

0891

BOX:

405

FOLDER:

3757

DESCRIPTION:

Cavanagh, Emily

DATE:

08/08/90



3757

Witnesses:

Emily Cavanagh
Officer Burke

Co. *Volunteer*

Counsel,

Filed

8 day of Aug. 1880

Pleads,

Not Guilty (111)

THE PEOPLE

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

27 March 1880
157 Grand Jurors
Emily Cavanagh

430

JOHN R. FELLOWS,

District Attorney.

A True Bill.

James L. For.

Foreman.

Part IV August 26/90

Indicted and Committed

Assault 1st deg.

5 years & 4 mos for

Sept 3/90 Sept 13

0893

Police Court— H District.City and County { ss.:
of New York, }of No. 106 East 11th Street, aged 28 years,
occupation Actor being duly sworndeposes and says, that on 24 day of July 1888 at the City of New
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Emily Cavanagh now here,
who aimed at and discharged
the contents of five barrels of a
revolving pistol loaded with
powder and ball and three
of said shots striking deponent
two on the right shoulder
and one on the left shoulder

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 25 day
of July 1888

James Cavanagh
Charles Perinton Police Justice.

0894

Sec. 198-200

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Emily Caranagh 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.

Emily Caranagh

Question. How old are you?

Answer.

27 years

Question. Where were you born?

Answer.

New York City

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

Answer.

No 152 Marcy Place Mount

Question. What is your business or profession?

Answer.

Professional dancer

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

Emily Caranagh

Taken before me this

day of

July

1890

25

Police Justice.

0095

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

Dated July 25 1890 Charles W. Smith Police Justice.

I have admitted the above-named
to bail to answer by the undertak

Dated.....

There being no sufficient cause to

Dated.....

OCTOBER, 1890.

Wed. 1	
Thur. 2	Excluded March 21
Fri. 3	
Sat. 4	Dismissed
SUN. 5	
Mon. 6	Same as 5
Tues. 7	
Wed. 8	Excluded July 28
Thur. 9	
Fri. 10	Came up for trial
Sat. 11	
SUN. 12	July 24th
Mon. 13	
Tues. 14	and she shot
Wed. 15	
Thur. 16	the same
Fri. 17	day fine times
Sat. 18	
SUN. 19	
Mon. 20	James G. ...
Tues. 21	
Wed. 22	
Thur. 23	
Fri. 24	
Sat. 25	
SUN. 26	
Mon. 27	
Tues. 28	
Wed. 29	
Thur. 30	
31	

.....Police Justice.

.....I order he to be discharged.

.....Police Justice.

0096

1154

Police Court--- H District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

James Caranagh
60106 vs. E. 14
Emily Caranagh

Offence
Offence

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *July 25* 18*90*

G. J. Smith Magistrate.

Brucke Officer.

18 Precinct.

Witnesses *W. J. Allen*

No. *W. J. Allen* Street.

William Bryant

No. *Michael Sullivan* Street.

No. Street.

§ *300* to answer

Conf

ADJ
1890

0097

New York March
29

Jim has been living
with a bad woman and
Lillian and her wife
so I thought I would
and told her of her
husband and he was
(me down in the public
street to him and told
for it and told that
discharged from the
as a Discharge from the
you paid for all told
Jim I had Discharge
you all but I had you
will find out that
was in the first time

0090

I forgot you all it is not all done yet and
 I am sure you will find it interesting
 that will make you find it interesting
 with the same. I worked in a laundry all
 last summer to keep him from returning
 in this city. There has been a lot of
 talk about one by dirty track of the
 house. One last night that every day
 Kate used to go. We gave her a good
 name but the world has been the
 of it when it comes to the time

Emily Carson

207 East 22nd St. Room of Mrs. Carson

²
 suffer for it) I heard that the
 company could not get any man
 to take such a low place as you
 fill so he had to take you back
 you are telling it around here
 that Monroe wanted you for
 next season which is some
 of your lies) like you tell everybody
 that I am a whore which you know
 is a dirty vile lie no man in
 this wild country came and say
 he knows me as such) what kind
 of stuff did you tell Chas Engle
 about me he listened to you but
 give you the laugh now about the place
 you said he spent a few afternoons
 but you was a little more careful
 the last week of your stay here of where
 you went) now if you had not
 shown your colors so plain you
 should have been in business
 this summer for there a lady friend

New York April 9th
 will pay old shop of these first

heard about your things in Boston
 you giving it to address from
 with a hand looking woman so
 that as yourself and a number
 back face - I am getting New
 every day of things that you did all
 under and since perhaps you
 get that old - the last time you
 were in that city you are not
 through with the you have made
 me look worse but since money
 back and be easier than them you
 are now where did you sleep in
 will be looking to have to show we in
 according to know all and the only you
 was with dear bring a woman in
 this city will please you - also
 with the 7 times) your desire
 me (my know but I found you
 all at that and you shall

next your dirty old dog
 who has just lost his
 bunch and the kids
 a Place of Public business
 and he gives me the
 Rent free for three
 months just to give
 me a start. I owned
 Renew the library which
 would be five hundred
 dollars and the Post in
 the Bank every week two
 hundred dollars clear
 of everything - He is
 gambling away for 6 months
 and I could see the Race
 but now it is too late
 for you do you understand
 what that means when
 I say you too late you
 are a dirty old dog

0902

Running after dirty old
Hurt Salvage Knew
you was a bad old Pal
but I did not imagine
you as bad as I found
out when it was too late
but remember you
are not done with me
if it takes 20 years
I will show you how
you have wronged me
and your downfall
I will cage you
and your old balls must
be pulled down to your
knee heels and your old
Prick has not a muscle
to stand on and the
Discharge ^{to Pulped} from England
and a very weak & plant

0903

POOR QUALITY
ORIGINAL

People v.

Emily ~~James~~

Court of General Sessions.

Part 1.

The people of the State of New York, ;

against. ;

Emily Cavanagh. ;

Before Hon. Frederick B. Smyth,
and a Jury.

Indictment filed 1890
Indicted for Assault in the first Degree.

New York, August 26th. 1890

Appearances. For the people, Assistant
District Attorney, A. D.
Parker,

For the defendant, Hugh
Coleman.

JAMES CAVANAGH, a witness for the people, sworn,
testified;---

I live at No. 115 East 14th st
in this city. I am an actor by profession. The de-
fendant at the bar is my wife, and has been for about four
years. I have not been living with her four months, out
of the entire four years. On the 24th day of July she
assaulted me. On the night before that day she had me
arrested, and I was tried and acquitted. She had me
put under bonds on the 20th of last month to appear at the
Jefferson Market Court. On the afternoon of the fourth of
August she was looking around for me the entire afternoon.
At about half past seven in the evening I was standing in
front of where I live, the Orlando house, 115 East 14th st.
Paul Allen, Wm. Kehoe, and Billy Bryant, and a few more
were standing there with me, in conversation. Wm.
Kehoe came up to me and said, "You want to look out for

out for that woman, she is looking for *you*". At that time my wife was about fifteen feet away, right at the corner, at the saloon. Kehoe spoke in a low tone. Just then my wife came up to me and said, "You son of a bitch, I want to shoot you, will I". Then she commenced shooting and she fired five shots at me. I ran away and she chased right across 14th street from the down-town to the up-town side. Two of the shots went into my back and one struck me on the shoulder blade, and went through my coat. The others missed me. I can show you right here the mark on my coat. Another struck me in the left breast and glanced off. As I ran away my wife pursued me. She said nothing more; she was following me from across the street. I turned round and saw the officer come up and arrest her. The officer arrested the two of us and took us to the Station House and from there I was sent to Bellevue Hospital. I was treated by Dr. Bowers. My wife threatened on several occasions to shoot me, probably a dozen or twenty, within a period of three months.

Cross-examination.

Q. Were you arrested in Philadelphia on the complaint of this woman, for assaulting her. A. No sir.

Q. Were you ever arrested in Philadelphia? A, Yes sir.

Q. How many times? A. Once.

Q. Were you not arrested in Philadelphia on the complaint of your wife. A. She never made any complaint.

Q. Were you arrested on that occasion on her complaint?

A. He didn't appear.

Q. Were you arrested on a charge made by her of assault?

A. Yes sir, she did the assaulting.

Q. Did you meet your wife on the day of the shooting at 18th st. and 3rd. av.?

A. No sir.

Q. Are you sure about that?

A. I am positive.

Q. Did you see these blood stains upon her dress on that day?

A. Yes sir.

Q. You are sure about that?

A. I am positive.

Q. Is it not a fact that while she was going up the steps of the 18th st. elevated station, you caught her by

the skirt, and pulled her down and beat her then and

there?

A. No sir.

Q. Your wife had you arrested for abandonment did she not?

A. Yes sir.

Q. And had you put ^{under bonds} in Jefferson Market?

A. Yes sir.

Q. How many times has your wife had you arrested since you were married?

A. Three times.

PAUL ALLEN, a witness for the people, sworn testified;--

I am living at No. 81 East 10th st.

in this city at present. I am an actor by profession, and

manager of the Lester and Allen Troupe. I was present

in East 14th st. on the evening of July 24th when this

assault took place. Mr. Cavanagh the complainant, and

two or three of my friends were standing outside of this

house telling a few stories. While we were standing

there I was entertaining the boys with a few jokes, laugh-

ing and chatting, and this lady who claims to be his wife--

I dont know her-- she came up deliberately with this pistol

in her hand covered with the paper. I was standing alongside of Cavanagh, and she came right up, and the first thing I heard was bang, bang, and she fired the pistol off five times. Then I saw him run and fall against a lot of bricks on the other side of the street. When he ran his wife followed and she fired at him again. I didn't see Cavanagh strike his wife at or on this occasion. When this firing was going on I got so excited that I fell down into a cellar. I saw the revolver taken from her. I didn't go to the Police Court. I have no further knowledge of the affair.

Cross examination.

Q. You were very much frightened? A. I was.

Q. So much that you fell down? A. Yes sir.

Q. When you were falling down the shots were going off?

A. Yes sir.

Q. Have you ever been convicted of any criminal offence?

A. No sir.

Q. Has your wife ever had you arrested? A. No sir, I never had a wife.

Q. Where were you standing at the time of the shooting?

A. Right alongside of the complainant.

Q. Cavanagh and you were very warm friends?

A. Just the same as any professional friends are, that is all.

JAMES CAVANAGH, the complainant recalled.

By Mr. Coleman.

Q. Do you recollect the conversation I had with you in the hall on the last day this was in Court? A.

A. Yes sir.

Q. Did you not say to me in the presence of a policeman that you would hang your wife if you could? A. No sir.

Q. You didn't say that? A. No sir.

WILLIAM KEHOE, a witness for the people, sworn, testified:-

I am an actor by profession and reside at present at No. 115 East 14th st. On the 24th of July at about half past seven o'clock in the evening I was standing in front of those premises in company with three or four other gentlemen. I saw this woman Cavanagh cross the street. Her husband wasn't there at the time. When Mr Cavanagh came I told him I had seen his wife. In a short time after that I heard somebody come up behind me and say, " You thought I wouldn't shoot you, did you?" and then I heard the noise of a revolver. I turned around quickly and I saw this defendant firing off her pistol at the complainant five times. She was not very far from him when she fired. He turned around and she ran after him across to the North side of the street. I ran away before I saw anything more of the affair. I didn't see Mr. Cavanagh strike his wife at all while she was firing at him, not did I a see him attempt to strike her at any time. I didn't go to the Station house

Cross examination.

Q. Do you mean to say that Cavanagh didn't strike her at any time during the wrangle? A. I am positive he didn't while I was there.

WILLIAM BRYANT, a witness for the people, sworn, testified;

I live at No. 325 East 14th st. I am an actor by profession. I am acquainted with the complainant Mr. James Cavanagh. I know the defendant by sight. On the night of the 24th of July I was standing in company with Mr. Cavanagh and others in the front of his home. Between 7 and 8 o'clock in the evening while we were standing there I heard the report of a pistol and I turned around, and I saw Cavanagh running across the street and I saw the woman running after him. I cannot say positively whether this was the woman or not. I saw the revolver in her hand. I got out of the way as quick as I could I saw a couple of police officers taking the woman into custody. I cannot tell whether any shots were fired while the woman was pursuing Mr. Cavanagh. I was somewhat excited.

THOMAS BURKE, a witness for the people, sworn, testified;--

I am a police officer attached to the 18th Precinct. On the 24th of July I arrested the defendant on the North side of 14th street. When I took her into custody she had hold of the handle of a pistol and the complainant had hold of the muzzle, and they were pulling it between them. I took it from them and on investigation

found five empty shells.

Cross-examination.

Q. Was there any blood on the defendant when you arrested her? A. Yes sir.

Q. She was all blood? A. She was blood down on her neck here.

Q.. Do you recognize this as the garment which she wore on that occasion? A. It looks very much like it.

