

0373

BOX:

162

FOLDER:

1656

DESCRIPTION:

Aiello, Domenico

DATE:

01/07/85



1656

0374

BOX:

162

FOLDER:

1656

DESCRIPTION:

Aiello, Giuseppe

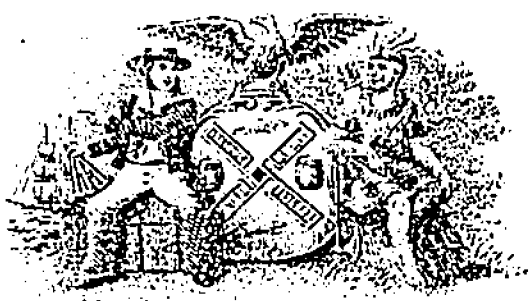
DATE:

01/07/85



1656

0376



((City of New York Reminders Office))

No 311 BROADWAY.

New York _____ 187__

Coke

1.
Miles

Since I deliver this application
to remit the fine imposed by me upon
the Dept. I have been advised, inform
that his friends who are very poor,
perhaps have raised the sum of
Twenty dollars, towards paying
the fine & are unable to raise the
additional fifty dollars, under
the circumstances & upon the fact,
that the Governor has announced
his intention to pardon the Dept
on payment of his fine. I think
~~on~~ further consideration of the case

0377

that the fine can properly be
reduced, & that upon payment
of two hundred dollars of it, the
balance \$50, may be remitted
Oct. 17th/88, JH

0378

Court of General Sessions
City and County of New York

In the matter of the appli-
cation for a remission of a
fine imposed

upon

Domenico Aiello.

Sir;

Please take notice that the within petition (a copy of which
together with the papers accompanying it is herewith served upon
you) will be presented to the Hon. Frederick Smith Recorder of
the City of New York at the Court of General Sessions on the 12th
day of September instant at the opening of Court on that day or
as soon as Counsel can be heard thereafter and a motion made for
a remission of the fine heretofore imposed upon Domenico Aiello.

Very respectfully yours

W. E. Cook

Attorney for petitioner

No. 25 Chambers Street

New York City N. Y.

To

Hon. John P. Fellows

District Attorney

New York City & County.

0379

Court of General Sessions

City and County of New York.

-----X

In the matter of the application
for a remission of a fine impos-
ed upon

Domenico Aiello.

-----X

To the Honorable Frederick Smith

Recorder of the City of New York

The petition of *Letizia* Aiello respectfully shows;

That she is the mother of one Domenico Aiello who was convicted on the 6th. day of February 1885 in the Court of General Sessions and subsequently sentenced by your Honor to serve a term of five years in the State Prison and to pay a fine of two hundred and fifty dollars and to stand committed until said fine should be paid as will more fully appear from the annexed certified copy of the record of his said conviction. That subsequent to the said conviction the said Domenico Aiello was conveyed to the State Prison at Sing Sing and is now there. That by reason of the uniform good conduct of said prisoner the term of imprisonment heretofore imposed expired on the 6th. instant and the said prisoner is now detained in the said prison until his said fine is paid or remitted.

Your petitioner further states that her son is a poor laboring *man* without means and who has a wife and one child dependent upon him who are now in Italy the native place of the said prisoner. That all the money possessed by the prisoner at the time of his arrest was expended by him in the defence of his case leaving him when convicted absolutely destitute. That your petitioner is a poor woman unable to pay said fine or she would cheerfully do so. It is

0380

the intention of the prisoner as soon as possible after his release from imprisonment to proceed to Italy to visit his wife and it is extremely probable that he will remain there permanently. Your petitioner further states that she feels confident that if your Honor will remit the fine imposed upon her said son that he will never again violate any of the laws of the State of New York, that he is extremely penitent and sincerely regrets that he committed the assault with which he stands convicted.

That this petition is made by your petitioner instead of your petitioner's son in consequence of her poverty and his poverty they being unable to pay an attorney to visit the prison.

Your petitioner therefore earnestly prays that your Honor will remit the said fine and attaches hereto a letter received by her attorney from Mr. A. A. Brush Vardach of Sing Sing Prison in reply to one written him.

Letizia ^{her} *Aiello*
mark

City and County of New York ss.

Letizia Aiello being duly sworn says; That she is the petitioner herein named and has heard read the foregoing petition and same is true of her own knowledge except as to the matters therein stated to be alleged upon information and belief and as to those matters she believes it to be true.

Sworn to before me the

7th day September 1888.

Benjamin Hoffman
Clerk of Deeds
N.Y. Co.

Letizia ^{her} *Aiello*
mark

0381

Court of General Sessions

City and County of New York

-----X

In the matter of the application
for a remission of a fine imposed

upon

Domenico Aiello

-----X

City and County of New York ss

Giuseppe Visconte of No. 73 Thompson Street in the City of New York being duly sworn says; That he is engaged in business as a jeweler at said address and is well acquainted with the said Domenico Aiello now in State Prison and such acquaintance extends over a number of years, ^{since} ~~prior~~ to the coming of the said Domenico Aiello to this country. That he is an honest hardworking man but absolutely destitute of money.

Deponent further states that he is sure that if the prayer of the petitioner is granted and said Domenico Aiello released from his imprisonment that judicial clemency exercised will not be abused and that he will continue to be a lawabiding citizen during such time as he may remain in America.

Sworn to before me the

7th day of September 1933.

Benjamin Hoffman

Clerk of Court
N.Y. Co.

Giuseppe Visconte

0382

Copy

At a Court of General Sessions of the Peace holden in and for the City and County of New York at the City Hall of the said City on the sixth day of February in the year of our Lord one thousand eight hundred and eighty five.

Present

The Honorable Frederick Smyth

Recorder of the City of New York

The People of the State of

New York

against	On conviction by verdict of ass-
Domenico Aiello.	ault in second degree committed on
-----	Guiseppe Cuiffo.

Whereupon it is ordered and adjudged by the Court that the said Domenico Aiello for the felony aforesaid whereof he be convicted be imprisoned in the State Prison at hard labor for the term of five years and pay a fine of two hundred and fifty dollars and it is further ordered that he stand committed until the same be paid not exceeding one day for each dollar of the fine from and after the termination of five years imprisonment.

A true extract from the minutes

J. Sparks Clerk of Court.

Copy.

State of New York Office of the Agent and Warden of Sing Sing Prison.

Sing Sing Sept. 4th. 1888.

Dictated A. A. B. to I. B.

Wm. E. Cook Esq.

Dear Sir;

Yours of yesterday relative to Domenico Aiello received. In reply I would say that his conduct has been good and

0383

if his fine should be remitted he will be discharged on the 6th.
inst. as the Governor has granted him full commutation if his
fine is paid.

Yours very truly

A. A. Brush

Agent & Warden

General Sessions Court.

In the matter of
the application for
a remission of a fine
imposed upon
Domenico Aichele

copy Petition and
Affidavits re.

WILLIAM E. COOK,

Attorney for *Petitioner*

25 CHAMBERS STREET,

NEW YORK CITY.

To Hon. John R. Fellows
District N.Y. Cr.
Attorney for

Due and timely service of a copy of the within

is hereby admitted.

Dated 188

Attorney for

0384

0385

Court of General Sessions
City and County of New York

In the matter of the appli-
cation for a remission of a
fine imposed

upon

Domenico Aiello.

Sir;

Please take notice that the within petition (a copy of which together with the papers accompanying it is herewith served upon you) will be presented to the Hon. Frederick Smyth Recorder of the City of New York at the Court of General Sessions on the 12th day of September instant at the opening of Court on that day or as soon as Counsel can be heard thereafter and a motion made for a remission of the fine heretofore imposed upon Domenico Aiello.

