

0799

**BOX:**

306

**FOLDER:**

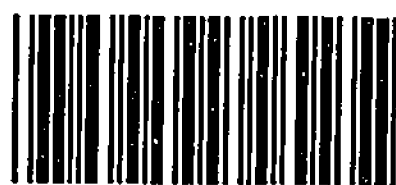
2914

**DESCRIPTION:**

DeKanne, George

**DATE:**

05/16/88



2914

0000

**BOX:**

306

**FOLDER:**

2914

**DESCRIPTION:**

Rosenthal, Lewis

**DATE:**

05/16/88



2914

-1

Subs:

Mr. Clements

Off. of the Court

27th Precinct

Resubmitted Matter

The Complaint is proper

and in want of

before the court of

justice will be

adversely affected

by the delay in

making a decision

thereon.

PS

Counsel,

Filed 16 day of May 1888

Pleas, *Chattel Mortgage*

THE PEOPLE

[Section 628, and 687, Penal Code].  
(False Pretenses).  
LARCENY, 1st Degree.

B

George DeKanne

B

Leona Rosenthal

JOHN R. FELLOWS,

*May 15 1888* District Attorney.

*Wm. G. Smith*

A True Bill.

*Wm. G. Smith*

Foreman.

Panel II May 28. 1888

*B* also plead guilty.  
Grand Jurors 2 day

City of Sumaskee May 5<sup>th</sup> 1888

Dear George On account of my being sick  
on my journey I was obliged to lie in bed until  
last week - now I am able to go out & improve  
every day - immediately after Pentecost mother & I  
will start - my baggage has already been sent  
off. Don't forget all I have written about making  
arrangements for my performances in America

Don't be impatient, we will soon see each  
other. I will telegraph from London where I  
will remain to give 5 or 10 performances & no more

Don't write me any more as your letters will  
not reach me. In hope to see you very soon

I am your loving father

Abello De Cenne

Regards "



Count of General Issues

The People  
upon Complaint of  
Max Klemberg  
vs  
George De Range  
Louis Rabinthal

I hereby certify that I desire to withdraw  
my Complaint in the above entitled proceedings upon the  
grounds that I find upon investigation that there was  
no design upon the part of the defendants to defraud  
me. The representations made by them were made  
in good faith and ~~and~~ ~~and~~ ~~and~~ after a thorough  
investigation of the facts & regret that I commenced the  
proceedings.

Dated New York May 29 1888

In presence of }  
J. J. Donovan } Max Klemberg

City & County of New York ss:  
On this 28<sup>th</sup> day of May, 1888  
before me personally came Max  
Klemberg, to me known and  
known to me to be the individual  
described in & who executed the  
foregoing instrument, and who  
duly acknowledged that he execu-  
ted the foregoing instrument for the

Court of General Sessions  
The People  
upon Complaint of  
Max Klemberg  
vs  
George De Kange  
Louis Kersenthal

I hereby certify that I desire to withdraw  
my Complaint in the above entitled proceedings upon the  
grounds that I find upon investigation that there was  
no design upon the part of the defendants to defraud  
me. The representations made by them were made  
in good faith and as I believe after a thorough  
investigation of the facts & regret that I commenced the  
proceedings.

Dated New York May 29 1888

In presence of }  
J. J. Donovan } Max Klemberg

City & County of New York ss:  
On this 28<sup>th</sup> day of May, 1888  
before me personally came Max  
Klemberg, to me known and  
known to me to be the individual  
as described in & who executed the  
foregoing instrument, and who  
duly acknowledged that he execu-  
ted the foregoing instrument for the

0805

2  
uses and purposes herein mentioned  
Timothy Donovan  
Comm. of Deeds  
M. C. Ye



0806

CITY AND COUNTY } ss.  
OF NEW YORK,

POLICE COURT, 3 DISTRICT.

Cornelius Seary  
 of the 7th Precinct Police Street, aged        years,  
 occupation        being duly sworn deposes and says,

that on the        day of        188    
 at the City of New York, in the County of New York, Max Kleimberg

(now here) is a necessary and material  
 witness for the prosecution against  
 George De Lanne & Lewis Roenthat  
 charged with a Felony

Deponent says that said  
 Kleimberg has no permanent place  
 of abode and also that he  
 give security for his appearance in  
 custody

Cornelius Seary

Sworn to before me, this

of May

188

day

Paul J. McFadden  
 Police Justice,

0807

Police Court— 3 District.

Affidavit—Larceny.

City and County } ss.:  
of New York,

Max Kleimberg

of No. 124 Stanton Street, aged 20 years,  
occupation Glazier being duly sworn

deposes and says, that on the 23 day of February 1888 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property viz:

Good and lawful money of the United States consisting of two bills of the denomination and value of Twenty dollars each, one bill of the denomination and value of Ten dollars and two bills of the denomination and value of Five dollars each all of the value of Sixty dollars

the property of Louis Kleimberg deponent's Father deponent being a Minor

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 George De Ganne & Lewis Rosenthal (better known here) Deponent says that on or about the 23<sup>d</sup> day of January 1888 he met said Rosenthal at the lodge room 165 East Broadway in said City when said Rosenthal sat alongside of him and asked him how much money he had. That deponent replied that he had \$120 in the Bank. Deponent says that said Rosenthal informed him that he would procure for him a good place and would introduce him to George De Ganne who would procure for him said situation in him said deponent depositing \$100 as security with said De Ganne. Deponent says

188

Sworn to before me, this day of 1888  
Police Justice.



that on February 22, 1888 said Rosenthal introduced said De Canne to him in Eldridge Street in a Lager Beer Saloon.

