

0370

**BOX:**

385

**FOLDER:**

3589

**DESCRIPTION:**

Imperioso, Dominico

**DATE:**

02/13/90



3589

Witnesses:

*Joseph Barbano*

The complainant in this case bears a very bad reputation & has a great amount for the belief that he is an evildoer. He was convicted in this court upon his plea of assault entered Mar. 24, 1890. Nothing appears against defendant's character & it appears probable that he was first violently assaulted by complainant.

I therefore recommend the discharge of the defendant in his own recognizance.

*Wm. J. Kelly* S. D. C.

It appearing by the within affidavit that it is impossible to secure the attendance of *Joseph Barbano*

a material and necessary witness for the People and without whose evidence a conviction cannot be had. I therefore respectfully recommend that the defendant herein *Superior*

*Superior* be discharged on his own recognizance.

*Superior* 80

discharged on his own recognizance.

N. Y., July 28 1890

*Samuel J. Becker*

District Attorney

*Wm. J. Kelly* Motion denied - R.B.M.

*REC*  
*vs*

Counsel,  
Filed *13* day of *July* 189*0*  
Pleads *Not guilty*

THE PEOPLE  
vs.  
*Dominico Impemosa*  
Assault in the First Degree, Etc.  
(Firearms.)  
(Sections 217 and 218, Penal Code).

JOHN R. FELLOWS,  
District Attorney.

A TRUE BILL

*James McLeave*  
Foreman.

*On recom. of Dist. Atty. deft. discharged in his own recog. R.B.M.*

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Police Court \_\_\_\_\_ District.

CITY AND COUNTY }  
OF NEW YORK, } ss.

of No. Joseph Barbare \_\_\_\_\_ Street,  
151 Leonard

Laborer being duly sworn, deposes and says, that  
on Wednesday the 5<sup>th</sup> day of February

in the year 1890 (at the City of New York, in the County of New York)

he was violently and feloniously ASSAULTED and BEATEN by Dominico

Iperno (now here) who wilfully  
and deliberately pointed and  
aimed a pistol loaded with  
cartridges containing powder and  
leaden balls, at deponents' body  
and while deponent held said  
pistol in his <sup>hand</sup> and aimed at  
deponents body, did discharge  
one of said shots, shooting deponent  
in the left arm wounding and  
injuring deponent severely. That  
said assault was committed

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

Wherefore this deponent prays that the said assailant may be ~~apprehended~~ bound to answer  
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 5<sup>th</sup> day  
of February 1890

W. A. Robinson Joseph Barbare  
POLICE JUSTICE. mark

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Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

Domenico Imperoso 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. Domenico Imperoso

Question. How old are you?

Answer. 31 years

Question. Where were you born?

Answer. Italy

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

Answer. 28 Cherry Street one year

Question. What is your business or profession?

Answer. Bar tender

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

Answer. I am not Guilty

Domenico Imperoso  
small

Taken before me this

5th

day of February 1890

H. M. ...

Police Justice.

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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.....

*dependant*

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

Dated *February 5<sup>th</sup>* 18 *90* *W. M. Mahon* Police Justice.

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

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

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

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

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*Handwritten notes at top left of the page.*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_

Police Court--- / 24 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Joseph Barbare*  
151 Leonard St

*Dominico Imperio*

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

Offence *Fel Assault*

Dated *February 5th* 18*90*

*McMahon* Magistrate.

*Hanley* Officer.  
Precinct.

Witnesses *John Casazza*

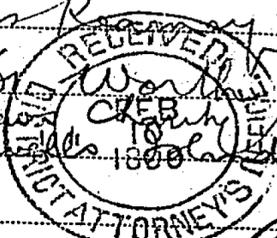
No. *161* *Worth* Street.

*James R...*  
No. *161* *Worth* Street.  
*Dr Anderson* *Cher* Hospital  
*Black* *1800*

No. \_\_\_\_\_ Street.

\$ *2000* to answer *G.S.*

*2000 bond 4 Feb 6 25*



0376

Court of General Sessions for the City & County of New York

The People sets

Donnenio Imperioso

City and County of New York s.s.