Very respectfully yours

W. E. Cook

Attorney for petitioner

No. 25 Chambers Street

New York City N. Y.

To

Hon. John R. Fellows

District Attorney

New York City & County.

0386

Court of General Sessions

City and County of New York.

-----X
In the matter of the application
for a remission of a fine impos-
ed upon

Domenico Aiello.

-----X
To the Honorable Frederick Smith

Recorder of the City of New York

The petition of *Letizia Aiello* respectfully shows;

That she is the mother of one Domenico Aiello who was convicted on the 6th. day of February 1885 in the Court of General Sessions and subsequently sentenced by your Honor to serve a term of five years in the State Prison and to pay a fine of two hundred and fifty dollars and to stand committed until said fine should be paid as will more fully appear from the annexed certified copy of the record of his said conviction. That subsequent to the said conviction the said Domenico Aiello was conveyed to the State Prison at Sing Sing and is now there. That by reason of the uniform good conduct of said prisoner the term of imprisonment heretofore imposed expired on the 6th. instant and the said prisoner is now detained in the said prison until his said fine is paid or remitted.

Your petitioner further states that her son is a poor laboring man without means and who has a wife and one child dependent upon him who are now in Italy the native place of the said prisoner. That all the money possessed by the prisoner at the time of his arrest was expended by him in the defence of his case leaving him when convicted absolutely destitute. That your petitioner is a poor woman unable to pay said fine or she would cheerfully do so. It is

0387

the intention of the prisoner as soon as possible after his release from imprisonment to proceed to Italy to visit his wife and it is extremely probable that he will remain there permanently. Your petitioner further states that she feels confident that if your Honor will remit the fine imposed upon her said son that he will never again violate any of the laws of the State of New York, that he is extremely penitent and sincerely regrets that he committed the assault with which he stands convicted.

That this petition is made by your petitioner instead of your petitioner's son in consequence of her poverty and his poverty they being unable to pay an attorney to visit the prison.

Your petitioner therefore earnestly prays that your Honor will remit the said fine and attaches hereto a letter received by her attorney from Mr. A. A. Brush Warden of Sing Sing Prison in reply to one written him.

Letizia^{her} *x* *Aiello*
mark

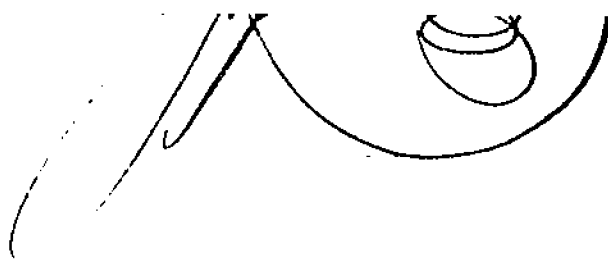
City and County of New York ss.

Letizia Aiello being duly sworn says; That she is the petitioner herein named and has heard read the foregoing petition and same is true of her own knowledge except as to the matters therein stated to be alleged upon information and belief and as to those matters she believes it to be true.

Sworn to before me the
7th day September 1888.

Benjamin Hoffmann
Corn of Birds
and Co.

Letizia^{her} *x* *Aiello*
mark



0388

Court of General Sessions

City and County of New York

-----X

In the matter of the application
for a remission of a fine im-
posed

upon

Domenico Aiello

-----X

City and County of New York ss

Giuseppe Viscontò of No. 78 Thompson Street in the City
of New York being duly sworn says; That he is engaged in business
as a jeweler at said address and is well acquainted with the said
Domenico Aiello now in State Prison and such acquaintance extends
over a number of years, ^{since} ~~prior to~~ the coming of the said Domenico
Aiello to this country. That he is an honest hardworking man
but absolutely destitute of money.

Deponent further states that he is sure that if the prayer of the
petitioner is granted and said Domenico Aiello released from his
imprisonment that judicial clemency exercised will not be abused
and that he will continue to be a lawabiding citizen during such
time as he may remain in America.

Sworn to before me the

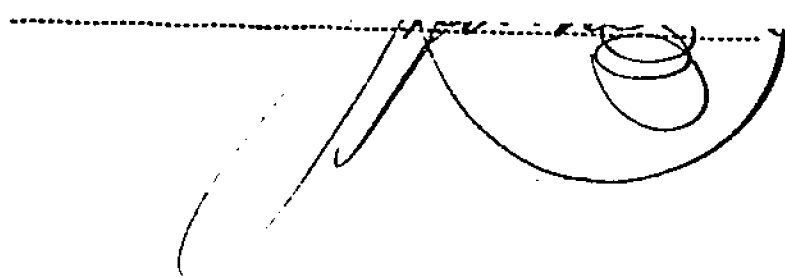
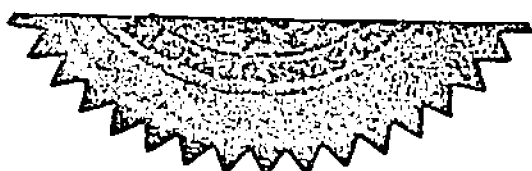
7th day of September 1883.

Giuseppe Visconti

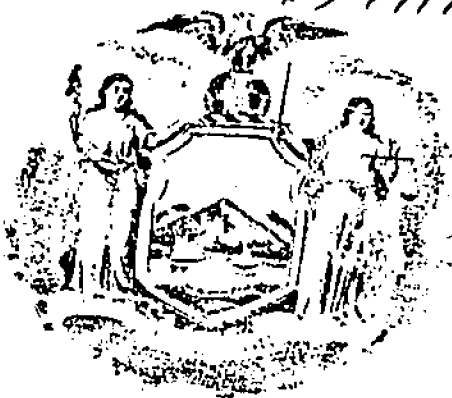
Benjamin Hoffman

Cour of Wards

N.Y. Co.



0389



State of New York

Office of the Agent & Warden of Sing Sing Prison.

Sing Sing Sept. 4th. 1888.

Dictated A.A.B. to I.B.

Wm. E. Cook Esq.,

Dear Sir:-

Yours of yesterday relative to Domenico Aiello received. In reply I would say that his conduct has been good and if his fine should be remitted he will be discharged on the 6th inst., as the Governor has granted him full commutation if his fine is paid.

Yours very truly,

Agent & Warden.

0390

At a Court of General Sessions of the Peace,

holden in and for the City and County of New York,
at the City Hall of the said City, on ~~day~~,
the *Sixth* day of *February*, in the year of
our Lord one thousand eight hundred and eighty- *five*,

Present,

The Honorable

Fredrick Smyth
Recorder of the City of New York,

Justice of the
Sessions

THE PEOPLE OF THE STATE OF
NEW YORK

vs.

Domenico Aiello

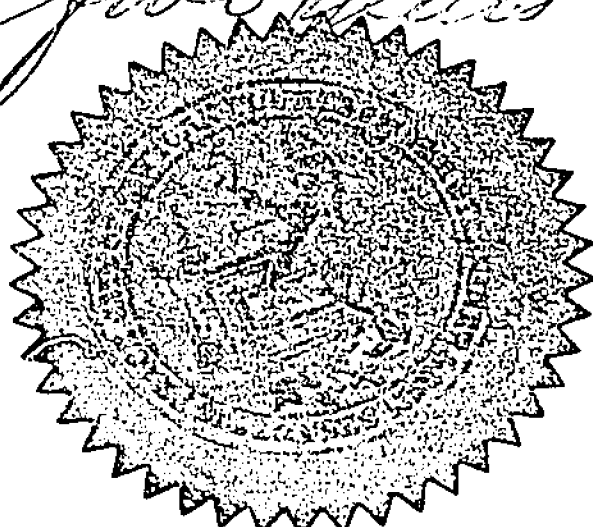
On conviction by Verdict of Guilt in
second degree committed on
Giuseppe Cinipfo —

Whereupon it is ORDERED and ADJUDGED by the Court that the
said

Domenico Aiello —

For the felony aforesaid, whereof he be convicted,
be imprisoned in the State Prison at hard labor of the City of New York,
for the term of *Five Years* and pay a fine of
two hundred and fifty dollars —

And it is further ORDERED, That he stand committed —
until the same be paid not exceeding one day for
each dollar of the fine imposed from and after the termination of the
five years — months imprisonment.



