

0767

BOX:

328

FOLDER:

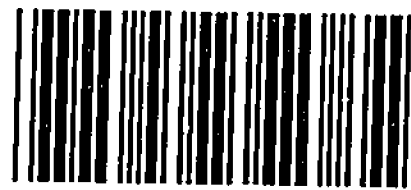
3113

DESCRIPTION:

Fallon, James

DATE:

11/28/88



3113

POOR QUALITY
ORIGINAL

0768

Witnesses;

Mr. Finley

Mr. D. Cleary

off stack

I am of opinion that this
is a case where sentence
may be for suspension
likely off
Arch. Dick atty

Counsel, *J. E. Simpson*
Filed *27* day of *Nov* 188*8*
Pleads, *C. M. Quelly*

THE PEOPLE
18 78.
606-2.10
accused
James Fallon
Burglary in the Third degree.
Section 498

JOHN R. FELLOWS,
District Attorney.

A True Bill.

David Macleay
Esq.

Page 3. December, 1888

Leads Smith

See suspended
See all done - 12

◀ M. FINLEY, ▶
FASHIONABLE + CUSTOM + CLOTHIER,
21 PARK ROW,
Opposite the Post Office and Astor House.

New York, Dec 17th 1888.

To The Assistant District Attorney
J. M. Fough
Sir:

The Young man James
Fallon who will appear before you for
sentence today, who was found secreted
under one of the counters in our store,
21 Park Row where he had no business
nor any right.

I wish for the sake of his
youth and previous good character, and
especially for his mother who is poor
sickly and old you would let him off
with a severe reprimand. It seems
very hard that his life should be wrecked
and his mother should suffer and it is his
first offense. I would consider it a great
favor to let him off. I think I am the only
lover and make note of it, but I think I

**POOR QUALITY
ORIGINAL**

0770

^{is} what I should do.

Yours with Respect
Mr. Finley

~~Mr. Finley~~

The People of the
State of New York }
vs. James Fallon } Affidavit
City & County of New York ss.

Patrick Sheridan of 1009
Third Avenue, being duly sworn
deposes and says:

That he is a wholesale liquor
dealer at the above number;
that he knows the defendant
James Fallon; that the said
James Fallon has been in his
employ six months, previous
to June 1887, and that during
that period he has intrusted
him at various times with money
and goods to the extent of
several thousand dollars;
and that he has always found
him faithful and honest;

And that during that period
of his employment he knows
that his ^{general} reputation for honesty
and integrity were of the very
best.

POOR QUALITY
ORIGINAL

0772

Sworn to before me at Meriden
December 10th 1888
Charles N. Clarke
Notary Public
N.Y.C.

The People of the State of
New York

vs.
James Fallon

City & County of N.Y. &c.

} Affidavit

Amos Crowell of 319 8th
St. being duly sworn, deposes
and says: That previous
to June 1888, he was foreman
of the Chalmers Spence Company
Manufacturers of Asbestos Covering
Materials; that ~~for~~ he knows
the defendant James Fallon;
that for eighteen months pre-
vious to said June 1888, the
said James Fallon was in the
employ of the said Chalmers
Spence Company and under
his, the deponent's supervision.
And that during that period
he always found the said
defendant an honest upright
and willing young man; and
that during that period he
knew that his general reputa-
tion for honesty and integrity
was good.

Amos Crowell

Sworn to before me }
December 24 1888 }
Chas. R. Clark
Notary Public
N.Y. Co

The People of the
State of New York
vs.
James Fallon } Affidavit

City & County of New York ss.
Henry Farmer of 21 Park
Row N.Y., being duly sworn de-
poses and says:

That he is the Janitor of the
Barnes Building at No. 21 Park Row
That he knows the above named
James Fallon; That previous
to his arrest he had been in the
employ of the ^{Barnes} Estate and un-
der his ^{deposits} orders and supervision
for ^{about} six months; That during
that period he had always shown
himself to be faithful and honest
and had born a general good
Character.

Henry Farmer
Sworn to before me
December 4th, 1888
Chas. R. Clarke

Notary Public, New York County.

The People of the
State of New York
vs.
James Fallon. } Affidavit

City & County of New York ss.

Julia Fallon of 606 E. 16th St.
N.Y. City, being duly sworn deposes
and says:

That the defendant above named
is her son; that she is fifty-eight
years of age; that her husband
is dead, and that for the past
two years since his decease, the
said son has been her only
means of support, he having
during that period, contributed
nearly all his earnings for
her use and benefit; that
she is in feeble health and unable
properly to care for herself.

Sworn to before me &

December 11th 1888

Charles Meyer

Notary Public 943

New York County

her
Julia Fallon
mark

The People of the
State of New York }
vs. } Affidavit
James Fallon "

City & County of New York ss.

Marcus Philay of 21 Park Road, N.Y.
Merchant Tailor, being duly sworn
deposes and says:

That he is the complaining
witness in the above entitled action;
That learning that the offense to
which the defendant, above named,
pleads guilty, is his first offense;
And also learning that the said
defendant is the only support of
his aged widowed mother;

And further learning and be-
lieving that before the commission
of this offense, the said defendant
had born an irreproachable
character for honesty and in-
tegrity; he the deponent
believes that the ends of justice
would best be served by a
suspension of sentence upon
the said defendant.

M. Philay

POOR QUALITY
ORIGINAL

0778

Sworn to before me
December 10th 1888 }
J. W. E. Simpson

NOTARY PUBLIC, Kings Co.,
Certificate filed in New York Co.

The People of the
State of New York }
vs.
James Fallon }

To Hon. Rufus B. Leaveng
City Judge:

The subscribers hereto, tenants
of the Barnes Building No. 21 Park
Row, having known the above named
James Fallon, for the past six months,
and having formed favorable
impressions as to his general good
character, respectfully urge your
honor to suspend sentence in the
above case.

~~James Fallon~~
Victor E. Harris
John A. Corwin

John H. Meyers
Charles Clark
J. W. Hudson
C. M. Bean
John H. Malone
John J. Malone
Charles F. Holm
Frederick R. Kinsley
David Samuels
J. B. Backett
Wm. W. Hyatt

POOR QUALITY
ORIGINAL

0780

Court of General Sessions

*The People of the
State of New York*

vs.

James Fallon

Affidavits

W. Reid Gould, Law Blank Publisher and Stationer,
139 Nassau Street, cor. of Deckerman, and 129 Broadway, N. Y.

Police Court— District.

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

of No. 21 Park Row Street, aged 39 years,

occupation Mechanic Tailor being duly sworn.

deposes and says, that the premises No 21 Park Row Street,

in the City and County aforesaid, the said being a five story building

~~the first story of which~~ and which was occupied by deponent as a clothing store

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

were BURGLARIOUSLY entered by means of forcibly opening a
door leading into said room
by means of false keys

on the 21 day of March 1888 in the night time, and the
attempted to following property feloniously taken, stolen, and carried away, viz:

A quantity
of gente clothing
worth two thousand 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

for the reasons following, to wit:

at about the hour of
six o'clock P.M. on said date
deponent securely locked and
fastened the doors and windows
of said premises and when he returned
about an hour afterwards to said premises,
he found the said door unlocked and the said
affendants secreted behind a counter in
said store. Marcus Finley

This is 22 day of March 1888
James Fallon
Police Clerk

POOR QUALITY
ORIGINAL

0782

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

James Fallon 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. *James Fallon.*

Question. How old are you?

Answer. *17 years.*

Question. Where were you born?

Answer. *New York.*

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

Answer. *606 Cross 16th St. 7 months*

Question. What is your business or profession?

Answer. *Assistant Janitor.*

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 the assistant janitor
in Mr Finley's building. I
found his door open. I went
in and seeing no one in there I
got frightened when I heard
footsteps and hid behind a
counter.*

James Fallon

Taken before me this

22

day of September 1888

John P. Jackson

Police Justice.

POOR QUALITY
ORIGINAL

0783

M. Trukey

Michael S. Garrett

Off. Street

H. Mel.

BATED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Police Court---

District.

336-1836

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Alonso J. Wilk

21 Sept 1886

James Jackson

Offence

Burglary

Dated

Mar 22

188

Magistrate

William Magistrate

Officer

Officer

Witnesses

Witnesses

No.

Street

No.

Street

No.

Street

\$ 1500.00

to answer

Street

James

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

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Fifteen 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 Mar 22 188 James Jackson Police Justice.

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

Dated 188 Police Justice.

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

Dated 188 Police Justice.

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 Fallon

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

James Fallon

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

The said

James Fallon

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

Marion Lindorf

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

Marion Lindorf

in the said *store* then and there being, then and there feloniously and burglariously to steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

James Fallon
James Fallon

0785

BOX:

328

FOLDER:

3113

DESCRIPTION:

Farrier, Robert E.

DATE:

11/02/88



3113

POOR QUALITY
ORIGINAL

0786

577

Witnesses,

John W. Decker
Ernest M. Hargrave
Geo. W. Brown

Counsel,

Filed.

Pleads,

day of

1888

Nov 8

THE PEOPLE

vs.

FRAUDULENT REGISTRATION.
[Chap. 410, Laws of 1882, § 1903.]

Nov. 14, 1888.

I recommend the
dismissal of this Indictment
for the reasons
stated in the case of
People v. Duncan Mc
Bushman, filed here
with.

Robert E. Farver

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. R. Fellows

District Attorney.

Wm. L. Mearns

Foreman.

PD: Nov. 16, 1888

Indictment dismissed

POOR QUALITY
ORIGINAL

0787

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Robert E. Tarnier

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *Robert E. Tarnier*
of a FELONY, committed as follows:

Heretofore, to wit: on the *14th* day of
October, in the year of our Lord one thousand eight hundred and eighty-~~eight~~ *eighty-nine* the
same being a day duly appointed by law as a day for the general registration of the
qualified voters of the said City and County, the said *Robert E. Tarnier*
late of the City and County aforesaid, at the City and County aforesaid, did personally
appear before the Inspectors of Election of the *21st* Election District
of the *21st* Assembly District of the said City and County, at a meeting
of the said Inspectors of Election then being duly held for the purpose of the general
registration of the male residents of the said Election District as then were, or would be
on the day of election next following the said day of registration, (to wit: on the *ninth*
day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in
the said month of November, and being the day duly appointed by law for the holding of
a general election throughout the said State, and in the City and County aforesaid), entitled
to vote therein, at the duly designated polling place of the said Election District, and did
then and there, at the said general registration of voters, feloniously and fraudulently
register in the said Election District, not having a lawful right to register therein, in this,
to wit: that the said *Robert E. Tarnier* was not then a male resident
of the said Election District as then was, or on the said day of election next following the
said day of registration would be entitled to vote therein, for the reason that he was not
then, nor would he on the said day of election have been, an inhabitant of the said State
one year next preceding such election, and the last four months a resident of the said
County of New York, and for the last thirty days a resident of the said Election District,
against the form of the statute in such case made and provided, and against the peace and
dignity of the said People.

JOHN R. FELLOWS, District Attorney.

0788

BOX:

328

FOLDER:

3113

DESCRIPTION:

Featherston, Andrew

DATE:

11/16/88



3113

POOR QUALITY
ORIGINAL

0789

Witnesses:

J. M. Conrad

Officer Davidson

Counsel,

Filed,

Pleads,

day of

1887

THE PEOPLE

vs.

FRAUDULENT REGISTRATION.
[Chap. 410, Laws of 1882, § 1903.]

Andrew Featherston

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. McClellan

Forfeited.

Pleas Guilty

S.P. 2 yrs 4 mo. P.B.M.

POOR QUALITY
ORIGINAL

0790

In the 1st Police District Court,
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
Plaintiffs,

against

Information for Fraudulent Registration.

