were **BURGLARIOUSLY** entered by means of forcing open with false keys the doors of the aforesaid Rooms

on the Night of the 15th day of May 1880

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

Articles of clothing consisting of coats vests. pantalons. Shirts. collars. cuffs underclothing. boots & Shoes. all of the value of three hundred dollars. Jewelry consisting of Silver Watches. two gold Lockets. gold ear Rings. Gold Scarf pins Gold Rings a pistol. And good and lawful Money in bills to the amount of forty dollars Coffee Coins. old issues. of the value of two hundred dollars & all of the value of six hundred dollars the property of deponent. his Wife. and other persons

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 Edward Delaney and Harry Delaney acting in concert together and both now present

for the reasons following, to wit: That deponent & Wife locked and securely fastened the doors leading to said Rooms at about 3-0 clock on the afternoon of the day in question the above described property being contained therein. That deponent returned in company with his Wife who went to said Rooms on Monday the 17th instant.

when she discovered one of said rooms open and the property which was contained therein stolen that deponents wife procured a locksmith and discovered upon [redacted] rooms being opened that the property aforementioned had been taken and stolen therefrom: that the prisoner Harry was employed as janitor and had charge of said premises as such. And that on Monday when deponents wife returned to said premises he could not be found. That the prisoners were subsequently found by Officer McGrann in Brooklyn where they had hired a room and found in that room in the possession of the prisoners a large portion of the aforementioned property which deponent identifies as the property taken from his residence by the means and in the manner within set forth.

Scott Gibson

City and County of New York ss William J. McGrann of the Central Office Police in Mulberry St. being sworn says that he arrested the prisoners in Fulton Street Brooklyn and that at the time of such arrest he found a portion of said property in their possession another portion deponent found in a room in 103 Washington Street Brooklyn that the prisoners had hired. Wm J. McGrann

Sworn to before me this 21st day of May 1888 Recorder

Sworn to before me this 21st day of May 1888 Recorder

Police Court—First District.

CITY AND COUNTY OF NEW YORK, } ss.

Edward Delaney being duly examined before the undersigned, according to law, on the ~~annexed~~ charge, and being informed that he was at liberty to refuse to answer any question that may be put to h , states as follows, viz:

Question. What is your name?

Answer. Edward Delaney

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. N. Y.

Question. Where do you live?

Answer. 105 Washington St - B'klyn

Question. What is your occupation?

Answer. Inspector

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. I am not guilty.

Edward DeLaney

Taken before me, this 20 day of May 1870

Police Justice.

0666

Police Court—First District.

CITY AND COUNTY } ss.
OF NEW YORK,

Henry Delaney being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to refuse to answer any question that may be put to h , states as follows, viz:

Question. What is your name?

Answer. Henry Delaney

Question. How old are you?

Answer. 22. years.

Question. Where were you born?

Answer. U. S.

Question. Where do you live?

Answer. 121 W. 49th St.

Question. What is your occupation?

Answer. Janitor.

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer. I am not guilty.

Henry Delaney

Taken before me, this 20 day of May 1877

Police Justice.

Form 60.

Police Court—First District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

George H. Gibson
121 W 49th St

vs.

1 Edward Delaney
2 Harry Delaney
3
4
5
6

Offence, Burglary & Larceny

Dated May 20th 1880

Smith Magistrate.

William F. McGrann Officer.

Central Office Clerk.

Witnesses,

William F. Hines

$ 1500 each to answer Gen Sess

Gen'l Sessions.

Received in Dist. Atty's Office,

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

No. 5, by

Residence

No. 6, by

Residence

COUNSEL FOR COMPLAINANT.

Name,

Address,

COUNSEL FOR DEFENDANT.

Name,

Address,

CITY AND COUNTY OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York, upon their Oath, present:

That Edward DeLaney and Henry DeLaney Each

late of the Twenty second Ward of the City of New York, in the County of New York, aforesaid, on the Fifteenth day of May in the year of our Lord one thousand eight hundred and ~~seventy~~ Eighty with force and arms, about the hour of Ten o'clock in the Night time of the same day, at the Ward, City and County aforesaid, the dwelling house of

George H Gibson

there situate, feloniously and burglariously did break into and enter by means of forcibly opening an outer door of said dwelling house with a false key — he the said Edward DeLaney and Henry DeLaney

then and there intending to commit some crime therein, to wit: the goods, chattels, and personal property of George H. Gibson

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.