That said De Canne Rosenthal then and there informed deponent that he had a situation for him at a salary of \$10. per week and informed deponent to call at 86 Hester Street the following morning. Deponent says that he called at said place aforesaid and met said Rosenthal <sup>Mr.</sup> De Canne and said Rosenthal informed him that said De Canne's Father was an Actor and would arrive in this City in about ten days and that deponent should deposit \$100 with said De Canne as security for said position. Deponent says that he could not give \$100 but would give him the aforesaid sum of \$60. Deponent says that he went to his home and returned with his Bank Book and said Rosenthal and De Canne accompanied him to the Bry Bedd Savings

Bank corner of Broadway & ~~Second~~ <sup>Third</sup> Street in said City where he drew from his account the sum of \$60. and gave the same to De Canne in the presence of Rosenthal in said Bank.

Deponent further says that said De Canne called at his place of residence and stated that he desired the further sum of \$40 to procure rooms for his Father the person who was going to employ deponent. Deponent says that on March 2, 1888 he gave him <sup>said De Canne</sup> the further sum of \$35 and he said De Canne then and there informed him that he would surely receive employment in a week thereafter. Deponent says that he called in about Eight days thereafter and asked De Canne for said Employment and said De Canne informed that he had not received a letter and that his said De Canne's Father was playing in Paris. Deponent says that he called

on he came several times thereafter  
and he said he came always  
told him to wait

Defendant says that he requested  
said he came to return said money  
and he said he came refused to  
return the same

Wherefore defendant charges said  
Recentral <sup>and</sup> he came with acting  
in concert and feloniously taking  
stealing and carrying away the  
same

Max Kleinberg

Given to before me

This 3 day of May 1888

Sam O'Neill Police Justice

08 10

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

George De Lanne

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

Poland

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

Answer.

137 E 73 way 2 mos

Question. What is your business or profession?

Answer.

Doctor

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

Answer.

I ~~can~~ have nothing to say  
until I see Counsel  
De Lanne

Taken before me this

day of

188

Police Justice.

08 11

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Lewis Roenthal*

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

Question. What is your name?

Answer.

*Lewis Roenthal*

Question. How old are you?

Answer.

*45 years*

Question. Where were you born?

Answer.

*Poland*

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

Answer.

*86 Hester St 4 mos*

Question. What is your business or profession?

Answer.

*Peddler*

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

Answer.

*I am not guilty*

*L. Roenthal*

Taken before me this

day of

*Oct*

188

Police Justice.



0012

Complainant Charles May 7/88  
By Simon Shiland  
76 Eldridge St.

BAILED,  
May 18/88  
No. 1, by Constance Schaffner  
Residence 70 West 50 St.  
May 7/88  
No. 2, by Stephen Hirschberg  
Residence 47 Garfield St.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_

210/221 9113/088  
Police Court 3d District.

THE PEOPLE, & C.,  
ON THE COMPLAINT OF

May 18/88  
By Simon Shiland  
276 Eldridge St.  
George H. Lamm  
David Rosenthal

Offence Larceny  
Felony

Dated May 3 188 8

Daniel O'Reilly Magistrate.  
Henry Stapleton Officer.

Witnesses \$1500 & May 3 2 PM  
No. " " " 4 2 PM

Complainant committed to  
the House of Correction, since  
defendant \$1000 to testify.  
No. 1888  
\$1500  
8

Remanded  
Rebecca Rothstein  
124 Stanton St  
rear house

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 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 May 4 188 8 Sam J. C. Kelly Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.



# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,  
AGAINST

*George DeKanne*  
*and Sevin Rosenthal*

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

*George DeKanne and Sevin*  
*Rosenthal* —

of the CRIME OF *Fraud* LARCENY in the second degree,  
committed as follows:

The said *George DeKanne and Sevin*  
*Rosenthal, both* —

late of the City of New York, in the County of New York aforesaid, on the *23rd*  
day of *February* in the year of our Lord one thousand eight hundred and  
eighty-*eight*, at the City and County aforesaid, with force and arms, with intent to  
deprive and defraud *one Max Weinberg* —

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of  
the use and benefit thereof, and to appropriate the same to *their* own use, did then and  
there feloniously, fraudulently and falsely pretend and represent to *the said*  
*Max Weinberg*; —

That *the father of the said George De*  
*Kanne was an actor and was then*  
*expected to arrive in said City in two*  
*days. That the said George De Kanne*  
*then had the means to secure a position*  
*for the said Max Weinberg, and the*  
*power and authority to procure such*  
*position for him at a salary of ten*  
*dollars per week; that such position*

was then vacant and at the disposal of the said George De Kame. It was necessary in order for the said Max Weinberg to secure the same that he should pay to them the said George De Kame and Ben Rosenthal the sum of sixty dollars, and that by paying the said sum the said Max Weinberg could and would be appointed to said position. When the trade of the said George De Kame was the person in whose employment the said position was then vacant. And the said Max Weinberg —

then and their believing the said false and fraudulent pretenses and representations so made as aforesaid by the said George De Kame and Ben Rosenthal — and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said George De Kame and Ben Rosenthal two 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 the denomination and value of twenty dollars each; two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of twenty dollars each; two United States Silver Certificates of the denomination and value of twenty dollars each; two United States Gold Certificates of the denomination and value of twenty dollars each; — two 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 the denomination and value of ten dollars each; two promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of ten dollars each; two United States Silver Certificates of the denomination and value of ten dollars each and two United States Gold Certificates of the denomination and value of ten dollars each; —

of the proper moneys, goods, chattels and personal property of the said Max Weinberg; —