A true Extract from the Minutes.

[Signature]
Clerk of Court.

N. Y. General Sessions of the Peace

THE PEOPLE
OF THE STATE OF NEW YORK,

against
Domenico Aceto

Copy of Sentence.

Feb'y 6 1885

State Prison Five Years

And to pay a fine of
Two hundred Fifty Dollars.

And to stand committed
until the same be paid, not exceeding *one day* for
each dollar of the fine imposed from and after
the *five* years months imprisonment.

1691

An application
of the evidence
on the trial of
the case. Counsel
are that the sentence
imposed upon the
petitioner should
not be modified.
The applicant as a
man of great
character & wholly
without fault
is a victim
between the
machinery of the
system of appeals
the first degree,
should be taken
into account.
Prayer of Petitioner
is

General Summary.

In the matter of
the application
for a revision of
a fine imposed upon
Domenico Bellino

Petitioner and
Affiant is

WILLIAM E. COOK,
Attorney for
Petitioner
25 CHAMBERS STREET,
NEW YORK CITY.

John P. Fellows
District Attorney for
the City of New York

Due and timely service of a copy of the within
Petition is hereby admitted.
J. P. Fellows
District Attorney
1888.
J. P. Fellows
District Attorney
per day

0393

The People
vs.
Domenico Aiello and
Giuseppe Aiello.

Court of General Sessions, Part 1.
Before Recorder Smyth.

February 4, 1935.

Indictment for assault in the first degree.

William R. Jarkis sworn and examined, testified.

I live at 195 West 11th Street and am a doctor at St. Vincent's Hospital. I know the defendant Giuseppe Aiello; he came into my charge sometime in November; when he entered the hospital he was suffering from a double compound fracture of the skull, that is, the bone was fractured all the in length of the skull over the top; as likewise all in the vicinity of the fracture. One seemed to have been as if it had been produced by an ax, it went through the skull into the brain to the distance of an inch and the other seemed to have been produced by some blunt instrument; he also suffered from contusions of the left side. He is cured of those injuries; he was in the hospital over two months. The wounds that I have mentioned are likely to produce death, especially the wound that penetrated the skull.

Gross Examined. A blow with a cleaver might have produced one of the wounds but I do not think a very powerful knife might. I do not think the blunt wound could have been produced by falling down stairs.

Giuseppe Aiello sworn. I live at 56 Thompson Street and lived there on the 30th of last October, I am forty-three years old and a laborer, am married and have five children. I know the prisoners; they lived in the same house, 56 Thompson Street on the 30th of October. I was in the yard urinating and the two sons and the father Aiello came up; at the same time a woman passed by by the name of

0394

Theresa and she said to Aiello that I tried to urinate in front of the water closet; then the two sons and the father caught hold of me, they seized me and they said, "Why do you urinate in front of the water-closet?", I said, "this is the place where all the people of the house urinate and I can go the same, I have not got the key to the water-closet, Vincenzo Aiello, the other brother gave me the first blow on the head with a broom. I was running up to my room, I live on the top floor and I was up the stairs all alone as-

said to me, I was hit with the broom in the yard, I arrived in front of my door when I received the other blow on the second floor. They were afraid of me and I was on the stairs going to my room. Domenico Aiello hit me with a hatchet and then the father hit me twice with a stone on the leg, Domenico hit me in the arm with a hatchet, the father held the stone in his hand and hit me with it, I was not knocked down but kind of staggered, the other son stabbed me with a knife, it only cut my coat, it did not go into the flesh. I fell down on the second floor and four or five persons came to my rescue and took me up to my room. Vincenzo got into the yard through the window and the other two returned to the house and then the police came and had them arrested. At eight o'clock the next morning I was taken by the police authorities to the hospital; this affray occurred at 7 o'clock in the evening, it was dark and raining at the time, I was in the hospital sixty-six days.

Cross Examined. I had about four or five glasses of beer this day but knew all that was going on about me; it is not true that I staggered into the house from the saloon. I have witness that the little girl Madelina was 2 in the house and not in the water-closet when I came into the

0395

yard, she did not come out of yard while I was there, I had no conversation with her and did not do anything to her; there was only from the side because of this running. The father spoke to me and said, "you should be careful on your head, you should be careful to drink." That is a kind of expressions and that is however the way I did not speak they only used by the father. Then I said, "you take care of your own business, you will be careful to be a being to look after your own business and your own." While I was about to leave the place, I saw a man I did not know in the yard from the house. After the blow was given with the knife, they ran up stairs, I did not see the little man there at all. I have known the father and son about four years. I had no difficulty with them only with the eldest son who, a year before this happened shot a pistol at me. I have lived in the house for about three years and they have been about four years. I did not write this while I was in the yard, I had a paper in my hand when I received the first blow. When I arrived at the second floor I opened the door and all three came out, they ran at me in the room and they pulled the door behind them, I saw and I saw up that Domenico hit me with a hatchet, it was about five minutes after the blow with the hatchet that I received the other blow, they were all three beating me, I saw Vincenzo pull the knife out of his pocket and stab me. They ran away. A policeman came.

Girardo Saville sworn n. I live 56 Thompson Street and am a laborer, I know the prisoners and the complainant, I recollect the time of the fight, it must be about three months ago, I heard that they were hollering, I live on the floor above the Acillos', I went down the stairs when I

0396

heard the noise and I saw that Domenico Aiello was beating the complainant with a broom and Vincenzo Aiello was waiting him with a knife, it was just in front of the house where the Aiello live, I did not see the father; he took the complainant and carried him to his room, I do not know where Vincenzo went but Domenico entered his room.

From March 1934 I did not see the trouble that took place in the yard, I saw Domenico with a broom and Vincenzo with a knife, I did not see the complainant or the girl.

Giuseppe Aiello never was examined for the defense, testified. I live at 50 Thompson Street, I have a piano organ and sometimes playing with it, I have two sons, I know the complaining witness, I remember the night of the 30th of November, at about four o'clock in the evening, I saw the complainant in the yard but had no trouble with him, I have a little girl thirteen years old, she was in the water-closet in the yard, when she was in side she held the door of the water-closet and he, the complainant, came drunk and tried to open the door of the closet where she was in, my girl commenced to scream, I was in my room and heard the screaming and went down stairs and my girl came into the house, she ran away from there and she was very frightened; when I came down I found the complainant in front of the water-closet and said to him, "do you taught you these manners?" There was a little girl in the water-closet and you tried to enter by force that water-closet, and he answered, I pay rent for that. I say, you pay rent when nobody is in the water-closet, then we commence to quarrel in words; he gave me angry words and I gave him angry words back. I just only put my fist against him but did not hit him.