Andrew Featherston Defendant

City and County of New York, to wit:

John Sheridan of 10th Precinct age 41
occupation Police Officer, being duly sworn deposes, alleges and says:

That he has good cause to believe and doth verily believe and charge that heretofore, to wit: on the 17th day of October, in the year of our Lord one thousand eight hundred and eighty-eight, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, the above-named defendant, at the City and County aforesaid, did personally appear before the Inspectors of Election of the 4th Election District of the 3rd Assembly District of the said City and County, at a meeting of the said Inspectors of Election then being duly held for the purpose of the general registration of the qualified voters of the said City and County, resident in the said Election District, at the duly designated polling place of the said Election District, and then and there, at the said general registration of voters, feloniously did fraudulently register in the said Election District, not having a lawful right to register therein, by reason of not being a male resident of the said Election District, as then was, or on the day of the general election to be held throughout the said State of New York, and in said City and County on the sixth day of November 1888, and next following the said day of registration, would be entitled to vote therein, in this, to wit: that he, the said defendant was not then, nor would he on the day of the said general election so next following the said day of registration have been an inhabitant of the State of New York for one year, and of the said County of New York for four months, and of the said Election District for the last thirty days next preceding the day of the said election, and being thereby disqualified by the Constitution and Laws of this State as well from voting at the said election, as also from then and there registering as such voter, all of which the said defendant then and there well knew.

That as your informant has good cause to believe and doth verily believe the said defendant in and for so feloniously and fraudulently registering as aforesaid, did then and there, being examined by the said Inspectors of Election according to the requirements of the Laws of this State as to his qualifications as an elector of the said Election District, and particularly in respect to his residence falsely and fraudulently give and state to the said Inspectors of Election as his then dwelling-place and abode, and cause and procure the said Inspectors to enter in the register of the said Election District duly made and furnished as provided by law for that purpose, certain matters to the effect that his dwelling-place and abode was then the premises and place situate in the said Election District known as number

139. Mott st
and that he had resided in said State and County and at the said premises and place for such a period of time as then entitled him, or would on the day of said election entitle him to vote therein: whereas in truth and in fact the dwelling-house and abode of the said defendant was not then the said premises and place, and he had not so resided in said State and County and at said premises and place for such period of time as aforesaid.

Wherefore your informant prays that a warrant may issue for the arrest of the said defendant, and that he be dealt with according to law.

Taken and sworn to before me, this

5th day of November 1888.

John Sheridan
Police Justice.

**POOR QUALITY
ORIGINAL**

0791

Sheldon

10

POOR QUALITY
ORIGINAL

0792

Sec. 198-200.

CITY AND COUNTY { ss
OF NEW YORK,

District Police Court.

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

Question What is your name?

Answer *Andrew Featherston*

Question. How old are you?

Answer *29 years*

Question. Where were you born?

Answer. *New York City*

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

Answer. *139 9th Street, 2 months*

Question What is your business or profession?

Answer *Plasterer*

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*

Andrew Featherston

I have before me this
day of
188
Police Justice.

POOR QUALITY
ORIGINAL

0793

United States of America,

STATE OF NEW YORK.

City and County of New York, to wit:

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK.

To any Peace Officer in the County of New York:

Information upon oath having been this day laid before me that heretofore, to wit: on the 17th day of October in the year of our Lord one thousand eight hundred and eighty-eight, the same being a day duly appointed by law as a day for the general registration of the qualified voters of the said City and County, one Andrew Featherston at the City and County aforesaid, did personally appear before the Inspectors of Election of the 4th Election District of the 3^d Assembly District of the said City and County, at a meeting of the said Inspectors of Election, then being duly held for the purpose of the general registration of the qualified voters of the said City and County, resident in the said Election District, at the duly designated polling place of the said Election District, and then and there, at the said general registration of voters, feloniously did fraudulently register in the said Election District, without having a lawful right to register therein:

You are therefore commanded forthwith to arrest the above-named Andrew Featherston and bring him before me at the 1st District Police Court, in this City, or, in case of my absence or inability to act, before the nearest or most accessible Magistrate in this County.

Dated at the City and County aforesaid this 5 day of Nov 1888.

A. J. Smith Police Justice.

POOR QUALITY
ORIGINAL

0794

4th Election District,
131 Mulberry St.
Landy Stone-
John M. P. 07700000
Inspector 1st Election District

District Police Court.

THE PEOPLE.

against

WARRANT OF ARREST

Fraudulent registration, Election
District of Assembly District,
as being a resident of
Street.

John P. 07700000
Inspector 1st Election District
131 Mulberry St.

POOR QUALITY
ORIGINAL

0795

BAILED,
No. 1, by _____
Residence _____
No. 2, by _____
Residence _____
No. 3, by _____
Residence _____
No. 4, by _____
Residence _____
Street _____

Police Court --- 1961
District ---

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1. _____
2. _____
3. _____
4. _____
Offence _____

Dated _____ 188

Magistrate _____

Officer _____

Precinct _____

Witnesses _____

No. _____
Residence _____

No. _____
Residence _____

No. _____
Residence _____

No. _____
Residence _____

No. _____
Residence _____

No. _____
Residence _____

No. _____
Residence _____

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

**POOR QUALITY
ORIGINAL**

0796

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

THE PEOPLE OF THE STATE OF NEW YORK,
against

Andrew Featherston

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *Andrew Featherston*
of a FELONY, committed as follows:

Heretofore, to wit: on the *17th* day of
October, in the year of our Lord one thousand eight hundred and eighty-~~eight~~*eight*, the
same being a day duly appointed by law as a day for the general registration of the
qualified voters of the said City and County, the said *Andrew Featherston*
late of the City and County aforesaid, at the City and County aforesaid, did personally
appear before the Inspectors of Election of the *South* Election District
of the *Seina* Assembly District of the said City and County, at a meeting
of the said Inspectors of Election then being duly held for the purpose of the general
registration of the male residents of the said Election District as then were, or would be
on the day of election next following the said day of registration, (to wit: on the *ninth*
day of November, in the year aforesaid, being the Tuesday succeeding the first Monday in
the said month of November, and being the day duly appointed by law for the holding of
a general election throughout the said State, and in the City and County aforesaid, entitled
to vote therein, at the duly designated polling place of the said Election District, and did
then and there, at the said general registration of voters, feloniously and fraudulently
register in the said Election District, not having a lawful right to register therein, in this,
to wit: that the said *Andrew Featherston* was not then a male resident
of the said Election District as then was, or on the said day of election next following the
said day of registration would be entitled to vote therein, for the reason that he was not
then, nor would he on the said day of election have been, an inhabitant of the said State
one year next preceding such election, and the last four months a resident of the said
County of New York, and for the last thirty days a resident of the said Election District,
against the form of the statute in such case made and provided, and against the peace and
dignity of the said People.

JOHN R. FELLOWS, District Attorney.

0797

BOX:

328

FOLDER:

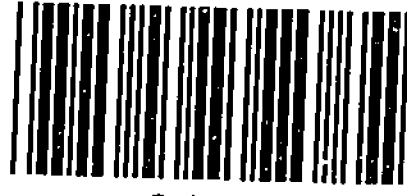
3113

DESCRIPTION:

Feldman, Samuel

DATE:

11/16/88



3113

POOR QUALITY
ORIGINAL

0798

122

Counsel,

Filed

Pleads,

16 day of Nov 1888

THE PEOPLE

vs.

P

Samuel Selman

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. Macleay

Prothonotary.

Nov 16/88

Wm. Macleay

Pen 3 mos

Nov 19/88 P.M. 19

Witnesses:

Samuel Selman

Wm. Macleay

120 Macleay

Grand Larceny Second degree
[Sections 528, 531, 532 Penal Code]

POOR QUALITY
ORIGINAL

0799

The People
vs
S Feldman
Officer, Mr. McCormack
will prove that defendant
admitted to him that he stole the
property charged in the complaint
and brought it to the City of New
York. The witness who lost
the property resides in New
Jersey.

POOR QUALITY
ORIGINAL

00000

Police Court District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of *Bellevue New Jersey* Inform *Bellevue*
occupation *Barber* Street, aged *26* years,

deposes and says, that on the *3* day of *August* 188*8* being *July* sworn
at the *Town of*

Bellevue ~~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:

<i>Two Razors of the Value of</i>	<i>\$ 12. 00</i>
<i>Two Hair Clippers</i>	<i>7. 00</i>
<i>Two pair of scissors</i>	<i>1. 50</i>
<i>One Razor Case</i>	<i>1. 00</i>
<i>Two pair of Traps</i>	<i>2. 00</i>
<i>Four hundred money of the United States</i>	
<i>of the amount and of the value</i>	<i>9. 00</i>

\$ 32. 50

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 *Samuel L. Landon (per hunc)*

did feloniously take the above property
from this deponent in the Town of
Bellevue in the County of Essex
in the State of New Jersey *carrying*
the said property into the State of
New York from the fact the said
deponent and informant deponent
that a portion of the said property
was in premises 251 Hudson Street
where deponent found a portion
of said property which deponent
deems as his

Joseph Blaney

Sworn to before me, this *6* day of *August* 188*8*
of *Bellevue New Jersey*
Police Justice.

POOR QUALITY
ORIGINAL

0001

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK,

B. District Police Court.

Samuel Feldman 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 an waiver cannot be used
against him on the trial.

Question. What is your name?

Answer. Samuel Feldman

Question. How old are you?

Answer. 13 Years

Question. Where were you born?

Answer. Hungary

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

Answer. At home

Question. What is your business or profession?

Answer. Barber

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

Answer. I am guilty of the charge
Sam Feldman

Taken before me this

day of

188

Police Justice.

0002

Residence ...

100

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

POOR QUALITY
ORIGINAL

0003

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Samuel Feldman

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

Samuel Feldman
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

Samuel Feldman

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

*Two Razors of the value of one
dollar and twenty cents each, two hair
clippers of the value of three dollars
and fifty cents each, two pair of
scissors of the value of seventy-five
cents each, one razor case of the
value of one dollar, two pair of
straps of the value of one dollar
each, and the sum of nine dollars in
money, lawful money of the United
States of America and of the value of
nine dollars*

of the goods, chattels and personal property of one

Joseph Blaney

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.

SECOND COUNT—

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

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

The said

Samuel Feldman

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,

ten razors of the value of one dollar and twenty cents each, two hair clippers of the value of three dollars and fifty cents each, two pair of scissors of the value of seventy-five cents each pair, one razor case of the value of one dollar, two pair of straps of the value of one dollar each pair, and the sum of nine dollars in money, lawful money of the United States of America, and of the value of nine dollars

(of the goods, chattels and personal property of one

Joseph B. Caney

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

Joseph B. Caney

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

Samuel Feldman

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

JOHN R. FELLOWS,

District Attorney.

0805

BOX:

328

FOLDER:

3113

DESCRIPTION:

Ferrero, Gitano

DATE:

11/08/88



3113

0006

Witnesses:

Louis Poyed.

Alfred Phelps

at \$1000.00
Aug 9 / 89

Counsel,
Filed *2* day of *Nov* 188*8*
Pleads, *C. M. Kelly* 9

THE PEOPLE

Inventory in the second degree.
(Not found)

Gilman, Leroy

JOHN R. FELLOWS,

District Attorney.

Committee: 2/2/32

A True Bill

Wm MacLean

[illegible]

Business	Product	Market	Company	Industry	Country	Region	Segment	Sub-segment	Age	Gender	Ethnicity	Religion	Marital	Income	Education	Occupation	Home	Work	Mobile	Other
----------	---------	--------	---------	----------	---------	--------	---------	-------------	-----	--------	-----------	----------	---------	--------	-----------	------------	------	------	--------	-------

[illegible]

Indicted for attempt at burglary in the second degree.

A P P E A R A N C E S:

Asst. Dist. Atty. A. B. Parker;

MR. C. GOLDEN.

I am a bar tender and live at No. 121 South 5th.

Avenue. I know the defendant in this case. On the morning of the 25th. of October I saw this defendant at half past 12 o'clock in the right time. I was in the room of Mrs. Ponjade and she told me that somebody was outside. I looked out of the window and as I opened the window I saw the defendant about eight feet away from me on the extension. I heard him trying to open a window. When I saw him he was standing at the window and he tried to run away. I fired a shot at him with a pistol but it did not hit him. He then went down on to the

ground and I lost sight of him. I have known the defendant for about two years and I have seen him nearly every day during that time.

CROSS EXAMINATION:

The defendant lives in the rear house at No. 23 South 5th Avenue. He has lived there for some time. There are three stories to this house in which I was on the night of this occurrence. The noise which I heard before opening the window was the noise as if somebody was opening a window near by. There was nobody in the room when I looked out and saw the defendant at the window.