And the jurors aforesaid, upon their oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the Ward, City and County aforesaid, the said Edward DeLaney and Henry DeLaney each

late of the Ward, City, and County aforesaid,

Four coats of the value of twenty five dollars each - Four pairs of Pantaloons of the value of ten dollars each pair. Four vests of the value of ten dollars each - ten shirts of the value of two dollars each - Ten undershirts of the value of two dollars each - Ten pairs of drawers of the value of two dollars each pair. Twenty collars of the value of fifty cents each - Twenty pairs of cuffs of the value of fifty cents each pair - Ten boots of the value of ~~three~~ dollars each - Ten shoes of the value of two dollars each Ten watches of the value of ten dollars each - Two lockets of the value of twenty five dollars each Four earrings of the value of ten dollars each. Ten pairs of the value of ten dollars each. Ten rings of the value of ten dollars each - One pistol of the value of ten dollars

Divers Promissory Notes for the payment of money, the same being then and there due and unsatisfied, and of the kind known as United States Treasury Notes, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of forty dollars

Divers Promissory Notes for the payment of money, the same being then and there due and unsatisfied, and of the kind known as Bank Notes, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of forty dollars

Divers Due Bills of the United States of America, the same being then and there due and unsatisfied, and of the kind known as Fractional Currency, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of forty dollars

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of two hundred dollars. —

of the goods chattels and personal property of George H. Gibson

in the said dwelling house then and there being, 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.

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

Edward De Laney and Henry De Laney each

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,

Four coats of the value of twenty five dollars each - Four pairs of pantaloons of the value of ten dollars each pair. Four vests of the value of ten dollars each - ten shirts of the value of two dollars each. ten undershirts of the value of two dollars each - ten pairs of drawers of the value of two dollars each pair - Twenty collars of the value of fifty cents each - Twenty pairs of cuffs of the value of fifty cents each pair - Ten boots of the value of two dollars each. Ten shoes of the value of two dollars each Ten watches of the value of ten dollars each - Two lockets of the value of twenty five dollars each - Four earrings of the value of ten dollars each - Six pins of the value of ten dollars each - Ten rings of the value of ten dollars each - One pistol of the value of ten dollars

Divers Promissory Notes for the payment of money, the same being then and there due and unsatisfied, and of the kind known as United States Treasury Notes, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of forty dollars

Divers Promissory Notes for the payment of money, the same being then and there due and unsatisfied, and of the kind known as Bank Notes, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of forty dollars

Divers Due Bills of the United States of America, the same being then and there due and unsatisfied, and of the kind known as Fractional Currency, of a number and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of forty dollars

Divers Coins, of a number, kind, and denomination to the Jurors aforesaid unknown, and a more accurate description of which cannot now be given, of the value of two hundred dollars

of the goods, chattels, and personal property of the said George H. Gibson

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said George H. Gibson

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said Edward De Laney and Henry De Laney 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.

BENJAMIN K. PHELPS, District Attorney.

0670

BOX:
12

FOLDER:
154

DESCRIPTION:
Dietz, George

DATE:
05/11/80

154

No. 74

Day of Trial,

Counsel,

Filed 11 day of May 1850

Pleads Not Guilty (12)

THE PEOPLE

vs.

P

George Deig

Bd.

93 Barnwell

Jay Myers

Grand

BENJ. K. PHELPS,

District Attorney

A True Bill.

Henry Carey

May 2 1850

Foreman

Plead Guilty

7 Y. Lay 2 Yrs S.P.

F.S.

No. 74

Day of Trial,

Counsel,

Filed 11 day of May 1850

Pleads Not Guilty (or)

THE PEOPLE

vs.

George Davis

P

Or. Burglary

93d Ind

BENJ. K. PHELPS,

District Attorney

A True Bill.

Geo. Sanders

May 12 1850

Foreman

Plead Guilty

7 Yr. Lis. Ds. S.P.

F.S.

0673

State of New York.

Executive Chamber,

Albany, July 6 1883.

Sir: Application having been made to the Governor for the pardon of George Dietz, who was sentenced on May 12 1880, in your County, for the crime of Incest for the term of 7 years and 6 mos to the State Prison Sing Sing you are respectfully requested (in pursuance of Chapter 310, Laws 1849) to furnish the Governor with a concise statement of the case as proven on the trial, together with any other facts or circumstances which may have a bearing on the question of granting or refusing a pardon. Be pleased, also, to state the previous character of the convict.

Each letter of inquiry from this Department should be answered on a separate sheet.

Very respectfully yours,

Lucius Chambers

To Hon. John McKeon

District Attorney, &c.

George Dietz

answered July 10-1885

0675

State of New York.