And the said George De Kame and Ben Rosenthal did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Max Weinberg —

by color and by aid of the false and fraudulent pretenses and representations aforesaid, with intent to deprive and defraud the said Max Weinberg —

of the same, and of the use and benefit thereof, and to appropriate the same to their own use

Whereas, in truth and in fact, the said father of the said George De Kame was not an actor, and was not then expected to arrive in said city in two days; and the said George De Kame did not

then have any means to secure a position for the said Max Kleinderg, and did not then have the power and authority to secure such position for him at a salary of ten dollars per week; and such position was not then vacant and at the disposal of the said George DeKame; and it was not necessary for the said Max Kleinderg to pay to them the said George DeKame and Lewis Rosenthal in order to secure the same, the sum of sixty dollars, and the said Max Kleinderg could and would not be appointed to said position by paying the said sum; and there was not then any such position vacant in the employment of the said George DeKame's father.

And Whereas, in truth and in fact, the pretenses and representations so made as aforesaid by the said George DeKame and Lewis Rosenthal to the said Max Kleinderg — was and were

then and there in all respects utterly false and untrue, as they the said George DeKame and Lewis Rosenthal at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said George DeKame and Lewis Rosenthal in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods, chattels and personal property of the said Max Kleinderg —

then and there feloniously did STEAL, against the form of the Statute in such case made and provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,

District Attorney.

08 16

**BOX:**

306

**FOLDER:**

2914

**DESCRIPTION:**

Dempsey, William

**DATE:**

05/16/88



2914

Witnesses:

*John E. Thompson*  
*John E. Thompson*  
*John E. Thompson*

Counsel,

Filed

16 May

1888

Pleads,

*Chiquely*

THE PEOPLE

vs.

*106 Chom*  
*134*  
*106*

*William Dempsey*

*7 May 1888*

*John E. Thompson*

JOHN R. FELLOWS,

District Attorney.

*John E. Thompson*

A TRUE BILL.

*John E. Thompson*

Foreman.

*S. P. H. 1888*

*Burglary in the Third degree*  
*Grand Jurors 2nd degree*  
*[Section 498, 506, 528 and 531.]*



## COURT OF GENERAL SESSIONS OF THE PEACE:

City and County of New York.

-----x

The People	:
vs.	:
William Dempsey	: Before,
Indicted for Burglary in the	: Hon. Rufus B. Cowan,
third degree	: and a Jury.
Indictment filed April, 1888.	:

-----x

Tried, May 22nd., 1888.

## APPEARANCES:

Assistant District Attorney Mc Dona, for the People,  
Mr. Abraham Suydam, for the Defence.

-----

ANTONY STOMPF, the complainant, testified that he  
was a publisher doing business at 25 Park Place. He  
had a quantity of type in his office. On Wednesday  
afternoon, April 25th., 1888 his attention was called  
~~to that part of his place of business where the type was~~

2.

kept. He had previously locked it up-- about 6 days before. He had visited it once or twice in the meantime and had tried the door every morning. He tried the door on the 24th. and on the morning of the 25th. and found it locked. In the afternoon, he found the door open. His attention was called to the door by Mr. Olsen. The door had been broken open. The prisoner was then standing about a foot and a half from the door in the hall-way on the landing. It was then about 4 o'clock in the afternoon. He asked the defendant what he had been doing in the room. The defendant said, " You know that Mr. Weidmann moved out of this place and left all this type behind him and I am negotiating with him to buy the type " He asked the defendant what he was going to pay for it and the defendant said, " 3 1/2 cents per pound" I am going to sell it at 50 Ann Street for 7 cents" I said, "Do you think that would be a bargain" and he, the defendant, said, "yes" Then he, the witness said, "you are a liar" Mr. Weidmann does not know that the type is in there." He said, "If you don't believe me you can come with me to Mr Weidmann" He , the

3:

witness said, " that he would call Mr. Weidmann" and the defendant said, " he could not wait, and started to walk off. His, witness' partner, Mr. Sturer, followed, and his, witness' office boy had just come from the post office, and he told him, the boy, to get an officer. When he, witness, said "officer" the defendant ran up the street as though there was a streak of lightening after him. While he was pursuing the defendant, some one was trying to push him up against the post office wall and finally stopped him, but an officer, meanwhile had arrested the defendant.. He, the witness bought the type on the 16th. and moved it into the room where the defendant had stood. Afterwards he found out that about 100 pounds of type was missing and about 103 pounds had been packed up in paper bags. He had never seen Dempsey before that day. The type was worth from 42 to 68 cents a pound- about \$30 worth altogether was missing. About 103 pounds that were packed in the paper bags had been taken from cases and put in the bags. This was not done with his orders, or by any of his employees.

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4.