MADALINE PONJADI witness for the People, sworn, testified:

I am the wife of Louis Ponjadi who keeps a saloon at No. 21 South 5th Avenue. The last witness is the bartender for my husband. On the night of Oct. 25th. about three o'clock in the morning I saw this defendant at my window trying to open it. The window at which he was led to a bath room and opened out on to an extension. When I saw him he was about 10 feet away from me; he tried to open the window, I called to him but he ran away and did not answer me. I was sitting in my room at the time I heard this noise. I had not yet gone to bed. I noticed the defendant putting a blanket over him and I afterwards saw him going into his own house which is right

next door. The bar-tender had previously seen the defendant at the window at half past 12 o'clock.

CROSS EXAMINATION:

I closed that window tightly on that evening at about 7 o'clock. The defendant was at the window for a second time when I saw him. When I examined the window after the defendant left it it was raised; the defendant had raised it. The defendant lives in a rear house at No. 23 South Fifth Avenue. When the first noise was heard and the bar-keeper fired a shot he remained in his room there for some time but nobody came until half past three when I saw this man again.

LOUIS PONJADI, a witness for the people, sworn, testified:

I am a saloon keeper at No. 21 South Fifth Avenue in this city. Upon the night of the 25th. of October I saw this defendant between 3 and half past three o'clock on the roof of the extension. He had just commenced to try to open one of the windows leading on to the extension when we came to the window and he ran away. When I saw him he was about 8 or 10 feet away from the window. I could not distinguish exactly what he was doing when he tried to open the window; he had his hands on the sash of the window. He passes across the extension and then descended into his own yard. I examined the window afterwards and I found that the catch was loosened. The window had been in good condition earlier in the evening.

CROSS EXAMINATION:

The prisoner was all dressed in white when I saw him entering his house. The defendant has been a neighbor of mine and I have known him for four or five years.

JOHN S. SULLIVAN, a witness for the People, sworn, testified:

I am a police officer attached to the 5th precinct. I arrested this defendant on the evening of the 26th of October this year, in the alley way of 23-1-2 South 5th Avenue. I was informed that he lived in that alley way. When I brought him to the station house I asked him what time he went to bed on the night of this attempted burglary and he told me that he had gone to bed on that night at half past twelve. In the station house he was dressed in a knitted gray undershirt and drawers and was bare headed. And Mrs. Ponjade said that he was dressed in that way on the night that she saw him on the roof of the extension. That is all the conversation I had with the defendant.

CROSS EXAMINATION:

Gitano's Ferraro's house is the house in the rear of the alley way in which I found him when I arrested him. There is a tree right close to the extension from which the roof of the extension could be reached.

D E F E N S E .

GITANO FERRARO, the defendant, sworn, testified:-

I live at No. 23 South Fifth Avenue in this city. I have been in this country for five years; my business is that of a fish peddler. I was never arrested for any crime before either in this country or in Italy the country from which I came. I know Mr. ponjade and his wife and have known them for about four years. I understand the nature of this charge brought against me: I am accused of having gone up and broke open a window, but I dont know anything about it. I am innocent. At the time at which they say I was upon this roof I was sleeping in bed with my wife. When the policeman came to arrest me I was in bed with my wife. I only had my shirt and drawers on when I was arrested. The policeman would not allow me to dress my self but took me to the station house just as I was.

CROSS EXAMINATION:-

I did not tell the officer that I was went to bed at half past twelve; what I told him was that I was innocent, and that I had not done anything. I was not upon that extension roof that night.

Q. Do you know whether you were or not? A. How can I tell, I was in my bed. I went to bed about eight o'clock and I did not get up until the next morning at half past six o'clock.

Q. Do you walk in your sleep? A. No sir, When I sleep I sleep with my wife and I dont walk around in

my sleep .

Q. If you did walk around you did not know it ?

A. I dont know of it . I woke up the next morning in the bed where I went to sleep the night before .

JULIUS ANSELOT, a witness for the defendant, sworn, testified:-

I live in the house of the defendant . I sleep in the same room with him . On the night of this occurrence he went to bed about eight o'clock . He generally gets up at six o'clock in the morning . I dont remember that he got up at any time during the night on the 23rd, 24th or 25th of October.

CROSS EXAMINATION:-

Q. What time did he go to bed that night ?

A. About the same time that he goes to bed every night when I was there .

PATRICK McDEVITT, a witness for the People, sworn, testified:-

I have resided in this city all my life . I live at No. 90 Macdougall Street in this city . I know the prisoner since the first of May last . His reputation is good .

JOSEPHINE GRANGE, of No. 151 Bleecker Street also testified as to the good character of the defendant .

The Jury returned a verdict of GUILTY of an attempt at Burglary in the second degree x

Indictment filed Nov. 18-1888

COURT OF GENERAL SESSIONS

Part III.

The PEOPLE &c.

against

G I T A N O F E R R A R O

Abstract of testimony on
trial November 22nd 1888.

Charles A.L. Goldsby Counselor at Law of No. 225 Chambers Street being duly sworn, says that he is Counsel for Gitano Ferrero heretofore charged with Attempt at Burglary, and who was tried upon said charge on the 22nd Inst., in the Court of General Sessions of the Peace holden in and for the City and County of New York and of which said Attempt at Burglary said Ferrero was convicted.

That annexed hereto are the affidavits of the persons, who resided in Ferrero's apartments at the time of his arrest except the affidavit of Pasquallo Passiti who has left the house as deponent is informed and the affidavit of Jules Ancelot who was sworn at the trial and examined as a witness for the defence and whose testimony is materially the same as that of Vincenzo Demartino, Nicolo Demartino, Antonio Cinqua and Gregorio Cinqua, as to the time of Ferrero's going to bed.

**POOR QUALITY
ORIGINAL**

08 15

Sworn to this 30th day of)
November, 1888, before me) C.A.L. Goldey.

Joseph DWEill,

Notary Public,

N.Y. Co.

(3)

Deponent further says, that on Thursday the 22nd Inst., when my husband's trial came on I was home in my house attending to my housework, there was no one but me to take care of it and I thought I was not needed at the trial. I thought my husband had plenty of testimony, that he was an honest, good man and that he would get off. I would be glad to be there and give my testimony as I now do if I had known that my testimony was needed at the trial.

My husband has always been a good, kind husband and a sober hard working man.

Sworn to before me this 30th)
day of November, 1888.) her
Philomena Cinqua + Ferrero.
mark.

Joseph ^W Fill,
Notary Public,
N.Y. Co.

State of New York)
City and County of New York.) SS

Frank Nicol of 70 Thompson Street being duly sworn says, that he understands the Italian and English languages, that obtained from Philomena Cinqua Ferrero in Italian the facts contained in the foregoing affidavit, that said affidavit was read to deponent and he translated same to her and she declared the same to be true.

Sworn to this 30th day)
of November, 1888, before me) Frank Nicol.

Joseph ^W Fill,
Notary Public,
N.Y. City.

State of New York)
City and County of New York.) SS.

Vincenzo Demartino aged 28 years of No. 25 1/2 South Fifth Avenue being duly sworn says, I am a licensed Vendor, I reside with Gitano Ferrero and his wife Philomena Cinqua Ferrero, I have lived there one year, I am Italian but I understand a little of the English language. I remember when Gitano Ferrero was arrested and I remember the night before that. I went to bed about half past 8 o'clock Gitano Ferrero was already in his bed. I got up next morning about 6 o'clock There slept in the room with me that night Nicola Demartino, Gregorio Cinqua, Antonio Cinqua, and Pasquillo Passite, all of us had been room mates for the past year. Pasquillo Passite is not there now, I always have been in the habit of going to bed about half past 8 o'clock and get up about 6 o'clock in the morning and ever since I have lived there I know that Gitano Ferrero goes to bed about 8 o'clock at night and gets up about 6 o'clock in the morning, I have known Gitano Ferrero five years and know people that know him, he is a hard working, honest man and everybody that knows him that I have met speaks well of him.

Sworn to this 30th day of) his
November, 1938, before me) Vincenzo + Demartino.
mark

Joseph B. Weill,
Notary Public,
N.Y. Co.

State of New York)
) SS.
City and County of New York.)

*Nothing definite
subscribed
of the
of the
of the*

Nicola Demartino aged 21 years being duly sworn says:
I reside with the Ferrero's at 23¹/₂ South Fifth Avenue and
have lived there all the time for about one year last past.
I slept in the room with Vincenzo Demartino, Gregorio Cinqua,
Antonio Cinqua and Pasquallo Passita, said Pasquallo left
there about the beginning of this month. I am in the habit
of going to bed about 8 o'clock at night and get up about
6 o'clock in the morning. I remember the night before Gitano
Ferrero was arrested I and the persons I have named as room
mates, slept in the bed room together. I went to bed about
8 o'clock and Gitano Ferrero always went to bed about 8
o'clock at night and got up about 6 o'clock in the morning.

I have known Gitano Ferrero about a year and have
always known him to be a hard working, sober and honest man.

Sworn to before me this)
) Nicola Demartino.
30th day of November, 1888.)

Joseph D. Weill,
Notary Public,
N.Y. Co.

0020

State of New York)
)
City and County of New York) SS.

Antonio Cinqua being duly sworn says, I am 25 years old, I am a licensed Vendor, I have lived with the Ferrero's at 23 1/2 South Fifth Avenue for three years last past my room mates for the past year have been Nicolo Demartino, Vincenzo Demartino, Gregorio Cinqua and Pasquillo Passito the last named left about the beginning of this month. I remember the night before Gitano Ferrero was arrested my room mates and I slept in the bed room adjoining the kitchen where Gitano Ferrero his wife and the old Frenchman slept, we were about going to bed, some were in bed it was about 8 o'clock my usual time for going to bed, Gitano Ferrero was already in bed, his custom was to go to bed about 8 o'clock at night and get up in the morning at 8 o'clock.

I have known Gitano Ferrero about three years last past and know many people that know him, they always ^{have spoken well of him} during the time I have known him found him to be an honest, good man one who worked hard was sober and when not at work was at his home.

Sworn to this 30th) his
) Antonio + Cinqua.
day of November, 1888, before me. (mark

Joseph W. Will,
Notary Public,
N.Y. Co.

State of New York)
) SS.
City and County of New York.)

Frank Nicol being duly sworn says, I reside at No.
70 Thompson Street, I speak the Italian and English languages
I have heard read the foregoing affidavit of Antonio Conqua
and interpreted same to him in Italian and he declared the
same to be true.

Sworn to this 30th)
) Frank Nicol.
day of November, 1888, before me)

Joseph D. McMill,

Notary Public,

N.Y. Co.

State of New York)
) SS.
City and County of New York)

Gregorio Cinqua being duly sworn says, I am 14 years of age and live with the Ferrero's at 23 1/2 South Fifth Avenue and have lived there about one year last past during that time my sleeping place has been the bed room there next to the kitchen where Gitano Ferrero, his wife and Jules the old Frenchman slept, my room mates were Vincenzo Demartino, Nicolo Demartino, Antonio Cinqua and Pasquilla Passito, the last named is not there now, he went away about the beginning of this month, I remember the night before Gitano Ferrero was arrested I went to bed about 8 o'clock my usual time and my room mates were there some were asleep and some were preparing to go to bed, Gitano Ferrero had already gone to bed he always went to bed about 8 o'clock at night and got up about 6 o'clock in the morning. I have ^{always} ~~already~~ found Gitano Ferrero since I have known him to be a hard working, good man. I I knew since I was a little child in Italy and when I came to this Country to live, I went at once to live with him because my parents told me to go there because Gitano Ferrero was a good, honest man and I would be safe there in a good home.

Sworn to this 30th day of)
) Gregorio Cinqua.
November, 1888, before me)

Joseph W. Eill,

Notary Public,

N.Y. City.

State of New York)
) SS.
City and County of New York.)

Frank Nicol being duly sworn says, I reside at No.
70 Thompson Street, I speak the Italian and English languages
I have heard read the foregoing affidavit of Gregorio Cinqua
and interpreted same to him in Italian and he declared same
to be true.