Q. Was there blood on it then? A. Right around the collar.

Q, It was fresh at the time? A. Yes sir.

Q. Were you in the hallway on the day this case was called before? , and if so did you hear the conversation between Cavanagh and myself about the case? A. I have been down on this case several times. I recollect we were talking about the case, but I don't remember what the conversation was.

Q. Do you recollect this remark being made when I spoke to Cavanagh about the case;-- that he would hand his wife is he? could.? A. I do not, I saw you talking with him, but I was in a hurry to get away, as it was my day off.

0911

8

D e f e n d e e.

Emily Cavanagh, the defendant. sworn, testified; ----

I am the wife of the defendant James Cavanagh. I have been married to him for four years. I have had him arrested four times for abandonment and for treating me badly. I had him arrested once in Philadelphia but he committed perjury and was let go. Last March he came up to me on 14th street and knocked me down, in the street, and I had him arrested then. I charged ~~with~~ him with abandonment last March and he was held under bonds in the Jefferson Market Court. He has failed to support me for some time. I saw my husband when leaving the Jefferson Market Court at the corner of ~~3rd~~ 3rd av. and 18th street. I was on my way over to his bondsman to see if the bonds he gave at the Jefferson Market Court were good. This revolver which I had in my possession belonged to him. I went to the 18th street station as I have said, and when I got there he came up to me and said; " I have a notion to rip you open", He had a knife in his hand. He said he was going to do this because I had him arrested. I always was afraid of him. I went up the steps of the Elevated road station and he came up with me and beat me which I can prove by the matron in the prison. My hat fell, after I went back to pick it up he hit me over the head with something. I then went down to look for him and couldn't find him. I wanted to have him arrested. I went into 14th street and saw no officer there. This was about halfpast seven in the evening. My inten-

tion when I went into 14th st. was to have him arrested. I went into a hotel to fix my hat up to look decent. I was blood at this time and I took a handkerchief out to put it around my neck. I had a piece of paper around the revolver at this time. I went up and spoke to my husband when I saw him in 14th street, and he stepped back and I fired at him to frighten him. He didn't hit me but he would have only I had the revolver by the handle part and fired it off in order to frighten him. After I had fired it off I went after him and I says, "I am sorry if I have hit you". Then he knocked me down in the street. Then we became engaged in a tussle for the pistol and the officer came up and arrested me.

Cross-examination;---

Q. How long have you been living together since you were married? A. We were living together until the

9th of last September.

Q. Didn't you separate within a month or two after you were married? A. No sir.

Q. Didn't you commit adultery with a man in Philadelphia and weren't you found out, and didn't he leave you on that account? A. No sir.

Q. Weren't you discovered in the Central Hotel in Philadelphia? A. No sir.

Q. Registered as man and wife? A. No sir.

Q. How have you been supporting yourself since you have not been living with him? A. I had a little bit of money saved.

Q. Has not he always been engaged in his profession?

A. No sir he is only a property man.

Q. Haven't you supported yourself by prostitution. ?

A. No sir, I would rather stay in prison all my life. He told me to do that.

Q. You have always been a pure woman? A. Yes sir, and I can prove it from where I have lived.

Q. Haven't you ever threatened him before you shot him?

A. No sir, I never threatened him in my life.

Q. Haven't you made threats in letters to him; do you recollect that? A. Not that I know of, I dont.

Q. Is the letter which I show you in your handwriting?

A. No sir, I dont think it is; I always put my name to everything I write. One letter which you show me I wrote when I was angry.

Q. Where did you get this pistol? A. Mr. Cavanaugh brought it home one night in September in the pocket of his overcoat. I took it out once on that day thinking I might have some trouble.

Q. Did you put the pistol in your pocket? A. No sir, I didn't have any pocket I wrapped it in paper in my hand.

Q. Did you point the pistol at him. A. No sir I didn't point the pistol at him. I only fired it for the purpose of frightening him.

Q. Didn't you call him this foul name. A. No sir that is language I do not use. The pistol must have gone off by accident.

09 14

11

Q. Your husband knocked you down? A. Yes sir, he hit me and knocked me down, on my hands and knees.

The Jury returned a verdict of
"Guilty of Assault in the First Degree".

09 15

Indictment filed *Aug 3* 1890

COURT OF GENERAL SESSIONS

Part I.

THE PEOPLE &c.

against

EMILY CAVANACH.

Abstract fo testimony on
trial New York August 26th
1890.

"Guilty of Assault in the 1st degree."

The jury returned a verdict of

we and knocked me down' on my hands and knees."

Q. Don't misread knocked you down? A. Yes sir, he hit

09 16

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

Emily Cavanagh

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

Emily Cavanagh
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said *Emily Cavanagh*

late of the City of New York, in the County of New York aforesaid, on the *twenty-fourth* day of *July*, in the year of our Lord one thousand eight hundred and eighty *ninety* with force and arms, at the City and County aforesaid, in and upon the body of one *James Cavanagh* in the peace of the said People then and there being, feloniously did make an assault and to, at and against *him* the said *James Cavanagh* a certain pistol then and there loaded and charged with gunpowder and one leaden bullet, which the said *Emily Cavanagh* in *her* right hand then and there had and held, the same being a deadly and dangerous weapon, wilfully and feloniously did then and there shoot off and discharge with intent *him* the said *James Cavanagh* 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 *Emily Cavanagh* of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Emily Cavanagh*

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 *James Cavanagh* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and to, at and against *him* the said *James Cavanagh* a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which the said *Emily Cavanagh* in *her* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully shoot off and discharge, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

09 17

BOX:

405

FOLDER:

3757

DESCRIPTION:

Chamberlain, Rose

DATE:

08/04/90



3757

09 10

Witnesses;

Counsel,

Filed

Pleads,

4 day of Aug 1890
W. E. Smith

THE PEOPLE

vs.

Rose Chamberlain

Grand Larceny second degree
[Sections 528, 534, 535, Penal Code.]

9th Aug. 1890

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edmond L. Fox

Aug 8, 1890
Foreman.

Pleads P.L.
W. E. Smith

0919

Police Court—5 District.

Affidavit—Larceny.

City and County }
of New York, } ss.William Shookof No. 1157 E. 85th Street, aged 31 years,
occupation Superintendent being duly sworndeposes and says, that on the 15 day of July 1899 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 Gold Watch and
Chain of the value of Seventy
five dollars and one gold Ring
of the value of five dollars altogether
of the value of Eighty dollars
\$80.00/100the property of Deponentand that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Rose Chamberlain (now Mrs.)from the fact that on said date
at about the hour of 1 o'clock A.M.
deponent met the said defendant
on 3^d Avenue and was solicited by
the said defendant for immoral
purposes. Deponent accompanied the
said defendant to the premises No.
200 East 128th Street for the purpose
of having sexual intercourse with
said Defendant.Deponent and said
defendant went to bed in said
premises and at about the hour
of 5 o'clock A.M. deponent foundSworn to before me, this
18 day

Police Justice.

0920

the said defendant missing from the room and on searching his clothing which he had removed from his person he found the said property missing from the vest pocket where he had it when he went to bed.

Deponent is informed by Officer Frederick J. Mott of the 29th Precinct that he had arrested the said defendant and found in her possession a pawn ticket. Deponent has since seen the property represented by said pawn ticket and fully and positively identifies it as the property taken stolen and carried away from deponent's possession.

William Schuck.

Sworn to before me }
this 16th day of July 1890 }

W. J. G. W.

Police Justice

0921

CITY AND COUNTY }
OF NEW YORK, } ss.

Frederick J. Mott
aged 29 years, occupation Police Officer of No. 29^c Precinct
Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of William Shook
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 16
day of July 1880

Frederick J. Mott

W. J. Mott
Police Justice.

0922

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer.

Rose Chamberlain

Question. How old are you?

Answer.

38 Years

Question. Where were you born?

Answer.

New York

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

Answer.

40 Avenue

Question. What is your business or profession?

Answer.

DomesticQuestion. 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 have nothing to say

Rose
Chamberlain
mark

Taken before me this

16

day of

July1898

Police Justice.

0923

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 Te 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, July 16 1891 and Gu Police Justice.

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

Dated,.....189.....Police Justice.

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

Dated,.....189.....Police Justice.

0924

1099.

Police Court---

5 District.

THE PEOPLE, &c.

ON THE COMPLAINT OF

William Schuck

Rose Chamberlain

2

3

4

offense Grand Larceny

Dated,

July 16

1890

Powers

Magistrate.

Oris V. Mott

Officer.

29

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

1000

to answer

Handwritten signatures and initials at the bottom of the document.

0925

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Rose Chamberlain

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

Rose Chamberlain

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

The said

Rose Chamberlain

late of the City of New York, in the County of New York aforesaid, on the *fifteenth*
day of *July* in the year of our Lord one thousand eight hundred and *ninety*;

, at the City and County aforesaid, with force and arms,

*one watch of the value of
fifty dollars, one chain of the
value of twenty-five dollars,
and one finger ring of the
value of five dollars*

of the goods, chattels and personal property of one

William Schuck

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.

0926

SECOND COUNT—

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

Rose Chamberlain

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

The said

Rose Chamberlain

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 watch of the value of ~~seventy~~ fifty-dollars, one chain of the value of twenty-five dollars, and one finger ring of the value of five dollars

of the goods, chattels and personal property of one

William Schuck

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

William Schuck

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

Rose Chamberlain

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.

0927

BOX:

405

FOLDER:

3757

DESCRIPTION:

Chidwick, James

DATE:

08/22/90



3757

Witnesses:

Onon Schlegelmier
188 Monroe Station

Ed Day

For the reasons contained in the
memorandum submitted by me
this day, I recommend the
favor of sentence upon the
plea of guilty herein.

Sept 5/90. *Ed Barker*
App

270.

Wm E. Harris

Counsel, *James*

Filed *22* day of *Aug* 1890

Pleads, *Not Guilty*

THE PEOPLE

vs.

James Chidwick

JOHN R. FELLOWS,

District Attorney.

Wm. Harris on
acknowledgment of plea
A TRUE BILL.

Ed Barker

Aug 29, 1890 Foreman.

Charles G. L. Day

Sept 13

0920

Court of General Sessions.

The People vs.

vs.

James Chedwick.

I have read the affidavits submitted on behalf of defendant, on the moving of sentence herein, and I have made careful examination elsewhere concerning their allegations. From the whole examination it appears that:

The defendant was in May, 1890, and had been for some three months prior thereto, in the employ of the West Side Beef ^{a New York Corporation,} Company, as salesman, but without authority to make collections, that being done by men specially employed for that purpose. On May 5 a fellow-salesman, one Dennis Murphy, directed him to collect from one Deebinger, a customer of said company, \$54 owing by said Deebinger to said company. Murphy had no power to direct or authorize such collection by defendant, but I am convinced, from an examination of all the witnesses, that defendant was unaware of Murphy's lack of power in that respect. The amount was on said date collected by defendant, but instead of turning it over to the book-keeper of the Company, as Murphy had directed him to do, he got drunk, and spent it. A warrant was gotten on behalf of the Company,

0930

and on the day of its procurement, subsequent thereto, but prior to his arrest, and ^{he had} when knowledge of the existence of the warrant, the amount of his defalcation was made good by him, or on his behalf. He thereupon went to work in another place in this city, where he was arrested on August 12th. The officer to whom the warrant was given in charge had meantime made several attempts to discover and arrest him, but without success. It does not appear, however, that this was the result of any attempt at concealment on defendant's part; and, in fact, he had been informed by Murphy, to whom the payment in restitution had been directly made, that "the matter was settled", and that there would be no further prosecution. In any aspect of the case defendant was, of course, guilty of some form of larceny, notwithstanding these mistakes; but these circumstances naturally have weight in a question of the disposition of the case or judgment.

The statements of the affiants, then, appear to me to be true, in all material particulars; ^{in fact, had been previously communicated to me by the witnesses for the people;} the defendant is the support of his wife and mother; he has never been, so far as I have been able to learn, ~~was~~ convicted or accused of crime heretofore; and the case appears to me one in which the interests of justice will be best subserved by a suspension of sentence - which course I respectfully recommend.

Sept 4, 1890.

J. D. Barker

J. D. Barker

Court of General Sessions

THE PEOPLE OF THE STATE OF
NEW YORK,

against

James Chidwick

Recommendation to Court for sentencing
in sentence or plea of guilty.

JOHN R. FELLOW'S,

DISTRICT ATTORNEY,

No. 33 CHAMBERS STREET,
NEW YORK CITY.