0397

He reached out and got hold of my throat, whilst he was holding me by the throat, my son Domenico came and my wife and the other woman went out and got some water and then assisted that I should get up. When the complainant saw my wife and my son he walked away out and then we saw that he is rushing up to the knife and then ran upstairs into our room; when we went into the room he was at the door with a knife in his hand, we did not open the door, I don't know anything more after that. We had no trouble with him in the hall, after that we had him in the yard when we saw him we ran and got him and opened the door, we did not have any trouble with him, I had no stone in my hand during any of this trouble, I did not make the complaint at all, I don't know how he got onto his head, I remained shut up in my room, Vincenzo remained in the room when we came up a little while and then left; the complainant was immediately after us, I just happened to enter the room and he was already behind me, he stood outside the door about ten minutes, I did not see either of my sons or him, I did not see either of them have a knife; we entered the room before Domenico, he remained outside and he ran away because the complainant had a knife, I am sixty-one years old.

Domenico Aiello sworn and examined. I live at 56 Thompson Street, am a laborer and a son of the last witness, I recollect the 30th of last November and saw the complainant that day in the yard of 56, I was in my room and I heard a noise, it was just like quarreling, I went down to the yard and I met my father exchanging some words with the complainant, I said to my father, if he offended my sister we will see about it, let him alone now, I separated them because

0398

the complainant took out a long knife. When I saw this I took the knife and I took it in my excitement to defend myself. I saw the complainant behind me and ran to the door. My father and my brother were with a knife in his hand, he was agitated. My father and my brother and they ran upstairs and the complainant was behind them after them; two or three minutes after I saw the complainant. I ran into my room and remained there until the policeman came and arrested me, I was arrested about half an hour after this occurrence. When I first had the trouble Madeline ran up stairs, she was frightened. I did not see any hatchet in any ones hand, I did not strike him, I had the broom in my hand but did not use it.

Cross Examined. I took the broom up stairs, the complainant went up there me, I saw that he was holding but I did not see the hatchet, I saw that he was holding the broom and the complainant did not recall any floor down stairs that I saw, I cannot account for the complainant's head being cut except that he was after my brother and father with a knife and probably they defended themselves against it.

Madeline Atello sworn. The defendants are my father and brother, I was in the water-closet on this day and the complainant wanted to open the door, I screamed for my father and my brothers and so they came and they were quarreling together, I went upstairs, I saw no struggle in the hall.

The jury convicted Domenico of assault in the second degree and the father of assault in the third degree.

0399

Testimony in the case of
Gomenico and Giuseppe
Aiello

filed Jan.

1883.

0400

Police Court—

District.

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

laborer

of No.

56 Thompson
New York City

Street,

on

the

20th

being duly sworn, deposes and says, that

day of

October

in the year 1884

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

at No 56 Thompson

that

he was violently and feloniously ASSAULTED and BEATEN by

Domenico

Aiello and Giuseppe Aiello,
 both now here, who attacked
 deponent in the yard of said premises;
 and said Domenico struck deponent
 on the head with an axe with
 and were held in his hand and
 said Giuseppe struck deponent on
 the hip, side and leg with a stone
 with and were held in his hand.
 Deponent received a severe wound
 upon the head and severe abrasions
 on his body and legs in consequence of
 which he has ever since been confined
 in hospital. Said assault was
 committed

with the felonious intent to take the life of deponent, or to do him bodily harm; and with out 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

27th

day

of

December

1884

Giuseppe

his

mark

Giuseppe

J. M. Patterson

POLICE JUSTICE.

0401

St. Vincent Hospital

Nov. 18/1954

To whom it may concern:
This is to certify that
Joseph Cinffo is
still ~~the~~ patient at the
institution & is a
dangerous individual --

William R. Larkin

Hon. Surgeon.

0402

St Vincent Hosp

Nov. 15 1844

To whom it may
Concern

This is to
certify that Giuseppe
Buffo a patient in the institution
is still in a very
dangerous condition.

W. R. Larkin

House Surgeon

0403

St. Vincent's Hospital

195 West Eleventh St.

New York, Nov 6 1884

To whom it may concern

I am to certify
That Jos. Cuffo

is at present a patient
in this institution

suffering from a fracture of the skull
he is in a dangerous
condition

William R. Barker
Surgeon

0404

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

POLICE COURT, 2 DISTRICT.

John C. Savercool
of 5th Precinct Police, being duly sworn, deposes and

says that on the 31st day of October, 1888

at the City of New York, in the County of New York, Guillaume Cruppa

identified Joseph Ayle, now
here, as being one of the men
who attacked and beat him,
and from the effects of such
beating he now lies in St.
Vincent's Hospital in a dangerous
condition and unable to appear
in Court.

John C. Savercool

Sworn to before me, this

of November

188

day

Wm. J. Sullivan Police Justice.

0405

Police Court _____ District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

John O. Savercool

vs.

Joseph Ayler

AFFIDAVIT.

W. B. Smith

Dated *November 1* 188*4*

Patterson

Magistrate.

Savercool

Officer.

Witness, _____

0406

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

POLICE COURT, 2 DISTRICT.

Richard Berrian

of 8th Precinct Police Street, being duly sworn, deposes and says,

that on the 30th day of October 1884

at the City of New York, in the County of New York, he arrested Frank

Ayello, (now here) on a charge of
Assault committed on the person of
Joseph Cifffo, now in St. Vincent
Hospital, and that said Joseph
informed deponent that said
Frank had not committed any
assault on his person.

Richard Berrian

Sworn to before me, this

of

1884

188

my

W. W. Pittman Police Justice.

0407

POLICE COURT- 2- DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Richard Berner
vs.
Frank Ayello

AFFIDAVIT.

Dated Apr. 1- 188 X

Patterson Magistrate.

Berner Officer.

Witness,

Disposition Dis

0408

St. Vincents Hospital
195 West Eleventh St.

New York, 188

This is to certify that
Joseph Linuffo is at St
Vincents Hospital suffering
from compound fractures (2)
of the Skull, and contusions
of Side and Leg, and
now lies in a preca-
rious condition.

W R Larkins
House Surgeon
Pr. Gen.

0409

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

POLICE COURT, 2

DISTRICT.

of *8th Precinct Police* *Richard Berrian*, being duly sworn, deposes andsays that on the *30th* day of *October* 188*4*at the City of New York, in the County of New York, *Dominiello Aylo*

and *Frank Aylo*, now here, did
 assault on *Giuseppe Gruffo*
 and inflict two scalp wounds
 upon the head of said *Giuseppe*
 who is unable to appear
 in Court by reason of said
 injuries; and who identified
 said defendants as being among
 a number of men who
 assaulted him and inflicted on
 him said injuries. *Richard Berrian*

Sworn to before me, this

188

4

July

John J. Patterson
 Police Justice.

0410

Police Court 2 District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

Richard Berrian

vs.

1 Frank Aylo

2 Dominick Aylo

AFFIDAVIT.

Dated October 28 188 9

Hatterson Magistrate.

Berrian Officer.

Witness,

No. 1 Discharged

November 1/89

No. 2

Disposition, Innocent result

0411

4.42 13.47 14.1

14.1 14.1 14.1

14.1 14.1 14.1

04 12

Sec. 198—200.

CITY AND COUNTY OF NEW YORK, ss

2d District Police Court.

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

Question What is your name?

Answer *Giuseppe Aiello*

Question. How old are you?

Answer *60 years*

Question. Where were you born?

Answer. *Italy*

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

Answer. *No 56 Thompson street; 4 years.*

Question What is your business or profession?

Answer *Piano Player*

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*

Giuseppe Aiello

Taken before me this

day of *August* 188*4*

John J. Watson
Police Justice.

0413

Sec. 198-200.

CITY AND COUNTY
OF NEW YORK, { ss

2d District Police Court.

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

Question. What is your name?

Answer. Domenico Aiello

Question. How old are you?

Answer. 26 years

Question. Where were you born?

Answer. Italy

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

Answer. In Thompson street, No 56

Question. What is your business or profession?