Sworn to this 30th)
) Frank Nicol.
day of November, 1888, before me.)

Joseph W. Till,

Notary Public,

N.Y. Co.

State of New York)
) SS.
City and County of New York)

Character
Peter U. Montoro being duly sworn says, I am thirty-
seven years of age have been sixteen years in America, I
live at No. 126 Bleecker Street this City, I am in the Wine
and Grocery business at No. 128 Bleecker Street ~~this~~ said
City, I know Gitano Ferrero of No. 23 1/2 South Fifth Avenue,
who was tried for Attempt at Burglary on the 22nd day of
November, last past. I have known him for four years last
past and am acquainted with many persons that know him in
the neighborhood where he resides, I know him to be a good
honest, industrious and sober man, and I never heard him
spoken of in other manner by any person.

Sworn to this 1st day of)
) P. Montoro.
December, 1888 before me)
John Morris,

Notary Public (174)

New York Co.

State of New York)
) SS.
City and County of New York.)

Therese Triquet
Therese Triquet being duly sworn deposes and says,
I am sixty years of age, I reside at No. 25 South Fifth
Avenue, I am married and have lived there with my husband and
family for twelve ^{years} my husband has retired from business, I
know Gitano Ferrero who was tried for Attempt at Burglary as
I have been informed on 22nd day of November last past, he
is our neighbor at 25 1/2 South Fifth Avenue where he lives, I
have known him about five years, and know many people that
know him in the neighborhood, I have always known him as an
honest, trustworthy, industrious, sober man, and a good neigh-
bor. I never heard him spoken of in any other manner by any
person; from our rear windows I can see all that usually trans-
pires at usual times in the yard of his premises and have
never observed any conduct on the part of Ferrero or his
family but that of a respectable character.

Sworn to this 1st day of)
)
December, 1883, before me.) Therese Triquet.

John Morris,

Notary Public,

New York Co.

0025

Louis Chevanney being duly sworn says, I am forty six years of age, I have been in America fifteen years I reside at 195 Prince Street this City, and am a manufacturer of Tools for Artificial flower makers and do business at No. 136 Wooster Street, I know Gitano Ferrero who resides at No. 23¹/₂ South Fifth Avenue, and have known him about five years I am acquainted with many persons that know him in the neighborhood where he resides, I know him to be an honest, industrious and sober man, and I never heard him spoken of in any other manner by any person. I have been informed that he was tried on the 22nd day of November last past for Attempt at Burglary.

John Morris,

Notary Public, (174)

New York Co.

State of New York)
City and County of New York.) SS.

Charley
Etienne Beaumale being duly sworn deposes and says, I am fifty-four years of age, have been in America fifteen years I reside at No. 61 South Fifth Avenue, I am a Carpenter and Builder at No. 23 $\frac{1}{2}$ South Fifth Avenue. I know Gitano Ferrero who was tried on the 22nd day of November last for Attempt at Burglary as I have been informed he resides at 23 $\frac{1}{2}$ South Fifth Avenue, I am a tenant of his I have hired my shop there from him for four years, I have known him about five years last past, and know many persons that know him in the neighborhood. I know him to be an honest, sober and industrious man and never heard him spoken of in any other manner by any person.

Sworn to this 1st day of)
December, 1888, before me) Beaumale.

John Morris,

Notary Public,

New York Co.

State of New York)
) SS.
City and County of New York)

Guisseppe Brignoli being duly sworn says, I am thirty six years of age, have been in America seventeen years, I reside at No. 2 South Fifth Avenue this City, I am in the Grocery business at Nos. 12, 14 and 16 South Fifth Avenue said City, and have been in business there about seven years. I know Gitano Ferrero who resides at No. 25 $\frac{1}{2}$ South Fifth Avenue who was tried on the 22nd Inst. as I am informed upon a charge of Attempt at Burglary. I have known him for four years last past. I know people that know him in the neighborhood where he resides, I know his character for honesty and integrity, to be excellant⁺ everybody whom I have had occasion to speak to concerning Ferrero speak of him as an honest, sober and industrious man.

Sworn to this 30th day of)
) Guisseppe Brignoli.
November, 1888, before me.)

John Morris,

Notary Public, (174)

New York Co.

POOR QUALITY
ORIGINAL

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3x 650 - 1000
4x 650 - 1000
5x 650 - 1000
6x 650 - 1000

POOR QUALITY
ORIGINAL

0030

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1x

2x 0 1x

Addressed.

A. D.

47-100-1-1

Court of General Sessions of
the Peace In and for the City
and County of New York.

Offence, Attempt at Burglary.

The People &c.;

—against—

Gitano Ferrero.

Joint
AFFIDAVITS.

C.A.L. Goldey, and
W.P. House,
of Counsel for Deft.

Legal Notice filed 1/1/19

Return returned

Admitted to practice
1/1/19

State of New York)
)
City and County of New York.) SS.

Charles A.L. Goldey Counselor at Law of No. 23 Chambers Street, being duly sworn says: That he is Counsel for Gitano Ferrero heretofore charged with Attempt at Burglary and who was tried upon said charge on the 22nd. Inst., in the Court of General Sessions of the Peace holden in and for the City and County of New York, and of which said Attempt at Burglary said Ferrero was convicted.

That deponent does not speak the Italian language and in preparing Ferrero's defence was compelled to depend upon the statements made to deponent by interpretation - that deponent requested Michael Dalto to prepare a list of witnesses for the defence, viz: the persons who resided in Ferrero's Apartments at the time said Attempt at Burglary was charged with having been committed, and as to any other facts material and as to Ferrero's good character - that Dalto furnished deponent a list of witnesses, that the name of Ferrero's wife was not on said list, that deponent prepared subpoenas and Dalto informed deponent that he served same.

That annexed hereto are the affidavits of the persons, who resided in Ferrero's apartments at the time of his arrest, except the affidavit of Pasquallo Passito, who has left the house as deponent is informed and the affidavit of Jules Ancelot who was sworn at the trial and examined as a witness for the defence and whose testimony is materially the same as that of Vincenzo Demartino, Nicolo Demartino, Antonio Cinqua, and Gregorio Cinqua, as to the time of Ferrero's going to bed.

Sworn to this 30th. day)
of November, 1888, before me)

C.A.L. Goldey.

Joseph ^{D.V.} Weill,
Notary Public,
N.Y. Co.

State of New York)
)
City and County of New York.) SS.

Philomeno Cinqua Ferrero, being duly sworn says, I reside at No. 23¹/₂ South Fifth Avenue, I am the wife of Gitano Ferrero who was (as deponent is informed) tried in the Court of General Sessions on the 22nd. Inst., upon a charge of Attempt at Burglary. I remember the night that the policeman arrested my husband, it was in the latter part of last month, it was about 9 o'clock in the evening when the officers came. - The night before that my husband went to bed about 8 o'clock and got up about 6 o'clock next morning, my husband always went to bed about 8 o'clock at night and got up about 6 o'clock in the morning, he slept with me.

The house in which we live is a frame house in the rear of the yard, there are two rooms on the floor where we slept, my husband ^{and} I occupied one of the rooms it was used as a kitchen Jules Ancelot an aged Frenchman slept in the same room, the other room is a bed room for some men that board with us, on the night before my husband was arrested and many nights before that, there slept in that bed-room, the following persons Vincenzo Demartino, Antonio Cinqua, Nicolo Demartino, Gregorio Cinqua - and one Pasquallo Passito - when I went to bed the night before my husband's arrest, I fell asleep and slept until about 6 o'clock the following morning all the persons I have named yet live in our house except Pasquallo Passito, he insulted me while my husband was locked up and when my husband got out on bail I told him and my husband put him out.

Deponent further says, that on Thursday the 22nd.

Inst., when my husband's trial came on, I was home in my house attending to my housework, there was no one but me to take care of it and I thought I was not needed at the trial. I thought my husband had plenty of testimony, that he was an honest, good man and that he would get off. I would be glad to be there and give my testimony as I now do if I had known that my testimony was need^{ed} at the trial.

My husband has always been a good, kind husband and a sober hard working man.

Sworn to before me this)	her
30th. day of November, 1888.)	Philomeno Cinqua X Ferrero
		mark

Joseph W. Eill,
Notary Public,
N.Y. Co.

0036

State of New York,)
)
City and County of New York.) SS.

Frank Nicol of 70 Thompson Street, being duly sworn says, that he understands the Italian and English languages that ^{he} obtained from Philomeno Cinqua Ferrero in Italian, the facts contained in the foregoing affidavit, that said affidavit was read to deponent and he translated same to her and she declared the same to be true.

Sworn to this 30th. day of)
November, 1888, before me) Frank Nicol.

Joseph D. Eill,
Notary Public,
N.Y. Co.

State of New York)
City and County of New York.) SS.

Vincenzo Demartino aged 28 years of No. 23¹/₂ South Fifth Avenue, being duly sworn says, I am a licensed Vendor I reside with Gitano Ferrero and his wife Philomeno Cinqua Ferrero. I have lived there one year I am Italian, but I understand a little of the English language. I remember when Gitano Ferrero was arrested and I remember the night before that I went to bed about half past 8 o'clock Gitano was already in his bed. I got up next morning about 6 o'clock, there slept in the room with me that night Nicolo Demartino, Gregorio Cinqua, Antonio Cinqua, and Pasquallo Passito all of us had been room mates for the past year. Pasquallo Passito is not there now, I always have been in the habit of going to bed about half past 8 o'clock and get up about 6 o'clock in the morning and ever since I have lived there, I know that Gitano Ferrero goes to bed about 8 o'clock at night and gets up about 6 o'clock in the morning, I have known Gitano Ferrero five years and know people that know him, he is a hard working, honest man and everybody that knows him, that I have met speaks well of him.

Sworn to this 30 day of) his
November, 1888, before me) Vincenzo + Demartino.
mark

Joseph D. Weill,
Notary Public,
N.Y. Co.

State of New York)
) SS.
City and County of New York.)

Nicolo Demartino aged 21 years, being duly sworn says, I reside with Ferreror's at 23 1/2 South Fifth Avenue, and have lived there all the time for about one year last past. I slept in the room with Vincenzo Demartino, Gregorio Cinqua, Antonio Cinqua and Pasquallo Passito, said Pasquallo left there about the beginning of this month, I am in the habit of going to bed about 8 o'clock at night and get up about 6 O'clock in the morning. I remember the night before Gitano Ferrero was arrested, I and the persons I have named as room mates slept in the bed room together. I went to bed about 8 o'clock and Gitano Ferrero was already in bed, he Gitano Ferrero always went to bed about 8 O'clock at night and got up about 6 o'clock in the morning.

I have known Gitano Ferrero about a year and have always known him to be a hard working, sober and honest man.

Sworn to before me this)
) Nicolò Demartino.
30th. day of November, 1388.

Joseph ~~W~~Neill,
Notary Public,
N.Y. Co.

State of New York)
) SS.
City and County of New York.)

Antonia Cinqua being duly sworn, says I am 25 years old, I am a licensed Vendor, I have lived with the Ferrero's at 23 1/2 South Fifth Avenue for three years last past, my room mates for the past year have been Nicolo Demartino, Vincenzo Demartino, Gregorio Cinqua and Pasquello Passito, the last named left about the beginning of this month. I remember the night before Gitano Ferrero was arrested my room mates and I slept in the bed room adjoining the kitchen where Gitano Ferrero, his wife and the old Frenchman slept we were about going to bed, some were in bed it was about 8 o'clock my usual time for going to bed, Gitano Ferrero was already in bed, his custom was to go to bed about 8 o'clock at night and get up in the morning. at 6 o'clock -

I have known Gitano Ferrero about three years last past and know many people that know him they always have spoken well of him, I have always during the time I have known him, found him to be an honest, _____ good man one who worked hard, was sober, and when not at work was at his home.

Sworn to this 30th. day) his
) Antonio + Cinqua.
of November, 1888, before me mark

Joseph Duweil
Notary Public
N.Y.C.

State of New York)
) SS.
City and County of New York.)

Frank Nicol being duly sworn says, I reside at No.
70 Thompson Street, I speak the Italian and English languages
I have heard read the foregoing affidavit of Antonio Cinqua
and interpreted same to him in Italian and he declared the
same to be true.