0931

Court of General Sessions
of the Peace for the County of New York

The People vs
against
James Chadwick

City and County of New York:

James Chadwick, being
duly sworn says, I am 25 years
of age, and up to the 12th day of August
1890, (the day of my arrest) I resided
with my wife at 807-1st Avenue
New York City. I was never arrested
or charged with any crime before

I was up to the 5th day of May
1890, employed by the "West Side
Beef Company" as a Salesman
and Collector and had been
so employed for about five months.

I had no intention of convert-
ing the \$54.29 (for the larceny of which
I was indicted) to my own use
I had it in my possession together
with money of my own, I was
under the influence of liquor
and disposed of it.

I notified the "West Side Beef
Company" of the fact and

0933

promised to pay the money to
them in a few days and on
the 21st day of May 1890. I did
pay them, as will appear by
my wife's affidavit. I supposed
the matter was settled until I
was arrested three months
after I had paid the money
as aforesaid.

shown to before me this

5th day of September 1890

John B. Costello.
Notary Public,
N.Y.C.

James Chickwick

Court of General Sessions
of the Peace for the County of New York.

The People vs.

vs.

James Chadwick

City & County of New York p:

Ella Chadwick, being duly sworn says, I am 24 years of age. I am the wife of the above named defendant on the 21st day of May 1890, my husband sent me to ~~work~~ to his former employers the "West Side Beef Company" and I paid them Fifty Dollars in full for all demands against my said husband I was then informed by Dennis Murphy who received the money for said company that the matter was settled. ~~and~~ My husband obtained employment with Mr. David Levy on 1st Avenue between 44th & 45th streets New York City, where he was employed at the time of his arrest which was three months after he had paid the

0935

and Company a full
My husband never was
arrested before to my knowledge
He has myself and mother
dependent upon him for
support and I pray that
clemency will be extended
to him by the Court.

Sworn to before me this

3rd day of September 1890
Wm. Morris
Notary Public
N.Y.C.

Lennis Murphy

L. Livingston

N. Y. General Sessions
The People etc.,

vs
James Chidwick

City and County of New York, ss:
Samuel Joseph
being duly sworn says: I am

and have been for the past 16

J. C. C. years in the butcher business; I
reside at No 811 ~~Second~~ Avenue, New
York City. I am, and have
been for the past ten years
and upward well acquainted with
the above named defendant, I have
lived during all said mentioned
period in the same neighborhood
with said defendant, I am well
acquainted with many other persons
who know him and I from all
my dealings and intercourse with
him and I from all I have heard
of him I state that previous
to this present charge his
character for honesty and

0937

fair dealing in the community
was good.
Sworn to before me
this 4th day of September 1890
John C. Costello
Notary Public
N.Y.C.

Samuel Joseph

N. Y. General Sessions
The People etc.

vs
James Chidwick

City and County of New York, ss:
Henry Brabandt
being duly sworn says:
I am
about 33 years of age, I
reside at No 501 First Ave,
New York City. I am and have
been for the past eight years
well acquainted with the
defendant above named. I
am also well acquainted with
many other persons who know
him - we both having lived for
the above mentioned period, in
the same neighborhood - and from
my acquaintance and intercourse
with him and from all I have
heard I state that, previous to
this present charge, his character

0939

for honesty and fair-dealing
has been good.

I have never known or
heard of anything to the contrary.
Sworn to before me
this 4th day of September 1899 H. Brabant
John C. Costello.
Notary Public,
N.Y. Co.

N. Y. General Sessions

The People etc,

James Chidwick

City and County of New York, ss:
William H. Hornidge
being duly sworn says:

I reside
at No 155 East 48th Street New York
City; I am, and have been for
the past twelve years and upwards,
well acquainted with the above
named defendant, have during all
that time met him frequently,
and am well acquainted acquainted
with numerous other persons who
know him; and from my acquaint-
ance with him and from all I
have heard of him I state that
his character for honesty and
fair dealing was always, previous
to this present charge, good.

Sworn to before me this 4th day of Sept 1890
John C. Costello
Notary Public, N.Y.C. { Wm H. Hornidge

0941

CITY AND COUNTY OF NEW YORK, ss. :
being duly sworn, deposes and says : That he is _____ years of age and upwards
That on the _____ day of _____ 189 _____ at No. _____
in the City of New York, he served the annexed _____
upon _____
the _____ therein by
delivering to and leaving with _____
_____ a true copy thereof _____
Deponent further says that he knew the persons so served to be _____
Sworn to before me this
day of _____ 189 _____

<i>W. J. General Sessions Court</i>
<i>The People vs</i> Plaintiff AGAINST <i>James Chadwick</i> Defendant
<i>Applicant as</i> <i>to character of</i> <i>of defendant</i>
MORRIS & KEANE, <i>Defendants</i> Attorneys, 132 Nassau Street, N. Y. City.
Due and timely service of a copy within.....
..... is hereby admitted.
Dated N. Y. 189
..... Atty.
To Esq.
..... Atty.

Sir :
Please take notice that the within is a true
copy of an.....
this day duly..... in the office of the
Clerk of this Court in this action,
Dated N. Y. 189

Yours, &c.,
MORRIS & KEANE,
Attorneys for.....
To : Esq.
Atty for.....

I have read their affidavits, and made careful examination of the same, and have concluded that the facts of the case are all confirmed by the affidavits, and I am satisfied that the defendant has been convicted or acquitted of the crime charged, and I believe the facts of the case.

0942

OUR GOODS BEING OF A PERISHABLE NATURE ARE AT THE RISK OF THE PURCHASER AFTER BEING DELIVERED TO TRANSPORTATION COMPANY IN GOOD ORDER.
TELEPHONE 39TH ST. 1097 PAY YOUR EXPRESSMAN

NEW YORK, *Apr 30 1890*

M L Seiburger

BOUGHT OF **WEST SIDE BEEF CO.** TERMS CASH.
RECEIVERS AND COMMISSION MERCHANTS IN

KANSAS CITY **DRESSED BEEF**
MUTTON LAMBS. **VEAL & PORK.**
MANHATTAN MKT FOOT OF **WEST 35TH STREET.**



Exhibit a

1 Deer 700
2 Rab 67

8 3/4 *47 25*
10 1/4 *704*

May 5 1890 *East* *Wash*
1890 *1890*

0943

Police Court—3 District.

Affidavit—Larceny.

City and County }
of New York, } ss.of No. 188 Morrow.occupation Manager and CashierStreet, aged 25 years,

being duly sworn

deposes and says, that on the 5th day of May 1898 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 daytime, the following property, viz:

Fifty four dollars and twenty nine
cents in food and lawful money of
the United States

54 ²⁹/₁₀₀

the property of West Side Bree Company owned by
Sam Bohner of which deponent is the
Cashier and Manager.

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 James Chidovick

in the following manner to wit:
Defendant was employed by the aforesaid
Company as salesman and had no
authority to collect any money for
said Company. Deponent is informed by
Joris Seeburger that the defendant called
on him and told witness that he was
sent by said Company to collect the
aforesaid money. Witness believing said
defendant paid said money to this defendant
and received annexed receipt marked
Exhibit A. Deponent therefore charges
the defendant with having taken
carried away and stolen said money and
prays that he be arrested and held to answer

Oscar Schlegelmier

Sworn to before me, this

of

May 1898

Charles J. Smith
Police Justice.

0944

CITY AND COUNTY }
OF NEW YORK, } ss.

Louis Seebinger

aged *35* years, occupation *Butcher* of No. *79*

East 109th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Oscar Schlegelmüller*

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

Sworn to before me, this *21st* day of *May* 188*8* } *Louis Seebinger*

Charles W. Linton
Police Justice.

0945

Sec. 198—200.

3 District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *James Chidwick*

Question. How old are you?

Answer. *29 years old*

Question. Where were you born?

Answer. *New York City*

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

Answer. *107 1st Avenue. 2 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
James Chidwick

Taken before me this

day of

188

Police Justice.

0946

Sec. 151.

Police Court 3 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the County*
OF NEW YORK, } *of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police
Justices for the City of New York, by Oscar Schlegelmus
of No. 188 Monroe Street, that on the 5th day of May

188 at the City of New York, in the County of New York, the following article to wit:

Fifty four dollars and twenty five
Cents in gold and lawful money of the
United States 29 Dollars,

of the value of fifty four Dollars,

the property of West Side Beef Company owned by John Bohner

w as taken stolen and carried away, and as the said complainant has cause to suspect, and does suspect and

believe, by James Chidovich

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to

answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said

Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant

and forthwith bring him before me, at the 3 DISTRICT POLICE COURT, in the said City, or in

case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the

said charge, and to be dealt with according to law.

Dated at the City of New York, this 21 day of May 1889

Charles Hamilton POLICE JUSTICE

0948

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 *Aug 13* 18 *90* *[Signature]* Police Justice.

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

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

There being no sufficient cause to believe the within named.....

.....guilty of the offence within mentioned. I order he to be discharged.

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

0949

2 August 12th 10 A.M.
\$500. bail

W 100 1242
Police Court--- 3 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Oscar Schlegelmier
West Side Beef Co
35th St. 12th Manhattan Precinct
James Chodorick
Office of the District Attorney
1
2
3
4

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street

Dated ~~May~~ August 12th 1890
Jaworski Magistrate.

Hafun Officer.
3rd Dist Precinct.

Witnesses Louis Heebinger

No. 79 East 109th Street.

Oscar Schlegelmier 40 West

188 Broadway
No. Beef Co. 35th St. 12th Precinct.

Manhattan Precinct

Demmo & Co. 1820th Side Beef Co.

No. Manhattan 35th St. 12th Precinct.

\$ 500 to answer G.S.

Com

0950

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 Rindinida

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

James Rindinida —

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

The said *James Rindinida*,

late of the City of New York, in the County of New York aforesaid, on the *25th*
day of *May* in the year of our Lord one thousand eight hundred and
~~eighty~~ *ninety*, at the City and County aforesaid, with force and arms, with intent to
deprive and defraud *one Louis Seelwiger, who was*
then and there indebted to one John
Schmidt in the sum of fifty four
dollars and twenty nine cents,

of the proper moneys, goods chattels and personal property hereinafter mentioned, and of
the use and benefit thereof, and to appropriate the same to *his* own use, did then and
there feloniously, fraudulently and falsely pretend and represent to *the said*
Louis Seelwiger,

That *the said James Rindinida was*
then and there authorized and empowered
by the said John Schmidt
to collect and receive from him the said
Louis Seelwiger the amount of the said
indebtedness for and on behalf of the
said John Schmidt.

And the said Doris Seelmeyer —

then and ~~there~~ ^{there} believing the said false and fraudulent pretenses and representations so made as aforesaid by the said James Rhininda —

and being deceived thereby, was induced, by reason of the false and fraudulent pretenses and representations so made as aforesaid, to deliver, and did then and there deliver to the said James Rhininda, the sum of forty four dollars and twenty nine cents in money, lawful money of the United States of America, and of the value of forty four dollars and twenty nine cents,

of the proper moneys, goods, chattels and personal property of the said Doris Seelmeyer —

And the said James Rhininda — did then and there feloniously receive and obtain the said proper moneys, goods, chattels, and personal property, from the possession of the said Doris Seelmeyer

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

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

Whereas, in truth and in fact, the said James Rhininda was not then and there authorized or empowered by the said John Seelmeyer to collect and receive from him the said

0952

*Donis Seelinger, the amount of the said
indebtedness, for and on account of the
said John Seelinger.*

And Whereas, in truth and in fact, the pretenses and representations so made
as aforesaid by the said *James Plindinda* —
to the said *Donis Seelinger* — was and were
then and there in all respects utterly false and untrue, as — *he* — the said
James Plindinda —
at the time of making the same then and there well knew

And so the Grand Jury Aforesaid, do say that the said
James Plindinda —
in the manner and form aforesaid, by the means aforesaid, the said proper moneys, goods,
chattels and personal property of the said *Donis Seelinger* —
then and there feloniously did STEAL, against the form of the Statute in such case made and
provided, and against the peace and dignity of the said people.

JOHN R. FELLOWS,

District Attorney.

0953

BOX:

405

FOLDER:

3757

DESCRIPTION:

Clark, Frank

DATE:

08/13/90



3757

Witnesses:

Alon Carpenter
Officer Mc Car

126.

Finis V. Taylor
25 Chatham

Counsel,

Filed 13 day of Aug 1890
Pleads, Not Guilty (14)

THE PEOPLE
vs.
Frank Clark
Robbery,
[Sections 224 and 225, Penal Code].

JOHN R. FELLOWS,

District Attorney.
P. 3. Sept. 12. 1890.
Indend my deapen
7 for aeg.
v. previne

A True Bill.

Admnd L. B. M.
Part 2 Sept. 1890.
Foreman.
Indend convicted of Robbery
in the Second degree
Alonca / of Rob.

Sept. 24

0955

Police Court-- District.