UNDER CROSS-EXAMINATION. The witness testified that he was not employed by Mr. Weidmann, but, as his lease had not expired, he obtained permission from him to put the type in his room. Olsen was the Janitor of the building. He paid \$500 for all the type in the room. It was type that had been used for about 2 months. Some of it hadn't been used at all. The lowest market value for the type was 52 cents a pound.

-----

FERDINAND OLSEN, testified that he was a porter for E. Steigen & Co. of Park Place, the leasees of the building. He saw another man with Depmsey and both of them were fooling around the type in the complainant's room. He saw them have some type in their hands. He could not say whether it was Depmsey or the other man. His attention was called to the open door, because he went to the room to get a hat from some lumber that Mr. Steiger had there. The prisoner and the other man were in the room when he opened the door. The door was shut., not locked, He then called the attention of the complainant to the matter and when he returned, the other

5.

man was gone.

-----000-----

THE COMPLAINANT, being re-called, testified that he did see another man with Depmsey. While he was talking to Dempsey, this man disappeared.

-----

OFFICER THOMAS E. COUGHLIN, testified that he arrested the defendant in Mail Street on the 25th. of April 1888. It was his day off and he was in citizen's clothes. He was going down on the elevated road and there was quite a crowd in Park Place and he heard the complainant cry out, " he robbed me" and he started after the defendant. He was running and ran between the Horses and the mailwagons at the back of the post office. He , witness, caught up with Dempsey, and asked him after he had arrested him, what he had taken from the complainant and the defendant said that he had done nothing. He then asked the complainant what he had lost and the complainant said that he had lost some type: The defendant made no explanation. He said that he didn't want to be arrested.

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--NO DEFENCE--



May

The People

vs

William Damprey

Indicted for Burglary in  
the Third Degree

Indictment filed April 1888

Tried May 27/1888

Before

Hon Rufus B. Lowrey  
and a jury

5

0823

0824

Police Court— District.

City and County } ss.:  
of New York,of No. 25 Park Place Anthony Stumpf Street, aged 32 years,  
occupation Publisher being duly sworndeposes and says, that the premises No 25 Park Place Street,in the City and County aforesaid, the said being a five story brickbuilding the third floor ofand which was occupied by deponent as a printing establishment

and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly

pushing  
open a door leading  
into said premiseson the 25<sup>th</sup> day of April 1888 in the day time, and the  
following property feloniously taken, stolen, and carried away, viz:A quantity of typevalued at Eightydollarsthe property of Charles R. Stiles and deponent expressly

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 Rempsay (now here), and  
another man not yet arrestedfor the reasons following, to wit: <sup>in said date</sup> deponent said thatthe said door and windowsof said premises were securelylocked and fastened andhaving found the said doorbroken open and the saidproperty missing is in-ferred by Herambus Olsen.That he Olsen saw the said

0025

and said custom man  
defendant, in the said room  
taking type from one box and  
placing it in another. Deponent  
found a quantity of type in  
paper bags ready to be carried  
away and further says that  
the said defendant had no authority  
to be in said place, he is not employed  
by deponent and when deponent called  
for an officer to arrest the defendant  
he the defendant ran away.

Sworn to before me } Anthony Stumpf  
this 26<sup>th</sup> day of April }  
1884 }  
J. J. Sawyer  
Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Degree.

vs.

Burglary

Dated

1884

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0026

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Ferdinand Olsen*  
aged 36 years, occupation Porter of No.

25 Park Place Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Anthony Stumpf

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

Sworn to before me, this

day of

26  
April 1888

F. Olsen

W. J. Orme

Police Justice.



0027

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William Dempsey* 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.

*William Dempsey*

Question. How old are you?

Answer.

*25 years.*

Question. Where were you born?

Answer.

*New York.*

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

Answer.

*139 Cherry Street. Since August.*

Question. What is your business or profession?

Answer.

*Polisher*

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

Answer.

*I am not guilty - and I  
demand an examination.*

*William Dempsey*

Taken before me this

day of

188

Police Justice.

0020

\$1500-Ex  
9-20-AM.  
28 April.

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

Police Court-1  
District 679

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John Henry Smith*  
*vs West Place*  
*William Thompson*  
*Burglary*

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Offence \_\_\_\_\_

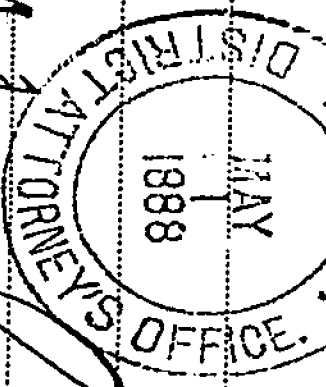
Dated *April 26* 188

Magistrate  
Precinct Officer

Witness *William Thompson*

No. *25* *East* Place Street

*W. Jackson, Clerk*



No. *1000* Street  
to assist

*[Signature]*

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

*Defendants*  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *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 *April 26* 188 *8* *August 7* Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

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

Dated \_\_\_\_\_ 188 \_\_\_\_\_ Police Justice.

0829

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William Dempsey*

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

*William Dempsey*

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

The said *William Dempsey*

late of the *Fifth* Ward of the City of New York, in the County of New York, aforesaid, on the *25th* day of *April*, in the year of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *residence* of one

*Adolph Witten*  
*Adolph Witten*

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

*Adolph Witten*  
*Adolph Witten*

in the said *residence* 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.