Sworn to this 30th. day)
) Frank Nicol.
of November, 1888, before me)

Joseph W. Eill,
Notary Public,
N.Y. Co.

State of New York)
)
City and County of New York.) SS.

Gregorio Cinqua being duly sworn says, I am 14 years of age and live with the Ferrero's at 23 1/2 South Fifth Avenue and have lived there about one year last past during that time my sleeping place has been the bed room there next to the kitchen, where Gitano Ferrero his wife and Sules the old Frenchman slept, my room mates were Vincenzo Demartino, Nicolo Denartino, Antonio Cinqua and Pasquallo Passito, the last named is not there now he went away about the beginning of this month, I remember the night before Gitano Ferrero was arrested I went to bed about 8 o'clock my usual time and my room mates were there, some were asleep and some were preparing to go to bed, Gitano Ferrero had ^{already} ~~always~~ gone to bed, he always went to bed about 8 o'clock at night and got up about 8 o'clock in the morning. I have always found Gitano Ferrero since I have known him to be a hard working, good man I knew him since I was a little child in Italy and when I came to this Country to live, I went at once to live with him because my parents told me to go there because Gitano Ferrero was a good, honest man and I would be safe there in a good home.

Sworn to this 30th. day of)
) Gregorio Cinqua.
November, 1888, before me)

Joseph D. Will,
Notary Public,
N.Y. Co.

State of New York)
) SS.
City and County of New York.)

Frank Nicol being duly sworn says, I reside at 70
Thompson Street, I speak the Italian and English languages.
I have heard read the foregoing affidavit of Gregorio Cinqua
and interpreted same to him in Italian and he declared same
to be true.

Sworn to this 30th. day)
) Frank Nicol.
of November, 1888, before me)

Joseph H. McMill,
Notary Public,
N.Y. Co.

*On remanding to
custody in their
care, upon which
the Commission
may have to the
best of its ability
which should include
from defendant
the order of justice.
The Queen's Court. A New
York should be
the 1. of the indictment
The Dept. of Justice
for a hearing is
Chapman's Grant,*

*For
deposited/8/8*

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

The People &c.

-against-

Gitano Ferrero.

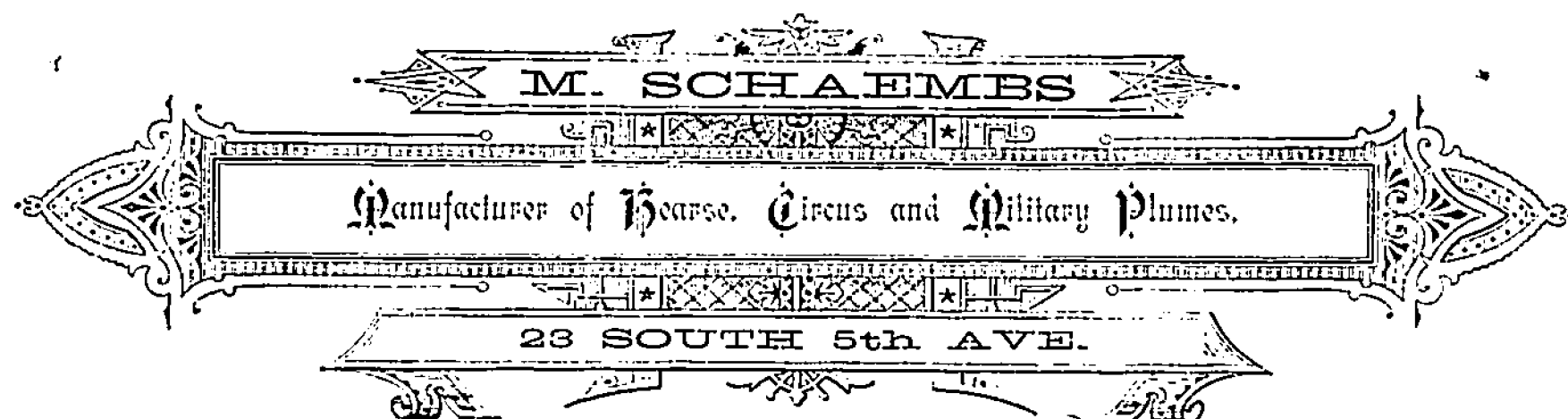
AFFIDAVITS.

C. A. L. Goldey, and

F. E. House, Counsel

for Defendant.

[Offence Attempt at Burglary.]



New York, Jan 20th 1888.

So. M. Schaeffels, Esq.

Dear Sir, I have
pleasure to hear that you have
for some time past, and
I have never had occasion
to correspond about
him, I have known him
to be a honest, and hard
working man, and can
testify to his good name
and honesty.

Yours truly,
J. W. Schaeffels

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

Guiseppe Erignoli being duly sworn says: I am thirty six years of age have been in America Seventeen years. I reside at No 2 South Fifth Avenue this City, I am in the Grocery business at No^s 12, 14 & 16 South Fifth Avenue said City, and have been in business there about seven years, I know Gitano Ferrero who resides at No 234 South Fifth Avenue who was tried on the 22nd ^{day} ~~day~~ as I am informed, upon a charge of Attempt at Burglary, I have known him for four years last past. I know people that know him in the neighborhood where he resides. I know his character for honesty, and integrity, to be excellant, everybody, who I have had occosion to speak to concerning Ferrero, speaks of him as an honest sober and industrious man.

Sworn to this 30th, day of
November, 1897, before me Guiseppe Erignoli.

John Morris, [1894]
Notary Public,
New York Co.

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK. ss.

Peter M. Montorsi being duly sworn says: I am thirty seven years of age, have been sixteen years in America I live at No. 127 Bleeker Street, this City, I am in the wine and Grocery business at No. 123 Bleeker Street, said City. I know Stefano Ferrero of 234 South Fifth Avenue, who was tried for Attempt at Burglary on the 22nd day of November, last past. I have known him for four years last past and am acquainted with him and know him in the neighborhood where he resides. I know him to be a good, honest, industrious and sober man, and I never heard him spoken of in other manner by any person.

Sworn to before me this 1st, day of
December, 1933.

*
*
*
*
*
*

P. Montorsi.

John Morris

Notary Public [174]

New York Co.

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

Theresa~~a~~ Triquet being duly sworn deposes and says: I am sixty years of age. I reside at No. 23 South Fifth Avenue, I am married and have lived there with my husband and family for twelve years my husband has retired from business. I know Eitano Ferrero who was tried for Attempt at Burglary as I have been informed on the 22nd day of November, last past he is our neighbor at No. 234 South Fifth Avenue, where he lived. I ~~have~~ know~~n~~ many people that know him in the neighborhood. I have always known him as an honest, trustworthy, industrious, sober man and a good neighbor. I never heard him spoken of in any other manner by any person. from our rear windows I can see all that usually transpi^ers at usual times in the yard of his premises, and have never observed any conduct on the part of Ferrero or his family, but that of a respectable character.

Sworn to this 1st day of
December, 1888. before me

John Morris,

Notary Public,

(174) New York Co.

*
*
*
*
*
*
*
Theresa~~a~~ Triquet.

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

Louis Chevanney, being duly sworn says: I am forty six years of age. I have been in America fifteen years, I reside at 195 Prince Street this City and am a Manufacturer of tools for Artificial Flowers Makers and do business at No 133 Wooster Street. I know Gitano Ferrero who resides at No. 234 South Fifth Avenue and have known him about five years. I am acquainted with many persons that know him in the neighborhood where he resides. I know him to be an honest, industrious and sober man and never heard him spoken of in any other manner by any person. I have been informed that he was tried on the 22nd day of November, last past for Attempt at Burglary.

Sworn to this 1st day of
December, 1898.

Louis Chevanney.

John Morris,

Notary Public,

New York Co,

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

Etienne Beaumale being duly sworn and says: I am fifty four years of age, have been in America fifteen years, I reside at No 61 South Fifth Avenue. I am a Carpenter and Builder at No 23½ South Fifth Avenue. I know Gitano Ferrero who was tried on the 22nd day of November, last for Attempt at Burglary as I have been informed, he resides at No 23½ South Fifth Avenue. I am a tenant of his I have hired my shop there from him for four years, I have known him about five years last past and know many persons that know him in the neighborhood I know him to be an honest, sober, and industrious man and never heard him spoken of in any other manner by any person.

Sworn to this 1st day of
December, 1888 before me .

E. Beaumale.

John Morris,

Notary Public, (174)
New York Co.

POOR QUALITY
ORIGINAL

0050

Sec. 193-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

Gitano Ferrero 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.

Gitano Ferrero

Question. How old are you?

Answer.

32 years

Question. Where were you born?

Answer.

Italy

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

Answer.

20 1/2 South 5th Av. 5 years

Question. What is your business or profession?

Answer.

Dealer

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.

Henry Gaskin

Taken before me this

26

day of

October

188

at

Police Justice.

POOR QUALITY
ORIGINAL

0851

District Police Court

CITY AND COUNTY } ss.
OF NEW YORK,

Albert Weber
aged *24* years, occupation *Baker* of No. *21 South 5th Avenue* Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of *Louis Paryade*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this *26*
day of *October* 183*8* *A. Weber*

J. H. [Signature]
Police Justice.

Police Court—2 District.

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

of No. 21 South 7th Ave Street, aged 32 years,
occupation Saloon Keeper

deposes and says, that the premises No 21 South 7th Ave Street,
in the City and County aforesaid, the said being a four story brick
dwelling and store
and which was occupied by deponent as a store and dwelling
and in which there was at the time a human being, by name

An attempt was made to Madeline Porjade

~~BURGLARIOUSLY~~ entered by means of forcibly said premises
by force about 12:30 A M on the
morning of October 25

on the attempters day of 188 in the night time, and the
following property feloniously taken, stolen, and carried away, viz:

a quantity
of personal clothing and other
items belonging to deponent and
his family of the value of over
five hundred dollars \$500

the property of deponent and his family
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

Giuseppe Ferrero

for the reasons following, to wit: The defendant was
seen in the act of attempting to
enter said premises by the window
on the extension of the second floor
and was shot at by Albert Weber
(now here) while he the defendant
was making said attempt, and the
defendant, and the said Albert Weber
now recognize the defendant in open court.
Louis, Porjade

THAT THE DEFENDANT WAS
SHOT AT BY ALBERT WEBER
(NOW HERE) WHILE HE THE
DEFENDANT WAS MAKING
SAID ATTEMPT, AND THE
DEFENDANT, AND THE SAID
ALBERT WEBER NOW
RECOGNIZE THE DEFENDANT
IN OPEN COURT.

And deponent further says that he heard the noise of the shooting referred to by said Weber; that deponent at once went to said window on the extension of the second floor, and deponent then and there noticed that the catch which held the shutter closed had been forced out, so as to permit the opening of the said shutter from the outside, and deponent is certain that the said catch which held the shutter was not so forced out, but was in good order at 9 o'clock previously on the same night. And deponent is informed by the said Weber that when his attention was attracted by the noise, and when he shot at the defendant, the defendant was within 8 feet of the window referred to, of which the shutter catch had been forced out, and the said window was open.

SWORN TO BEFORE ME

THIS 26 DAY OF

POLICE JUSTICE.

Louis D. [Signature]

Police Court District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Degree.

Burglary

208.

Dated

188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$2

Bailed by

No.

Street.

Bail.

POOR QUALITY
ORIGINAL

0054

\$1500 bond for
24 9 1/2
12/29/88

BAILED,
No. 1, by Guinevere Stines
Residence 333 East 109th
Street.
No. 2, by _____
Residence _____
Street.
No. 3, by _____
Residence _____
Street.
No. 4, by _____
Residence _____
Street.

Police Court... 2
District... 1693

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John B. Orgate
21 South 5th
Stam. Seneca

1
2
3
Offence Reception of
Burglary

Dated Oct 26 188

German Magistrate.
John A. Sullivan Officer.

Witnesses Albert Weber 15-
Precinct.

No. 21 South 5th St.,
Street.

No. 21 South 5th St.,
Street.

No. _____
Street.

No. 157th St.,
Street.