Answer. Labourer

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 Aiello

Taken before me this

27

day of December 1884

W. J. Utter Police Justice.

0414

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 Domenico Aiello

and Giuseppe Aiello
guilty thereof, I order that ^{each} ~~they~~ be held to answer the same and ~~the~~ 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 ~~the~~ ⁷
give such bail.

Dated December 27th 188 4 M. J. Patterson 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.

04 15

Rosa Dimilita
Anna Maria Laporte } 56 Thompson
Anna Bernetta }

Police Court--

2d District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Giuseppe Brieffo
56 Thompson St.

1 Domenico Riello

2 Giuseppe Riello

3

4

Offence
Jury
Jury

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated December 27, 1894

Patterson Magistrate.

John O. Saverio Officers

Richard Berrian Precinct.

Witnesses

No. 56 Thompson Street.

Girardo Savinella

No. 56 Thompson Street,

Antonio Peto 3 56 Thompson

No. 56 Thompson Street.

to answer Gen. Sessions.

See other side

William R. Larkin, M.D.

St. Vincent's Hospital

04 16

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Domenico Aiello
and *Agnes Aiello*

The Grand Jury of the City and County of New York, by this indictment, accuse
Domenico Aiello and Agnes Aiello
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Domenico Aiello and*
Agnes Aiello, each —
late of the City of New York, in the County of New York aforesaid, on the
thirtieth day of *October*, in the year of our Lord
one thousand eight hundred and eighty-*four*, with force of arms, at the City and
County aforesaid, in and upon the body of one *Agnes Cingio*
in the peace of the said People then and there being, feloniously did make an assault
and *in* the said *Agnes Cingio* —
with a certain *axe and also with a certain stone*

which the said *Domenico Aiello and Agnes Aiello*,
in *their* right hands then and there had and held, ~~the same being a deadly and~~
~~dangerous weapon~~, wilfully and feloniously did beat, strike, ~~cut~~, cut and wound, ~~the same~~
~~being such means and force as were likely to produce~~
~~the death of him~~ *the said Agnes Cingio*, —
with intent *in* the said *Agnes Cingio*, —
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
Domenico Aiello and Agnes Aiello
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Domenico Aiello and*
Agnes Aiello, each —
late of the City and County of New York, on the *thirtieth* day of
October, in the year of our Lord, one thousand eight hundred and
eighty-*four*, at the City and County aforesaid, with force and arms, in
and upon the body of one *Agnes Cingio*, —
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make an assault, and *in* the said *Agnes Cingio*

with a certain *axe and also with a certain*
stone, —

which ~~they~~ the said *Domenico Aiello and Agnes Aiello*
in *their* right hands then and there had and held, the same being ~~the~~
~~likely~~ — likely to produce grievous bodily harm, then and
there feloniously did wilfully and wrongfully beat, strike, ~~cut~~, cut and wound
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.

0417

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said *Domenico Aiello* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Domenico Aiello* and *Agnese Aiello*, — late of the City County of New York, on the *thirtieth* day of *October* in the year of our Lord one thousand eight hundred and eighty-*four*, at the City and County aforesaid, with force and arms, in and upon the body of one *Agnese Cigno* — in the peace of the said People then and there being, feloniously, did wilfully and wrongfully make an assault, and *in* the said *Agnese Cigno*, —

in and upon the *head, breast, back, belly* of *him* — the said *Agnese Cigno*, — did then and there feloniously, wilfully and wrongfully strike, beat, *cut*, — bruise and wound, and did thereby then and there feloniously, wilfully and wrongfully inflict upon *him* the said *Agnese Cigno* — grievous bodily harm, to the great damage of the said *Agnese Cigno* 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.

RANDOLPH B. MARTINE.

PETER B. OLNEY,

District Attorney

04 18

BOX:

162

FOLDER:

1656

DESCRIPTION:

Allen, James

DATE:

01/28/85



1656

0419

42/12

Counsel,

Filed 28 day of June 1885

Placed by [Signature]

Sections 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

THE PEOPLE

vs. **P**

James Allen

RANDOLPH B. MARTINE,

PETER B. OLEBY,

District Attorney.

Filed 17/12

(Henderson & Company)
A TRUE BILL.

[Signature]

24/12/1885

[Signature]

Witnesses:

Patrick Connell

148 W. 34th St

Wm. B. Ryan
29 W. 34th St

0420

Police Court—Second District.City and County }
of New York, } ss.:Patrick Colwell
of No. 148 West 37th Street, aged 50 years,
occupation undertaker being duly sworn

deposes and says, that the premises No 148 West 37th Street,
 20. Ward in the City and County aforesaid, the said being a brick building
the ground floor of
 and which was occupied by deponent as a Undertaker's Shop
 and in which there was at the time ^{no} human being, ~~by~~

were BURGLARIOUSLY entered by means of forcibly breaking one
pane of glass in the door leading into said
Shop, and taking the Key from inside said
door and putting the same into the lock on the
outside of said door and pushing back one of the bolts of
 said door on the 21st day of January 1885 in the night time, and the
 attempted to be following property feloniously taken, stolen, and carried away, viz:

a quantity of Satin Shrouds and wearing
apparel amounting in Value to about
three hundred 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

James Allen (now here)

for the reasons following, to wit: That about the hour of 10 o'clock
p.m. on the 20th instant deponent closed and locked
the door leading into his Undertakers Shop in said
premises. That about the hour of 3 o'clock a.m.
of the 21st instant deponent was awoken by
one John Emmel of No. 325 West 42nd Street
who informed deponent that he saw the said
Allen break said pane of glass in said door
and extinguish the gas light outside and over

0421

said door, and deponent is further informed by officer William A. Ryan of the 29th Police Precinct that he arrested the said Allen in the act of having his head and one of his shoulders inside said pane of glass in the door of said premises —

Wherefore deponent charges said defendant with burglary as aforesaid with the felonious intent of taking, stealing, and carrying away said property —

Sworn to before me this }
21st day of January 1885 } Patrick Solville

W. A. Ryan

Police Justice

Police Court District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

vs.

Degree.

Burglary

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

0422

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 23 years, occupation William A. Ryan
Officer of the ~~of No.~~

29th Police Precinct ~~Street~~, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Patrick Colwell

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

Sworn to before me, this 21st } William A. Ryan
day of January 1885 }

M. J. [Signature]
Police Justice.

0423

CITY AND COUNTY } ss.
OF NEW YORK, }

aged 44 years, occupation Night Watchman of No. 325 West 42nd Street, being duly sworn deposes and says, that he has heard read the foregoing affidavit of Patrick Colwell and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this 21st day of January 1885 John Emmel

Wm. H. H. H.
Police Justice.

0424

Sec. 198—200.

2nd District Police Court.

CITY AND COUNTY { ss
OF NEW YORK,

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

Question What is your name?

Answer

James Allen

Question How old are you?

Answer

27 years

Question Where were you born?

Answer

Bangor, Maine

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

Answer

In 20th street, Corner of 6th Avenue Up about one week

Question What is your business or profession?

Answer

Hostler

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

Answer

I am not guilty

James Allen
mark

Taken before me this

21st

day of

January 1905

Wm. J. H. Justice
Police Justice.

0425

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 James Allen

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 January 21st 1885 John H. H. H. H. 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.

0426

BAILED.

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

Police Court--*2nd* District. *90*

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Patrick Colwell
148 W 37th St

James Allen

1

2

3

4

Dated *January 21st* 188*5*

Weld Magistrate.

William A. Ryan Officer.

29th Precinct.

Witnesses *John Emmel*

No. *325 West 42nd* Street.