Antonio Barone, being duly sworn, deposes and says that he resides at 100 St. Mulberry Street, in this City, and is a General Contractor carrying on business at the above number, that he has known the above defendant for a period of five years last past, one year of which time he was in the employ of the deponent, that the deponent is intimately acquainted with the defendant and knows many people who speak highly of him, that defendant has been always regarded by all who know him, as a hardworking, honest and peaceable and industrious man, that deponent is satisfied that this is the first charge ever brought against the defendant.

Sworn to before me

This 13<sup>th</sup> day of March 1880  
Stephen S. Blatch

Commissioner of Deeds,  
N.Y. City & Co.

his  
Antonio X Barone  
mark

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City and County of New York ss.

Raffaele Guiradano, being duly sworn, deposes and says, that he resides at 1005 167 Mulberry St., in this City, and is engaged in the wine and cigar business, at said address, that he knows the above named defendant for a period of three years last past and that he knows the defendant's reputation and character, and that both are of the very best, that he knows other people who know the defendant and that all without exception speak of him in the highest terms as a quiet, hardworking and industrious man.

Sworn to before me  
this 13<sup>th</sup> day of March 1890.

Stephen S. Blatte  
Commissioner of Deeds  
N.Y. City & Co.

his  
Raffaele X Guiradano  
mark

City and County of New York ss.

Raffaele De Santis, being duly sworn, deposes and says, that he resides at 100 56 Mulberry St. in said City, that he is a scow contractor, that he knows the defendant from his childhood and that the defendant worked for him for a period of two years, that the reputation of the defendant, especially for peace and quiet,

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City and County of New York ss.

Domenico Imberruso, being duly sworn, deposes and says, that he is the defendant in the above entitled action, that he was arrested on the 5<sup>th</sup> day of February 1890, and was indicted on the 13<sup>th</sup> day of the same month, that said Indictment charges him with the crime of Felonious Assault, that since his arrest, he has been confined in the Tombs, that the facts concerning said alleged assault are briefly as follows: On the 5<sup>th</sup> day of February last, the complainant entered the saloon, at No 28 Mulberry St. in this City, in which the deponent was the barkeeper, that the complainant was very much intoxicated and commenced to be very rough with everybody there, throwing and pushing them around the room and creating a disturbance, that deponent remonstrated with complainant, but without avail; deponent then took complainant gently by the arm to lead him out, whereupon complainant raised a glass to strike deponent at the same time complainant, when near the door, gave deponent two violent kicks in the stomach, seriously injuring deponent and causing him terrible pain and at the same instant that complainant kicked deponent, the com-

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Complainant with a quick movement put his right hand to his hip-pocket to draw his pistol, that deponent, knowing the desperate character of the complainant, knowing him to be an ex-convict and capable of any deed and seeing the pistol or the handle of it in complainant's pocket, and believing that complainant intended to shoot him, the deponent, and that his, the deponent's life was in danger, the deponent fired his pistol, at complainant. But the deponent solemnly swears, that he so fired said pistol in self-defense and only when his own life was in imminent danger, that deponent has respectable witnesses who were present and would, upon trial of the case, corroborate the foregoing facts, that deponent has never before been arrested or charged with any crime.

Given to before me

this 13<sup>th</sup> day of March 1890.

Stephen J. Blake

Commissioner of Deeds

227 City and Co.

his  
Domineo + Imberusa  
mark

0380

Court General Term  
City and County of New York

The People et al

vs.

Thomas Duberono

Affidavit

BLAKE & SULLIVAN,  
COUNSELLORS AT LAW,  
No. 71 CHINE STREET, N.Y.

*Bye atty.*

0381

**PART II.**

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Joseph Barlow  
of No. 157 Leonard Street,

*None of Barlow's  
will not come back  
[Signature]*

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 26 day of February, 1890, at the hour of 11 in the forenoon of the same day, as a witness in

a criminal action prosecuted by the People of the State of New York, against Domenico Imperioso

Dated at the City of New York, the first Monday of February, 1890 in the year of our Lord, 1889,

JOHN R. FELLOWS, District Attorney.

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THE PEOPLE

vs.