No. _____
Street.

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

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 Oct 26 188 John A. Sullivan Police Justice.

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

Dated _____ 188 _____ Police Justice.

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

Dated _____ 188 _____ Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Richard L. Lamm

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

Richard L. Lamm
of the CRIME OF BURGLARY IN THE *second* DEGREE, committed as follows:
The said *Richard L. Lamm*,

late of the *32nd* Ward of the City of New York, in the County of New York
aforesaid, on the *12th* day of *October*, in the year
of our Lord one thousand eight hundred and eighty-*eight*, with force and arms, about the
hour of *three* o'clock in the *night* time of the same day, at the Ward,
City and County aforesaid, the dwelling house of one *James Conigide*,

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

one Madame Conigide,

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

in the said dwelling house then and there being, then and there feloniously and burglariously to
steal, take and carry away;

against the form of the statute in such case made and provided, and against the peace of the People
of the State of New York and their dignity,

John R. H. H. H.
District Attorney

0856

BOX:

328

FOLDER:

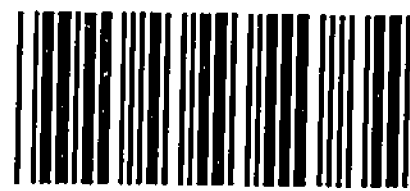
3113

DESCRIPTION:

Finn, Edward

DATE:

11/20/88



3113

Witnesses:

Henry Rache
Sack

14

Counsel,
Filed *202* 188
Pleads, *Chapman - 21*

THE PEOPLE

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

Edward Finn
217
218
219

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Thos MacLean
Foreman

Part II November 288

Pleads Unlawful - 217
218 219
220

Court of General Sessions.

The People

v
Edward Finn

Flourish Assault.

Henry Roehm, 1443 Lewis Street, lithographer, On the evening of the 2d of November, 1888, after a political parade, I stopped with several friends in the saloon ~~at~~ Clinton Street. The defendant came in with a pitcher and, without any provocation from any body, broke the said pitcher upon the head of a man, by the name of Belger. The defendant then ran out of the place and fired several shots ~~into~~ ^{during} the guests inside. The guests rushed out, and when I saw that a fight was to ensue, I escaped into the yard of No. 22 Clinton Street, which is also the yard of ~~at~~ Clinton Street. There the defendant rushed upon me with a butcher knife and stabbed me in the

left breast, I was for five days
confined in Bellevue Hospital.

John J. Pacho, paleontologist, 14th
Precinct. On the 2d of November,
1888, in the evening, on my
way home, I saw a crowd
in front of Nos. 22 & 24 Clinton
Street. The complainant came out
of No. 22 Clinton Street and
said: I am stabbed! holding
his hand at his left shoulder.
After searching the crowd, I met
the defendant ^{in his shirt sleeves} at the door of
his room, ~~passing~~ and saw
him pass a knife from one
hand to the other. I took the
said knife from him. There
was blood on it, and its point
was bent. It is still in my
possession. In the Police Court
the defendant stated that he stabbed
the complainant in self defense.

Charles Pacho, 210 East 3d Street,
I was present when the defendant
stabbed the complainant. The above
statement of the complainant
is correct, except that the defend-
ant threw the said pitcher into

POOR QUALITY
ORIGINAL

0060

the store, while he was standing
on the opposite side of the street.
About five minutes after
the pitcher he fired also a brick
into the store.

Edward Klein, 31 Ave. A., was
an eye witness of the shooting.

POOR QUALITY
ORIGINAL

0061

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Edward Brown

BRIEF OF FACTS.

For the District Attorney.

Dated November 15, 1888.

Edward Brown

Deputy Assistant.

POOR QUALITY
ORIGINAL

0862

District Attorney's Office.

Part 3
PEOPLE

VS.

Edward Finch
Nov 28th/88

All Served Per
Except Doctor
Chittwood
Nov 27th

Police Court—3rd District.

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

of No. 144 Lewis Street, aged 22 years,
occupation Lithographer being duly sworn
deposes and says, that on 2nd day of November 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Edward Timm (nowhere)
who cut and stabbed a wound in
the left breast with a knife he
held in his hand

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

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

Sworn to before me, this 8 day
of November 1888

Henry Rocker

John J. Homan Police Justice.

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Edward Finn 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. *Edward Finn*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *24 Clinton Street 2 Weeks*

Question. What is your business or profession?

Answer. *Reader*

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

Answer. *I don't in self defense*
Edw Finn

Taken before me this
day of *March* 188*8*

POOR QUALITY
ORIGINAL

0065

Henry Roika is in
a very fair condition
at present.

Robert W. Moore MD

0866

CITY AND COUNTY } ss.
OF NEW YORK,

POLICE COURT, 3 DISTRICT.

of No. 116 Precinct Police Street, aged years,
occupation Police Officer

being duly sworn deposes and says,
that on the 2 day of Nov 188

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

Arrested Edward Linn (murder)
on the Complaint of Henry
Rocher who informed deponent
in the presence of Mr. J. J. Sack
Linn that he had been assaulted
with a knife. Inflicting him
so severely that he is now
in Bellevue Hospital and
unable to appear in Court

John J. Sack

Sworn to before me, this

188

Police Justice,

POOR QUALITY
ORIGINAL

0067

86
Police Court District.

THE PEOPLE, & c.

ON THE COMPLAINT OF

vs.

Edward L. Linn

AFFIDAVIT.

Dated *July 2* 188

W. H. Linn Magistrate.

Officer.

Witness,

E. L.

W.

Disposition,

POOR QUALITY
ORIGINAL

0868

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

District Police Court.

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

Question. What is your name?

Answer. *Edward Finn*

Question. How old are you?

Answer. *23 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *24 Clinton Street 2 Months*

Question. What is your business or profession?

Answer. *Reader*

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

Answer. *I don't in self defense*
Edw Finn

Taken before me this
day of *March* 188*8*

Police Justice.

0069

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.....

Dated Nov 8 1887

John J. [Signature] Police Justice.

Dated.....188

Police Justice.

Dated.....188

Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Edward Finn

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

The said *Edward Finn*

late of the City of New York, in the County of New York aforesaid, on the
second day of *November* in the year of our Lord
one thousand eight hundred and eighty *eight*, with force and arms, at the City and
County aforesaid, in and upon the body of one *Henry Roehm*
in the peace of the said People then and there being, feloniously did make an assault,
and *him* the said *Henry Roehm*
with a certain *knife*

which the said *Edward Finn*
in *his* right hand then and there had and held, the same being a deadly and
dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent *him* the said *Henry Roehm*
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
Edward Finn
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Edward Finn*

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 *Henry Roehm*
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make another assault, and *him* the said
Henry Roehm
with a certain *knife*

which the said *Edward Finn*
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 strike, beat, cut, stab 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.

THIRD COUNT—

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

Edward Finn

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

The said *Edward Finn*

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 said
Henry Roehm in the peace of the said People then
and there being feloniously did wilfully and wrongfully make another assault, and
the said *Henry Roehm*
with a certain *knife*

which *he* the said *Edward Finn*
in *his* right hand then and there had and held, in and upon the *breast*
of *Henry Roehm* the said *Henry Roehm*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said *Henry Roehm*

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.

0072

BOX:

328

FOLDER:

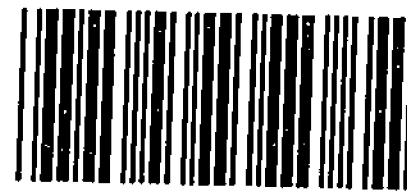
3113

DESCRIPTION:

Fitzgerald, Mary

DATE:

11/23/88



3113

0073

BOX:

328

FOLDER:

3113

DESCRIPTION:

Whalen, Thomas

DATE:

11/23/88



3113

POOR QUALITY
ORIGINAL

0874

Witnesses;

B. Meyers

Officer Gungah

subscribed

Counsel,

Filed

23

day of

Nov 1888

Pleads

THE PEOPLE

vs.

Mary Fitzgerald

and

Thomas Whalen

Grand Larceny, 2nd Degree,
(From the Person,
Sections 528, 529, 530 Penal Code).

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Walter Macleod
Foreman

Robert W. Blaney
Jury
No. 1. Ben. 2. W. 3. H.
"2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.

POOR QUALITY
ORIGINAL

0075

Police Court—1st District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 38 Baxter Street, aged 35 years,
occupation Housekeeper being duly sworn

deposes and says, that on the 13th day of November 1888 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession And
Person of deponent, in the Day time, the following property viz:

A Purse containing good and lawful
money of the United States to the
amount and of the value of Two
Dollars and Fifty-six Cents, and a
five franc Italian Bill, said property
being in all of the value of four
(4) 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 Mary Fitzgerald and

Thomas Whalen, both now here,
from the fact that said property
was stolen out of a basket
which basket deponent held in
her hand in the waiting room
of the Carthage Street Ferry.
That soon after deponent discovered
the larceny Officer Woodbridge,
then present, informed deponent
that he, said Officer, found said
dependants in Company together
in Carthage Street, and that
the said Officer, saw the dependants,
Mary Fitzgerald, steal said property

Subscribed and sworn to before me this
13th day of November 1888

Police Justice.

POOR QUALITY
ORIGINAL

0876

from her hand into the street.
That dependent on her identification
said property so shown away by said
man as the stolen property aforesaid
I wish to request your Honor to
H"dyg. November 1888
J.M. Patterson

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail.
Dated 1888
I have admitted the above named
to bail to answer by the undertaking hereto annexed.
Dated 1888
There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.
Dated 1888
Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

1. 2. 3. 4.

ss.

Offence—LARCENY.

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions.

POOR QUALITY
ORIGINAL

0077

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 29 years, occupation Police officer of No. 300 Mulberry Street, being duly sworn deposes and

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

Sworn to before me, this 14 day of January 1831.

Joseph H. Woodbridge

J. M. Pittman
Police Justice.

POOR QUALITY
ORIGINAL

0878

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Mary Fitzgerald

Question. How old are you?

Answer.

80 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

36 Oak St. ; 1 month

Question. What is your business or profession?

Answer.

Cook

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 Fitzgerald
ma.

Taken before me this

14

day of *November* 189*8*

J. M. McQuinn

Police Justice.

POOR QUALITY
ORIGINAL

0079

Sec. 108—200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

Thomas Whalen

Question. How old are you?

Answer.

56 years

Question. Where were you born?

Answer.

Ireland

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

Answer.

63 Courtland St - 6 months

Question. What is your business or profession?

Answer.

Steward

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.

Thomas Whalen

Taken before me this

day of *August* 188*8*

John J. Carr
Police Justice.

POOR QUALITY ORIGINAL

0000

BAILED,
No. 1, by _____
Residence _____ Street _____
No. 2, by _____
Residence _____ Street _____
No. 3, by _____
Residence _____ Street _____
No. 4, by _____
Residence _____ Street _____

Police Court... 1st 1897 District.
THE PEOPLE, &c.,
ON THE COMPLAINT OF
Matthias Meyer
38 East 11th St
May Cityward
Madame Hoffman
Offence Larceny from the person
Dated November 14th 1888
William Magistrate.
Westchester Officer.
P. G. Precinct.
Witnesses
No. 1 Edith Brown Street _____
No. 2 G. H. A. M. Street _____
No. 3 150th Avenue Street _____
No. 4 Conrad Street _____
TO ANSWER

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

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

Dated November 16th 1888 Wm. C. C. C. Police Justice.

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

Dated _____ 1888 _____ Police Justice.

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

Dated _____ 1888 _____ Police Justice.

POOR QUALITY
ORIGINAL

00001

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Manfred Kragg and Thomas Whalen

The Grand Jury of the City and County of New York, by this indictment, accuse *Manfred Kragg and Thomas Whalen* of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *Manfred Kragg and Thomas Whalen, both* —

late of the City of New York, in the County of New York aforesaid, on the *thirteenth* day of *November*, in the year of our Lord one thousand eight hundred and eighty-*eight*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

one piece of the value of one dollar, the sum of two and sixty six cents dollars in money, lawful money of the United States and of the value of two dollars and sixty six cents, and one bank note of the Kingdom of Italy of a more particular description, whereas is to the Grand Jury aforesaid unknown, of the denomination of five francs in lawful money of said Kingdom, and of the value of one dollar.

of the goods, chattels and personal property of one *Beatrice Mazzano*, on the person of the said *Beatrice Mazzano*, then and there being found, from the person of the said *Beatrice Mazzano*, 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.