Executive Chamber,

Albany, July 6 *188* 3

Sir: Application having been made to the Governor for the pardon of George Dietz, who was tried and convicted before you May 12 1880 of Incest and sentenced to the State Prison Sing Sing 7 yrs 6 mos.

Will you oblige the Governor with your opinion of the case, together with any facts or circumstances which may have a bearing on the question of granting or refusing a pardon?

Very respectfully yours,

Geo Chauncey

To Hon Frederick Smyth

9L90

0677

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK, } ss.: Amelia Dietz

of No. 231 Broome Street,

being duly sworn, deposes and says that on the 19 day of April

1880, at the City of New York, in the County of New York,

her father George Dietz had carnal intercourse with her without her consent.

Deponent further says that she is fifteen years of age and the natural daughter of said George.

Emilie Dietz

Sworn to this 5 day of May 1880

before me

Police Justice

0678

No 74 NN

POLICE OFFICE, THIRD DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Amelia Dietz

~~234 Broome St~~

234 E. 40th St

2nd floor

Lengo Dietz

Affidavit—Assault

Dated 5 May 1880

W. JUSTICE.

OFFICER.

Fellows Jenkins

Charge—108 & 23 Q.

WITNESSES:

Wilhelmina Dietz

234 ~~Broome St~~

RECEIVED MAY 6 1880 DIST. ATTORNEY'S OFFICE

Com

Bail

0679

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, } ss.

George Dietz being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.— George Dietz

Question.—How old are you?

Answer.— 38 years

Question.—Where were you born?

Answer.— Hanover

Question.—Where do you live?

Answer.— 234 Bowery St

Question.—What is your occupation?

Answer.— Ivy Maker

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.— I am not guilty

George Dietz

Taken before me this 5th day of June 1880

[illegible] Police Justice

City and County of
New York ——— SS }.

The jurors of the people of the State of New York, in and for the body of the City and County of New York upon their oath present: That George Deitz late of the First Ward of the City of New York in the County of New York aforesaid and Amelia Deitz late of the same place, on the Ninteenth day of April in the year of our Lord One thousand Eight hundred Eighty at the ward, City and County aforesaid with force and arms, did each with the other knowingly wilfully and feloniously commit fornication — and at the time of the said fornication the said George Deitz and the said Amelia Deitz were as they each of them then and there well knew within the degrees of Consanguinity within which marriages are declared by law to be incestuous and void, to wit: in this that he the said George Deitz was then and there the father of her the said Amelia Deitz —

Benjamin K Phelps.
District Attorney

0681

BOX:
12

FOLDER:
154

DESCRIPTION:
Dill, Robert

DATE:
05/21/80

154

312

Filed 21 day of May 1866.

Pleads Not Guilty (2d)

THE PEOPLE

vs.

2

Robert Dill

7 9 10 6 11 12

Assault and Battery.—Felonious. Firearms.

3 4 6

BENJ. K. PHELPS,

District Attorney.

A True Bill.

(Hayes Cady

Foreman.

May 24 1866

Tried & Convicted on third Count S.P. 5 years.

0683

Police Court—Ninth Judicial District.

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

Thomas Allen

of No. 421 East 121st Street,
on Friday the 14th day of May being duly sworn, deposes and says, that
in the year 1860 at the City of New York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Robert Dill, New York, who fired off and discharged the contents of four barrels of a pistol loaded with powder and balls at deponent, while he, said Robert, held said pistol pointed and aimed at deponents body. That one of the balls so fired off by said Robert at deponent did strike, enter and wound deponent on the fore finger of deponents right hand. That deponent believes that said Robert did so assault and beat deponent

with the felonious intent to take the life of deponent, or to do him 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 15th *day of* May 1860

Thomas P. Allen

J. M. Patterson Police Justice.

160

0684

Police Court—Fifth District.

CITY AND COUNTY OF NEW YORK, } ss.

Robert Dill being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question. What is your name?

Answer. Robert Dill

Question. How old are you?

Answer. Twenty nine years of age

Question. Where were you born?

Answer. Philadelphia, Pa.

Question. Where do you live?

Answer. 346 East 114 Street

Question. What is your occupation?

Answer. Engineer

Question. Have you anything to say, and if so, what,—relative to the charge here preferred against you?

Answer. I have nothing to say at present.

Robert Dill

Taken before me, this 15th *day of* May 1880

J. M. Patterson *Police Justice.*

POLICE COURT—FIFTH DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Thomas Allen
421 E 121 st

vs.