Domenico Imperioso

City and County of New York, ss:

*William Gallagher* being duly sworn, deposes and says: I reside at No. *207* *Hester* Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the *25th* day of *February* 18*90*, and on *three other occasions*, I called at *151 Leonard Street*

the alleged *residence* of *Joseph Barbore* the complainant herein, to serve him with the annexed subpoena, and was informed by

a relative of said complainant, that he had left this State and had gone to Boston, Mass. where he had obtained employment.

I was further informed that he had gone, shortly after I had personally served him with a subpoena to appear on *Feb. 25th*.

Sworn to before me, this *26* day of *Feb.* 18*90*

*Jas. H. Driscoll*  
COMMISSIONER OF DEEDS  
N. Y. C.

*William Gallagher*  
Subpoena Server.

0303

**Court of General Sessions.**

THE PEOPLE, on the Complaint of

*Joseph Barba*

vs.

*Domenico Imperiosa*

JOHN R. FELLOWS,  
District Attorney.

Affidavit of

*Wm. Gallagher*  
Subpoena Server.

**Failure to Find Witness.**

Offence: *Arrest*

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**PART II.**

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.  
If this Subpcena is disobeyed, an attachment will immediately issue.  
Bring this Subpcena with you, and give it to the Officer at the Court Room door, that your attendance may be known.  
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPCENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To James Hearner  
of No. 161 Worth Street,

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 26 day of February 1890 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Domenico Impurusso

Dated at the City of New York, the first Monday of February,  
in the year of our Lord, 1890

JOHN R. FELLOWS, District Attorney.

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**PART II.**

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.  
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To John Barry  
of No. 161 Worth Street,

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 26 day of February 1890 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

Domenico Impuruso

Dated at the City of New York, the first Monday of Feb. 1890  
in the year of our Lord, 1890

JOHN R. FELLOWS, District Attorney.

0386

Court of General Sessions.

THE PEOPLE

vs.

Domenico Imperioso

City and County of New York, ss.:

Daniel J. Hanley being duly sworn, deposes and says: I am a Police Officer attached to the Sixth Precinct, in the City of New York. On the 25th day of Feb'y. 1890, I called at 161 Worth Street

the alleged residence of James Kearney & John Cazza ~~witnesses~~ ~~the complainant~~ herein, to serve them with the annexed subpoena and was informed by the proprietor of the saloon situate at said premises that said Kearney & Cazza had left there a few days ago. He further stated that they had been arrested & were now in jail, where he did not know.

I could not obtain any other information respecting the whereabouts of said witnesses.

Sworn to before me, this 26 day of Feb'y 1890

Just H. Nicoll  
COMMISSIONER OF DEEDS  
N. Y. C.

Daniel J. Hanley

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**Court of General Sessions.**

THE PEOPLE, on the Complaint of

*Areph. Barak*

vs.

*Domenico Imperio*

Offence: *Assault*

JOHN R. FELLOWS,  
District Attorney.

Affidavit of Police Officer

*Paul J. Stanley*

*6th Precinct.*

**Failure to Find Witness.**

0300

**PART II.**

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.  
[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York.

To Joseph Barban  
of No. 157 Leonard Street,

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 26 day of February, 1889, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

Romeo Impuruso

Dated at the City of New York, the first Monday of February,  
in the year of our Lord, 1889

JOHN R. FELLOWS, District Attorney.

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Court of General Sessions.

THE PEOPLE

vs.

Domenico Imperoso

City and County of New York, ss.:

*Daniel J. Stanley* being duly sworn, deposes and says: I am a Police Officer attached to the *6th* Precinct, in the City of New York. On the *25th* day of *Feb.* 18*90*, I called at *151 Leonard St.*

the alleged *residence* of *Joseph Barbare* the complainant herein, to serve him with the annexed subpoena, and was informed by *the mother of said complainant that said he had left the State, and had gone to another section of the country. She did not know when he would return to this City.*

*I could not obtain any other information regarding the whereabouts of said complainant.*

Sworn to before me, this *26* day of *Feb.* 18*90*

*J. H. Driscoll*  
COMMISSIONER OF DEEDS  
N. Y. C.