POOR QUALITY
ORIGINAL

00002

SECOND COUNT—

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

Mary Fitzgerald and Thomas Whelan
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said *Mary Fitzgerald and Thomas Whelan, both*

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,

one sum of
the value of one dollar, the
sum of two dollars and sixty
six cents in money, lawful money
of the United States and of the
value of two dollars and sixty
six cents, and one bank note of
the kind and of value (a more
particular description whereof
is to the Grand Jury aforesaid
unknown) of the denomination
of five francs in lawful money
of the Kingdom aforesaid,
and of the value of one dollar,

of the goods, chattels and personal property of one *Beatrice Mazzano*

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

unlawfully and unjustly, did feloniously receive and have; the said *Mary Fitzgerald and Thomas Whelan*

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

JOHN R. FELLOWS,
District Attorney.

0003

BOX:

328

FOLDER:

3113

DESCRIPTION:

Fitzgerald, William H.

DATE:

11/16/88



3113

0004

BOX:

328

FOLDER:

3113

DESCRIPTION:

McCarthy, William

DATE:

11/16/88



3113

0005

Counsel,
Filed 16 day of Nov 1888
Pleads, Objection 19 8

The PEOPLE
of the State of New York

No. 57
State of New York
County of [illegible]
[illegible] [illegible]

[illegible] [illegible]

William H. Fitzgerald

Vand.
36
William McCarthy

Grand Juror
[illegible]

[Sections 528, 531, 550, Penal Code].

R. FELLOWS,
District Attorney.

A True Bill.

Wm Macleod

Paid B. November 27/88. Popeman.
paid and convicted 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 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.

0005

Witnesses:

Thos. Morris

Tiled

day of

188

Pleads, *Amabile* 14

THE PEOPLE

~~Grand Larceny Second degree~~
[Sections 528, 581, 550, Penna Code].

William H. Sitzgrabs

Land 3.6

William McCarthy

JOHN R. FELLOWS,

District Attorney.

~~THE~~ BUTT

Wm. Macleod

Paß 3. November 27/88. Hofeman.

visited and convicted 9.4.22 - 1.6.26

Vol. 2, P. 35-41, 1888

1. Plead, Grounds for

Wm 20th
Johⁿ V. P. 347 Wm

✓ 100% 100%

73

COURT OF GENERAL SESSIONS

Part III .

-----:
The People of the State of New York, :

against

WILLIAM H. FITZGERALD.
-----:

Before:

Hon. Fred'k.

Smyth, and a Jury.

Indic tment filed November 16th 1888.

Indicted for Grand Larceny in the 2nd degree.

N e w Y o r k, November 27th 1888.

APPEARANCES: For the People, Asst. Dist. Atty. A. D.

Parker .

For the Defendant :Mr. J. R. Heintzelman

THOMAS MORRIS, a witness for the People, sworn, tes-
tified:-

I drive an express wagon . I live at No. 155
W. 27th Street in this city . On the Third of Novem-
ber I lost a trunk out of the express wagon that I was
driving . About ten o'clock at night I delivered a
trunk at the Hotel Bristol in East 11th Street; I got
on my wagon again with a friend of mine; and as I rode
down the street I looked around to see if all the
trunks were safe and I found that one trunk was mis-
sing . I ran back to the corner of 11th Street and
Broadway and there I saw two men, one of whom was this
defendant, carrying the trunk between them . I caught

hold of this man and hit him and then a policeman came up and arrested him. They told me and the officer that they were carrying the trunk to the Putnam House for a gentleman.

No Cross Examination.

JOHN DIAMOND, a witness for the People, sworn, testified:

I am a police officer attached to the 15th Precinct. On the third of November last I arrested this defendant Fitzgerald about ten o'clock at night in East 11th St. . When I arrested him himself and another man were standing beside the trunk which was standing on the sidewalk. I asked McCarthy, which was the name of the other man, how they came to get the trunk in to their possession and he told me that they were employed by a man to take it to the Putnam House. I asked him who the man was and he did not know %. I took the both men to the station house.

CROSS EXAMINATION:-

The first of this man that I saw was when he was standing beside the trunk at the corner of University Place and East 11th Street. The men were not carrying the trunk when I saw them.

D E F E N S E .

WILLIAM H. FITZGERALD, the defendant, sworn, testified:

I lived at No. 52 South Fifth Avenue on the day I was arrested. I am a stone cutter by trade. As I was going along University Place on the third of November I met two men standing at the corner with a trunk; as I passed by one of the men asked me where he could get

an expressman and I told him I thought he could get one somewhere around the corner . I had been drinking that afternoon and so I was foolish enough to stand talking with these men when Morris, the expressman, came up and began punching me for nothing at all . As soon as he punched me I went for him . There was a detective standing there in citizen's clothes and Morris went up to him and told him to arrest us . I was perfectly satisfied to go to the station house as I had done nothing wrong . When we got to the station house this man Morris made a complaint against me for stealing this trunk . I did not take that trunk off the express wagon nor did I assist anybody else in doing it . I did not lay a hand on the trunk . This is the first time I have ever been arrested . McCarthy is a perfect stranger to me .

CROSS EXAMINATION:

I did not drop the trunk when I first saw Morris. I did not tell the officer that we were going to take it to the Putnam House . I had been looking for work on some buildings in fifth Avenue that afternoon and I was on my way down home . One of the men who were standing by this trunk looked like a gentleman and I thought he was the owner of the trunk .

R e b u t t a l .

WILLIAM McCARTHY, a witness for the People, testified:

I am the co-defendant on this indictment . I live in Chicago. Upon the third of November I was arrested

in company with Fitzgerald at University Place and 11th Street . On that day I met this defendant looking at the parade which was passing up Fifth Avenue . This express wagon was standing there, and he took the trunk out of the express wagon and I helped him carry it across the street . When we were arrested we told the officer that we had agreed to carry the trunk to the Putnam house on 4th Avenue .

CROSS EXAMINATION:-

I told my counsel that I was not Guilty.

Q. Is it not a fact that you told me in the presence of Fitzgerald that Fitzgerald was employed by this gentlemanly looking man to help you carry this trunk?

A. Not that I know of .

Q. Have you a good memory ? A. Yes sir .

Q. Do you mean to say you did not make use of such language ? A. Well, I might, but I am not sure .

Q. If you might have, then which is the truth that story or the one you have told the Court this morning ?

A. The one I have told the Court this morning .

Q. You have pleaded Guilty to receiving stolen goods ?

A. Yes sir .

Q. Have you been sentenced ? A. No sir .

Q. Don't you expect some clemency at the hands of the Court for the testimony you have given here against this man ?

A. I dont .

Q. Did you know this man before this night you met him ? A. No sir . I have never seen him before . I have never been convicted of any crime before .

WILLIAM H. FITZGERALD, the defendant, being recalled, denied the story as told by the last witness .

The Jury returned a verdict of GUILTY of Grand Larceny in the second degree .

Indic tment fil ed Nov. 16-1888

COURT OF GENERAL SESSIONS

Part III.

The PEOPLE &c.

against

WILLIAM H. FITZGERALD? im-

pleaded with William H. Mc

Carthy .

Abstract of testimony on

trial November 27th 1888.

**POOR QUALITY
ORIGINAL**

0093

STATE OF NEW YORK,
Executive Chamber,
ALBANY.

November 13, 1889.

Sir:

Application for Executive clemency having been made on behalf of William H. Fitzgerald,-- who was convicted of Grand Larceny, 2nd degree in the county of New York,--- and sentenced Nov. 30, 1888 to imprisonment in the Sing Sing Prison----- for the term of three years and four months,-----I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having bearing upon this case which have come to your knowledge since conviction?

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

I am,

very respectfully yours,

J. S. Williams,

Private Secretary

Hon. John R. Fellows,
District Attorney,
New York City.

POOR QUALITY
ORIGINAL

0094

Answered
Dec. 19th 1889
J. R. S.

Police Court—21 District.

Affidavit—Larceny.

City and County } ss.:
of New York,

of No. 153 West 27 Street, aged 30 years,
occupation Driver in Express Wagon being duly sworn
deposes and says, that on the 3^d day of November 1888 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the night time, the following property viz:

One trunk containing ladies
wearing apparel of the
value of three hundred dollars
(\$300.00)

the property of H. Hill of no 149 W 22^d
St. and in deponent's care and custody
as common carrier.

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 H. Fitzgerald and
William M. Carthy (both now here)
from the fact that at about the hour
of 10.30 O'clock P. M. said date deponent
missed said trunk from his Express
wagon. Which was standing at the corner
of 11th Street and 5th Avenue and
deponent caught the said Defendants
on East 11th Street near University Place
together and in company with each
other walking away with a trunk which
deponent fully identifies as the trunk which
he missed from his Express Wagon in their
possession. Wherefore deponent charges the said
Defendants with being together and acting in

Sworn to before me, this
1888 day

Police Justice.

Confront with each other and feloniously taking stealing and carrying away said trunk from his office.

Sworn before me Thomas Morris the 5th day of Nov 1888

Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

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

Dated 1888 Police Justice.

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

1
2
3
4

Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street.

No.

Su ed.

No.

Street.

\$ to answer

Sessions.

0097

Sec. 193-200.

2

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

William Fitzgerald

Question. How old are you?

Answer.

24 years old

Question. Where were you born?

Answer.

Huston Mass.

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

Answer.

2, Smith St. Am.

Question. What is your business or profession?

Answer.

Stone cutter

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

Wm Fitzgerald

Taken before me this

day of

188

John J. [illegible]

Police Justice.

POOR QUALITY
ORIGINAL

0098

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

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

Question. What is your name?

Answer.

William M. McCarthy.

Question. How old are you?

Answer.

40 years old

Question. Where were you born?

Answer.

Buffalo NY

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

Answer.

Chicago Ill

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

Wm McCarthy

Taken before me this

day of

188

Police Justice.

POOR QUALITY
ORIGINAL

0099

BAILED,
No. 1, by _____
Residence _____
Street _____
No. 2, by _____
Residence _____
Street _____
No. 3, by _____
Residence _____
Street _____
No. 4, by _____
Residence _____
Street _____

Police Court...
District...

1946

THE PEOPLE, &c.,
ON THE COMPLAINT OF

William Fitzgerald
William Fitzgerald
William Fitzgerald

Offence...
Larceny
felony

Dated Nov 5

188

John M. ...
Magistrate.

Witnesses...

No. 149 ...
Street...

No. 3 ...
Street...

No. 300 ...
Street...

No. ...
Street...

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named William Fitzgerald and William M. ... guilty thereof, I order that they be held to answer the same and they be admitted to bail in the sum of Five Hundred Dollars, each and be committed to the Warden and Keeper of the City Prison, of the City of New York, until they give such bail.

Dated Nov 5 188 J. ... 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.

**POOR QUALITY
ORIGINAL**

0900

VI.

STATE OF NEW YORK,
Executive Chamber,
ALBANY.

November 13, 1889.

Sir:

Application for Executive clemency having been made on behalf of William H. Fitzgerald,--- who was convicted of Grand Larceny, 2nd degree in the county of New York,-----and sentenced Nov. 30, 1888 to imprisonment in the Sing Sing Prison-----for the term of three years and four months,----- I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, or upon the preliminary examination, or before the coroner's jury if no trial was had, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

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

I am,

very respectfully yours,

J. S. Williams.

Private Secretary.

Hon. Frederick Smyth,
Recorder,
New York City.

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 H. Fitzgerald
and
William Mc Carthy

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

William H. Fitzgerald and William Mc Carthy
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said William H. Fitzgerald and
William Mc Carthy, both
late of the City of New York, in the County of New York aforesaid, on the *third*
day of *November* in the year of our Lord one thousand eighty hundred and
eighty *eight*, at the City and County aforesaid, with force and arms,

*one trunk of the value of
five dollars, and
divers articles of female wearing
apparel, of a number and descrip-
tion to the Grand Jury unknown,
of the value of three hundred
dollars —*

of the goods, chattels and personal property of one *Thomas Morris*

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.