Robert Dill

1

2

3

4

RECEIVED
MAY 19 1880
DISTRICT ATTORNEY

Offence Intoxicating Liquor

443

License
Wholesale Liquor

BAILED.

No. 1, by .....

Residence, ...

No. 2, by .....

Residence, ...

No. 3, by .....

Residence, ...

No. 4, by .....

Residence, ...

Dated May 15 1880

Patterson Magistrate.

Reed 12 Officer.

Mc Clerk.

A. Stewart

Witnesses. John N. Lewis
317 East 122 st

Peter Stahl
2381 - 1st avenue

$1000 ans. G. S.
Comm

Received in Dist. Att'y's Office.
10 ad
May

The People vs Robert Dill — Court of General Sessions Before Judge Gildersleeve. Monday, May 24, 1880.
Indictment for felonious assault and battery.

Thomas P. Allen, sworn and examined, testified: Where do you live? No 421 East 121st St. I know the prisoner over a year. Did you get shot on the 14th of this month? Yes sir, that was on Friday. Who shot you? Robert Dill. Where did this happen? On Second avenue between 120th and 121st St. Tell us all the circumstances? Last Friday week there was a case coming up in the Harlem Court amongst people of color up there and my witness and I went up there to see how the case was coming off, and the case was dismissed and Mr Dill and three other men came out. They was up there in the Court; they came out and went up in a lager beer saloon and I presume got intoxicated. My friend and I came down the avenue and we met them on the corner of 122nd St and Third avenue and they tried to assault us there. Detective Smith was coming down the avenue; they seen him and they dispersed. Along in the afternoon I met Dill again. He asked me if I was as good a man as I was in the morning? I did not make any reply; he pulled out a revolver and shot me four times and one shot was in my finger. Who was with you at the time? John A. Lewis. Who is Peter Stahl? He is a witness that seen the last shot

fired at me. Did you know him? Yes sir. Is he in some business up there? He is a stone cutter. Was the bullet taken out of your hand? Yes sir. By whom? Dr Stannard, I believe, the Police Surgeon? Yes sir, I believe so. Do you know what became of it? I left it in the Harlem Court, the bullet was left in the Harlem Court I believe. You saw it at the time it was taken out? Yes sir. At the time of the shooting he made the remark, "Are you as good a man as you were in the morning?" I replied nothing. Then he fired the pistol at you? Yes sir. How far away was he? The first time I take it about four feet. Where was the pistol when you first saw it? I did not see it until he "drawed" it. Did you see where he drew it from? He drew it from his hip pocket. After he asked me that question I told you he had it and fired. How was it you escaped being hit the first time? I could not really tell, because he was not bad enough to hit me I suppose. I did not know but what you might have made some effort to get out of the way? No sir, I made no effort at all. He succeeded the last time? Yes sir. I should say he was about four feet away the first time he fired as near as I could judge. As he fired he advanced, he backed away and kept shooting. You did not do anything? No sir.

He backed away and you stood still? Yes sir, I did not lift my hand I "Knowed" if I ran I would get shot perhaps worse. Cross Examined: I was not with the prisoner in the Harlem Court I was there and he was there. There was a girl had some man arrested. I was not a friend of the girl. After I came out of the Courthouse that man (the prisoner) met me and my witness on the avenue after the case was dismissed. Did you run around after him with a revolver in your hand? No sir. Did you meet him any time before that shooting and point a revolver at him? I told you they tried to make an assault on me and my witness on the avenue. Did you pull out a pistol at him. No sir I did not see him have any weapon in the morning. Did'nt you pull out a pistol at him that morning? No sir. Did you strike him at all that morning? No sir. Where was that? At 122nd st and third avenue. Where did you meet him next? I met him on Second Ave between 120 and 121st st. I should judge it tbe between 3 and 4 o'clock. He asked me if I was as good a man, as I said before, as I was in the morning. I did not make any reply, he pulled out and shot me, I had not done anything then. Did you have a revolver in your pocket? No sir. Was there any revolver found on you by the police

officer when this man was arrested? No sir. The detective took no revolver off you? No sir. Did your friend have a revolver? No sir. My witness was with me; the prisoner was alone; he came right up to both of us. I did not go up to him first. Is it not the fact that you pulled out a revolver and was going to shoot him and he was backing away and you followed him up and he fired the shots at you? I did not have a revolver in my hand. Did you have anything in your hand? No sir. I did not follow him at all. Was he backing away? Yes sir. Why? Because he was not able enough to stand. Did you do anything to him to make him back away? No sir. I could not tell how far he was away from me the time the last shot was fired, but the first shot he was three or four feet away. Did he strike you that time? No sir. How far away was he when he struck you? I judge he was a hundred feet away. At four feet he did not strike you at all? No sir. Were you on the sidewalk or in the street? I was on the sidewalk between 120 and 121st St. on Second Ave. I was nearer 121st than 120th St. Had he passed the corner of the street? No sir, he ran up 121st St towards Third avenue. When he fired the last time he was in 121st St. towards Third avenue; he had