## SECOND COUNT—

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

— *William Dempsy* —  
of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:

The said *William Dempsy*

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 the said day, with force and arms,

*a quantity of type, a more  
particular description whereof  
is to the Grand Jury aforesaid  
unknown, and cannot now be  
given, of the value of eighty  
dollars,*

of the goods, chattels and personal property of one *Charles D. Storer.*

in the *building* of the said *Adolph Wittenberg*  
*Adolph Wittenberg*

there situate, then and there being found, *in* the *building* 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. Storer,*  
*District Attorney*



0031

**BOX:**

306

**FOLDER:**

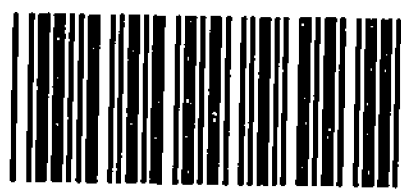
2914

**DESCRIPTION:**

Deveau, John

**DATE:**

05/11/88



2914

James O'Leary

Filed 11 day of May 1888  
Pleads *Guilty*

THE PEOPLE

5

Grand Larceny in the Second Degree  
 (MONEY)  
 (Sec. 678 and 673 - Penal Code.)

(Sec. 528 and 53 / -, Penal Code.)

P

John D. Evans

JOHN R. FELLOWS,

*District Attorney.*

# A True Bill

*W. M. Jones*

Part III - May 21, 1888 Foreman.

9 leads - Grand Larceny 2<sup>nd</sup> deg  
Attempt

Ques 25, 288

24th 6 mos. 5.9

22

0832

0033

Police Court District.

Affidavit—Larceny.

City and County  
of New York, ss.

James Daly  
 of No. 237 East 95<sup>th</sup> Street, aged 34 years,  
 occupation Bookkeeper being duly sworn  
 deposes and says, that on the 7<sup>th</sup> day of May 1888 at the City of New  
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
 of deponent, in the day time, the following property viz:

Good and lawful Money Consisting  
 of bills of various denominations  
 to the amount of about three hundred  
 and fifty dollars \$350<sup>00</sup>/<sub>100</sub>

the property of John N. Sterns and Company  
 and in deponent's care and charge  
 at the time.

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 Dwyer now present

that about half past ten o'clock  
 A.M. on said day the defendant  
 came into the office where deponent  
 was engaged in counting the money,  
 and having occasion to leave the room  
 for a short time to attend to a  
 telephone call, the defendant went  
 to the desk where the money was  
 lying, and took and stole the  
 same, and was on his way to the  
 street with the money in his possession  
 when deponent took hold of him  
 and caused him to return the  
 same to deponent.

James Daly

Sworn to before me this  
 7<sup>th</sup> day of May 1888  
 at New York  
 Police Justice.

0034

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*John Devoe* 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. *John Devoe*

Question. How old are you?

Answer. *23 Years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *262, 15 Street Brooklyn*

Question. What is your business or profession?

Answer. *Laborer*

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

Answer. *I am not guilty of the  
charge*

*John Devoe*

Taken before me this

188

Police Justice.



0835

2761  
Police Court  
District

1905

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

William D. Kelly  
vs. George  
1237 8 20th St.

1. William D. Kelly  
2. George  
3. William D. Kelly  
4. George

Offence

Green  
felony

BAILED,  
No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

May 7, 1888

Magistrate

James D. Kelly

Officer

Precinct

Witnesses

No.

Street

No.

Street

No.

Street

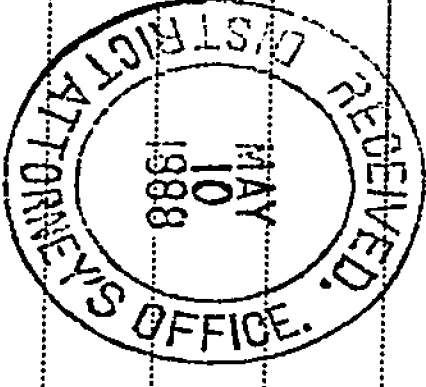
No.

Street

No.

Street

\$ 2000-00 to answer



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 Two Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated May 7 1888 James D. Kelly Police Justice.

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

Dated \_\_\_\_\_ 1888 \_\_\_\_\_ 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 May 7 1888 \_\_\_\_\_ Police Justice.

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Deveau*

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

*John Deveau*  
of the crime of GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said

*John Deveau*

late of the City of New York, in the County of New York, aforesaid, on the *seventh* day of *May* in the year of our Lord one thousand eight hundred and eighty-*eight*, at the City and County aforesaid, with force and arms, in the *day* - time of the same day, *seventeen* 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 the denomination of twenty dollars, and of the value of twenty dollars *each* ; *thirty-five* 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 the denomination of ten dollars, and of the value of ten dollars *each* ; *seventy* 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 the denomination of five dollars, and of the value of five dollars *each* ; *two hundred* 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 the denomination of two dollars, and of the value of two dollars *each* ; *four hundred* 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 the denomination of one dollar, and of the value of one dollar *each* ; *seventeen* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars *each* ; *thirty-five* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars *each* ; *seventy* promissory notes for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars *each* ; *seventeen* United States Silver Certificate of the

denomination and value of twenty dollars *each* *thirty-five* United States Silver Certificate ~~of~~ the denomination and value of ten dollars *each* ; *seventy* United States Silver Certificate ~~of~~ the denomination and value of five dollars *each* ; *two hundred* United States Silver Certificate ~~of~~ the denomination and value of two dollars *each* ; *four hundred* United States Silver Certificate ~~of~~ the denomination and value of one dollar *each* ; *seventeen* United States Gold Certificate ~~of~~ the denomination and value of twenty dollars *each* ; *thirty-five* United States Gold Certificate ~~of~~ the denomination and value of ten dollars *each* ; *seventy* United States Gold Certificate ~~of~~ the denomination and value of five dollars *each* ; ~~and divers coins, of a number, kind and denomination to the Grand Jury aforesaid unknown, of the value of~~

of the proper moneys, goods, chattels and personal property of one *John A.*

*Stearns*

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.