William A. Ryan

of the 29th Police Precinct

No. _____ Street,

\$ *1000* to answer *G. S.*

0427

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

James Allen

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

— James Allen —

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

The said *James Allen,*

late of the *Twentieth* Ward of the City of New York, in the County of New York aforesaid, on the *twenty first* day of *January*, in the year of our Lord one thousand eight hundred and eighty- *five*, with force and arms, at the Ward, City and County aforesaid, a certain *part of a* building there situate, to wit: the *shop* — of one *Patrick*

Colwell, —

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

— Patrick Colwell, —

in the said *shop,* — 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.

Randolph B. Martine
District Attorney.

0428

BOX:

162

FOLDER:

1656

DESCRIPTION:

Auer, Mary

DATE:

01/28/85



1656

0429

Witnesses:

Wm B Lewis
128 Mc Donnell St
James Moore
15th Second
Frederic A. Amant
248 W 12th St

Wm B Lewis
Counsel,
Filed *28* day of *May* 1885
Pleads *April 29th*

THE PEOPLE

vs. *P*

Mary Ann
Elkland 1785
Spied & Acquitted

Grand Larceny 1st degree
(From the person)
[Sections 528, 530. — Penal Code]

RANDOLPH E. MARTINE,

~~SAMUEL B. OLNEY~~

District Attorney.

A TRUE BILL.

Wm B Lewis

Foreman.

16th May
9th 6th 1885
James Moore
Frederic A. Amant
Wm B Lewis
128 Mc Donnell St
17th May 1885

0430

Police Court—Second District.

Affidavit—Larceny.

City and County } ss.:
of New York, }of No. 258 West 12th Street, aged 25 years,
occupation Wholesale Liquor Dealer being duly sworndeposes and says, that on the 22nd day of January 1885 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possessionperson of deponent, in the Night time, the following property viz:One diamond Scarf pin of the Value
Of one Hundred and fifty Dollars
\$150⁰⁰ (100)

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Mary Auer (now here) for thefollowing reasons: to wit: That about
the hour of 12:45 o'clock in the morning
of the above date, deponent was in the
Restaurant at the North east Corner of
Bleecker & Thompson streets when the
said deponent snatched the afore-
described property from his scarf which
was then and there worn on the person
of deponentWherefore deponent Charges and
defendant with the larceny of said property
from his possession and from his personP. A. AuerSworn to before me, this 22nd day
of January 1885
M. J. Burke
Police Justice.

0431

Sec. 198—200.

2nd

District Police Court.

CITY AND COUNTY
OF NEW-YORK, { ss

Mary Auer

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

Question. What is your name?

Answer. *Mary Auer*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *138 McDougal Street, N.Y. about 4 weeks*

Question. What is your business or profession?

Answer. *Dressmaker*

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*

Mary Auer

Taken before me this

22nd

day of *January* 1885

Police Justice.

0432

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 Mary Auer

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

Dated January 22nd 1885 Wm. H. Bond 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.

0433

Police Court

2nd 106 District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Pierre A. Arnaud

258 *Street 12th St*
W. Hampton

1 *Mary Auer*

2

3

4

Dated

1885

Magistrate.

Officer.

15 Precinct.

Witnesses

No.

Street.

No.

Street,

No.

Street,

\$

to answer

BAILED.

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0434

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Mary Auer

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

— Mary Auer —

of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Mary Auer,

late of the First Ward of the City of New York, in the County of New York aforesaid, on the twenty second day of January, in the year of our Lord one thousand eight hundred and eighty-five, in the night time of the said day, at the Ward, City and County aforesaid, with force and arms,

one scarf pin of the value of

one hundred and fifty dollars,

of the goods, chattels and personal property of one Pierre A. Arnault, on the person of the said Pierre A. Arnault, then and there being found, from the person of the said Pierre A. Arnault, 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.

Randolph B. Martine

District Attorney

0435

BOX:

162

FOLDER:

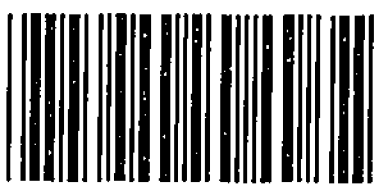
1656

DESCRIPTION:

Aulston, William

DATE:

01/13/85



1656

Witnesses:

Frank Walsh

Officer J. H. H. H.
29 of H. H. H.

Kate H. H. H.

It appearing on motion in
arrest of judgment that the
Defendant has been convicted
of a higher degree of crime
than is charged in the indictment
It is ordered that the
judgment herein be arrested
and that the Defendant
be recommitted to await
the action of the Grand Jury.
Dated my 29th day of Feb 1888

Rufus B. Bloomer
City Clerk

114-1-10

Counsel, _____
Filed 13 day of Jan 1885
Pleads _____

THE PEOPLE
vs.
F
Grand Larceny, 2nd degree
[Sections 528, 530, Penal Code].
William A. H. H.
127 W. H.

RANDOLPH B. MARTINE,
District Attorney
Filed & Concluded
A True Bill.

Feb 11/85
Foreman.
The in arrest of judgment
granted by Court & jury
remitted to Grand Jury
for new verdict

0436

0437

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4/85

People

vs.

Mr. Aulston

0438

The People
vs
William Aulston.

Court of General Sessions Part I.

Before Recorder Smyth.

Wednesday February 25, 1885.

Indictment for Grand Larceny in the first degree.

Asst. Dist. Atty. Nicoll for the people.

Mr. Suydam for the defendant, Per

Counsel: I object to proceeding with the trial of this case because there is no issue. The prisoner was arraigned on the 16 of this month upon this indictment, and he pleaded in the form prescribed by the statute that he had been acquitted of this crime by the judgment of the Court of General Sessions on the 9 day of February 1885. To that plea there was no reply, no demurer, and as it seems to me no issue; the plea was not disposed of in any way.

The court. Certainly there is an issue.

Counsel: The issue upon that plea has not been disposed of.

The court. We can try him on that.

Counsel: If that is the issue which is proposed to try now then I am ready.

The court: I do not think there is anything in that point of yours. It appears here that by some mistake, some error on the part of the man who drew this indictment he left out a word in the indictment. That was not observed by anybody except yourself. You kept it very properly within your own bosom until this man was convicted of Grand Larceny in the first degree. Then you opened your bosom and allowed this fact to appear--called the attention of the Judge and the dist. atty. to the fact that this man was convicted of Grand Larceny upon an indictment which did not

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charge anything of the sort and upon that the judge made an order arresting the judgment on this indictment, sending the case back to the grand jury to have a proper indictment found, and that course was observed and a new indictment found. There is a new indictment here charging Grand larceny in the first degree, and the man who drew the indictment has taken the particular pains to put in the words in the indictment. He has also put in a count for receiving stolen property. We will go on and try this case. You can put in your proof under that plea.

You have a right to interpose any plea.

Counsel: I interpose this plea; the plea is required by the statute to be verbal. When this case was called for pleading the other day I interposed a plea in abatement; it was not actually filed with the clerk.

The court: Then we have nothing to do with it.

Counsel: Then I will continue it now. The plea recites fully the proceedings that have been had in the case upon the prior indictment and proof of judgment; it might amount to a plea of a former conviction.

The court: Yes I think it is. The statute prescribes that all pleas must be oral. I cannot receive that paper; I want the paper kept, I want it filed with the clerk.

Counsel: I offer this plea.

The court: I refuse to allow it to be filed.

Counsel: I continue this plea in writing.

The court: I will mark it. I refuse to allow it to be placed on file for the reason that by section 333 of the code of Criminal Procedure every plea requires to be oral and be

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entered upon the minutes of the court. You have a right to read anyone of three pleas, either guilty, not guilty of a former judgment of conviction, or acquittal.