CITY AND COUNTY } ss
OF NEW YORK,of *Little Ferry New Jersey* Street, Aged *51* YearsOccupation *Carpenter* being duly sworn, deposes and says, that on the*27* day of *July* 188*9* at the *5th* Ward of the City of New York,

in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-

ponent by force and violence, without his consent and against his will, the following property, viz:

One Pocket book containing
*ten dollars*of the value of *ten* DOLLARS,the property of *deponent*

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Frank Clark (now here) who was in company with other men one of whom struck deponent on the head with some hard instrument - falling deponent to the ground at Washington and Canal Streets that while deponent was prostrate said property was taken from his pocket - and that deponent identifies the defendant as one of his assailants -
J. C. Westphal

day of

Sworn to before me, this

1889

Police Justice.

0956

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Frank Clark 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.

Frank Clark

Question. How old are you?

Answer.

20 years

Question. Where were you born?

Answer.

NY

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

Answer.

12 Beach St

Question. What is your business or profession?

Answer.

Bar tender

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

Answer.

I am not guilty
Frank Clark

Taken before me this
day of

[Signature]
Police Justice

0957

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 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 July 28 1890 H. J. White Police Justice.

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

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

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

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

0958

Police Court---

District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Carpenter
Bank
Frank Clark

2
3
4

Dated

July 27th
1890
White
W. C. White

Magistrate.

Officer.

Precinct.

Witnesses

Officer No.

No.

No.

No.

to answer

July 28th

Com

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

504

COURT OF GENERAL SESSIONS.

-----X
 The People : Before
 against : Hon. Randolph B. Mar-
 Frank Clark. : tine and a Jury.
 -----X

Indictment filed August 13th, 1890.

Indicted for robbery in the first degree.

Tried September 17th, 1890.

APPEARANCES.

Assistant District Attorney Goff for the People.

Daniel E. Finn, Esq., for the Defense.

SILAS CARPENTER, the complainant, testified that he was a carpenter by trade and lived at Little Ferry, New Jersey. He was employed principally by Meyerhoff Bros., at Little Ferry. He had never lived in the City of New York. He came to the City of New York on the evening of Saturday, July 27th, as was his custom on Saturdays, to purchase supplies at Washington Market. He went to call upon a friend who lived in 35th Street between 6th and 7th Avenues, the friend was not at home, and he walked down town to Canal Street, and was go-

0960

2

ing towards Washington Street, intending to take the Chambers Street ferry. It was then about midnight. He had drank a couple of glasses of beer, but he was sober. He saw three men coming out of a saloon and they followed him, the complainant, and he, the complainant, quickened his pace to get away from the men. The men were behind him, perhaps two or three feet, judging from the sound of their footsteps, when he received a blow on the side of his head. His head was cut open to such an extent that he had to have the wound sewed up. He could not tell what he was struck with, but his hat was broken as though he had been struck with a club or some other hard substance. As he turned, he saw the defendant standing close beside him. The defendant put his hand into his, the complainant's left hand pocket, and took his pocketbook out. The other two men stood back a few paces while the defendant was doing this. He, the complainant, was felled to the sidewalk by the blow upon his head and the defendant stooped down and took his pocketbook. He saw the defendant's face distinctly. The other two men stood between 5 and 6 feet away while the defendant was robbing him, the complainant. The pocketbook contained between \$10. and \$12. He, the complainant, drew \$15. that afternoon from his employers, and he spent a little over \$2.00

for groceries, 45 cents for his fare and 20 cents for drink. He, the complainant, called out for the police while the defendant was robbing him. Then the complainant ran and the other two men ran in a different direction -- towards the North River. The defendant ran up Canal Street towards Washington. He, the complainant, walked after him, and some police officers chased the defendant. Clark, the defendant, ran around a corner and the officers followed him. Two officers came up almost immediately after the robbery. A few minutes later he, the complainant, was taken to a lamp post where a sergeant of police had the defendant in custody, and he, the complainant, positively identified the defendant.

Under cross-examination the complainant testified that he could not tell exactly what streets, in Canal Street, he was robbed, because he was not well acquainted with the streets in that neighborhood. He was also unable to tell positively what street he went up through to 35th Street, or what avenue he came down, but he believed that he went up and down 8th Avenue. He went to see a man by the name of Jones, who had married his wife's daughter. Jones was not at home, and he immediately walked down town again. He had no watch, but he believed it must have been in the neighborhood of 2 o'clock when he was robbed. When he reached Canal

Street, he went into a saloon on the corner near where he was robbed, and had a drink, and treated the crowd, the defendant. He asked Clark the best way to get to 6th Avenue and Clark told him and he asked Clark to take a drink. He thought he would go up town to 6th Avenue and stay there for an hour or two and go down to Washington Market in the morning and make his purchases and go home by train to Little Ferry. Then he left the saloon, and was attacked midway in the block. The defendant came out of the saloon behind him -- perhaps four or five feet. The defendant was accompanied by the two men when he came out of the saloon. His pocket-book was in his left hand trousers pocket, and he had some loose change in his right hand trousers pocket.

OFFICER JOHN McCUE testified that he was on post in Washington Street, from North Moore to Canal Street on the night of July 27th. At about 2 o'clock in the morning he was going across Watt Street towards Canal when he heard the complainant's outcry, coming from the direction of Canal Street, and saw the defendant running down the west side of Washington Street. He, the witness, ran towards the defendant, and called to him to stop, but the defendant ran past him and he, the witness, rapped for assistance and pursued the defendant. He caught the defendant in Watt Street near West. Three or

four officers came up as he, the witness, arrested the defendant. He asked the defendant -- the defendant asked him, rather, what was the matter, and he, the witness, replied that the defendant would probably find out. He took the defendant to the corner of Watt and Washington Street and there they met Sergeant Saul, who directed him to stand the defendant under the gas lamp at the corner. The sergeant then asked the complainant if the defendant was the man who had assaulted and robbed him and the complainant said "That's the man that knocked me down and took my money." The defendant said, "You've got me wrong." When Sergeant Saul told him, the witness, to stand the defendant up under the lamp post, the defendant said that it was not right to show him up in front of the light. In the station house the complainant again identified the defendant as the man who had knocked him down and robbed him of his pocketbook. The complainant said that the pocketbook contained between \$10. and \$12. The complainant repeated his statement in the Police Court.

Under cross-examination the witness testified that he took the complainant to the Chambers Street Hospital and had his head dressed. Three or four stitches were put in his wound. In the Police Court the clerk, Mr. Malone, did not say that he would not take the complainant's complaint because he was drunk and did not know what he was talking

0964

6

about, but the clerk appeared to be in a hurry, and sent him, the witness, and the complainant before the Police Justice, who ordered the complaint taken. The complainant was not drunk at any time. He, the witness, searched the defendant in the station house, but found no pocketbook or money upon him.

OFFICER THOMAS F. KELLEHER, testified that he was attached to the fifth precinct, and was standing at Watt and Canal St., on the night of the robbery when he heard the previous witness's rap for assistance. In Watt Street he saw Officer McCue in charge of the defendant. He, the witness, saw the defendant identified by the complainant under the lamp post. The complainant was perfectly sober. Blood was running down the side of his head and his shirt and coat were bloody. The defendant also appeared to be sober.

ROUNDSMAN JOHN G. TAYLOR, of the fifth precinct, testified that he was on Weehawken Street, between Canal and West, at about 2 o'clock on the morning in question, in company with Sergeant Saul, when they heard the complainant's cry for police. They saw the defendant run across Weehawken Street, at the corner of the small park, going down Washington Street. He afterwards saw, in company with Sergeant Saul, the com-

plainant identify the defendant.

SERGEANT JOSEPH A. SAUL testified to the same effect.

BERNARD H. MALONE, a witness for the defense, testified that he was a Police Court Clerk attached to the Tombs Police Court. When the complainant was brought by the officer before the desk in the Police Court on the morning following the alleged robbery he, the witness, was satisfied that the complainant was suffering from the effects of drink. The complainant was not incoherent, or anything of that kind, but he had all of the appearance of a man who had been drinking to excess and was nervous. He, the witness, declined to take the complaint until the Justice arrived. He told the Justice the circumstances and the Justice ordered him to take the complaint and he did so.

Under cross-examination the witness testified that it was possible that the complainant's appearance in the Police Court, which he attributed to drink, might have resulted from the excitement of the robbery, and from the loss of blood and pain resulting from the blow.

CATHARINE MURRAY testified that she lived at 27 North Moore Street, and she was the mother of the defendant. She lived at the time of the defendant's arrest at 154 Franklin Street.

She met Mr. Malone in the General Sessions Building, when her son was first arraigned for trial, and she asked him to be a witness and tell what occurred in the Tombs when the complainant made his complaint there. Her son had been employed in Princeton, New Jersey, but he had the grippe the previous winter, and since then he had worked for a peddler, and tended bar in Broome Street for some time. The defendant had always been a good son. She had had a conversation with her son in the Tombs prison on the morning after his arrest. His mouth was swollen and his lip was cut and he said that he had got a blow in the mouth.

FRANK CLARK, the defendant, testified that he lived with his mother, at the time of his arrest, at 154 Franklin Street. He left his home at about 8 o'clock on the morning of July 26th, and went down to the market, and then went up to the stable where the peddlers congregated, and he went out peddling for a friend, and earned half a dollar. He went back to the stable between 6 and 7 o'clock and then he went up to 9th Avenue between 44th and 45th Street where the peddlers congregate on Saturday night to collect some money from a peddler which he had lent the week before. He stayed there until about half past 12 at night, waiting to see if the peddler made enough money to pay him back what he had lent,

and then he went down to the corner of Canal and Hudson St. A man who had kept a butcher shop in South 5th Avenue near Houston Street had started a saloon there, and he, the defendant, thought that as he, the defendant, belonged in that neighborhood that this man would be glad to employ him as a bartender, but the place was closed. Then he, the defendant, walked down Canal Street as far as Washington Street, and saw a scuffle going on. He turned down Washington to Watt Street, and was about one door from the corner of Watt Street -- from Washington Street in Watt when Officer McCue arrested him. He heard some one shout "Police" and "help", and Officer McCue, who was standing under a shed, to keep out of the rain, stepped out and rapped and called to him to stop. He, the defendant, walked back to Officer McCue and asked the officer what was the matter and the officer said "I'll show you." Then he was taken to the corner of Washington and Watt Street. He, the defendant, was on his way to the house of his uncle who was working at the corner of Laight and West Street, on the subway. He was going to borrow money from his uncle to carry his mother and himself over Sunday. His uncle lived at 90 Laight Street. He, the defendant, needed the money, because it had been raining all the week and he had not made any money to speak of.

At the corner of Washington and Canal Street, Sergeant Saul asked the complainant if he, the defendant, was the man. He, the defendant, asked what was the matter. Then there was some talk about an assault and he, the defendant, said he had never seen the complainant before. He mistook Sergeant Saul for another sergeant in the precinct -- Sergeant O'Brien -- and he called him Sergeant O'Brien, and he tried to make an explanation of where he was going when arrested, but the sergeant punched him in the mouth.

Under cross-examination the witness testified that in the Police Court he said that he lived at 12 Beach St., but that was untrue. He did this because he had an application for a position pending with a firm, and he did not want his name or right address to get in the papers. He went to see a man named George Schultz, at the uptown peddlers' market in 9th Avenue. Schultz did not take in enough money to pay him back. He did not know any of the men who were engaged in the scuffle on the corner of Canal and Washington Street. He did not stop to look on but went right past them. He had been known by the name of Murray, his step-father's name.

0969

CITY AND COUNTY OF NEW YORK, ss.

POLICE COURT, 1 DISTRICT.

Sworn to before me this

1890

Police Justice.

John W. Allen
of *the 3rd Precinct* *Police Officer* being duly sworn deposes and says
that on the *27* day of *July* 18*90*
at the City of New York, in the County of New York *he arrested*

Frank Clark, on the complaint
of Silas Carpenter of Little
Ferry, New Jersey for Robbery.
Said Carpenter being a
non-resident and not likely
to appear when called
deponent asks his detention
under bail
John McBue

0970

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Frank Randa

The Grand Jury of the City and County of New York, by this indictment, accuse *Frank Randa* —

of the CRIME OF ROBBERY in the *first* degree, committed as follows:

The said *Frank Randa*,

late of the City of New York, in the County of New York aforesaid, on the *twenty*
ninth day of *July*, in the year of our Lord one thousand eight
hundred and eighty *ninth*, in the ~~time of the said day~~, at the City and
County aforesaid, with force and arms, in and upon one *Silas Carpenter*,
in the peace of the said People, then and there being, feloniously did make an assault, and

one pocket book of the value of
one dollar, and the sum of ten
dollars in money, lawful money of
the United States of America and of
the value of ten dollars.

of the goods, chattels and personal property of the said *Silas Carpenter*,
from the person of the said *Silas Carpenter*, against the will,
and by violence to the person of the said *Silas Carpenter*.
then and there violently and feloniously did rob, steal, take and carry away, *the said*

Frank Randa *himself* then and there
aided by an accomplice actually
present whose name is to the Grand
Jury aforesaid as yet unknown; —

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. Holloway,
Attorney

0971

BOX:

405

FOLDER:

3757

DESCRIPTION:

Clark, John

DATE:

08/12/90



3757

117.