gone virtually across the street from me. Where was he at the time he fired the third shot? I could not really say; after the third shot he ran across the street by the tree; when he fired the fourth shot I should judge he was a hundred feet from me. John N. Lewis, sworn and examined, testified: I saw Thomas Allen fired at this month by Mr. Dill. I have known him quite a while. I live 317 East 122nd St. In the morning that this commenced we went up to the Courthouse. Mr. and Mr. Stevenson were "arranged" up there for house breaking. Mr. Dill being one of their associates he was up there hearing the trial. Mr. Allen and myself went in that morning; we were not ready to go to work; we stayed in the Courthouse and heard the trial. After the trial was over Dill and his company went into the lager beer saloon; we went down on the corner of 122nd st and third avenue. There are two Stevensons and they came down and another gentleman. Mr. Stevenson's brother-in-law on the corner of third avenue and 122nd st.; they committed an assault and battery. Detective Smith dispersed the crowd. All of them seeing him they went down the street; they knew him; we went on and went home. Lewis says, What is the matter? Smith said "Them men is trying to commit some depredation. We had done nothing to the man; they charged us with being the cause of this man's being

a brass stone rubber; my place of business is 121st corner of Second avenue. I was at my place of business on the 14th of this month. I saw some difficulty between the complainant and the defendants in this case. I saw Robert Dill fire a shot and I saw it hit the finger of Thomas Allen that is all I saw. fire one shot the parties when I saw the shot fired were on 121st corner of Second ave they were about fifty feet apart. Dill was in 121st st and Allen was on Second ave when the shot was fired. Dill was between Second and third avenue and Allen was in Second ave. I had a good view of both. I heard no quarrel preceding it. Did you see the parties until you saw the firing? No sir there was a crowd, I went over to see what it was, and I saw the man fire a shot through the fence. The pistol was pointed through the fence towards Second ave in the direction where the complainant was. Cross Examined I did not see the first part of the affair I did not see Allen with pistol in hand chasing this man. I saw the last shot fired. I did not see Allen with a pistol in his hand. Robert L. Dill sworn and examined in his own behalf testified. I am an engineer. I have been arrested for disorderly conduct but not for any crime. The complainant and his friend came down into 114th St. I came out of the house and was standing outside. He

wanted to know what I had to do with that disturbance in the morning. I told him he pulled out this two barrelled revolver, I run away from him and went up the street. I was going to the Court to get a warrant; the Court was closed. I started to go down 114th St. I met him on the corner of 120th St and 2nd Ave. He commenced talking to me. I told him I did not want to have any talk; he pulled out a pistol to shoot. I said, 'Go away, I will shoot you.' I shot it down to the ground. I ran away from him; he shot at me again around the corner. He was running after me with a pistol in his hand; if the witness was here he would tell it. I did not intend to hit him. I only wanted to scare him. Albert Reed sworn and examined. I arested the prisoner between 119th and 120th Sts. on Lexington Ave. about three blocks and a half from where the shooting occurred. I told him I wanted him for a fracas in 121st St; he denied knowing anything about it, he had been shaking carpets in 128th St and he knew nothing about it. I walked around on the avenue and there saw the first officer who had seen this thing. He told me he was the man. Then he owned up to it. When

says I, you shot the man in the hand." He said, I would not care if it was in his brain. He did not make any complaint to me about anybody assaulting him.

The jury rendered a verdict of guilty on the third count.

He was sentenced to the State prison for five years.

Testimony in the case of
Robert Dill
filed May 21.

CITY AND COUNTY OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK, *in and for the body of the City and County of New York, upon their Oath, present:*

That

Robert Dill

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

on the fourteenth day of May in the year of our Lord one thousand eight hundred and ~~seventy~~ eighty with force and arms, at the City and County aforesaid, in and upon the body of Thomas P. 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 Thomas P. Allen a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Robert Dill 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 Thomas P. 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 Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said Robert Dill with force and arms, in and upon the body of the said Thomas P. Allen in the peace of the said people then and there being, wilfully and feloniously did make an assault and to, at and against him the said Thomas P. Allen a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said Robert Dill 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 discharge, with intent him the said Thomas P. 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.