0030

**BOX:**

306

**FOLDER:**

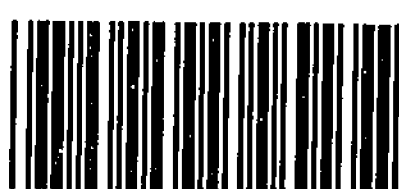
2914

**DESCRIPTION:**

Devine, Joseph

**DATE:**

05/21/88



2914



Witnesses;

~~John W. Edwards~~  
Peter W. Edwards  
H. H. Korman  
20 # present

Counsel,

Filed 21 day of May 1888

Pleads Chittelly vs

THE PEOPLE

18 Nov 1888  
vs.  
Joseph Devine

Burglary in the Third degree,  
Grand Larceny Second  
Degree and Receiving  
[Section 498, 506, 528, 531 & 550]

JOHN R. FELLOWS,

District Attorney.

22 June 18, 1888

Pleas do P. L.  
Budget suspended.

A True BILL.

W. M. Jones

Foreman.

Part 3 -  
June 21/88

Part 2 June 18, 1888 J. M. Co.

0039

Court of General Sessions

People of the State  
of New York  
against  
Joseph Devine

D

City County and SS  
State of New York

Peter Ward of No  
469 West 5<sup>th</sup> St. New York City being  
duly sworn says: I am engaged in  
business as a dealer in rags & paper stock  
at No. 448 W 450 West 39<sup>th</sup> St.  
That I have known Joseph Devine for  
the past three years, and also know  
others who are acquainted with him.  
That his reputation for honesty truth  
and sobriety has always been good and  
this is the first time I have ever heard  
of his being arrested for any crime  
Sworn to before  
me this 29<sup>th</sup> day of May 88 Peter Ward  
John Hoyer  
Notary Public  
Wks

Court of General Sessions  
 The People vs }  
 vs. }  
 Joseph. Devine }

City County S.S.  
 & State of New York.

Henry J. Bradley, Contractor of  
 No. 503. West. 55<sup>th</sup> Street: New York City  
 being duly sworn says. I know the de-  
 fendant - about five years, and know  
 other people who are acquainted with him  
 that his general reputation for honesty  
 and truthfulness has always been good.  
 He was always, during my acquaintance  
 with him employed by his brother  
 I have never heard of his being arrested  
 heretofore for any crime  
 sworn to before me

this 29<sup>th</sup> day of May 1888 Henry J. Bradley  
 John Hoyer  
 Notary Public  
 N.Y.C.

0842

Police Court—2 District.City and County } ss.:  
of New York,of No. 459 West 33<sup>rd</sup> Street, aged 28 years,occupation Saloon Keeper being duly sworndeposes and says, that the premises No. 406 North Avenue Street,in the City and County aforesaid, the said being a four storybrick building, and the first floorof which was occupied by deponent as a liquor storeand in which there was at the time no human being, by namewere BURGLARIOUSLY entered by means of forcibly opening theshutters and raising the window facingthe yard of said store.on the 10th day of May 1888 in the night time, and the following property feloniously taken, stolen, and carried away, viz:A quantity of Cigars and postage stamps  
and one watch. Altogether of the value  
of fifty dollars (\$50.00)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

Joseph Devine (now here)for the reasons following, to wit: On the morning of the abovementioned date deponent secured andlocked the doors and windows of saidpremises. That deponent is informed byPolice Officer Herman Wagner of the 26thprecinct that the said defendant admittedto him said officer that on the above dateabout the hour of 11 o'clock in the morninghe the said defendant in Company with



0843

an other man who is not yet arrested  
 committed the Burglary as before  
 related on said premises, and for the  
 further reason the said defendant  
 informed said officer that  
 fifteen boxes of Cigars a portion of  
 the above described property, were concealed  
 in the Cellar of No 445 west 32<sup>nd</sup>  
 Street. That said officer found said  
 property in the Cellar of said premises

Sworn to before me  
 this 14th day of May 1908 }  
*P. J. Coffey*  
 Police Justice.

*Peter MacShane*

Police Court — District.

THE PEOPLE, & c.,  
 ON THE COMPLAINT OF

Degree.

28.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0844

CITY AND COUNTY }  
OF NEW YORK, } ss.

Herman Wagner  
aged 25 years, occupation Police officer of No.

111 25th Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Peter McElhane

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

Sworn to before me, this 14  
day of May 1888 } Herman Wagner.

P. J. Duffy  
Police Justice.

0845

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. Joseph Devine

Question. How old are you?

Answer. 18 years

Question. Where were you born?