Witnesses;

Eugene Fox

Leppach Ray

Ray The only

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Counsel,

Filed

12 day of Aug 18 90

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Assault in the Second Degree
(Resisting Arrest)
(Section 218, Penal Code.)

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. L. Brown

Foreman.

Aug. 13. 1890.

Pleas to A. B. dy
1/117 Pen + 1/50 Pen

0973

Sec. 193—200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

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

Question. What is your name?

Answer. *John Clark*

Question. How old are you?

Answer. *21 years*

Question. Where were you born?

Answer. *New York*

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

Answer. *Spruyn Queens New York*

Question. What is your business or profession?

Answer. *Brush maker*

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**John Clark*

Taken before me this

day of *August* 1890*Alfred M. ...*
Police Justice.

0974

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.....

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

Dated Aug 8 1890 W. T. Mahan Police Justice.

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

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

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

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

0975

Police Court--- 11 1225 District.

THE PEOPLE, &c.,
OF THE COMPLAINT OF

Edward Fox

vs.

John Clark

Assault
Felony

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *Aug 8* 18*90*

W. M. Mahon Magistrate.

Fox Officer.

21st Precinct.

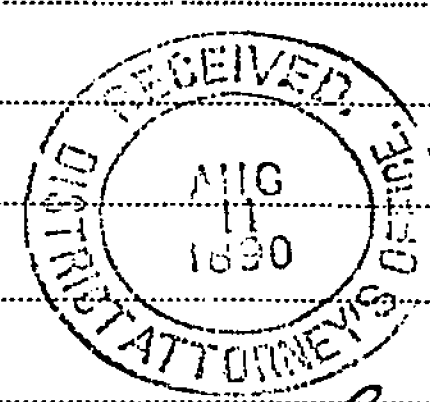
Witnesses.....

No. Street.

No. Street.

No. Street.

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



John Clark

0976

Police Court—4th District.CITY AND COUNTY } ss,
OF NEW YORK,

Eugene Fox
 of No. 21st Precinct Street, aged 29 years,
 occupation Police Officer being duly sworn, deposes and says, that
 on the 7th day of August 1888 at the City of New York,
 in the County of New York,

he was violently ASSAULTED and BEATEN by John Black (now here)
 who struck deponent with a wooden stick
 and threw deponent upon the sidewalk and
 wilfully bit and lacerated deponent's arm.
 Said assault was committed on deponent by defendant
 after being lawfully apprehended for disorderly conduct
 and to resist arrest by deponent who was in full uniform 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 the above assault, &c., and be dealt with according to law.

Sworn to before me, this 8thday of August 1888

Eugene Fox
H. J. McMahon Police Justice.

0977

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,
against

John Clark

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

John Clark

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

The said

John Clark

late of the City of New York, in the County of New York, aforesaid, on the *seventh*
day of *August* in the year of our Lord one thousand eight hundred and
ninety at the City and County aforesaid, with force and arms, feloniously made
an assault in and upon one *Eugene Fox*

then and there being, a *Patrolman* of the Municipal Police of the City of
New York, and as such *Patrolman* being then and there engaged in the lawful
apprehension of *him*, the said *John Clark*

and the said

him, the said

John Clark *Eugene Fox*
then and there feloniously did beat, strike, wound and otherwise ill-treat, with intent

then and there and thereby to prevent and resist the lawful *apprehension*
of *him*, the said *John Clark* as aforesaid,
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.

0978

BOX:

405

FOLDER:

3757

DESCRIPTION:

Cleanton, Henry

DATE:

08/22/90



3757

0979

BOX:

405

FOLDER:

3757

DESCRIPTION:

Smith, James

DATE:

08/22/90



3757

263.

Witnesses:

H. Sullivan

Counsel, *W. C. Sullivan*

Filed *22* day of *Aug* 18*90*
Plead, *Not Guilty* (20/2)

THE PEOPLE

34
309
Henry Cleanton
and
James Smith

PETIT LARCENY.
[Sections 528, 582, 583 Penal Code.]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

W. C. Sullivan

Part II September Foreman.
Both tried and convicted.
N.L. 1. Petit Larceny.
N.L. 2. Rec. Petition & orders

N^o 1 *for 1000* *for 4*
N^o 2 *for 1000* *for 4*

Aug 18/90

here until the latter⁵
 part of March 1888
 when Mrs Donahue
 came after me and
 I went back to Brooklyn
 to work again for
 Donahue having said
 in the mean time,
 I continued to work
 here until Fall when
 I left, and went to
 Wilmington Del and
 had charge of the
 Merchants Cafe located
 at the corner of Market
 St and Rail-Road ~~was~~
 This Hotel was kept
 by Mr Simon Gordon
 and I worked for him
 until the Spring of
 1889, when I returned
 to New York and

0982

obtained work with
S. Hersleson at his
Hotel on Sea Beach
Walk Coney Island -
here I worked as
cook all the season
of 1889 - when I came
to New York I obtained
work of Mr Samuel
Riser Collector for
Hill's Union Brewing
Company as Bartender
in his Saloon at
the corner of Livingston
and attorney st. and
here I worked all of
last winter and when
spring came went to
Coney Island and
worked again for
Mr Hersleson on

0983

2
JAMES PRINCE
August 4th 1890.
To the Hon.
Judge Fitzgerald
Dear Sir, I was tried and
convicted of receiving
stolen goods in the
Court over which your
Honor presides. On
the day I was arrested
- I do not remember
where I met Clinton
Brether on Broadway
or Astor Place, But
the meeting was ^{may} ~~an~~
accidental, and my
impression is that he
had the books when
I first met him but
whether I am not sure

0984

I was drinking some
on that day but not
drinking a lot of it and
to the woman I was
could not say where
he got them. Then I
was taken to the Police
Station unfortunately
I gave the name of
James Smith. My own
name is P. J. Coniston
I was about Sept 10th
1879 I was arrested
for Forgery - this was
on the College check.
I was tried and convicted
of Forgery in the fourth
degree on Jan 31st 1880
and served two years (2)

0985

My time expired Sept-³₁₂
1881. In April 1883 I
was again convicted of
Forgery and sentenced
to five years, ~~prison~~
My time expired in
Nov, 1886 - The first
time I was sentenced
by Recorder Smythe
under the name of
Charles R. Pitman, the
second time I was
sentenced by Judge
Gibbons under
the name of Thompson
when I came out in
1886 I determined to
live an honest life
and the first work
I obtained was with

0986

Mr Haas as waiter⁴
in his Restaurant on
Catherine st. The No
I do not remember. I
worked here until late
in the spring of 18
when they obtained a
situation with Mr
Patrick Donahue at
No 73 Hamilton Ave
South Brooklyn and
worked there until the
following Sept. when
I left and obtained
a situation as Oysterman
for Mrs Wm Delaney in
the city and oyster
house one door from
86th Street on the East
side of 2nd Avenue in
this city. I worked

0987

Police Court— 2 — District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No 28 Lafayette Place

occupation Book Keeper

Street, aged 27 years,

being duly sworn

deposes and says, that on the 15 day of August 1891 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

of deponent, in the day time, the following property, viz:

one printed book viz History
of Christianity of the value of
one dollar & fifty cents

the property of The Truth Seeker Company
in the care and charge 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 Henry A Clinton & James Smith
(both now here)

from the fact that deponent is
informed by Patrick J Sullivan
of the 17th Precinct Police
that he found said property
in the possession of said defendants
on Broadway & 8th Street in said
City - deponent further says that

Sworn to before me this

18

Police Justice.

0988

said Clinton was in his place
of business in 28 Lafayette
Place about 1.30. P. M.
on said date and made
inquiry about the purchase
of a book and immediately
after leaving he missed
the above described property

Chas Johnson

Aug 16
To J. C. Smith

0989

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 34 years, occupation Police Officer of No.

171st Precinct Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

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

Sworn to before me, this

day of

189

16 } Patrick J. Sullivan
Aug }
9 }

Da [Signature]
Police Justice.

0990

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK,

James Smith

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

Question. What is your name?

Answer.

James Smith

Question. How old are you?

Answer.

44 years

Question. Where were you born?

Answer.

Pa

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

Answer.

Long Island

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
demand a jury trial
James Smith*

Taken before me this

day of

188

93

Police Justice

0991

Sec. 188-200.

CITY AND COUNTY
OF NEW YORK, ss.

District Police Court.

Henry Clinton 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.

Henry Clinton

Question. How old are you?

Answer.

34 years

Question. Where were you born?

Answer.

New York

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

Answer.

309 E 12 St. 2 1/2 years.

Question. What is your business or profession?

Answer.

Waiter

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
and demand a jury trial
Henry Clinton*

Taken before me this
day of *Aug* 189*6*

do *Deputy Police Justice*

0992

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 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 Aug 16 1890 Doyle Police Justice.

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

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

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

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

0993

Police Court---

1258 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Charles Johnson
28 Lafayette Place
Henry Clinton
James Smith

Offence (Carrying
(Passing)

3

4

Dated

Aug 16

1898

Magistrate.

Officer.

Precinct.

Witnesses

Patrick J. Sullivan
Precinct

No.

8 Astor Place

Louis Justement

No.

4th Ave

George B. Smith
of 8 Astor Place
Mr North 745 Broadway
\$500 and 5

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

COURT OF GENERAL SESSIONS, PART III.

- - - - - x
 :
 The People of the State of New York, :
 : Before
 against : Hon. Randolph B. Martine
 : and a jury.
 J A M E S S M I T H. :
 :
 - - - - - x

Indictment filed 1890.

Indicted for robbery in the first degree.

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

For the People,

Assistant District-Attorney V. M. Davis;

For the Defendant,

Mr. J. I. Green.

New York, October 23, 1890.

S E B A S T I A N E C K E R T, a witness for the People, sworn,
testified:

I live at No. 820 Tenth Avenue between 54th. and 55th. Street. I am a compositor. On the 21st. of September 1890 at one o'clock in the morning I saw this defendant at the corner of 45th. Street and 10th. Avenue. At that time I had a watch and chain in my pocket. It was a nickel plated watch valued at about \$5, and the chain was a silk one worth about twenty cents. When I reached the corner of 45th. Street and Tenth Avenue the defendant approached me and asked me some question. I didn't un-

derstand him. At the same moment that he asked me the question he grabbed me here on the coat and at the same second the watch was gone, and he and the four men who were with him ran away. This happened directly on the corner of Tenth Avenue and 45th. Street. I cannot recollect what word it was the defendant said as I did not understand him. The other men were all around me at the time the defendant spoke to me. They all ran away together. The defendant didn't strike me or use any violence at all. I didn't hear any of the men say anything before they ran away. They ran down to Eleventh Avenue through 45th. Street. I called for an officer, the officer ran after them and arrested them. I afterwards saw this defendant at the corner of 45th. Street and Eleventh Avenue in the custody of the officer, and I identified him as the man who had attacked me at the corner of 45th. Street and Tenth Avenue. At the Station House the Sergeant asked me if this man took my watch. I said: "I cannot say exactly that this man took the watch, but he caught hold of me, and four other men who were with him ran away. This is the man that caught hold of me and my watch was gone in the same second. I do not know whether this is actually the man who took the watch out of my pocket or not." I saw the watch afterwards in the Police Court.

CROSS-EXAMINATION:

- Q Where were you coming from on this night ? A From the corner of 39th. Street and Eleventh Avenue. I had just left the Secretary of my lodge.
- Q What had you been drinking that evening ? A About four glasses of beer.
- Q How much did you have during the day ? A I drank nothing during the day. I was working.
- Q Is it not a fact that when you reached the corner of 45th. Street and Tenth Avenue you were under the influence of liquor ? A No, sir; I was not drunk.
- Q When you got to the Station House and the Sergeant asked you whether this was the man who stole your watch, did you not say to him that you never saw the man before in your life ? A No, sir.
- Q You never made any such remark ? A No, sir.
- Q What did you say ? A The Sergeant asked me if this man took my watch and I said I could not say exactly that this man took the watch, but he caught hold of me.
- Q Did you have any conversation with anybody as to the testimony you should give here ? A No, sir.
- Q Didn't the officer in this case say to you that if you stuck to him he would give this man ten years ? A No, sir.
- Q Didn't this officer say to you that the defendant had been arrested five times before and that if you stuck to the same statement you made in the Police Court he would railroad this man to prison ? A Not a word.