THIRD COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said Robert Dill

with force and arms, in and upon the body of the said Thomas J. Allen then and there being, wilfully and feloniously, did make an assault and to, at and against him the said Thomas J. Allen a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said Robert Dill in his right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there shoot off and discharge, with intent, then and there, thereby him the said Thomas J. Allen wilfully and feloniously then and there to injure, 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.

FOURTH COUNT.

And the Jurors aforesaid, upon their Oath aforesaid, do further present: That afterwards, to wit, on the day and in the year aforesaid, at the City and County aforesaid, the said Robert Dill

with force and arms, in and upon the body of the said Thomas J. Allen then and there being, wilfully and feloniously, did make an assault and to, at and against him the said Thomas J. Allen a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which pistol the said Robert Dill in his right hand, then and there had and held, wilfully and feloniously, and without justifiable and excusable cause, did then and there attempt to shoot off and discharge, with intent, then and there, thereby him the said Thomas J. Allen wilfully and feloniously then and there to injure, 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.

BENJ. K. PHELPS, District Attorney.

0697

BOX:
12

FOLDER:
154

DESCRIPTION:
Dominal, Charles

DATE:
05/04/80

154

0698

BOX:
12

FOLDER:
154

DESCRIPTION:
Dominal, John

DATE:
05/04/80

154

S. O'C.

Counsel,

Filed 4 day of May 1880.

Pleads, Not Guilty (5)

THE PEOPLE

vs.

John Donnivan P

Charles Donnivan P

Robbery—First Degree, and Receiving Stolen Goods.

BENJ. K. PHELPS,

District Attorney.

Each 3 Y. S. P.

A True Bill.

Hayes Carey

May 5 1880. *Foreman.*

(Ord)

Plead P. Lieberman

SP 3 yr en

0700

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, } ss.

John Donnal being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to h , states as follows, viz.:

Question.—What is your name?

Answer.— John Donnal

Question.—How old are you?

Answer.— 25 years

Question.—Where were you born?

Answer.— New York.

Question.—Where do you live?

Answer.— 31 Bowery

Question.—What is your occupation?

Answer.— Butcher by Trade

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.— I am not guilty

John his X Donnal
Mark.

Taken before me, this 1st day of May 1860

McConnell
Police Justice

0701

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Dominial being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to h , states as follows, viz.:

Question.—What is your name?

Answer.— Charles Dominial

Question.—How old are you?

Answer.— 20 years

Question.—Where were you born?

Answer.— New York.

Question.—Where do you live?

Answer.— I work 33 Bowery

Question.—What is your occupation?

Answer.— Porter

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.— I am not guilty

his
Charles + Dominial
mark

Taken before me, this 15 day of May 1870

Morgan C. Osborne
Police Justice

0702

Police Court--Third District.

CITY AND COUNTY OF NEW YORK } ss. Henry Heets

of No. 30 Chrystie Street,

being duly sworn, deposeth and saith that on the 30th day of April 1880, at the 7th Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away from the person of deponent, by force and violence, without his consent and against his will, *the following property, viz.:* One knit shawl and one hat in all

of the value of four DOLLARS,

the property of this deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by force and violence as aforesaid, by Charley Dominick and John Dominick (now here) for the reason that on or about ten o'clock P.M. of the 30th inst deponent was in the act of passing the Corner of Bowery & Canal streets that when in the act of entering Bowery street deponent was set upon by a band of four men of whom the accused were of the party that the said Charley and John by force & violence seized deponent with their hands, and violently threw down to the pavement this deponent, and did then and there take steal and carry away by force and violence the aforementioned property.

Henry Heitz

Sworn before me, this 1st day of May 1880

Marcellus Hartley

Police Justice.

Police Court—Third District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Hertz 409
100 Christie St
vs.
Charley ~~Downing~~ Donnelly
John ~~Downing~~ Donnelly

AFFIDAVIT—ROBBERY.

Dated May 1st 1880

Ottenberg Magistrate.

Officer.

Chas. Bryden 10th

RECEIVED MAY 3 1880 DISTRICT ATTORNEY'S OFFICE

WITNESSES

Complainant committed to the House of Detention in default of three hundred Dollars Bail to testify in

$2,500 T. A. Each

Samuel Levine

Com.