Answer. New York

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

Answer. 570 West 51<sup>st</sup> Street New York 3 years

Question. What is your business or profession?

Answer. Reporter

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

Answer. I am not guilty

Joe Devine

Taken before me this

day of

Police Justice.

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



0047

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*

*Joseph Devine*

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

*Joseph Devine* —

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

The said *Joseph Devine*.

late of the *Twentieth* Ward of the City of New York, in the County of New York, aforesaid, on the *twelfth* day of *May*, in the year of our Lord one thousand eight hundred and eighty-eight, with force and arms, at the Ward, City and County aforesaid, a certain building there situate, to wit: the *Store* of one

*Peter McElhorne*. —

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

*Peter McElhorne*. —

in the said *Store* 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.

## SECOND COUNT—

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

*Joseph Denio* —of the CRIME OF *Grand* LARCENY in the second degree, committed as follows:The said *Joseph Denio*,late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the *mid* time of the said day, with force and arms,

*fifteen boxes of cigars of the value  
of three dollars each box, fifty  
United States Postage stamps of  
the value of one and of the denomination  
of two cents each, and one watch  
of the value of twenty dollars.*

of the goods, chattels and personal property of one *Peter McElhane* —in the *store* of the said *Peter McElhane* —

there situate, then and there being found, in the *store* 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.

## THIRD COUNT—

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

*Joseph Devine —*

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

The said *Joseph Devine.*

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, with force and arms,

*fifteen boxes of cigars of the value of three dollars each box,*

of the goods, chattels and personal property of one *Peter Mc Elhane.*

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

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

*Joseph Devine —*

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

JOHN R. FELLOWS,

District Attorney.

0850

**BOX:**

306

**FOLDER:**

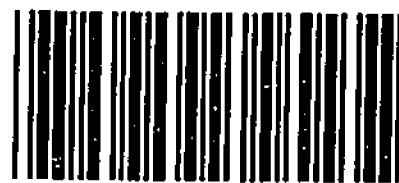
2914

**DESCRIPTION:**

DiYoya, John

**DATE:**

05/01/88



2914



Witnesses:

Julien Mamm  
423 W 14 St  
Officer Gael Green  
Officer

Counsel,

Filed, 1 day of May 1888

Pleads, *Not guilty*

THE PEOPLE,

vs.

*John Di Yoya*

*Attempt to Rape*  
Section 34 and 278, Penal Code.

JOHN R. FELLOWS.

RANDOLPH B. MARINE,

*Wm. W. J.* District Attorney.

*Wm. W. J. J. J. J.*

A True Bill.

*W. J. J. J. J.*

Foreman.

*Wm. W. J. J. J.*

*Wm. W. J. J. J.*

0852

Police Court—2 District.

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

of No. 423 West 17<sup>th</sup> Julia Kirwin Street,

on Thursday the 19<sup>th</sup> being duly sworn, deposes and says, that  
day of April  
in the year 1888, at the City of New York, in the County of New York,

and indirectly  
he was violently ASSAULTED and BEATEN by John DiGoya (now here)  
who seized deponent by the body and threw  
deponent upon a bed and then said said defendant  
did raise deponent's clothing and placed himself on  
top of and upon deponent's body and placed one of  
his said defendant's hands upon deponent's mouth,  
and said assault was committed  
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 19<sup>th</sup>  
day of April 1888 } Julia Kirwin

Sam'l C. Smith Police Justice.

0053

New York April 19<sup>th</sup> 1887.

This is to certify that I have  
examined Lucy Kiraan, and  
that I find no evidence of her  
having been indecently assaulted

C. Van Kuren M.D.  
Surgeon of Police  
16<sup>th</sup> District

0854

Sec. 108-200.

2<sup>d</sup> District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *John Di Goya*

Question. How old are you?

Answer. *40 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *No 128 Varick Street + about 6 months*

Question. What is your business or profession?

Answer. *Coral and Wood.*

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

Answer. *I am not guilty*  
*John Di Goya*

Taken before me this

day of

188

Police Justice.



0855

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court

2

District

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Police Thomas  
423 West 17th  
St. New York

Offence

Assault  
Misdemeanor

Dated

April 19

1888

Magistrate

John S. Smith

Officer

John S. Smith

Precinct

Witnesses

James Green  
John S. Smith

No.

160

Street

William H. H. H.

8 - 10th St. New York

\$

10000

to answer

8

Dr. B. J. H. H.

per receipt.

COMMITTED.

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

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

Dated April 19 1888 John S. Smith Police Justice.

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

Dated 1888 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 1888 Police Justice.

State of New York  
 City and County of New York ss

Benedetto Ginoebio being  
 duly sworn deposes and says  
 that - he is acquainted with  
 John De. Gays for the past fourteen  
 years that he has known the  
 said John to be a man of good  
 Moral Character and is well  
 spoken of by all who know  
 him.

Deponent further says  
 that - he has never known the  
 said John De. Gays to do any  
 wrong act - since all the  
 years he knows him.

Sworn to before me - Benedetto Ginoebio  
 the 14<sup>th</sup> day of May 1886,

Samuel J. Warren

Commissioner of Deeds

My Country

City & County  
of New York / ss.