Q Did you have a conversation with this defendant's sister saying that the officer told you that if you didn't so testify to-day and stand with him you would get a year in prison and \$500 fine ? A No, sir. This man's sister I saw in the Grand Jury Room and she told me I should say that I didn't want to press the charge and she would see to it that all my expenses for time I had lost would be paid.

Q Where were you at the time the officer ran down towards Eleventh Avenue ? A I was waiting on the same corner.

Q How far away from the lamp-post were you when you were attacked ? A The lamp-post was on the corner of 45th Street and I was not very far away from it.

Q Was there any reflection from the light ? A A light was on the corner and I was about four or five feet away from it.

Q You don't say that this man actually took the watch out of your pocket ? A No, sir.

Q At the time the watch was taken there were three or four persons there ? A Yes, sir.

M A R K H O R R I G A N, a witness for the People, sworn, testified:

I am a police officer attached to the 22d. Precinct. I arrested this defendant on the night in question. I saw Mr. Eckert, the complainant, and he said his watch had been taken from him. I was standing on 45th.

Street and Eleventh Avenue at about two o'clock on Sunday morning. I heard the cry of "thief" and I saw the two defendants Smith and another man come running down the street. I was on the opposite side of the street as they came running down, and I crossed over and I told them to halt, and Smith turned and ran towards Tenth Avenue, and I ran after him. As he was going around the corner of 45th. Street and Tenth Avenue he jumped into a door-way and I went in after him and arrested him then. As soon as I had arrested him Eckert, the complainant, came up and said: "That is the man that stole my watch, knocked me down and took my watch and money." I took the defendant to the Station House. The complainant came along and identified the defendant in the Station House before the Sergeant. I found the watch afterwards in the door-way where I arrested the defendant. I didn't find the watch on his person. The watch is at the Property Clerk's Office at Police Headquarters.

CROSS-EXAMINATION:

- Q How far away were you when you first saw this defendant and the other men running as you state? A I was on the opposite side of the street.
- Q Directly opposite? A Directly opposite.
- Q You saw this defendant run into a door-way? A Yes, sir.
- Q You hadn't seen Eckert, the complainant, up to this time?
- A No, sir.

Q How far was this defendant in the lead of the other men?

A About ten or fifteen yards.

Q You ran after him? A Yes, sir; I ran after the defendant. The other men were not caught..

Q Did you not state to the complainant that this man had been arrested four or five times before? A No, sir; never.

Q When you arrested this defendant you didn't find the watch on his person, did you? A No, sir.

Q You took him to the Station House? A Yes, sir.

Q And then, on your return, you found the watch? A Yes, sir.

Q Where did you find it? A In the doorway right where I arrested him.

Q Don't you remember the complainant saying in the Station House, when asked if this was the man that took his watch, that he couldn't say, and did you hear the complainant say that he had never seen this defendant in his life before? A I heard him say he never saw him before.

Q When the Sergeant asked him if this man took his watch, he said he never saw him in his life before? A He said he never saw these people until they came to take his watch on the street. When I arrested him the complainant said he had never seen the man before this time.

Q I am asking you this question: Did this complainant Eckery say to this defendant, when you had arrived at the Station House and when the Sergeant asked him, "Is this

10000

7

the man that took your watch" -- did he not then state: "I never say him in my life before" ? A No, sir; he said "That is the man who took my watch."

D E F E N S E:

J A M E S S M I T H, the defendant, sworn, testified:

I remember distinctly the night on which I was arrested. On that evening I was at my brother's house. I left there at a quarter of eleven. I was coming up Eighth Avenue and I went into a liquor store where some young men were playing pool. I stayed there until about half past twelve on Sunday morning. After leaving there I went to 42nd. Street and Tenth Avenue, went into a restaurant and had an oyster stew. After leaving there I was walking up Tenth Avenue going home, and when between 44th. and 45th. Streets I saw Mr. Eckert with three men walking up the Avenue. I was behind them. They stopped at the corner of 45th. Street and Tenth Avenue. I walked over past them and there was two young fellows there and I stopped there for about three minutes talking. One of my friends said: "There is a man after getting robbed." I looked around and I saw three men running down 45th. Street. I saw one run as far as a lamp-post in the middle of the block and then run up 45th. St. towards Tenth Avenue. The three of us was standing right at the corner. I took no notice of the men who had run away. I was standing in this door-way when the

officer arrested me. I heard the officer state that he saw me running down 45th. Street and chased me back. That is not true. I didn't run on that evening at all, but stood all the time in this door-way. I have heard all the testimony of the officer. In the Police Station the Sergeant asked the complainant if I was the man that took his watch, and he said: "I am not sure; I never saw the man before in my life." I have never been arrested in my life before charged with any offense. I have lived in the City of New York about seven years. I have a mother and sisters living. I was standing still all the time I was arrested. The complainant Eckert was under the influence of liquor in the Station House.

CROSS-EXAMINATION:

- Q You didn't notice his condition before you got to the Station House ? A No, sir.
- Q Didn't you notice he was drunk when you saw him with these other men ? A No, sir; I didn't pay particular attention to him.
- Q When you got to the Station House you noticed that he was drunk ? A Yes, sir.
- Q Did he stagger ? A Yes, sir; he looked like a man who had been on a spree.
- Q Did he make any noise ? A No, sir.
- Q You say you saw this robbery take place ? A I was standing right on the corner.
- Q What did you see ? A I saw three men running down the

street.

- Q Did you hear the complainant call for police ? A I could not say whether he called or not.
- Q What became of your friends ? A They stood there too for about three or four minutes.
- Q Did you see anybody running through 45th. Street ? A Yes, sir.
- Q The officer says he arrested you in a door-way and now you say you were not in the door-way ? A I was on the sidewalk.
- Q About how far away from the door-way ? A About seven feet.
- Q You know that the watch was found there ? A I don't know anything about that.
- Q What were the names of the other two young men that were with you ? A Dwyer and Kenny.
- Q How long have you known them ? A About six months. One lives on 41st. Street and the other one lives at 619 Tenth Avenue. I don't know whether either of them are in court to-day or not.
- Q Don't you know that those two men are the very men who have not been seen since ? A No, sir.
- Q What is your business ? A I am a teamster.

A M Y S M I T H, a witness for the defendant, sworn, testified:

I am the mother of this defendant. I have endeavored to find a witness by the name of Dwyer and a man

named Kenny. I have not been able to find them. I heard the police officer say to the complainant that if he didn't testify against my boy he would be fined \$500 and serve a year in prison.

S A R A H S M I T H, a witness for the Defendant, sworn, testified:

I have seen the complainant before. I had a conversation with him. I heard him say that the police officer told him that if he would identify the watch as his he would give this man ten years.

Q Eckert told that to you -- that the policeman said if he stood by him he would give this man ten years ? A Yes, sir.

Q Did Eckert tell you anything else ? A He said he didn't want to go against him at all, that he couldn't tell he took his watch until the policeman forced him to make the charge. I am a sister of the defendant.

M R. E C K E R T, the complainant, re-called:

The letter which is now shown me is a letter which I wrote and gave to the mother of the defendant. That letter states that I had no objection to the defendant being admitted to bail. I handed that over to his mother in order that she might use it with some lawyers to procure bail for her son. After these men attacked me they

1004

11

ran away. While I was standing on the corner waiting for a policeman I saw nobody on the corner with me. I am positive that there were not three young men on the same corner with me during that time.

The jury returned a verdict of "guilty of grand larceny in the first degree".

Indictment filed *May* 1890

COURT OF GENERAL SESSIONS

Part III.

THE PEOPLE &c.

against

JAMES SMITH.

Abstract of testimony on
trial New York October
23rd 1890.

1006

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Henry Cleanton
and James Smith

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

Henry Cleanton and James Smith
of the CRIME OF PETIT LARCENY committed as follows:

The said *Henry Cleanton and James Smith, both*

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

one printed book of the value
of one dollar and fifty cents

of the goods, chattels and personal property of ~~one~~ a corporation called

the Truth Seeker Company

then and there being found, then and there unlawfully 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

Henry Cleanton and James Smith
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Henry Cleanton and James Smith*, 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 printed book of the value of
one dollar and fifty cents*

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

*of a corporation called
The Truth Seeker Company*
by a certain person or persons to the Grand Jury aforesaid unknown, then lately before
unlawfully stolen, taken and carried away from the said *corporation*

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

*Henry
Cleanton and James Smith*

then and there well knowing the said goods, chattels and personal property to have been
unlawfully 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.

1008

BOX:

405

FOLDER:

3757

DESCRIPTION:

Coglan, Stephen

DATE:

08/19/90



3757

Witnesses;

Don Morionty
M Fitzpatrick
Mary Morris

Upon examination, I recommend
defendant's discharge upon his
own recognizance.

Aug 21/90. J. H. Barker
JH

207.

Counsel,

Filed

19 day of Aug 18 90

Pleads,

Not Guilty (19)

THE PEOPLE

vs.

Stephen Cogan

Grand Larceny, Second Degree
(From the Person.)
[Sections 528, 58, 472 Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Wm. L. Barker

Aug 20. 1890 Foreman.
Bekn decd on her
own Recog. in the
yard JH

1009

10 10

Police Court—

District.

Affidavit—Larceny.

City and County }
of New York, } ss.

of No. 239 West 66th Street, aged 27 years,
occupation Plasterer being duly sworn

deposes and says, that on the 1st day of August 1890 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession of

Person of deponent, in the day time, the following property, viz:

One Gold Watch of the Value
of Forty Dollars

the property of deponent

and that this deponent
has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen,
and carried away by Stephen Laglan (nowhere)

from the fact. That on said date deponent
was lying asleep in the office of
the Sign Store located in premises no.
991 10th Avenue, and on awakening deponent
discovered that said property had been
taken stolen and carried away from
the sign store premises of the store then on
deponent's person. Deponent is informed
by Mary Morris that on the 18th day
of August 1890. She found in the room
of the said Laglan in premises no.
201 West 63 Street a Gold Watch which
deponent fully recognizes as the Watch
taken stolen and carried away from deponent's
possession in said store.

Don't say

Sworn to before me, this 1st day
of August 1890

Wm. W. W. W.
Police Justice.

10 1 1

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 30 years, occupation Mary Morris
201 West 6 St of No. 30
Street, being duly sworn deposes and

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

Sworn to before me, this 12
day of August 1887

Mary J. Morris

Henry J. Morris
Police Justice.

10 12

Sec. 198-200.

CITY AND COUNTY }
OF NEW YORK } ss.

M District Police Court.

Stephen Loglan

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

Question. What is your name?

Answer.

Stephen Loglan

Question. How old are you?

Answer.

25 years

Question. Where were you born?

Answer.

New York.

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

Answer.

110 Henry Street New York.

Question. What is your business or profession?

Answer.

Server

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 -
Stephen Loglan

Taken before me this

13

day of

August

1899

Police Justice.

10 13

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 Alfred

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, Aug 18 1890 James H. McLaughlin Police Justice.

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

Dated, _____ 189 _____ Police Justice.

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

Dated, _____ 189 _____ Police Justice.

10 14

Police Court---

1243 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Samuel Morison
239 West 66th St
Stephen Logan

1

2

3

4

offense

release

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated Aug 12th 1890

Murray Magistrate.

Fitzpatrick Officer.

26 Precinct.

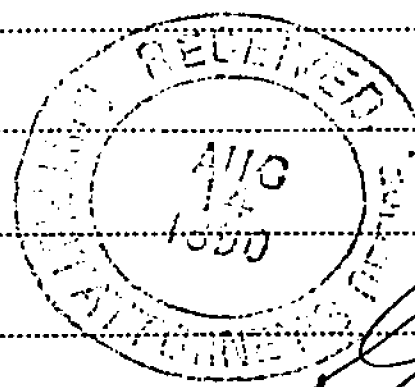
Witnesses Mary Morris

No. 201 West 63 Street.

No. Street.

No. Street.

\$ 1000 - to answer



96
1000

10 15

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Stephen Boglan

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

Stephen Boglan
of the CRIME OF GRAND LARCENY in the *second* degree committed as follows:

The said

Stephen Boglan

late of the City of New York, in the County of New York aforesaid, on the *first*
day of *August* in the year of our Lord one thousand eight hundred and
ninety, in the *day* time of the said day, at the City and County
aforesaid, with force and arms,

*one watch of the value of forty
dollars*

of the goods, chattels and personal property of one *Daniel Moriarty*
on the person of the said *Daniel Moriarty*
then and there being found, from the person of the said *Daniel Moriarty*
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 J. Fellows
District Attorney

10 16

BOX:

405

FOLDER:

3757

DESCRIPTION:

Cole, James

DATE:

08/08/90



3757

Witnesses;

Antonio Buchanan
Augustine de Bionci

Samuel Bras
Providence
Cor Murrey West
So.