Counsel: I plead orally the same matter that is contained in that paper. I plead the words and figures which are written in that paper which I have tendered as a written plea.

The court: You plead in the language of the statute a former judgment; you can give the date of that judgment--the former judgment of conviction for the same offense charged in the indictment in this case.

Counsel: Yes. I desire to plead in this plea a former adjudication without committing myself to the proposition whether that was an acquittal or a conviction, but I desire to tender that plea, and I therefore now say that the defendant William Aulston's plea--I ask leave of the court that the matter contained in this written statement may be considered as pleading orally.

The court: I will allow you to plead as you have a right to plead, a former judgment of conviction or acquittal of ~~this defendant~~ as stated in that plea whatever it may be. Consider that as read. Now what do you want to prove?

You can tender that either with or without a plea of not guilty, that is what I will allow you to do.

Counsel: The defendant now pleads that he has already been acquitted of the crime charged in this indictment by a judgment of the Court of General Sessions of the peace in and for the City and County of New York at the city of New York on the 9 day of February 1885. I plea now that plea.

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I now plead that the defendant has already been ^{convicted} ~~acquitted~~ of the crime charged in this indictment by judgment of the Court of General Sessions of the Peace, in and for the City and County of New York on the ^{9th} ~~13th~~ day of February, 1895.

The Court. Do you plead not guilty?

Counsel. I plead these pleas without the plea of guilty or not guilty.

The Court. Then we will go on with the trial. Swear the jury.

The jury were sworn.

Counsel. There are four pleas; upon which one of them is this jury sworn.

The Court. You take up whichever you like.

Counsel. I will take up the first, the plea of a former conviction on the 9th of February.

Edward J. Hall sworn and examined by counsel for the defendant.

Q. Mr Hall, you are Deputy Clerk of the Court of General Sessions of the peace?

A. Yes sir.

Q. Will you look at this paper which I now show you and tell me what it is?

A. It is an indictment found by the Grand Jury, January 13, 1895, against William Aulston for grand larceny in the first degree.

Q. Was that filed in this court?

A. In the General Sessions.

Q. The 13th of January?

A. Yes sir.

Q. Was the defendant arraigned on that indictment?

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A. Yes sir, January 14.

Q. What did he plea?

A. Not guilty.

Counsel. I offer the indictment with the endorsement of the plea not guilty upon it. Q. Mr Hall do you know what further proceedings were had upon that indictment?

A. He was tried February 9, 1885 in Part II before Judge Cowing.

Q. And what was the result?

A. Tried and convicted.

Q. Convicted of what offence?

A. Grand larceny in the first degree.

Q. Do you know what further proceedings were had upon the indictment?

A. A motion was made in arrest of judgment.

Q. When?

A. February 11, 1885 and granted by the Court and the case remitted to the Grand Jury for a new indictment.

By the Court. Upon what ground?

A. It appearing on the motion in arrest of judgment that the defendant has been convicted of a higher degree of crime than is charged in the indictment it is ordered that the judgment upon it be arrested and that the defendant be recommitted to await the action of the Grand Jury.

Rufus B. Cowing, City Judge, February 11, 1885.

Mr Nicoll. I can prove by the record that there was a variance between the proof and the indictment.

The Court. I think you have got enough.

Counsel. I want to call Frank Walsh to prove that the Frank Walsh mentioned in this indictment is the same Frank Walsh.

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Mr Nicoll. I will admit that.

The Court. The District Attorney admits that the Frank Walsh mentioned in that indictment in evidence is the same person mentioned in the indictment which is now before the Court.

The Court took a recess until half past one.

After Recess.

Counsel. Will you admit that the William Aulston who was tried upon a former indictment is the same William Aulston who is now upon trial?

Mr Nicoll. Yes, that is admitted. It is admitted that the dwelling house of the said Frank Walsh named in the indictment filed on the 13th of January is the same dwelling house of the said Frank Walsh named in the present indictment.

Counsel. And do you admit that the goods and chattels named in the former indictment filed on the 13th of January, are the same goods and chattels named in the present indictment?

Mr Nicoll. Yes.

Counsel. Now that the District Attorney admits the identity of the same William Aulston who is now on trial, I rest.

The Court. You have pleaded a former conviction on February 9.

You cannot have two pleas on that point. You said that

you were going to plead a former conviction and a former acquittal of the same thing.

Counsel. One at a time.

The Court. You can't do that. You can elect if you choose, make up your mind which you will plead, a former conviction or a former acquittal. One is so inconsistent with the other, I am not aware of any rule of pleading that allows you to do that.

Counsel. I do not wish to plead those pleas together, I wish to

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dispose of one plea at a time.

The Court. I won't allow that. There is nothing to prevent you coming on again and pleading a former conviction and getting beat upon that and then pleading a former acquittal and getting beat upon that and we would have no end of it.

Counsel. I am now pleading and this jury is empanelled to try the issue upon this plea that the defendant was convicted of the same crime charged in the first count of this indictment.

The Court. You rest on this do you?

Counsel. Yes, I rest on that plea now.

The Court. Have you any evidence to offer on this?

Mr Nicoll. No sir.

The Court. Gentlemen of the Jury: You will find a verdict in favor of the people on this plea.

The Foreman. We find a verdict for the People.

The Court. What do you propose to do.

Counsel. Now then, I plead that this defendant has already been convicted of the same crime charged in this indictment by judgment of the Court of General Sessions, in the City of New York, rendered upon the 11th day of February, 1885.

The Court. That I decline to entertain.

Counsel. Now I plead that the defendant has already been acquitted of the same crime charged in the first count of this indictment by judgment of the Court of General Sessions, rendered on the 5th day of February, 1885.

The Court. You rely on the same evidence that is in?

Counsel. I rely upon the same evidence.

The Court. That I decline to permit you to plead, I cannot have that tried twice. Is there anything else?

0445

Counsel. I now plead that the defendant has already been acquitted of the crime charged in the first count of this indictment by judgment of the Court of General Sessions, rendered at the City of New York on the 11th day of February.

The Court. I decline to entertain that plea.

Counsel. I except to your Honor's rulings.

The Court. What next?

Counsel. Now I demur to the indictment and to each count thereof upon the following grounds: first, because the said indictment charges more than one crime; second, because neither count of said indictment charges facts sufficient to constitute a crime; third, because the indictment does not conform substantially to the requirements of sections 275 and 276 of the Code of Criminal Procedure.

The Court. I will render judgment on the demurrer in favor of the People, disallowing it and require the defendant to plead to the indictment.

Counsel. The defendant without intending any disrespect to the Court, stands mute and refuses to plead.

The Court. Enter a plea of not guilty.

0446

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the court. I have been told that the

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Testimony in the
Case of
Mrs. Aulston.

filed Jan 1893

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0447

City and County of New York ss.
In Court of General Sessions

The People vs. }
vs. } Upon an Indictment
William Aubston } for grand Larceny in the
First Degree and Crimi-
nally Receiving Stolen goods.

The defendant demurs to the indictment
in this action and to each count thereof,
upon the following grounds:

First because the said indictment charges
more than one crime.

Second, because neither count of said
indictment charges facts sufficient
to constitute a crime.

Third, because the indictment does
not conform substantially to the require-
ments of sections 275 and 276 of the Code
of Criminal Procedure.

A. Guy Jones

Counsel for Deft.

N. Y. Gen. Sessions

The People vs

22 3 Grant Lacey
3 Fred. Deq. & R. S. G.

William Andolm

Demonstr.

A

(Revised July 25, 1885)

H. H. Thompson

Commander for 5th St.

0448

0449

PART 1.

THE COURT-ROOM IS IN THE SECOND 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.]

SUBPŒNA

FOR A WITNESS TO ATTEND THE

Court of General Sessions of the Peace.