Donato A. Parvis  
being duly sworn deposes and  
says that - he is acquainted with  
John De Mayo for the past ten  
years and during that - time  
he has never known the said  
De Mayo to do any wrong act

Deponent further says that  
he has always heard his Neighbors  
speak very highly of him, and  
deponent has always known the  
said De Mayo to be a man of  
good Moral Character

Sworn to before me x Donato A. Parvis  
this 1<sup>st</sup> day of May 1886

Samuel J. Warren  
Commissioner of Deeds  
my Co

State of New York  
City and County of New York / ss.

Louisa Devoto being duly sworn deposes and says that she is acquainted with John De Mayo for the past ten years that she has known the said John De Mayo to be a man of good moral character, and never known him to do any thing wrong furthermore deponent has heard people speak very highly of the said John De Mayo.

Deponent believes that if the said John De Mayo is discharged from this Complaint that he will be a good citizen and will always live up to the principles of manhood.

Sworn to before me + Mrs. Louisa Devoto  
this 14th day of May 1888.

Samuel J. Warren  
Commissioner of Deeds  
City and County



Unit of  
General Service

In the Matter  
of the People  
- against -

John De. Vero

Applicant -

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

The People

v.

BRIEF FOR THE PEOPLE.

John di Yoyo.

STATEMENT OF THE CASE.

The prisoner, who keeps a wood and coal cellar at 128 Varick Street, is indicted for attempted rape at that place on April 19, 1888, on the person of a little girl, Julia Kirwan, aged 13 years. The facts of the case appear in the evidence.

EVIDENCE FOR THE PEOPLE.

JULIA KIRWAN. - Resides at 423 West 17 Street. On April 19, about 10 A.M., witness went down to Varick Street to go to a cologne factory at Spring and Varick Streets, where she was going to look for work. While passing 128 Varick Street the prisoner asked her to come into the cellar as he had something to tell her. She went in, and the prisoner said "Do you drink beer?" and she answered "No." He then asked her if she drank lemonade and sarsaparilla, and she replied, sometimes. The prisoner then went out and brought back some beer and a bottle of sarsaparilla. Witness drank some of the latter, and the prisoner and another man who was in there drank the beer. After this the other man went away. The prisoner then led her into another room and asked her to take off her hat and cloak. She did not do so, and he pulled off her hat and told her to take off her cloak. He said "I am not going

to hurt you." Then he unbuttoned her cloak and threw her down on the bed and got on top of her. Witness had no drawers on, and when the prisoner got on top of her she tried to scream, and struggled with him two or three minutes until the two policemen came in (Officers Greer and Kringle). The prisoner then went out into the yard, and the officers arrested him, and took witness also to the station house.

JAMES GREER. - Is a Police officer attached to the 8th Precinct Municipal Police. On April 19th witness saw the girl Julia Kirwan enter the premises 128 Varick Street, which made him suspicious that all was not right, and he therefore watched the premises and also notified Officer Kringle of the same Precinct to be on hand. After the girl entered witness saw another man in the cellar whom he did not know. After the girl had gone into the premises, the prisoner went after beer and lemonade or sarsaparilla, and when he came back with these the other man left. All this time witness could see the girl because she was sitting by the door. Soon after witness noticed that she had disappeared, and witness called Officer Kringle and they went in together, and found the girl lying on the bed with her hat and cloak off, and the prisoner in the act of buttoning up his clothes which had been unbuttoned.

WILLIAM KRINGLE. - Is an Officer attached to the 8th Precinct. Will corroborate the last witness's statement in every particular.

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to Philip Lee. - Under the supervision of the clerk and the clerk per Jones on

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MRS. KIRWAN. - Resides at 423 West 17 Street. Is the mother of the girl Julia and will testify to her being 13 years old.

JOHN KELLY. - Also resides at 423 West 17 Street. Knows the girl to be a girl of good character, and will so testify.



N. Y. GENERAL SESSIONS

THE PEOPLE

AGAINST

*John di Goyo*

*Attempted Rape*

PENAL CODE, § 110.1

BRIEF FOR THE PEOPLE.

# 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 Dir noga*

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

*John Dir noga*  
of the CRIME OF *Thamming to commit the crime of Rape,*  
committed as follows:

The said *John Dir noga*.

late of the *First* Ward of the City of New York, in the County of New York aforesaid, on  
the *nineteenth* day of *April*, — in the year of our Lord one  
thousand eight hundred and eighty-*eight*, at the Ward, City and County aforesaid,

*with force and arms, in and upon one*  
*Julia Thurman, then and there being*  
*voluntarily did make an assault, and*  
*an act of sexual intercourse with her the*  
*said Julia Thurman, then and there*  
*willfully and feloniously did attempt to*  
*commit and perpetrate against the will*  
*of the said Julia Thurman, and without*  
*her consent, 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

John Di Nona  
~~attempting to commit the crime of~~  
 of the CRIME OF RAPE, committed as follows:

The said John Di Nona,

Ward,  
 late of the City and County aforesaid, afterwards to wit: On the day and in the year  
Ward,  
 aforesaid, at the City and County aforesaid, with force and arms, in and upon her  
 the said Julia Shuman, then and there being,  
 wilfully and feloniously did make another assault, she, the said Julia  
Shuman, being then and there a female under the  
 age of sixteen years, to wit: of the age of thirteen years; and the said  
John Di Nona then and there  
~~attempt to~~  
 wilfully and feloniously did perpetrate an act of sexual intercourse with her the said  
Julia Shuman, 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.*