Anthony Kessner

W

71.

Counsel,

Filed 8 day of Aug 1890

Pleads, Not Guilty

THE PEOPLE

vs.

James Cole

Grand Larceny Second Degree.

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Edward L. Brown

Foreman.

Aug. 11, 1890

Pleasor P. S.
9 Worcester
H 15

10 17

10 18

Police Court—16 District.

Affidavit—Larceny.

City and County } ss.
of New York, }

Anton Buchignani
 of No. 134-3rd Avenue Street, aged 74 years,
 occupation Bookkeeper being duly sworn
 deposes and says, that on the 29 day of July 1898 at the City of New
 York, in the County of New York, was feloniously taken, stolen and carried away from the possession
 of deponent, in the day time, the following property, viz:

One overcoat and one pair of
trousers together of the value of
Thirty Dollars
(\$30.00)

the property of Deponent's brother and in
deponent's care and custody.

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 James Gale (now here) from
 the fact that deponent is informed
 by Angelina Del Bianco, who is
 a deponent's employ as servant at the above
 mentioned premises, that she Angelina
 saw the defendant in the hallway of
 the said premises, with the aforesaid
 property in his possession. Deponent
 further says that the defendant had
 no business in the said premises, and
 charges the defendant with feloniously
 taking, stealing, and carrying away
 the said property and prays that he may
 be dealt with as the law directs.

Anton Buchignani

Sworn to before me this
29 day of July 1898
Charles W. McManis Police Justice.

10 19

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 29 years, occupation Servant of No.

134-3rd Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of Anton Puchigian

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

Sworn to before me, this 29 day of July 1890 } Angelina Del Bianco

Charles W. Tamm
Police Justice.

1020

Sec. 193—200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

James Cole 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 Cole

Question. How old are you?

Answer. 36 years

Question. Where were you born?

Answer. New York City

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

Answer. At home

Question. What is your business or profession?

Answer. Salesman

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

Answer. I am not guilty
James Cole

Taken before me this 17th
day of July, 1888
Charles V. Hamilton Police Justice.

1021

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 *July 29* 18 *90* *Charles McQuinn* Police Justice.

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

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

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

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

1022

1171

Police Court--- 4 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Anton Buchignani
134-3rd Ave
James Cole
1
2
3
4
Officer *Laroccy*
Wolcott

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated *July 29* 18*90*

Magister Magistrate.

Gough Officer.

18 Precinct.

Witnesses *Angelina De Biasi*

No. *134-3rd Ave* Street.

No. Street.

No. Street.

\$ *5.00* to answer *G.S.*

Room

1023

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 Cole

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

James Cole

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

The said

James Cole

late of the City of New York, in the County of New York aforesaid, on the *twenty-ninth* day of *July* in the year of our Lord one thousand eight hundred and *ninety*,
, at the City and County aforesaid, with force and arms,

*one overcoat of the value of
twenty-four dollars, and one pair
of trousers of the value of six
dollars*

of the goods, chattels and personal property of one

Anton Buchignani

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

John R. Fellows,
District Attorney.

1024

BOX:

405

FOLDER:

3757

DESCRIPTION:

Calville, Henry

DATE:

08/08/90



3757

If witnesses:

Louisa Colville

Henry Colville

PP

73.

Henry

Counsel,

Filed

8 day of Aug 1890

Pleads,

Not Guilty (11)

THE PEOPLE

33

Stamps

vs.

R

Henry Colville

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

1st 3rd

JOHN R. FELLOWS,

District Attorney.

Aug 25/90
S. M. F. 10, 100, 100 SP.

A True Bill.

Commenced

Foreman.

Aug. 21 1890.

Ind and Committed of
Assault in the First Degree

Court of General Sessions,

Part 1.

The People of the State of New York ;
against ; Before Hon. Fred-
Henry Colville. ; erick Smyth, and a
; Jury.
;

Indictment filed August 8th. 1890.
Indicted for assault in the first degree.

New York, August 21st. 1890.

Appearances; for the people, Assistant District-
Attorney A. D. Parker.
~~For the defendant, R. J. Haire.~~

LOUISA COLVILLE, a witness for the people, sworn testified.

I live in Westchester now. I am the wife of the defendant, having been married to him 10 years last February. I am the mother of four children. I have not been living with the defendant for about 9 or 10 months. On the third day of July at about five o'clock in the afternoon I was going up home to my mother who lives at Westchester. I stopped in to see my friend at No. 179 East 85th street at about five o'clock. My friend lives up three pair of stairs, and as I went up one of the stairs I noticed my husband standing there. When I saw him I turned to run down stairs and as I did so he grabbed me by the throat or by the collar of my dress, and says; "I have got you now, come with me". I went with him. We went to her door and when she saw there was going to be a disturbance, she asked us to come in. We went inside and I stayed there a little while; then I started to go.

He says; "You are not going without me", and I says " All right come along", and so we got up. He still held on to me. We started for the door and I asked the lady I was visiting to go with me. I was in fear of him as he had threatened me. I started down the stairs and while descending the second flight of stairs, I turned and looked up at him and as I did so I saw his hand in his pocket, and I said to my friend; "Oh Jennie he has got a knife". With that he threw me down on my back, and he plunged the knife into me and stabbed me seven times. One blow struck me on the arm; another on the elbow three or four inches above the first wound; one in the upper part of the back; one in the front of the right arm; one in the abdomen, and one in the right side. He also struck me with the knife, on the neck, leaving a scar which I have here still. All the time he was striking me I was lying down on the floor screaming. I struggled all I could, but it was of no use as he held me down. Mrs. ^{Anderson} Bergen managed finally to throw him off of me, and then he ceased his cutting. I got up and went downstairs and went round the corner to a drug store, and I afterwards went to the Presbyterian Hospital. I was laid up for 14 or 16 days. My wounds were dressed and treated in the hospital. I afterwards saw the defendant at the police court. He pleaded not guilty, at the police court, and after he had pleaded guilty he said to me that he would fix me. I have not had any talk with him since that time.

Cross-examination.

Q. Have you been married for ten years? A. Yes sir.

Q. And have four children living? A. Yes sir.

Q. When had you last seen the defendant before the third of July? A. On the Monday previous at No. 2367 2nd avenue. He frequently came to see me at that place

Q. Did you ever go down to Coney Island or Rockaway to see him? A. I saw him at Far Rockaway.

Q. Was he at work down there? A. No sir, he wasn't.

I had received letters from him at Far Rockaway, and I went down to see what he was doing.

Q. He gave you some money didn't he? A. No sir.

Q. Didn't he give you four dollars on that occasion?

A. No sir.

Q. He had been drinking somewhat on the occasion he came to see you on second avenue. A. Yes sir, he had been drinking considerable, he asked me for money and threatened my life if I didn't give it to him.

I went up to my mother's house in Westchester to get away from him.

Q. What time in the day did this assault occur?

A. At about five o'clock. I was then on my way to my mother's at Westchester.

FRANK L. HUPP, , a witness for the people sworn, testified;--

I am a physician and surgeon attached to the Presbyterian Hospital, and I was so attached on the 3rd day of July last. The complainant Mrs. Colville came to the hospital on the 3rd day of July, and was dismissed on the 19th day of July making 16 days in all. She sustained a number of incised wounds. The exact number I don't remember. Several that were more serious, I do remember. The wound that engaged our attention most was a stab wound of the abdomen. Whether it was penetrating or not I do not know. It was explored and it was considered a serious wound, and it was treated what we call antiseptically. It was dressed with clean dressing, and the result awaited. Nothing serious however, came from that wound. The other wounds in point of seriousness was one sustained in the front part of the left elbow; right at the point of the elbow; it came down through the superficial structure, and through a very important muscle,-- the biceps muscle. We treated that wound very carefully. The motion of the arm had been seriously impaired by that wound. There was another wound in the left breast, about an inch and a half in depth as I remember. It cut into the glands and structure of the breast proper. That wound was likewise sewed up and dressed. Most of the other wounds were simply flesh wounds. A wound of the ^{intestines} ~~intestines~~ is always considered a serious wound, and if not properly treated, fatal.

Cross-examination.

Q. You spoke of three wounds as being more serious?

A. Yes sir. Three were quite serious, the others were not so much so.

Q. To what depth did the wound in the abdomen extend?

A. I don't know.

Q. What was the length of the wound in the left breast?

A. I don't remember exactly the length; it was about an inch or an inch and a half, as I remember.

Q. Can you tell if that wound in the breast was cut by one cut or not? A- I couldn't tell you.

Q. The patient improved from the time she came?

A. Yes sir.

MARY J. BOARDMAN, a witness for the people sworn testified;

I live now at 169 East 123rd st.

On the third of July I lived at No. 179 East 85th street.

On the third of July-- I could not tell you exactly the time -- it might have been about half past four or five o'clock,

I heard a noise in the hallway. I went out and saw who it was. I walked up stairs and afterwards the defendant and his wife came into my room. I advised them to come inside as they were beginning quarrelling. I told them they had better go, and I told the wife that she would get better protection in the street than she would in my house. I ordered them out. Mrs. Colville asked me if I would see her to the door and I told her yes; I went out in the hall; she went downstairs ahead of him, and

when they got down to the second landing he grabbed hold of her by the shoulder and had a knife in his hand, and he stabbed her, I couldn't tell how many times. He plunged the knife into her and I was engaged trying to break him away from her. I finally succeeded in getting him to relinquish his hold of the woman; then Mrs. Colville managed to get down stairs to the drug store and she was afterwards taken to the hospital. The defendant then went away. At about half past ten that night I saw the defendant come to my door; there was quite a crowd there and two or three policemen. When he appeared I says; "Why Harry have you come back again?" and he didn't answer. I says; "Dont you think you did enough?" He said "Where is she?" and I said; "She will be dead before the morning" and with that he put his hand in his pocket for something. With that I had the officer who was there arrest him, and he was taken away to the Station house.

Cross-examination.

- Q. Do you know what time this was? A. It must have been at 5 o'clock.
- Q. He came back to your place afterwards? A. Yes sir.
- Q. When you first saw him was he intoxicated. A. I suppose he was. He didn't stagger or anything.
- Q. Did he look like a drunken man? A. No sir. he did not.
- Q. You understood all he said? A. Yes sir, he was not what I should call a drunken man.

Q. You say Mrs. Colville came down stairs first?

A. Yes sir, and her husband right behind her.

Q. Do you know which hand he put in his pocket to get the knife?

A. I cannot tell you that.

Q. After he had gone you found the knife did you??

A. Yes sir I found it there on the stairs. I dont know where he wnet after he had finished stabbing her.

EDWARD DACOSTA, a witness for the people sworn testified;-

I am an officer of police attached to the SStreet Cleaning Department . I was so attached on the third day of July last. On that day at about haldf past ten o'clock I arrested the defendant on the Northwest corner of 85th street and 3rd avenue. My attention was attracted to a crowd on that corner, and I crossed over and there I met a woman talking to a man whom she accused of having stabbed his wife. That woman was the last witness. I heard a rumor in the neighborhood that a ~~man~~ had stabbed his wife in the early part of the evening, and I asked the woman if this was the party, and being told it was I arrested him and took him to the station house.

I saw people at the door of Boardman's house, at the time I arrested the defendant. On the way to the Station house I asked the defendant if he had stabbed his wife, and he said to me that that was his business and not mine. I laughed at him and told him I guessed it would be all right, and then he made answer without my asking him any more questions, that she was a damned bitch, and that was

the reason he stabbed her. That is all the conversation I had with him until I got to the Station House. He spoke intelligently with me.

Cross-examination.

I found a wound in this man's leg, possibly about three inches or two inches and a half long. The physician attended him at the Station House.

GEORGE DORAN, a witness for the people, sworn, testified,

I am a police officer on special duty in the 27th Precinct. On the third day of July I received this defendant into custody at about 11 o'clock in the 88th st. police station. About two weeks after, I took him to court. On that same night I took him from the Station House to the hospital, as he was suffering from a wound in his leg. I asked him how he felt and he said he felt very well but that his leg was kind of stiff where the stab wound was. He asked me how his wife was, and I told him she wouldn't be out for a week. I said to him; "That was a pretty bad cutting you gave her, and he says; "she didn't get half what she deserved." I had no further talk with him.

D e f e n s e .