SECOND COUNT—

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

William H. Fitzgerald and William McCarthy
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said *William H. Fitzgerald and William McCarthy*, both 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,

one trunk of the value of five dollars, and divers articles of female wearing apparel, of a number and description to the Grand Jury aforesaid unknown, of the value of three hundred dollars—

of the goods, chattels and personal property of one *Thomas Morris*

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

unlawfully and unjustly, did feloniously receive and have; the said *William H. Fitzgerald and William McCarthy* then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0903

BOX:

328

FOLDER:

3113

DESCRIPTION:

Forsman, Charles H.

DATE:

11/28/88



3113

POOR QUALITY
ORIGINAL

0904

Witnesses;

J. H. Edging
Francis Edging

Counsel,

Filed

27 day of Nov 1888

Pleads,

Indignity Dec 5

THE PEOPLE

vs.

Charles H. Foreman

Grand Larceny in the 1st degree.
(MONEY.)
(Sec. 528 and 530, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. Macclay
Foreman.

Paris III December 10, 1888

Indictment required

POOR QUALITY
ORIGINAL

0905

Police Court—

14 District.

Affidavit—Larceny.

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

of No. 56 Frank John H. Obeling Street, aged 31 years,
occupation Restaurant Keeper being duly sworn
deposes and says, that on the 18 day of January 1888 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession ~~and~~
of deponent, in the night time, the following property viz:

Good and large money of the
United States to the amount and
of the value of nine (9)
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 Charles H. Forsman,

now here, from the fact that
deponent is informed by his
wife, Frances Obeling, now
present, that while deponent
sat asleep in a chair in
deponent's restaurant at No.
12 Old Slip - at the hour of
5 o'clock A. M. on said day; the
said defendant inserted one
of his hands into the right
side pocket of the Cardigan
jacket then worn upon the
person of deponent and took
said money therefrom and went

Subscribed before me this

1888

Police Justice

POOR QUALITY
ORIGINAL

0906

Out of the restaurant with said
money in his possession.

Sum & Return me this { John F. Chelung
18 day of November 1888

Wm Patterson

John F. Chelung

Dated 1888 Police Justice

guilty of the offence mentioned, I order him to be discharged.

There being no sufficient cause to believe the within named

Dated 1888 Police Justice

I have admitted the above named

to bail to answer by the undertaking hereto annexed.

Dated 1888 Police Justice

of the City of New York, until he give such bail.

Hundred Dollars

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of

and be committed to the Warden and Keeper of the City Prison

committed, and that there is sufficient cause to believe the within named

It appearing to me by the within depositions and statements that the crime therein mentioned has been

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

Offence—LARCENY.

vs.

1
2
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Dated 1888

Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to master Sessions.

POOR QUALITY
ORIGINAL

0907

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 29 years, occupation Frances T. Belong
Housekeeper of No. 56 8th Ave

Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of John H. T. Belong
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 18th
day of November 183 8 Frances T. Belong

John Putnam
Police Justice.

POOR QUALITY
ORIGINAL

0908

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, ss.

Charles J. Foreman 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.

Charles J. Foreman

Question. How old are you?

Answer.

22 years of age

Question. Where were you born?

Answer.

Sweden

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

Answer.

271 Sackett St. Brooklyn,

Question. What is your business or profession?

Answer.

Printer

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

Answer.

I am not guilty. That is all
Chas J. Foreman

Taken before me this

18.

day of *November* 188 *87*

John J. Williams

Police Justice.

0909

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 Leifur Nordahl

Dated March 20 1888 J. M. Kuttum Police Justice.

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

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

POOR QUALITY
ORIGINAL

09 10

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Charles H. Sorman

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

Charles H. Sorman

of the crime of GRAND LARCENY IN THE *first* DEGREE, committed as follows:

The said *Charles H. Sorman*.

#8- late of the City of New York, in the County of New York, aforesaid, on the *eighteenth* day of *March*, in the year of our Lord one thousand eight hundred and eighty *eight* at the City and County aforesaid, with force and arms, in the *night* time of the same day, ~~promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of twenty dollars, and of the value of twenty dollars~~ ; ~~promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of ten dollars, and of the value of ten dollars~~ ; ~~one~~ promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of five dollars, and of the value of five dollars ; ~~some~~ promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of two dollars, and of the value of two dollars *each* ; *eight* promissory notes for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination of one dollar, and of the value of one dollar *each* ; ~~promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of twenty dollars~~ ; ~~promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of ten dollars~~ ; ~~one~~ promissory note for the payment of money (and of the kind known as bank notes), being then and there due and unsatisfied, of the value of five dollars ; United States Silver Certificate of the

POOR QUALITY
ORIGINAL

0911

~~denomination and value of twenty dollars~~ : ~~United States Silver~~
~~Certificate of the denomination and value of ten dollars~~ : ~~one~~ United
States Silver Certificate of the denomination and value of five dollars : ~~from~~
United States Silver Certificate of the denomination and value of two dollars ~~each~~ ;
~~each~~ : ~~United States Silver Certificate of the denomination and value of one dollar~~
~~each~~ : ~~United States Gold Certificate of the denomination and value of~~
~~twenty dollars~~ : ~~United States Gold Certificate of the denomination~~
~~and value of ten dollars~~ : ~~one~~ United States Gold Certificate of the
denomination and value of five dollars : and divers coins, of a number, kind and
denomination to the Grand Jury aforesaid unknown, of the value of ~~eight~~ *eight* dollars.

of the proper moneys, goods, chattels and personal property of one *John D.*
Edwards, on the person of *the said*
John D. Edwards, then and there being
found, *from the person of the said John D. Edwards*, then and there
feloniously did steal, take and carry away, against the form of the statute in such case made and
provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,
District Attorney.

09 12

BOX:

328

FOLDER:

3113

DESCRIPTION:

Fox, Charles F.

DATE:

11/16/88



3113

09 13

BOX:

328

FOLDER:

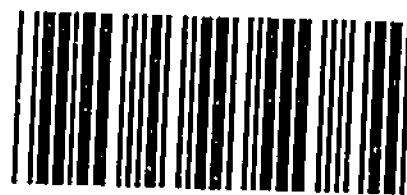
3113

DESCRIPTION:

McCoy, William

DATE:

11/16/88



3113

Witnesses:

John J. Fungerson.

The said Mary Antone
the maids of Mr. Cox,
which in addition
to the same offend
with me, & believe
me of all blame,
I received the money

of the indictment as to
Mc Coy (John Antone)
(with the Antone)

Am 23. 88
I recommend that death
that be discharged in his
own recognition
P. W. Goff
Asst. Dist. Atty.

1229
-2. J. O. Byard
Counsel,
Filed 16 day of Nov 1888
Pleads, Chicago

THE PEOPLE
vs.
1. Charles S. Fox
2. and
William McCoy
(Sections 217 and 218, Penal Code).

JOHN R. FELLOWS,
District Attorney.
P2. Nov. 23. 1888.
No 1. tried & jury disagreed 3
Decided by the Court in his own way.
A True Bill.

Walter Macleay
Foreman.
P2. Nov 23. 1888.
No 2 Indictment dismissed
& these dismissed

POOR QUALITY
ORIGINAL

0914

POOR QUALITY
ORIGINAL

09 15

The People

For et al. The officer knows
nothing.

John J Ferguson states that
about 5 PM Defendant McCoy
took hold of complainant &
held him while defendant
Ferguson stabbed without the slightest
cause or provocation. Witness
states he did not even know
defendants - That they were not
drunk & that they gave no
reason for assaulting Compt.

**POOR QUALITY
ORIGINAL**

09 16

This is a clear
case of felonious
assault.
W.H.D.

POOR QUALITY
ORIGINAL

0917

Police Court—14 District.

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

of No. 146 Third Avenue Street, aged 20 years,
occupation Bar tender being duly sworn
deposes and says, that on the 6 day of November 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by Charles Fox
and William McCoy both, now here,
the said Fox cut and stabbed deponent
in the left thigh with a knife he
then and there held in his hand
and the said McCoy struck deponent
in the left eye with his clenched

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

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

Sworn to before me, this 7 day
of Nov 1888.

John J. Ferguson

Samuel C. Kelly Police Justice.

POOR QUALITY
ORIGINAL

09 18

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Charles F. Fox

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. *Charles F. Fox*

Question. How old are you?

Answer. *18 years*

Question. Where were you born?

Answer. *Connecticut*

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

Answer. *No 370 East 78th St. 10 years*

Question. What is your business or profession?

Answer. *Butcher*

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
Charles F. Fox

Taken before me this

day of

188

Joseph M. Sullivan
Police Justice.

POOR QUALITY
ORIGINAL

09 19

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

William McCoy
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 to 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 McCoy*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *Westchester N.Y.*

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

Answer. *No 349 East 78th St 10 years*

Question. What is your business or profession?

Answer. *Asst. Manager of Waters*

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

Answer.

I am innocent of the charge.

William McCoy

Taken before me this

day of

188

James J. McLaughlin Police Justice.

POOR QUALITY
ORIGINAL

0920

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

Police Court---
District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

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Dated 188
Magistrate.
Officer.
Precinct.
Witnesses.
No.
Street.
No.
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Street.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Chas Fox and William M. Cox 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 Nov 188 San Francisco 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.

New York General Sessions.

PEOPLE ON MY COMPLAINT,
VERSUS

McCoy & Fox

As complainant in the above case, I beg to recommend
William McCoy
the defendant, to such leniency and clemency as the Court and
District Attorney may see fit to show; but I expressly assert
that my reasons for so doing are not controlled by any advantage
to myself. The facts are that ~~on the~~^{me}
the defendant Fox attacked ~~me~~ while going
I was preventing the removal of an Italian
Stand at the Cor of 76th Street and Fifth
Avenue - a wrangle ensued and Fox
cut me with a pen knife on the
right thigh or hip. McCoy did
not cut ~~me~~ me. I believe
that it was not his intention to and
Fox in any manner so as to hurt me.
On reflection I think his intention
was to make peace, and he held
me for that purpose - He threw
the stick I do not think was
intended for me.

Sworn to before
me this 16th
day of November
1888

John J. Ferguson

Frankfort Kyne
Counsellor at Law
City of New York

POOR QUALITY
ORIGINAL

0922

The People

21

McLay & Fox

Withdrew as to McLay

Mr. O'Connell

McLay & Fox

Nov 15 1877

POOR QUALITY
ORIGINAL

0923

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles F. Fox
and William McCoy

The Grand Jury of the City and County of New York, by this indictment, accuse
Charles F. Fox and William McCoy
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Charles F. Fox and William McCoy*, both

late of the City of New York, in the County of New York aforesaid, on the
sixth day of *November* in the year of our Lord
one thousand eight hundred and eighty-eight, with force and arms, at the City and
County aforesaid, in and upon the body of one *John J. Ferguson*
in the peace of the said People then and there being, feloniously did make an assault,
and *him* the said *John J. Ferguson*
with a certain *knife*

which the said *Charles F. Fox and William McCoy*
in *their* right hand then and there had and held, the same being a deadly and
dangerous weapon then and there wilfully and feloniously did strike, beat, cut, stab and
wound,

with intent *him* the said *John J. Ferguson*
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
Charles F. Fox and William McCoy
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Charles F. Fox and William McCoy*, both

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 *John J. Ferguson*
in the peace of the said People then and there being, feloniously did wilfully and
wrongfully make another assault, and *him* the said
John J. Ferguson
with a certain *knife*

which the said *Charles F. Fox and William McCoy*
in *their* 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 strike, beat, cut, stab 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.

THIRD COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said
Charles F. Fox and William McCoy
of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Charles F. Fox and William McCoy* both

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 said
John J. Ferguson in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
him the said *John J. Ferguson*
with a certain *knife*

which *they* the said *Charles F. Fox and William McCoy*
in *their* right hand then and there had and held, in and upon the *thigh*
of *him* the said *John J. Ferguson*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, bruise and
wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrong-
fully inflict grievous bodily harm upon the said *John J. Ferguson*

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.