The People of the State of New York,

To

Bridget Covey

Street,

GREETING:

WE COMMAND YOU, That, all business and excuses ceasing, you *appear* in your proper person, before the Court of General Sessions of the Peace to be holden in and for the City and County of New York, at the Sessions Building in the Park of the said City, on the *28* day of **FEBRUARY** instant, at the hour of ten in the forenoon of the same day, to testify the truth and give evidence in our behalf, against

Wm Auldston

in a case of Felony, whereof *he stands* indicted. And this you are not to omit, under the penalty of Two Hundred and Fifty Dollars.

WITNESS, Hon. FREDERICK SMYTH, Recorder of our said City, at the City Hall, in our said City, the first Monday of **FEBRUARY**, in the year of our Lord 188

RANDOLPH B. MARTINE, *District Attorney.*

0450

Police Court—

District.

Affidavit—Larceny.

City and County } ss.:
of New York,

Nerry C Woodruff
 of No. 83 9th Avenue Street, aged 40 years,
 occupation *gentleman* being duly sworn
 deposes and says, that on the 1st day of *January* 1885 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the night time, the following property viz:

*Three white dress shirts
 One grey shawl, one pair of pants
 One opera glass, one single pocket pin
 One green schaum pipe, one razor
 And one scarf.*

*Being in all together of the value of
 Forty 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 *William Aresten (now Lese)*

for the reason: That on said day the
 said property was in a room in
 said premises; Deponent is informed
 by Bridget Carey a servant employed
 in said premises about the hour of
 six o'clock on the night of the aforesaid
 day said Aresten came to said premises
 wrapped at the window of said premises
 and deponent went to the door and recognizing
 said Aresten as a person who was
 catering meals to guests in said
 premises asked him what he wanted.
 Where he replied he wanted to see Mrs
 Cooper who lived up stairs and said

Sworn to before me, this
W. C. Woodruff
 1885

Police Justice.

0451

Bridget permitted him to go up stairs to the said Mrs Cooper's room, said Bridget having occasion immediately thereafter to go to the room where said property was. Found said property which she saw in said room about half an hour before said Arresten entered said premises gone and said Arresten missing. Deponent is further informed by James H Price a detective of the 29th precinct police that he arrested said Arresten and found on his person the necktie and one shirt and his person and three additional shirts in a satchel which said Arresten had in his possession and that said Price saw said Arresten throw the said satchel into the water closet in a cell in the 29th precinct station house. Deponent fully identifies said shirts found on his person and in said satchel as being his by the marks on the tops. and said Deponent fully identifies said Arresten as the person she admitted into said premises. Deponent therefore charges said Arresten with having taken the said property and crossed away the same and property.

Sworn to before me this 10th day of January 1885
of the City of New York, until he give such bail as he held to answer the same and he be admitted to bail in the sum of One Hundred Dollars and be committed to the Warden and Keeper of the City Prison

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

Police Court,	District,
THE PEOPLE, &c., on the complaint of	
vs.	
1.	
2.	
3.	
4.	
Dated	1885
Magistrate.	
Officer.	
Clerk.	
Witnesses,	
No.	Street.
No.	Street.
No.	Street.
\$	to answer
	Sessions.

0452

CITY AND COUNTY }
OF NEW YORK, } ss.

Bridget Casey
aged 31 years, occupation servant of No.

137th Avenue Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Henry C. Woodruff
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 10th
day of January 1888 } Bridget Casey

J. G. Duffy
Police Justice.

0453

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 38 years, occupation Detective of No.

29th Precinct Police Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Henry C. Woodruff

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

Sworn to before me, this 10th day of January 1888 } James K. Price

P. G. Duffy
Police Justice.

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Sec. 198-200.

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District Police Court.

CITY AND COUNTY { ss
OF NEW YORK,

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

Question What is your name?

Answer *William Auesten*

Question. How old are you?

Answer *20 years.*

Question. Where were you born?

Answer. *Long Island*

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

Answer. *137 West 32 Street New York 6 months*

Question What is your business or profession?

Answer *Shirt manufacturer*

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 of the charge*

Wm Auesten

Taken before me this

10th

day of

Police Justice.

0455

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

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

Dated January 10th 1885 [Signature] 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.

0456

BAILED,

No. 1, by _____

Residence _____ Street,

No. 2, by _____

Residence _____ Street,

No. 3, by _____

Residence _____ Street,

No. 4, by _____

Residence _____ Street.

Police Court-- 2 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry C Woodruff
83rd 7th Ave.
William Arestin

2 _____
3 _____
4 _____

Dated January 10th 1885

Duffy Magistrate.

Price 79th Officer.

Clerk.

Witnesses, Bridget Casey

No. 83rd 7th Ave. Street,

James K Price

No. 59th Precinct Street,

No. _____ Street,

\$ 500. to answer G. S.

Clerk.

0457

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 Aulston

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

William Aulston

of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said William Aulston

late of the 16th Ward of the City of New York, in the County of New York aforesaid, on the first day of January, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,

five shirts of the value of three dollars

each, one shawl of the value of ten

dollars, one pair of trousers of the

value of ten dollars, one pair of

opera glasses of the value of five

dollars, one scarf pin of the value

of five dollars, one pipe of the

value of five dollars, one razor of the value

of two dollars, and one scarf of the value of one dollar

of the goods, chattels and personal property of one Henry C. Woodruff, in the dwelling house of the said Henry C.

Woodruff there situate then and there being found, from the dwelling house aforesaid

~~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.

0458

SECOND COUNT—

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

— William Aulston —

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

The said William Aulston,

^{16th} late of the ~~First~~ Ward of the City of New York, in the County of New York aforesaid, on the first day of January, — in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,

one scarf pin of the value of five dollars, four shirts of the value of three dollars each, and one scarf of the value of one dollar,

of the goods, chattels and personal property of one Henry C.

Woodruff, —

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

C. Woodruff, —

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

Aulston, —

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.

RANDOLPH B. MARTINE.

~~PETER B. OLNEY~~

District Attorney.

0459

Witnesses:
James R. Price
by J. H. Price

#113-
04716

Counsel, _____
Filed 13 day of Jan 1885
Pleads Not guilty 141

THE PEOPLE
vs. P
William Aulston
Exoner
Grand Larceny, first degree
[Sections 528, 530, 550 Penal Code].

RANDOLPH B. MARTINE.
~~JOHN B. GENT~~
District Attorney.

A True Bill.
AMM
Foreman.

0460

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 Aubston

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

— William Aubston —

of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said William Aubston,

late of the 9th Ward of the City of New York, in the County of New York aforesaid, on the Seventh day of January, in the year of our Lord one thousand eight hundred and eighty-five, at the Ward, City and County aforesaid, with force and arms,

two coats of the value of thirty five dollars each, six pairs of trousers of the value of ten dollars each pair, three vests of the value of five dollars each, one overcoat of the value of thirty dollars, three boxes of the value of two dollars each, two brushes of the value of one dollar each, twenty handkerchiefs of the value of one dollar each, and fourteen collars of the value of twenty five cents each. —

11.11.11
3.11.11
2.11.11
6.11.11
9.11.11

of the goods, chattels and personal property of one Frank Walsh, in the dwelling house of the said Frank Walsh then situate, then and there being found, from the dwelling house aforesaid, ~~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.

Randolph B. Martine
District Attorney

0461

SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed
as follows :

The said

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

of the goods, chattels and personal property of one

by certain persons to the Grand Jury aforesaid unknown, then lately
before feloniously stolen, taken and carried away from the said

unlawfully and unjustly did feloniously receive and have ; the said

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.

PETER B. OLNEY,
District Attorney.