HENRY COLVILLE, the defendant sworn, testified;

I am 33 years of age. I am a paper hanger by occupation. I was married to the complainant about ten years ago. Previous to the 3rd day of July I had been living at Far Rockaway, and my wife had been living at 1267 2nd av. . I saw my wife on the Monday before this assault. She told me that she was going to her mother's house in Westchester. I didn't see her from that time until the day of the assault. On that day I saw her in the hallway of Mrs. ^{anderson's} ~~Bergen's~~ house. I went to Mrs. Bergen to ask her if she knew where my wife was stopping, and Mrs. ^{anderson's} ~~Bergen~~ told me that my wife was going to her mother's in Westchester. I didn't expect to meet my wife at Mrs. Bergen's. I had been very friendly with my wife previous to this as she had brought me clean clothes, and I had visited her in the house in 2nd av. I suspected that she was about to pack up her articles and move off somewhere, and I was anxious to find out where she was going to. During two or three days preceeding the assault I had gone to Westchester and other different places to try and find my wife. On this evening, the third of July I was passing Mrs. ^{anderson's} ~~Bergen's~~ house, and I thought I would go in there and inquire for her. While speaking to Mrs. ^{anderson} ~~Bergen~~ my wife came up-stairs and I says to her; "Where are you now, where have you been", and I asked Mrs. ^{anderson} ~~Bergen~~ if she would let us go into the house until my wife

10.

should explain to me why she didn't go up home. Mrs. ^{ordinario} Bergen says, "Oh no, don't come in here, it is better for you to go down in the street. They kept talking a while there and we went on downstairs, and that is all I really do remember until I came to the landing in the hallway. When I got up out of the hallway, I took the third Avenue Elevated car and rode downtown. I saw my brother that evening. He scolded me for being drunk and I tried to explain to him what was the matter, and he wouldn't listen to me. I got the number of the house again and rode uptown to 85th street. I knew I had done something or that there was something wrong, and I afterwards found that I was all bleeding myself. I went there, to Mrs. ^{ordinario} Bergen's house and I saw her standing by the door. I asked her where my wife was, and then a policeman came along and arrested me, and took me to the Station house. From the Station house I was taken to the hospital, and the doctor had my leg dressed.

Q. You are charged here with cutting and stabbing your wife with intent to kill her. A. No sir I didn't intend to kill; that I can say for sure. I know I was fighting with her.

Q. When did you first discover you were wounded?

A. When I was riding down in the 3rd av. cars.

Q. That was early in the afternoon? A. Yes sir.

Q. You had been on friendly terms with your wife?

A. Yes sir, although I wasn't living with her I was on friendly terms with her.

Cross-examination.

Q. Now on March 22nd you got out from a six months term in the penitentiary for kicking your wife in the stomach? A. Yes sir. Not for kicking her in the stomach. In the side. I didn't kick her at all; that is not true.

Q. You were sent from the Special Sessions?

A. Yes sir.

Q. Did you assault her upon that occasion for affection?

A. No sir, I forget now; it was a family quarrel.

Q. You have assaulted her on six different occasions, and you were arrested for them, and every time you were innocent? A. No sir I have not been arrested six times. I think about three times.

Q. She interceded for you several times? A. Yes sir.

Q. You are a drinking man? A. Yes sir.

Q. You went to this house with this knife didn't you?

A. I have no doubt I had the knife in my pocket.

Q. Don't you recollect having that knife? A. Yes sir, I always carried it.

Q. You recollect all your movements after the assault?

A. Yes sir.

Q. And your movements before it? A. Yes sir.

Q. Do you remember stabbing your wife? A. No sir, I don't remember of stabbing my wife at all.

Q. Do you recollect saying to the officer when he asked you whether you stabbed your wife, that it was your business and not his. A. No sir, I don't remember

12.

it. I may have said it but I dont recollect.

Q. Do you recollect sayingt to Officer Doran that your
wife didn't get half what she deserved. A. No sir,
I dont recollect anything about that at all.

Q. Do you recollect the officer taking you to the hospital?
A. Yes sir.

The Jury returned a verdict of
" Guilty of Assault in the First Degree"

Indictment filed Aug. 8-1890

COURT OF GENERAL SESSIONS

Part I.

THE PEOPLE &c.

against

HENRY COLVILLE.

Abstract of testimony on

trial New York, Aug. 21st

1890.

Abstract of testimony on trial New York, Aug. 21st 1890.

Abstract of testimony on trial New York, Aug. 21st 1890.

1039

Wednesday 14th
to his person

Dear Louise I will ask
you again to not to
appear against me I
believe George is ever sick
and Arthur has hurt
himself he is in Eastern
Hospital wont you let
up on me I am
sary as I said and not
trouble me more honest
I will live 1/2 pay as
I said

do right to me and tell
me if you

1040

Wednesday 14th
Franklin Brown

Dear Louise I will ask
you again to not to
appear against me I
believe George is ever sick
and mother has left
himself he is in Baltimore
Hospital wont you get
up on me I am
sorry as I said and got
trouble no more honest
I will live 1/2 pay as
I said

do right to me and tell
me if you

Love to the children
 I may get 10 years
 if you appear against me.

I have been indicted
 of assault in the first
 degree. did you get
 my other letter I said
 I would go in the morning
 and leave my wife & pay
 so I will

you can go to New York
 I will be for awhile
 till I get home again
~~dear~~ due due it
 we are in trouble
 enough now good
 nights

1042

due right and let
me know

yours
Harry

1043

District Attorney's Office
City & County of
New York

~~Mr Henry Coburn~~

Mr Welsh

~~Case Mrs Jones,~~

File with papers.

ROB

~~Westchester~~

1044

NEW YORK
AUG 14
8 PM
90

Mr. J. H. [unclear]
The Boston [unclear]
[unclear]

People and Henry [unclear]

1045

Police Court—✓ District.City and County } ss.:
of New York,

Louisa Bobille
 of No. *West Chester New York* Street, aged *29* years,
 occupation *None* being duly sworn
 deposes and says, that on the *3* day of *July* 188*7*, at the City of New
 York, in the County of New York,

✓ he was violently and feloniously ASSAULTED and BEATEN by *Henry*
Bobille (now here) who maliciously
 cut and stabbed deponent in the
 left arm and breast with a knife
 then and there seen in the hands
 of the said *Henry Bobille* causing
 grievous wounds

with the felonious intent to take the life of deponent, or to do ~~her~~ 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 *1* day
 of *August* 188*7*.

Louisa Bobille

Wm. P. Pelt Police Justice.

1046

Sec. 195-200.

CITY AND COUNTY }
OF NEW YORK, } ss.

✓
District Police Court.

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

Question. What is your name?

Answer. *Henry Colville*

Question. How old are you?

Answer. *33 Years*

Question. Where were you born?

Answer. *Scotland*

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

Answer. *New Rochaway, L.I. 3 Years*

Question. What is your business or profession?

Answer. *Paper Hanger*

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 now family*

Henry Colville

Taken before me this

day of *August* 188*8*

John J. Smith

Police Justice.

1047

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 Olegarius

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Seven 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, Aug 1st 1890

W. A. H. H. Police Justice.

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

Dated, 189

..... Police Justice.

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

Dated, 189

..... Police Justice.

1048

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court---

1199 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Louise Lobviller
Henry Lobviller

2

3

4

Dated, August 1st 1890

Welder Magistrate.

Doran Officer.

27 Precinct.

Witnesses John Costa Street Charming Street

No. 219 B Street.

No. 1000 Kaff Street.

No. 1000 Kaff Street.

No. 2711 Precinct Street.

\$ 1000 to answer

to answer

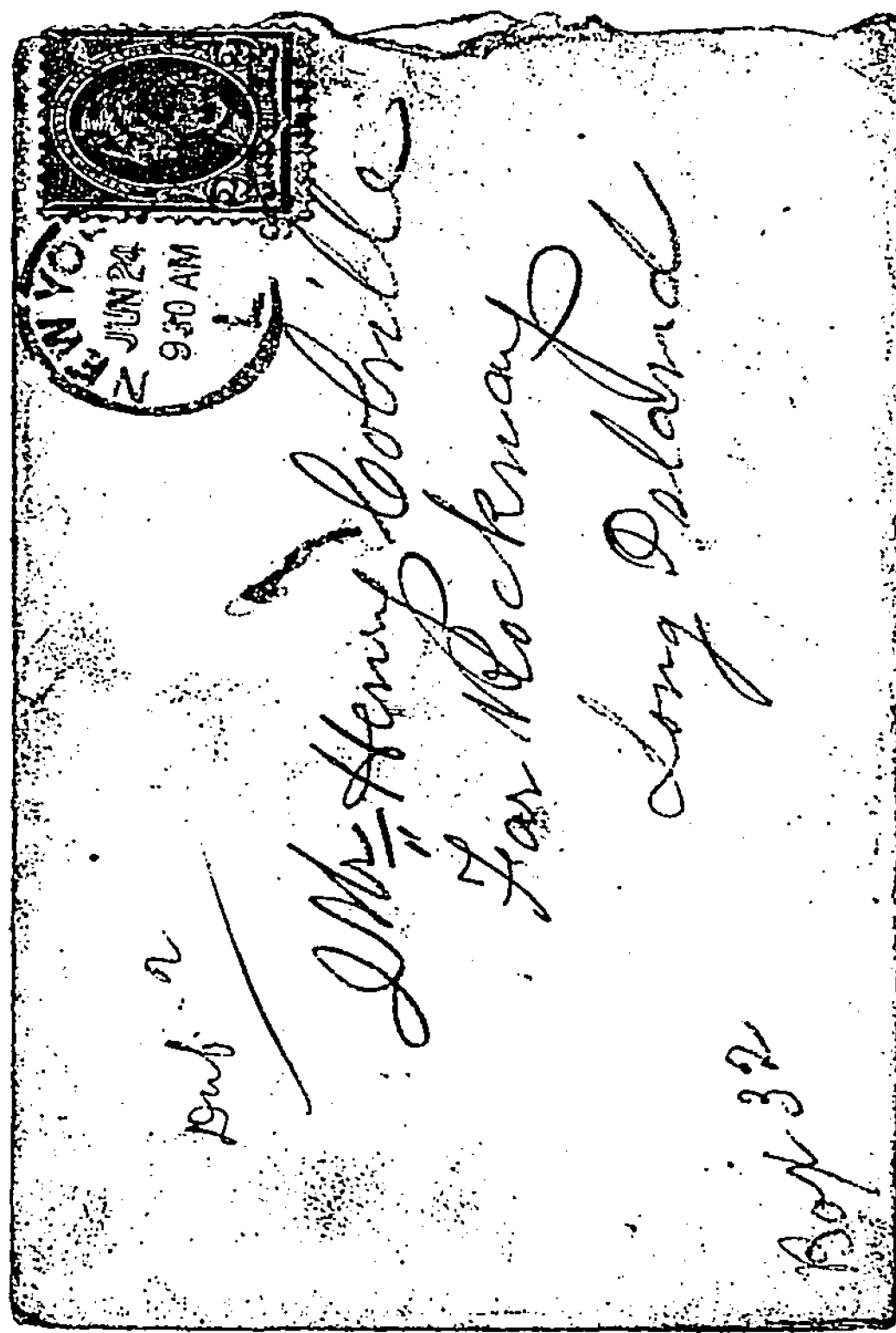
to answer

to answer

to answer

to answer

1049



Hand. 21. No I

2367 2nd Ave

Dear Anne,

I received your letter
i Postal. I went down to see
Mr Sullivan. Could not find
him for some time and
could not take your letter with
me. I thought I would be
in some all the way but you
sent you a clean shirt. I hope
it will not be needed.

Mr L. gave me \$4.00, instead
of \$6.00. I asked him if you
told him to give me that
much. He said that would be
all right. I can assure you it
was a God send. I will not have
to work so hard this week. I hope

you will not be surprised if
 I am gone next this morning
 from the Island with a letter
 to you from that party. I am
 not going out to lunch
 as he has been all the time.
 I will enclose the letter if you
 would like me to go and see
 that woman and let me
 know also send back the letter
 with the address. May you
 did not say if the fare was
 too much. I would like to
 go tomorrow Sunday if you
 are there. Write soon if you
 want anything let me know
 all are well with love and
 kisses from
 your affectionate
 wife, L. O.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Henry Colville

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

Henry Colville
of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

Henry Colville
late of the City of New York, in the County of New York aforesaid, on the
third day of July -- in the year of our Lord
one thousand eight hundred and ninety, with force and arms, at the City and
County aforesaid, in and upon the body of one Louisa Colville
in the Peace of the said People then and there being, feloniously did make an assault
and her the said Louisa Colville
with a certain knife

which the said Henry Colville
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,

her the said Louisa Colville
with intent 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

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

The said

Henry Colville
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 Louisa Colville in the peace of
the said People then and there being, feloniously did wilfully and wrongfully make
another assault, and her the said

with a certain

Louisa Colville
knife
which the said Henry Colville
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

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

The said Henry Colville
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
Louisa Colville in the peace of the said People then
and there being, feloniously did wilfully and wrongfully make another assault, and
her the said Louisa Colville
with a certain knife

which he the said Henry Colville
in his right hand then and there had and held, in and upon the arm
and breast of her the said Louisa Colville
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 Louisa Colville

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.

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END OF
BOX