Complaint backed by Jacob Reichle No 227 William St

0704

CITY AND COUNTY OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York, upon their Oath, present:

That John Donnual & Charles Donnual Each —

late of the First Ward of the City of New York, in the County of New York aforesaid, on the Thirtieth — day of April — in the year of our Lord one thousand eight hundred and ~~ninety~~ eighty — at the Ward, City and County aforesaid, with force and arms, in and upon one Henry Hertz — in the peace of the said People then and there being, feloniously did make an assault and

One shawl of the value of two dollars —
One hat of the value of one dollar —

of the goods, chattels, and personal property of the said Henry Hertz — from the person of said Henry Hertz — and against the will and by violence to the person of the said Henry Hertz — then and there violently and feloniously did rob, 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.

Benjamin K Phelps
District Attorney

0705

BOX:
12

FOLDER:
154

DESCRIPTION:
Donahue, John

DATE:
05/26/80

154

0706

FORM 112.

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

Police Court—Third District.

Henry Liebock

of No. N.W. Cor of Avenue A & 3rd Street, being duly sworn, deposes

and says that on the 22 day of May 1880

at the City of New York, in the County of New York, was feloniously taken, stolen, and carried away from the possession of deponent, and from his person

the following property viz: One double case silver watch

of the value of Ten Dollars

the property of Deponent.

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away by John Donahue now present. That while deponent was standing corner Hester Street and the Bowery with said watch in his vest pocket. defendant approached him, pulled said watch from deponent's pocket and broke it from the chain to which it was attached. That deponent instantly seized defendant who thereupon dropped said watch upon the walk.

H. Liebock

Sworn to, before me this 23 day of May 1880

Police Justice.

0707

Police Court—Third District.

CITY AND COUNTY OF NEW YORK, } ss.

John Donohue. being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz.:

Question.—What is your name?

Answer.— John Donohue.

Question.—How old are you?

Answer.— Nineteen years.

Question.—Where were you born?

Answer.— In New York.

Question.—Where do you live?

Answer.— 193 Mulberry St.

Question.—What is your occupation?

Answer.— Mattress Maker.

Question.—Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.— ~~I am not guilty~~ I have nothing to say

John X Donohue
Mark.

Taken before me, this 28 day of May 1869.

[illegible]
Police Justice.

Police Court—Third District.

CITY AND COUNTY OF NEW YORK. } ss.

_____ being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to refuse to answer any question that may be put to h , states as follows, viz:

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live?

Answer.

Question. What is your occupation?

Answer.

Question. Have you anything to say, and if so, what—relative to the charge here preferred against you?

Answer.

Taken before me, this _____ *day of* _____ 18

_____ POLICE JUSTICE.

BAILED.

No. 1, by .....

Residence .....

No. 2, by .....

Residence .....

No. 3, by .....

Residence .....

No. 4, by .....

Residence .....

No. 5, by .....

Residence .....

No. 6, by .....

Residence .....

POLICE COURT—THIRD DISTRICT.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Henry Liebock

vs.

N.W. cor Ave A + 3rd St

John Donohue

2 .....

3 .....

4 .....

5 .....

6 .....

AFFIDAVIT—LARCENY.

Dated 23 May 1880

..... Magistrate.

Grado 10th ..... Officer.

..... Clerk.

Witnesses .....

$ 1500 to answer Cond

at ..... Sessions .....

Received at Dist. Att'ys Office,

COUNSEL FOR COMPLAINANT.

Name, ...

Address, ...

COUNSEL FOR DEFENDANT.

Name, ...

Address, ...

0710

CITY AND COUNTY OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York, upon their Oath, present:

That

John Donahue

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the twenty second day of May in the year of our Lord one thousand eight hundred and ~~seventy~~ eighty at the Ward, City and County aforesaid, with force and arms,

one watch of the value of ten dollars ——
of the goods, chattels and personal property of one Henry Liebow, on the person of the said Henry Liebow then and there being found, from the person of the said Henry Liebow

~~of the goods, chattels, and personal property of one~~

then and there ~~being found~~, 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.

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

John Donahue

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 watch of the value of ten dollars —

of the goods, chattels, and personal property of the said Henry Liebock

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said Henry Liebock

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said John Donahue

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.

BENJAMIN K. PHELPS, District Attorney.

0712

BOX:
12

FOLDER:
154

DESCRIPTION:
Dougherty, Charles

DATE:
05/04/80

154

No 12

Wednesday

Pr 2

Counsel,

Filed 4 day of May 1880.

Pleads Not Guilty

THE PEOPLE

vs.

18 H.S. 2 yrs 40 plunder

P

Charles Daugherty

Larceny, and Receiving Stolen Goods.

BENJ. K. PHELPS,

District Attorney.

Guilty

Part Trial May 6. 1880.

Pleads Pl.

Pen 6 months.