*Daniel J. Stanley*

0390

**Court of General Sessions.**

THE PEOPLE, on the Complaint of

*Joseph Barbara*

vs.

*Domenico Imperiosa*

Offence: *Armed*

JOHN R. FELLOWS,  
*District Attorney.*

*Affidavit of Police Officer*

*Paul J. Stanley*

*6th Precinct.*

**Failure to Find Witness.**

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**PART II.**

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

SUBPOENA FOR A WITNESS TO ATTEND THE GENERAL SESSIONS OF THE PEACE.

In the Name of the People of the State of New York  
To James Kearner  
of No. 161 North Street,  
*known to the Court*  
*George*

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 25 day of 1890 at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York, against

*James Kearner*

Dated at the City of New York, the first Monday of 1890 in the year of our Lord, 1890

JOHN R. FELLOWS, District Attorney.

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**PART II.**

THE COURT ROOM IS IN THE THIRD STORY AND FRONTING THE PARK.  
If this Subpoena is disobeyed, an attachment will immediately issue.  
Bring this Subpoena with you, and give it to the Officer at the Court Room door, that your attendance may be known.

[SEE OTHER SIDE FOR OTHER DIRECTIONS.]

Should the case not be called on for trial, and no reason assigned in Court, please inquire in the District Attorney's Office about it, and you may save time.  
If inconvenient to remain, and you prefer another day, state this early to the District Attorney, in the Court.  
If ill when served, please send timely word to the District Attorney's Office.  
If you know of more testimony than was produced before the Magistrate, or if a fact which you think material was not there brought out, please state the same to the District Attorney or one of his Assistants.

In the Name of the People of the State of New York,

To John Casza

of No. 161 West Street,

Street.

*M. J. ...  
Unknown  
Case*

YOU ARE COMMANDED to appear before the Court of General Sessions of the Peace, in and for the City and County of New York, at the Sessions Building, adjoining the New Court House in the City Hall Park in the City of New York, on the 20 day of March 1889, at the hour of 11 in the forenoon of the same day, as a witness in a criminal action prosecuted by the People of the State of New York against

Domenico Imperato

Dated at the City of New York, the first Monday of March in the year of our Lord, 1889.

JOHN R. FELLOWS, District Attorney.

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Should the case assigned in Court, Office about it, and If inconvenient to state this early to the If ill when served Attorney's Office If you know of me fore the Magistrate, was not there through District Attorney or of

THE PEOPLE

vs.

*Domenico Imperoso*

City and County of New York, ss :

*William Gallagher* being duly sworn, deposes and says : I reside at No. *161 Worth* Street, in the City of New York. I am a Subpoena server in the office of the District Attorney of the City and County of New York. On the *25th* day of *Febry.* 18*90,* I called at *161 Worth Street*

the alleged *residence* of *James Kearney & John Cizza* ~~the complainant~~ *witnesses* herein, to serve *them* with the annexed subpoenas and was informed by

*the housekeeper of said premises, who accompanied me to every apartment in the house, that said witnesses never resided there. I could not obtain any information from any of the tenants of said premises regarding the whereabouts of said witnesses.*

Sworn to before me, this *26* day of *Febry.* 18*90*

*William Gallagher*  
Subpoena Server.

**Court of General Sessions.**

THE PEOPLE, on the Complaint of  
*Joseph Barford*  
 vs.  
*Dominico Imperino*  
 Offence: *Assault*

JOHN R. FELLOWS,  
 District Attorney.

Affidavit of  
*Wm. Gallagher*  
 Subpoena Server.

**Failure to Find Witness.**

0395

**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Dominico Imperioso*

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

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

The said *Dominico Imperioso*

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *February*, in the year of our Lord one thousand eight hundred and eighty ~~ninety~~, with force and arms, at the City and County aforesaid, in and upon the body of one *Joseph Barbare* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *Joseph Barbare* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Dominico Imperioso* 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 *Joseph Barbare* thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

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

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

The said *Dominico Imperioso*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Joseph Barbare* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *Joseph Barbare* a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said *Dominico Imperioso* in *his* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.