A True Bill.

Lloyd Carey

Foreman.

0714

4th District Police Court

CITY AND COUNTY OF NEW YORK, ss.:

Sarah L Jewett.

of No. 932 8th Avenue Street, being duly sworn, deposeth and saith, that on the 24th day of April 1880 at the Ward of the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent,

the following property viz.:

One gold Chain and Coral Cross of the value of Fifteen dollars. One gold ring with amythist Stone of the value of Ten dollars. One Handkerchief holder (gold) of the value of Five dollars One pair of gold earrings of the value of Eight dollars One pair of gold sleeve buttons of the value of one dollar in all of the value of Thirty nine dollars $39.00

the property of Deponent (unmarried)

, 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 Charles Dougherty (now here) from the fact that said Charles Dougherty acknowledged and confessed to deponent in the presence of witnesses that he did take steal and carry away the property aforesaid and deponent is informed by Officer George W Glass of the 22d Precinct Police that he found said property in the trunk of said Charles at his residence No 452 West 40th Street and

Sworn before me this day of 188 0

Police Justice

deponent fully identifies said property stolen and carried away as aforesaid.

Sarah L. Foster

Sworn to before me
this 1st day of January
1880.

B. J. Morgan
Police Justice

DISTRICT POLICE COURT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

AFFIDAVIT—Larceny.

DATED 187

MAGISTRATE.

OFFICER.

WITNESSES:

0716

Police Court, Fourth District.

CITY AND COUNTY OF NEW YORK, } ss.

Charles Dougherty being duly examined before the undersigned, according to law, on the annexed charge; and being informed that he was at liberty to answer, or not, all or any questions put to him, states as follows, viz:

Question. What is your name?

Answer. Charles Dougherty.

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. New York

Question. Where do you live?

Answer. 452 Washington Street

Question. What is your occupation?

Answer. Plumber

Question. Have you anything to say, and if so what,—relative to the charge here preferred against you?

Answer. I am guilty of stealing it.

Charles Dougherty

Taken before me this 1st day of May 1880

[illegible] Police Justice.

Police Court—Fourth District.

THE PEOPLE &c.

ON THE COMPLAINT OF

Sarah L. Smith
952 8th Ave

vs.

1 Charles Dougherty

2

3

4

5

6

Offence, Grand Larceny

RECEIVED
MAY 3 1880
DIST. ATTORNEY

Dated New York 1st 1880

Morgan Magistrate.

Glass, Officer.
22d Precinct

Clerk.

Charles Brower, 954, 8th Ave

Witnesses,

William J. Rush
No 258 West 46th St.

George W. Glass.
22 Precinct

$1000 Joan S. G.

Bonn

Received in District Atty's Office,

BAILED:

No. 1, by.....

Residence,.....

No. 2, by.....

Residence,.....

No. 3, by.....

Residence,.....

No. 4, by.....

Residence,.....

No. 5, by.....

Residence,.....

No. 6, by.....

Residence,.....

0718

CITY AND COUNTY OF NEW YORK, } ss.

THE JURORS OF THE PEOPLE OF THE STATE OF NEW YORK,
in and for the body of the City and County of New York, upon their Oath, present:

That

Charles Dougherty

late of the First Ward of the City of New York, in the County of New York, aforesaid, on the twenty fourth day of April in the year of our Lord one thousand eight hundred and ~~seventy~~ eighty at the Ward, City and County aforesaid, with force and arms,

One chain of the value of ten dollars
One cross of the value of five dollars -
One ring of the value of ten dollars -
One holder (of the kind called a handkerchief-holder) of the value of five dollars -
Two earrings of the value of four dollars each -
Two buttons (of the kind called sleeve buttons) of the value of fifty cents each -

of the goods, chattels, and personal property of one Sarah L. Jewett then and there being found, 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.

And the Jurors aforesaid, upon their oath aforesaid, do further present

That the said

Charles Dougherty

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 chain of the value of ten dollars –
One cross of the value of five dollars –
One ring of the value of ten dollars –
One holder (of the kind called a handkerchief holder) of the value of five dollars –
Two earrings of the value of four dollars each –
Two buttons (of the kind called sleeve buttons) of the value of fifty cents each –

of the goods, chattels, and personal property of the said Sarah L. Jewett

by a certain person or persons to the Jurors aforesaid unknown, then lately before feloniously stolen of the said Sarah L. Jewett

unlawfully, unjustly, and for the sake of wicked gain, did feloniously receive and have (the said Charles Dougherty

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.

BENJAMIN K. PHELPS, District Attorney.